Feedback: Book 2
(PART B)

For All Parties Concerned,

As one of the Public and an inhabitant of the Historic Te-Tai-Tokerau area, I have grave concerns with our water condition and its poor welfare. All of us need to treat water with more respect, we all have a responsibility to care for our water, our resource, for the benefit of future generations to prosper in abundance. I seek assistance and commitment to raise awareness to our water condition, as well as to ensure that any Long-Term Plan fundamentally upholds Te Mana me te Mauri o te Wai as a matter of urgency and priority.

It would benefit all concerned to have the Northland Regional Council (hereinafter NRC) support the Tangata Whenua with good and valuable consideration towards proposals that provide ethical solutions to our water concerns, which would promote community resilience. Service Delivery by the NRC is not the only way, and we have an opportunity to encourage and strengthen more effective and efficient ways to co-operate with respect to water management.

The following recommendations I offer for consideration:

~1: Te Mana me te Mauri o te Wai needs to be framed in a culturally appropriate model that incorporates and integrates Permaculture Design Principles in order to become a fundamental and central policy. Diligent Application of such Principles and Cultural based Model would help improve water quality and other associated systems. (Te Hurihanga Wai)

~2: NRC needs to support and empower Tangata Whenua and communities at the local level to take ground action. NRC need to focus its power to enable local level community-based action that provides long term sustainability.

~3: NRC needs to support Tangata Whenua by respecting cultural practices, long term sustainability is common among ancient Native and Indigenous cultures around the world and proven historical solutions have been based on these ancient systems. Tangata Whenua have been managing their Taonga Tuku Iho based on Tikanga, Kawa and Matauranga, NRC needs to recognise and acknowledge Tangata Whenua as a Territorial authority that can restore and manage their resources.

~4: NRC needs to be openminded in order to change how they think and treat water, as well as how they have managed water as a resource to date. If improving the Mauri of the Wai is a pre-requisite to healthy, sustainable livelihoods in Te-Tai-Tokerau, then Resource Management needs a better approach and NRC needs to support Tangata Whenua and Landowners to use land in ways that result in improvements to freshwater.

~5: All Parties concerned need to consider flexible and adaptable approaches are needed that support and encourage communities to work together at local levels. Permaculture Principled design could encourage Alternative Agricultural Practices to assist in improvements to water quality, proper grazing management systems could be utilized and integrated to promote biodiversity though careful application, such alternatives could be first options as opposed to setbacks and stock inclusion policies and rules which could be tertiary priorities. NRC needs to assist landowners to sustain alternative livelihoods from riparian margins and highly erodible land. Incentives could be negotiated to support Permaculture Designed community initiatives, environmentally retrofitting local level business, permanent reforestation of native Flora, Fauna and Forests, restoring riparian and wetland areas. NRC needs to understand the importance of water to sustain Life and Livelihoods and that water is essentially to the Long-Term sustainability of Te-Tai-Tokerau.

~6: NRC needs to consider how budget allocation for Service Delivery might be more effectively and efficiently delivered, and seek a co-operative effort when making decisions and managing freshwater, this means committing to and following through on transferring powers and functions to Tangata Whenua, entering into and implementing equitable agreements and co-operating with Tangata Whenua in Water Management.

~7: Any and all Plans need to focus on the water needs of future generations and not the short-term economic gain of the few. With this in mind, I request that Permaculture Principles and Design be embedded in Te Mana me te Mauri o te Wai, with future integration into Resource Management (Land, Forest, Rivers, Lakes etc...) Such actions will empower communities at the Local Level to improve water quality, and strengthen communities throughout Te-Tai-Tokerau. Ensuring that the Welfare of Water is put first and foremost in all NRC planning and decision-making on freshwater is essential to our ability to sustain Life and Livelihoods, Further work in future water demands is needed, including relocation settlements, developing ancient sites to resettle, kainga and marae future needs, population growth and migration. Development of multiple passive water harvesting systems to ensure water security in times of crisis must be established if long-term sustainability is important. It is of paramount importance to our future generations that spending is aligned to a permaculture principled Te-Tai-Tokerau and proper consideration on ways which freshwater, stormwater and wastewater are managed. I support water allocation for particular uses such as marae, papakainga, maori land use and environmental enhancement/improvement. Associated funds generated by applications for other uses should be used for community based or hapu-led water improvement activities.

~8: Manawhenua needs to be involved in any development of this plan. NRC needs to include sufficient budget for input from Tangata Whenua, from development through to implementation. NRC needs to focus on supporting Whanau, Hapu/Iwi action on the ground at the Community/Local Level as an integral part of Long-Term sustainability of Te-Tai-Tokerau. NRC needs to prove it is taking its Te Tiriti Roles, Duties and Responsibilities seriously and recognise He Whakaputanga and the findings of the Waitangi tribunal relating to freshwater.

~9: It is important to Me, Myself and I, to be part of the wider NRC decision making beyond providing feedback. I hereby request that I am kept updated on what the NRC is proposing in relation to Te Mana me te Mauri o te Wai, He Whakaputanga me te Tiriti, and Long-Term Plans and decisions…

For your Consideration,

Nga Mihi,

Harley Marsh

Address for Service: [redacted]

Phone: [redacted]

Email: [redacted]

Permaculture Flower

The permaculture journey begins with the Ethics and Design Principles and moves through the key domains required to create a sustainable culture. The spiral evolutionary path joins together these domains, initially at a personal and local level, and then proceeding to the collective and global level.

Some of the specific fields, design systems and solutions that have been associated with the wider view of permaculture are listed below.

Land & Nature Stewardship

- Bio-intensive gardening
- Forest gardening
- Seed saving
- Organic agriculture
- Biodynamics
- Natural Farming
- Keyline water harvesting
- Holistic Rangeland Management
- Natural Sequence Farming
- Agroforestry
- Nature-based forestry
- Integrated aquaculture
- Wild harvesting & hunting
- Gleaning

Building

- Passive solar design
- Natural construction materials
- Water harvesting & Waste Reuse
- Biotechture
- Earth sheltered construction
- Natural disaster resistant construction
- Owner building
- Pattern Language

Tools & Technology

- Reuse & creative recycling
- Hand Tools
- Bicycles and electric bikes
- Efficient & low pollution wood stoves
- Fuels from organic wastes
- Wood Gasification
- Bio-char from forest wastes
- Co-generation
- Micro-hydro & small scale wind
- Grid-tied renewable power generation
- Energy storage
- Transition engineering

Education & Culture

- Home Schooling
- Waldorf education
- Participatory arts and music
- Social ecology
- Action Research
- Transition culture

Health & Spiritual Well-Being

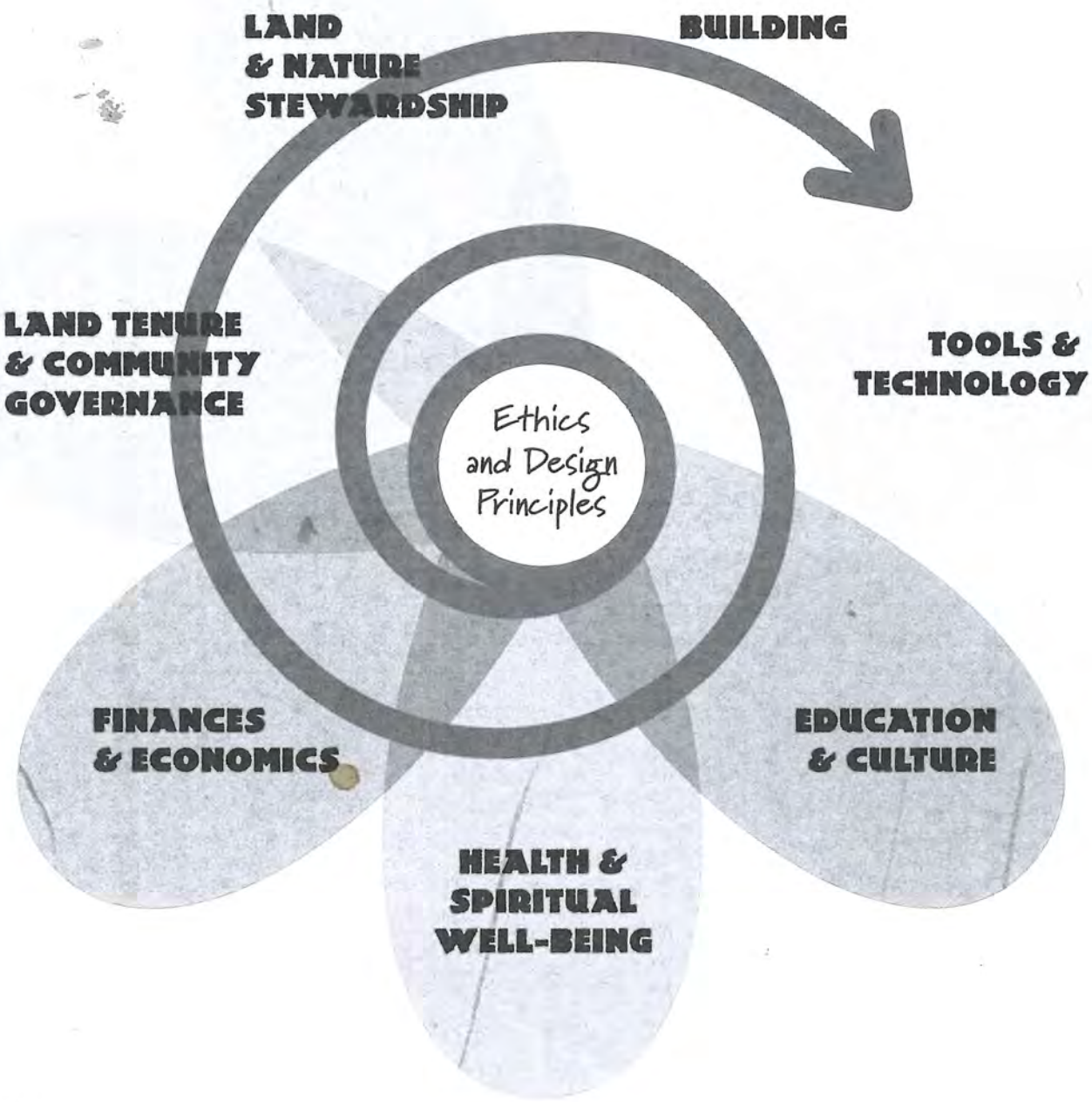
- Home birth & Breast feeding
- Complementary & Wholistic Medicine
- Yoga, Tai Chi & other body/mind/spirit disciplines
- Spirit of place, indigenous cultural revival
- Dying with dignity

Finances & Economics

- Local and regional currencies
- Carpooling, Ride sharing & Car share
- Ethical Investment & Fair Trade
- Farmers markets & Community Supported Agriculture (CSA)
- WWOOFing & similar networks
- Tradable Energy Quotas
- Life Cycle Analysis & Emergy Accounting

Land Tenure & Community Governance

- Cooperatives & Body Corporates
- Cohousing & Ecovillages
- Native Title and traditional use rights
- Open Space Technology & Consensus Decision Making



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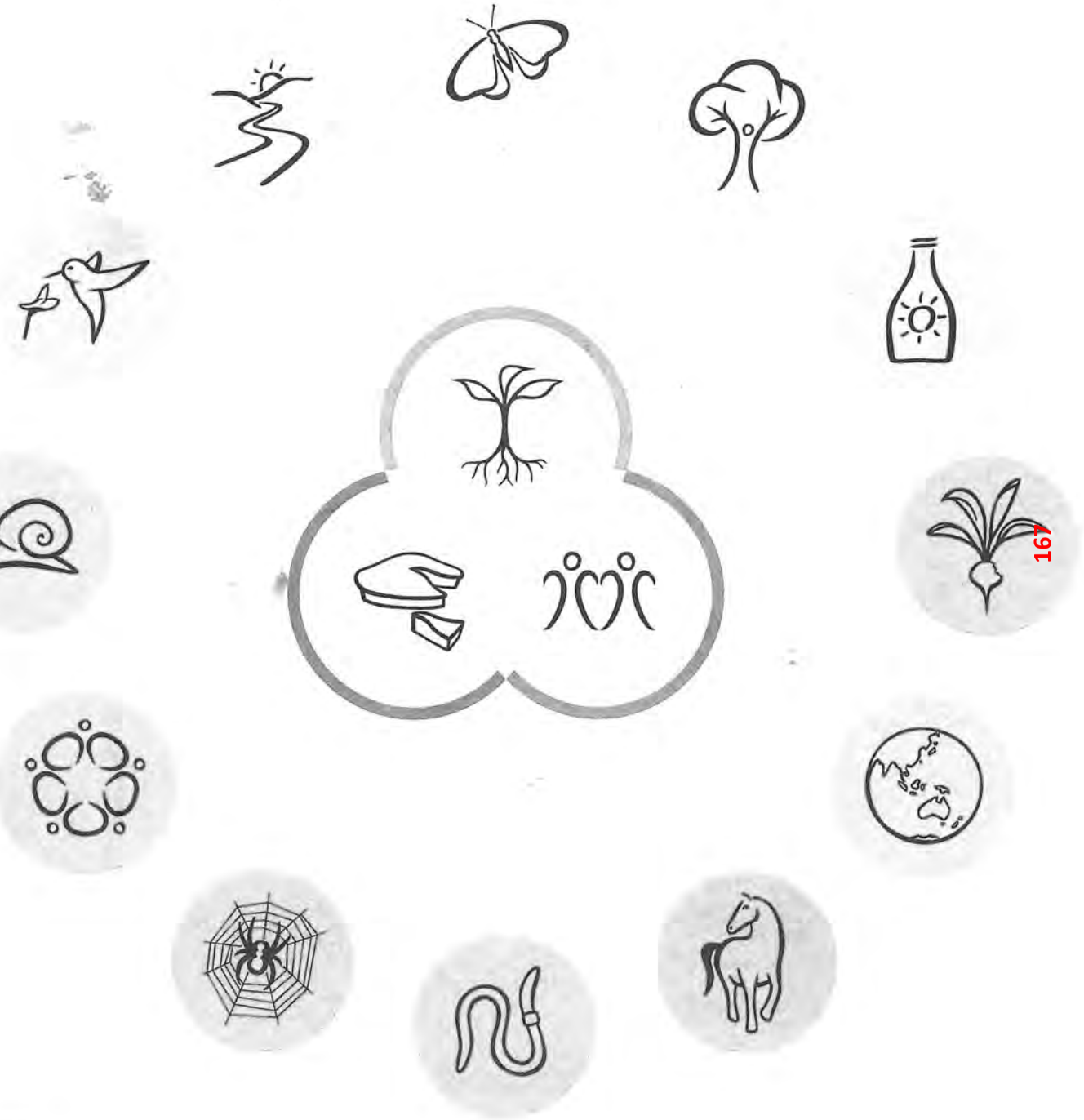
Permaculture Ethics

- Care of the Earth
- Care of People
- Fair Share

& Design Principles

1. Observe & interact
2. Catch & store energy
3. Obtain a yield
4. Apply self-regulation & accept feedback
5. Use & value renewable resources & services
6. Produce no waste
7. Design from patterns to details
8. Integrate rather than segregate
9. Use small & slow solutions
10. Use & value diversity
11. Use edges & value the marginal
12. Creatively use & respond to change



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From:	Aimee Matiu
To:	Freshwater
Subject:	Draft Changes to the Freshwater Plan for Te Taitokerau Submission
Date:	Thursday, 4 April 2024 9:34:08 pm
Attachments:	Submission.docx

Aimee Matiu (Ngati Here, Ngai Tupoto ki Motukaraka, Te Rarawa ki Hokianga, Ngapuhi)
Pou tokomanawa - Maori Advisory

PATTLE DELAMORE PARTNERS LTD
Level 5, PDP House, 235 Broadway, Te Ti Tutahi, Tamaki Makaurau
PO Box 9528, Te Ti Tutahi, Tamaki Makaurau 1149
AOTEAROA NEW ZEALAND
Waea Tari - +64 9 523 6900 | Waea Pukoro - +64 21 223 4507
Mahere - Tari ki Tamaki Makaurau | Ipurangi - www.pdp.co.nz

Submission to the Northland Regional Councils Draft Freshwater Plan Change

Submitter Information

Name:	Aimee Matiu (Marae Trustee – Secretary)
Iwi / Māori Organisation:	Ngāi Tūpoto Marae
Address:	Motukaraka Point Road, Motukaraka. North Hokianga
Email:	trustees@ngaitupoto.com
Phone:	027 539 2178
Contact:	Aimee Matiu (Marae Trustee – Secretary)

Introduction

1. This submission on the Northland Regional Councils draft Freshwater Plan Change is from the Marae Trustees of Ngāi Tūpoto Marae. The marae is a Māori land authority established in 1951 and constituted within the terms of Te Ture Whenua Māori 1993. The Marae Trustees are elected at Annual General Meetings by hapū members and entrusted to govern, administer and preserve Ngai Tupoto Marae, with the tautoko of hapū members.

2. Ngāi Tūpoto ki Motukaraka is a hapū of Te Rarawa. Our marae is located at Motukaraka on the north side of the harbour; Te Wahapū o Hokianga, Hokianga Nui-a-Kupe, Hokianga Whakapau Karakia. The whenua, the wai and the harbour are taonga at the heart of who we are as a people. It has fed us physically and spiritually for hundreds of years and is of the utmost importance to us culturally, socially, environmentally and economically. The rohe of Ngāi Tūpoto runs from Okuao to Purakau on the Hokianga harbour. Starting from Okuao east of Rangiora (The Narrows) and near the Kohukohu where we link with the hapū of Te Ihutai, the rohe continues along the ridge to Rakautapu and Paponga then across to Tautehere where we join with Ngati Tamatea of Motuti and Ngati Manawa of Panguru. From Tautehere the rohe includes the Tapuwae awa and whenua back along the ridge to Purakau and Matawera.

3. This submission relates to the entirety of the draft Freshwater Plan, and we wish to be included in future processes and refinements.

4. He Whakaputangā (Declaration of Independence 1835) confirms the mana motuhake and rangatiratanga o ngā hapū and is the founding document that lead to Te Tiriti o Waitangi. The Waitangi Tribunal in Te Paparahi o Te Raki Stage 1 and 2 reports (Wai 1040) confirmed the mana me te rangatira o ngā hapū. They must be the foundation for policy development. We expect to be treated as Treaty partners going forward in ways that ensure long-term mana me te rangatiratanga of hapū. We are concerned that emerging environmental policy and compliance frameworks will undermine our mana me te rangatiratanga and our hard-fought iwi Treaty settlements.

5. The Council must uphold and recognise our role as mana i te whenua and Treaty partners through this process and give significant weighting to our views, which entails being treated as an equal partner in Council decision-making processes and not as a stakeholder.

6. We acknowledge NRC's process to co-design the tangata whenua provisions. We support the work that the Tāngata Whenua Water Advisory Group (TWWAG) has undertaken to see these provisions developed to give effect to Te Mana o Te Wai in Te Tai Tokerau.

State of freshwater in Te Tai Tokerau

7. There are numerous issues facing the management of freshwater in Te Tai Tokerau including sedimentation and discharges to freshwater and harbours, land use, water takes, overallocation and the diversion of streams. All of these activities severely impact on the biodiversity and ecosystems that make our water healthy and thriving.

8. A number of these issues require a dramatic review and new provisions to avoid further impact. This must be done in partnership with our iwi to ensure our mana and rangatiratanga is upheld and that the connectivity between wai, whenua and receiving environments is protected and cared for.

Te Mana o Te Wai and Hierarchy of Obligations

9. We acknowledge that Te Mana o Te Wai is the korowai of the National Policy Statement on Freshwater Management 2020 (NPSFM). Te Mana me Te Mauri o Te Wai needs to be upheld in this respect and should be implemented as tāngata whenua see fit in their rohe and takiwā.

10. The fundamental concept and six overarching principles of Te Mana o Te Wai as described in the NPSFM 2020 must be upheld through future stages of NRC’s draft Freshwater Plan.

11. Achieving Te Mana o te Wai requires active and meaningful participation and partnership with hapū and iwi. How we as mana i te whenua lead and participate in the governance and management of freshwater in our rohe will determine how water is managed in the future.

Te Hurihanga Wai and Tangata Whenua Values

12. Multiple activities are currently impacting and severing tangata whenua values to freshwater, diminishing the mana and mauri o te wai. Status quo is no longer an option,

and the Council must take action to reduce the level of pollution in our waterways, and further avoid the overallocation of our water sources.

13. We support the Councils approach to including Te Hurihanga Wai in the draft Freshwater Plan. Te Hurihanga Wai and te whakapapa o te wai must be enhanced and upheld in all parts of Te Tai Tokerau.

14. The NPSFM sets a framework for our hapū to develop our own planning and decision-making processes for freshwater management. Our tikanga and localised mātauranga must be given more weighting in Council decision-making processes where our cultural values are upheld.

Implementing objectives, policies, rules and new actions

15. We support the provisions in the draft Freshwater Plan that enable our hapū to uphold our mana and rangatiratanga over our wai and taonga species.

16. It is only our hapū who can determine the effects of resource consents on our cultural values. Having cultural impact assessments as a matter of control for all controlled activities is supported by us. We also support Māori attributes in the Draft Freshwater Plan, but there should be a bespoke process for our hapū to determine what our own attributes are over the bodies of wai we have an interest in.

17. The draft Freshwater Action Plan sets out some of the funding required to implement existing freshwater programmes[1] and new provisions in the draft Freshwater Plan. It is disappointing to see funding has not been fully allocated yet, but is subject to consultation through the next Long Term Plan 2024-2034. We agree with and support tangata whenua involvement in freshwater management and decision-making in the draft Action Plan[2] and request the Council allocates the estimated costings to achieve and deliver these actions.

18. Adhering to new provisions will be difficult for many Māori land owners. We support rates remission, or funding to be provided to Māori land owners and whānau who will struggle to pay for and comply with new regulations. Additional support should be requested from the Government or other Crown agencies to support the Council with financing.

19. All whenua is different and requires different management. It is about knowing the whenua and weather impacts on it so that we minimise sediment runoff and increase our resilience to slips. We already do this by planting gullies (or allowing regeneration), not overstocking and being mindful of the class/weight of stock in vulnerable areas. We would expect to be part of any land classification development/proposal as it will have a huge impact on our land-use, viability, and our ability to provide benefits to our hapū. The cost to fence off productive land would be prohibitive. For a number of years we have been fencing off and planting waterways on the whenua (including wetlands which are an important part of the freshwater system). The terrain and common sense

[1] See Actions 1 – 5 for example.
[2] See Actions 10 (a) – (g), pp12.

determine whether a 3 meter set-back is practical or appropriate. Our hapū kaitiaki are capable of monitoring environmental outcomes. To be meaningful monitoring needs to be more than just meeting compliance requirements. It needs to be catchment-wide and based on cultural indicators – there are many mātauranga based tried and true models to follow.

Water allocation and Treaty settlements

20. We support the 20% water allocation policy that sets aside a proportion of water for Māori. The relationship that whānau, marae and hapū have with freshwater must be viewed from a Māori worldview. As kaitiaki of our taonga and taiao, any initiatives that Māori consider with respect to freshwater management is considered in light of our role and responsibilities we have to tiaki te taiao and meeting the needs of people.

21. Current water allocation policy does not account for the complexity of the relationship that our whānau, marae, hapū have with water. The 'first in first serve' basis of decision-making under the Resource Management Act 1991 is not fit for purpose and contradicts what was guaranteed under He Wakaputanga me Te Tiriti o Waitangi.

22. Future and current Treaty settlement arrangements over freshwater, including other arrangements,[3] must be upheld in the draft Freshwater Plan. This includes recognising statutory acknowledgements over wai, and land returned (or under negotiation) with the Crown.

23. Current regulations do not provide enough weighting to hapū in response to concerns over water allocation and use. More support must be provided by the Council to hapū where our concerns are being raised around resource consent applications, in particular the availability of water for future Treaty settlements and development opportunities.

Wai is a living being

24. Wai Māori must not be considered a commodity and a resource that can be sold, abused, and neglected. Wai Māori is a living being, and we support the inclusion of Mana Atua[4] as it upholds Te Mana o Te Wai by acknowledging the living nature and sanctity of freshwater.

25. The management of freshwater resources to maintain ecosystem health and supporting hapū to thrive is one of the most pressing issues that will face generations to come. New mechanisms and frameworks are required to change the behaviour that individuals and organisations have towards freshwater. One option is affording legal personhood to environmental domains, including wai Māori.

Climate Change

26. There are numerous methods based on mātauranga Māori that can be used to plan better for freshwater management and climate change. For instance, using the

[3] This includes Transfer of Powers, Joint Management Agreements, Mana Whakahono a Rohe, or other arrangements developed under Treaty settlement legislation.
[4] See Policy D.4.33. Draft Freshwater Plan Change – Northland Regional Plan: pp192.

maramataka, or Māori lunar calendar, to understand tidal and seasonal changes that can influence the level and flow of freshwater sources across the region.

27. We strongly support the proposed Tāngata whenua climate change mitigation and adaptation policy[5], and we recommend that the Climate change and development policy[6] in the Regional Plan to align more specifically with Integrated Management identified within the NPSFM[7] which recognises *Ki uta kia tai* and the interconnection between water, land and sea.

Capacity constraints

28. There are considerable capacity constraints that exist for our whānau, marae and hapū to be involved in all parts of resource management. The requirement of applicants to engage and consult with us is necessary and should be resourced by the Council and applicants where relevant.

29. The time and resources required for tangata whenua to respond to resource consents without financial support is a major issue, in particular for pre-Treaty Settlement entities.

30. With the inclusion of new provisions encouraging more engagement with hapū through the Freshwater Plan, NRC must also be able to support us and applicants through this process. To enable this, NRC should be resourcing tangata whenua through capacity contracts and/or engagement agreements to support a streamlined process for engagement.

31. Further guidance for implementation of policy provisions should also be developed by the Council with tangata whenua, to ensure applicants are appropriately informed about engagement and resourcing requirements. This training could also extend to drafting cultural impact assessments, and how applicants and Council processing planners interpret the assessments and recommendations.

32. Further training to uplift the capacity and capability of hapū should be considered by the Council. This could include adhering to iwi and hapū environmental plans that provide direction to the Council and developers with how to consider issues and opportunities for our hapū and iwi

Collaboration with other entities

33. With more changes being proposed under 'Local Water Done Well' strong collaboration between parties will be needed. Relationships with councils, iwi, Taumata Arowai and other Crown agencies are imperative to ensure there is a consistent and well planned water services system implemented. There are inconsistencies with regulations and compliance with rules creating inefficient services. Different decisions around applications can be made based on a different persons interpretation, resulting in

[5] See Policy D.4.39: pp193.
[6] See Policy D.23: pp166.
[7] See Part 3.5. NPSFM: pp14.

unpredictable outcomes for communities and service providers.

34. Hapū must be involved in all decision-making processes undertaken by councils and water service providers. Different approaches and siloed work on the same project can be burdensome for hapū to be engaged in. This must result in more aligned work programmes where efficient and effective service is provided for hapū to reduce over-engagement and consultation fatigue.

Conclusion

35. We welcome the opportunity to submit on the draft Freshwater Plan Change. We also congratulate the Council for being proactive and preparing a draft Freshwater Plan to meet existing timeframes under the NPSFM 2020.

36. Any future changes and engagement to the draft Freshwater Plan must involve our hapū so we can discuss the above matters further.

37. Ultimately the health and wellbeing of our freshwater *te mana me te mauri o te wai* will be critical for our future generations to live healthy and prosperous lives.

38. If you have queries about this submission please contact Aimee Matiu

Hei konā i roto i ngā mihi,

From:	Graham Matthews
To:	Freshwater
Cc:	Ann Neill; Carl Gordon
Subject:	NRC Draft Freshwater plan Submission
Date:	Thursday, 28 March 2024 9:43:48 am
Attachments:	Outlook-o4ea5xvt.png

Morning.
Our Farmer group Submission is Attached.
We would like to speak at the hearing.

Cheers,
Graham

NRC Draft Freshwater Plan Change 2.docx

Piroa Conservation - Catchments
Email: catchmentgroups@piroaconservation.org.nz
Web: www.pbl.org.nz
Social: facebook.com/PBLGroup

NRC Draft Freshwater Plan Change. Submission by:

BREAM BAY FARMER GROUP

We are a group of Bream Bay farmers who have discussed the Freshwater Plan changes, and this is our combined submission.

Question1 Riparian setback 3m (existing), 5m, 10m

1a. setback distance???

Submission:
Consensus that 5-metre setback from water edge, on permanent waterways is reasonable.
The 10-metre setback considered too expensive regarding loss of economic potential and cost of riparian planting.
A minority preferred 3-metre.

General comment that arbitrary rules are a crude method to achieve improved environmental outcomes. Implementation of upcoming Freshwater Farm plans, where each farm is assessed under its unique set of criteria is a better model.

1b Should an averaging approach be used???

Submission.
Averaging is considered an improvement on no averaging. Still considered crude method. Refer to general comment above.

1 c Differentiate between permanent and intermittent with regard to setback rules??

Rule applies to both Permanent and Intermittent flowing stream and rivers.

Definition of intermittent stream

Intermittently flowing river or stream	A river that is naturally dry at certain times of the year and has two or more of the following characteristics: 1) it has natural pools, and 2) it has a well-defined channel, such that the bed and banks can be distinguished, and 3) it contains surface water more than 48 hours after a rain event which results in river flow, and 4) rooted terrestrial vegetation is not established across the entire cross-sectional width of the channel, and 5) it appears as a blue line on topographical maps at 1:50,000 scale.

Submission.
It appears an intermittently flowing stream includes most drains? Refer to 2 and3 of definitions.
If drains are defined as intermittent streams and included next to permanent streams with regard to setbacks, this is an overreach.

They are two distinct waterbodies and should be treated accordingly. Suggested 3 metre setback on intermittent streams.

1 d Riparian Planting (Who pays)

Quote from NRC discussion document.

To gain the most benefit, the stock exclusion areas around waterways would need to be planted with native riparian vegetation.

Submission
Assuming landowners are contributing valuable land to riparian setbacks, for the greater good to the community. It is reasonable the community contributes to the significant cost of riparian planting. We note the word compensation is not mentioned in discussion documents, and the only mention of costs is the landowner paying over a longer rather than shorter period.
Community funding of riparian planting is vital if the long-term benefits of the proposal are to be achieved. The alternative is kilometres of weeds down all our waterways.

Question 2 Stock exclusion on highly erodible land.

Submission
Stock exclusion on severe risk land. (greater than 35 degrees) , considered reasonable, provided very small sections of otherwise compliant paddocks excluded.

Question 3 Excluding Stock from wetlands.

Submission
Provided hill country wetlands are well defined, this is considered reasonable

Question 4 Should stock exclusion be extended to other animals.

Submission

No problem extending exclusion to include sheep and goats

Question 5 Timeframes for new stock exclusion rules.

Submission
Plan to phase new rules over next 10 years considered reasonable.

We would like to speak at any hearing.

We are a newly formed Catchment group attempting to address water quality and biodiversity issues in our rivers. Long term funding to facilitate the project is a problem.

A discussion on options going forward would be beneficial .

Submitters

Graham Matthews	Maurice & Annie Goddard
Carl & Steph Gordon	Dave & Debbie Brown
Simon & Emma Couper	Paul & Donna Stevens
Ken & Rebecca Couper	Ali & Gail McKay
Stuart & Mary Abercrombie	Mutch & Wendy Urlich
Dan & Freya Lynch	Neil & Cathy Troost
Graeme & Angela Hargreaves	

From:	Rural Advocacy Network
To:	Freshwater
Cc:	Groundswell NZ
Subject:	Submission - Groundswell NZ
Date:	Wednesday, 3 April 2024 10:42:09 pm
Attachments:	submission NRC Freshwater Plan Change.pdf

Hi.

Apologies for lateness of submission as we missed the Easter Monday cut off date.

Jamie McFadden

Groundswell NZ environmental spokesperson

Submission on Northland Regional Council Draft Freshwater Plan Change.

By: Groundswell NZ

Introduction.

1. Concern over the unworkability of the National Policy Statement Freshwater Management 2020 was the genesis for the formation of rural lobby group Groundswell NZ. Since then, Groundswell NZ has grown to a nationwide network of coordinators and supporters (over 100,000 on email). While the list of unworkable regulations has grown, the Resource Management Act remains the key concern. This includes the NPS Freshwater Management, NPS Indigenous Biodiversity, and Freshwater Farm Plan regulations, all which fall under the Resource Management Act.

General comments.

2. Most farmers recognize the need to be proactive in addressing environmental issues such as freshwater quality. A significant concern among farmers is how this is being done – a bias towards central government and council one size fits all regulations at the expense of community led solutions.
3. The coalition government has confirmed that both the NPS-FM 2020 and Labours RMA reforms will be replaced. There will be significant legislative change. Therefore, Groundswell NZ submits the prudent approach for Northland Regional Council (NRC) is to pause the draft Freshwater Plan Change process.

Northland Regional Council Freshwater Plan Change.

4. The grave concerns among farmers over Northlands Draft Freshwater Plan Change have been well articulated in the media including: https://www.farmersweekly.co.nz/politics/farmers-see-red-over-northland-livestock-exclusion-plans/ We could spend an inordinate amount of time picking through the extensive and complex smorgasbord of rules but instead will focus our feedback on the bigger picture.
5. The approach by NRC in the draft Freshwater Plan Change represents a significant pendulum swing to one size fits all, extensive regulation, and a lack of recognition of the value of community led solutions. Groundswell NZ is not opposed to regulation, which is essential for activities like water takes, effluent ponds, and discharges to water. We support the need for people to change and be more responsible custodians of our natural environment. The general approach to freshwater by identifying FMU's, their values, and allocation and contaminant limits is supported. However, we believe greater focus needs to be on those catchments and water bodies most at risk and more opportunities for community led solutions in collaboration with regional councils and other stakeholders.
6. NRC's draft Freshwater Plan Change embodies an extensive array of complex, one size fits all rules. The prescription around the stock exclusion rules ignores the practicalities of farming in tandem with nature. Fencing off waterways, while

seemingly desirable, can cause significant additional management issues, particularly around weeds and pests. The proposals around highly erodible land are draconian as evidenced by the cost implications outlined in the councils' plan change document. This will drive more farmers off the land and accelerate conversion to pine forest.

Canterbury precedence

7. The lessons from the Canterbury experience are relevant to councils like Northland that are taking a heavy handed, regulation dominant approach to environmental issues. There are several key reasons for the failure of ECan's (regional council in Canterbury) planning framework and consenting system.

    i. The first is the Resource Management national legislation that all councils operate under is unworkable. The latest NPS iteration of Freshwater Management has had a significant role in paralyzing consents as regional councils struggle to comprehend what the new legislation means. Te Mana o te Wai is a worthy aspiration but when it drives a regulatory framework it leads to excess caution, an inability to make decisions, and hamstrings development.
    ii. ECan's own planning system has become increasingly complex, and regulation driven. There are now hundreds of regulatory requirements on farmers meaning a lot more consents. While farmers are aware of rules relating to activities like water takes and effluent ponds, there are many other rules they are unaware and unknowingly in breach of. There are also many impractical rules such as ECan's stock exclusion rules where all hill and high-country farmers are non-compliant, and most cannot practically comply.
    iii. What all this means is that ECan cannot find the resources to carry out its functions and the costs for both ratepayers and consent applicants has spiralled out of control. There are significant mental welfare issues across the region with farmers uncertain about their future viability or whether they can even continue to operate. Relationships between the council and its constituents are strained – added stress on everyone including council staff and consultants. ECan recently initiated a review in recognition their relationship with their constituents is at an all-time low.

Freshwater Farm Plans

8. Farm environmental plans can be an excellent tool to help farmers address environmental issues. There are several successful models across the industry and councils. Groundswell NZ has received feedback from consultants across the country highlighting multiple concerns with the nationally legislated Freshwater Farm Plans Regulations 2023, to the extent that they are unworkable, and the legislation will fail. Groundswell NZ has initiated a nationwide boycott of Freshwater Farm Plans. One of the first of the two areas in the country (Aparima in Southland) to be subject to this legislation has mobilized to boycott the Freshwater Farm Plan requirement.

We are happy to provide more detail on this issue and are hopeful that the new government will be making major changes, if not repealing the legislation altogether.

Regulation verses community led solutions.

9. What is particularly disappointing is the lost opportunities as councils like Northland automatically reach for the rule book rather than recognizing the change in farmer attitudes and the opportunity for community led solutions. The last 10 years has seen a huge increase in community led initiatives, exemplified by the growth in Catchment and Landcare type groups. This shift in farmer attitudes has created an opportunity to empower community led solutions, something that enlightened councils like Taranaki have identified and supported. There is an inherent failure in policy development that automatically reaches for regulation as the answer for everything. This is a key reason for the failure of planning approaches such as that proposed by NRC.

10. The presumption that regulation is the answer to everything to do with protecting the environment is flawed. There is a misguided belief that mapping and applying rules to natural areas on private land protects those values. Ultimately, it is the actions and inactions of landowners that determines protection. To properly protect natural values such as wetlands, freshwater and threatened species requires active management. The buy in of landowners is critical to ensuring the appropriate management actions are undertaken. Some would say but we need the rules to stop the bad landowners. The role of councils is not to stop bad landowners, it is to implement policies that will be the most effective and efficient in addressing issues and achieving the desired outcomes. Focusing on bad landowners inevitably ends up with rules that penalize all the good landowners, and those bad landowners often still break the rules anyway.

Alternative solutions

11. Faced with the failure of New Zealand's environmental policy framework we have developed the Groundswell Solution. Some aspects of our solution that relate to Northland's Regional Plan review include:

    I. Where a freshwater quality issue is identified and needs addressing the community be given first option to act. The community and regional council could agree to a timeframe and the regional council would continue to monitor progress and water quality. If the community did not want to address the issue or failed to address the issue in the agreed timeframe, then the Regional Council would have a fallback to address the issue.
    II. That whatever planning mechanism is implemented, environmental effort is acknowledged and supported (rather than penalized) and natural values on private land are an asset rather than a liability. There are many approaches

other than regulation that can successfully address environmental issues, and we welcome the opportunity to discuss this with NRC.

Summary

In summary we have 3 requests of NRC:

1) Pause the draft Freshwater Plan Change until there is clarity on the coalition governments intentions with environmental legislation reform.
2) Undertake consultation with the community on opportunities for community and/or industry led solutions to environmental issues. Groundswell NZ requests an opportunity to discuss this with NRC.
3) Write to the government outlining community and council concerns over the unworkable environmental regulations and supporting legislative change.

Bryce McKenzie and Laurie Paterson

Groundswell NZ

For any queries relating to this submission contact: Jamie McFadden – Groundswell NZ environmental spokesperson. 027 3218747.

From:	Cushla Milina
To:	Freshwater
Subject:	freshwater plan change
Date:	Sunday, 31 March 2024 5:16:05 pm
Attachments:	Draft-Northland-Freshwater-Plan-Change-template milina.docx

Have your say: feedback on the Northland Regional Council Draft Freshwater Plan Change

Feedback on the Northland Regional Council Draft Freshwater Plan Change

Contact information:

First name:	Roger
Last name:	Milina
Organisation (if giving feedback on behalf):	[redacted]
Mailing address:	[redacted]
Email:	[redacted]
Phone:	[redacted]
Is the submission you have provided below confidential? Yes / No	no
Are you happy for your submission to be published online? Yes / No	yes
If you are happy to, provide NRC with a background of your farm. For example farm size, stock numbers, and location.	yes

Stock exclusion – from waterways:
NRC is proposing rules for excluding stock from waterways that go beyond national legislation. They are looking at a setback of 3, 5, or 10 metres for all permanent and intermittently flowing rivers, streams, and lakes regardless of slope. They are also recommending that these setback areas would be riparian planted. Learn more here: Northland Regional Council HYPERLINK "https://www.wai-it-matters.nz/media/5v0lz3j0/draft-freshwater-plan-change-have-your-say-on-stock-exclusion.pdf" HYPERLINK "https://www.wai-it-matters.nz/media/5v0lz3j0/draft-freshwater-plan-change-have-your-say-on-stock-exclusion.pdf" HYPERLINK "https://www.wai-it-matters.nz/media/5v0lz3j0/draft-freshwater-plan-change-have-your-say-on-stock-exclusion.pdf" Consultation document: Stock Exclusion **B+LNZ's position (read more in our submission):** *B+LNZ is concerned that NRC is going far beyond national legislation and is applying a one-size-fit all approach that makes little sense in terms of managing risk on individual pieces of land. Stock exclusion requirements should be flexible for farmers to adapt and innovate to meet the multiple demands on their business. Blanket provisions that do not account for issues in fencing areas of high slope do not meet this requirement.*

B+LNZ does not agree that sheep should be included in stock exclusion regulatory requirements. Sheep do not have a natural tendency to stand in or disturb stream margins or beds. Therefore, the additional cost of a multiwire fence is a costly exercise to bring little environmental gain. A farmer would be better to invest in something like stock reticulation infrastructure to ensure sheep have access to drinking water outside of rivers, streams, and lakes. These decisions are best made by the farmer through a Farm Environment Plan rather than blanket provisions.

Suggested questions to answer:

How far away from waterways should stock be kept? 3, 5, 10 or 30 metres?
3

Should an averaging approach be used to set setback distances?
yes

What should the rules be for excluding stock from wetlands?
exclude from mature wetlands

Should stock exclusion be extended to apply to other animals e.g. sheep?
cattle only

What timeframes are feasible for any new stock exclusion rules?
2 years

What resources will be required to complete stock exclusion of waterways on your farm (labour, time, costs)?
At 3m averaged nothing, at 5 -10m requires 4km of refencing. As a beef operator margins aren't there to afford it.

Will the requirements of excluding stock from waterways prevent you from completing other environmental work on farm?
no

Have you already excluded stock from waterways?
yes

Any additional feedback:
Answer here…

Stock exclusion – highly erodible land:

NRC is proposing rules to exclude stock from highly erodible land. NRC have identified that erodible land with a slope of 25 degrees or more accounts for a significant amount of sediment within waterways.

To mitigate this the NRC is proposing to exclude stock:

- on land with a slope of between 25 and 35 degrees by 2040, and
- on land with a slope greater than 35 degrees by 2035.

