

AGENDA

TABLED

Council

Tuesday 22 April 2025 at 10.15am

Northland Regional Council Tabled Agenda

Meeting to be held in the Waipu Surf Club, Cove Road, Waipu
on Tuesday 22 April 2025, commencing at 10.15am

Recommendations contained in the council agenda are NOT council decisions. Please refer to council minutes for resolutions.

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TITLE: **Receipt of Tabled Reports**
From: Chris Taylor, Governance Specialist

Executive summary

Due to the short time frames to finalise agenda items, with the Easter period, the following two items were not completed in time to include in the main council agenda. Therefore it is requested that council receives the two tabled items.

Recommendation

That as permitted under section 46A(7) of the Local Government Official Information and Meetings Act 1987 the following tabled reports be received:

- 7.10 Proposed Environmental Wastewater Standards - Draft NRC submission
- 7.11 Kaeo Stage Two Flood Mitigation Works

TITLE: Proposed Environmental Wastewater Standards - Draft NRC submission

From: Justin Murfitt, Strategic Policy Specialist; April Nordstrom, Kaitātari Kaupapa Wai Māori and Tami Woods, Policy and Planning Manager

Authorised by Ruben Wylie, Pou Tiaki Taiao, on 17 April 2025
Group Manager:

Executive summary/Whakarāpopototanga

The purpose of this report is to seek council approval to lodge a submission on proposed wastewater standards being consulted on by the Water Services Authority Taumata Arowai (the Authority). The Authority, on behalf of the Minister of Local Government, is consulting on a set of proposed wastewater environmental performance standards under section 138 of the Water Services Act 2021 that would set national standards on the discharge of wastewater from public treatment networks. There are also associated proposals to change related provisions of the Resource Management Act 1991 (RMA) through the Local Government (Water Services) Bill.

The proposed standards, along with the changes to the RMA brought about by the Local Government (Water Services) Bill, have the potential to significantly limit a councils discretion to determine standards for wastewater network discharges.

It is recommended that council lodge a submission on the proposals – a draft submission is attached for council consideration. The consultation closes 24 April 2025.

Recommendations:

1. That the report ‘Proposed Environmental Wastewater Standards - Draft NRC submission’ by Justin Murfitt, Strategic Policy Specialist; April Nordstrom, Kaitātari Kaupapa Wai Māori and Tami Woods, Policy and Planning Manager and dated 16 April 2025, be received.
2. That the attached draft submission be approved and lodged with Taumata Arowai on or before 5pm 24 April 2025 (subject to any amendments directed by council).
3. That the submission be signed on behalf of council by the Chair.

Options

No.	Option	Advantages	Disadvantages
1	Council does not approve a submission on the proposed standards	No staff resource needed	The government / Taumata Arowai do not have access to council views on the matter or potential implications for Northland.

No.	Option	Advantages	Disadvantages
2	Council approves a submission on the proposed standards	The government / Taumata Arowai have access to council views on the matter or potential implications for Northland.	Staff resource required

The staff's recommended option is 2.

Considerations

1. Climate Impact

Council lodging a submission on the proposed wastewater standards does not have implications for responding to climate change in the region being a procedural matter.

2. Environmental Impact

Council providing advice to Taumata Arowai on the proposed wastewater standards through a submission may improve the management of wastewater and so lead to improved environmental outcomes.

3. Community views

Communities across Northland have a strong interest in the management regime that is applied to wastewater network discharges and in particular, the standards that apply to discharges to water. The cost implications of new standards is also likely to be of interest to many communities. Council lodging a submission on the proposal provides an opportunity to highlight implications for Northland and to represent the interests of Northland communities.

4. Māori impact statement

Tangata whenua in Northland have particularly strong views opposing the discharge of human wastewater to water and are likely to have a strong interest in the proposed wastewater standards being consulted on by Taumata Arowai. The consultation document by Taumata Arowai also notes their engagement with Māori to date indicates a strong preference for tangata whenua participation in local decision-making, concerns over the discharge of human waste to water and the need for high standards of treatment for such discharges. These matters are addressed in the draft submission.