Learn more here: Northland Regional Council Consultation document: Stock Exclusion

B+LNZ position (read more in our submission): *B+LNZ does not support the blanket retirement of land. B+LNZ supports farmers being able to identify areas of concern on their farm and mitigating concerns through practices that suit their farm system.*

Excluding stock and/or planting pine plantations is not the only answer to preventing erosion. Other techniques include grazing management, silvopasture techniques, and managing stock in adverse weather events. These can all be identified and actioned within a Farm Environment Plan.

B+LNZ is also concerned about the unintended consequences of retiring land from sheep and beef farming. This includes issues associated with converting land to pine plantations, the spread of exotic weeds and pests, increased fire risk from ungrazed pasture, and the loss of rural communities. Farmers should not be required to retire large areas of land while still needing to manage the costs of this retired land.

Suggested questions to answer:

Should stock exclusion rules apply to highly erodible land (land steeper than 25 degrees)?
no

Do you think highly erodible land should be retired?
no

Looking at the following map how is your farm impacted? And how much of your farm would need to be retired? Click here for map.
7 hectares. lots of very small pockets

How badly will retiring highly erodible land impact your farm system?
not significantly other than weed and pest management.

What resources will be required to complete stock exclusion of highly erodible land on your farm (labour, time, costs)?
due to the very small pockets, disproportionent amount of fencing for virtually no environment gain. cattle do not frequent the very steep areas in adverse weather.

Do you currently have strategies in place to manage erosion? E.g. tree planting or stock placement during adverse weather events.
yes. covered composting barn. 2400 square meters in size

Any additional feedback:
as an ex-dairy farm we have races to to 98% of our farm and practice on off grazing in adverse weather. These rules and regulations if applied create a layer of cost and compliance for zero environmental gain on our farm.

Water allocation

NRC is proposing changes to water allocation. They are proposing that 20 percent of unallocated water is to be used for environmental enhancement, marae and papakainga, or developing Māori land.

Learn more here: Northland Regional Council Consultation document: HYPERLINK "https://www.wai-it-matters.nz/media/u5hdrscp/the-draft-freshwater-plan-change-targeted-water-allocation-policy.pdf" HYPERLINK "https://www.wai-it-matters.nz/media/u5hdrscp/the-draft-freshwater-plan-change-targeted-water-allocation-policy.pdf" HYPERLINK "https://www.wai-it-matters.nz/media/u5hdrscp/the-draft-freshwater-plan-change-targeted-water-allocation-policy.pdf"T HYPERLINK "https://www.wai-it-matters.nz/media/u5hdrscp/the-draft-freshwater-plan-change-targeted-water-allocation-policy.pdf" HYPERLINK "https://www.wai-it-matters.nz/media/u5hdrscp/the-draft-freshwater-plan-change-targeted-water-allocation-policy.pdf" HYPERLINK "https://www.wai-it-matters.nz/media/u5hdrscp/the-draft-freshwater-plan-change-targeted-water-allocation-policy.pdf"argeted HYPERLINK "https://www.wai-it-matters.nz/media/u5hdrscp/the-draft-freshwater-plan-change-targeted-water-allocation-policy.pdf" HYPERLINK "https://www.wai-it-matters.nz/media/u5hdrscp/the-draft-freshwater-plan-change-targeted-water-allocation-policy.pdf" HYPERLINK "https://www.wai-it-matters.nz/media/u5hdrscp/the-draft-freshwater-plan-change-targeted-water-allocation-policy.pdf" Water Allocation Policy

B+LNZ position (read more in our submission): *NRC must allow for a reasonable allocation of stock drinking water as required under the RMA. Stock drinking water must be readily available year-round and allow for periods of drought and low water flows.*

With the changes proposed for stock exclusion many sheep and beef farmers will be required to invest in stock reticulation systems which in turn may require more investment in, and consenting of, water storage and allocation, which the Council needs to be aware of.

NRC needs to ensure it understands how various policies being proposed work together, to avoid unintended consequences. Additionally, water quantity policies must allow for building resilience to climate events and allow for reliable water sources into the future.

Suggested questions to answer:

Do you think a targeted allocation policy would improve cultural, social, economic and environmental outcomes for wai?
not unless the policy stipulated the use of the water for social cultural or economic outputs

Is a policy in the Plan Change an appropriate way to achieve these outcomes?
no

What do you think about requiring a contribution to a fund? What are your thoughts about how the fund could be used?
not supported

How else do you think we can recognise the significant relationship tangata whenua have with wai?

not sure

Do you have any existing challenges with your current water supply?
no

How is water important to your farm system? And do you have concerns around the reliability of future water usage?
stock water is an essential part of a beef operation

Any additional feedback:
Answer here…

General feedback

Is there any information you have not provided that you would like to? This may include highlighting that freshwater health and environmental work is an on-farm commitment, but Northland Regional Council is going too far and jeopardising the future of the sheep and beef industry.
Answer here…

From:	Louise Mischewski
To:	Freshwater
Subject:	Te Rarawa/Te Runanga o Te Rarawa feedback - NRC Freshwater Management Plan change
Date:	Thursday, 21 March 2024 2:51:24 pm
Attachments:	ATT00002.png ATT00003.png ATT00004.png ATT00005.png Submission NRC draft Freshwater Plan Change FINAL 20 03 2024.pdf

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Tena koe, tena koutou katoa.
Please find attached Te Rarawa/Te Runanga o Te Rarawa feedback for NRC Freshwater Plan change.

If you have any further queries, do not hesitate to contact me.
Nga mihi
Louise

TE RARAWA

Louise Mischewski - Environmental Project Lead
+64 9 929 6879 (DDI)
+64 27 408 0388
+64 9 408 0141 / 0800 836 726
16 Matthews Ave, Kaitaia, New Zealand 0410
www.terarawa.iwi.nz

TE RARAWA

Te Runanga o Te Rarawa | 16 Matthews Ave, Kaitaia | Phone +649 408 0141
www.terarawa.iwi.nz

Submission to the Northland Regional Councils Draft Freshwater Plan Change

Submitter Information

Name:	Te Runanga o Te Rarawa
Iwi / Māori Organisation:	Te Rarawa/Te Runanga o Te Rarawa (Ltd) Trust
Address:	16 Matthews Ave, Kaitaia 0410
Email:	louise@terarawa.co.nz
Phone:	027 40 80388
Contact:	Louise Mischewski (Te Pou Taiao Project Lead)

Introduction

1. This submission is made by Te Runanga o Te Rarawa on Northland Regional Councils (NRCs) Draft Freshwater Plan Change.

2. Te Runanga o Te Rarawa is the principal governance body to administer the affairs of Te Rarawa. Te Runanga o Te Rarawa was established by deed of trust on 17 October 2021 (2012 Deed) and amended in 2014 to administer the affairs of Te Rarawa including: acting as the Mandated Iwi Organisation of Te Rarawa for the purposes of the Māori Fisheries Act 2004, acting as the Iwi Aquaculture Organisation pursuant to the Māori Commercial Aquaculture Claims Settlement Act 2004, and to receive the Te Rarawa Treaty of Waitangi historical claim settlement and any other settlements or resources that Te Rarawa may, from time to time, be entitled to.

3. The Te Rarawa Claims Settlement Act 2015 received royal assent on 22 September 2015 and came into force on 17 December 2015. It provided for the dissolution of the Original Runanga and the transfer of assets and liabilities from the Original Runanga to Te Runanga o Te Rarawa.

4. The traditional boundaries of Te Rarawa Iwi encompass the areas beginning from Hokianga, eastwards following the Hokianga River to Mangataipā, situated at the base of Maungataniwha, northwards along the ranges of Raetea to Takahue and following down the Pamapūria River to Maimaru, across to Awanui and westwards to Hukatere on Te Oneroa ā Tohe, back down the beach to Ahipara, southwards to Tauroa, Ōwhata and Whāngāpe and down the coastline to Mitimiti and back to Hokianga, being the southern

boundary of Te Rarawa Iwi.

5. Te Runanga o Te Rarawa members consist of 23 hapū marae, they being:

HAPU MARAE/ROHE	ASSOCIATED HAPŪ
Korou Kore marae, Ahipara	Ngāti Moroki
Mātihetihe marae, Mitimiti	Pororewarewa, Ngāti Kaha, Ngāti Hinerangi, Whānaumaii
Morehu marae, Pawarenga	Te Uri o Tai, Ngāti Haua (in former times)
Motuti marae, Motuti	Ngāti Te Maara, Te Kaitutae, Ngāi Tamatea, Te Waiariki, Ngāti Muri Kāhrara
Ngāti Manawa marae, Panguru	Ngāti Manawa, Waiāriki, Te Kaitutae
Ōhaki marae, Pawarenga	Te Uri o Tai, Ngāti Haua (in former times)
Owhata marae, Owhata/Herekino	Ngāi Tupoto, Ngāti Here
Pāteoro marae, Te Karae, Hokianga	Ngāti Toro, Kohatutaka, Te Patutarataara, Te Rahowhakairi, Ngāti Hua
Pikipāria marae, Kohukohu	Ngāti Toro, Kohatutaka, Te Patutarataara, Te Rahowhakairi, Ngāti Hua
Rangikohu marae, Owhata/Herekino	Represents hapū of Ngāti Kuri, Ngāti Wairupe, Te Aupouri
Roma marae, Ahipara	Ngāti Waiora, Ngāti Pākahi, Te Patukirikiri, Parewhero
Tauteihiihi marae, Kohukohu	Ngāti Toro, Kohatutaka, Te Patutarataara, Te Rahowhakairi, Ngāti Hua
Te Arohanui marae, Mangataipa	Kohatukaka, Te Ihutai, Tahāwai, Te Uri o Te Aho, Te Rahowhakairi
Te Kotahitanga marae, Whāngāpe	Ngāti Haua, Tāwhiu, Tahukai, Ngāti Tūmamao
Te Uri o Hina marae, Pukepoto	Ngāti Te Ao, Tahāwai, Te Uri o Hina
Te Rarawa marae, Pukepoto	Ngāti Te Ao, Tahāwai, Te Uri o Hina

Waihou marae, Waihou, Hokianga	Ngāti Te Reinga, Parewhero, Te Waekoi, Te Uri o Te Aho, Whānau Moko, Te Waiāriki, Ngāti Moroki
Wainui marae, Ahipara	Ngāti Moetonga, Te Rokekā
Waiparera marae, Rangi Point, Hokianga	Patutoka, Tahāwai, Whānau Pani, Te Hokokeha, Te Tāwhiu
Waipuna marae, Panguru	Te Kaitutae, Waiariki
Whakamaharatanga marae, Manukau	Ngāti Hine, Patupīnaki

Background

1. In this submission, Te Rarawa/Te Runanga o Te Rarawa generally supports the Northland Regional Council's (NRC) draft Freshwater Plan Change. Where we oppose or seek amendments to provisions, specific submission points are provided in **Appendix A.**

2. This submission relates to the entirety of the draft Freshwater Plan, and we wish to be included in future processes and refinements relating to the finalisation of the Freshwater Plan. We further request that this submission is afforded status and weight in the finalisation of the Freshwater Plan, to acknowledge and recognise the mana and rangatiratanga of Te Rarawa/Te Runanga o Te Rarawa.

3. We acknowledge the process NRC has taken to co-design the tāngata whenua provisions. We support the work that the Tāngata Whenua Water Advisory Group (TWWAG) has undertaken to see these provisions developed to give effect to Te Mana o Te Wai in Te Tai Tokerau.

4. We encourage the Council to further involve the Iwi and hapū representatives with the finalisation of the draft Freshwater Plan. This includes implementing the support required for tāngata whenua to be involved in freshwater management and decision-making whilst contributing the required resources and funding to ensure these are successfully implemented.[1]

Treaty Settlement Legislation

5. Throughout the development and implementation of the draft Freshwater Plan, NRC must recognise and uphold existing and future Treaty Settlement legislation. This includes giving effect to existing management arrangements over freshwater.

6. It is also critical through the development of the freshwater plan, to give effect to existing Iwi and hapū management plans (IHEMPs). In particular, where policies and objectives describe how freshwater resources should be managed. Where relevant, IHEMPs should also inform how the Council proposes to include mātauranga Māori methods for monitoring the quality and quantity of freshwater used across the region.

7. Where there are existing statutory acknowledgements over freshwater, NRC must engage directly with those entities affected.

[1] See Potential Action 10(a)-(g) in the Draft Freshwater Action Plan: pp12.

Importance of NPSFM

8. There are numerous issues facing freshwater management in Te Tai Tokerau, including: water takes and use (overallocation), drainage and loss of wetlands, discharge of contaminants in freshwater (water quality), loss of taonga species and mahinga kai, damming and diverting water bodies.

9. Many of these issues tāngata whenua face on a daily basis which impacts livelihoods.

10. The NPSFM provides direction to the way tāngata whenua must be involved in freshwater decision-making. NPSFM Policies 1 - 5[2] must be upheld in the draft Freshwater Plan, and we support the draft provisions that enable tāngata whenua to do this.

11. Tāngata whenua involvement must occur at all stages of freshwater decision-making. This includes policy development, implementation, monitoring of resource consents, as well as the effectiveness of the freshwater provisions.

12. The NPSFM also requires an integrated approach, *ki uta ki tai,* to freshwater management.[3] This means decision-makers must consider the holistic well-being of the environment when making decisions, including the interaction between land, water bodies, ecosystems and receiving environments.[4]

13. Tāngata whenua must be able to determine how this occurs, and we support the continuation of this work through future phases of the plan change, including non-regulatory methods via the Action Plan.

Te Mana o Te Wai and Hierarchy of Obligations

14. We acknowledge that Te Mana o Te Wai is the korowai of the National Policy Statement on Freshwater Management 2020 (NPSFM). Te Mana me Te Mauri o Te Wai needs to be upheld in this respect and should be implemented as tāngata whenua see fit in their rohe and takiwā.

Fundamental concept

15. The fundamental concept and six overarching principles of Te Mana o Te Wai as described in the NPSFM 2020 must be upheld through future stages of NRC's draft Freshwater Plan.[5]

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[2] See NPSFM, 2.2 Policies: pp10

- Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.
- Policy 2: Tāngata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.
- Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.
- Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.
- Policy 5: Freshwater is managed to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and improved.

[3] See NPSFM, clause 3.5.

[4] Ibid, clause 3.5(1)(a)-(d).

[5] See NPSFM, clause 1.3:

(a) *Mana whakahaere*: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater
(b) *Kaitiakitanga*: the obligations of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations
(c) *Manaakitanga*: the process by which tangata whenua show respect, generosity, and care for freshwater and for others
(d) *Governance*: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future
(e) *Stewardship*: the obligations of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations

16. Furthermore, we acknowledge the Hierarchy of Obligations in Te Mana o Te Wai that prioritises:

    a) *first, the health and well-being of water bodies and freshwater ecosystems*
    b) *second, the health needs of people (such as drinking water)*
    c) *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*[6]

17. We support the freshwater environmental outcomes in the draft Freshwater Plan that seeks to give effect to the following:
    a) *Priorities for freshwater management*
    b) *Te Hurihanga Wai*
    c) *Treating land, wai and ecosystems as one*
    d) *Climate change and wai decision-making*
    e) *Rangatiratanga and Kaitiakitanga*
    f) *Tikanga Māori, He Whakaputanga and te Tiriti o Waitangi*
    g) *Tāngata whenua well-being; and*
    h) *Meeting target states for Māori freshwater values attributes.*[7]

Te Hurihanga Wai

18. Te Hurihanga Wai ("the hydrological cycle") as described in the draft Freshwater Plan Change and TWWAG Stage 1 and 2 Reports, identifies how each component of the cycle is critical for freshwater to be healthy and thriving. This includes the condensation, evaporation, collection, and precipitation of wai that are controlled by atua Māori.

19. We agree with the concept of Te Hurihanga Wai as described the draft Freshwater Plan Change and support the retention of Te Mana me te Mauri o te Wai and the long-term vision for freshwater in the Regional Policy Statement (RPS)[8].

20. We support the timeframe of 2040 as described in the above objectives (i.e.) 3.16 and 3.17 of the RPS and acknowledge that it is ambitious but not unreasonable. We further support the retention of this timeframe, recognising that it coincides with 200 years of the signing of Te Tiriti o Waitangi.

Overview of Key Matters in the Submission

Upholding Tāngata Whenua Values

21. We support the retention of Māori freshwater values in the priorities for freshwater management[9], but acknowledge that tāngata whenua groups may also have other values and descriptions that should not be precluded in freshwater management processes. We recommend the Council includes the following advisory note in the draft Freshwater Plan:

> *<u>The following list and description of Māori freshwater values is not definitive and should not preclude the ability of tāngata whenua groups to provide alternative values and descriptions in freshwater management processes.</u>*

(f) *Care and respect*: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

[6] NPSFM, clause 1.3(5)(a)-(c).
[7] See Draft Freshwater Plan Change, pp217-219
[8] See Objectives 3.16 & 3.17.
[9] See Draft Freshwater Plan Change, F.1A.1:pp217

22. In order for tāngata whenua to uphold their mana and rangatiratanga in freshwater management, we must be able to practice kaitiakitanga. This is not just about acting as an agent for environmental protection, but ensuring our freshwater and wider environment is sustained and regenerated in places for future generations, ngā uri whakatipu.

23. Therefore, we support the inclusion of an assessment on '*effects on tāngata whenua values and practices'* being included as a new Matter of Control for all controlled activities in the draft Freshwater Plan.

24. This does not however mean that a 'full' assessment might be required for all resource consents for controlled activities. The requirement for a full report, Cultural Value Assessment (CVA) or Cultural Impact Assessment (CIA), will likely be determined based on the level of effects on cultural values. In some cases, there may be none or very little cultural effects or impacts, and tāngata whenua may only wish to be notified of the activity by the Council. In other cases, the activity may have significant adverse effects on cultural values, and tāngata whenua may wish to draft a more comprehensive report such as a CIA or CVA, to highlight options to avoid, remedy or mitigate these effects. This can only be determined by tāngata whenua whose cultural values will be affected.

25. The significant loss of wetlands and indigenous biodiversity has had a devastating effect on mahinga kai (a compulsory value under the NPSFM). These activities have severely impacted freshwater behaviour such as quality, flow, and yield in some places. Overall, we support the introduction of more stringent rules in the draft Freshwater Plan to enhance and protect freshwater bodies from further degradation and protect tāngata whenua values.

26. We also support the protection and inclusion of inanga spawning sites in the draft Freshwater Plan, but have recommendations for amendments to wording in **Appendix A.**

Freshwater Management Units (FMUs) and Attributes for Māori Values

27. We support the focus of the draft Freshwater Plan improving water quality to make it safe for human contact. It is important for tāngata whenua to have mahinga kai and taonga species that are not polluted by contaminants making them unsafe and at risk. This includes being able to harvest food, and having water bodies clear of sedimentation and other pollutants. However, we do not support existing Freshwater Management Units (FMUs). We do not believe NRC involved tāngata whenua in the method for establishing FMUs, and recommend this approach is reviewed with Iwi and hapū.[10]

28. While we generally support the provisions in the Water Quality Standards and Guidelines[11], the methods and guidelines must be read and understood in parallel with Māori freshwater attributes.

Māori freshwater attributes

29. As such, we support the Attributes for Māori freshwater values[12], and the attributes and band descriptions H.12.1.1 – H.12.1.9. But we request that these do not preclude the ability for tāngata whenua to define their own attributes and descriptions through further engagement.

[10] See Northland Regional Council, *Rationale for the establishment of Freshwater Management Units (FMU's) for water quality in Northland*, February 2021.
[11] See Draft Freshwater Plan Change:pp227
[12] See Draft Freshwater Plan Change: H.12.1 Attributes for Māori freshwater values. pp267

Policy on Setbacks

30. The degradation of freshwater in Te Tai Tokerau requires more stringent rules to protect and revitalise freshwater bodies and ecosystems. We support the inclusion of more prescriptive rules on setbacks for stock exclusion but note the financial burden this will have on landowners in particular Māori entities discussed below.

31. We support the new stock exclusions rules and provisions that have multiple benefits to achieving freshwater outcomes, such as decrease in livestock damage, bank stabilisation, flood control, plant nutrient uptake, and increased habitat and ecosystem for freshwater species.[13]

32. Riparian planting as a method of maintaining, improving and revitalising terrestrial and freshwater ecosystems should be required for all activities surrounding freshwater, including on highly erodible land. Where possible, riparian planting of native species should be undertaken in consultation with tāngata whenua from the area who can confirm the most suitable species.

33. Given the ambitious vision and environmental outcomes in the draft Freshwater Plan, it is considered wider setbacks will help achieve these goals by 2040. Further, we acknowledge the impact climate change is having on erodible land resulting in significant soil erosion in places. With more significant weather events predicted to continue and increase, this in turn will add to the further degradation and pollution of our waterways.

34. **Table 1** in NRC Stock Exclusion Consultation document shows that there will be a significant increase in the mauri of wai the further the distance is for the stock exclusion rules. While we acknowledge that the further the setback is, the more expensive and costly it will be on landowners. We believe this is a small trade off to enhance and protect our freshwater. In particular given the large amount of pollutants to freshwater is sedimentation and E.coli from livestock.

35. We acknowledge the cost implications that this new policy and rules may have on all landowners including Māori entities (PSGEs and non-settled) who may not have the financial means to implement and comply with proposed regulations. We therefore recommend the Council introduces a range of mechanisms such as rates relief policies, contestable funds, or similar policies to reduce the financial burden the proposed new rule may have on Māori landowners.

Current water takes

36. As identified above, one of the issues around freshwater in Te Tai Tokerau is overallocation of water sources. While we agree that permissive rules are required for domestic household and minor and temporary activities, more monitoring is required to measure allocated consents for commercial uses, including agriculture and horticulture activities.

37. The current regime of a 'first come first serve' basis as permitted under the Resource Management Act 1991, has not supported tāngata whenua and our ability to manaaki and tiaki wai. There are a number of case studies around the impact to tāngata whenua on the overallocation of freshwater as a result of multiple activities being consented by the Regional Council. For example, the groundwater from the

[13] Northland Regional Council, Riparian setbacks: Summary of the science, October 2023.

Aupouri Aquifer is subject to numerous water takes that includes irrigation for agriculture and horticulture purposes and bore water supply via resource consent.[14]

38. As such, we support the introduction of new Matters of discretion (2) effects on tāngata whenua values and practices, and (6) sites of significance to tāngata whenua in Rule C.5.1.10 – High flow allocation. It is expected through the introduction of these new controls, tāngata whenua values can be taken into account by the Regional Council through the consenting process.

39. With many Māori and marae in Te Tai Tokerau living in coastal areas, we also support more stringent rules in draft Freshwater Plan regulating quantity of freshwater that can be taken around coastal aquifers in Policy H.4.4(b) to prevent the effects of saline intrusion.

Managing development and growth

40. As our population in Te Tai Tokerau grows, and new housing developments are approved across the region, the requirement to provide suitable drinking sources increases. Resulting in more resource consent applications for water takes by developers or territorial authorities. Further, ground water has emerged as a very important source of water supply for different uses during the past few decades. Its availability with adequate quantity and good quality has become essential for the development of any area. Our analysis reveals that Te Hiku o Te Hika is in a disadvantageous position with regards to ground water availability. If preventative measures are not taken up to handle the present situation of over exploitation of ground water, Te Hiku may be in a very crucial situation with regards to the quantity of ground water in coming years.

41. To manage this, we recommend NRC and territorial authorities introduce provisions around resource consent renewals, and that existing consents are reviewed to align with new provisions once notified under the draft Freshwater Plan. This would be consistent with the NPSFM policy intent in relation to Integrated Management.[15]

42. We also recommend the duration of consents is reviewed to a 10-year period, as opposed to 35 years as regularly approved. The shorter timeframe will allow NRC the ability to review consents more regularly, and take into account new information, such as the impacts of climate change or population growth and environmental effects on receiving environments. However, Māori social and development opportunities and initiatives should be exempt from these limitations.

20% water allocation for tangata whenua

43. The introduction of a policy for targeted water allocation to tāngata whenua is supported. The intent of the policy is first and foremost to preserve and enhance freshwater bodies. Secondly, the 20% water allocation policy would only benefit new consents, primarily for marae and papakāinga use.

44. As highlighted above, the current regulatory framework enables water takes to be consented on a ‘first come first served’ basis. This has resulted in many tāngata whenua groups not having adequate access to freshwater as a consequence of overallocation. Historical injustices around water allocation in Te Tai

[14] See Decision following the hearing of an application by 22 persons, collectively referred to as the Aupōuri Aquifer Water User Group (AAWUG), to Northland Regional Council for discretionary activity water resource consents under the Resource Management Act 1991, heard in Kaitaia at Te Ahu Centre, 1-3 September 2020.
[15] NPSFM, clause 3.5(4)

Tokerau has further resulted in tāngata whenua being adversely affected in particular when there are low water supplies in a district or zone or severe droughts.

45. We agree with the analysis in NRC Companion document on the 20% Water Allocation Policy, that water within the 20% allocable limit will most likely be kept in a freshwater source to enhance the mauri of the wai, and taonga species that rely on wai to be well. This aligns with tikanga Māori and the concept of kaitiakitanga, as well as the proposed long-term vision and environmental outcomes for freshwater management under the RPS.[16]

46. We further support the intent of the policy that enables Māori landowners and PSGEs the ability to use remaining water that can be allocated within existing limits to improve the health and wellbeing of tāngata whenua[17]. As a result of historical injustice's suffered by Māori through breaches of Te Tiriti o Waitangi, the Council must recognise and provide additional support to tāngata whenua via water allocation policies.

47. The current regime based on a 'first come first serve' basis does not support Māori entities who may want to enhance social, cultural, environmental, and economic outcomes for their whānau, hapū and iwi. This policy should be reviewed alongside current water allocation provisions and the duration of consents mentioned above, to ensure Māori are not disadvantaged again through this plan change.

Financial Implications for Tāngata Whenua

48. There are considerable capacity constraints that exist for tāngata whenua through the resource management system. The requirement of applicants to engage and consult with tāngata whenua is necessary and should be resourced by the Council, and applicants where relevant.

49. The time and resources required for tāngata whenua to respond to resource consents without financial support is a major issue, in particular for pre-Treaty Settlement entities. As a result of a lack of resources from the Council, there are often major delays in correspondence from tāngata whenua, or an inability for entities to respond adequately, if at all.

50. With the inclusion of new provisions encouraging more engagement with tāngata whenua through the Freshwater Plan, NRC must also be able to support tāngata whenua and applicants through this process. To enable this, NRC should be resourcing tāngata whenua through capacity contracts and/or engagement agreements to support a streamlined process for engagement.

51. Further guidance for implementation of policy provisions should also be developed by the Council with tāngata whenua, to ensure applicants are appropriately informed about engagement and resourcing requirements.

Use of mātauranga Māori for monitoring

52. Te Rarawa/Te Runanga o Te Rarawa strongly supports the use of mātauranga Māori for freshwater monitoring. This should however be led by tāngata whenua not the Council. We note the inclusion of possible funding of a mātauranga Māori framework in the draft Action Plan. We strongly support this funding, and that it is included in NRCs Long Term and Annual Plan budgets. The funding must be provided to tāngata whenua in a non-contestable grant to enable tāngata whenua to develop their own monitoring programmes.

[16] RPS, objectives 3.16 and 3.17.
[17] See Draft Freshwater Plan. Chapter H.4 Environmental flows, levels and allocations.pp235

53. We support the introduction of Māori values and attributes in the draft Freshwater Plan but note that iwi and hapū may also have their own values associated with different bodies of wai. This will extend to the attributes (or tohu) associated with those bodies of wai that may be based on mātauranga Māori relevant to tāngata whenua.

54. Any data and information using mātauranga Māori for freshwater monitoring must remain the property of iwi and hapū. Data information protocols must be developed by the Council and tāngata whenua documenting how their data and information is used and shared.

55. Data relevant to Māori attributes under the draft Freshwater Plan can be collected numerically or qualitatively based on discussion and interviews with kaitiaki. Because tāngata whenua values can only be assessed by relevant iwi or hapū groups, resourcing and weighting of data collected by these entities must be given by NRC. In most cases, data can also be gathered based on western science methods, but this must be determined by tāngata whenua.

56. Measuring the state of mauri in wai can be undertaken using both western science and mātauranga Māori. Mauri monitoring is best undertaken by those who know what the mauri or life force of the wai used to be like before it decreased. Often this extends to more than measuring tangible outcomes such as indigenous species, or level of contaminants. Existing mauri measurement frameworks and tools can support the development and implementation of a Te Tai Tokerau specific monitoring framework. This should be adaptive enough though for iwi and hapū to alter based on their information, analysis and cultural values associated with wai.[18]

Activities on and around Sites and Areas of Significance

57. While we support the inclusion and assessment on the effects of sites and areas of significance under the draft Freshwater Plan, we do not agree that all sites and areas must be listed and mapped in the Regional Plan.[19]

58. Multiple sites of significance will not be mapped by tāngata whenua for different reasons. The current Schedule 1 process under the RMA where sites need to go through a plan change process is an extremely drawn-out, resource heavy, and costly process. Secondly, a majority of significant sites are on private land which requires the property owner to agree having the site scheduled for tāngata whenua.

59. Also, tāngata whenua do not wish to have significant sites scheduled in regional and district plans in fear that these sites will be destroyed or damaged by the public.

60. We recommend that the Council amend provisions to allow sites and areas of significance that are *not* mapped to be assessed in resource consent processes. This would be consistent with the NPSFM where 'wai tapū ' are affected by particular activities, but not necessarily mapped in the Regional Plan. Further,

[18] See for example: Mauri Odometer developed by Kepa Morgan http://mauriometer.org/ ; also the Mauri Compass by Ian Ruru and Gisborne District Council https://www.mauricompass.com/features.html; and Te Hā o Te Wai Māreparepa 'The Breath of the Rippling Waters', Mauri Monitoring Framework, Hawkes Bay Regional Council https://www.mauricompass.com/features.html

[19] See for instance, Rules C.2.1.8, C.2.1.12, C.3.1.2, C.3.1.5.

we recommend where sites are mapped and identified in iwi and hapū management plans, this information must be given the same weighting as if the sites were mapped in region or district plans.[20]

Agri-chemicals

61. The Application of agrichemicals has not been reviewed as part of the draft Freshwater Plan Change[21]. Currently this is a permitted activity, but we recommend the activity status is reviewed, in particular to consider whether the spraying buffer is compliant with new provisions introduced under the draft Freshwater Plan. Furthermore, the permitted activity status should be considered as a controlled or restricted discretionary activity. Given the chemicals in synthetic fertilisers and the impact these pollutants have on freshwater. Alternative methods such as organic fertiliser use should be less stringent in the regional plan when dispersed around freshwater.

62. Have the rules appropriately considered the effects on tāngata whenua when NRC administers notification processes for spraying agrichemicals by hand or aerial application? And have wind speed and direction increased over time as a result of climate change? Do the buffer and spray distances permitted under Rule C.6.5.2 comply with new provisions introduced under the draft Freshwater Plan Change, or can resource consents manage potential effects further from agrichemicals?

Wai is a living being

63. Wai Māori must not be considered a commodity and a resource that can be sold, abused, and neglected. Wai Māori is a living being, and we support the inclusion of Policy D.4.33 as it upholds Te Mana o Te Wai by acknowledging the living nature and sanctity of freshwater.

64. The management of freshwater resources to maintain ecosystem health and supporting iwi and hapū to thrive is one of the most pressing issues that will face generations to come. New mechanisms and frameworks are required to change the behaviour that individuals and organisations have towards freshwater. One option is affording legal personhood to environmental domains, including wai Māori.

65. The notion of granting legal rights to non-human entities is not new but has been implemented for nature overseas and locally. In Ecuador legal rights were granted to nature in their constitution in 2008.[22] Bolivia also introduced legal rights for nature, establishing 'Laws of Mother Earth' or protection of Pachamama in 2010. Similarly local laws have been created in Aotearoa New Zealand for protecting Whanganui River. In India laws were created to protect Ganges and Yamuna, and a hybrid of legal rights to protect nature were used in Victoria, Australia to protect rivers in the State.

66. Potential Action 10(c) in the draft Freshwater Action Plan recommends the Council:

> *Investigate the concept of representing water in resource management processes as a 'living entity', and its rights (to be healthy and flourishing) being represented by someone. In response to TWWAG recommendation*.

67. While we agree that water is a living entity and has the right to be healthy and flourishing, we acknowledge the extensive discussions that need to occur around this model. We support further investigation of this

[20] This information can also be considered under section 104(c) through resource consent applications and assessment of environmental effects.
[21] See Rule C.6.5.2
[22] See Articles 71 – 74 of Ecuador Constitution 2008.

recommendation, in particular how iwi and hapū can develop the regulatory framework that best represents protection of the rights of wai to be 'healthy and flourishing'. .

Climate Change

68. The impacts of climate change and freshwater management are inextricably linked. Māori are disproportionately affected by the impacts of climate change, largely living in rural and remote areas that are exposed to multiple natural hazards. Including severe flooding, coastal erosion, droughts, high winds, pollution to freshwater bodies, loss of taonga species and biodiversity. We strongly support landowners to consider alternative methods to land use on erosion prone land, in particular where flooding and severe weather events have impacted on the land and surrounding freshwater.

69. Tāngata whenua do not have equitable access to resources to plan adequately for climate change that often have direct consequences to access to freshwater. Māori are not able to retreat or relocate to other locations due to the loss of their tribal estate and their whakapapa and lineage to whenua, moana, awa and other cultural assets.

70. Often climate change planning will be led by local authorities, taking little account of the mātauranga that iwi and hapū have to plan effectively for natural hazards and climate impacts.

71. There are numerous methods based on mātauranga Māori that can be used to plan better for freshwater management and climate change. For instance, using the maramataka, or Māori lunar calendar, to understand tidal and seasonal changes that can influence the level and flow of freshwater sources across the region.

72. New methods and provisions must support more innovative processes that allows tāngata whenua to adapt to climate change. For example, coastal and rural marae and Māori communities may need to consider alternative water sources as a result of climate change. Alternatives such as using desalination systems may be the best method for rural and coastal marae to obtain adequate freshwater sources. Future freshwater provisions must support these techniques and proposals where they arise in such as way such that it does not place increasing bureaucratic and fiscal burdens on coastal and rural communities.

73. We strongly support proposed policy **D.4.39 Tāngata whenua climate change mitigation and adaptation,** and we recommend Policy D.2.3 in the Regional Plan is amended as shown in **Appendix A** to align more specifically with Integrated Management clause 3.5 of the NPSFM.

Appendix A - Remedy and relief sought.

(amendments shown in ~~strikethrough~~ and underline)

Rules

Topic/Chapter	Rule	Recommendation/Remedy sought	Reason.
C.2 Activities in the beds of lakes, rivers and wetlands	C.2.1.2 Excavation of material from rivers – permitted activity		
	C.2.1.3 Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity	Agree	
	C.2.1.8 Construction and installation of structures – permitted activity	Add: mahinga kai site to 3h), 5c), and 7b). Recommend that sites and areas of significance to tāngata whenua do not need to be mapped in the Regional Plan.	Sites and Areas of Significance to tangata whenua can be held in a 'silent file' by the Council or mapped in IHEMPs. Or files can be requested in most cases through direct engagement with tāngata whenua.
	C.2.1.9 Minor riverbank protection works – permitted activity	Add: mahinga kai site and tangata whenua site and area of significance	
	C.2.1.10 Freshwater structures – controlled activity	Add: mahinga kai site. Agree with Matters of control including tangata whenua values and practices.	Sites and Areas of Significance to tangata whenua can be held in a 'silent file' by the Council or mapped in IHEMPs. Or files can be requested in most cases through direct engagement with tāngata whenua.
	C.2.1.12 National Grid structures in a significant area – discretionary activity	Add mahinga kai, and tāngata whenua values.Recommend that sites and areas of significance to tāngata whenua do not need to be mapped in the Regional Plan.	Sites and Areas of Significance to tāngata whenua can be held in a 'silent file' by the Council or mapped in IHEMPs. Or files can be requested in most cases through direct engagement with tāngata whenua.
	C.2.1.13 Regionally Significant Infrastructure structures outside the coastal environment and in a	Add; mahinga kai site and tāngata whenua values.	

Topic/Chapter	Rule	Recommendation/Remedy sought	Reason.
	significant area – discretionary activity		
C.2.2 Activities affecting wetlands	C.2.2.3 Wetland Construction or Constructed wetland alteration of a constructed wetland – permitted activity	Add: 3) the activity does not disturb inanga spawning sites, mahinga kai or tāngata whenua values.	
	C.3.1.2 Small dam – permitted activity	Add; mahinga kai site and activity does not affect tāngata whenua values.Recommend that sites and areas of significance to tāngata whenua do not need to be mapped in the Regional Plan.	Sites and Areas of Significance to tangata whenua can be held in a 'silent file' by the Council or mapped in IHEMPs. Or files can be requested in most cases through direct engagement with tāngata whenua.
	C.3.1.3 Existing in-stream dam – permitted activity	Agree.	
	C.3.1.5 Existing in-stream large dams – controlled activity	Agree with inclusion of new matter of control for tāngata whenua values and practices. But recommend retaining control on site or area of significance to tāngata whenua.	Tāngata whenua values and practices, and sites or areas of significance to tāngata whenua are different matters and should be assessed separately as matters of control. This should apply to all controlled activities. Sites and Areas of Significance to tāngata whenua can be held in a 'silent file' by the Council, or mapped in IHEMPs that are additional to council records. Or files can be requested in most cases through direct engagement with tāngata whenua.
	C.3.1.6 Reinstatement and restoration of natural flows – controlled activity	Agree with the inclusion of new matter of control on tāngata whenua values and practices.	Assumption is that mahinga kai and access to mahinga kai will be assessed as a matter of control as part of tāngata whenua values assessment.
	C.3.1.7 River channel diversion – discretionary activity	Add: tāngata whenua values and practices after inanga spawning site. Recommend that sites and areas of	Sites and Areas of Significance to tāngata whenua can be held in a 'silent file' by the Council, or mapped

Topic/Chapter	Rule	Recommendation/Remedy sought	Reason.
		significance to tāngata whenua do not need to be mapped in the Regional Plan.	in IHEMPs. Or files can be requested in most cases through direct engagement with tāngata whenua.
C.4.1 Land drainage and flood control	C.4.1.5 Re-consenting flood control schemes – controlled activity	Agree.	
	C.4.1.6 Existing land drainage schemes – controlled activity	Agree.	
	C.5.1.6 Water take associated with groundwater investigation bore development, bore testing or dewatering – permitted activity	Add: tāngata whenua values after 'authorised water take'.	
	C.5.1.7 Water takes associated with existing quarry and mine site dewatering – controlled activity	Agree.	
	C.5.1.8 Replacement water permits for registered drinking watersupplies – controlled activity	Agree. But recommend that sites and areas of significance to tāngata whenua do not need to be mapped in the Regional Plan.	Assumption is that mahinga kai, indigenous biodiversity, and effects on tāngata whenua ability to carry out cultural activities, will be assessed as a matter of control under the control (b). Sites and Areas of Significance to tāngata whenua can be held in a 'silent file' by the Council or mapped in IHEMPs. Or files can be requested in most cases through direct engagement with tāngata whenua.
C.6 Discharges to land and water	C.6.1.4 Replacement discharge permits – controlled activity	Agree with proposed changes.	All discharges to water in the current Plan must be removed.
	C.6.1.5 Other domestic wastewater discharges – discretionary activity	Agree with proposed deletion.	
	C.6.1.6 Discharge of treated or untreated domestic typewastewater into water – prohibited activity	Agree with proposed addition of 'treated'	

Topic/Chapter	Rule	Recommendation/Remedy sought	Reason.
C.6.2 Wastewater network and treatment plant discharges	C.6.2.1 Discharge from a pump station or pipe network – discretionary activity	Propose to delete 'water' from this rule	All discharges to water in the current Plan should be removed. This addition also makes this rule more consistent with proposed changes where discharge to water is proposed to be deleted from other rules.
	C.6.2.2 Wastewater treatment plant discharge – discretionary activity	Agree with proposed deletion.	
	C.6.2.X Replacement wastewater treatment plant discharge to water – non-complying activity	Agree with addition of new rule.	
	C.6.2.Y Wastewater treatment plant discharge – prohibited activity		
C 6.3 Production Land Discharges	C.6.3.1 Existing farm wastewater discharges to land – controlled activity	Agree with proposed rules - more stringent on discharges from farm wastewater to water bodies. And matter of control includes assessment of effects on tāngata whenua values.	Consistent with meeting objective on upholding Te Hurihanga Wai and principles of Te Mana o Te Wai.
	C.6.3.X Farm wastewater discharges to land – discretionary activity	Agree with proposed new rule.	
	C.6.3.8 Replacement consent for treated farm wastewaterdischarges to water – non-complying activity	Agree with addition of proposed wording, but add: 1d) site and area of significance to tāngata whenua	
	C.6.3.9 Farm wastewater discharges into water – prohibited activity	Agree with proposed changes.	
C.6.4 Stormwater discharges	Definitions	Agree with proposed definitions.	
	C.6.4.3 Stormwater discharges – controlled activity	Agree with proposed amendments and addition of controls 5) and 6). Recommend that sites and areas of significance to tāngata whenua do not need to be mapped in the Regional Plan.	Sites and Areas of Significance to tāngata whenua can be held in a 'silent file' by the Council or mapped in IHEMPs. Or files can be requested in most cases through direct engagement with tāngata whenua.

Topic/Chapter	Rule	Recommendation/Remedy sought	Reason.
	C.6.4.4 Re-consenting of existing stormwater discharges from the Marsden Point Refinery Site – controlled activity	Agree with proposed matter of control (5). Recommend these provisions are reviewed as part of draft Freshwater Plan Change.	
	C.6.4.5 New stormwater discharges from the Marsden Point Refinery Site – restricted discretionary activity	Agree with the inclusion of new matter of control (4) but delete 'mapped in the Regional Plan' under control (3). Recommend that sites and areas of significance to tāngata whenua do not need to be mapped in the Regional Plan.	Sites and Areas of Significance to tāngata whenua can be held in a 'silent file' by the Council or mapped in IHEMPs. Or files can be requested in most cases through direct engagement with tāngata whenua.
C.6.5 Agrichemicals and vertebrate toxic agents	C.6.5.1 Application of agrichemicals – permitted activity		
	C.6.5.2 Application of agrichemicals into water – permitted activity		
	C.6.5.4 Aerial application of vertebrate toxic agents – controlled activity	Agree with addition of matter (4). Request the above rules are reviewed to be consistent with this rule. E.g. existing Permitted Activities on Agrichemicals.	
C.6.6 Industrial and trade wastewater discharges	C.6.6.4 Re-consenting of existing discharges from the Marsden Point Refinery Site – controlled activity	No amendments proposed through this plan change. Recommend that existing matters (3) and (5) under this rule, are amended or include new control included to assess application on <u>effects on tāngata whenua values and mahinga kai.</u> Recommend that sites and areas of significance to tāngata whenua do not need to be mapped in the Regional Plan.	Sites and Areas of Significance to tāngata whenua can be held in a 'silent file' by the Council or mapped in IHEMPs. Or files can be requested in most cases through direct engagement with tāngata whenua.

Topic/Chapter	Rule	Recommendation/Remedy sought	Reason.
	C.6.6.5 New discharges from the Marsden Point Refinery Site – restricted discretionary activity	Agree with inclusion of new Matter of Discretion (6) under this rule. Recommend that sites and areas of significance to tāngata whenua do not need to be mapped in the Regional Plan.	Sites and Areas of Significance to tāngata whenua can be held in a 'silent file' by the Council or mapped in IHEMPs. Or files can be requested in most cases through direct engagement with tāngata whenua.
C.6.7 Solid waste	C.6.7.5 Discharges from waste transfer stations – controlled activity	Agree with inclusion of new Matter (3).	
	C.6.7.6 Discharges from closed landfills – controlled activity	Agree with inclusion of new Matter (5).	
	C.6.8.3 Contaminated land remediation – controlled activity	Agree with inclusion of new Matter (3).	
	C.6.8.4 Re-consenting passive discharges from contaminated land – controlled activity	Agree with inclusion of new Matter (4).	
	C.6.8.6 Investigating potentially contaminated land – restricted discretionary activity		
C.6.9 Other discharges of contaminants	C.6.9.9 Scattering of human ashes – prohibited activity	Agree with the inclusion of new rule prohibiting this activity.	Activity is contrary to tikanga Māori and tāngata whenua values.
C.8.1 Livestock exclusion	[see consultation document]	Agree with introduction of new setbacks and recommend that a wider setback of 20m is considered for all activities in this chapter.	
C.8.2 Land preparation	C.8.2.1 Land preparation – permitted activity	Include new clause 1(i) within 20m of a site of significance to tāngata whenua	
	C.8.2.2 Land preparation – controlled discretionary activity	Agree with amendments to rule.	
C .8.3 Earthworks	C.8.3.1 Earthworks – permitted activity	Agree with amendments to Table 15. But add new location: Within 20m of sites and areas of significance to tāngata whenua with new threshold of 200m^2 of exposed earth at any time,	In addition to inanga spawning sites, there are multiple freshwater sites and areas of significance to tāngata whenua that should have a higher threshold applied to them when

Topic/Chapter	Rule	Recommendation/Remedy sought	Reason.
		and 50m^3 of moved or placed earth in any 12-month period.	permitted earthworks are being undertaken in close proximity.
	C.8.3.2 Earthworks – controlled activity	Agree with amendments to rule but add new clause (8) within 20m of sites and areas of significance to tāngata whenua. Agree with addition of new control (5) Effects on tāngata whenua values and practices.	Adheres to new plan objectives and policy provisions that protect tāngata whenua values, and NPSFM And Te Mana o Te Wai requirements.
	C.8.3.3 Earthworks in a flood hazard area – controlled activity	Agree with proposed amendments to rule. Recommend that sites and areas of significance to tāngata whenua do not need to be mapped in the Regional Plan.	Adheres to new plan objectives and policy provisions that protect tāngata whenua values, and NPSFM And Te Mana o Te Wai requirements. Sites and Areas of Significance to tāngata whenua can be held in a 'silent file' by the Council or mapped in IHEMPs. Or files can be requested in most cases through direct engagement with tāngata whenua.
	C.8.4.2 Vegetation clearance in riparian areas – permitted activity	Agree with proposed changes made to rule.	
	C.8.4.2A Vegetation clearance on Erosion Prone Land or Highly Erodible Land - permitted activity	Agree with proposed changes made to rule. Include new clause 6) any discharge of sediment originating from the clearing does not give rise to any adverse effects on inanga spawning sites and indigenous biodiversity downstream.	Protects taonga species.
	C.8.4.4 Afforestation and replanting plantation forestry – permittedactivity	Include new clause 7) within 20m of mahinga kai site.	Protects taonga species and mahinga kai sites for tāngata whenua. Consistent with NPSFM.
	C.8.4.5 Afforestation for permanent exotic carbon forests – permitted activity	Add new clause d) 20m of mahinga kai site.	Protects taonga species and mahinga kai sites for tāngata whenua. Consistent with NPSFM.

Topic/Chapter	Rule	Recommendation/Remedy sought	Reason.
C.8.5 Bores	C.8.5.3 Construction or alteration of a bore – controlled activity	Agree with new amendments to clause 2(a) and (b) and amendment to control 5(b).	Protects wai sources and tāngata whenua values.

Policies

Topic/Chapter	Policy	Recommendation/Remedy sought	Reason.
D.1 Tāngata whenua	D.1.1 When an analysis of effects on tāngata whenua values and practices and their taonga is required	**Re-order the provisions in this plan.** This policy should be moved to the beginning of the Plan and not left for applicants to consider on an 'off chance' basis. Clause 1(a) must not be inconsistent with the definition of 'receiving environment' under the NPSFM, which includes the coastal marine area (including estuaries). Recommend clause 1(c) is deleted as it is irrelevant and will limit implementation of this policy. All resource consents should be assessed against Part 2 matters regardless of activity status. This must include Permitted Activities.	Uphold intent of Te Mana o Te Wai principles and NPSFM. Uphold the role of tangata whenua as *Mana Whakahaere*.
	D.1.2 Requirements of an analysis of effects on tāngata whenua values and practices and their taonga	Amend clause 2(a) to include hapū authority. Amend clause 2(b) with outcomes and recommendations of any consultation with tāngata whenua Delete clause (3) as it is irrelevant and up to tāngata whenua to determine.	

Topic/Chapter	Policy	Recommendation/Remedy sought	Reason.
D.2.3 Climate change and development	Particular regard must be had to the potential effects of climate change on a proposed development requiring consent under this Plan, taking into account the scale, type and design-life of the development proposed and with reference to the latest national guidance and best available climate change projections.	Review this policy as part of the plan change to be consistent with NPSMF and effects of development and climate change. Re-word policy or include new policy D.2.3.1 to be consistent with clause 3.5 of NPSFM Integrated Management [bold emphasised]. For example: *(1) Adopting an integrated approach, ki uta ki tai, as required by Te Mana o Te Wai, requires that local authorities must:* *(a) recognise the* ***interconnectedness of the whole environment****, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea; and* *(b)* ***recognise interactions between freshwater, land,*** *water bodies, ecosystems, and receiving environments; and* *(c) manage freshwater, and* ***land use and development****, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and* *(d) encourage the* ***co-ordination and***	Climate change should be considered more carefully through this plan change, as climate impacts can result in different levels of freshwater and can influence the quality of freshwater. In particular, the impact and interconnectedness of urban and rural development and cumulative effects on receiving environment.

Topic/Chapter	Policy	Recommendation/Remedy sought	Reason.
		sequencing of regional or urban growth.	
D.2.14 Resource consent duration		Agree with the inclusion of new wording at (5) but delete second part of policy: whether the activity is supported by mana i te whenua ~~(generally shorter consent duration for activities not supported by mana i te whenua),~~	Enables tāngata whenua the ability to review the duration of resource consents. Second part of policy unnecessary.
D.4 Land and water	D.4.1A Target attribute states	Agree with proposed policy.	
	D.4.2 Industrial or trade wastewater discharges to water	Agree with amendment to policy.	
	D.4.3A Farm wastewater discharge to water	Amend clause 2) to include culturally viable.	Cultural considerations should be considered alongside economic and environmental.
	D.4.3B Municipal discharges	Amend clause 3) to include culturally viable.	Cultural considerations should be considered alongside economic and environmental.
	D.4.10 Avoiding over-allocation	Proposed tables **H.4.1 Minimum flows for rivers to H.4.4 Allocation limits for aquifers** need to consider tāngata whenua values and methods to monitoring. This includes mātauranga Māori and relevant maramataka that can influence water levels in freshwater bodies. The seven day mean annual low flow (MALF) methodology should not be the only method to monitoring allocation and water flows. River allocation limits under Policy H.4.4 must consider the effects on tāngata whenua values and practices. Recommend this policy is read	

Topic/Chapter	Policy	Recommendation/Remedy sought	Reason.
		alongside the monitoring of tāngata whenua attributes. And guidance developed by council and tāngata whenua to accurately develop appropriate freshwater allocation methods and limits.	
	D.4.11 Integrated surface water and groundwater management	Recommend the policy is amended to include provisions from clause 3.5(1)(a)-(d) in the NPSFM. For example: *(1) Adopting an integrated approach, ki uta ki tai, as required by Te Mana o Te Wai, requires that local authorities must:* *(a) recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea; and* *(b) recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments; and* *(c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and* *(d) encourage the co-ordination and sequencing of regional or urban growth*.	Surface water and groundwater management must be considered in a more integrated approach to be consistent with clause 3.5 of the NPSFM.

Topic/Chapter	Policy	Recommendation/Remedy sought	Reason.
	D.4.12 Minimum flows and levels	Agree with addition of new wording to achieve the environmental outcomes in Appendix F.1A. However, water permits approved prior to this plan change, should be reviewed based on new rules and environmental outcomes proposed in the freshwater plan change. This includes reviewing the minimum flows and levels in policies H.4.1 - H.4. 4 respectively.	
	D.4.13 Reasonable and efficient use of water – irrigation	How do these provisions adhere to new requirements of freshwater plan change?	

Tāngata Whenua Freshwater Policies

Proposed wording	Recommendation/Remedy sought	Reason.
D.4.32 Tāngata whenua spiritual connection with wai The spiritual connection tāngata whenua have with wai is recognised and upheld by providing opportunity for mana i te whenua to: 1) Undertake cultural practices; 2) Apply localised mātauranga and tikanga to inform decision making; 3) Undertake hapū Kaitiakitanga; and 4) Have an active and healthy relationship with wai, including physical and spiritual access to wai. *Advisory Note: Access to waterbodies remains a major limiting factor for tāngata whenua. However, regional council has no legal ability to require tāngata whenua access to waterways under the Resource Management Act or any other Act.*	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.

Proposed wording	Recommendation/Remedy sought	Reason.
D.4.33 Mana atua Recognise mana atua by acknowledging that all freshwater bodies are living beings and have the right to be healthy and flourish.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.34 Ki uta ki tai Connectivity between all wai, land and receiving environments, through Te Hurihanga Wai, is prioritised to protect ki uta ki tai – mountains to the sea.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.35 Mātauranga Māori Tāngata whenua can exercise and apply their mātauranga Māori in freshwater management decision-making.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.36 Taonga species Wai habitat is protected and enhanced in collaboration with mana i te whenua to enable taonga species to migrate and thrive by: 1) Reconnecting migratory pathways by: a) avoiding new and removing or remediating existing fish barriers b) avoiding new and restoring river modification or diversion c) maintaining sufficient flow unless there is a functional need for such activities to occur, 2) Improving and then maintaining healthy habitat, 3) Controlling harmful pest species, 4) Improving and then maintaining wai quality, 5) Recognising the importance of estuarine and coastal ecosystems and habitats	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.37 Allocation of water - mauri Allocation of water must provide for the mauri of the wai, taonga species and mahinga kai, taking into account climate change impacts.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.

Proposed wording	Recommendation/Remedy sought	Reason.
D.4.38 Review of resource consents Resource consents that affect wai may be reviewed when any new limits, standards or cultural values become operative in the Regional Plan and the resource consent allows activities inconsistent with the new limits, standards, or cultural values.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.39 Tāngata whenua climate change mitigation and adaptation Wai decision-making has particular regard to tāngata whenua climate change mitigation and adaptation responses (for example as articulated in iwi and hapū environmental management plans and other relevant iwi authority and hapū planning documents).	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.40 Mixing of waters Recognise that the mixing and transfer of waters between catchments is of particular concern to tāngata whenua.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.41 Matters to consider when making decisions for wai All authorities regulating wai must: 1) take into account Te Hurihanga Wai; 2) give effect to the Te Tiriti o Waitangi and Treaty settlement legislation; 3) have particular regard to iwi and hapū management plans recognised by an iwi authority or hapū and lodged with councils; 4) comply with Mana Whakahono ā Rohe arrangements; and 5) recognise and provide for cultural practices according to tikanga including but not limited to rāhui.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.

Proposed wording	Recommendation/Remedy sought	Reason.
D.4.42 Transfer of powers and joint management agreements The Northland Regional Council will investigate the transfer of powers to tāngata whenua (section 33, RMA) and joint management agreements (section 36B, RMA).	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.43 Tikanga and kawa Tāngata whenua are enabled to practice and exercise tikanga and kawa in freshwater decision-making and monitoring.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.44 Te mauri o te wai Ensure that every interaction improves and then maintains te mauri o te wai, and that wai is healed.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.45 Sustainable use of wai Water is managed in a way that provides for tāngata whenua to manage and sustainably use wai for marae, papakāinga, Māori land, and current and future Treaty settlement land, to enable their economic, social and cultural wellbeing and enhance tikanga Māori.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.46 Allocation of water *Council is seeking feedback on the recommendations of TWWAG water allocation policy. Please refer to the Water allocation companion document for more information*.	Agree with inclusion of this policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.47 Tāngata whenua values Protect tāngata whenua values associated with wetlands, rivers, lakes and their margins, and receiving environments including their ecosystems, from inappropriate activities that affect wai.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.

Proposed wording	Recommendation/Remedy sought	Reason.
D.4.48 Restoring degraded waterbodies To restore and then maintain degraded wetlands, rivers, lakes and their margins, and receiving environments, so that: 1) taonga species are healthy and resilient 2) wetlands and water bodies function as they should in Te Hurihanga Wai 3) mahinga kai are thriving and supporting cultural, social, environmental, spiritual and economic outcomes for tāngata whenua 4) cultural practices and tikanga can be undertaken in wai tapū and other significant water bodies identified by tāngata whenua 5) harmful pest species are controlled in an integrated way at levels that enables taonga species to thrive 6) access to water bodies for waka is enabled where access is limited.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.49 Mauri of wetlands Through good wetland management (including stock exclusion and sustaining flows) enhancement and restoration to improve the mauri of wetlands, by 2030: 1) Taonga species are thriving 2) The ecological condition of at least 30% of wetlands is improving 3) The plant and animal communities of significant wetlands for each wetland type, are thriving.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.50 Improving degraded wai Further degradation of wai must be prevented and efforts made to improve current attribute states where these are below bottom lines, with the aim of achieving target attribute states.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.51 Climate change mitigation and adaptation Recognise that climate change mitigation and adaptation is an essential component of freshwater decision-making	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.

Proposed wording	Recommendation/Remedy sought	Reason.
D.4.52 The climate crisis and freshwater decision-making Recognise that adapting to the climate crisis needs to be built into all freshwater decision-making so that: 1) The health and integrity of aquifers are preserved and protected 2) Surface water and ground water management is integrated; 3) Wetlands are conserved, maintained and rehabilitated; 4) Water dependency and related climate risks are understood, and urban and rural communities' exposure to risks are reduced and resilience increased; and 5) Freshwater-related infrastructure is climate-proofed, including in design of new and retrofit of existing infrastructure.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.53 Mitigating climate change Recognise that the way water is used can help mitigate climate change *Advice Note: For example, the use of energy efficient pumps and use of freshwater for renewable energy generation*.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
D.4.53 Commercial wai bottling Avoid the taking of wai for commercial wai bottling purposes unless that wai is: 1) supported by tāngata whenua or 2) taken for the purpose of supplying water for domestic needs within the Te Tai Tokerau region.	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.

Freshwater Environmental Outcomes

Objectives	Proposed wording	Recommendation/Remedy sought
F.1A.1 Priorities for freshwater management	Manage natural and physical resources in freshwater bodies and their catchments so that: **As a first priority** 1) the mauri, life-supporting capacity, ecosystem processes and indigenous biodiversity of freshwater bodies and harbours and estuaries, and their habitats are protected and improved where degraded 2) river flows (and flow variability and flushing flows), lake levels and any damming, diversion and the take and use of water, provide for the habitats and lifecycles of indigenous species and support the ecological function of freshwater bodies 3) water quality attributes for ecosystem health are at least maintained, and improved where target attribute states or community and tāngata whenua outcomes are not being met for fresh water or receiving environments 4) There is a continued increase in the extent of natural inland wetlands, and loss of river extent and values is avoided to the extent practicable. 5) Natural inland wetlands and the freshwater habitats of threatened species are mapped 6) indigenous ecosystems and habitats that support populations of threatened species are restored to a healthy functioning state, and the overall threat status of regionally and nationally Threatened or At Risk species is reduced 7) freshwater ecosystems are resilient to the foreseeable impacts of climate change 8) preventing the introduction of new freshwater pests into Northland and slowing the spread of established freshwater pests within the region is minimised. **As a second priority:** 9) Freshwater is available for drinking water supplies and water quality is suitable to enable it to be used for drinking water supplies (after good practice treatment). 10) water quality is improved over time, so it is suitable for people and communities to safely undertake recreation and other activities that involve contact with fresh and coastal water, and flows and water levels support recreational and other activities that involve human contact with water. 11) Mahinga kai species are safe to harvest, eat and use, mahinga kai species are healthy and abundant and the exercise of customary practices is not compromised 12) The mauri of important mahinga kai sites is protected and enhanced where	Gives effect to Te Hurihanga Wai and policy and principles in Te Mana o Te Wai (NPSFM).

	degraded 13) Mahinga kai resources are available to support manaakitanga. **As a third priority** 14) Water quality is suitable for consumption by farmed animals, and sufficient water is available to provide for their reasonable drinking needs. 15) The natural form and character of rivers, lakes and natural wetlands are protected, and enhanced where degraded 16) Wai tapū sites in freshwater bodies are protected from modifications—including physical disturbance, discharges of contaminants, and artificial changes to flows and levels—that would compromise the ability of tāngata to exercise customary practices, tikanga and kawa 17) Use of freshwater bodies for transport-related activity is enabled. 18) Water bodies support fisheries of species allowed to be caught and eaten, and fish are suitable for human consumption. 19) Fresh water is of a suitable quality for irrigation and supports the production of food and fibre and associated processing. 20) Sufficient water is available, and sources are resilient to climate change effects. 21) Freshwater is of suitable quality, and sufficiently available, to support commercial and industrial uses. 22) River flows and allocation levels enable opportunities for hydro-electric power generation at various scales. 23) Water quality and quantity is suitable for irrigation for domestic food supply. 24) Water quality and water quantity allocation frameworks make sufficient provision for appropriately located domestic food production. 25) The quality and quantity of water used for domestic food production is resilient to climate change.	
F.1A.2 Te Hurihanga Wai	The spiritual wellbeing and whakapapa of wai is prioritised and enhanced. All people who use and/or affect wai, listen to and respect Te Hurihanga Wai.	Gives effect to Te Hurihanga Wai and policy and principles in Te Mana o Te Wai (NPSFM).
F.1A.3 Treating land, wai and ecosystems as one	The land, wai and associated ecosystems are treated as one to ensure the mauri, health, and wellbeing of wai is put first.	Gives effect to Te Hurihanga Wai and policy and principles in Te Mana o Te Wai (NPSFM).

F.1A.4 Climate change and wai decision-making	The impacts of climate change must be integrated into all wai decision-making.	Gives effect to Te Hurihanga Wai and policy and principles in Te Mana o Te Wai (NPSFM).
F.1A.5 Rangatiratanga and Kaitiakitanga	Tāngata whenua can exercise Rangatiratanga and Kaitiakitanga in wai decision-making.	Gives effect to Te Hurihanga Wai and policy and principles in Te Mana o Te Wai (NPSFM).
F.1A.6 Tikanga Māori, He Whakaputanga and Te Tiriti o Waitangi	Freshwater management decisions: 1) take into account Tikanga Māori and He Whakaputanga, and 2) give effect to Te Tiriti o Waitangi.	Gives effect to Te Hurihanga Wai and policy and principles in Te Mana o Te Wai (NPSFM).
F.1A.7 Tāngata whenua well being	Tāngata whenua environmental, economic, social, spiritual, and cultural wellbeing is enabled and resourced	Gives effect to Te Hurihanga Wai and policy and principles in Te Mana o Te Wai (NPSFM).
F.1A.8 Meeting target states for Māori freshwater values attributes	Wai is improved and then maintained so that by 2040 the wellbeing of wai meets tāngata whenua target attribute states set in the freshwater plan	Gives effect to Te Hurihanga Wai and policy and principles in Te Mana o Te Wai (NPSFM).

Attributes for Māori freshwater values and target attribute states

We support the proposed attributes for Māori freshwater values H12.1.1 – H.12.1.9. We further support the proposed Freshwater Target attribute states for Māori freshwater values in H.12A.1, and request iwi and hapū are involved in the monitoring of the other target attribute states in H.12A.2 Target states for other attributes in rivers and H.12A.3 Target states for other attributes in lakes.

From:	Sam Napia
To:	mailroom
Cc:	[redacted]
Subject:	Te Runanga A Iwi O Ngapuhi Freshwater Plan Change Feed back submission 20240328
Date:	Thursday, 28 March 2024 11:58:59 am
Attachments:	Printed NRC Freshwater Plan Change Submission 28 March 2024.pdf

Tēnā koutou
Plēāsē sēē thē āttāchēd.

Sam Napia
Chief Executive
Te Runanga a Iwi o Ngapuhi
M: 0274 790 511
E: sam.napia@ngapuhi.org
W: http://ngapuhi.iwi.nz

Submission on

NORTHLAND REGIONAL COUNCIL'S

DRAFT FRESHWATER PLAN CHANGE

March 2024

INTRODUCTION

1. This submission has been prepared by Te Rūnanga-Ā-Iwi O Ngāpuhi.

2. Te Rūnanga-Ā-Iwi O Ngāpuhi is the mandated organisation representing some 160,000 people who identify as Ngāpuhi. Ngāpuhi is the largest Iwi in New Zealand. Te Whare Tapu O Ngāpuhi, the tribal lands and shores of Ngāpuhi, are generally described as being from Tākou Bay through to Whangārei, across to Maungakaramea, then northward to the Hokianga, across to Mangamuka and arriving back at Tākou Bay.

3. As affirmed in Te Tīriti O Waitangi, Ngāpuhi is the guardian of the natural resources which includes land, coastal areas, sea, waterways and other resources within our tribal region. This includes the foreshores and sea beds extending out from the coast and harbours of Te Whare Tapu O Ngāpuhi and the subject of the current debate over ownership and management of such.

4. Ngā Hapū O Ngāpuhi actively exercise their customary rights and responsibilities of Kaitiakitanga throughout our district. Traditional cultural practices closely tie Ngāpuhi to our forests, coastal shores, waters and whenua.

5. Te Rūnanga-Ā-Iwi O Ngāpuhi welcomes the opportunity to comment on Northland Regional Council's draft Freshwater Plan Change.

GENERAL ISSUES

6. In principle, Te Rūnanga-Ā-Iwi O Ngāpuhi supports a regional freshwater plan change. However, any changes must give recognition and provisions that implement Te Tiriti o Waitangi and uphold any existing and future Treaty Settlement arrangements.

7. While drafting of this submission, a number of policy and legislative changes by the current Government have and are continuing to be introduced. We expect further amendments to both a national direction for freshwater and localised management. Therefore, we expect that hapū and iwi are supported and resourced to participate in any future Northland Regional Council planning processes.

8. We acknowledge the process Northland Regional Council has undertaken to consult and that they have taken onboard some of the work and advice from their Tāngata Whenua Water Advisory Group. However, hapū and iwi need to be included and participate in any future co-designing processes and workshops.

9. Furthermore, Te Rūnanga-Ā-Iwi O Ngāpuhi would like to see that policies and objectives relating to the management of freshwater in Hapu and Iwi Environment Management Plans are to be provided for within the plan change.

TE MANA O TE WAI

10. Te Rūnanga-Ā-Iwi O Ngāpuhi recognises and supports Te Mana o Te Wai as the overarching principle for the management of freshwater resources.

11. Te Rūnanga-Ā-Iwi O Ngāpuhi also supports and acknowledges the Hierarchy of Obligations in Te Mana o Te Wai that prioritises:
    a) First, the health and well-being of water bodies and freshwater ecosystems
    b) Second, the health needs of people

c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

12. Te Rūnanga-Ā-Iwi O Ngāpuhi further supports planning provisions and objectives that give effect to Te Mana me te Mauri o te Wai including provisions that recognise Te Hurihanga Wai, the whakapapa o te wai as described in the draft Freshwater Plan Change and supporting reports.

MĀORI FRESHWATER VALUES & ATTRIBUTES

13. Te Rūnanga-Ā-Iwi O Ngāpuhi supports the retention of Māori freshwater values but acknowledges that hapū may also have other localised values that should not be precluded in freshwater management.

14. Te Rūnanga-Ā-Iwi O Ngāpuhi also supports the inclusion of an assessment of 'effects on tāngata whenua values and practices' as a new control method for all controlled activities in the Freshwater Plan for Te Tai Tokerau.

15. We further support the introduction of more stringent rules to enhance and protect freshwater bodies and indigenous biodiversity ie wetlands and inanga spawning sites from any further degradation.

16. While in principle we support the provisions in the Water Quality Standards and Guidelines, the methods and guidelines must be read and understood in parallel with Māori freshwater attributes.

17. Te Rūnanga-Ā-Iwi O Ngāpuhi support improving water quality to make it safe for human contact. It is important for tāngata whenua to have mahinga kai and taonga species that are not polluted by contaminants making them unsafe and at risk. This includes being able to harvest food, and having water bodies clear of sedimentation and other pollutants. In principle we support Freshwater Management Units (FMUs), however these units need to involve hapū and iwi in the method for establishing FMUs.

STOCK EXCLUSION & SET BACKS

18. We support the inclusion of more prescriptive rules on setbacks for stock exclusion, but note the financial burden this may have on landowners. However, we believe that this is a small trade off to enhance and protect our freshwater systems.

19. We support the new stock exclusion rules and provisions that have multiple benefits to achieving freshwater outcomes, such as decrease in livestock damage, bank stabilisation, flood control, plant nutrient uptake, and increased habitat and ecosystem for freshwater species.

20. Riparian planting as a method of maintaining, improving and revitalising terrestrial and freshwater ecosystems should be required for all activities surrounding freshwater, including on highly erodible land. Where possible, riparian planting of native species should be undertaken in consultation with hapū from the area who can confirm the most suitable species.

21. Given the ambitious vision and environmental outcomes in the draft Freshwater Plan, it is considered wider setbacks will help achieve these goals by 2040. Further, we acknowledge the impact climate change is having on erodible land resulting in significant soil erosion in places.

With more significant weather events predicted to continue and increase, this in turn will add to the further degradation and pollution of our waterways.

22. We acknowledge the cost implications that this new policy and rules may have on all landowners including Māori entities (PSGEs and non-settled) who may not have the financial means to implement and comply with proposed regulations. We therefore recommend the Council introduces a range of mechanisms such as rates relief policies, contestable funds, or similar policies to reduce the financial burden the proposed new rule may have on Māori landowners.

WATER ALLOCATION, EXTRACTIONS & DISCHARGES

23. Te Rūnanga-Ā-Iwi O Ngāpuhi understands that there are many issues concerning the overallocation of water sources in Te Tai Tokerau. While in principle we agree that permissive rules are required for domestic households, minor and temporary activities. We believe robust monitoring is required to measure commercial use, including agricultural and horticultural activities.

24. The current water allocation policy and regime of a 'first come first serve' basis as permitted under the Resource Management Act 1991, has not supported hapū and iwi in their role as kaitiaki over their freshwater resources.

25. Te Rūnanga-Ā-Iwi O Ngāpuhi supports the 20% water allocation policy that will set aside a proportion of water for hapū and iwi. This will give effect and strengthen the relationship whanau, hapū and iwi have with their freshwater resources and future development opportunities.

26. We further support the intent of the policy that enables Māori land owners the ability to use remaining water that can be allocated within existing limits to improve the health and wellbeing of tāngata whenua. As a result of historical injustices suffered by Māori through breaches of Te Tiriti o Waitangi, the Council must recognise and provide additional support to tāngata whenua via water allocation policies.

27. Furthermore, we support the introduction of new Matters of discretion (2) effects on tāngata whenua values and practices, and (6) sites of significance to tāngata whenua in Rule C.5.1.10 – High flow allocation. It is expected through the introduction of these new controls, hapū and iwi values can be taken into account by the Regional Council through the consenting process.

28. In terms of future and current Treaty settlement arrangements over freshwater, these must be upheld and provided for in the Freshwater Plan going forward. This includes recognising statutory acknowledgements over wai, and land returned (or under negotiation) with the Crown.

29. To manage population growth in Te Tai Tokerau, we recommend Council to introduce provisions concerning resource consent renewals. That existing consents are reviewed to align with new provisions once notified. This would be consistent with the NPSFM policy intent in relation to Integrated Management.

30. Furthermore, we recommend that the duration of consents is shortened to a 10-year period, as opposed to 35 years. This will allow for regular reviews and for new environmental information to be taken into account.

31. To give effect to Te Mana me Te Mauri o Te Wai, we strongly recommend that the practice of sewerage discharges to water and water systems be completely phased out over the next 5 years. Continuing to allow the discharge of sewerage from treatment plants or other outlets to water and water systems is consider to be an abhorrent practice.

MĀTAURANGA MAORI & SITES OF SIGNIFICANCE

32. Te Rūnanga-Ā-Iwi O Ngāpuhi supports the use of mātauranga Māori for freshwater monitoring and be led by hapū with the support of Council. We note the inclusion of possible funding of a mātauranga Māori framework in the draft Action Plan. We strongly support this funding, and that it is included in NRCs Long Term and Annual Plan budgets. The funding must be provided to tāngata whenua in a non-contestable grant to enable tāngata whenua to develop their own monitoring programmes.

33. Measuring the state of mauri in wai can be undertaken using both western science and mātauranga Māori. Mauri monitoring is best undertaken by those who know what the mauri or life force of the wai used to be like before it decreased. Often this extends to more than measuring tangible outcomes such as indigenous species, or level of contaminants. Existing mauri measurement frameworks and tools can support the development and implementation of a Te Tai Tokerau specific monitoring framework. This should be adaptive enough for hapu and iwi to alter based on their information, analysis and cultural values associated with wai

34. Any data and information using mātauranga Māori for freshwater monitoring must remain the property of hapū and iwi. Data information protocols must be developed by the Council and hapu/iwi documenting how their data and information is used and shared.

35. While Te Rūnanga-Ā-Iwi O Ngāpuhi support the inclusion and assessment on the effects of sites and areas of significance under the draft Freshwater Plan, we do not agree that all sites and areas must be listed and mapped in the Regional Plan.

36. We recommend that the Council amend provisions to allow sites and areas of significance that are ***not*** mapped to be assessed in resource consent processes. This would be consistent with the National Policy Statement for Freshwater Management where 'wai tapu' are affected by particular activities, but not necessarily mapped in the Regional Plan. Further, we recommend where sites are mapped and identified in iwi and hapū management plans, this information must be given the same weighting as if the sites were mapped in region or district plans

WAI LEGAL RIGHTS

37. Wai Māori must not be considered a commodity and a resource that can be sold, abused, and neglected. In Te Ao Maori, Wai Māori is part of our whakapapa, it is considered a living being. We therefore support the inclusion of Policy D.4.33 as it upholds Te Mana o Te Wai by acknowledging the living nature and sanctity of Wai Maori.

38. The notion of granting legal rights to non-human entities is not new and has been implemented to support nature both internationally and domestically. While Te Rūnanga-Ā-Iwi O Ngāpuhi agree that water is a living entity and has the right to be healthy and flourishing, we acknowledge the extensive discussions that need to occur around this model.

39. We support further investigation of this recommendation, in particular how iwi and hapū can develop the regulatory framework that best represents protection of the rights of wai to be 'healthy and flourishing'.

CLIMATE CHANGE

40. The impacts of climate change and freshwater management are inextricably linked. Hapū and iwii are disproportionately affected by the impacts of climate change, largely living in rural and remote areas that are exposed to multiple natural hazards.

41. Te Rūnanga-Ā-Iwi O Ngāpuhi support more stringent objectives, policies and rules to determine effects of climate change and natural hazards in the draft Freshwater Plan. This must include enabling hapū and iwi to plan for climate change based on mātauranga. This includes, but not limited to, developing and identifying new water sources in areas of need, such as for coastal and rural marae.

42. We support stronger provisions for integrated planning that give effect to better stormwater management, erosion and sediment control plans and waste water treatment compliance. These factors must be aligned with appropriate engineering and environmental standards that are in accordance with our hapū cultural values.

43. We further strongly support landowners to consider alternative methods to land use on erosion prone land, in particular where flooding and severe weather events have impacted on the land and surrounding freshwater.

CONCLUSION

44. Te Rūnanga-Ā-Iwi O Ngāpuhi welcomes the opportunity to submit on the draft Freshwater Plan Change and welcome future involvement.

45. We also acknowledge Council for being proactive and preparing a draft Freshwater Plan to meet existing timeframes under the NPSFM 2020.

Date: 28 March 2024

Sam Napia
Chief Executive
Te Rūnanga-Ā-Iwi O Ngāpuhi

From:	noreply@fs17.formsite.com on behalf of Formsite
To:	Freshwater
Subject:	draft Freshwater Plan Change feedback from: Violet Nathan
Date:	Sunday, 31 March 2024 5:01:03 pm

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Violet
Last name:	Nathan
Organisation:	Mahurangi Hapu
Mailing address:	Tikipunga Whangarei
Email:	[redacted]
Topics for feedback:	• The vision, objectives and/or targets for our freshwater future • Managing highly-erodible land • Eliminating discharges to water • Managing exotic forests • Managing impacts on tangata whenua values • Stock exclusion – distance from waterways • Stock exclusion – highly-erodible land • Timeframes for stock exclusion rules • Managing water allocation • Enabling tangata whenua to practice as kaitiaki for wai • Support and funding for efforts to improve freshwater • Something else (please specify below) (No Toxic or Gold Mining of Puhipuhi, Whakapara)
Tell us what you think:	Mahurangi Hapu would like to show that we are maori and community of interest for all areas of significant in our defined area under the Maori Community Development Act 1962. 1. We would like to commend NRC on reaching this draft stage of plan development. The framework you have developed provides a solid base for amendment to effectively address water quality issues we have in Te Tai Tokerau, not just to give effect to the NPS-FM (2020) and Te Mana o te Wai. This plan change represents an aspiration to ensure our tamariki, mokopuna, and future generations can swim in our rives and access safe drinking water, while providing for themselves and any options for how they live with our rivers, lakes, wetlands, and land in the future. This plan change is important to our maori and community because what you do to the land, and what you do to the water, you do to our people.

2. We generally supportive of the draft plan change, particularly the incorporation of objectives and policies relating to Te Mana o te Wai (such as Objective 3.16 Te Mana me te Mauri o te Wai). I strongly support the retention of Te Mana o te Wai in the plan.

3. Our primary interest in freshwater in Northland is as tangata mana whenua, kaitiaki, fisher, swimmer, and we value the health of our rivers and streams, groundwater, and wetlands and the life-supporting services they provide, as well as their overriding cultural value, and our tino rangatiratanga over our Wai Maori - our water - which is protected as taonga and enshrined by the terms of Te Tiriti o Waitangi. We also value the coastal areas where these waterways flow to, which are obvious 'receiving environments' for water from upstream in the catchment.

Ngararatunua Kamo Maori Committee protects Lake Ora Natural Springs in Te Kamo. We also want to protect all wai flowing through all the waterways that our tupuna protected for generations before us.

4. The water bodies and coastal environments that we interact most with and am most concerned with:
(a) The River and all its tributaries;
(b) All of the puna and awa - springs and streams,
(c) All of the lakes
(d) All of the rivers
(e) All of the wetlands,
(f) All of the springs and aquifers,
(g) All of the estuaries
(h) All of the beds and the banks of the rivers, lakes, streams, wetlands, and estuaries

5. Primarily we value the water quality values of these areas for protecting the safety of our drinking water, as our tupuna did. Also vitally important in ensuring the safety of our kai, and the environment where we enjoy contact recreation such as swimming and diving (and ecosystem health by association – as healthy ecosystems support better water quality for contact, such as by limiting algal growth and particularly toxic algal growth.

6. The natural and wildlife values of these areas are also important to me because this is where our people commune with our environment, and this is every bit as much of a "holy" communion as the colonial practises of "holy communion" - these places are our 'holy' places. The birds, the fish, the eels, the insects, the trees and plants, all have deep intrinsic value to us and all of them are sustained on a fundamental level by water, and vitally reliant on the quality of that water to sustain life.

7. We would like Northland Regional Council to do as much as it can to protect and restore te Mana o te Wai and to achieve and maintain optimum ecosystem health in these areas, and across the region generally.

Key Issues:

8. Key issues for us across Northland include water quality (particularly e. coli, sediment, algal growth/periphyton, potential toxic waste from mining activities, and ecosystem health); amenity values/drinking water; contact recreation; and natural form and character. We see sediment flowing into our waterways uncontrolled and unmitigated by local bodies, we experience flooding frequently, and damage to roads and other infrastructure caused by run off and flooding. We frequently experience toxic algal blooms in our rohe (area) that poison our kai and our wai Maori - drinking water - and prevent us from practising our traditional cultural activities - swimming, diving, and travelling on rivers and waterways. We now have caulerpa in our inshore waters, and a number of invasive foreign species that have made their way past our border controls and governance and management bodies.
9. I support having strong regulatory measures in the plan to address these issues.

10. To address freshwater issues, I would like to see Northland Regional Council:
a. Protect and provide for ecosystem health by
i. Including clear target attribute states for nitrogen and phosphorus, and any heavy metals that might be part of toxic waste from mining proposals, that protect ecosystem health (not just 'toxicity'); and connecting these to limits on resource use. It appears these are missing from the draft plan and this gap needs to be addressed.
ii. Providing for Te Mana o te Wai throughout the plan.

b. Protecting the health of groundwater for human drinking and ecosystem health by: i. Including a target attribute state for nitrate-nitrogen in groundwater with a target of less than 1.0 mg/L nitrate-nitrogen.

c. Protecting erosion prone land through:
i. new rules limiting vegetation clearance, land preparation and earthworks in areas of high erosion risk, with tighter controls applied to these activities in areas with severe erosion risk.
ii. new rules requiring stock to be excluded from areas of both high and severe erosion risk.

d. Keeping stock out of waterways with
i. rules for streams in steeper areas,
ii. large enough setbacks (>10m) to provide enough space for riparian vegetation to establish around waterways, to allow rivers and streams to naturally adjust through erosion over time, and to provide space for rivers to dissipate flood energy without eroding fences or causing problems downstream

e. Eliminating and reducing discharges by:
i. Requiring consent for dairy effluent discharges to land
ii. Prohibiting new farm dairy effluent discharge to water and

introducing stricter
requirements for renewal of existing consents.
iii. Prohibiting new wastewater treatment plant discharges to water and introducing stricter requirements for renewal of existing consents.
iv. Prohibiting domestic wastewater discharges to waterways
v. Prohibiting any toxic waste from mining activities into waterways above and below ground

f. Protecting wetlands by
i. Prohibiting wetland drainage and clearance
ii. Requiring stock exclusion from wetlands
iii. Adding policies to the plan that would encourage wetland restoration
iv. Mapping and monitoring wetland extent
v. Introducing a measure of wetland condition using a tool like the wetland condition index (as recommended by the Government's Science and Technical Advisory Group on the NPS-FM)

g. Controlling exotic forestry by:
i. Requiring larger setbacks for exotic carbon and plantation forestry from waterways. ii. Requiring resource consent for plantation forestry and exotic carbon forests in
high-value dune lake catchments.
iii. Prohibiting clear-felling of forestry in high-risk or steep areas

h. Expanding requirements for assessing impacts on cultural values by
i. Adding requirements for resource consent applicants to assess cultural impacts that affect tangata whenua values for freshwater.

i. Phasing out and preventing over-allocation of water by
i. Using short-term consents of < 10 years for all water takes, unless for
municipal/papakainga/marae supply
ii. Prohibiting water takes above environmental flows and levels
iii. Ensuring consent expiration dates are aligned across a catchment
iv. Setting aside a portion of unallocated water (provided it is within environmental limits) to be used for environmental enhancement.

j. Addressing nutrient pollution from agriculture by
i. Having a robust allocation system for nutrient leaching, which should include things like limits on fertiliser use and stocking rates in degraded catchments.

k. Promoting nature-based solutions by
i. Including policy prioritises nature-based solutions over engineered solutions when making decisions on flood protection.
ii. Including policy protecting the ability of existing wetlands, native forests, and rivers/floodplains to naturally mitigate extreme weather

	l. Improving the management of the natural character and habitat of our rivers by i. Increasing the regulation of activities in the beds of rivers, such as gravel extraction ii. Requiring regular monitoring and reporting of natural character and physical habitat in rivers iii. Including target attribute states for natural character and physical habitat in rivers m. Protecting coastal water and water in 'receiving environments' by: i. Protecting and restoring catchments upstream to improve water quality ii. Including target attributes for water quality in estuaries and coastal areas iii. Responding promptly and effectively to reports of pollution, contamination, invasive species, etc. iv. Ensuring that water in our waterways is maintained at a drinkable standard, and publishing full results of monthly testing on NRC website n. Honour Te Tiriti o Waitangi by: i. Consulting fully with the local hapu and Maori Associations, including primarily the Mahurangi Hapu regarding all issues that affect our rohe - our area of jurisdiction, and our catchment area. ii. Establish and support systems based on tino rangatiratanga Maori, and work with and collaborate with Mahurangi Hapu to enact and implement these systems. Thank you for the opportunity to make this submission. We look forward to the progression of the plan to notification and the improvements in water quality it can bring when implemented.
How did you find out about this:	• Sector group • Word of mouth • Other (please specify below) (Te Tai Tokerau District Maori Council - Maori Committees - Environmental Working Group)
Last Update	2024-03-31 17:00:51
Start Time	2024-03-31 16:58:37
Finish Time	2024-03-31 17:00:51

From:	Heather Osborne
To:	Freshwater
Cc:	Christine Niblock; Taya Baxter
Subject:	Whangarei District Council Feedback
Date:	Thursday, 28 March 2024 12:51:30 pm
Attachments:	WDC Feedback March 2024 - NRC Freshwater Plan Change.pdf

Tena koe,

Please find attached feedback to the Northland Regional Council Draft Freshwater Plan Change, provided on behalf of the Whangarei District Council.