5. Financial implications

The proposed wastewater standards could have material financial implications for Northland's wastewater network operators and ratepayers once in force. However, the council decision to lodge a submission on the proposed standards does not have any material financial implications being largely an administrative matter.

6. Implementation issues

The council decision to lodge a submission on the proposed standards does not create any material implementation issues being largely an administrative matter. Although it should be noted that there may be a risk of not meeting the submission deadline should material changes to the submission be requested by council as part of its decision to endorse the submission.

7. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's significance and engagement policy because it has previously been consulted on and provided for in council's Long-Term Plan and/or is part of council's day to day activities. This does not mean that this matter is not of significance to tangata whenua and/or individual communities, but that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

8. Policy, risk management and legislative compliance

There are no known policy, risk management or legislative compliance matters associated with the recommendations contained in this report.

Background/Tuhinga

The Water Services Authority – Taumata Arowai (the Authority), on behalf of the Minister of Local Government, is consulting on a set of proposed wastewater environmental performance standards under section 138 of the Water Services Act 2021 – there are also proposals to change related provisions of the Resource Management Act 1991 (RMA) through the Local Government (Water Services) Bill.

Although the Water Services Act already enables the establishment of wastewater performance standards, there are a series of amendments to the that Act and the RMA currently before the Finance and Expenditure Committee via the Local Government (Water Services) Bill. The amendments set out by the Bill, together with the proposed standards, create a significantly different regulatory framework for wastewater that limits the discretion of a consent authority to notify a consent application, set discharge standards through consent conditions, or determine the consent term. The proposed standards have been released before the amendment proposed by the Bill have been determined by Parliament.

Amendments to the Water Services Act through the Local Government (Water Services) Bill include:

- Wastewater standards will be made via Order in Council on the recommendation of the Minister and following public consultation (with some exceptions).
- Repeals the requirements to give effect to Te Mana o te Wai.
- Provides for infrastructure design solutions to be made through regulations.

Amendments to the RMA:

- Regional councils will be unable to impose conditions that are more restrictive or more lenient than the wastewater standards – nor will regional councils be able to apply more restrictive provisions through regional plan rules.
- Specifies the duration of a resource consent to be 35 years where wastewater infrastructure has been renewed or upgraded to meet wastewater standards.
- Clarifies that where there are inconsistencies between a wastewater standard and national direction the standards prevail.

The Authority has proposed wastewater standards in the context of the amendments proposed by the Bill, despite the Bill having not progressed to legislation. The proposed new standards would apply to public network discharges to water (lakes, rivers, estuaries and coastal waters) – these include numeric 'end of pipe' standards for key contaminants such as *E.coli*, nutrients, biological oxygen demand and suspended solids with standards varying based on the 'sensitivity' of


waterbodies (sensitivity is based on a dilution factor) and the nature of the receiving environment. There would also be a separate (lower) standard for very small treatment plants. Standards are also proposed for discharges to land, beneficial reuse of biosolids and wastewater overflows. The standards are expected to have equivalent status as a National Environmental Standard under the RMA and could set the activity status for wastewater network discharges and may also include restrictions/direction on public notification of applications. The proposal as it stands would prevent regional councils applying more restrictive or permissive regional plan rules and / or conditions of a resource consent. There are a number of exceptions proposed where standards would not apply and regional councils would have full discretion (e.g. streams with very low dilution or within certain distances of drinking water takes).

Implications

The proposed standards, along with the changes to the RMA brought about by the Local Government (Water Services) Bill, have the potential to significantly limit a councils discretion to determine standards for wastewater networks. For example, where the standard apply, councils would have minimal ability to impose consent conditions to protect specific sensitivities of waterbodies, such as popular swimming areas or mahinga kai sites. Additionally, the default term for consents would typically be 35 years. Regional councils would also be restricted from including more stringent provisions for wastewater network discharges in regional plans, such as setting a more restrictive activity status.

Staff have developed the attached draft submission on the proposed wastewater standards. The draft submission was informed by a workshop with council on 9 April 2025. It is recommended that council approve the draft submission for lodgement with Taumata Arowai on or before 5pm 24 April 2025.

Attachments/Ngā tapirihanga

Attachment 1: Submission to Taumata Arowai [↓](#) 



24 April 2025

Taumata Arowai – The Water Services Authority
Level 2,
10 Brandon Street
PO Box 628,
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New Zealand
By email: korero@taumataarowai.govt.nz

Northland Regional Council Submission on Proposed Wastewater Environmental Performance Standards

1. Introduction

Northland Regional Council (council) appreciates the opportunity to submit on the proposed wastewater environmental standards. Council supports the intent to improve efficiency and consistency in consenting wastewater network discharges and the performance of public wastewater networks generally. Council also acknowledges the challenges facing the country as outlined in the discussion document. We note however that consenting represents a minor component of the costs of establishing, upgrading, maintaining and operating wastewater network infrastructure and many of the issues affecting wastewater networks across the country are ultimately linked with the challenges associated with how these assets are funded, not with how they are regulated.

As drafted, we estimate that 9 of the 24 wastewater systems that discharge to water in Northland would fall within scope of new standards. We estimate that the remainder will not achieve the minimum dilution required by the standards; or they discharge into receiving environments excluded by the standards. The efficiencies anticipated by the standards is unlikely to be significant for Northland in the context of existing wastewater assets. For the reasons outlined further in this submission, council nevertheless has significant concerns with the proposed standards.

While council sees merit in applying minimum performance standards to discharges from public wastewater networks, we have concerns, over these being expressed as 'environmental' performance standards with limited ability to apply greater stringency to protect local values. Council supports the intent to provide a 'smoother' consenting pathway where standards are met but we believe it is essential consent authorities retain discretion to apply conditions of consent to manage local issues / sensitivities, which vary significantly across our region and Aotearoa New Zealand. The discussion document suggests variation in the management of wastewater across New Zealand and within regions is a significant problem – we expect there are valid reasons for this in most cases given the variation in the sensitivity of receiving environments, the level/type of treatment provided and consideration of local priorities and values.

We note that the consultation document is provided in the context of both the relevant provisions of the Water Services Act 2021 and the changes proposed through the Local Government (Water Services) Bill – which include changes to the Resource Management Act. Council has accordingly provided feedback in that same context.

2. Submission points

2.1 Alignment with national direction / RMA requirements

The regime established through the Local Government (Water Services) Bill and changes to the RMA effectively elevate wastewater standards above other national instruments such as National Policy Statements. This is likely to frustrate implementation of national direction, especially in relation to freshwater. For example, it is unclear how councils would deal with a situation where a wastewater discharge (either on its own or in conjunction with other contaminant sources) results in a national bottom line or limit being exceeded given there is no discretion to impose greater stringency. It would appear the standards prevail over a bottom-line leading to gross inconsistency across the freshwater regulatory framework.

The change to s107 RMA proposed through Clause 275 of the Local Government (Water Services) Bill would exempt wastewater discharges that meet standards from the requirement to address significant adverse effects on aquatic life – this seems to assume that the standards would avoid further degradation which may not be the case. We also note that the s107 tests would still apply to other contaminants not covered by the standards – this is likely to create complexity where contaminants not covered by standards (but may not be the primary cause of degradation) would be subject to conditions required by s107 while those covered by the standards wouldn't. As an alternative it is recommended that where s107(2A) applies, regional councils retain discretion to impose more stringent conditions – i.e. there would be an exception where s107(2A) applies and the standards would not apply in these cases.

2.2 Local Decision Making

Decisions on resource consents for wastewater network discharges are of significant interest to local communities and tangata whenua. Consent processes should recognise Te Taitokerau's (Northland's) unique freshwater and marine environments, cultural values, sites of significance to tangata whenua, and the local economic contexts. These vary widely across the region and need to be considered by a consent authority to ensure a robust and balanced decision that take into account economic drivers alongside social, environmental and cultural values specific to an area. Removing regional council's ability to tailor discharge limits where needed to reflect community values or protect sensitive sites will potentially drive decisions that significantly affect communities and the environment.