Nga mihi,
Heather Osborne
Commons Planning Limited.

Feedback form

Draft Freshwater Plan Change

The closing date for feedback is **5pm, 31 March 2024**

We welcome your feedback on anything in our draft Freshwater Plan Change. To learn about the changes being considered, visit www.wai-it-matters.nz

We encourage electronic feedback, as it helps keep costs down and reduce our impact on the environment. Head to wai-it-matters.nz or email us at freshwater@nrc.govt.nz

Otherwise, complete this form and return it:

- **By mail** Freepost 139690, Northland Regional Council, Private Bag 9021, Te Mai, Whangārei 0143
- **In person** to our main office at 36 Water Street, Whangārei; or to any of our regional offices.

Your name and contact details

Please provide your name and at least one other piece of contact information

Full name: N/A

Organisation (if giving feedback on behalf): Whangarei District Council (WDC) – Infrastructure Department

Mailing address: 7 Rust Avenue, Whangarei 0110

Email: infrastructure_planners@wdc.govt.nz

Phone: (09) 430 4200

What topics do you want to provide feedback on?

Select as many as you want

☒ The vision, objectives and/or targets for our freshwater future
☒ Managing highly-erodible land
☒ Eliminating discharges to water
☒ Managing exotic forests
☒ Managing impacts on tāngata whenua values
☒ Stock exclusion – distance from waterways
☒ Stock exclusion – highly-erodible land
☐ Timeframes for stock exclusion rules
☒ Managing water allocation
☒ Enabling tāngata whenua to practice as kaitiaki for wai
☒ Support and funding for efforts to improve freshwater
☐ Something else

Tell us what you think

Please provide your thoughts and comments on anything in the draft Freshwater Plan Change.

See below.

If you have more to say, feel free to attach more pages to this feedback form.

How did you find out about this feedback opportunity?

☐ Social media	☐ Letter from us
☐ Radio	☐ Sector group
☐ Newspaper	☐ Word of mouth
☐ Email from us	☐ Other: _____

☒ **Please keep me updated.**

Thank you for taking the time to provide feedback.

OBJECTIVES (Northland Regional Policy Statement)

Provision Number	Freshwater Plan Changes Text	Position	Recommended	Rationale- Comments
Objective 3.16 Te Mana me te Mauri o te Wai	In order to give effect to Te Mana me te Mauri o te Wai, the spiritual wellbeing and whakapapa of Te Hurihanga Wai is prioritised, respected, protected and enhanced by 2040. Explanation: This objective, proposed by the Tangata Whenua Water Advisory Group1, gives effect to Section 3.2(3) of the National Policy Statement for Freshwater Management (NPS-FM), which requires an objective be included in the Regional Policy Statement that describes how the management of freshwater in the region will give effect to Te Mana o te Wai. Te Mana me te Mauri o te Wai is the same concept as Te Mana o te Wai – but makes clear that it is the mauri of wai that is the critical element. Te Huringa Wai is the Māori expression of the hydrological cycle. It involves many atua and guardians. The Tangata Whenua Water Advisory Group describe how through whakapapa Māori view freshwater: "…as a living being that derives from ngā atua, and outside of this world. These waterways traditionally had abundant species that lived in harmony and were interconnected as a whole. When a part of the water cycle is broken, that harmony and interconnectedness is broken. Thus, the Te Hurihanga Wai or cycle of water is broken as well, resulting in severe consequences for tangata whenua and species that rely on those ecosystems to survive and thrive." The following diagram is a visual interpretation of Te Hurihanga Wai.	Neutral	N/A	No current comment.

	 The 2040 date was chosen as it is the 200 year anniversary of the signing of Te Tiriti o Waitangi (The Treaty of Waitangi). It also a date that is within the not too distant future but also far enough in the future to allow time to implement changes to the way we use and impact freshwater.			
Objective 3.17 Long-term vision for freshwater	The wairua and whakapapa of Te Hurihanga Wai, is prioritised, respected, protected and enhanced. We will know if we are on track to achieve the vision if by 2040: (a) Tangata whenua values and mātauranga Māori are identified and are embedded in freshwater management; and (b) Tangata whenua are actively leading freshwater decision making, monitoring, policy and plan changes, and resource consent processes; and (c) The mauri and health of freshwater is significantly enhanced; and (d) The habitat health of freshwater and coastal receiving environments is improving; and (e) The range, diversity and numbers of freshwater native species is improving; and (f) Freshwater is safe for people to interact with (such as practicing mahinga kai or swimming) at most sites; and (g) Freshwater ecosystems are more resilient to the impacts of climate change; and (h) Sources of drinking water supplies are clean and reliable, and resilient to the impacts of climate change; and (i) Freshwater is used sustainably to support resilient and thriving communities, and sustainable livelihoods	Neutral		No current comment.

	Explanation: This is the long-term vision for freshwater as required by section 3.3 of the NPS-FM. It applies to the entire region and all the Freshwater Management Units. The vision is deliberately ambitious (difficult to achieve) but reasonable (not impossible). Achieving the vision is going to take a long time – we don't really know how long it will take as there are many uncertainties (e.g. how climate change will impact on freshwater health). That is why we have set a vision with no absolute timeframe. However, we have set a range of outcomes to be achieved by 2040 which serve as not-too-distant markers to guide freshwater management decisions now and to provide a point of reference in time to know whether we are on the right track			

Definitions (Northland Regional Plan)

Provision Number	Freshwater Plan Changes Text	Position	Recommended	Rationale- Comments
Afforestation	The deliberate planting and growing of exotic trees on land that is not currently forested, but does not include: a) Replanting of plantation forest following harvest, or b) An area of planting that is less than 1ha and where tree crown cover is likely to be less than 30m wide, or c) shelter belts; or d) planting trees in urban areas; or e) planting in nurseries and seed orchards; or f) trees grown for fruit or nuts; or g) ecological restoration planting, or h) trees established as a condition of a resource consent; or i) trees space planted for soil conservation purposes.	Neutral	N/A	No current comment.
~~**Erosion-prone Land**~~	~~Land defined as Land Use Capability (LUC) units 6e17, 6e19, 7e1 - 7e10, 8e1 - 8e3, and 8s1. The LUC units are generally depicted in the New Zealand Land Resource Inventory (NZLRI) and are also shown in I Maps | Ngā mahere matawhenua~~	Neutral	N/A	No current comment.
Fertiliser	A substance or biological compound or mix of substances or biological compounds that is suitable for sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of: 1) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients, 2) manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients, or 3) fertiliser additives, and 4) includes non-nutrient attributes of the materials used in fertiliser. It does not include livestock effluent, human effluent, substances containing pathogens, lime or substances that are plant growth regulators that modify the physiological functions of plants	Query	Consider consistency with the National Planning Standards.	The National Planning Standards appear to provide a different definition for 'Fertiliser'. It is requested that some commentary or explanation for the inconsistent definition is provided. NPS definition – *"means a substance or biological compound or mix of substances or biological compounds in solid or liquid form, that is described as, or held out to be suitable for, sustaining or increasing the growth, productivity or quality of soils, plants or, indirectly, animals through the application to plants or soil of any of the following: (a) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or (b) manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or (c) fertiliser additives to facilitate the uptake and use of nutrients; or (d) non-nutrient attributes of the materials used in fertiliser. It does not include livestock effluent, human effluent, substances containing*

				pathogens, or substances that are plant growth regulators that modify the physiological functions of plants."
Gross pollutants	Contaminants (including coarse sediments, litter, debris, plastics, leaves, cigarette butts etc) that are equal to or greater than 5 millimetres in diameter	Neutral	N/A	No current comment.
Gross pollutant trap	A water quality treatment device primarily designed to capture and remove gross pollutants present in stormwater	Neutral	Use consistent wording throughout plan change provisions.	Some provisions refer to 'gross pollution traps' as opposed to 'gross pollutant traps'. Suggest changing to have a consistent reference and definition.
Highly Erodible Land 1	Land with a slope between 25 and 35 degrees, and land as shown on the MAPS	Query	Use consistent terminology and mapping as the WDC Natural Hazards Plan Change Chapter.	These definitions are highly generic and consideration of the overlap with the WDC Proposed Natural Hazards District Plan Chapter and the below definitions is requested. ***Area of High Susceptibility to Land Instability Hazards*** *means land which appears to be either subject to erosion or slippage or is likely to be subject to erosion or slippage within the next 100 years, based on geomorphic evidence and/or the combination of geology and slope angle. These areas are identified in an overlay to the Planning Maps.* ***Area of Moderate Susceptibility to Land Instability Hazards*** *means land which exhibits evidence of past slippage or erosion and could be subject to inundation from landslide debris and slope deformation. These areas are identified in an overlay to the Planning Maps.*
Highly Erodible Land 2	Land with a slope greater than 35 degrees, and land as shown on the MAPS.	Query	As above.	As above.
High-risk sites for gross pollutants	• Car parks of retail complexes greater than 1000 square metres and associated loading areas • Public car parks greater than 1,000 square metres • Fast-food outlet car parks greater than 1000 square meters and associated loading areas • Loading areas of postal, transport logistics and courier depots • Playgrounds or skateparks greater than 500 square metres	Oppose in part	Change to 'playgrounds or skateparks greater than ~~500~~ 1,000 square metres'.	It is suggested that the area of any playground and/or skatepark is increased to 1000 square metres as the effects from the potential collection of gross pollutants across the impervious area is no different to the other facilities listed. It is also unclear how these areas are to be measured. Using a clearer definition by using either GFA or footprint is recommended and removing ambiguity around whether landscaped portions of the car park etc. count towards the thresholds provided. It is also unclear why there is a specific threshold for fast-food outlets. Is it assumed that they are different in nature from other restaurants and car parks? A definition for fast-food outlet may be required.
~~**High Sediment Yielding Land**~~	~~Land in the Doubtless Bay, Waitangi, Mangere and Whangārei Harbour Catchments identified as having high sediment yield as shown in I Maps | Ngā mahere matawhenua. The thresholds for High Sediment Yielding Land are: land that has an estimated sediment annual average yield of 250 tonnes / km2 / year or more in the Waitangi, Mangere and Whangārei Harbour Catchments and 500 tonnes / km2 / year or more in the Doubtless Bay Catchment.~~	Neutral	N/A	No current comment.
Mana i te whenua	Peoples of authority: Whānau, hapū and iwi who are the authority of a particular are of land through whakapapa and ahikāroa.	Query	Provide a pathway to meaningfully determine who this is, or clarify if any whānau, hapū and/or iwi should be accepted if there is whakapapa and ahikāroa. Clarify, as multiple whānau, hapū and/or iwi can hold Mana I te whenua under this	This definition is broad and does not provide the plan user with the ability to determine which parties fall under the definition of Mana I te whenua or if multiple whānau, hapū and/or iwi can hold authority simultaneously and how authority is demonstrated.

			definition and the rules that relate.	
Replanting	The planting and growing of plantation forestry trees on land less than 5 years after plantation forestry harvesting has occurred	Query	Change definition to read "The planting and growing of trees for plantation forestry on land less than 5 years after plantation forestry harvesting has occurred	If land that has been used for plantation forestry is to be replanted with "plantation forestry trees" but there is no intention to ever harvest these trees, the definition could inadvertently capture them.
Vegetation clearance	The cutting, burning, crushing, removal or destruction of vegetation including by the application of chemicals, but does not include clearing: 1) hedges and amenity plants, or 2) vegetation along fences and around dams and ponds, or 3) vegetation around network utilities, or 4) vegetation alongside roads and tracks, or 5) vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993, or 6) pasture, or 7) agricultural or horticultural crops, or 8) weeds and pest plants. ~~Note: The vegetation clearance definition only applies to vegetation clearance in the coastal riparian and foredune management area or within 10 metres of a natural wetland, or within 10 metres of the bed of a continually or intermittently flowing river or lake, as provided for by the rules in C.8.4 Vegetation clearance in riparian areas and foredune management area and related policies.~~	Query	Provide distances from public infrastructure to remove uncertainty about the terms "around" and "alongside".	Vegetation clearance that is not directly "around" or "alongside" public infrastructure could inadvertently be captured by this rule. Providing distances would allow more certainty to the plan user and infrastructure operators.

Rules (Northland Regional Plan)

C.2 Activities in the beds of lakes and rivers and in wetlands

Provision Number	Freshwater Plan Changes Text	Position	Recommended	Rationale- Comments
C.2.1.2 Excavation of material from rivers – permitted activity	The excavation of sand, gravel or rock from a river for private use is a permitted activity, provided: 1) the total volume excavated from a river does not exceed 100 cubic metres and the area the of riverbed that is disturbed does not exceed 1000 square metres in any 12-month period, and 2) the Regional Council's Compliance Manager is notified (in writing or by email) of the date of the commencement of any works, at least 10 working days prior to the work starting, and 3) there is no refuelling of equipment on any area of the riverbed, and 4) on completion of the activity, the riverbed is graded to natural contours (generally avoiding dips, humps and hollows) so that there are no barriers to water movement in the channel, and 5) the material is excavated from an area of the riverbed not covered by water at the time of the extraction, and 6) there is no stockpiling of excavated gravel on the riverbed, and 7) there is no more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream as a result of the activity, and 8) the activity is not in a mapped Site or Area of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua), and 9) the activity does not impede existing legal public access to the river, and	Query	Provide better wording than private use or define 'private use'. Provide more enforceable thresholds in (1).	Unclear whether this applies to network utility operators or public infrastructure providers. It needs to be clarified whether the rule still applies to excavation of materials for public infrastructure projects, or not. The current threshold and proposed threshold in (1) are not considered enforceable or assessable. A riverbed may span kilometres in length, and it is considered impractical to know and assess the extent of works within the entire riverbed over a span of 12 months when there are multiple landowners and projects that may occur within 'the riverbed'.

	10) the activity does not take place in an Outstanding Freshwater Body. 11) no machinery shall operate in an area of the river bed covered by water, unless for crossings to access and haul gravel. For this purpose, river crossing should be limited to one crossing point at each extraction site, and 12) all plant, machinery, equipment or material operating or used in a water body, must be free of plant contaminants, seeds or vegetative material, and 13) the extraction: i. is not more than 0.5 metres below the original height of the beach, and ii. must not extend to a level lower than 0.1 metres above the adjacent water level.			
C.2.1.3 Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity	The disturbance of the bed of a river for the purpose of removing the accumulated material and vegetation to maintain the free flow of water or mitigating bank erosion, and any associated diversion of water, are permitted activities, provided: 1) the Regional Council's Compliance Manager is notified (in writing or by email) of the date of the commencement of any works, at least five working days prior to the work starting, and 2) the activities do not exacerbate flood hazard risk on any other property, and 3) the activities do not impede existing legal public access to the river, and 4) any removal of material or vegetation is limited to that required to maintain the free flow of water or mitigate bank erosion, and 5) <u>The area of the riverbed that is disturbed does not exceed 1000 square metres in area in any 12month period, and</u> 6) no refuelling or maintenance of equipment takes place on any area of the bed of a river, and 7) the activities do not result in deepening of the channel by more than 5 percent or widening of the channel by more than 20 percent, so long as any widening or deepening is not beyond the original cross-section and gradient of the channel, and 8) any diversion of water, or realignment of the bed of the river is restricted to within the bank full edge of the riverbed, and 9) there is no damage to, or restriction of the use of, authorised structures as a result of the activity, and 10) good management practice erosion and sediment control measures, equivalent to those set out in the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005), are implemented, including where practicable temporary diversion of normal channel flow around the activity site, to minimise any discharge of sediment, and 11) no material or vegetation removed from the bed is allowed to re-enter, or is placed in a position where it could re-enter, a water body.	Query.	Provide more enforceable thresholds in (5).	The current threshold and proposed threshold in (5) are not considered enforceable or assessable. A riverbed may span kilometres in length, and it is considered impractical to know and assess the extent of works within the entire riverbed over a span of 12 months when there are multiple landowners and projects that may occur within 'the riverbed'.
C.2.1.8 Construction and installation of structures – permitted activity; **C.2.1.9 Minor riverbank protection works – permitted activity;** **C.2.1.10 Freshwater structures – controlled activity;**	Addition of <u>Inanga spawning site;</u> The margins of rivers and estuaries that are inundated by spring high tides. Note: In the context of this definition, "margins of rivers and estuaries that are inundated at spring high tide" refers to the area of land adjacent to the water in a river or estuary that is not normally covered in water, but that is covered in water during high tides near full and new moon, when the tidal range is at its highest. This occurs twice a month all year round. C.2.1.8, C.2.1.9, C.2.1.10; Structures *not* within [inanga spawning site] C.2.1.11-15; no consequence	Oppose in part.	Provide a clear definition for an "Inanga spawning site" or provide a service to help determine if a relevant water body is an "Inanga Spawning Site" without the need to engage an ecologist.	It is unclear how the plan user is able to determine whether a water body is considered an "Inanga Spawning Site". The use of this term may either inadvertently capture all waterbodies (and margins) or will necessitate the use of ecological reports to determine whether the area is included, or not. This would be cost prohibitive for small scale works and is considered far too onerous for any and all works being undertaken near a water body.

C.2.1.12 National Grid structures in a significant area – discretionary activity; **C.2.1.13 Regionally Significant Infrastructure structures outside the coastal environment and in a significant area – discretionary activity;** **C.2.1.15 Structures in a significant area – non-complying activity**				
C.2.2.3 <u>Wetland Construction or</u> ~~Constructed wetland~~ alteration of <u>a constructed wetland</u> – permitted activity	The damage, destruction, disturbance, or removal of vegetation, deliberate introduction of a plant or disturbance of the bed of a constructed wetland, and the use, erection, reconstruction, placement, alteration, extension, removal or demolition of a structure in a constructed wetland or to form a constructed wetland, are permitted activities provided: <u>1) the activity is not undertaken in the bed of a lake or continuously flowing river, and</u> <u>2) the activity does not divert water from or alter the hydrology of a natural wetland, and</u> 3) the activities comply with all relevant conditions of C.2.3 General conditions, and 4) do not cause flooding or ponding on any other property, and 5) if the wetland is reduced in size by more than 500 square metres, the Regional Council's Compliance Manager is notified (in writing or by email) at least 10 working days before the start of works with the timing, location and extent of the activities. For the avoidance of doubt this rule covers the following RMA activities: • Use, erection, reconstruction, placement, alteration, extension, removal or demolition of a structure, in a constructed wetland that is not part of the bed of a lake or river or in the coastal marine area, or to form a constructed wetland that is not part of the bed of a lake or river of the coastal marine area (s9(2)). • Disturbance ~~of the bed~~ <u>of land or a constructed</u> wetland that is not part of the bed of a lake or river of the coastal marine area (s9(2)). • <u>Diversion and damming of water incidental to the activity (s14(2)).</u> • Discharge of sediment into water incidental to the activity (s15(1)). Advice Note: Rule C.3.1.2 Small dam – permitted activity provides for construction of a wetland in the bed of a lake or river.	Oppose in part.	Remove wording "or alter the hydrology of" from (2)	It is unclear what level of change (alteration) would be considered to 'alter' the hydrology of a natural wetland. If there is an alteration that results in a positive effect on the hydrology of the natural wetland, or the scale of the alteration is such that there would be no discernible effect on the hydrology of the natural wetland, there does not seem reasonable cause to not allow an alteration as a permitted activity.
C.2.2.5 <u>Regionally significant infrastructure and</u> National Grid activities in significant wetlands – discretionary activities	The: 1) damage, destruction, disturbance, or removal of vegetation in a significant wetland or deliberate introduction of a plant in a significant wetland for wetland maintenance or wetland enhancement, or 2) use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure in a significant wetland, For <u>regionally significant infrastructure or</u> the National Grid, provided the <u>regionally significant infrastructure or</u> National Grid has an operational or functional need to be located	Query	Provide greater clarity around definition of "regionally significant infrastructure".	It is unclear from the existing definition in the Northland Regional Plan how RSIs are identified and what would classify outside of the list that is provided. It appears that a plan change would be required to add any new RSIs and this is a cumbersome and cost prohibitive process. Instead this would likely result in consent requirements where an RSI has not been able to be added to the list.

	in the wetland and that is not a permitted, controlled or restricted discretionary activity in C.2.2 Activities affecting wetlands of this Plan, is a discretionary activity			

C.3 Damming and diverting water

Provision Number	Freshwater Plan Changes Text	Position	Recommended	Rationale- Comments
C.3.1.2 Small dam – permitted activity; **C.3.1.7 River channel diversion – discretionary activity;** **C.3.1.10 Damming or diversion of water in a significant wetland or significant area – non-complying activity**	Addition of Inanga spawning site	Oppose in part.	Provide a clear definition for an "Inanga spawning site" or provide a service to help determine if a relevant water body is an "Inanga Spawning Site" without the need to engage an ecologist.	It is unclear how the plan user is able to determine whether a water body is considered an "Inanga Spawning Site". The use of this term may either inadvertently capture all waterbodies (and margins) or will necessitate the use of ecological reports to determine whether the area is included, or not. This would be cost prohibitive for small scale works and is considered far too onerous for any and all works being undertaken near a water body.
C.3.1.3 Existing in-stream dam – permitted activity	The use of an existing dam in a lake, river or natural wetland and any associated damming and diversion of water are permitted activities, provided: 1) the damming or diversion ~~is~~ was previously authorised, and 2) the reservoir capacity is: ~~a) less than 20,000 cubic metres, and the dam height is less than four metres,~~ or ~~b)~~ necessary for maintaining the wetland's natural ecosystem and not associated with any consented water take, and 3) the dam does not have a height of 4 or more metres and hold 20,000 or more cubic metres of water; and 4) the level of a lake or downstream flow in a continually or intermittently flowing river is not reduced below a minimum flow or minimum level as a result of the dam, and 5) the dam is not in an Outstanding Freshwater Body, and 6) the dam structure complies with all relevant conditions of C.2.3 General conditions.	Neutral	N/A	No current comment.
C.3.1.5 Existing in-stream large dams – controlled activity	Matters of control adjusted to below: Matters of control: 1) Minimum and flushing flows. 2) Provision for fish passage. 3) Effects on water quality. 4) Effects on tāngata whenua values and practices ~~a Site or Area of Significance to Tāngata Whenua~~. 5) The structural integrity of the dam and any upgrade works or maintenance required. 6) Effects on aquatic ecosystem health.	Oppose in part	Consider retaining matter (4) as is and including a new matter "Effects on tāngata whenua values and practices"	While the amendments make the matter of control broader, they could weaken the focus on sites and areas of significance to Effects on tāngata whenua. Unclear why "Site or Area of Significance to Tāngata Whenua." Has remained as a matter in C.3.1.6(1)(d) but been deleted here. Suggest retaining this to provide consistency.
C.3.1.6 Reinstatement and restoration of natural flows – controlled activity	Matters of control adjusted to below: Matters of control: 1) Effects on: a) minimum, flushing and flood flows. b) Fish passage and spawning habitat c) Water quality. d) Any Site or Area of Significance to Tāngata Whenua.	Neutral	N/A	No current comment.

	e) Aquatic ecosystem health and indigenous biodiversity. f) Tāngata whenua values and practices ~~Mahinga kai and access to mahinga kai.~~ 2) Methods of pest control. 3) Riverbed scour and erosion controls.			

C.4 Land drainage and flood control

Provision Number	Text	Position	Recommended	Rationale- Comments
C.4.1.5 Re-consenting flood control schemes – controlled activity; **C.4.1.6 Existing land drainage schemes – controlled activity;**	Matter of control adjusted to below: 'Effects on tāngata whenua values and practices ~~and their taonga.~~ '	Neutral	N/A	No current comment.

C.5 Taking and use of water

Provision Number	Text	Position	Recommended	Rationale- Comments
C.5.1.6 Water take associated with groundwater investigation bore development, bore testing or dewatering – permitted activity	The taking and use of groundwater associated with groundwater investigation bore development, bore testing, or dewatering by pumping is a permitted activity, provided: 1) if the take is from a Coastal Aquifer: a) the site of the bore or ground dewatering does not occur within 200 metres of mean high water springs, and b) the daily volume of the water taken does not exceed 100 cubic metres per day, and c) the activity is completed within seven days of its commencement, or 2) if the take is from the Aupōuri Aquifer management unit: a) the activity is completed within seven days of its commencement for takes up to 1000 cubic metres per day, or b) the activity is completed within three days of its commencement for takes up to 2500 cubic metres per day, or 3) if the take is in another area,the activity is completed within seven days of its commencement and the average rate of take does not exceed 1000 cubic metres per day, or 4) if the activity is dewatering for construction, installation or maintenance of underground equipment or foundations where the sides of the excavation are sheet piled or boxed to stem the lateral flow, the activity is completed within 10 days of its commencement, and 5) the activity does not adversely affect the reliability or the quality of water supply of an authorised water take, and 6) the activity is not in a natural wetland or does not cause any permanent change to water levels in any natural wetland, and 7) any resulting ground settlement or reduction in groundwater levels does not cause adverse effects on buildings, structures, underground infrastructure or services. For the avoidance of doubt this rule covers the following RMA activities: • Taking and use of groundwater associated with groundwater investigation bore development, bore testing, or dewatering by pumping (s14(2)).	Query	Consider amending clause (5) to clarify how these criteria would be assessed and determined as a permitted activity.	A permitted activity should be clear and measurable. It is unclear how an applicant, or decision makers would determine if an activity was to adversely affect the reliability or quality of the water supply.
C.5.1.7 Water takes associated with existing quarry and mine site dewatering – controlled activity	The taking of water by dewatering an existing quarry or mine site, including ground dewatering by way of existing drainage sumps, which does not draw water from a Coastal Aquifer, is a controlled activity. Matters of control: 1) The timing, rate and volume of the take. 2) The location and design of dewatering wells.	Neutral	N/A	No current comment.

	3) Extent of dewatering. 4) Mitigation measures. 5) Effects on tāngata whenua whenua values and practices			
C.5.1.8 Replacement water permits for registered drinking water supplies – controlled activity	An application for a resource consent to take and use water from a river, lake or aquifer that will replace an existing resource consent for a registered drinking water supply for the health needs of people is a controlled activity, provided: 1) the existing water take and use is authorised at the time of the resource consent application, and 2) there is no increase in the rate or volume of the take. Matters of control: 1) The timing, rate and volume of the take. 2) Measures to ensure the reasonable and efficient use of water that address the matters in D.4.14 Reasonable and efficient use of water – group or community water supplies. 3) Effects on: a) aquatic ecosystem health and indigenous biodiversity, and b) tāngata whenua whenua values and practices ~~mahinga kai and access to mahinga kai,~~ and c) ~~indigenous biodiversity in the bed of a water body where it affects tāngata whenua ability to carry out cultural and traditional activities, and~~ d) ~~wāhi tapu~~, and e) the identified values of mapped Sites and Areas of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua).	Neutral	N/A	No current comment.
~~C.5.1.9 Takes existing at the notification date of this plan – controlled activity~~	~~The taking and use of water from a river, lake or aquifer that existed at the notification date of this Plan, and the total daily volume per property taken from all sources exceeds a volume in clause (2) of C.5.1.1 Minor takes – permitted activity, is a controlled activity, provided:~~ ~~1) the total daily volume from all sources does not exceed 50 cubic metres per property per day, and~~ ~~2) the take does not cause any change to the seasonal or annual level of any natural wetland, and~~ ~~3) an application for resource consent to authorise the activity is lodged within 12 months of the operative date of this rule, and~~ ~~4) the application contains evidence that the take existed at the notification date of this Plan.~~	Neutral	N/A	No current comment.
C.5.1.10 High flow allocation – restricted discretionary activity	The taking and use of water from a river when the flow in the river is above the median flow that is not a permitted or controlled activity under C.5.1 of this Plan is a restricted discretionary activity, provided 50 percent of the river flow above the median flow remains in the river at the point and time of take. Matters of discretion: 1) The timing, rate and volume of the take to avoid or mitigate effects on existing authorised takes and aquatic ecosystem health. 2) Effects on tāngata whenua and practices. 3) The maintenance of flushing flows. 4) Cumulative effects on flows including the effects of multiple high flow water takes. 5) Measures to ensure the reasonable and efficient use of water. 6) Effects on the identified values of mapped Sites and Areas of Significance to tāngata whenua (refer I Maps | Ngā mahere matawhenua). 7) The positive effects of the activity	Oppose in part	Alter the wording for (3) to provide better clarity around what is meant by the 'maintenance of flushing flows'.	It is unclear what is meant by the 'maintenance of flushing flows' or what 'flushing flows' are or should be. Better wording and clarity are requested here.

~~C.5.1.11 Takes existing at the notification date of this plan – discretionary activity~~	~~The taking and use of water from a river, lake or aquifer that existed at the notification date of this Plan but was not authorised and that exceeds 50 cubic metres per day per property from all sources, is a discretionary activity, provided:~~ ~~1) an application for resource consent to authorise the activity is lodged within 12 months of the operative date of this rule, and~~ ~~2) the application contains evidence that the take existed at the notification date of this Plan~~	Neutral	N/A	No current comment.

C.6 Discharges to land and water

Provision Number	Freshwater Plan Changes Text	Position	Recommended	Rationale- Comments
C.6.1.4 Replacement discharge permits – controlled activity	An application for a resource consent to replace an existing resource consent for a discharge of domestic type wastewater into or onto land, ~~or to discharge treated domestic type wastewater into water,~~ from an on-site system, is a controlled activity, provided there will be no change to the nature of the wastewater discharge authorised by the existing resource consent. Matters of control: 1) The design, operation and maintenance of the on-site system. 2) Effects on water quality. <u>3) Effects on tāngata whenua values and practices.</u> For the avoidance of doubt this rule covers the following RMA activities: • Discharge of domestic type wastewater into or onto land, ~~the discharge of treated domestic type wastewater into water,~~ and the associated discharge of odour into air from an on-site system (s15(1)). • Discharge of domestic type wastewater into or onto land and the associated discharge of odour into air from an on-site system or the discharge into or onto land (s15(2A)).	Neutral	N/A	No current comment.
C.6.1.5 Other domestic wastewater discharges – discretionary activity	The discharge of treated on-site domestic type wastewater into or onto land ~~or into water~~, or the discharge of human effluent from a pit toilet into land, and any associated discharge of odour into air, that are not a permitted, controlled, or prohibited activity under any other rules in C.6.1 On-site domestic wastewater discharges of this Plan are discretionary activities. For the avoidance of doubt this rule covers the following RMA activities: • ~~Discharge of treated on-site domestic type wastewater or human effluent from a pit toilet into water or into or onto land where it may enter water and any associated discharge of odour into air from the on-site system or pit toilet (s15(1)).~~ • Discharge of treated on-site domestic type wastewater or human effluent from a pit toilet into or onto land and any associated discharge of odour into air from the on-site system or pit toilet s15(2A)).	Oppose	Retain “or into water” wording.	WDC oppose the change to prohibit the discharge of treated on-site domestic wastewater into water. Whilst the potential for adverse effects is not disputed, the disposal of treated wastewater to water remains one of the only feasible options to dispose of wastewater in areas where it is not practical to connect to the reticulated network, and where the land area is not available to dispose. Retaining a discretionary activity status for this type of discharge would allow for assessment and design to ensure any adverse effects are able to be voided remedied or mitigated throughout the consenting process.
C.6.1.6 Discharge of <u>treated or</u> untreated domestic type wastewater into water – prohibited activity	The discharge of <u>treated or</u> untreated domestic type wastewater into surface water or directly into groundwater is a prohibited activity.	Oppose	Remove “treated or” from rule and provide a definition for “untreated”.	A prohibited activity status would have significant impacts on existing wastewater discharges and potential future growth areas requiring new wastewater discharges. WDC strongly urges NRC to reconsider this stance and advocate for the assessment of effects on a case-by-case basis. The ban on new discharges significantly jeopardizes the region's economic growth and public health. As communities expand, the demand for advanced waste management solutions escalates. While initial, smaller-scale on-site treatments may be adequate, the surge in population density necessitates the shift to centralized wastewater treatment to maintain health standards and environmental safety. The prohibition not only hampers efforts to

				control pollution but also stifles the region's development aspirations, confining economic activities and elevating public health risks associated with inadequate wastewater management. Attempting to navigate within the confines of this new rule would require substantial financial outlays, further economically burdening the region with higher rates. Meanwhile, contemporary treatment methods have proven to negate the environmental concerns tied to these discharges. WDC understands the complexities involved in balancing environmental conservation, public health, economic prosperity, and effects on tangata whenua and their values when considering wastewater discharge decisions. However, by excluding the possibility of evaluating the impacts of these proposals, the Regional Council inadvertently accepts the potential adverse effects on Northland's public health and economic future. This position not only challenges the Council's commitment to sustainable regional development but also overlooks feasible modern solutions that could harmonize environmental protection with economic and public health goals, respecting and recognising the cultural, spiritual, and ecological implications of such actions. From a drafting perspective, this rule also appears to overlap with C.6.2.2 as it does not specify that the domestic type wastewater is "on-site". "Domestic type wastewater" has the following definition in the Plan, which also applies to discharges from a wastewater treatment plant – *"Domestic type wastewater: Wastewater originating from toilets, kitchens, bathrooms, showers, baths, basins, and laundries from residential dwellings, commercial, industrial or other premises. It does not include industrial or trade wastewater."* In addition, it is not clear what the definition of "untreated" is. It is requested that a definition of "untreated wastewater" is provided that specifically excludes reticulated network overflows, engineered offloads and any discharges that are required as the result of emergency offloads i.e. during extreme weather events. The current draft lacks the necessary foresight for emergency management. Extreme weather events (such as Cyclone Gabriele), which are becoming increasingly common due to climate change, can overwhelm WWTP capacities. The draft's omission of a mechanism to apply for emergency consents for untreated discharges during such events effectively binds our hands. This not only places us in an untenable position of regulatory non-compliance but also strips us of the means to adequately protect our community in times of crisis. By not allowing for the assessment of emergency discharges, NRC misses a critical opportunity to influence positive outcomes. The ability to issue nuanced and appropriate consent conditions in

				emergencies is not just administrative; it's a vital tool in managing public safety and environmental protection. The current draft's approach not only sets unrealistic expectations for our existing systems but also sidesteps a vital aspect of responsible governance. Likewise, the draft Plan presents a notable ambiguity in defining what constitutes a Wastewater Treatment Plant (WWTP) and the treatment of emergency overflow situations. This ambiguity creates confusion between what is considered a discretionary activity and what is deemed prohibited, particularly in the context of emergency overflows and treatment installations. WDC has proactively adopted a "contain most, treat the rest" strategy for managing overflow sites at Hatea and Tarewa. This approach was developed in response to historical instances of significant overflows during extreme storm events. While completely preventing these overflows proved unfeasible, our strategy focuses on containment in storage tanks for the majority of events. For instances where containment is not possible, we implemented treatment and UV disinfection before the overflow is discharged into the environment. This method has significantly enhanced public health outcomes by reducing the risk of untreated wastewater entering our waterways. However, under the current draft of the Plan, this nuanced approach to managing overflows—a method that directly benefits public health and mitigates environmental impact—faces a regulatory challenge. The draft's provisions suggest that while discharging untreated overflow might be permissible under certain conditions, our proactive measures to treat and mitigate environmental effects could be classified as prohibited. This interpretation not only undermines our efforts to protect public health and the environment but also disregards the substantial investments WDC has made in these overflow management strategies.
C.6.2.2 Wastewater treatment plant discharge – discretionary activity	The discharge of treated wastewater from a wastewater treatment plant ~~into water or~~ onto or into land, and any associated discharge of odour into air resulting from the discharge, are discretionary activities. For the avoidance of doubt this rule covers the following RMA activities: • ~~Discharge of treated wastewater from a wastewater treatment plant into water or onto or into land where it may enter water and any associated discharge of odour into air (s15(1)).~~ • Discharge of treated wastewater from a wastewater treatment plant onto or into land and any associated discharge of odour into air (s15(2)(A))	Oppose	Retain “into water or” wording.	As above. A discretionary activity consenting pathway is requested to allow for responsible and sustainable management of wastewater from wastewater treatment plants, including emergency and engineered offloads and overflows. It is also suggested that further clarity is provided around what constitutes discharge “into water”. It is unknown whether wetlands or coastal waters constitute water. Providing for discharge to land or a wetland prior to entering water may be a workable solution, but specific setbacks and/ or other prescribed parameters would need to be provided to allow clarity when interpreting the rule.
C.6.2.X Replacement wastewater treatment plant discharge to water – non-complying activity	An application for a resource consent that will replace an existing resource consent to discharge treated wastewater into water from a wastewater treatment plant is a non-complying activity. For the avoidance of doubt this rule covers the following RMA activities:	Oppose	Remove rule and replace with C.6.2.2 with the inclusion of discharge to water.	As above. Clarity is requested to understand whether this rule would include only freshwater or also capture coastal waters. Suggest that there should be consistency with C.6.1.6 which specifies discharges are to surface water or to ground water.

	• Discharge of treated wastewater from a wastewater treatment plant into water and any associated discharge of odour into air (s15(1))			
C.6.2 .Y Wastewater treatment plant discharge – prohibited activity	Other than applications to replace an existing resource consent under Rule C.6.2.X, the discharge of treated wastewater into water from a wastewater treatment plant is a prohibited activity. For the avoidance of doubt this rule covers the following RMA activities: • Discharge of treated wastewater from a wastewater treatment plant into water and any associated discharge of odour into air (s15(1)).	Oppose	See recommendation for C.6.1.6 and C.6.2.2. Retain consenting pathway for discharges from water treatment plants into water.	See comments for C.6.1.6 and C.6.2.2. A consenting pathway is required for discharges from wastewater treatment plants to water.
C.6.3 Production land Discharges	Number of changes. Not included within this table.	Neutral	N/A	No current comment.
C.6.4.1 Stormwater discharges from a public stormwater network – permitted activity	The diversion and discharge of stormwater from a public stormwater network into water or onto or into land where it may enter water is a permitted activity, provided: 1) the discharge is not from a public stormwater network servicing an urban area listed in Table 10: Urban areas, and 2) the diversion and discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge, and 3) the discharge is not within 100 metres of a geothermal surface feature, and 4) the discharge does not contain contaminants used, stored or generated in trade or industrial premises, and 5) the discharge does not include stormwater from a high-risk industrial or trade premises, and 6) the discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and 7) where the diversion or discharge is from a site with a high-risk for gross pollutants in stormwater gross pollution traps are installed and maintained to reduce the volume of gross pollutants entering stormwater prior to discharge, and 8) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing: a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or b) a conspicuous change in the colour or visual clarity, or c) an emission of objectionable odour, or d) the rendering of freshwater unsuitable for consumption by farm animals, or e) the rendering of freshwater taken from a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua) unsuitable for human consumption after existing treatment	Oppose in part	Remove clause (5) and replace with a new rule requiring consenting for any discharge of stormwater from a high risk industrial or trade premises to the public stormwater network. Consider clarifying aspects of clause (7) and changing to refer to "high risk sites for gross pollutants" to match the proposed definition. Add the following (or similar) wording to clause (7) "*unless another mechanism for reducing gross pollutants has been submitted to and accepted by the Regional Council for that site*" Change "gross pollution traps" to "gross pollutant traps".	The discharge of stormwater from a public stormwater network should not be bound by private discharges that enter into the network. It is recommended that a more suitable solution would be to require any discharges "to" the public stormwater network "from" a high risk industrial or trade premises to require consenting. This controls the potential pollution at the source and is more easily administered. For clause (7) it is unclear what the intended reduction in gross pollutants is and how the maintenance is to be enforced, or what it entails. Suggest clarifying aspects of this clause for clarity. Also suggest using the same wording as provided on the newly proposed definition. WDC manage a large number of facilities that would fall under the "high risk sites for gross pollutants" definition. Whilst the need for reducing gross pollutants to reach water bodies from these facilities is not disputed, the mechanism to achieve this final outcome is thought too narrow in the context of public infrastructure. It is requested that new wording is added to Clause (7) to allow alternative mechanisms to reduce gross pollutants reaching water bodies and to apply a wider approach, if required, to managing multiple facilities at the same time. Changing "gross pollution traps" to provide consistent terminology throughout the Plan is also recommended.
C.6.4.2 Other stormwater discharges – permitted activity	The diversion and discharge of stormwater into water or onto or into land where it may enter water from an impervious area or by way of a stormwater collection system, is a permitted activity, provided: 1) the discharge or diversion is not from: a) a public stormwater network, or b) a high-risk industrial or trade premises, and 2) the diversion and discharge does not cause or increase flooding of land on another property in a storm event of up to and including a 10 percent annual exceedance probability, or flooding of buildings on another property in a storm event of up to and including a one percent annual exceedance probability, and 3) where the diversion or discharge is from a hazardous substance storage or handling area: a) the stormwater collection system is designed and operated to prevent hazardous substances stored or used on the site from entering the stormwater system, or	Support in part	Insert a clause to read – "*It is not the diversion or discharge of stormwater to a public stormwater network from an industrial or trade premises*". Consider clarifying aspects of clause (5).	As above, providing an exclusion for diversions or discharges from high-risk industrial or trade premises will remove them from the permitted activity consenting pathway without placing the onus on WDC to seek consent for any discharge from the public stormwater network that may include stormwater from a high-risk industrial or trade premises. As above, also need clarification on the maintenance required for gross pollutant traps and to ensure the definition does not inadvertently capture WDC maintained sites that are part of a much wider stormwater programme.

	b) there is a secondary containment system in place to intercept any spillage of hazardous substances and either discharges that spillage to a trade waste system or stores it for removal and treatment, or c) if the stormwater contains oil contaminants, the stormwater is passed through a stormwater treatment system designed in accordance with the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998) prior to discharge, and 4) where the diversion or discharge is from an industrial or trade premises: a) the stormwater collection system is designed and operated to prevent any contaminants stored or used on the site, other than those already controlled by condition 3) above, from entering stormwater unless the stormwater is discharged through a stormwater treatment system, and b) any process water or liquid waste stream on the site is bunded, or otherwise contained, within an area of sufficient capacity to provide secondary containment equivalent to 100 percent of the quantity of any process water or liquid waste that has the potential to spill into a stormwater collection system, in order to prevent trade waste entering the stormwater collection system, and <u>5) where the diversion or discharge is from a site with a high-risk for gross pollutants in stormwater, gross pollution traps shall be installed and maintained to prevent gross pollutants entering stormwater prior to discharge, and</u> 6) the diversion or discharge is not into potentially contaminated land, or onto potentially contaminated land that is not covered by an impervious area, and 7) the diversion and discharge does not cause permanent scouring or erosion of land or the bed of a water body at the point of discharge, and 8) the discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and 9) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing: a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or b) a conspicuous change in the colour or visual clarity, or c) an emission of objectionable odour, or d) the rendering of freshwater unsuitable for consumption by farm animals, or e) the rendering of freshwater taken from a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua) unsuitable for human consumption after existing treatment.			
C.6.4.3 Stormwater discharges – controlled activity	The diversion and discharge of stormwater into water or onto or into land where it may enter water that is not a permitted activity or discretionary activity in C.6.4 Stormwater discharges of this Plan is a controlled activity. Matters of control: 1) The maximum concentration or load of contaminants in the discharge. 2) The size of the zone of reasonable mixing. 3) The adequacy of measures to minimise erosion. <u>4) The adequacy of measures to reduce gross pollutants from entering stormwater.</u> <u>5) Effects on tāngata whenua values and practices.</u> <u>6) Effects on the values of mapped Sites and Areas of Significance to tāngata whenua (refer I Maps | Ngā mahere matawhenua).</u> 7) The adequacy of measures to minimise flooding caused by the stormwater network. 8) The design and operation of the stormwater system and any staging of works	Support in part	Suggest including wording to capture the discharge of stormwater into a public stormwater network from <u>a</u> high-risk industrial or trade premises.	As above – by excluding this activity from a permitted activity pathway it prevents pollution at the source, whilst allowing Council the reasonable ability to still discharge from the public stormwater network without being bound by private discharges to the public network.
C.6.4.4 Re-consenting of existing stormwater	Additional to Matter of Control/ Discretion <u>Effects on tāngata whenua values and practices.</u>	Query	Consider scope of Freshwater Plan Change and whether it	It is unclear whether there is scope to add a new matter of control to C.6.8.3 which is focused on contaminated land remediation rather than freshwater.

discharges from the Marsden Point Refinery Site – controlled activity; **C.6.4.5 New stormwater discharges from the Marsden Point Refinery Site – restricted discretionary activity;** **C.6.5.4 Aerial application of vertebrate toxic agents – controlled activity;** **C.6.6.5 New discharges from the Marsden Point Refinery Site – restricted discretionary activity;** **C.6.7.5 Discharges from waste transfer stations – controlled activity;** **C.6.7.6 Discharges from closed landfills – controlled activity;** **C.6.8.3 Contaminated land remediation – controlled activity;** **C.6.8.4 Re-consenting passive discharges from contaminated land – controlled activity;** **C.6.8.6 Investigating potentially contaminated land – restricted discretionary activity**			can amend rules relating to contaminated land.	

C.6.4.6 Stormwater discharges onto or into contaminated land or from high-risk industrial or trade premises (<u>other than those that discharge into a public stormwater network</u>) – discretionary activity	The diversion and discharge of stormwater: 1) into water or onto land where it may enter water from a high-risk industrial or trade premises, or 2) into contaminated land, or 3) onto contaminated land that is not covered by an impervious area	Support in part.	Remove (<u>other than those that discharge into a public stormwater network</u>) as an alternative to the above suggested new consenting pathway.	As above, the onus should be placed on those discharging to the public stormwater network to provide a workable consenting pathway, as opposed to WDC requiring consent for every discharge to their public network from one of these sites.
<u>C.6.6.7 Industrial or trade discharges to water – non-complying activity</u>	<u>The discharge of a contaminant (except for a contaminant entrained in stormwater) from an industrial or trade premises, into water, that is not the subject of any other rule in this Plan is a non-complying activity.</u> <u>For the avoidance of doubt this rule covers the following RMA activities:</u> • <u>Discharge of a contaminant (except for a contaminant entrained in stormwater) from an industrial or trade premises into water (s15(1)).</u>	Support	N/A	No current comment.
C.6.9.3 Discharge of fertiliser – permitted activity	The discharge of fertiliser, other than farm wastewater, onto or into land where it may enter water is a permitted activity, <u>provided the fertiliser is applied by hand, or</u>: 1) the activity is done in accordance with Sections 5.2 and 5.3 of the Code of Practice for Nutrient Management – With Emphasis on Fertiliser Use (Fertiliser Association, 2013). <u>2) Fertiliser is not applied within 10 metres of a natural wetland or the bed of a lake or continuously flowing river, and</u> <u>3) Fertiliser is not applied within 20 metres of the bed of a dune lake with high or outstanding ecological value or the bed of an outstanding lake.</u>	Neutral	N/A	No current comment.
<u>C.6.9.9 Scattering of human ashes – prohibited activity</u>	<u>The scattering of human ashes onto freshwater or the coastal marine area is prohibited.</u> <u>For the avoidance of doubt this rule covers the following RMA activities:</u> • <u>Discharge of a contaminant into water (s15(1)).</u> • <u>Scattering of human ashesto the coastal marine area (s12(3))</u>	Query	Consider implications and practicalities of this rule.	It is unclear how this rule would be enforced and if it restricts some cultural practices/values. It is suggested that more consideration is given to whether the scale of effects proportionate to a prohibited activity.

C.8 Land use and disturbance activities

Provision Number	**Text**	**Position**	**Recommended**	**Rationale- Comments**
C.8.1 Livestock exclusion	Council is seeking feedback on options for stock exclusion and as such no draft changes to rules have been confirmed to date. Please refer to the stock exclusion companion document for more information.	Neutral	N/A	No current comment.
C.8.2.1 Land preparation – permitted activity	Land preparation and any associated damming and diversion of stormwater, and discharge of stormwater into water or onto or into land where it may enter water, are permitted activities, provided: 1) the activity is not undertaken: a) in the Catchment of an Outstanding Lake or a dune lake with outstanding or high ecological value, or ~~and the activity is not undertaken:~~ ~~b) on erosion-prone land, or~~ <u>c) on Highly Erodible Land 1 or Highly Erodible Land 2 (refer | Maps | Ngā mahere matawhenua)</u> d) within 10 metres of īnanga spawning sites, or e) within 10 metres of <u>the bed of a</u> lake ~~beds,~~ or <u>f) within 20m of an outstanding river, or</u>	Query	Clarify or provide more details around the certification process for Freshwater Farm Plans.	It is unclear what the process for “certifying” Freshwater Farm Plans is and how this is used as a permitted activity threshold.

	g) within 10 metres of natural wetlands, or h) within 10 metres of the bed of a continually or intermittently flowing river. ~~unless:~~ ~~i. the mean slope of the paddock adjoining the riverbed is 10 degrees or less, and~~ ~~ii. sediment control measures are installed and maintained in accordance with the Erosion and Sediment Control Guidelines for Vegetable Production 2014 (Horticulture New Zealand)~~ ~~in which case the setback may be reduced to five metres.~~ 2) If the land preparation is undertaken in accordance with a certified Freshwater Farm Plan that certifies that adverse effects of land preparation activity are no greater than that achieved by the setbacks in Clause 1(h), then setbacks from waterbodies in clause h) can be reduced to 5 metres. ~~If the land preparation is associated with horticulture and clause (2)(a), (2)(c), (2)(d) or (2)(e) is not complied with, it is undertaken in accordance with the Erosion and Sediment Control Guidelines for Vegetable Production 2014 (Horticulture New Zealand), and~~ 3) any associated diversion and discharge of stormwater does not give rise to any of the following effects in the receiving waters beyond the zone of reasonable mixing: a) any conspicuous change in colour or visual clarity, or b) rendering freshwater unsuitable for consumption by farm animals.			
C.8.2.2 Land preparation – ~~controlled~~ discretionary activity	Land preparation and any associated damming and diversion of stormwater and discharge of stormwater, that is not a permitted activity under C.8.2.1 Land preparation – permitted activity are ~~controlled~~ discretionary activities. ~~Matters of control:~~ ~~1) Measures to avoid or mitigate adverse effects on surface and groundwater quality.~~ ~~2) The scale, location, and timing of land preparation.~~ ~~3) Erosion and sediment control measures.~~	Neutral	N/A	No current comment.
C.8.3.1 Earthworks – permitted activity	Earthworks outside the bed of a river, lake, wetland, īnanga spawning site and the coastal marine area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are permitted activities provided: 1) the area and volume of earthworks at a particular location or associated with a project complies with the thresholds in Table 15: Permitted activity earthworks thresholds.	Oppose in part	Define an “inanga spawning site”. Request that new thresholds are provided and are all made “per property”. Review wording in Clause (10).	As queried in previous provisions, it is not clear what the definition of an inanga spawning site is. It is not practical to require a plan user to have a full appreciation of any works that have taken place within the full extent of a flood hazard area or any of the other listed categories over a 12-month period. These thresholds are therefore un-assessable and unenforceable. Suggest that thresholds are revised to apply to a single property, as per the amendments for some of the categories. The Clause (10) amendment requires ANY earthworks activity to be notified to the NRC Compliance Manager. This appears to be far too onerous, unrealistic, and unenforceable.

Location	Earthworks thresholds
Within 10m of a natural wetland, the bed of a continually or intermittently flowing river or lake	200 m² of exposed earth at any time, and 50 m³ of moved or placed earth in any 12-month period.
Within 20m of an outstanding freshwater body or a dune lake with high or outstanding ecological value	200 m² of exposed earth at any time, and 50 m³ of moved or placed earth in any 12-month period.
Within 10m of an inanga spawning site	200 m² of exposed earth at any time, and 50 m³ of moved or placed earth in any 12-month period.
Catchment of an Outstanding Lake or a dune lake with high or outstanding ecological value	~~2,500m²~~ 1,000 m² of exposed earth at any time.
~~Erosion-prone Land~~ Highly Erodible Land 1	2,500 m² of exposed earth at any time per property.
Highly Erodible Land 2	1,000 m² of exposed earth at any time per property.
Highly erodible land	1,000 m² of exposed earth at any time.
High-risk flood hazard area	50m³ of moved or placed earth in any 12-month period. (excluding material excavated as a result of drain clearance)
Coastal riparian and foredune management area	Excluding for coastal dune restoration, 200m² of exposed earth at any time.
Flood hazard area	100 m³ of moved or placed earth in any 12-month period (excluding material excavated as a result of drain clearance).
Other areas	5,000m² of exposed earth at any time.

2) the discharge is not within 20 metres of a geothermal surface feature, and
3) except for coastal dune restoration activities, good management practice erosion and sediment control measures equivalent to those set out in the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005), are implemented for the duration of the activity, and
4) batters and side castings are stabilised to prevent slumping, and
5) exposed earth is stabilised upon completion of the earthworks to minimise erosion and avoid slope failure, and
6) earth and debris are not deposited into, or in a position where they can enter, a natural wetland, a continually or intermittently flowing river, a lake, an artificial watercourse, or the coastal marine area, and
7) the earthworks activity does not:
   a) reduce the height of a dune crest in a coastal riparian and foredune management area, except where dunes are recontoured to remove introduced materials or to remediate dune blow-outs as part of coastal dune restoration work, or
   b) exacerbate flood or coastal hazard risk on any other property, or
   c) create or contribute to the instability or subsidence of land on other property, or
   d) divert flood flow onto other property, and
8) any associated damming, diversion and discharge of stormwater does not give rise to any of the following effects in the receiving waters beyond the zone of reasonable mixing:
   a) any conspicuous change in colour or visual clarity, or
   b) the rendering of freshwater unsuitable for consumption by farm animals, or
   c) contamination which may render freshwater taken from a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua) unsuitable for human consumption after existing treatment, and
9) information on the source and composition of any clean fill material and its location within the disposal site are recorded and provided to the Regional Council on request, and

	10) the Regional Council's Compliance Manager is given at least five working days' notice (in writing or by email) of any earthworks activity ~~being undertaken within a high-risk flood hazard area, flood hazard area, where contaminated land will be exposed, or in sand dunes within a coastal riparian and foredune management area.~~			
C.8.3.2 Earthworks – controlled activity	Earthworks outside the bed of a river or lake, wetland and the coastal marine area that exceed 5000 square metres of exposed earth at any time at a particular location or associated with a project area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are controlled activities, provided the earthworks are not located: 1) within 10 metres of a natural wetland, the bed of a continually or intermittently flowing river or lake, or 2) within 10 metres of an īnanga spawning site, or 3) in a catchment of an Outstanding Lake or a dune lake with outstanding or high ecological value, or 4) Within 20m of an outstanding river, or 5) on erosion-prone land, or Highly Erodible Land 1 or Highly Erodible Land 2 (refer I Maps | Ngā mahere matawhenua), 6) in a flood hazard or high-risk flood hazard area, or 7) in the coastal riparian and foredune management area. Matters of control: 1) The design and adequacy of erosion and sediment control measures with reference to good management practice guidelines, equivalent to those set out in the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005). 2) The location, extent, timing, and duration of earthworks. 3) The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges. 4) Adverse effects on water bodies and coastal water. 5) Effects on tāngata whenua values and practices. 6) Management of flooding effects and avoiding increased natural hazard risks on other property. 7) Adverse effects on Regionally Significant Infrastructure. 8) Adverse effects on the following, where present in adjacent freshwater bodies or the coastal marine area: a) wāhi tapu, and b) the identified values of mapped Sites and Areas of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua)	Neutral	N/A	No current comment.
C.8.3.3 Earthworks in a flood hazard area – controlled activity	Matters of Controls updated to include: Tāngata whenua values and practices.	Neutral	N/A	No current comment.
C.8.4.2 Vegetation clearance in riparian areas – permitted activity	Vegetation clearance (excluding the harvest of plantation forests planted before 1 January 2027) within 10 metres of a natural wetland or within 10 metres of the bed of a continually or intermittently flowing river or lake, or within 20m of an outstanding freshwater body or a dune lake with high or outstanding ecological value and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are permitted activities, provided: 1) the area of cleared vegetation does not exceed 200 square metres or exceed 20 metres in length along any riparian margin in any 12-month period, and 2) The vegetation clearance does not occur within 10m of an īnanga spawning site, and 3) The vegetation clearance does not occur within 10m of a Site of Significance to tāngata whenua (refer I Maps | Ngā mahere matawhenua).	Oppose in part	Re-word Clause (1). Define an "Inanga spawning site".	As per the comments in C.8.3.1, Clause (1) of this rule is not considered assessable or enforceable. It is unreasonable for a plan user to be expected to assess the vegetation clearance that has occurred when looking at rivers, lakes, and/or riparian margins, in their full extent, over a 12-month period. It is also requested that a definition for Inanga Spawning Site is provided to remove any ambiguity about how this is demonstrated.

	4) vegetation is felled away from rivers, lakes, and natural wetlands, except where it is unsafe or impractical to do so, and 5) vegetation, slash, disturbed soil or debris is not deposited in a position where it could mobilise because of heavy rain or flood flows and: a) be deposited on other property, or b) divert or dam water, or c) cause bed or bank erosion, or d) damage receiving environments, downstream infrastructure, or property, and 6) any discharge of sediment originating from the cleared area does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge: a) any conspicuous change in colour or visual clarity, or b) the rendering of freshwater unsuitable for consumption by farm animals, or c) the rendering of surface water taken from a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua) unsuitable for human consumption after existing treatment. For the avoidance of doubt this rule covers the following RMA activities: • Vegetation clearance ~~and coastal dune restoration~~ (s9(2)). • Damming and diversion ofstormwater associated with vegetation clearance ~~and coastal dune restoration~~ (s14(2)). • Discharge of stormwater associated with vegetation clearance ~~and coastal dune restoration~~ into water or onto or into land where it may enter water (s15(1)).			
C.8.4.2A Vegetation clearance on Erosion Prone Land or Highly Erodible Land - permitted activity	Vegetation clearance (excluding the harvest of plantation or carbon forest planted before 1 January 2027) on Erosion Prone Land or Highly Erodible Land 1 or Highly Erodible Land 2 and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, is a permitted activity provided: 1) the vegetation clearance does not exceed 40ha in any 12month period and at least 75% woody vegetation cover is maintained on all areas of the property mapped as Erosion Prone Land or Highly Erodible Land 1 or Highly Erodible Land 2 (refer I Maps | Ngā mahere matawhenua), or a) on Erosion Prone Land Highly Erodible Land 1 vegetation clearance does not exceed 2500 square metres per property in any 12-month period ; b) on Highly Erodible Land 2 vegetation clearance does not exceed 1000 square metres in any 12-month period, and 2) the Regional Council's Compliance Manager is given at least 20 working days' notice (in writing or by email) of any vegetation clearance activity, and 3) vegetation is felled away from rivers, lakes, and natural wetlands, except where it is unsafe or impractical to do so, and 4) vegetation, slash, disturbed soil or debris is not deposited in a position where it could mobilise because of heavy rain or flood flows and: a) be deposited on other property, or b) divert or dam water, or c) cause bed or bank erosion, or d) damage receiving environments, downstream infrastructure, or property, and 5) any discharge of sediment originating from the cleared area does not give rise to any of the following effects in the receiving waters beyond a 20metre radius of the point of discharge: a) any conspicuous change in colour or visual clarity, or b) the rendering of fresh water unsuitable for consumption by farm animals, or	Query	Ensure there are not any overlaps or conflicts with Proposed WDC District Plan rules for areas susceptible to land instability as found in the proposed Natural Hazards Plan Change text and mapping. Consider clarifying clause (3).	Plan Change 1 to the Whangārei District Plan proposes to introduce mapping of areas susceptible to land instability and rules for vegetation clearance in those areas. Therefore, it would be prudent to ensure there is not any overlap and/or conflict with these new rules and associated mapping. It is also suggested that there is consideration given to how In clause (3) it is determined what is "unsafe" or "impractical" to make this rule usable and enforceable.

	c) the rendering of surface water taken from a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua) unsuitable for human consumption after existing treatment. For the avoidance of doubt this rule covers the following RMA activities: • Vegetation clearance (s9(2)). • Damming and diversion of stormwater associated with vegetation clearance (s14(2)). • Discharge ofstormwater associated with vegetation clearance into water or onto or into land where it may enter water (s15(1)).			
~~C.8.4.2B Vegetation clearance on Erosion Prone Land – controlled activity~~	~~Vegetation clearance (excluding the harvest of plantation or carbon forest planted before 1 January 2027) on Erosion Prone Land and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, that is not a permitted activity under Rule C.8.4.2A Vegetation clearance on Erosion Prone Land or Highly Erodible Land - permitted activity, is a controlled activity provided: 1) The vegetation clearance is not undertaken within coastal riparian and foredune management area, and 2) The vegetation clearance does not occur within the riparian area of a natural wetland, river or lake, and 3) The vegetation clearance is not undertaken on Highly Erodible Land. Matters of control: 1) The design and adequacy of erosion and sediment control measures. 2) The location, extent, timing, and duration of vegetation clearance.~~ ~~3) The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges. 4) Adverse effects on water bodies and coastal water. 5) Adverse effects on the following, where present in adjacent fresh waterbodies or the coastal marine area: a) fish spawning sites, and b) registered drinking water supplies 6) mapped Sites and Areas of Significance to tāngata whenua (refer I Maps | Ngā mahere matawhenua) 7) tangata whenua values and practices. For the avoidance of doubt this rule covers the following RMA activities: • Vegetation clearance (s9(2)). • Damming and diversion of stormwater associated with vegetation clearance (s14(2)). • Discharge ofstormwater associated with vegetation clearance into water or onto orinto land where it may enter water (s15(1)).~~	Neutral	N/A	No current comment.
~~C.8.4.2 C Vegetation clearance on Highly Erodible Land – discretionary activity~~	~~Vegetation clearance (excluding the harvest of plantation or carbon forest planted before 1 January 2027) on Highly Erodible Land and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, that is not a permitted activity in Rule C.8.4.2A - Vegetation clearance on Erosion Prone Land and Highly Erodible Land - permitted activity is a discretionary activity. For the avoidance of doubt this rule covers the following RMA activities: • Vegetation clearance (s9(2)). • Damming and diversion of stormwater associated with vegetation clearance (s14(2)). • Discharge ofstormwater associated with vegetation clearance into water or onto orinto land where it may enter water (s15(1)).~~	Neutral	N/A	No current comment.
C.8.4.3 Vegetation clearance – discretionary activity	Vegetation clearance ~~in the coastal riparian and foredune management area, within 10 metres of a natural wetland, or within 10 metres of the bed of a continually or intermittently flowing river or lake, and~~ any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, that are not a permitted or controlled activity in C.8.4 Vegetation clearance in riparian areas and foredune management area of this Plan are discretionary activities.	Neutral	N/A	No current comment.
C.8.4.4 Afforestation and replanting plantation forestry – permitted activity	Afforestation or replanting plantation forestry is a permitted activity provided it does not occur: 1) Within the catchment of an outstanding lake or a dune lake with outstanding or high ecological value, or 2) Within 10 metres of the bed of other lakes, or 3) Within 20 metres of an outstanding river, or 4) Within 10m a continuously or intermittently flowing river or	Neutral	N/A	No current comment.

	5) Within 10m of a natural wetland >500m2 , or 6) Within 20m of the bed of a river for 1km upstream of an abstraction point for a registered drinking water supply that serves 500 people or more. For the avoidance of doubt this rule covers the following RMA activities: • Afforestation and replanting for plantation forestry (s9(2) RMA).			
C.8.4.5 Afforestation for permanent exotic carbon forests – permitted activity	Afforestation with exotic species for permanent carbon forests is a permitted activity provided: 1) it does not occur within a) the catchment of an outstanding lake or a dune lake with outstanding or high ecological value, or b) 20m of an outstanding river, or c) 10m of a natural wetland >500m2 and 2) the Regional Council's Compliance Manager is given at least 10 working days' notice (in writing or by email) of the week when any works will start, and 3) A management plan is provided to the Regional Council's Compliance Manager prior to planting activity that sets out: a) The location of the afforestation activity, and b) measures to control the risk of wildfire and the spread of wilding tree species. For the avoidance of doubt this rule covers the following RMA activities: • Afforestation for exotic carbon forests (s9(2) RMA).	Neutral	N/A	No current comment.
C.8.4.6 Afforestation or replanting for plantation and exotic carbon forestry – discretionary activity	Afforestation for plantation forestry or exotic carbon forestry that is not a permitted activity under Rule C.8.4.4 or C.8.4.5 is a discretionary activity. For the avoidance of doubt this rule covers the following RMA activities: • Afforestation for plantation and exotic carbon forestry (s9(2)).	Neutral	N/A	No current comment.
C.8.5.1 Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity	Advice note added: Advice note: this rule only allows land disturbance associated with temporary bores and does not authorise permanent bores for taking groundwater – water supply bores are to be authorised under Rule C.8.5.3 and water takes are to be authorised under the rules in C.5 of this plan	Neutral	N/A	No current comment.
C.8.5.3 Construction or alteration of a bore – controlled activity	The construction or alteration of a bore, and any associated discharge of drilling fluid or drilling fluid additives, that are not: 1) a permitted activity under C.8.5.1 Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity, or 2) a permitted activity under C.8.5.2 Alteration or decommissioning of a bore – permitted activity, are controlled activities, provided: a) the bore is not located within a fully allocated aquifer or the catchment of a fully allocated waterbody, and b) any associated water take from the bore is a permitted activity under section C.5 of this plan, and c) the bore is constructed and maintained in accordance with the requirements set out in the New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001). Matters of control: 1) Pump testing requirements. 2) The location of the bore, including distance from any refuse disposal site, wastewater discharge site, or offal pit. 3) The bore design (including bore head security), construction (including depth), operation and maintenance requirements.	Neutral	N/A	No current comment.

	4) Ensuring compliance with the requirements set out in the New Zealand Standard. Environmental Standard for Drilling of Soil and Rock (NZS 4411:20001). 5) Measures to avoid, remedy or mitigate: a) effects on the quality and quantity of groundwater and connected surface water, and b) effects on tāngata whenua values and practices ~~and their taonga.~~ 6) Provision of information related to the construction of the bore			
D.4.3A Farm wastewater discharge to water	An application for resource consent to discharge farm wastewater to water will not be granted unless: 1) It is to replace an existing resource consent, and 2) a discharge to land has been considered and found not to be environmentally, economically or practicably viable, and 3) any resource consent granted must be for a term that ends before 1 January 2030, and 4) the storage, treatment and discharge of the wastewater is done in accordance with recognised industry good management practices.	Query	Clarify what is meant by "recognised industry good management practices".	It is unclear what "recognised industry good management practices" are and if there is intended to be a reference document to support this.
F.1A.2 Te Hurihanga Wai	The spiritual wellbeing and whakapapa of wai is prioritised and enhanced. All people who use and/or affect wai, listen to and respect Te Hurihanga Wai.	Query	Provide more clarity around this wording and its direction.	It is unclear what is envisaged based on the "listen to and respect" direction. This may not provide the strength required to achieve the desired outcome.

Te Panonitanga o te Mahere Wai Māori Hukihuki: Te Kaupapa Here Tuaritanga Wai Arotahi The draft Freshwater Plan Change: Targeted Water Allocation Policy

Te Panonitanga o te Mahere Wai Māori Hukihuki: Te Kaupapa Here Tuaritanga Wai Arotahi The draft Freshwater Plan Change: Targeted Water Allocation Policy Companion document to the Freshwater Plan Change

Provision Number	Freshwater Plan Changes Text	**Position**	**Recommended**	**Rationale- Comments**
Companion document to the Freshwater Plan Change	Where primary allocation is available for abstraction, the Northland Regional Council will allocate 20% of the total wai available in every allocation unit, for use for the following activities: a) Contribution to environmental enhancement; or b) Wai for domestic use by marae and papakāinga; or c) Any other use of wai, provided that: i. it includes contribution to a Te Mana me te Mauri o te Wai fund managed by the Northland Regional Council in consultation with tangata whenua, ii. the fund will be used to provide for development of Māori wellbeing; iii. the contribution to the fund is proportional to the amount of reserved wai being taken and any commercial returns resulting from the application; and, d) The development of Māori owned land and land returned to a Post Settlement Government Entity through a Treaty Settlement. *Advisory note: Māori wellbeing is best defined by tangata whenua groups who may be able to apply to this fund. This can include better social and cultural outcomes for Māori.*	Query	Clarity on the evidence for using the proposed allocations is requested.	While Council is generally supportive of the intention of the policy, more clarification and transparency on the workings and background considerations of the targeted water allocation policy is necessary so that we are able to provide a comprehensive response.

Thank you for the opportunity to provide this feedback.

Signed on behalf of the Whangarei District Council under delegated authority.

Signed: _____ Date: 28 March 2024

Jim Sephton (WDC Infrastructure General Manager)

From:	noreply@fs17.formsite.com on behalf of Formsite
To:	Freshwater
Subject:	draft Freshwater Plan Change feedback from: Ian Page
Date:	Wednesday, 20 March 2024 1:03:12 pm
Attachments:	f-93-101-15881744_34XkvXKx_SUBMISSION_ON_DRAFT_FRESHWATER_PLAN_CHANGES.docx

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Ian
Last name:	Page
Mailing address:	[redacted]
Email:	[redacted]
Phone:	[redacted]
Topics for feedback:	• Managing highly-erodible land • Stock exclusion – distance from waterways • Stock exclusion – highly-erodible land
Tell us what you think:	See submission below as separate file
Upload:	SUBMISSION_ON_DRAFT_FRESHWATER_PLAN_CHANGES.docx (32 KB)
Keep me updated:	Yes, please keep me updated about the draft Freshwater Plan Change
Last Update	2024-03-20 13:02:57
Start Time	2024-03-20 12:59:42
Finish Time	2024-03-20 13:02:57

SUBMISSION ON:

NRC DRAFT FRESHWATER PLAN CHANGE

Submitter

My name is Ian Page.
I have an honours degree in forestry from the University of Wales and masters degree in forest engineering from the University of British Columbia.
I am a Fellow of the NZ Institute of Forestry (NZIF) and a registered forester (retired) with NZIF.

Our property, Tahere Farm, is 160ha of a mosaic of indigenous forest, mixed age exotic plantation and grassland. Under the National Land Use Classification (LUC) system the predominant area is Class 6e, with a large area to north mapped as Class 8 and a small strip to the south mapped as Class 3. Livestock and most other productive uses (except eco-tourism) are excluded from the Class 8 land. Livestock are also excluded from the steeper and more erosion prone parts of the Class 6 land which carry both indigenous and plantation forest. Class 3 and the easier Class 6 lands carry cattle grazing and plantation forestry.

Over the years, and often with NRC's assistance, we have excluded livestock from all of our permanent and ephemeral streams and wetlands. Riparian areas created in grass land have been planted with native and exotic vegetation.

In 2015 the farm was entered in the Balance Farm Environment Awards and was awarded the Donaghys Farm Stewardship Award, the PGG Wrightson Land and Life Award and, perhaps most pertinent to this submission, the NRC Water Quality Enhancement Award.

Comment on draft changes.

General

I am making the submissions below in expectation that NRC will continue with a new fresh water plan whatever changes the coalition government might make to regulations and time frames introduced by the previous national administration.

I strongly support the exclusion of livestock from wet lands, permanent and some ephemeral waterways and highly erodible land.

With respect to the draft plan, I have some strong concerns as follow:

- The draft plan makes no attempt to discuss the negative aspects of suggested livestock exclusions other than a crude analysis of the financial consequences of lost production. These omissions reduce the credibility of the draft and miss the opportunity to place within the debate the experiences of those who have already put in place measures suggested in the draft.
- Protecting fresh water quality from land use practices can involve measures additional to livestock exclusion. The draft does not mention these.
- I am worried by the apparent attempt to produce rules with quantitative limits that are unrealistic and may be inappropriate. The draft does not discuss alternatives to highly quantitative rules.

This submission aims to constructively contribute experience in each of these omitted areas.

Set-back distances

The draft claims that the larger the set-back, the greater the benefits for water quality and bank erosion. Few, if any, data are presented to back up the merits of the three distances suggested although it is accepted that wider is likely to be better from the point of view of water quality. (However, I am aware of native forest "set-backs" on Tahere farm measured in 100s of metres, where bank erosion continues!).

The point to be made here is that a plan setting out specific widths, although bureaucratically easy to enforce, will not lead to realistic and pragmatic solutions that are acceptable to land owners and thus are less likely to attract compliance. Appropriate set back distance will depend upon a mix of factors including the size of the stream or wet land, landform, use of the land immediately adjacent to the water, soil type, anticipated flood heights etc.. The current national regulations suggest a minimum of 3m. As an average minimum (e.g., across a property) this might be acceptable but my strong preference would be for rules that insist on livestock exclusion but with set-back distances able to be varied with respect to the factors mentioned above. (See *Quantitative rules vs property plans* below.)

Removing rules specifying precise set-back distances would make it easier to sensibly handle properties where riparian strips are already fenced and planted but may not precisely comply with strict quantitative conditions should these remain in the plan. Tahere farm is a case in point. Riparian fences lines have been erected with due consideration to all the factors noted above but could no doubt be faulted in places on the basis of minimum distances, while in other places set-backs are considerably greater than the minimum.

The fencing of all permanent streams and wetlands places total reliance on artificial means of providing water to livestock. Such water reticulation systems are expensive, can be vulnerable and are by no means universal. Where such systems are not in place or provide only limited property coverage financial assistance may be necessary for a property to remain viable.

Riparian plantings

Planting riparian strips is recommended in the draft plan and presumably has been costed. What is not mentioned is that ungrazed riparian plantings are susceptible for many years to weed invasion. This is particularly true in Northland where there are rampant infestations of such weeds as Convolvulus, Glyceria maxima, mothplant, Japanese honeysuckle, wild ginger, blackberry and tobacco weed (and probably more still to come!). At Tahere after 10+ years and canopy closure of our plantings we are still faced with these weeds brought in by wind, water and birds. Their control, without serious damage to desirable trees and shrubs, is increasingly difficult and expensive. Recognition of this by the plan would engender some confidence in the plan's authors.

Stock exclusion from erodible land

From the point of view of erosion, I do not doubt the wisdom of excluding livestock from Highly Erodible Land. (Although it is recognized that NZ is geomorphologically young and erosion will continue in the absence of livestock to varying degrees on this land.)

The NRC web site directs the reader to the draft HEL1&2 maps. Because these land classes are based solely on slope, modern imagery and mapping allows land classification into extremely small units, exclusion of livestock from which would be totally impractical. Obviously factors other than slope angle alone will have to be used for practical livestock exclusion to be enforced. It is disappointing that he plan makes no suggestions as to how practical exclusion areas might be defined. Land Care Research are reviving work on the NZ Land Use Classification (LUC) system. Currently the scale of LUC maps is clunky and really only suitable on a regional basis or for very large properties. However, because the LUC classifications are based on more than just slope, refinement of that system may be a better option than trying to re-invent the wheel, and basing such re-invention on slope alone.

Removing livestock from steep erodible land will impact erosion but will have a range of other consequences that do not appear to be mentioned in your draft.

Land left unplanted:-

- In some areas - which are relatively small with a good surrounding source of native plant seed, little in the way of invasive weeds and not too aggressive pasture - reversion to native bush could begin. A long process.

- Ungrazed pasture, particularly if invaded by weeds such as gorse or early reversion to native pioneers such as manuka, may present a high fire risk exacerbated by poor access. (E.g. the Port Hills and Lake Ohau fires.)

Land planted:-
Your draft refers to planting of HEL1&2 as if the techniques were well tried and tested and easily applied even if expensive. I do not believe this is true.
Artificial establishment of native forest is extremely expensive. Examples available suggest a range of costs from very high to exorbitant. It takes a long time and before (and even after) canopy closure areas are extremely vulnerable to the same bird, weed and machinery spread weeds as riparian strips. Successful examples are not common.

You refer to "continuous cover forestry with selective logging" as an option. We certainly have some good examples of this on easier country in New Zealand. I suggest we know little about it on very steep and highly erodible land in NZ.

Permanent carbon forestry with exotic tree species is a much talked about concept with large areas established but still young. What experience we do have of pine plantations left unharvested is not good. Eventual forest collapse is very likely creating environmental disaster areas and potentially very high fire risk. As an example, on Tahere Farm over 100 32-year-old radiata pine were uprooted during Cyclone Gabriel. With each tree and root ball weighing over 5 tonnes a number of slip initiations were created.

A few examples of attempts to transition exotic plantations to native forest can be found but, to date, success appears to be very dependent on some specific site properties. These include:

- plantations thinned and pruned and supporting a diverse understorey of native species,
- small areas with prolific, surrounding native seed source,
- high populations of seed spreading birds,
- low levels of invasive weeds,
- ability to recover some timber to alleviate costs.

In this area, the draft plan is overly simplistic, suggesting various techniques which are untried and not tested.

Measures additional to livestock exclusion
Freshwater quality is impacted by factors other than just livestock entering wetlands and waterways. A freshwater plan should include some controls on these other factors. Some examples are:

- Mechanical soil cultivation is frequently carried out on gently rolling country. If cultivation is followed by intense rainfall, soil loss and sedimentation of wetland and water ways can be serious. In other parts of the world cultivation on the contour is mandatory to minimize this. With modern tractor guidance systems this is not technically difficult or expensive. In any freshwater plan it should be insisted upon. In some areas the creation of bunds at low points of the paddock may be necessary.
- The draft plan makes no mention of controls on the use of high solubility fertilisers. The science on this subject is detailed and extensive. The NRC draft makes no mention of this despite increasing (and alarming) awareness of the issue nationally.

Quantitative rules vs property plans,

Rural properties vary enormously in their mix of soils, landforms, vegetation and land use. There is no "one size fits all" solution to the protection of fresh water quality. Overly quantitative rules, although possibly making life easier for NRC compliance staff, will lead to unrealistic requirements and inevitable conflict. Such rules should be used extremely sparingly. Freshwater plans specific to individual properties, or groups of properties, that are prepared and/or audited by properly trained and experienced personnel – already being introduced in other regions – are more likely to lead to effective, pragmatic and acceptable solutions.

From:	James Parsons (Hard Hill Genetics)
To:	Freshwater
Subject:	Submission attached
Date:	Sunday, 31 March 2024 10:28:29 pm
Attachments:	Ashgrove Limted Northland-Freshwater-Plan-Change Submission.pdf

Please see attached a submission on the Draft Plan Change Document.

Kind Regards
James Parsons

[redacted]

[redacted]
[redacted]

Feedback on the Northland Regional Council Draft Freshwater Plan Change

Contact information:

First name:	**James**
Last name:	**Parsons**
Organisation (if giving feedback on behalf):	**Ashgrove Limited**
Mailing address:	[redacted]
Email:	[redacted]
Phone:	[redacted]
Is the submission you have provided below confidential? Yes / No	**Yes. The views can be shared, but not attributed to myself or organisation.**
Are you happy for your submission to be published online? Yes / No	**No**
If you are happy to, provide NRC with a background of your farm. For example farm size, stock numbers, and location.	**4500 su, 600 ha's, 55% cattle, 45% sheep. Tangowahine Valley. The farm cattle policy focuses on breeding Angus bulls and selling these to bull clients. It employs 3.5 full time staff. Gross income is $800k pa. The business adds significantly to the local economy with employment and also supporting local businesses.**

Stock exclusion – from waterways:
How far away from waterways should stock be kept? 3, 5, 10 or 30 metres? Where lower slope waterways require stock exclusion the distance should be 3 metres maximum. The loss of grazing land has a significant economic impact to a farmer if they have extensice waterways on their property. **Should an averaging approach be used to set setback distances?** An averaging approach should be used. On our farm we have retired over 5.9km of waterways and an additional 1.34km of streams retired on one side where stock graze more intensively with the steep side left unretired due to low intensity grazing and steep slopes making fencing costs prohibitive. In our experience an averaging system is required as sometimes close to the stream is the only viable vehicle and stock access route. The alternative would be to excavate the hill side destabilizing the hill and causing more sediment loss and slip erosion. An averaging system also makes it possible to build a fence more cost effectively as well as more cost effective maintenance. The NRC estimates per farm for fencing of $8,200 for 3 metre setback, and $24,500 for 10 metre setback we would suggest are woefully under calculated. And may be on the assumption that the average farm includes small lifestyle farms, nit commercial farmers above 750 stock units. Any assessment of fencing costs need to include depreciation and maintenance costs.

For example, on our 600 ha hill country farm we 60 paddocks with over 60km of fences, mostly post and batten. This is a total replacement cost of $2m, and an annual depreciation cost of $57,000 per year over a 35 year life of those fences. Adding more fences in locations that are hard to maintain adds significantly to the maintenance and depreciation cost. Cyclone Gabrielle caused significant damage to our fences due to fallen trees.

The farmer must have the flexibility to locate fences in the best location under an averaging system.

What should the rules be for excluding stock from wetlands?
Stock exclusion from wetlands should not be a one size fits all but derived from a farmers FEP or FWMP. Wetland identification from council maps and photographs are highly inaccurate. Wetlands captured in any stock exclusion should also only apply where there is intensive stock grazing of cattle and sheep should not be included in any stock exclusion, and any regulations should exclude constructed wetlands.

Should stock exclusion be extended to apply to other animals e.g. sheep?
No, fundamentally we disagree with this proposal. Sheep are known to have minimal impact on water quality as they don't like standing in waterways and also have a very light impact on stream banks being a small animal.

On our property we have fenced many of our waterways wider than required knowing that we can still graze the waterways with sheep and still utilize that land. This has been very effective with improved water health, better long term locations for fence lines and still retaining an economic use of that land for sheep grazing.

The suggestion that sheep be excluded from waterways is based on no rigorous science, has no precedent in any other region and is a notion that we are fundamentally opposed to.

What resources will be required to complete stock exclusion of waterways on your farm (labour, time, costs)?
As detailed earlier we have over $2m of fences already on our farm. In terms of the NPS FM we have fenced a significant number of waterways and are now compliant with the National Policy Statement. The NRC Draft proposal is off the charts in terms of what we would need to fence given we have many multiple streams permanently flowing on steep hill country that would be captured in the draft regulations. We have estimated an additional 10km of steep hill country streams that would require fencing both sides at $40/m, this would be $800,000 to fence with post and batten fencing. And include significant earthworks with a bull dozer to bench the fecelines, creating unnecessary erosion.

Will the requirements of excluding stock from waterways prevent you from completing other environmental work on farm?
Yes absolutely. It will bankrupt us.

Have you already excluded stock from waterways?
Yes as mentioned earlier we have already fenced over 7km of water ways on our lower slope more intensively farmed areas. This has been a positive action which we have been very supportive and enthusiastic about doing. We don't support the need for steep slope fencing as we don't see it delivering any outcomes.

Additional feedback:

We do support outcomes based regulations that enable the land owner to deliver to an outcome, but not a one size fits all blanket regulation approach which limits the individual land owner to be innovative in how they deliver good environmental outcomes.

Stock exclusion – highly erodible land:

Should stock exclusion rules apply to highly erodible land (land steeper than 25 degrees)?

No, we strongly disagree with this proposal. The very fact that land above 25 degrees is labelled "highly erodible" is an assumption. Land is highly erodible due to a multiplicity of factors, such as soil type, rainfall, grazing management, vegetation cover, lack of poplar planting, etc. A significant portion of our farm is above 25 degrees. And we don't see high sediment loss coming off that land, particularly where there has been good planting with poplars in the past. It is also a very stable soil type.