Council supports the intent to provide a 'smoother' consenting pathway where standards are met but considers there should always be discretion available to apply conditions of consent to manage local issues / sensitivities, which vary significantly across our region. We therefore strongly encourage the government and Taumata Arowai to ensure standards (and the regulatory regime) are applied as a minimum but not a maximum standard and that more stringency can be applied through consent conditions.

2.3 Te Tiriti o Waitangi

Council is committed to giving effect to its obligations as a Te Tiriti Partner. Part of this commitment includes partnering with iwi and hapū in regional governance processes, include regional plan development. The standards as proposed, in conjunction with the changes to the RMA through the Local Government (Water Services) Bill, undermines our commitment to partner with Iwi and Hapū in regional decision making because it seriously inhibits the ability for regional councils to regulate a matter that is of major interest to our partners.

Council has involved tangata whenua throughout the implementation of the National Policy Statement for freshwater Management 2020 (NPS-FM) and in particular how to give effect to Te Mana o te Wai in Te Taitokerau – this has reinforced numerous iwi and hapū environmental management plans that seek to avoid or prohibit the discharge of contaminants into natural waterways (especially human waste) at all times. This is due to the tapu nature of the water being discharged, even after undergoing treatment, and the significant effects on cultural values such as the mana and mauri of the water, waahi tapu and other sites

of significance. We note that this was a key theme raised by iwi and hapū and reported in the wastewater standards consultation document.

The involvement of iwi and hapū during the consenting process is crucial to adequately consider the effects and sensitivities of the receiving environment, which can only be determined through the active participation of tangata whenua. We note that from tangata whenua perspectives, the RMA is already considered very limiting in terms of iwi and hapū involvement and the changes along with the standards means that in some instances they could be excluded from consenting processes altogether, despite this being a major issue for them.

2.4 Māhinga kai and drinking water

Council understands that the intent behind the standards is that discharges to water will meet limits deemed safe for recreational bathing in receiving environments. However, we have significant concerns that this standard may adversely affect the cultural value of māhinga kai and may not ensure the safety of tangata whenua or the wider community for drinking water purposes. The cultural significance of māhinga kai is profound, and any degradation of these areas can have far-reaching impacts on the mana and mauri of the water, which are integral to Māori well-being and cultural practices.

2.5 The proposed standards

- i. Dilution factors: Categorising the sensitivity of receiving environments based on dilution alone is very course and will mean councils cannot consider community / tangata whenua values or site-specific sensitivities to the discharge. The basis for calculating dilution factor is also problematic. In many cases there is unlikely to be accurate data on median flows and estimating. We recommend enabling more stringency in consent conditions by regional councils so impacts on site specific sensitivities / values can be managed.
- ii. Contaminants that are not included in the standard need to be consented separately and will likely mean the discharge will need to be 'artificially' separated into component parts for consenting – this is likely to add complexity. We encourage Taumata Arowai to investigate the practicality of this further – we have similar concerns relating to managing cumulative effects.
- iii. Council supports the option to apply QRMA where shellfish are regularly gathered – this will enable site specific risks to be managed. We recommend a similar risk management approach could also be applied to other values such as swimming sites, aquaculture activities or sites of cultural significance.
- iv. A number of the metrics for the standards use annual medians only (cBOD, suspended solids, nitrogen and phosphorus) - this could allow very high contaminant concentrations at times. We recommend that metrics are also applied to ensure 'spikes' in contaminant discharges are also managed (e.g. similar to 90% percentiles applied to *E.coli*).
- v. A higher standard for more pristine environments is logical but it is doubtful the proposed approach is meaningful – for example very few (if any) waterbodies in Northland are likely to meet the 'A' state for all NPS Freshwater attributes). It is recommended that the standards not apply to waterbodies identified in regional plans as: a) outstanding freshwater bodies, b) a site of significance to tangata whenua, c) significant ecological areas. Doing so will enable a policy connection between the standards and those areas identified in our regional plan that require special consideration for environmental or cultural reasons.
- vi. The categorisation / definitions of 'receiving environments' needs to be very clear and certain (e.g. low, moderate and high dilution rivers, low energy coastal or estuarine receiving environments) – this is likely to be an issue for Northland as a number of treatment plants discharge to estuaries, tidal

rivers and harbours. We see some risk that this becomes a point of contention and uncertainty. We therefore recommend the standards include clear definitions for recovering environment subject to the standards.

- vii. Regarding the exception for discharges above / in proximity drinking water takes in rivers and lakes – it is unclear which drinking water takes this would apply to - i.e. any registered drinking water take (e.g. single dwelling), or just those registered takes that serve a specified number of people? This needs to be clearly stated for certainty.
- viii. There appears no ability to apply adaptive management to wastewater discharges where standards are met – this is likely to be a concern where the scale and / or nature adverse effects are uncertain, which could be quite likely over a 35year consent duration. We recommend that the standards (and the regulatory regime they sit within) enable adaptive management and complimentary receiving environment monitoring regime where effects are uncertain.
- ix. Council supports a consistent monitoring regime for network discharges but note the standards do not require monitoring of the receiving environment – this could be a concern where total loads / concentrations are high. We recommend discretion for regional councils to require receiving environment monitoring through consent conditions. This should include both scientific and cultural monitoring to provide a holistic understanding of the impacts.

3. Relief sought

- i. Council's preference is for the Local Government (Water Services) Bill and associated changes to the RMA to revert to the current approach adopted in National Standards whereby councils can be more stringent but not more lenient – i.e. the standards should set the minimum required but allow regional councils to apply more stringent consent conditions.
- ii. Council recognises the above relief is beyond the ambit of Taumata Arowai - as an alternative, there should be additional exceptions in the standards that enable councils to impose greater stringency (through consent conditions) in the following circumstances:
 - To give effect to s107(2A) RMA, and
 - To meet a national bottom line / limit, or target state for a mandatory freshwater attribute;
 - Where the discharge is into an outstanding freshwater body, a site of significance to tangata whenua, or a significant ecological area identified in a regional plan.
 - The water body is subject to Treaty settlement arrangements or joint management agreements with iwi.
 - Where the scale and nature of effects in receiving environments is uncertain over the duration of the consent and adaptive management should be applied.
- iii. Council recommends that the standards enable regional councils to require monitoring of receiving environments as a condition of consent – this would be particularly important where contact recreation, mahinga kai, cultural practices or commercial aquaculture are potentially affected (by the discharge by itself or in combination with other contaminant sources), or where effects are uncertain over the term of the consent.
- iv. Council recommends that the standards clearly define receiving environments, especially the estuary and low energy coastal categories.
- v. The standards should provide greater certainty on calculating dilution factors, especially in regard to estimating the impacts of rainfall on the network discharge volume over a 35 year consent term. We

also recommend detailed assessment of dilution levels in the receiving environment (for discharges to water) to ensure it meets safety standards taking into account other contaminant sources / total concentrations.

- vi. Council recommends the standards include maximum values for cBOD, suspended solids, nitrogen and phosphorus to ensure maximum concentrations are managed (do not just rely on annual medians).
- vii. Standards / regulations should not preclude public notification of applications for wastewater discharges even if standards are met.
- viii. Council supports a consistent approach to overflows and their management and reporting requirements

4. Conclusion

Council thank Taumata Arowai for the opportunity to provide feedback on the proposed standards. We are not convinced the regime proposed will streamline the consenting process or materially reduce costs – in fact we see real risk that the approach will complicate consenting in some cases. We would be happy to provide more information on the above as needed.

Signed on behalf of Northland Regional Council

Chair Geoff Crawford _____

Dated _____

TITLE: Kaeo Stage Two Flood Mitigation Works

From: Joseph Camuso, Rivers & Natural Hazards Manager and Meg Tyler, Rivers Project Manager

Authorised by Group Manager: Louisa Gritt, Group Manager - Community Resilience, on 17 April 2025

Executive summary/Whakarāpopototanga

This paper is seeking council's approval to proceed with Kaeo stage Two flood risk mitigation works. The works include realigning a 500m stretch of the Kaeo River and infilling approximately 150m of the old channel to accommodate Waikara Creek in the former Kaeo River channel, closer to State Highway 10 and Kaeo township. This project requires two land purchases and landowners have been engaged since the early stages of the project and have had direct input into the design. The project is endorsed the Kaeo River Liaison Working Group.