Secondly steep slopes are not evenly spread across the farm, but in pockets within paddocks. It is not practical to just fence the steep slope areas only. In effect a paddock with 50% over 25 degrees would mean you would retire 80% of the paddock as you would need to choose locations that you could locate fences.

What has been proposed by NRC means we would need to retire 80% of our farm.

Do you think highly erodible land should be retired?

No, that is assuming that there is a direct correlation between steep land and highly erodible land. Instead, we do support farmers having an FEP that has a plan on how they mitigate sediment loss off their farms.

Looking at the following map how is your farm impacted? And how much of your farm would need to be retired? Click here for map.

80% of our farm would need retiring, when you account for fence placement where it is practical to fence.

How badly will retiring highly erodible land impact your farm system?

It will bankrupt us.

What resources will be required to complete stock exclusion of highly erodible land on your farm (labour, time, costs)?

The cost would be in the vicinity of $1m at least if we tried to retain as much as we could of the land under 25 degrees. This would be impractical in reality and would require wholesale planting of forestry.

Do you currently have strategies in place to manage erosion? E.g. tree planting or stock placement during adverse weather events.

Yes we do have a lot of poplars planted on our farm, we also are investigating constructing sediment dams and sediment settling ponds that will catch the sediment before it leaves the farm.

Additional feedback:

Forestry is considered by some as the alternative option for steep land. We have many forestry neighbors and see significant sediment loss from those operations. Both at harvest but also slips occurring in in forests. The notion that trees stop all slips is a false notion. We have observed this many times.

Water allocation

Do you think a targeted allocation policy would improve cultural, social, economic and environmental outcomes for wai?

Whilst we have a view that a "first in first served" approach can lead to undesirable consequences, and there is some balance required. The proposed Water Allocation Policy from the NRC we strongly disagree with, on the basis that it will lead to perverse social, economic, cultural and environmental outcomes.

What do you think about requiring a contribution to a fund? What are your thoughts about how the fund could be used?

To create a fund and then manage that fund wisely requires significant resource, skill and 100% transparency. That fund also needs to be well governed, well managed and have really clear objectives that are balanced, fair to all New Zealand citizens. These all set a very high bar. Local government have a very poor record of delivering on such outcomes. Creating such a fund will end up in a highly political, divisive and negative outcome. The very intent described in the NRC discussion document for such a fund and allocation policy will pit groups of people against each other based on race.

How else do you think we can recognise the significant relationship tangata whenua have with wai?

Tangata Whenua are highly valued and a rich part of Aotearoa culture and makeup. All New Zealanders regardless of race are proud of NZ's rich history and tangata whenua make up a significant part of that.

However, despite certain world views and interpretations of the Treaty of Waitangi that does not mean allocating to one group of people a fund, decision making rights and economic benefits based on race a resource such as fresh water that is owned by all New Zealanders. Such an approach is not good for this nation including tangata whenua. This is divisive and unjust and will lead to deep resentment and more layers of bureaucracy that is not needed or wanted to get better outcomes for water.

Whilst we acknowledge this is a very difficult debate with very polarized views it is absolutely not the role of local government with its very meagre resources to attempt to lead this debate by giving effect to precedent setting policies that favour tangata whenua so strongly within the Northland region.

Tangata whenua already have a strong voice, not only as individuals but through representation on NRC and through various leadership forums. This proposal goes way too far and we do not support it.

How is water important to your farm system? And do you have concerns around the reliability of future water usage?

Primarily we require water for stock water. We would like to explore water storage options to build greater resilience to climate change through irrigation on some of our flats. We also would like to explore high value horticultural options on our flats that could in turn support greater investment in environmental stewardship on the rest of the farm. Limiting our ability to utilize water resources which flow off our property, in an environmentally sustainable way will lead to reduced environmental investment by our business.

General feedback

We are absolutely opposed to the visions and draft policies portrayed in the Draft Northland Freshwater Plan Change. This is an atrocious piece of work which if implemented will have far reaching adverse consequences. Whilst we support good policy that leads to better outcomes for the region culturally, environmentally, socially, and economically. The proposals will work against all these. Even environmentally as to invest in the regions environment we need a strong community with an economic engine that can do this.

NRC itself needs to earn rates and have leaders coming through, and policies that the community feel ownership and can get behind to then execute. This will achieve none of that and should be thrown out and a a new piece of work started with a fresh sheet of paper.

From:	Alyx Pivac
To:	Freshwater
Subject:	Re: Freshwater plan change feedback - Te Runanga o Whaingaroa
Date:	Tuesday, 9 April 2024 2:01:44 pm
Attachments:	image002.png 2024 Draft Freshwater Plan Change.pdf

Kia ora,
Arohamai, we took a little longer to get feedback from our kaitiaki. Please see the attached submission.

Appreciate you accepting this beyond the deadline – Te Ūkaipo is happy to meet and discuss further if required.

Nga manaakitanga

KAITIAKI collective

Alyx Pivac (she/her/ia) | Kaiwhakahaere
BSc, PGDipSCi, MSc, MBA
Ngati Whatua, Te Rarawa, Ngati Pukenga, Ngapuhi
Iwaea +64 21 1744 519

TE RŪNANGA
O WHAINGAROA

March 2024

RE: NORTHLAND REGIONAL COUNCIL DRAFT FRESHWATER PLAN CHANGE

Overview:

1. This submission has been prepared by Te Ūkaipō for Te Rūnanga o Whaingaroa.

2. Te Runanga o Whaingaroa is the mandated Iwi organisation in the Māori fisheries Act 2004, an Iwi Aquaculture organisation in the Māori Aquaculture Claims Settlement Act 2004 and represents Ngāuhi/ Ngāti Kahu ki Whaingaroa as an "Iwi Authority for the Resource Management Act 1991, registered as a Charitable Trust.

3. Te Runanga o Whaingaroa represents our people within our tribal lands, shores and islands which is generally described as commencing at the river mouth of the Oruaiti River in the north, moving in a southerly direction encompassing the Puketi Forest, and then moving in a north-easterly direction in the Takou River area.

The coastal boundary commences at the mouth of the Oruaiti River, follows the eastern side of the Mangonui Harbour, then directly out to sea moving in a south-easterly direction along the coast to Rupurapura (Needles) off Pureura and includes the Whaingaroa Harbour, its rivers estuaries and island within this role.

The rohe is further described as those areas that the hapū of the marae within the above boundaries exercise manawhenua and manamoana.

4. As affirmed in Te Titri o Waitangi, ngā hapū o Whanaroa are the kaitiaki of resources which includes land, coastal areas, sea, waterways and other resources within our tribal region. This includes the foreshores and sea beds extending out from the coast and harbours of our rohe and the subject of the current debate over ownership and management of such.

5. Ngā hapū o Whangaroa actively exercise their customary rights and responsibilities of Kaitiakitanga throughout our district. Traditional cultural practices closely tie Whangaroa to our forests, coastal shores, waters and whenua.

6. Te Runanga o Whaingaroa welcomes the opportunity to comment on the Northland Regional Council Draft Freshwater Plan Change.

Whaingaroa Fisheries
Company limited
TE RŪNANGA O WHAINGAROA

Te Runanga o Whaingaroa Iwi Environmental Management Plan 2022-2027

Issues:

- Excessive taking of freshwater from natural waterways for farming, agriculture, horticulture, viticulture and industry for example the impact of bores on aquifers/ water table
- Point discharge from milking shed, commercial operations and residential developments
- Non-point discharges from farming, forestry and horticultural activities through stock waste and the application of fertilisers, herbicides and pesticides.

Head Office
Cnr. Waikare Ave & State Highway 10
PO Box 88, Kāeo, Northland 0448

Kerikeri
Te Pūtahitanga, 2 Clark Rd,
PO Box 119, Kerikeri 0245

Waea
+64 (9) 405 0340
Īmēra
admin@whaingaroa.iwi.nz

0800 GOKAEO 465 236
www.whaingaroa.iwi.nz

- Stormwater runoff from roads, commercial and residential developments
- River, estuary and harbour siltation through land erosion caused by natural events, poor land use management practices, including poor exotic forestry management practices
- Poor to non-existent riparian management reducing water quality through erosion and siltation of waterways
- Damage to puna primarily through poor farming and forestry practices
- Concern around biosecurity for Whangaria

Outcomes:

- Positively contribute to restoring the mauri and life supporting capacity of water in the puna, rivers, streams and estuaries in Whangaroa
- Direct discharge to freshwater, river, stream and estuary environments are nil, or significantly reduced
- Riparian planting alongside rivers, streams and estuary environments has improved the quality of freshwater
- There is an acceptable level of access to good quality freshwater for domestic use
- There is reasonable access to good quality freshwater in Whangaroa for recreational purposes
- There is confidence that the quality of freshwater in Whangaroa is guaranteed for future generations
- Te Rūnanga can be confident that any freshwater extracted for farming, business, industrial, commercial or domestic purposes is prohibited if this is deemed to impact negatively on the natural environment
- There are no new bores impacting on aquifers and no planned extraction from water tables that might jeopardise them for future generations.
- Improved knowledge and understanding of kaitiakitanga
- An Iwi biosecurity team is resourced and trained
- A well-informed and resourced monitoring and kaitiaki team is in place.

Relevant Strategic Objectives:

- To engage with national, regional and local government to develop and implement strategies, policies, regulations and standards that meet and address the outcomes, issues and policies in relation to forest and bush environments
- To Ensure local and regional authorities are operating effectively to monitor and enforce regulations and rules concerning point discharge from milking sheds, commercial operations and residential developments, non-point discharges from farming, forestry and horticulture activities involving stock waste and the applicaton of fertilisers, herbicides and insecticides to ensure that these activities do not negatively impact on the freshwater, river, stream and estuary environments of Whangaroa.
- To ensure local and regional authorities are operating effectively to monitor and enforce regulations and rules concerning the taking o f freshwater so that the aquifers are safely protected and bore placement is appropriately planned to sustain the natural water table

Head Office
Cnr. Waikare Ave & State Highway 10
PO Box 88, Kāeo, Northland 0448

Kerikeri
Te Pūtahitanga, 2 Clark Rd,
PO Box 119, Kerikeri 0245

Waea
+64 (9) 405 0340
Īmēra
admin@whaingaroa.iwi.nz

0800 GOKAEO
465 236
www.whaingaroa.iwi.nz

- To review existing consents that approve the taking of freshwater from aquifers and the natural water table to ensure new applications meet sustainable standards
- To encourage farmers, uses of water for commercial purposes and homeowners to capture and store rainwater doe their specific needs
- To ensure the negative impacts of stormwater runoff from roads, commercial and residential developments are mitigated as best as practicably possible.

Comments regarding the process

Te Rūnganga o Whaingaroa supports the proposed plan to release a draft plan for feedback and welcomes the opportunity to comment.

The preference to have an 'in person' hui available for our rohe would have been appreciated although we understand the constraints with time and resourcing.

Te Rūnanga o Whaingaroa supports the appointment of Tai Tokerau Tangata Whenua Water Advisory Group report to NRC, and appreciates the documents submitted by the group.

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The tool	Question	Support/ oppose	Decision sought	Validation	Comments
Protect highly erodible land	1	Support	Fencing with additional riparian vegetation buffer minimum of **5m** with a minimum of **10m** in areas of significant natural character, sensitivity and outstanding landscapes	Where practical, including a buffer and riparian vegetation zone of 5m will remove 34%-40% of sediment. In highly sensitive areas we suggest a minimum of 10% to remove 60% sedimentation.	5m is a practical and pragmatic disctance for landowners. Those areas of natural and cultural significance need higher margins of protection. This will also require analysis of potential flooding impact and impact from climate change. Those areas of high risk (upstream from flooding) will benefit from lower sedimentation rates downstream.
	2	Support in principle with some concerns (see comments)	Stock exclusion from Highly Erodable Land 1 and 2. Introduced over a period of 4 years to ensure a fair and just transition for farmers and landowners.	Most of the sediment in Northland's waterways comes from highly erodible land and stream bank erosion. There is a need for some level of management as there are currently no rules in the regional plan requiring stock to be excluded from highly erodible land.	Concerns with sedimentation but also the requirement for a fair and just transition for farmers currently farming on highly erodible land. The plan needs to have steps to support landowners to vegetate these areas with native vegetation and not exotics as futher poor planting practices may be an unfortunate outcome of this rule

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					Te Ūkaipō highlights concerns about the impact of pests and weeds on land, hill and mountain environments.
a	3	Support	Beef, dairy support cattle and deer to be excluded from wetlands.	Excluding stock improves the quality of wetland habitats and their ability to filter contaminants – they are more effective at trapping sediment when they are not grazed	Te Ūkaipō highlights concerns about the impact of farming, agriculture, horticulture, viticulture and apiculture on natural waterways and this includes wetlands.
	4	Support with adjustments	All animals should be excluded with specific focus on commercial operations in the first instance.	Excluding stocks protects the waterways and will deliver the intent behind te mana o te wai. Practically this is a costly exercise and we propose it is implemented in stages with those farms with high stock levels being the first point of focus.	
	5	Support 10 year timeframe	New requirements for stock exclusion from hill country rivers and wetlands for nondairy stock to address the gap in current rules. Extending stock exclusion rules	As above	

			to apply to more stock types and widen setbacks around waterways. Applying stock exclusion rules to highly erodible land.		
Eliminate or reduce discharges		Support		Direct discharge to freshwater, river, stream and estuary environments are nil, or significantly reduced (IEMP 2022-2027)	Te Ūkaipō has consistently shared its concerns regarding discharge to freshwater sources in the north. Whangarei District Council continues to discharge sewage into the Kaeo river failing to develop further infrastructure to support waterwater treatment and sae discharge to land practices.
Protect wetlands		Support	additional rules for keeping stock out of wetlands,		As per question 5 above
Control exotic forests		Support	Require larger setbacks for exotic carbon and plantation forestry from waterways Require resource consent for plantation forestry and exotic carbon forests in high-value dune lake catchments	As we have seen in recent years, forestry not only impacts the waterways diretly, it also indirectly (through the operations) impacts them as slash and waste is left over once the forests have been cleared. Resource consents will require deep analysis to ensure any	Te Rūnanga expects timely consultation to take place well in advance of any proposed forestry development in Whangaroa and neighbouring regions and proposes these resource consents to be notified. Te Rūnanga supports indigenous forestry

				exotic forestry has a buffer zone of indigenous fauna and long term plans for restoration and reduction of ongoing issues relating to waste management and good harvesting practices.	development and the creation of employment opportunities for local residents and expects policies developed to reflect these expectations.
Expand requirements for assessing impacts on tangata whenua values		Support	Add requirements for resource consent applicants to assess the potential for impacts on Tāngata Whenua values for freshwater.	Applicatnts should be held to account to ensure they have consulted directly with tangata whenua groups regarding their application before lodgement.	This will need resourcing support from council to develop the resource and capacity within iwi and hapū groups to respond to such resource consents. Policies will need to be upheld by planning technicians within the council as we often see them avoiding consultation or provide Iwi and hapū with unfair timeframes. Policy D.1.1 is often overlooked by planners and applicants.
Allocate water for environmental enhancement and to		Support in principle	*Further comments below		Te Rūnanga o Whaingaroa asserts that local, regional and national authorities should

recognise the tāngata whenua relationship with wai Māori		with adjustments			ensure that hapū and Iwi of Whangaroa should have: - Access to good quality/ quantity freshwaterfor domestic use as a basic human right - Reasonable access to good quality/quantity of freshwater in Whangaroa

***Comments**

The expectation of sustainable and healthy water responsibility lies with both Maori and Pakeha as we both have an obligation to Te Tiriti and to the taiao we all respect and enjoy. Hapū of Whangaroa have observed over-allocation in our rohe, and in the rohe of other Iwi and hapū across the region. With ongoing impacts of climate change this is expected to get worse in some seasons.

The awa and aquifers in Northland are under significant stress where water is taken for dairy farming and large horticulture schemes, with discharge, pollution and chemical run off entering our waterways again. A lot of these operations are not owned by Māori nor do they benefit Māori in any significant way.

The NRC suggests a Maori 20% water allocation can be the “Kaitiaki element” for the wai sustainability. Whangaroa has concerns that the other 80% may be exploited for commercial use and will go against our strategic objectives in the IEMP along with our obligation as kaitiaki. We propose each waterway to be have its own unique set limit, with an increase to 50% water allocation for tangata whenua. This allocation should not be ringfenced for kaitiaki elements only as this will limit the scope of which tangata whenua (as per their right under article 2 of Te Tiriti) can access and use the water for.

MAUNGATAPERE WATER COMPANY LIMITED

Tai Tokerau Trust Building
5 Hunt Street
PO Box 1278
WHANGAREI 0140

Phone (09) 438 5309
Fax (09) 438 7430
Email:admin@mpewaterco.nz
Mobile: 021 481582

Northland Regional Council.
Private Bag 9021.
Whangarei 0148.
12th March 2024.

RE DRAFT FRESHWATER PLAN CHANGE FOR NORTHLAND (DFWPC)

The Maungatapere Water Company limited (MWC) wishes to be heard in support of our submissions on:

Draft changes to the Regional Policy Statement.
Draft Freshwater Plan Change. (FWPC)
Draft Council Freshwater Action Plan (FWAP)

We realise that there is significant overlap between the Resource Management Act 1991 and the National Policy Statement for Freshwater Management 2020 (NPS-FM) and that this (NPS-FM) may be repealed. We are however making our submission to the current draft proposals.

Background

The MWC is a co-operative company owned by shareholders who are also landowners in the district. The company operates and manages the Maungatapere Irrigation Scheme for the benefit of its water users and has done so since 1990.

The scheme has been designed and constructed to supply irrigation water to 1500 hectares of land within the scheme's boundaries. Currently there are 207 properties being supplied with water from the scheme and there are approximately 760 hectares planted within the district, predominantly avocados and kiwifruit with other crops such as persimmons, tamarillos and citrus.

The scheme has three sources of water, downstream from the Poroti Springs, the Wairua River and a dam at Maunu. The scheme consists of 65 km of main reticulation pipelines feeding a similar service network to individual properties. There are seven pump sheds situated around the district to reticulate the water. The scheme relies on run of stream and has no storage capacity apart from seven reservoirs which range in size from 2200m^3 to small reservoirs of 200m^3. These provide a limited buffer and act as header tanks for the pumping network. The scheme is computer controlled and all water pumped and supplied is measured by water meters at individual pump sheds and at the boundaries of individual property owners.

The company is the facilitator for development of horticulture by providing the infrastructure for land development to proceed. Water is made available to growers at a prescribed level depending upon predicted usage for their land area. Landowners must enter into a water supply agreement with the company and purchase shares to meet their water requirement.

The company only supplies water to the boundary of the water user's property for rural irrigation, agricultural and general farming purposes in accordance with the terms and conditions of the water supply agreement between the company and water user.

The water supplied is not fit for human consumption and the water user is responsible for the treatment of the water on their property, if required, to comply with crop or food safety standards.

Submissions

We have read the FWPC document and have a number of concerns with the proposals. These centre around the Role of the Northland Regional Council in implementing its policies for managing the freshwater resource and the proposed policy changes and specific rules.

Monitoring

The NRC has identified and stated in its FWAP the that its freshwater state of the environment monitoring programme is action plan no 1. This consists of two components water quality monitoring and water quantity monitoring.

We cannot see how the NRC can achieve its stated aim of assessing impacts of using alternative flow statistics for setting Northland's River allocation limits when the NRC, despite repeated requests from ourselves and the Whatitiri Maori Reserve Trust, has not completed a comprehensive record of existing bore takes in the Waipoa Catchment.

Compliance and Enforcement Action 7

This should be an integral component of the freshwater consenting process and have a higher priority.

We would expect this to be part of FWPC D.4.10 avoiding over allocation of a resource. Priority should be given to allocation of water for food production, economic development and the protection of the rights of existing consent holders.

Commitments to involve tangata whenua in freshwater management and operations. (Action 5)

We accept that under the Resource Management Act that in relation to the use, development, and protection of natural and physical resources the NRC shall take into account the principles of the Treaty of Waitangi.

We note that the NRC see that it has a key obligation under the NPS-FM to involve tangata whenua in freshwater management.

NRC is endeavouring to implement recommendations of the Tangata Whenua Advisory Group (TWWAG), an advisory group set up by the NRC to provide advice on the freshwater plan change from a Tangata Whenua perspective.

We do not think this is a responsibility of the NRC to be funding advisory groups such as TWWAG to develop and set out Tangata Whenua perspective. This is not an NRC or ratepayer responsibility.

Freshwater Farm Plans (Action 6)

We as a company and as representatives of property owners support the aim to reduce impact of farming and horticulture on freshwater. However, we strongly reject the proposal to set up and implement a maori freshwater values attributes monitoring programme at an estimated annual cost of $1m. This is not justified and should be incorporated into the NRC's own Compliance and Enforcement Action Plan referred to earlier.

.

It is not clear from reading the documents what Te Mana o te Wai means or how Māori values will be identified or considered when a grower is undertaking the consenting process.

We disagree with the analysis requirements set out in FWPC D.1.1 and D.1.2 to determine and analyse the effects on tangata whenua values and practices. The consent applicant would need to be able to identify the appropriate iwi or hapu. Tangata whenua should be registering their mana whenua
over an area with the NRC in accordance with the requirements of FWPC D.1.5. The NRC on receipt of a resource consent application should notify affected persons as set out in FWPC D.1.3 and the appropriate iwi or hapu should make its own submissions on the consent application.

D.2.14 Resource Consent duration

We oppose shorter consent duration periods for activities not supported by mana whenua. We as a company support the other existing matters to be given regard to in considering consent duration especially the tenure of investment.

A specific favourable weighting value for consent duration should be given to such matters as food production, economic and social benefits to the local economy resulting from the resource consent activities. This would be in compliance with FWPC F.1.5 dealing with enabling economic wellbeing.

D.4.13 Reasonable and efficient use of water irrigation

These requirements are unrealistic for a consent application. If such a condition applied to a consent process for our irrigation scheme it would never have been constructed. An applicant should apply for a consent and if the amount is available from the catchment it should be granted. The consent for new application should have a review period to ascertain actual usage and adjust volumes if necessary. Actual usage volumes should be supplied to the NRC as per D.4.17 and as is the case with the MWC.

C.8.2 Land Preparation

The MWC believes that many of the rules are an overreach and are not required, for example, matters such as giving the NRC a minimum of 5 days' notice of undertaking permitted activities.

D.4.27 Land preparation, earthworks and vegetation clearance.

The MWC believes it is inappropriate to include any reference to cultural values or non-physical references here.

D.4.32 to D.4.37

These categories are unnecessary and are covered elsewhere if the NRC is managing the resource.

D.4.39 Tangata whenua climate change mitigation and adaptation
This is unnecessary and who and what information is to be supplied to assess this.

D.4.42 to D.4.47
Again, these categories are unnecessary and are covered elsewhere if the NRC is managing the resource. We reiterate our earlier statement that the NRC as the regulatory body, is as part of the allocation policy required to notify existing consent holders of any new water take consent application.

D.4.51 to D.4.53
The MWC supports the principles of climate change mitigation and adaptation but would reject any suggestion that the NRC has a direct role in on farm operational issues, ie energy efficient pumps as set out as an example in D.4.52

Yours faithfully

D B Quinn (Secretary)

From:	Rawhiti ki Rakaumangamanga Maori Council
To:	Freshwater
Subject:	Submission - Freshwater Plan change
Date:	Sunday, 31 March 2024 5:00:17 pm
Attachments:	Rawhiti Maori Committee - Draft Northland Freshwater Plan Submission.docx.pdf

Tena koutou

Please find attached a submission from Rawhiti ki Rakaumangamanga Maori Committee regarding the draft freshwater plan change.

K Raue
Rawhiti Maori Committee

Feedback form

Draft Freshwater Plan Change

The closing date for feedback is **5pm, 31 March 2024**

We welcome your feedback on anything in our draft Freshwater Plan Change. To learn about the changes being considered, visit www.wai-it-matters.nz

We encourage electronic feedback, as it helps keep costs down and reduce our impact on the environment. Head to wai-it-matters.nz or email us at freshwater@nrc.govt.nz

Otherwise, complete this form and return it:

- **By mail** Freepost 139690, Northland Regional Council, Private Bag 9021, Te Mai, Whangārei 0143
- **In person** to our main office at 36 Water Street, Whangārei; or to any of our regional offices.

Your name and contact details

Please provide your name and at least one other piece of contact information

Full name: **Kate Raue**

Organisation **Rawhiti ki Rakaumangamanga Maori Committee Mailing address:**

Email: rawhitimaoricommittee@gmail.com

Phone:

What topics do you want to provide feedback on?

Select as many as you want

- ☒ The vision, objectives and/or targets for our freshwater future
- ☒ Managing highly-erodible land
- ☒ Eliminating discharges to water
- ☒ Managing exotic forests
- ☒ Managing impacts on tāngata whenua values
- ☒ Stock exclusion – distance from waterways
- ☒ Stock exclusion – highly-erodible land
- ☒ Timeframes for stock exclusion rules
- ☒ Managing water allocation
- ☒ Enabling tāngata whenua to practice as kaitiaki for wai
- ☒Support and funding for efforts to improve freshwater

Privacy Statement: *Privacy Statement: Please be aware that your feedback may be made public, including the name and contact details you provide. All feedback will be assessed and summarised for use in preparing the proposed plan change, which will be publicly notified in late 2024.*

☒ Something else

Tell us what you think

Please provide your thoughts and comments on anything in the draft Freshwater Plan Change.

General comments

1. Firstly, we would like to commend NRC on reaching this draft stage of plan development. The framework you have developed provides a solid base for amendment to effectively address water quality issues we have in Te Tai Tokerau, not just to give effect to the NPS-FM (2020) and Te Mana o te Wai. This plan change represents an aspiration to ensure our tamariki, mokopuna, and future generations can swim in our rivers and access safe drinking water, while providing for themselves and any options for how they live with our rivers, lakes, wetlands, and land in the future. This plan change is important to us because what you do to the land, and what you do to the water, you do to our people.

2. We are generally supportive of the draft plan change, particularly the incorporation of objectives and policies relating to Te Mana o te Wai (such as Objective 3.16 Te Mana me te Mauri o te Wai). I strongly support the retention of Te Mana o te Wai in the plan.

3. My primary interest in freshwater in Northland is as tangata mana whenua, kaitiaki, fisher, swimmer, and I value the health of our rivers and streams, groundwater, and wetlands and the life-supporting services they provide, as well as their overriding cultural value, and our tino rangatiratanga over our Wai Maori - our water - which is protected as taonga and enshrined by the terms of Te Tiriti o Waitangi. We also value the coastal areas where these waterways flow to, which are obvious 'receiving environments' for water from upstream in the catchment. Te Waitangi Pouerua ki Rakaumangamanga Maori Committee is based at Te Tii marae at Waitangi, where the Waitangi river meets Te Moana Nui a Kiwa after flowing through all the waterways that our tupuna protected for generations before us.

4. The water bodies and coastal environments that we interact most with and am most concerned with are those in the area encompassed between our marae at Waitangi and Rawhiti, and our maunga, Pouerua ki Rakaumangamanga:
    (a) The Waitangi River and all its tributaries;
    (b) Hauai Bay, Oke Bay, Deep Water Cove, Maunganui Bay;
    (c) All of the puna and awa - springs and streams;
    (d) All of the lakes;
    (e) All of the rivers;
    (f) All of the wetlands;
    (g) All of the springs and aquifers;
    (h) All of the estuaries;
    (i) All of the beds and the banks of the rivers, lakes, streams, wetlands, and estuaries.

5. Primarily we value the water quality values of these areas for protecting the safety of our drinking water, as our tupuna did. Also vitally important in ensuring the safety of our kai, and the environment where we enjoy **contact recreation** such as swimming and diving (and **ecosystem health** by association – as healthy ecosystems support better water quality for contact, such as by limiting algal growth and particularly toxic algal growth.

6. The natural and wildlife values of these areas are also important to me because this is where our people commune with our environment, and this is every bit as much of a "holy" communion as the colonial practises of "holy communion" - these places are our 'holy' places. The birds, the fish, the eels, the insects, the trees and plants, all have deep intrinsic value to us and all of them are sustained on a fundamental level by water, and vitally reliant on the quality of that water to sustain life. Our water quality at Waitangi is rated "fair". The ratings are "Excellent, Good, Fair, and Poor".
That is not acceptable - that is third rate water, currently delivered through a third world legislative framework and infrastructure.

7. I would like Northland Regional Council to do as much as it can to protect and restore te Mana o te Wai and to achieve and maintain optimum ecosystem health in these areas, and across the region generally.

Key Issues:

8. Key issues for us across Northland include water quality (particularly e. coli, sediment, algal growth/periphyton, potential toxic waste from mining activities, and ecosystem health); amenity values/drinking water; contact recreation; and natural form and character. We see sediment flowing into our waterways uncontrolled and unmitigated by local bodies, we experience flooding frequently, and damage to roads and other infrastructure caused by run off and flooding. We frequently experience toxic algal blooms in our rohe (area) that poison our kai and our wai Maori - drinking water - and prevent us from practising our traditional cultural activities - swimming, diving, and travelling on rivers and waterways. We now have caulerpa in our inshore waters, and a number of invasive foreign species that have made their way past our border controls and governance and management bodies.

9. I support having strong regulatory measures in the plan to address these issues.

10. To address freshwater issues, I would like to see Northland Regional Council:

    a. **Protect and provide for ecosystem health by**
        i. Including clear target attribute states for nitrogen and phosphorus, and any heavy metals that might be part of toxic waste from mining proposals, that protect ecosystem health (not just 'toxicity'); and connecting these to limits on resource use. It appears these are missing from the draft plan and this gap needs to be addressed.
        ii. Providing for Te Mana o te Wai throughout the plan.
    b. **Protecting the health of groundwater for human drinking and ecosystem health by:**
        i. Including a target attribute state for nitrate-nitrogen in groundwater with a target of less than 1.0 mg/L nitrate-nitrogen.
    c. **Protecting erosion prone land through:**

i. new rules limiting vegetation clearance, land preparation and earthworks in areas of high erosion risk, with tighter controls applied to these activities in areas with severe erosion risk.
ii. new rules requiring stock to be excluded from areas of both high and severe erosion risk.

d. Keeping stock out of waterways with

i. rules for streams in steeper areas,
ii. large enough setbacks (>10m) to provide enough space for riparian vegetation to establish around waterways, to allow rivers and streams to naturally adjust through erosion over time, and to provide space for rivers to dissipate flood energy without eroding fences or causing problems downstream

e. Eliminating and reducing discharges by:

i. Requiring consent for dairy effluent discharges to land
ii. Prohibiting new farm dairy effluent discharge to water and introducing stricter requirements for renewal of existing consents.
iii. Prohibiting new wastewater treatment plant discharges to water and introducing stricter requirements for renewal of existing consents.
iv. Prohibiting domestic wastewater discharges to waterways
v. Prohibiting any toxic waste from mining activities into waterways above and below ground

f. Protecting wetlands by

i. Prohibiting wetland drainage and clearance
ii. Requiring stock exclusion from wetlands
iii. Adding policies to the plan that would encourage wetland restoration
iv. Mapping and monitoring wetland extent
v. Introducing a measure of wetland condition using a tool like the wetland condition index (as recommended by the Government's Science and Technical Advisory Group on the NPS-FM)

g. Controlling exotic forestry by:

i. Requiring larger setbacks for exotic carbon and plantation forestry from waterways.
ii. Requiring resource consent for plantation forestry and exotic carbon forests in high-value dune lake catchments.
iii. Prohibiting clear-felling of forestry in high-risk or steep areas

h. Expanding requirements for assessing impacts on cultural values by

i. Adding requirements for resource consent applicants to assess cultural impacts that affect tāngata whenua values for freshwater.

i. Phasing out and preventing over-allocation of water by

i. Using short-term consents of < 10 years for all water takes, unless for municipal/papakainga/marae supply
ii. Prohibiting water takes above environmental flows and levels
iii. Ensuring consent expiration dates are aligned across a catchment
iv. Setting aside a portion of unallocated water (provided it is within environmental limits) to be used for environmental enhancement.

j. Addressing nutrient pollution from agriculture by

i. Having a robust allocation system for nutrient leaching, which should include things like limits on fertiliser use and stocking rates in degraded catchments.

k. Promoting nature-based solutions by

i. Including policy prioritises nature-based solutions over engineered solutions when making decisions on flood protection.

ii. Including policy protecting the ability of existing wetlands, native forests, and rivers/floodplains to naturally mitigate extreme weather

l. Improving the management of the natural character and habitat of our rivers by

i. Increasing the regulation of activities in the beds of rivers, such as gravel extraction

ii. Requiring regular monitoring and reporting of natural character and physical habitat in rivers

iii. Including target attribute states for natural character and physical habitat in rivers

m. Protecting coastal water and water in 'receiving environments' by:

i. Protecting and restoring catchments upstream to improve water quality

ii. Including target attributes for water quality in estuaries and coastal areas

iii. Responding promptly and effectively to reports of pollution, contamination, invasive species, etc.

iv. Ensuring that water in our waterways is maintained at a drinkable standard, and publishing full results of monthly testing on NRC website

n. Honour Te Tiriti o Waitangi by:

i. Consulting fully with the local hapu and Maori Associations, including primarily the Waitangi Pouerua ki Rakaumangamanga Maori Committee regarding all issues that affect our rohe - our area of jurisdiction, and our catchment area.

ii. Establish and support systems based on tino rangatiratanga Maori, and work with and collaborate with Waitangi Pouerua ki Rakaumangamanga Maori Committee to enact and implement these systems.

11. Thank you for the opportunity to make this submission. We look forward to the progression of the plan to notification and the improvements in water quality it can bring when implemented.

12. Ngā Mihinui

Katherine Raue
Waitangi Pouerua ki Rakaumangamanga Maori Committee

How did you find out about this feedback opportunity?

☐ Social media	☐ Letter from us
☐ Radio	☐ Sector group
☐ Newspaper	☐ Word of mouth

From:	Waitangi Maori Committee
To:	Freshwater
Subject:	Re: Submission - Northland Regional Council Freshwater plan
Date:	Sunday, 31 March 2024 2:21:14 pm
Attachments:	Waitangi Maori Committee - Draft Northland Freshwater Plan Submission.docx (1).pdf

UPDATED

Aroha mai - updated copy of our submission attached, please discard previous version.

K Raue
Secretary,
Waitangi Pouerua ki Rakaumangamanga Maori Committee

On Sun, Mar 31, 2024 at 2:08 PM Waitangi Maori Committee <waitangimaoricommittee@gmail.com> wrote:

> Tena koutou,
>
> Attached please find the submission of the Waitangi Pouerua ki Rakaumanagamanga Maori Committee regarding the Northland Regional Council Draft Freshwater Plan Change.
>
> Thank you for the opportunity to make a submission on the Council's Draft Freshwater Plan Change, the Wai Maori - Fresh Water - of the region is of vital importance to us and we look forward to working with you to protect and conserve it and maintain it at the best possible quality.
>
> Nga mihi kia koutou.
>
> Katherine Raue,
> Secretary,
> Waitangi Pouerua ki Rakaumangamanga Maori Committee

Feedback form

Draft Freshwater Plan Change

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Otherwise, complete this form and return it:

- **By mail** Freepost 139690, Northland Regional Council, Private Bag 9021, Te Mai, Whangārei 0143
- **In person** to our main office at 36 Water Street, Whangārei; or to any of our regional offices.

Your name and contact details

Please provide your name and at least one other piece of contact information

Full name: **Kate Raue**

Organisation Waitangi Pouerua ki Rakaumangamanga Maori Committee

Mailing address:

Email: waitangimaoricommittee@gmail.com

Phone:

What topics do you want to provide feedback on?

Select as many as you want

- ☒ The vision, objectives and/or targets for our freshwater future
- ☒ Managing highly-erodible land
- ☒ Eliminating discharges to water
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- ☒Support and funding for efforts to improve freshwater

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☒ Something else

Tell us what you think

Please provide your thoughts and comments on anything in the draft Freshwater Plan Change.

General comments

1. Firstly, we would like to commend NRC on reaching this draft stage of plan development. The framework you have developed provides a solid base for amendment to effectively address water quality issues we have in Te Tai Tokerau, not just to give effect to the NPS-FM (2020) and Te Mana o te Wai. This plan change represents an aspiration to ensure our tamariki, mokopuna, and future generations can swim in our rivers and access safe drinking water, while providing for themselves and any options for how they live with our rivers, lakes, wetlands, and land in the future. This plan change is important to us because what you do to the land, and what you do to the water, you do to our people.

2. We are generally supportive of the draft plan change, particularly the incorporation of objectives and policies relating to Te Mana o te Wai (such as Objective 3.16 Te Mana me te Mauri o te Wai). I strongly support the retention of Te Mana o te Wai in the plan.

3. My primary interest in freshwater in Northland is as tangata mana whenua, kaitiaki, fisher, swimmer, and I value the health of our rivers and streams, groundwater, and wetlands and the life-supporting services they provide, as well as their overriding cultural value, and our tino rangatiratanga over our Wai Maori - our water - which is protected as taonga and enshrined by the terms of Te Tiriti o Waitangi. We also value the coastal areas where these waterways flow to, which are obvious 'receiving environments' for water from upstream in the catchment. Te Waitangi Pouerua ki Rakaumangamanga Maori Committee is based at Te Tii marae at Waitangi, where the Waitangi river meets Te Moana Nui a Kiwa after flowing through all the waterways that our tupuna protected for generations before us.

4. The water bodies and coastal environments that we interact most with and am most concerned with are those in the area encompassed between our marae at Waitangi and Rawhiti, and our maunga, Pouerua ki Rakaumangamanga:
    (a) The Waitangi River and all its tributaries;
    (b) Hauai Bay, Oke Bay, Deep Water Cove, Maunganui Bay;
    (c) All of the puna and awa - springs and streams;
    (d) All of the lakes;
    (e) All of the rivers;
    (f) All of the wetlands;
    (g) All of the springs and aquifers;
    (h) All of the estuaries;
    (i) All of the beds and the banks of the rivers, lakes, streams, wetlands, and estuaries.

5. Primarily we value the water quality values of these areas for protecting the safety of our drinking water, as our tupuna did. Also vitally important in ensuring the safety of our kai, and the environment where we enjoy **contact recreation** such as swimming and diving (and **ecosystem health** by association – as healthy ecosystems support better water quality for contact, such as by limiting algal growth and particularly toxic algal growth.

6. The natural and wildlife values of these areas are also important to me because this is where our people commune with our environment, and this is every bit as much of a "holy" communion as the colonial practises of "holy communion" - these places are our 'holy' places. The birds, the fish, the eels, the insects, the trees and plants, all have deep intrinsic value to us and all of them are sustained on a fundamental level by water, and vitally reliant on the quality of that water to sustain life. Our water quality at Waitangi is rated "fair". The ratings are "Excellent, Good, Fair, and Poor".
That is not acceptable - that is third rate water, currently delivered through a third world legislative framework and infrastructure.

7. I would like Northland Regional Council to do as much as it can to protect and restore te Mana o te Wai and to achieve and maintain optimum ecosystem health in these areas, and across the region generally.

Key Issues:

8. Key issues for us across Northland include water quality (particularly e. coli, sediment, algal growth/periphyton, potential toxic waste from mining activities, and ecosystem health); amenity values/drinking water; contact recreation; and natural form and character. We see sediment flowing into our waterways uncontrolled and unmitigated by local bodies, we experience flooding frequently, and damage to roads and other infrastructure caused by run off and flooding. We frequently experience toxic algal blooms in our rohe (area) that poison our kai and our wai Maori - drinking water - and prevent us from practising our traditional cultural activities - swimming, diving, and travelling on rivers and waterways. We now have caulerpa in our inshore waters, and a number of invasive foreign species that have made their way past our border controls and governance and management bodies.

9. I support having strong regulatory measures in the plan to address these issues.

10. To address freshwater issues, I would like to see Northland Regional Council:

    a. **Protect and provide for ecosystem health by**
        i. Including clear target attribute states for nitrogen and phosphorus, and any heavy metals that might be part of toxic waste from mining proposals, that protect ecosystem health (not just 'toxicity'); and connecting these to limits on resource use. It appears these are missing from the draft plan and this gap needs to be addressed.
        ii. Providing for Te Mana o te Wai throughout the plan.
    b. **Protecting the health of groundwater for human drinking and ecosystem health by:**
        i. Including a target attribute state for nitrate-nitrogen in groundwater with a target of less than 1.0 mg/L nitrate-nitrogen.
    c. **Protecting erosion prone land through:**

i. new rules limiting vegetation clearance, land preparation and earthworks in areas of high erosion risk, with tighter controls applied to these activities in areas with severe erosion risk.
ii. new rules requiring stock to be excluded from areas of both high and severe erosion risk.

d. Keeping stock out of waterways with

i. rules for streams in steeper areas,
ii. large enough setbacks (>10m) to provide enough space for riparian vegetation to establish around waterways, to allow rivers and streams to naturally adjust through erosion over time, and to provide space for rivers to dissipate flood energy without eroding fences or causing problems downstream

e. Eliminating and reducing discharges by:

i. Requiring consent for dairy effluent discharges to land
ii. Prohibiting new farm dairy effluent discharge to water and introducing stricter requirements for renewal of existing consents.
iii. Prohibiting new wastewater treatment plant discharges to water and introducing stricter requirements for renewal of existing consents.
iv. Prohibiting domestic wastewater discharges to waterways
v. Prohibiting any toxic waste from mining activities into waterways above and below ground

f. Protecting wetlands by

i. Prohibiting wetland drainage and clearance
ii. Requiring stock exclusion from wetlands
iii. Adding policies to the plan that would encourage wetland restoration
iv. Mapping and monitoring wetland extent
v. Introducing a measure of wetland condition using a tool like the wetland condition index (as recommended by the Government's Science and Technical Advisory Group on the NPS-FM)

g. Controlling exotic forestry by:

i. Requiring larger setbacks for exotic carbon and plantation forestry from waterways.
ii. Requiring resource consent for plantation forestry and exotic carbon forests in high-value dune lake catchments.
iii. Prohibiting clear-felling of forestry in high-risk or steep areas

h. Expanding requirements for assessing impacts on cultural values by

i. Adding requirements for resource consent applicants to assess cultural impacts that affect tāngata whenua values for freshwater.

i. Phasing out and preventing over-allocation of water by

i. Using short-term consents of < 10 years for all water takes, unless for municipal/papakainga/marae supply
ii. Prohibiting water takes above environmental flows and levels
iii. Ensuring consent expiration dates are aligned across a catchment
iv. Setting aside a portion of unallocated water (provided it is within environmental limits) to be used for environmental enhancement.

j. Addressing nutrient pollution from agriculture by

i. Having a robust allocation system for nutrient leaching, which should include things like limits on fertiliser use and stocking rates in degraded catchments.

k. Promoting nature-based solutions by

i. Including policy prioritises nature-based solutions over engineered solutions when making decisions on flood protection.

ii. Including policy protecting the ability of existing wetlands, native forests, and rivers/floodplains to naturally mitigate extreme weather

l. Improving the management of the natural character and habitat of our rivers by

i. Increasing the regulation of activities in the beds of rivers, such as gravel extraction

ii. Requiring regular monitoring and reporting of natural character and physical habitat in rivers

iii. Including target attribute states for natural character and physical habitat in rivers

m. Protecting coastal water and water in 'receiving environments' by:

i. Protecting and restoring catchments upstream to improve water quality

ii. Including target attributes for water quality in estuaries and coastal areas

iii. Responding promptly and effectively to reports of pollution, contamination, invasive species, etc.

iv. Ensuring that water in our waterways is maintained at a drinkable standard, and publishing full results of monthly testing on NRC website

n. Honour Te Tiriti o Waitangi by:

i. Consulting fully with the local hapu and Maori Associations, including primarily the Waitangi Pouerua ki Rakaumangamanga Maori Committee regarding all issues that affect our rohe - our area of jurisdiction, and our catchment area.

ii. Establish and support systems based on tino rangatiratanga Maori, and work with and collaborate with Waitangi Pouerua ki Rakaumangamanga Maori Committee to enact and implement these systems.