Recommendations:

1. That the report 'Kaeo Stage Two Flood Mitigation Works' by Joseph Camuso, Rivers & Natural Hazards Manager and Meg Tyler, Rivers Project Manager and dated 16 April 2025, be received.
2. That council approves the Kaeo Stage 2 Flood Risk Mitigation infrastructure project to proceed, as outlined within this report, including the proposed property acquisition and notes the budgeted expenditure of \$1,535,000.

Options

No.	Option	Advantages	Disadvantages
1	Approve implementation of the Kaeo Stage 2 flood risk mitigation project and associated property acquisitions.	Kaeo township and adjacent State Highway receives greater level of service during flood events Council is able to leverage 58% funding from central government reducing the impact on rate payers.	Nil
2	Do not approve implementation of the Kaeo Stage 2 flood risk mitigation project and associated property acquisitions.	No additional costs to the community to fund the project.	Flood risk mitigation is not improved for Kaeo township and the state highway network. Council is unable to use the 58% funding from central government and

			burden for the full cost of the project is passed to the rate payers.
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The staff's recommended option is option 1, approve implementation of the Kaeo Stage 2 flood risk mitigation project and associated property acquisitions.

Considerations

1. Climate Impact

The proposed works include wetland, planting, and channel enhancement plans for the project site and purchased land blocks, aimed at boosting biodiversity and improving water quality in a publicly accessible area. The property purchases provide greater flexibility for enhancements. The flood protection measures will strengthen resilience for State Highway 10 and Kaeo township amid increasing high-intensity rain events.

2. Environmental Impact

The project involves realigning a 500m stretch of the Kaeo River and infilling approximately 150m of the old channel to accommodate Waikara Creek in the former Kaeo River channel, closer to State Highway 10 and Kaeo township.

Flooding risk at the construction site, located in a floodplain, will be managed through:

- Installing sediment erosion control measures before construction.
- Scheduling works during summer to reduce the likelihood of major flood events.
- Using staged construction phases to stabilise exposed surfaces progressively.

An Ecological Impact Assessment has been completed and recommendations to manage the project's ecological aspects effectively will be implemented.

3. Community views

The Kaeo River Liaison Working Group has supported proceeding with the project. When discussed at the various meeting one participant abstained from the conversation due to a conflict of interest (as a landowner) and one member from Te Rūnanga o Whangaroa was opposed to the project.

The Runanga representative opposed voting to proceed with Kaeo Stage 2, expressing concern that priority should be given to improving route security for Omaunu Road, which floods regularly (2–3 times per year), unlike Kaeo Township, which has not experienced flooding since 2007. In response, the committee made recommendations to Far North District Council (FNDC) to investigate route security for Omaunu Road and collaborate with NRC Rivers Team on potential solutions. At the following committee meeting, three Runanga attendees were present, and there was no opposition to the project.

Business owners in Kaeo and local hapū have expressed their support, with hapū providing cultural impact assessments to guide the resource consent application. NZTA & FNDC has also endorsed the project.

An article for the project has been provided to the local newspaper (Whangaroa Whispers) and one was written by the Northern Advocate on the 18th February 2025. “Kāeo flood scheme aims to alter river and reduce flood levels by 400mm”.

4. Māori impact statement

Three groups expressed interest in providing a Cultural Impact Assessment (CIA) to accompany the resource consent application.

- The Whangaroa Maori Trust Board: The Whangaroa Māori Trust Board, Ngāti Pakahi, and Ngāti Uru recommend that NRC prioritise cultural values and engage with the groups meaningfully throughout the project. Key suggestions include implementing their Cultural Values Assessment, employing Cultural Monitors for on-site activities, and ensuring the protection of significant cultural sites, such as establishing buffer zones for the Pohue Pā site. They propose developing a cultural impact management plan based on tikanga Māori and consulting on alternative options if significant cultural impacts are identified.
- Miro Taupi . The group emphasises the importance of avoiding and mitigating negative impacts on cultural values associated with the Kaeo River flood works. They advocate for better engagement with the Whangaroa Whakaminenga, culturally informed designs, and thorough archaeological assessments before construction. Recommendations include integrating Mātauranga Māori into planning, enhancing environmental and cultural narratives, and ensuring the project protects and restores the mauri and mana of the river. They also highlight the need for culturally meaningful recreational and educational opportunities, along with recognizing the Whangaroa harbour environment as a living entity.
- Te Rūnanga o Whangaroa. Te Runanga have not yet submitted their CIA. It has been advised this will be provided on the 22nd April.

5. Financial implications

This project is included in the long-term plan with a budget of \$1,535,000 for completion of the project including any property purchases. This project is part funded by regionwide (29%) and targeted rates (13%) and NIFF (58%).

6. Implementation issues

In accordance with the council funding agreement with NIFF, works must be completed by 31 December 2025. This deadline has been extended to provide time for an archaeological assessment of the earthworks sites.

The Resource Consent (RC) is ready to be issued by both FNDC and NRC but remains on hold pending receipt of Te Runanga's Cultural Impact Assessment (CIA). While detailed designs and tender documents are prepared and ready for release, the tendering process is postponed until the property purchases and RC approvals are finalised. With the construction season starting in October, the tender process is scheduled to begin no later than early September to ensure timely implementation of the project.

7. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's significance and engagement policy because it has previously been consulted on and provided for in council's Long-Term Plan. This does not

mean that this matter is not of significance to tangata whenua and/or individual communities, but that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

8. Policy, risk management and legislative compliance

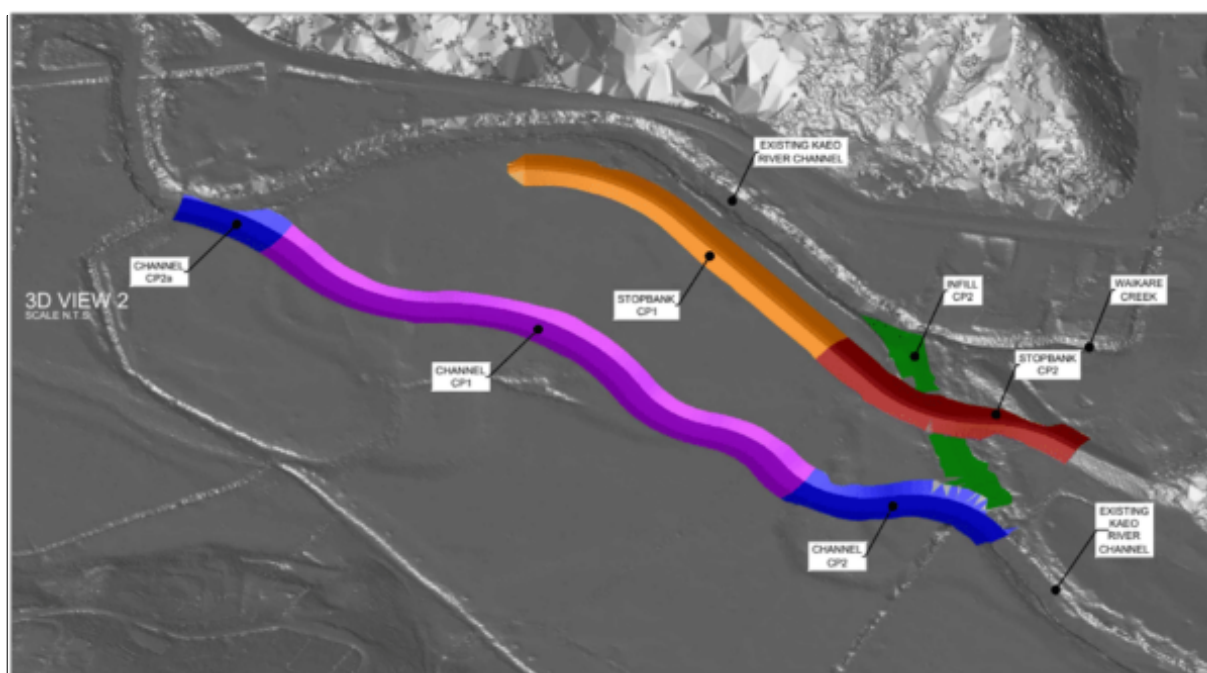
This paper provides governance an overview of the proposed project and seeks council approval to proceed. Policy, risk management and legislative compliance matters will be managed on an ongoing basis as the project proceeds. All necessary budgets are in place to enable this decision and project to proceed.