11. Thank you for the opportunity to make this submission. We look forward to the progression of the plan to notification and the improvements in water quality it can bring when implemented.

12. Ngā Mihinui

Katherine Raue
Waitangi Pouerua ki Rakaumangamanga Maori Committee

How did you find out about this feedback opportunity?

☐ Social media	☐ Letter from us
☐ Radio	☐ Sector group
☐ Newspaper	☐ Word of mouth

From:	Carina Ross
To:	Freshwater
Subject:	Feedback from DairyNZ on freshwater plan change
Date:	Thursday, 28 March 2024 9:31:27 am
Attachments:	Feedback from DairyNZ on the NRC draft freshwater plan consultation.pdf

Hi,

I would like to thank NRC for the opportunity to provide our view on the draft freshwater plan change, including discussion documents. Please find attached feedback from DairyNZ.

Please reach out if you have any questions on this.

Kind regards
Carina

Carina Ross
Senior Policy Advisor
DairyNZ
24 Millpond Lane, Lincoln 7608, Canterbury NEW ZEALAND

Mob: 027 306 3134
Fax: 03 321 9007
Web www.dairynz.co.nz | www.GoDairy.co.nz | www.getfresh.co.nz

Corner Ruakura &
Morrinsville Roads
Private Bag 3221
Hamilton 3240
New Zealand

Ph +64 7 858 3750
Fax +64 7 858 3751

dairynz.co.nz

27 March 2024

Northland Regional Council

Tēnā koe

RE: Submission on Northland Regional Council's draft changes to the Freshwater Regional Plan

DairyNZ welcomes the opportunity to provide feedback on the draft changes to the freshwater plan for Te Taitokerau, ahead of the formal notification. We would like to thank the Northland Regional Council (NRC) and especially the policy staff for being accommodating and answering questions related to the consultation.

DairyNZ supports the need to improve water quality outcomes across the Northland region, where the current water quality state does not meet community expectations. Dairy farmers are already leading these outcomes sought through existing on-farm change.

DairyNZ continues to invest in science and research to help our farmers improve environmental outcomes – and so communities can continue to thrive. We remain committed to helping improve water quality outcomes across all dairy catchments, building off the great work farmers have already undertaken.

Who are DairyNZ?

DairyNZ is the industry good organisation that represents all New Zealand dairy farmers. DairyNZ is focused on helping farmers build profitable, sustainable, and resilient farm businesses through extension, advocacy, science and research. Our purpose is to progress a positive future for New Zealand dairy farming.

DairyNZ is funded by a levy on milksolids that is paid by all dairy farmers under the Commodity Levies Act 1990, a significant proportion of our work is allocated towards research and development in delivering water quality outcomes.

Our key feedback

Central Government announced late last year their intention to replace the NPS-FM 2020 over the next 18-24 months, signalling significant changes. DairyNZ supports the Council decision to delay the notification of the new plan, until after the NPS-FM has been revised. This would enable the plan to reflect changes to the national framework and provide an opportunity for further consultation with Northland's communities. We think this is a necessary step to improve workability of regulations and create better understanding for some of the changes being proposed.

DairyNZ supports the use of Freshwater Farm Plans (FWFPs) as a farm specific mechanism for managing and addressing risk. In our view these may play an important role as an alternative to resource consents. We would like to work with the NRC to ensure that the use of FWFPs can be effective and efficient, acknowledging there may be changes to FWFP regulations at a national level.

We have provided general feedback on the discussion documents and the proposed changes to the plan provisions and would welcome an opportunity to discuss these topics further.

Nāku iti noa, nā

Roger Lincoln
Head of Policy, Farm Solutions and Policy
DairyNZ

DairyNZ feedback on Northland Regional Council's draft Freshwater Plan Change

Contact details for this feedback:
Carina Ross
Carina.ross@dairynz.co.nz
Phone: 027 - 306 3134

1. Feedback on key draft provisions is set out in the table. Feedback on the discussion documents have been provided under respective headings:
    - The vision, objectives and/or targets for our freshwater future
    - Managing highly-erodible land
    - Eliminating direct discharges to water
    - Managing impacts on tāngata whenua values
    - Stock exclusion – distance from waterways, highly-erodible land and timeframes
    - Managing water allocation
    - Enabling tāngata whenua to practice as kaitiaki for wai
    - Support and funding for efforts to improve freshwater
    - Additional feedback.

Our key points

2. **It is positive that NRC has decided to delay the notification of the plan**, and keep working on key issues received through the consultation. It is our view that NRC should hold relationships with all key stakeholders and involve them in developing workable policy solutions for Northland.

3. In the interim, before a new NPS-FM is released, **we support an increased focus on implementing the current regional plan and national regulations**. We believe that this provides an opportunity for NRC to work more closely with the primary sector going forward.

4. We acknowledge the considerable amount of work by NRC to develop the draft freshwater plan change and discussion documents. **We appreciate the ongoing willingness of NRC to engage regularly and constructively with the dairy industry. However, we note the lack of uptake of suggestions brought forward by the Primary Sector Liaison Group**. DairyNZ supports the key findings as outlined in the report from the group.

5. Our feedback is high-level, and we anticipate further opportunities to provide feedback on draft provisions, ahead of a formal notification.

6. The draft freshwater plan change has several parts that DairyNZ, in general, is supportive of. The plan seeks to manage main contaminants, sediment and *E.coli*, which we support. **Our general concern relates to how the management of these contaminants will be implemented and the considerable cost to landowners associated with this**.

7. **It is our position that freshwater farm plans (FWFP) provide an opportunity to manage risks in a farm specific way and can offer an alternative to resource consents or standards for certain activities**. The draft plan needs better use and recognition of FWFPs including for how to manage some of the proposals in the discussion document. We are supportive of using FWFPs as an

alternative to complying with certain conditions, for example setback requirements, and it is positive that this is used for some draft rules. We would like to work with the NRC to ensure that the use of FWFPs can continue depending on changes to the FWFP regulations.

Delaying notification of the freshwater plan change – opportunities for further work

8. We agree with the NRC recommended options as outlined in the Memo dated 20 February 2024 "Freshwater Plan Change - next steps post consultation":

   -we support a delay to notification of the proposed plan change to after the NPS-FM has been revised.

   -we also support the NRC recommended option to continue with key workstreams while the NPS-FM is being revised. We agree that key issues will still need to be tackled regardless of the policy framework in place. It is good to use this time to work with communities and industry to find the best pathway forward for managing those key issues.

9. We agree with the need to work through the stock exclusion proposal with the community and the primary sector, including how to manage highly-erodible land. The proposal needs to be redrafted and socialised to decrease cost and impact on farming operations and where possible, align with industry lead action.

10. The time made available by the delay of the notification should also be used to implement and enforce the current regional plan and national regulations, as well as working with communities to develop non-regulatory solutions to manage high-risk areas for sediment loss. We would like to support NRC when it comes to implementation of the current plan. We propose for NRC to set up a farmer reference group that would meet on a regular basis and support with farm specific knowledge. A similar approach has been proposed in Otago, and for some other regions.

11. We also propose that NRC review whether some limited changes to the effluent discharge rules will need to be progressed through a smaller Plan Change ahead of time, depending on when consents come up for renewal.

12. DairyNZ would specifically like to work with NRC on the following, in preparation for a new freshwater plan:

    - Development of effluent rules that deliver improvements in water quality, are practical and workable for farmers and follow industry standards.
    - Develop a risk management alternative to what is proposed now for stock exclusion and riparian planting.
    - Enable a risk management framework to be adopted through FWFPs as an alternative to requiring consents.

The visions, objectives and/or targets for our freshwater future

13. DairyNZ has concerns with how Te Mana o Te Wai has been interpreted and used in the draft freshwater plan. The way the provisions are drafted, is an overly stringent interpretation of the NPS-FM 2020. We consider that they need to be re-drafted to reflect a more balanced interpretation of Te Mana o Te Wai.

14. Re-drafting of the interpretation of Te Mana o Te Wai throughout the plan is also a necessary step to take, given the recent indication from Government that they will progress changes to how the hierarchy of obligations applies to consent conditions and decisions.

15. As set out in the NPS-FM (section 1.3) the fundamental concept of Te Mana o Te Wai "is about restoring and preserving the balance between the water, the wider environment, and the community". This is reflected in the hierarchy of obligations which includes these three entities in order of priority. However, the priority cannot mean that we in all cases must strive for pristine, natural water quality, or that all water should be allocated to the first priority. That would not be restoring the balance between the three, and would make life as we know it impossible.

16. The needs of people and communities form an important part of Te Mana o te Wai. Even though it is a water centric concept, it cannot be disconnected from the wider environment or from the community. The regional plans and the visions, as stated in the NPS-FM, should give effect to all three priorities in the hierarchy of obligations, meaning both the health and well-being of water bodies and freshwater ecosystems, the health needs of people and the ability of people and communities to provide for their social, economic and cultural well-being. This will need to be considered when evaluating the effects of the planning framework, including the vision.

17. The long-term vision should be realistic and based on the engagement with the community. The Primary Sector Liaison Group presented their view on a Northland long-term vision in their report to NRC. DairyNZ is supportive of those recommendations.

We recommend:

-that provisions related to Te Mana o Te Wai are reviewed and re-drafted once changes to the NPS-FM are known.

-that interim timeframes and steps are set in the long-term vision, based on an assessment of what is achievable by the resource users.

Managing highly erodible land

18. It is positive to see that NRC has focused the proposed plan change on addressing the main contaminants contributing to poor water quality in Northland; sediment and *E.coli*. We agree with the need to address these issues, however, we also think that there are many outstanding questions with the options being considered. We think that NRC needs to develop the proposal to reduce sediment to waterways further, in collaboration with those most affected, before consulting with the community again.

19. Managing highly erodible land must be assessed together with the stock exclusion and setback proposal, since they are both targeting the same problem, albeit different locations and scale. It is our view that any actions must be targeted to the main source of sediment loss (or any other source of contaminant), and to the areas of main (high) risk. We are, therefore, not supportive of a blanket approach which would require the same interventions everywhere. In our view, this is not the most cost-effective way of managing contaminant loss.

20. Regulatory and non-regulatory methods for certain high-risk areas might have to go further than what is proposed in the consultation material whereas some areas might not require the same level of controls on farming practices. Using a risk management framework in a farm environment plans such as FWFPs is our preferred option to manage highly erodible land. Setting clear minimum standards and requiring a plan for the farm on how to manage high risk, prioritise actions and deliver on the policy would allow for flexibility to target actions that work for the farm, and can be

afforded by the landowner. A resource consent to farm should only be required where standards cannot be met and / or farm plan actions are insufficient or not implemented.

21. DairyNZ doesn't support the methodology used for delineating highly erodible land. Although slope might be the main driver for sediment loss, the method used creates an unworkable, patchy map layer, with many smaller areas that would be very costly and impractical for farmers to fence off, or to implement a different set of management practices for. Questions also arises if a whole paddock should be fenced off if some of it is identified on the maps, and if so, what should the threshold be for this.

22. We support tighter controls on earthworks, land preparation and vegetation clearance as proposed for HEL 1 and 2 land, given the method used to delineate the maps is changed to create more workable map layers. We propose for NRC to review the draft permitted activity standards to ensure they are underpinned by science and are sufficient to address sediment loss from high-risk areas.

23. An alternative to the two map layers, could be to use one averaged slope limit, or an elevation limit, as a drafting gate for controls on land disturbance activities. This approach has been used in regional plans in some other regions.

Impact on HEL 1 and 2 maps on dairy farmers

24. The costing of the proposal on how to manage highly erodible land has only been done for sheep and beef farms. An initial analysis of the HEL 1 and 2 maps shows that it captures approximately 18 000 hectares of land that falls within the boundaries of dairy farms. No further analysis has been done as to what kind of land use (pasture, forestry, or any other land use) the area is currently used for. To fully understand the impact of the maps, further work is needed to understand the current land use captured by the maps and how the land is used today for example for sheep, beef, or dairy grazing. Or if it is not used at all.

25. Since the land areas defined by the maps using the current method will be unworkable for farmers to fence (many smaller areas spread out across a farm), we can anticipate that the cost will be much higher than estimated. An exclusion of stock, or any changes to management practice will be difficult to implement on smaller areas of a paddock. Larger areas with stock excluded will mean an increase of loss of land and hence, the cost due to loss of production as well as increased cost for fencing.

We recommend:

-NRC to review the method used to create the maps,

-a further assessment of cost taking not account different land uses (sheep and beef, dairy and any other that might be affected),

-to use a more collaborative approach for any further development of this proposal, working with a group of farmers and primary sector representatives,

-NRC to assess all proposed actions to address sediment loss together, including assessing economic impact on farmers in a more holistic way compared to the current costing of the options.

Eliminating direct discharges to water

26. DairyNZ supports the phasing out of direct dairy effluent discharges to water; untreated and treated. However, we think there is a lack of justification to change from discharges to land being

provided for as a permitted activity in the operative plan to requiring a controlled activity discharge consent. A requirement for farmers to discharge effluent to land instead of water in the near future will lead to improvements in water quality. Application of effluent to land can be done in a way that minimises risks to waterways, for example by applying effluent at the right time and depth to avoid overland flow and ponding whilst benefiting the landowner through nutrient recycling. It is both possible, and desirable for farm dairy effluent risks to the environment to be minimised and it is our view that it can be achieved without a resource consent.

27. There are several problems with the proposed farm wastewater discharge rule as drafted (the new rule C.6.3.1). Effluent management is highly standardised with clear industry guidelines and standards uniform to all regions. The matters of control as drafted do not provide activity users with clarity and understanding of what is expected which a well-drafted permitted activity rule could do. DairyNZ doesn't support the changes as drafted, and we would like the operative permitted activity rule retained in the plan.

28. We propose to work through the conditions of the farm wastewater discharge rule together if NRC has concerns with how the current rule is written and its ability to protect waterways.

29. Farm wastewater has a very broad definition. It could capture many, potentially smaller volumes of wastewater. We are not sure if that is the intention. A review of the definition could be included in work to review the operative discharge rules.

Managing impacts on Tāngata Whenua values and Enabling tāngata whenua to practice as kaitiaki for wai

30. DairyNZ is supportive of engagement with tangata whenua and the community as set out in the NPS-FM 2020. However, we oppose active involvement of tangata whenua in resource consent decision-making. Involvement in consenting processes should be at the consultation stage, but the actual decision on consent applications should be made by NRC and not be delegated.

31. A requirement for resource consent applicants to assess "effects on Tāngata Whenua values and practices" has been added to rules as a condition for resource consents. In our discussions with farmers, this is has come up as a concern for them, especially around the complexities, and time that might be required for an assessment. We believe that support will have to be provided for resource consent applicants in relation to this requirement. There will be different ways to implement this, and if the aim is to create understanding and build relationships, implementation will have to be tailored to achieve this. This could be for example, field events run by NRC to look at tangata whenua values on farm, and create understanding for what that means in practice.

32. We also believe that setting of CCCV (catchment context, challenges and values) and the development of FWFPs creates an opportunity for NRC and TWWAG to increase knowledge and understanding of tangata whenua values.

Stock exclusion - setback distance from waterways, highly erodible land, and timeframes

33. Following on from Dairy industry stock exclusion voluntary initiatives, dairy cattle are also required to be excluded from rivers, lakes and wetlands with a 3-metre setback, regardless of slope, according to the Resource Management (Stock Exclusion) Regulations 2020. Regulations for excluding dairy support cattle applies from 1 January 2025. This is in addition to the current rules in the regional plan. It is our view that any further rules for dairy cattle and dairy support cattle are

not required, since the current regulations and rules effectively addresses stock exclusion of dairy cows from waterways.

34. We agree with the current rules permitting stock to access ephemeral rivers and don't consider that any potential changes to stock exclusion should require stock to be excluded from these flow paths. (Ephemeral rivers cannot be considered a river and we would prefer to call them flow paths). Stock exclusion from ephemeral flow paths is not required under the national regulations, nor the current rules in the regional plan. Ephemeral flow paths are well managed through risk assessments in FEPs where they are often captured as critical source areas which landowners pay particular attention to when considering grazing, cropping and management.

35. We acknowledge that some attributes are required to be addressed in Action Plans, rather than as limits on resource use, according to the NPS-FM 2020. Limits on resource use for attributes in Appendix 2A must be included as rules in the regional plan. This applies to sediment and *E.coli*, whereas MCI is an appendix 2B attribute which should be addressed in Action plans and may have limits on resource use identified and included as rules in the plan.

Response to questions in the consultation document The draft Freshwater Plan Change: Have your say on stock exclusion.

Question 1: How far away from waterways should stock be kept?

36. The national stock exclusion regulations require a 3-metre setback from wide rivers and lakes. We believe that this setback should be included in the current stock exclusion rule (C.8.1.2), as a minimum setback distance for rivers, streams, and artificial watercourses greater than 1 metre wide. A smaller setback distance for rivers and streams smaller than 1 metre wide might be more appropriate. There should not be a requirement to fence, or to move existing fences if they don't meet a 3-metre setback.

37. It is our view that freshwater farm plans should be used to assess risk and tailor actions to address those risks, including the need for larger setbacks from waterways. We are not supportive of mandatory setbacks wider than 3 metres being introduced as consulted on in the discussion document.

38. The setback distance is also dependant on the need for riparian planting, and the specific outcome sought with the planting. Wider setback distances should not be implemented using a blanket approach. Freshwater farm plans will be important to consider site-specific sources of contaminants and riparian planting needs to achieve water way health. They can be used to tailor setbacks to the size of the stream, and to areas that pose greater risk to waterways, such as critical source areas.

Riparian planting along waterways and on highly erodible land

39. The consultation document states that to gain the most benefit, stock exclusion areas around waterways would need to be planted with native vegetation. In our view, conditional to the type of riparian vegetation planted, this would have dual benefit of both stabilising river banks to prevent erosion, and also to address the need to improve habitat conditions for example by providing shading of waterways. The need for riparian planting will rely on an assessment of current state of water quality.

40. Given the cost and workload associated with riparian planting, we strongly oppose riparian planting being mandated in rules. We believe there is a potential to explore how to motivate farmers to plant on a voluntary basis. Experience can be drawn from other projects and regions

for example the Taranaki Riparian Management Plans. This should be a first step for the next regional plan. We also believe that areas and catchments should be identified and prioritised in clear steps with timeframes and for riparian plantings to be supported and promoted with non-regulatory methods. This will require strong support from all involved; NRC, primary sector, rural professionals, and landowners.

We recommend:

-NRC works with stakeholders, including DairyNZ, to determine minimum buffer widths that vary depending on the size of the waterway system, with larger setbacks for larger waterways.

-NRC continues to provide guidance on planting methods and plant types, to ensure that buffers are of sufficient quality to contribute towards improving waterbody health.

-NRC focuses on headwater streams as a priority, given these streams are numerous and contribute a significant amount of contaminants to downstream receiving environments.

Assessment of the MCI attribute

41. The use of a national Macroinvertebrate Community Index (MCI) has benefits as it allows comparisons to other sites throughout New Zealand for state of environment monitoring. However, regional indices are more biologically meaningful, as they consider what the natural tolerances of species are in a region and consider what is present at reference (more natural) sites. The climate of Northland is quite different to other regions within New Zealand, being more sub-tropical than temperate, with warm and humid summers and mild winters. The risk with using a national index is that the lack of presence of certain sensitive species may lower the overall MCI value, indicating human induced pressures, when in fact, the more sensitive species are just not tolerant of the natural climatic conditions. The higher water temperature in Northland is a particularly important driver of the type of macroinvertebrates present in these streams. For this reason, a regional MCI was created which determined regional tolerance values for taxa to be used within the MCI, with the belief that biotic indices developed for a region should perform better than a national index developed in a different location.

42. The NRC presents the national MCI (i.e., using national tolerance values for species) as for its state of environment monitoring, not the Northland MCI, as they consider this is required by the NPS-FM and the National Environmental Monitoring Standards for macroinvertebrate sampling. A comparison of macroinvertebrate metrics over time using the national tolerance values for macroinvertebrate indices versus the Northland tolerance values showed that the regional indices resulted in higher scores for many sites, recording most notably fewer sites (approximately 40% for MCI and the Quantitative Macroinvertebrate Community Index (QMCI)) below the NPS-FM bottom-line (a D Band) across all metrics[1]. From state of environment monitoring, we know that most sites are below the NPS-FM bottom-line which will require significant mitigation actions to be carried out to raise their state. Yet, if we are underestimating the health of these sites using the national MCI (e.g., by 40%) this could be a concern to the dairy industry who will be required to carry out significant interventions that may never result in a change in the macroinvertebrate community, as the sensitive species from the national model may not naturally be present in

[1] Graham, E. & Greenwood, M. (2023). Drivers of macroinvertebrate communities in Northland streams. Report prepared for Northland Regional Council. NIWA, Hamilton, New Zealand. https://www.nrc.govt.nz/media/k5bcl5bb/drivers-of-macroinvertebrate-communities-in-northland-streams.pdf.

Northland streams. Underestimating the state of the waterways may have implications for farmers.

We recommend:

-NRC uses the Northland version of the MCI when determining current state and Target Attribute States, as this is a better reflection of the natural tolerance of species and reference conditions. Currently poor scores may not in fact reflect impacts from land use.

Question 2: Should stock exclusion rules apply to highly erodible land?

43. We think the question is twofold and should deal separately with exclusion of stock from waterways in hill country areas and from highly erodible land. According to the science review from NRC, there is a large proportion of contaminants coming from smaller streams on high slopes. About 85% of E.coli comes from these smaller streams. It is more effective to keep stock out of smaller streams with lower banks to stop erosion of the banks.

44. We think NRC should look at options to manage the risk associated by stock in waterways in steeper areas, and potentially limit this to areas with the highest risk of stream bank erosion. At the same time, other options to further protect highly erodible land should be explored.

Question 3: What should the rules be for excluding stock from wetlands?

45. DairyNZ recognise the value of wetlands to reduce contaminant loss, and act as a buffer for water flows in the landscape. The protection of wetlands introduced in national legislation is supported by DairyNZ and is yet to be fully implemented.

46. This proposal should be assessed and weighed against all other proposed actions. It is not possible (from a cost perspective) to introduce all actions proposed in this coming plan change. The different stock exclusion proposals, as well as options to manage highly erodible land, should be further investigated, and a clear priority of actions outlined.

47. Although there is merit in excluding stock from hill country wetlands, we consider that mandatory stock exclusion from wetlands in hill country should not be introduced at this time. Work is needed to understand the number of wetlands that would be captured by this proposal and options for how to improve management of those.

48. We propose that NRC works with the community to identify and protect wetlands of high value that are not already protected by national legislation and encourage landowners to protect those areas using non-regulatory support.

Question 4: Should stock exclusion be extended to apply to other animals?

49. It is our preference for the plan change to prioritise the most cost-effective actions i.e. actions that will deliver the most improvements to water quality with the least impact to landowners. To extend the stock exclusion to also apply to other animals, beyond what is already required in the plan, will have to be prioritised and weighed against all other actions proposed. We don't believe that excluding sheep from waterways will be the most cost-effective way of reducing sediment loss from highly erodible land.

50. In some situations, a transition from heavier stock to lighter livestock is a management action to reduce damage to highly erodible land. These management tools are particularly important when council considers the costs, time, and scale of waterways or land to retire which will take longer than the plan to occur.

Question 5: What timeframes are feasible for any new stock exclusion rules?

51. With the delay in notification date for a new plan, there is an opportunity for NRC to further explore the different options proposed and how to prioritise. We support a phasing in of new requirements, but we don't think there is enough information available to set clear priorities as to which actions should be implemented first.

52. A priority should be to implement and monitor the current rules and regulations over the next 2-3 years, before considering any further stock exclusion requirements.

Managing water allocation

53. It is described in the discussion document: Targeted water allocation policy, that the aim of the policy is to support the achievement of objectives F.1A.5 to F.1A.7. We agree that there needs to be policies in the plan, that link to the proposed objectives, and we are in general supportive of what the water allocation policy is trying to achieve. We question if the policy is the right way to address the underlying problems. The repeal of the Natural and Built Environment Act, also means that this proposal now must be assessed under the RMA. We think NRC should seek a legal opinion on the policy before progressing if that is not already done.

54. The proposed water allocation policy lacks details to be able to understand what it will mean in practice for current consent holders and especially for areas currently over-allocated. There will likely be other regulatory or non-regulatory options that can lead to the same outcome, and those options should be explored. Some of what the new proposed policy is aiming to deliver can also likely be achieved via other provisions in the plan, for example the environmental enhancement.

55. It is difficult to understand why a specific allocation is needed if water is still available in a catchment. Anyone can apply for a resource consent and should have equal opportunity for that consent to be granted if all conditions are fulfilled. In this respect, we question whether the policy is addressing the problem, and if there are other more effective solutions that could be put in place.

56. For example, the following problem described in the discussion document, would most likely not be solved only by introducing a new policy, but would require other types of support being put in place: *The inability to access wai also impacts on the relationship Māori have with wai and their ability to exercise tikanga, mana whakahaere, kaitiakitanga and manaakitanga.* ***For example, being able to access wai for manuhiri when they visit a marae, to have drinking water and basic amenities.***

57. The policy could, depending on subsequent rules, affect over-allocated catchments the most, and better guidance on how to allocate water, is also most relevant for areas where water is already scarce. Most likely, all water permits when renewed in the future would have to look at possibilities to use water more efficiently and reduce the amount of allocated water, regardless of whether a catchment is fully allocated or not. How to do this is one area we believe, would be beneficial for NRC to focus on.

We recommend:

-explore other policy options to provide for specific uses for tangata whenua values without the need to set aside 20% of available water,

-for NRC to consider focusing resources on water use efficiency.

Support and funding for efforts to improve freshwater

58. Preparation of an Action plan is a requirement in the NPS-FM 2020 to achieve target attribute states for attributes in Appendix 2B, and optional for attributes in Appendix 2A. We think it is important to consider all the activities that will contribute to the achievement of water quality outcomes holistically; both non-regulatory and regulatory. Action Plans can be an important tool contributing to this, depending on how they are prepared, and the actions included.

59. The non-regulatory work should centre around catchment action plans for NPS-FM Appendix 2B attributes. Catchment action plans is a way of working with the whole community to put in place non-regulatory actions with the aim of a more holistic approach to improving water quality. In our view, the NRC Action plan could and should, support that work.

60. We acknowledge that the lack of funding limits the options for non-regulatory work. This makes it important to look at efficiencies within existing actions. Part of the work developing an Action plan should also be for NRC to investigate other sources of funding than rates increases.

61. In our view, existing actions 1-2 should not be included in an Action plan. Those are work programmes that NRC will have to do regardless of whether a target attribute state is meet or not. We are also not supportive of some potential new actions in their current format and make the following recommendations to NRC:

-re-work the proposed Action Plan to better align with a delayed notification date and changes to the NPS-FM 2020 once they are known,

-in the interim, explore further options to support the implementation of the operative regional plan and national regulations,

-explore possibilities to streamline some, current, work priorities to increase efficiency.

Additional feedback

62. The plan should be restructured as far as possible, to meet the National Planning Standards outlined format. This should include a review of definitions to reflect what is used in relevant national legislation for example the NES-F, NPS-FM, and the National Planning Standards.

63. All definitions and rules related to wetlands could benefit from a review. There is scope for significant alignment with national legislation, and simplification to ensure plan users can understand and implement the provisions efficiently. DairyNZ supports an enabling approach for constructed wetlands, and rules that simplifies their construction, while still protecting the environment during the construction.

64. DairyNZ also supports an enabling approach for of stream water storage and for innovative use of this water storage.

Feedback on draft provisions

Draft provision/proposal	Support / Oppose	Reasons	Suggested changes
Regional Policy Statement			
(RPS) Objective 3.16 Te Mana me te Mauri o te Wa	Oppose	The proposed objective redefines Te Mana o Te Wai which is unnecessary. The timeframe (2040) is also very short. We don't think it is reasonable, or even possible, to achieve this objective by 2040.	Re-draft, to reflect changes to the NPS-FM 2020 and the hierarchy of obligations that defines Te Mana o Te Wai. Undertake further work to assess the impact of 2040 as a timeframe and change the timeframe to reflect what can reasonably be achieved by resource users.
(RPS) Objective 3.17 Long-term vision for freshwater The wairua and whakapapa of Te Hurihanga Wai, is prioritised, respected, protected and enhanced. We will know if we are on track to achieve the vision if by 2040:	Support in part	The long-term vision will need to be re-drafted depending on changes to the NPS-FM 2020 (as signalled by the Government), to better reflect a modified interpretation of Te Mana o Te Wai. However, we agree with the need to set interim steps and timeframes but the year 2040 is randomly chosen. A timeframe should be based on an assessment of what the community reasonably could achieve. We consider some parts of the long-term vision not appropriate outcomes for freshwater. It describes how something will be achieved, rather than a future outcome for freshwater.	Re-draft the vision, depending on changes to the NPS-FM 2020 and after further consultation with the community. Assess the timeframe, and set interim steps and timeframes that are reasonable and achievable by the resource users affected by the plan. Review the vision and draft as an outcome for freshwater.
Draft Freshwater Plan Change			

C.6 Discharges to land and water General	Support	DairyNZ supports the phasing out of direct discharges to water, both domestic type and farm wastewater.	We would like provisions for the phasing out of all direct discharges to water to remain in the plan.
C.6.3 Production land discharges			
C.6.3.1 Existing farm wastewater discharges to land – controlled activity	Oppose	NRC has proposed to replace the current permitted activity with a controlled activity rule for farm wastewater discharges to land. It is our view that there is no justification for the need to move from a permitted activity, to a consented. The permitted activity is already monitored by NRC and have appropriate conditions to ensure dairy effluent is discharged in a way that would minimise the impact on the environment. Further to that, the rule as drafted would only apply to existing discharges. New discharges would be a discretionary activity under rule C.6.3.X. Since direct discharge to water is being phased out, there is potentially a need for farmers to increase the land area used for discharge of dairy effluent. Making this a discretionary activity would not encourage farmers to use effluent on a larger land area which could lead to increased risk of runoff for example.	Revert to the current rule C.6.3.1 Farm wastewater discharges to land – permitted activity. Review conditions to align with good effluent management practice.
C.6.3.8 Replacement consent for treated farm wastewater discharges to water – non-complying activity	Support	DairyNZ is supportive of phasing out direct discharges of farm dairy effluent to water, both treated and untreated.	No changes sought.
C.6.3.9 Farm wastewater discharges into water – prohibited activity	Support in part	DairyNZ is supportive of prohibiting the discharge of untreated farm wastewater to water. However, with the change in climate and severe weather events becoming more frequent there needs to be a mechanism for the council to ensure farmers don't become non-compliant if the storage ponds overflows.	Introduce a response to severe weather events in the plan, to ensure that farmers are not non-compliant in the case of a severe weather event. This could be drafted in a similar way as rule C.6.3.5 Emergency discharge of milk to land – permitted activity.

C.8.1 Livestock exclusion General	-	Regardless of changes that might be introduced as outlined in the discussion document, the current rules in chapter C.8.1 will have to be reviewed and inconsistencies (more lenient conditions) changed to align with the Resource Management (Stock Exclusion) Regulations 2020.	Remove inconsistencies in current rules to avoid confusion for plan users.
Discussion document: Have you say on stock exclusion	-	Feedback on options for stock exclusion have been provided in the general feedback.	-
C.8.2.1 Land preparation – permitted activity	Support in part	DairyNZ supports rules aiming to limit the loss of sediment to waterways from cultivation, especially from high-risk areas and to protect areas with outstanding value. However, the setback distance in 1(h) will severely limit the use of land for pasture production since renewal of pasture will not be possible unless done by direct drilling, no-till or strip till cultivation methods if closer than 10 metres from a river. The setback is required regardless of risk i.e. also on flat land. We believe that the setback should be less on slopes 10 degrees and less (as set out in the operative condition 1(h(i)). It is positive that the use of freshwater farm plans has been added as an alternative pathway. We believe that it is sufficient to require a 3-metre setback if FWFPs are used, having in mind that a FWFP can require other mitigations to be put in place to avoid sediment loss. A 3 m setback aligns with the stock exclusion regulations.	Amend: 1(h) revert to the operative condition 2) to only require a 3-metre setback if a FWFP is used as an alternative pathway (on slopes above 10 degrees). Retain 1(a) and (c) as drafted.
D Policies			
Policies D.4.32 to D.4.53 General	-	The policies set out in 4.32-4.53 have the potential to severely limit resource use under the regional plan. We have not assessed all the details of these policies, and considers that NRC should redraft these once changes to the interpretation of Te Mana o Te Wai is known as well as clarification of the direction for a new NPS-FM.	Review and redraft all policies once changes to the NPS-FM are known.

D.2.14 Resource consent duration When determining the expiry date for a resource consent, have particular regard to: (5) whether the activity is supported by mana i te whenua (generally shorter consent duration for activities not supported by mana i te whenua), and	Oppose	This condition creates uncertainties for resource users since it will be difficult to set clear principles for when an activity is supported or not. It risks creating random assessments.	Remove condition 5.
D.4.33 Mana atua Recognise mana atua by acknowledging that all freshwater bodies are living beings and have the right to be healthy and flourish.	Oppose	DairyNZ believes that it is premature to include this policy in the plan. The draft Action Plan includes a proposed action, for NRC to investigate the concept of representing water as a living being. Given that this work has not been done yet, it is premature to set this out in a policy which is potentially far reaching and with unknown consequences to resource users.	Delete the policy.
D.4.35 Matauranga Māori Tāngata whenua can exercise and apply their mātauranga Māori in freshwater management decision making.	Support in part	This policy overlaps somewhat with policy D.4.43. We seek wording changes to the policy to clarify the role of tangata whenua in decision making. Further changes might be needed to avoid overlap with policy D.4.43 when policies are reviewed.	Amend the policy: Tāngata whenua ~~can exercise~~ are involved and are able to apply their mātauranga Māori in freshwater management ~~decision making~~.
D.4.47 Tāngata whenua values Protect tāngata whenua values associated with wetlands, rivers, lakes and their margins, and receiving environments including	Oppose in part	The content of this policy is already partly covered by policy D.4.48. For efficiency and easiness of plan use, we propose to merge this policy with D.4.48. Alternatively, we seek a wording change.	Merge with policy D.4.48 and delete. Or, amend: ~~Protect tāngata whenua values associated~~ Improve if degraded and then maintain ~~with~~ wetlands, rivers, lakes and their margins, and

their ecosystems, from inappropriate activities that affect wai.			receiving environments ~~including their ecosystems, from inappropriate activities that affect wai~~.
D.4.49 Mauri of wetlands Through good wetland management (including stock exclusion and sustaining flows) enhancement and restoration to improve the mauri of wetlands, by 2030:	Oppose	NRC have asked the community for their view on further protection for wetlands, through stock exclusion in hill country areas. The policy as drafted assumes that rules will be introduced to respond to the policy, which might not be the case depending on feedback from the community. There are already policies dealing with wetlands (policies D.4.22 – D.4.24) are our view is that wetland protection is sufficiently covered by those. Also, the date set is overly ambitious, and not a realistic timeframe for protection of all wetlands.	Delete the policy.
D.4.51 Climate change mitigation and adaptation Recognise that climate change mitigation and adaptation is an essential component of freshwater decision making.	Support in part	The absence of a rule framework connecting this policy to actions, makes it difficult to know how it will be implemented. Our position is that climate change mitigations for agriculture should be dealt with on a national level. However, we support adaptation to climate change being addressed in the plan, since it is important to tailor adaptation to region specific conditions.	Amend: Recognise that climate change ~~mitigation and~~ adaptation is an essential component of freshwater ~~decision making~~ <u>management</u>.
F.1A Freshwater environmental outcomes			
Objective F.1A.1 Priorities for freshwater management	Oppose	The objective is not a suitable interpretation of Te Mana o Te Wai the way it is currently defined. The objective as drafted interprets the hierarchy of obligations as a strict priority. With this interpretation it would in essence be impossible to grant any consents before the first priority is met. Many of the priorities mentioned in the objective as a first priority, sits on	Remove and redraft once changes to the NPS-FM are known, and especially to Te Mana o Te Wai and the use of the hierarchy of obligations.

		a continuous scale, and can't be assessed as either fulfilled or fail to be met. In our view, it will be a very difficult exercise to assess a consent application against this objective.	
F.1A.8 Meeting target states for Māori freshwater values attributes Wai is improved and then maintained so that by 2040 the wellbeing of wai meets tāngata whenua target attribute states set in the freshwater plan.	-	It is described in the plan (H.12A.1) that work has started to determine baseline states for the attributes set for Māori freshwater values. It is not possible to understand what a 2040 timeframe will mean, until the level of change required to meet target states, are better know.	We recommend that NRC engage with the community regarding how realistic it will be to achieve this objective by 2040, once baseline states are determined.

End of feedback.

From: noreply@fs17.formsite.com on behalf of Formsite
To: Freshwater
Subject: draft Freshwater Plan Change feedback from: Sheena Ross
Date: Sunday, 31 March 2024 3:46:59 pm

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Sheena
Last name:	Ross
Organisation:	Ngati Korokoro Hapu
Mailing address:	[redacted]
Email:	[redacted]
Phone:	[redacted]
Topics for feedback:	• The vision, objectives and/or targets for our freshwater future • Managing highly-erodible land • Eliminating discharges to water • Managing exotic forests • Managing impacts on tangata whenua values • Stock exclusion – distance from waterways • Stock exclusion – highly-erodible land • Timeframes for stock exclusion rules • Managing water allocation • Enabling tangata whenua to practice as kaitiaki for wai • Support and funding for efforts to improve freshwater • Something else (please specify below)
Tell us what you think:	Submission to be submitted
How did you find out about this:	• Social media • Letter from us • Word of mouth
Keep me updated:	Yes, please keep me updated about the draft Freshwater Plan Change
Last Update	2024-03-31 15:46:45
Start Time	2024-03-31 15:40:39

Feedback form

Draft Freshwater Plan Change

The closing date for feedback is **5pm, 7th April 2024**

We welcome your feedback on anything in our draft Freshwater Plan Change. To learn about the changes being considered, visit www.wai-it-matters.nz

We encourage electronic feedback, as it helps keep costs down and reduce our impact on the environment. Head to wai-it-matters.nz or email us at freshwater@nrc.govt.nz

Otherwise, complete this form and return it:

- **By mail** Freepost 139690, Northland Regional Council, Private Bag 9021, Te Mai, Whangārei 0143
- **In person** to our main office at 36 Water Street, Whangārei; or to any of our regional offices.

Your name and contact details

Please provide your name and at least one other piece of contact information

Full name: **Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust**

Organisation (if giving feedback on behalf):

Mailing address: [redacted]

Email: [redacted]

Phone: [redacted]

What topics do you want to provide feedback on?

Select as many as you want

- ☒ The vision, objectives and/or targets for our freshwater future
- ☒ Managing highly-erodible land
- ☒ Eliminating discharges to water
- ☒ Managing exotic forests
- ☒ Managing impacts on tāngata whenua values
- ☒ Stock exclusion – distance from waterways
- ☒ Stock exclusion – highly-erodible land
- ☒ Timeframes for stock exclusion rules
- ☒ Managing water allocation
- ☒ Enabling tāngata whenua to practice as kaitiaki for wai
- ☒Support and funding for efforts to improve freshwater
- ☒ Something else

Privacy Statement: *Privacy Statement: Please be aware that your feedback may be made public, including the name and contact details you provide. All feedback will be assessed and summarised for use in preparing the proposed plan change, which will be publicly notified in late 2024.*

Tell us what you think

Please provide your thoughts and comments on anything in the draft Freshwater Plan Change.