Please refer below where key risks are highlighted and mitigation measures discussed.

Background/Tuhinga

Kaeo Phase 2

After the March and July floods of 2007 NRC developed a flood mitigation plan for Kaeo Township. A two phased plan was developed. Kaeo Phase 1 consisted of a deflection bank to deflect the fast-moving water away from Kaeo township and SH-10, but it was acknowledged that Phase 1 would not reduce the backwater flow from the confluence of the Waikara and Kaeo Rivers affecting the township and State Highway 10. Kaeo Phase 1 was constructed in 2014. The goal of Kaeo Phase 2 is to reduce the backwater affect by moving the confluence of the two rivers 500m downstream and reducing the residual flood level in the township by approximately 400 mm in a 100yr +climate change event. The proposed works are shown below:



Kaeo Stage 2 Proposed Works

The Whangaroa Catchment-Kaeo River Liaison Working Group is a long-standing flood working group established in 2007. Kaeo Phase 2 is part of the Northland Regional Council 2024-2034 Long Term Plan. In October 2024, NRC was successful with an application to Crown Infrastructure Partners (now NIFF) for funding 58% or (\$885,000) of the estimated \$1.535 M project. The remaining local share funding will be split between the Regional Flood Infrastructure Rate and local targeted rate at the specified 70/30 split, i.e., 70% Regional FIR and 30% local targeted rate. The project was due to be

completed by 30 June 2025 but ongoing discussions amongst the River Liaison Working Group to ensure that the best solution for the community was developed, plus the requirement for an archaeological assessment has delayed completion to the end of 2025.

Hydraulic modelling, peer review, geotechnical exploration and detailed design has been completed, and the project is on track and within budget. Resource consent is pending an outstanding CIA (due 22nd April) from Te Rūnanga o Whangaroa, two other CIA's have been received from local hapu. Land purchase will proceed once council approval is received. Following land purchase a more comprehensive geotechnical investigation will be completed. The construction is scheduled to proceed in October 2025 and estimated 8 weeks to complete.

Land Purchases

Two landowners are impacted by the works and both sit on the Kaeo River Liaison Working Group and as such have been engaged from the early stages of the project. The design of the stage 2 works have been modified following feedback from the landowners. On one the blocks to be purchased the landowner has requested that the whole block be purchased as the project footprint would take up too much of the paddock which would make it impractical for grazing. This purchase will have the added benefit of improving access to the site and will make the resale of the block more attractive once the work has been completed. The second block has only 1.6ha of affected farmland on the edge of the farm so it is intended that this will be purchased this through a subdivision consent.

Key Risks

Key risks for the delivery of the project include:

1. The earthworks disturb an archaeological site and work is delayed. An archaeological assessment report has been commissioned to make an application for an Archaeological Authority to mitigate this risk. Should earthworks disturb an unknown archaeological site, staff will work with the archaeologist to progress works with least impact to the site. If there are any significant changes needed to the work programme, these will be taken back to the River Liaison Working Group for consideration.
2. The construction season starts later than expected due to poor weather conditions. The deadline for completion of the work is 31 December 2025 driven by the funding agreement with NIFF. Work is planned to start in early October giving three weeks contingency in December should the start of the construction season be delayed.

Attachments/Ngā tapirihanga

Nil