General comments:

1. It has taken time to read through the draft freshwater plan. We are all volunteers and work full-time. We would like to commend NRC on reaching this draft stage of plan development. The framework you have developed provides a solid base for amendment to effectively address water quality issues we have in Te Tai Tokerau;
   This plan change represents an aspiration to ensure our tamariki, mokopuna, whanau, hapu and future generations can swim in our rivers and access safe drinking water, catch and eat kai while providing for themselves and any options for how they live with our rivers, lakes, wetlands, and land in the future

2. This plan change is important to our Hapu because what you do to the land you do to our maori whanau, Hapu, Iwi and community
2. a) Our primary interest in freshwater in Northland is as a farmer, hapu and tangata whenua, we value the health of our rivers and streams, groundwater, and wetlands and the life-supporting services they provide, as well as their intrinsic value. we also value the coastal areas where these waterways flow to, which are obvious 'receiving environments' for water from upstream in the catchment
3. The water bodies and coastal environments we interact most with and am most concerned with are the areas of interest on our boundary maps all streams, rivers, wetlands, lakes, aquifers and estuaries. Awa, Streams, rivers, wetlands, lakes, aquifers, estuaries, moana etc of interest
4. Primarily we value the water quality values of these areas for mana awa, mana moana, and ecosystem health by association – as healthy ecosystems support better water quality
5. The natural and wildlife values of these areas are also important to our hapu
6. We would like to see the benefactors as the primary source holders in due course of the un extinguished native title to up hold and assert imperium over all related matters within our rohe, mana, o Ngati Korokoro Hapu whereas the Northland Regional Council assumed, unconstituted are acting as administrators to our sovereign independent affairs, do as much to protect and restore our ecosystem in our rohe, areas with our consent
7. Please refer to Wai 2358
8. Setbacks for plantation forestry – should be 100m setbacks for any plantation forestry to be clear-felled. (tautoko) te be determined upon location
9. Riparian planting needs to be done with care, and managed, otherwise becomes corridors for pest plants and animals and a liability. (tautoko)
10. Floods take out plantings – needs to be ongoing management if riparian planting is to be effective (tautoko) Haraheke identify hua rakau, that can withstand floods..
11. Waimamaku water quality has improved in recent years – reflects number of farms reducing over time (only 6 dairy farms left in the valley) – 20-30 years ago complaints about farmers would have been valid – but not today – Fonterra has driven change. (lack of capital ano with divested interests regards footprint, spread across farming, forestry ano vs non farming interests and contributions?)
12. WWTP is ongoing huge issue. (tautoko)
13. Donnelley's crossing – pine trees are blocking the awa – they were planted too close to the river (tautoko)

14. Fast tracking of mining (especially on teh assumed DoC estate) – minerals research needs to be undertaken to understand impact of mining on water quality (Pending Environmental Court Mediation Ngati Korokoro vs NRC) Maps from 1820 show contaminated land/mines which requires redress and reparations for environmental damage, which no longer appear on contaminated land maps – local knowledge is critical as council's corporate knowledge can't be relied on (tautoko)
15. Farmers can't afford to do more fencing – need to recognise takes both time and money, both of which are in short supply
16. Legal personhood – concerns that this is misrepresenting views of hapu (tautoko)
17. Does Te Taitokerau Maori And Council (TTMAC) working party pre advertise their hui in the metropolitan papers? Where is the hapu representation of mandated hapu kai korero, providing attendance list, minutes, date, time and venue as advertised in the metropolitan paper for proof of valid representation – currently Te Tepu o TTMAC only has a limitedhapu representation, a select few, TTMAC meeting on 28 March has future review of TTMAC on the agenda for discussion
18. Concerns re central government policies directing monetary gain for land loss (tautoko)
19. Awa is eroding banks of Sheena's property – NRC owns the land adjoining which is causing the erosion – is council going to compensate for the loss of land with rates reduction? Sheens has had to move the fence 3 times due to the erosion caused by NRC poor management of its adjacent property (tautoko)
20. Riparian planting should not be put off/delayed, but needs to be suitable species e.g. ti tree and flax to reduce water temperature in the awa added, any plant species added to the environment must be vetted to prevent any further distribution of potential plant virueses, fungi et al. (tautoko)
21. Increased setbacks mean reduced private usage – needs to be compensation for that loss.(tautoko) compensation for equal value
22. Needs to be a working committee established for the logging industry – needs to be a plan in place to stop future clear felling. They are clear felling at Mangakahia now – needs to be a separate independent body to govern forestry (tautoko)
23. High Court appeals (Uri Rangatira) challenge Poneke – Government, Crown has no standing and is a criminal organisation.CIV: 2023−488−000109 Un-extinguished Native Tile / CA415/2022 Old Land Claims Pre 1840, Deeds of Sale Invalid, refiled on a successful application on Appeal in the High Court 15th June 2023
24. Hapu will assert rangatiratanga – they should have power of veto in their rohe (tautoko)
25. Local Government Act has been void since 2002 CIV: 2023−488−000109 (..tautoko)
26. Concern of actions being taken by NGOs in the valley without proper mandate of hapu knowledge in some instance. (tautoko) NGOs heirs and successors
27. Concern that riparian planting being done by Hokianga Harbour Care (Oli Knox) under their $2m project may have spread Mrytle rust to the valley from Rawene tree nursery (this needs to be investigated) – all plants provided by such projects must be pest free. (mrytle rust is also in Hokianaga)
28. Whirinaki's water comes from Pakanae land blocks (Ngati Korokoro koiwi on Pakanae – maunga tapu) – it's important that Ngati Korokoro are included in council's projects in Whirinaki given hapu land is sourced of the water flowing in Whirinaki, Te Ramaroa Pakanae 5, 5a, 5b, c, d. 6...)
29. Council needs to recognise that hapu in Hokianga don't have the resources to participate in all these processes and require resourcing.(tautoko) All third parties are pre emptively sourcing appplicable funding that should be by way of first right of refusal going to Hapu, whanau, whakapapa, whenua (tautoko)

30. Object to automatic extension to leases for marine farms (tautoko....caveat no leases are to be given without Hapu consent)
31. Need to have water police – as global temperature increases naturally, the water will dry up – water management is going to need to be policed by the mana of Hapu (tautoko)
32. Do councillors have job descriptions – what is it that they do? Why did the councillors change around who was chair/deputy chair – its hoha for communities that councillors keep changing things – its an embarrassment, Tikanga must prevail
33. Rates relief should be provided to farmers – they can't afford to give their time voluntarily.(tautoko)

Key Issues:

Key issues for us across Northland are water quality (particularly e. coli, sediment, algal growth/periphyton, potential toxic waste from mining activities, and ecosystem health); amenity values/drinking water; contact recreation; and natural form and character.

We support having strong hapu consented regulatory measures in the plan to address these issues.

To address freshwater issues, we would require Northland Regional Council:

a. **Protect and provide for ecosystem health by**
    i. Including clear target attribute states for nitrogen and phosphorus, and any heavy metals that might be part of toxic waste from mining proposals, that protect ecosystem health (not just 'toxicity'); and connecting these to limits on resource use. It appears these are missing from the draft plan and this gap needs to be addressed.

b. **Protecting the health of groundwater for human drinking and ecosystem health by:**
    i. Including a target attribute state for nitrate-nitrogen in groundwater with a target of less than 1.0 mg/L nitrate-nitrogen.
c. **Protecting erosion prone land through:**
    i. new rules limiting vegetation clearance, land preparation and earthworks in areas of high erosion risk, with tighter controls applied to these activities in areas with severe erosion risk.
    ii. new rules requiring stock to be excluded from areas of both high and severe erosion risk.
d. **Keeping stock out of waterways with**
    i. rules for streams in steeper areas,
    ii. large enough setbacks (>10m) to provide enough space for riparian vegetation to establish around waterways, to allow rivers and streams to naturally adjust through erosion over time, and to provide space for rivers to dissipate flood energy without eroding fences or causing problems downstream
e. **Eliminating and reducing discharges by:**
    i. Requiring consent for dairy effluent discharges to land
    ii. Prohibiting new farm dairy effluent discharge to water and introducing stricter requirements for renewal of existing consents.

iii. Prohibiting existing and new wastewater treatment plant discharges to water and introducing stricter requirements for renewal of existing consents.
iv. Prohibiting domestic wastewater discharges to waterways
v. Prohibiting any toxic waste from mining activities into waterways above and below ground
vi. Prohibiting any addition of s7 Hazardous rated Fluoride into any and all waterways, and or drinking water supplies
vii. Prohibiting any and all planned and or future disposal, distribution and deployment of 1080 upon the whenua, ngahere, awa upon the unextinguishable native title

f. Protecting wetlands by

i. Prohibiting wetland drainage and clearance
ii. Requiring stock exclusion from wetlands
iii. Adding policies to the plan that would encourage wetland restoration
iv. Mapping and monitoring wetland extent
v. Introducing a measure of wetland condition using a tool like the wetland condition index (as recommended by the Government's Science and Technical Advisory Group on the NPS-FM) with the informed consent of Hapu

g. Controlling exotic forestry by:

i. Requiring larger setbacks for exotic carbon and plantation forestry from waterways.
ii. Requiring resource consent for plantation forestry and exotic carbon forests in high-value dune lake catchments.
iii. Prohibiting clear-felling of forestry in high-risk or steep areas
iv. Establish a working group, Hapu and selected industry experts to liaise with forestry interests, stakeholders

h. Expanding requirements for assessing impacts on cultural values by

i. Adding requirements for resource consent applicants to assess cultural impacts that affect tāngata whenua values for freshwater.

i. Phasing out and preventing over-allocation of water by

i. Using short-term consents of < 10 years for all water takes, unless for Hapu/papakainga/marae/municipal/supply
ii. Prohibiting water takes above environmental flows and levels
iii. Ensuring consent expiration dates are aligned across a catchment
iv. Setting aside a portion of unallocated water (provided it is within environmental limits) to be used for environmental enhancement.

j. Addressing nutrient pollution from agriculture by

i. Having a robust allocation system for nutrient leaching, which should include things like limits on fertiliser use and stocking rates in degraded catchments.
ii. Riparian planting and funding to be made available for Hapu Nurseries

k. Promoting nature-based solutions by

i. Including policy prioritises nature-based solutions over engineered solutions when making decisions on flood protection.
ii. Including policy protecting the ability of existing wetlands, native forests, and rivers/floodplains to naturally mitigate extreme weather

l. Improving the management of the natural character and habitat of our rivers by

i. Increasing the regulation of activities in the beds of rivers, such as gravel extraction

ii. Requiring regular monitoring and reporting of natural character and physical habitat in rivers
iii. Including target attribute states for natural character and physical habitat in rivers

m. Protecting coastal water and water in 'receiving environments' by:

i. Protecting and restoring catchments upstream to improve water quality
ii. Including target attributes for water quality in estuaries and coastal areas
iii. A funded Hapu driven working groups to liaise with any stakeholders around Lake Omapere, with an emphasis to restore te mauri o te wai o Omapere, to restore and raise the level of the lake to reduce the heat co efficient and increase of algae bloom, nitrogenous pathogens from the current lowered levels, and to provide relief for any reclamation of lands exposed and currently used by stakeholders
iv. That the original Court judgement surrounding Lake Omapere be given effect and closure to an ongoing environmental catastrophe
v. That the Hapu/whanau/community adversely affected by the ongoing pollution, death of the aquatic species, waterways be given priority funding to Hapu representatives to provide independent monitoring, oversight and governance

34. Thank you for the opportunity to make this filing. We look forward to the progression of and implementation of the points within this filing of the plan, to notification and the improvements in water quality it can bring when implemented.

If you have more to say, feel free to attach more pages to this feedback form.

How did you find out about this feedback opportunity?

☒ Social media	☐ Letter from us
☐ Radio	☐ Sector group
☐ Newspaper	☐ Word of mouth
☒ Email from us	☐ Other: _____

☒ **Please keep me updated.**

Thank you for taking the time to provide feedback.

From:	Miles Rowe
To:	Freshwater
Subject:	Feedback on the Draft freshwater Plan Change by the Fuel Companies
Date:	Monday, 25 March 2024 11:21:37 am
Attachments:	image589821.png image949705.png 810.V16131.00001-L01-1.0 Feedback - Draft Freshwater Plan Change.pdf

Hi Freshwater team

Thank you for the opportunity to comment on the draft freshwater plan change. Attached is the feedback from the Fuel Companies.

Please contact me if you have any queries.

Regards
Miles Rowe

Miles Rowe
Principal Planning Consultant - Planning

O +64 7 444 5009
M +64 272 762 532
E miles.rowe@slrconsulting.com

SLR Consulting New Zealand Limited
Level 2, 214 Collingwood Street, Hamilton Lake, Hamilton, New Zealand 3204

SLR Consulting New Zealand
Level 2, 214 Collingwood Street, Hamilton 3204, New Zealand

25 March 2024

SLR Ref No.: 810.V16131.00001-L01-1.0 Feedback - Draft Freshwater Plan Change

Freshwater Plan Change
Northland Regional Council

By email: freshwater@nrc.govt.nz

SLR Project No.: 810.V16131.00001

RE: Feedback by the Fuel Companies on the Draft Freshwater Plan Change for Northland – Wai it Matters

Submitter:

bp Oil New Zealand Limited	Mobil Oil New Zealand Limited	Z Energy Limited[1]
PO Box 99 873	PO Box 1709	PO Box 2091
Auckland 1149	Auckland 1140	Wellington 6140

Hereafter referred to as the **Fuel Companies**

Address for Service:
SLR Consulting New Zealand
PO Box 911310
Victoria St West
Auckland 1142

Attention: Miles Rowe
Phone: 027 276 2532
Email: miles.rowe@slrconsulting.com

[1] On behalf of the wider Z group, including the Z Energy and Caltex operations in New Zealand.

Introduction

1. bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*the **Fuel Companies***) receive, store and distribute refined petroleum products around New Zealand. In the Northland Region (*the **region***), the Fuel Companies' core business relates to retail fuel outlets including service stations and supply to commercial facilities, and the Marsden Point Truck Loading Facility (operated by Wiri Oil Services Limited).

2. Between 2017 and 2022, the Fuel Companies had extensive involvement in the draft and proposed Northland Regional Plan (***Regional Plan***), including several appeal topics. The Fuel Companies have reviewed the draft plan change provisions (definitions, rules, policies and objectives) with a focus on the provisions that the Fuel Companies had an interest in during the development of the Regional Plan.

3. The primary topics of interest to the Fuel Companies include dewatering, stormwater discharges, industrial and trade wastewater discharges, contaminated land, hazardous substances, earthworks and groundwater bores.

Draft Changes to Definitions, Objectives and Policies

4. The Fuel Companies do not have any specific comments on the draft amendments to the definitions, objective or policies. The Fuel Companies are either supportive or neutral to those draft amendments being made to the Regional Plan provisions.

Draft Changes to Rules

5. The Fuel Companies have an interest in the rules for stormwater discharges, including for discharges from a high-risk industrial or trade premises. The Marsden Point Truck Loading Facility is a high-risk industrial or trade premise and was recently granted a long-term consent under stormwater rule C.6.4.6 (discretionary activity). Stormwater from the facility discharges into Berich Drain which is managed as part of the district council network, before discharging into the coastal marine area.

6. Rule C.6.4.6 is proposed to be changed so that it does not apply to discharges into a public stormwater network. The Fuel Companies concern with this draft amendment is that it would make stormwater discharges (from high-risk industrial or trade premises) very dependent on the district council's network discharge consents making adequate provision for accepting discharges from these types of facilities. In the Fuel Companies'

experience, many network discharge consents around the country specifically exclude discharges from high-risk industrial or trade premises from the scope of the consent. This would mean that the premise is reliant on the network operator securing a consent with appropriate conditions (or a variation to a consent), or alternatively, the high-risk industrial or trade premises needing to discharge their stormwater by some other means. This may not always be practical, particularly in relation to stormwater discharges from existing operations.

7. The Fuel Companies consider that there needs to be a clear consenting pathway for high-risk industrial or trade premises to obtain their own stormwater consent without having to rely on the district council to obtain a consent (or a variation) that will provide for their discharges. For this reason, the Fuel Companies request that discretionary activity rule C.6.4.6 remains unchanged, by deleting the draft amendment to the rule heading, as shown below:

   C.6.4.6 Stormwater discharges onto or into contaminated land or from high-risk industrial or trade premises ~~(other than those that discharge into a public stormwater network)~~ – discretionary activity

8. The Fuel Companies do not have any specific comments on the draft amendments to the rules applying to dewatering activities, industrial and trade wastewater discharges, contaminated land, hazardous substances, earthworks and groundwater bores. The Fuel Companies are either supportive or neutral to those draft amendments being made to the Regional Plan rules.

Concluding Comments

9. The Fuel Companies appreciate the opportunity to provide its input into the drafting of the plan change to ensure that the Regional Plan remains effective and pragmatic.

10. Please contact the undersigned (contact details on the cover page) if there are any aspects that you would like to discuss. In addition, it would be appreciated if you could keep me updated during the development of the plan change.

Signed on behalf of Z Energy Limited, bp Oil New Zealand Limited and Mobil Oil New Zealand Limited

Regards,

SLR Consulting New Zealand

Miles Rowe
Principal Planning Consultant
Miles.rowe@slrconsulting.com

From:	Millan Ruka
To:	Freshwater; mailroom; Jonathan Gibbard; Alison Newell; Christy Weightman; Colin Dall; Simon Webb
Subject:	"WAI it MATTERS" submission by Environment River Patrol - for - Whatitiri Resource Management Unit - Poroti
Date:	Thursday, 4 April 2024 11:56:16 pm
Attachments:	image001.png March 2024 ERP-A submission on NRC Draft Fresh Water Plan WAi it Matters.pdf #7 - Jan 2013 MK5 SEFRC fencing code (2017_07_10 21_42_33 UTC).pdf

ENVIRONMENT RIVER PATROL
AOTEAROA - NEW ZEALAND
Kaitiaki mo nga awa

P.O. Box 98, Whangarei 0140
Mob: 021 67 3838
Email: millan@wairuaenergy.co.nz

WHATITIRI RESOURCE MANAGEMENT UNIT (WRMU)

PO BOX 98, Whangarei 0148

Represents for Whatitiri Maori Reserves Trust and for our hapu Te Uriroroi, Te Parawhau, Te Mahurehure of Poroti, Maungarongo Marae, Whangarei.

He waka eke noa
A canoe which we are all in with no exception. We are all in this together

04.04.2024

"WAI it MATTERS" 17x page submission by Environment River Patrol - for - Whatitiri Resource Management Unit - Poroti

Ref to : 2x attached PDFs

Mauri ora

Millan Ruka MNZM
Postal – PO Box 98, Whangarei
New Zealand
Poroti Springs – Coordinator for WMRT
and Whatitiri Resource Management Unit – hapu rep,
millan@wairuaenergy.co.nz
[redacted]
Mobile 021 67 3838
WRMU Meryl Carter (0272475807) Manager for
Te Uriroroi, Te Parawhau, Te Mahurehure - ki Whatitiri
Mobile 021 67 3838

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He waka eke noa
A canoe which we are all in with no exception. We are all in this together

Report #1340

4th April 2024

Re: Whatitiri Resource Management Unit's submission to the Northland Regional Council

Draft Freshwater Plan "Wai it Matters"

Support for TWWAG - Our WRMU supports the Tai Tokerau Tangata Whenua Water Advisory Group report to NRC, "Nga Roimatao Nga Atu" 122 pages. Some statements in our WRMU submission may differ in direction to the TWWAG report. In these instances, our WRMU report statements shall take precedence.

Poroti Springs – There has been an insatiable quest for our Whatitiri Maunga aquifer waters over the past 41 years. Surface water-takes and bore-water-take consent approvals are encouraged by the NRC and continue today. Most all are "non-notified" and the NRC actively denies us the same rights given to others. So much so, that we have been to the High Court and we are in the Court of Appeal process in an attempt to transfer our proceeding to the Maori Land Court where we expect we can get more balanced justice from the current RMA. Our case is said to be the strongest in New Zealand for "Maori rights & interests to water - Wai 2358. – we contend that is why many sectors of NZ society push back to resist any incremental benefit to our hapu as it may open the door to provide justice and benefit to many other Iwi and hapu nation-wide.

Whatitiri Maunga Aquifer . Our WRMU has formally requested for NRC to survey the Whaititiri Maunga and the catchment area around it for registered bores, permitted bores and non-permitted bores, and unauthorized excavations to seeps to make ponds. NRC have stated they do not have the capacity to gain & provide this vital information. The Poroti Springs source supplies 30% of Whangarei water supply and up to 60% in the last big drought 4 years ago. The NRC is negligent to not mannaki this critical water supply for the city. Just last week an applicant for a permit to have a bore drilled was adamant that he will take water from it, despite that a consent is required to take the water. ***Our**

WRMU - request to NRC that all "permitted bores" be capped and a wire seal attached to ensure security to stop illegal taking of this water. That there be a full survey by NRC of all water-takes and discharges to water to enable an assessment of the sustainability of this critical water supply in this time of climate change.

WRMU & our **HEMP** Our Whatitiri Resource Management Unit had its embryo in 2012 during a time of great conflict with Northland Regional Council, Whangarei District Council, Maungatapere Water Company Ltd and Zodiac Holdings Ltd over our Poroti Springs. We developed our "Hapu Environmental Management Plan" (HEMP) in 2016. Half was paid by Ngapuhi fund, the other half was paid by personal contributions. Our maps of our mana rohe were critical to define our rohe of interest & jurisdiction. Our HEMP was approved by Ngapuhi Runanaga, & accepted as received by NRC, WDC and later DOC. Despite its legal recognition, NRC has been contemptuous of our status and has allowed dozens of consents to go through our rohe as "approved" and "non-notified" to our hapu. Several are directly related to our Poroti Springs leaving a legacy of deceit and dare we say, discrimination that led to our Rangatira Taipari Munro to state at Waitangi Tribunal hearings that "we are treated like flies on the wall" in all these proceedings". * NRC have been unresponsive to our many complaints in this regard, our only recourse is to take our complaint to the Ombudsman Office – pending.

NRC Consents Management – Particularly during the past approximately 20 years, our personal experience through the NRC office has been of great angst to our hapu. We experience a continuous disregard of best practices and interpretation of the RMA that breaches our human rights and the integrity of the Resource Management Act. We have evidence of discrimination within many outcomes of preferential decisions that have clear tones of "questionable practice" that have left our hapu gasping for justice, but not having the financial & human resources to engage in so many individual cases of what we deem to be malpractice. The fact that in 2018 the Government purchased the Zodiac water bottling interests for $7.5 million begs an inquiry as to why was this decision made. Surely there is a story within this event that needs to be added to the already (prior) written 440-page POROTĪ SPRINGS AND THE RESOURCE MANAGEMENT ACT, 1991-2015 by Waitangi Tribunal researcher Paul Hamer.
*This behavior has not abated; it has intensified due to the trend of many applicants wanting to beat the pending unknowns that the water reforms may bring.

Consents alive on our books in our within our mana rohe, mana awa –

Current – Wairua Hydro Power Station. Pending - This 100+-year-old power station has had a great detrimental effect to our tuna/eel fishery since its 1911 commissioning. We have had substantial involvement in the renewal consent to operate back in Sept 2018. We have just recently been advised by the NRC Consent Manager that we were deemed as a non-notified party despite our long discussions with NRC, DOC, Walking Access Commission, and NorthPower and the providing of our "cultural impact report" to them all. *We have unfinished business on this consent and deem the NRC decision to have no regard for our hapu existence and our tribal lands across the river.

Current – The 7x Hikurangi Drainage Pump Stations – They have been killing our eels since the commissioning back in the 70s & 80s. Our hapu is affected by the fatalities as we see the lifecycle of our migrating tuna being struck a death knell due to incompetence and ignorance by NRC who just carry on, oblivious to the many evidenced reports and issues of "non-compliance" to safe fish passage that the RMA demands. NRC, WDC, MFE and NIWA ignore the tikanga & shared interests of what is a "shared fishery" at both the Wairua Power Station and the Hikurangi Swamp. NRC opts to deal with whom they want at these locations disregarding the shared interests of some three Iwi and twelve plus hapu who have customary entitlement to manaaki the fishery.

*Unresolved issues.

Current – Proposed Hydro Power Station at Purua Falls. An individual farmer has this week for the fourth time over some two years re-livened his attempt to build a "run of the river" hydro power station for his personal ownership on the Wairua River at Purua Falls on the border at a location that we share with our Ngararatunua hapu. NRC has tolerated amateurish application attempts and allows the process to flourish despite the obvious flaws of having no experience (in our opinion) with eel migration and immigration and always feigning to have expertise in this realm to know more than the haukaianga people whom have whakapapa and matauranga te tuna. Such tolerance for this individual's quest for his own power station is an affront to Iwi Waitangi Treaty Claims Wai 2358. NRC demonstrates the contempt it has for local Maori and its complete ineptness in remedying the known destruction of our tuna fishery. DOC and MPI Fisheries Dept will again be involved, and we will again have to dig deep to make objection submissions to this consent application with zero resources to pay for any legal assistance. *This consent application is progressing in the MFE & DOC arena – pending.

Current - Whangarei District Council Water Intake – 1993 The WDC had consent to take 14,000 cubic meters of water per day on our Waipao Stream within meters of our hapu lands and our Poroti Springs. Our Waipao Stream also feeds to Maungatapere Water Company Ltd (MWCL) with 4,000 cubic metres per day located just above WDC intake. MWCL has rarely if ever used more than half of its consented waters and WDC the same. WDC's plant can only treat a maximum half of its water but now has prepared plans to expand the capacity of the treatment plant to treat all its water from the Waipao 14,000 cubic metres plus another 19,000 cubic metres from the Wairua River. Yet in 2021 the NRC put a hold on our hapu application for water to nourish our 13 blocks of adjacent Maori Land despite that the water emits from our own Poroti Springs and the other two consent holders used less than 50% of their allocated water in the past 31 years. The NRC treated our hapu with complete disdain in this regard and should have used the RMA legislation to allocate un-used water to our hapu. The NRC continues to allocate water to applicants to the two streams in our rohe the Waipao and Kauritutahi despite them being declared to be already "over-allocated" by the NRC. Where does it propose to give us water in the 20% allocation suggested in the new reforms – do we truck or pump it in from far away locations despite the two streams emit and flow from our lands!?! We are a patient and tolerant people, but we now must plan to take back our waterways "lawfully" as the NRC and WDC do not consider we have any entitlement whatsoever.

Reply to NRC proposed 20% allocation of water to Maori ie.

"The draft Freshwater Plan Change: Targeted Water Allocation Policy"

NRC states- *For example, this part of the policy could mean wai within the 20% allocation being kept in a river to better provide for native fish during drier periods, or to create or to improve wetlands or mahinga kai.*

Hapu reply - Kaitiakitanga - The expectation of sustainable and healthy water responsibility lies with both Maori and Pakeha. Over-allocation is a huge problem where there simply is no water left in some rivers, particularly in the South Island. Our streams of the North Island are significantly under threat where water is taken for dairy & horticulture and they discharge back with dairy effluent and chemical run-off. The NRC suggests a Maori 20% water allocation can be the "Kaitiaki element" for the wai sustainability. But this does not that factor that the other 80% can be exploited & locked up for commercial use by others !! All rivers and streams should have "set limits" of

sustainable flows & where alerts are responded to when flows drop below a set limit. Do not consider using the allocation of Maori water for what are essentially "water conservation orders", this responsibility must be shared by all users of the water. The NRC proposal also exposes that if a Maori 20% was committed to sustainable flows etc then at some point later we would not be able to use those same waters for our own economic benefit due to it already having been committed.

NRC states - *The Advisory Group recommendations include a policy that sets aside 20% of allocatable water to contribute to environmental, social, economic and cultural enhancement. This would not affect existing resource consents to take water, but it could affect renewals.*

Hapu reply –
NRC does not address the significant issue of existing "unused - over-allocation of water" nor the fact that over the last 10 years or more many existing water-take consent holders (including new applications) have gained "variations" and "early renewals" of their 5 & 10-year consents to max out to 30 & 35-year terms. So this water is now locked up for two or more generations.

At the end of the consented term, the "propriety ownership" card is always used by consent holders and the Regional Councils Nation Wide do apply the RMA "claw-back" of water rights to users who say their horticulture block or dairy farm will suffer financial loss. There has always been the opportunity for NRC to review the actual use of water-takes by reading water meters annually and to reconcile with what is actually used. Northlanders have a significant water locked up but they do not use it.

For example, in our immediate area of Poroti, this is a brief just a few of many consents –

Whangarei District Council has for the past 30 plus years used less than half of its consented daily take of 14 mil litres water per day from Poroti Springs Reserve water supply – but has actively resisted allowing our hapu entitlement to our same customary waters. The WDC now seeks consent to expand its treatment plant at Poroti to be able to treat and use its full consent

Whangarei District Council has for the past 30 years plus have consent to take 19 million litres per day from the Wairua River, but have yet to exercise the consent.

Maungatapere Water Company Ltd has for the past 30 plus years used less than half of its consented daily take of 4 million litres water per day from Poroti Springs Reserve water supply – but has actively resisted to acknowledging our hapu entitlement to our same customary waters.

Maungatapere Water Company Ltd has for the past 30 years plus have consent to take 19 million litres per day from the Wairua River, but have yet to fully exercise the consent. The company has stated that it needs the clean drinkable water that emits from Poroti Springs rather than using the foul waters of the Wairua River.

Kauritutahi Stream – the NRC consents manager has been consistent in approving water-take consent applications to the small Kauritutahi Stream that joins to our Poroti Springs Waipao Stream. Despite stating that both streams are "over-allocated" the manager continues to approve consent applications as they come in. The Kauritutahi has more than 23mil litres of water already allocated daily, so much so, that it is stagnant and dead in the long summers and no heed of our complaints is responded to.

Catchment trend for water allocation and discharges to water. A total to date of 1330 reports have been written by Environment River Patrol Aotearoa. More than a third are directly related to

NRC actions or inactions in one form or another that we determine to be a detrimental effect to our rohe waterways and our customary rights of use to exercise our kaitiakitanga. It has become overwhelming, and we no longer can cope to respond to the huge environmental impacts that are presented almost weekly to our whenua and its waterways.

NRC proposes *- This policy represents a big change in the way we allocate water. Water is typically allocated on a 'first come, first served' basis. The proposed policy provides for targeted allocation and reserves a portion of water for specific uses. The introduction of Te Mana me te Mauri o te Wai is also new territory for freshwater management.*

Mana whakahaere

• The power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater.

Kaitiakitanga

• The obligations of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations.

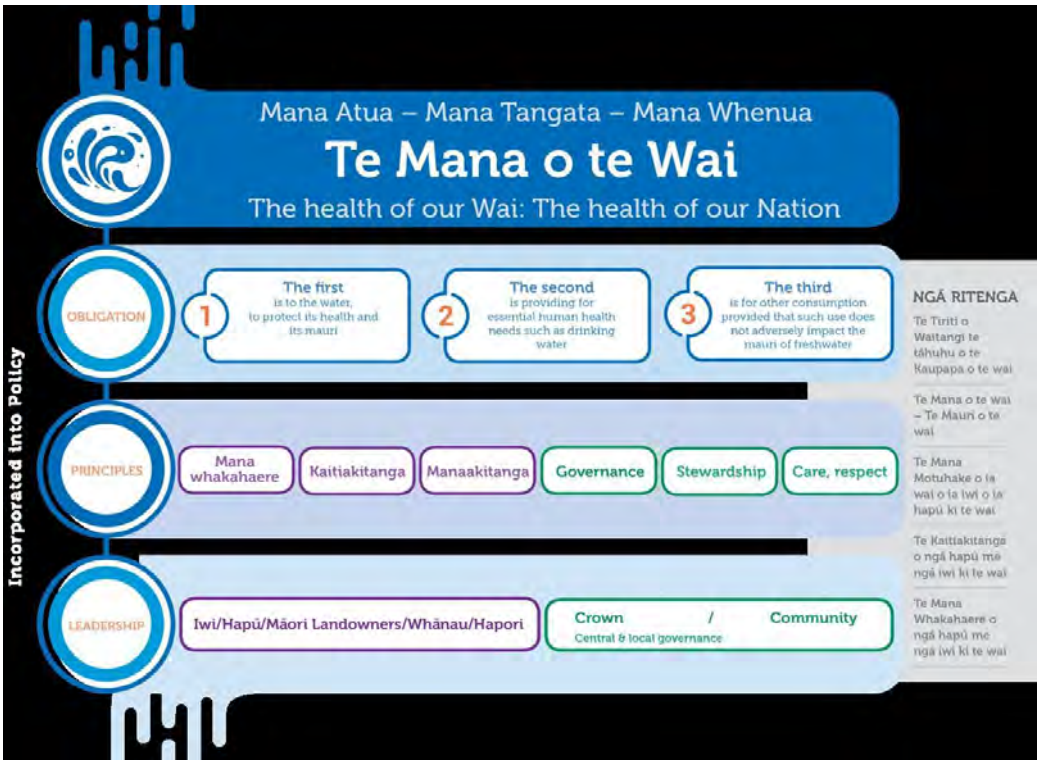
Manaakitanga • The process by which tangata whenua show respect, generosity, and care for freshwater and for others.

*Certainly it is time for an independent assessment and review of NRC & WDC water management. Time to address the conflicts of interest that are very apparent with the "first in first served" and "propriety rights" that are assisted by NRC management and support by WDC.

……

Iwi Leader & Maori MP feedback to NRC press release – 19th Dec 2023 Northern Advocate

"Northland Regional Council (NRC) chair Geoff Crawford earlier this week said the principle of Te Mana o te Wai should be scrapped from the government's new plans for freshwater management and for the council's freshwater plan"



“Ngatihine rangatira Pita Tipene whose positions include co-chair of NRC's joint Te Tai Tokerau Māori and Council (TTMAC) working party - said he was angry and frustrated about Crawford's call. Tipene said Te Mana o te Wai principles, which put the health of water above that of humans and the economy, needed to stay in the North's developing freshwater plan - and in any government freshwater approach”. “Without water we have nothing," Tipene said.,

Tai Tokerau-based Green MP Hūhana Lyndon (Ngāti Hine, Ngatiwai, Ngā hapū o Whangārei) said “she was also gravely concerned about this massive about-face" on the draft freshwater plan.It took my breath away. I thought 'are you kidding me?',"Lyndon said the government had changed but ultimately that did not mean the plan, which was a Northland plan put together by Northlanders for Northland, should also have to change."NRC has played an important role in co-ordinating this plan, with its many voices. Many points have been touched on and very many voices have been heard," Lyndon said. "That work should not be for nothing," Lyndon said.

NRC Chairman – Geoff Crawford

stated - *“Te Mana o te Wai should be scrapped”*

Ngatihine rangatira Pita Tipene

Tipene said Te Mana o te Wai principles should stay.The mana or mauri (life force) or water was paramount above all else. "It is important all New Zealanders put the health of our water ahead of anything else."

Tai Tokerau-based Green MP Hūhana Lyndon (Ngāti Hine, Ngatiwai, Ngā hapū o Whangārei) said she was also "also gravely concerned about this massive about-face" on the draft freshwater plan.

"It took my breath away. I thought 'are you kidding me?"

Copy swipe link https://www.nzherald.co.nz/northern-advocate/news/northland-maori-leader-angry-by-call-to-scrap-te-mana-o-te-wai-freshwater-principles/7CRMJ2QG5JFTBBI5BTPBPJ3OY4/

Copy swipe link https://www.rnz.co.nz/news/ldr/505222/maori-leader-angry-over-call-to-scrap-te-mana-o-te-wai-freshwater-principles

Hapu reply – When you have a Chairman of NRC who demonstrates to steer the course & outcome of what he as an individual wants, causes our hapu great concern for the democratic process of consultation and the submissions process that we abide by for the development of legislation. He has crossed the line of the NRC mandate to consult on such matters.

Through 2020 & 2021 the Kahui Wai Maori team was nominated nationally by iwi and pulled together to work with Ministry for the Environment. From this consultation, the Te Mana o te Wai framework was developed, and all sectors were consulted including Regional Councils, Freshwater experts and Federated Farmers. There was a clear consensus that Te Mana o te Wai was fit for purpose to represent for iwi and hapu to be adjusted to suit the tikanga of each and that it would align with the RMA and any likely new water reforms.

The Chairman's recent strategy of action to gain his position in the November NRC election coup has caused concern in other forums. His actions have been challenged by former WDC Councilor Robin Lieffering. She raises the fact that the demonstrated experience of the other councilors cast aside ie. Cr. Jack Crawford lost his Biosecurity portfolio and Cr. Amy McDonald lost her Climate Adaption role & others were also stripped of their roles despite their experience and obvious selection by voters in the last Northland elections. Former WDC Councilor Robin Lieffering has stated in Northland Advocate – *"she no longer trusted NRC to meet the needs of the wider community as a result of what happened on November 28 – 2023"*

It has been our hapu experience that we have been dealt "conflicted judgments" from Northland Regional Council managers for more than 30 years. Most all Chairman and CEOs over this time have declared a bias and a conflict of interest that has long been apparent to our Iwi and hapu of Tai

Tokerau. The NRC management and Councilor culture has almost always permeated a "them and us" division that ripples through to deny any acknowledgment of Maori Rights & Interests to not only our Freshwater resources but also - taking of river gravels, taking old native "sinker logs" from our rivers and allowing dairy effluent discharge to our waterways with inadequate monitoring & enforcement.

The proposals that are put forward that are purported to be inclusive and beneficial to Maori ki Tai Tokerau are in fact full of deceptive narratives. The NRC takes great advantage of the fact that here in the North, Ngapuhi has little to no voice in the 1991 Resource Management Act landscape. We do not have the financial resources to deal with consent applications nor do we have the RMA experience to oppose the continual plundering of our natural resources. This behavior would not go unchecked by the likes of settled entities such as Ngai Tahu or Tainui who have ensured to establish strong knowledge of RMA practice and use their own dedicated practitioners to respond to it
*Our WRMU has no confidence in the direction that NRC Chairman Mr Geoff Crawford wants to lead us down. We thank those that have shown the conviction to voice concern of the political and biased direction that NRC now delivers.

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125x page "Compliance Monitoring and Enforcement" under the RMA ACT 1991 CME

by Ministry for the Environment – July 2018

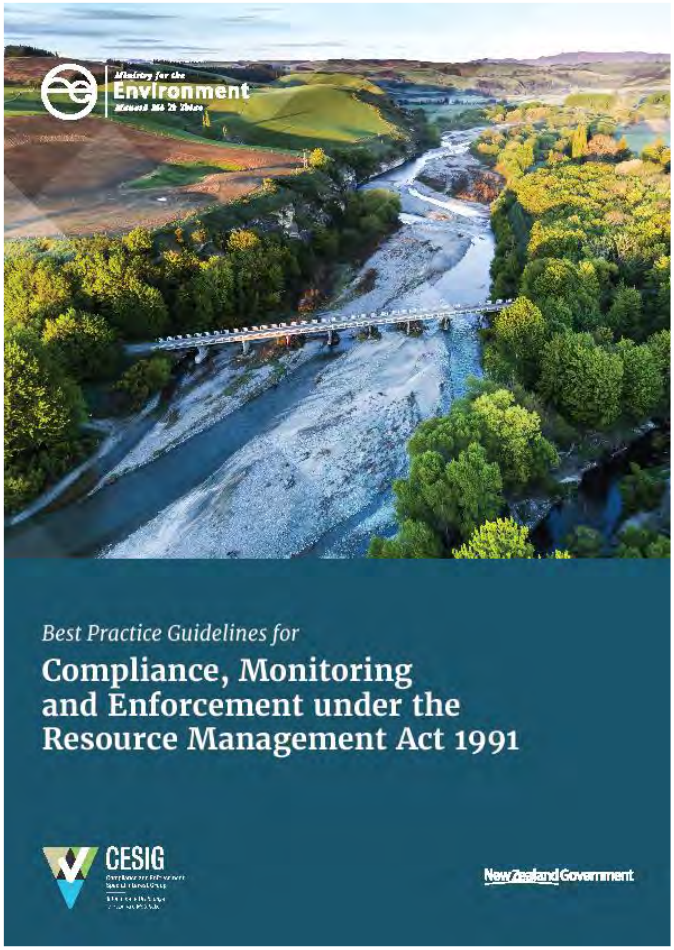
The 125x page CME document is a Best Practice Guideline for NZ Regional Councils. The CME manual is a low-profile document within our Regional Councils. It is very responsive to the RMA but is not given its due importance to the fundamental functions of administration expected of Regional Councils. It may well need some "adjustments"" as we move ahead into the new reforms, however, it provides the perfect foundation for Te Mana o te Wai principles to align together and be applied in the new water reforms ahead.

It is time to empower Iwi/hapu to be proactive in kaitiakitanga if we are to have meaningful participation within the new proposed water reforms. We have "Te Mana o te Wai" as our foundation principles as our baseline that can be blended into the new reforms.

At least two or three kaitiaki 4-person teams should be set up to patrol all waterways in the Northland Region. They should be qualified with NZQA units in - Assessment / basic computer skills / GIS mapping and camera skills plus health and safety appropriate to river work, kayaks & boats etc.

NRC should fund this mahi and provide entitlement to deliver CME on our fresh-waterways and harbours of Northland region. Infringments should be issued where appropriate and delivered with respect, compassion and professionalism.

*WRMU - Aotearoa would be a much more RMA-compliant country with kaitiaki participation. We have the most diligent WDC traffic wardens on contract here in Whangarei City but NRC has no one on our rivers.



Above - This is a 125x page document seldom seen, nor available for kaitiaki in hard-copy. It has the legislated detail to perform CME. Blend it with “Te Mana o te Wai” principles and we have the foundation to make a difference for the better on our waterways.

Wairua River – 80klm patrol on "Kiore Wai" from Dargaville to Wairua Power Station and up Mangakahia River to MGL Bridge Titoki. Took 400 plus GPS photos for a comprehensive survey report. A small motorboat can cover all the bigger rivers of the NRC jurisdiction.

"Kupe" waka up in the Hikurangi Swamp on patrol on Waiotu, Whakapara and Wairua rivers. Use GPS camera and gain evidence such as this on many remote locations. Paddle and walk, gets the evidence of "detrimental effects" to our waterways.

23.01.2013 - **MASTER LIST MK5 STOCK EXCLUSION FENCING REPORT CODE 39x codes**

This up-dated MK4 assessment format is designed to gain standardized reporting to Regional Councils nationwide with particular emphasis on the detrimental environmental effects of livestock grazing unfenced to water courses including creeks, streams, springs, drains, rivers, swamps, canals, tidal estuaries and any other water course. It is a continual "work in progress".

The "Clean Stream Accord" initiative 0f 2003 was a direction largely led by Fonterra to respond to concerns of the environmental impact harm caused by un-fenced cattle on streams and rivers. They stated "self-regulation" was the way to go rather than Regional Councils monitoring fencing. That farmers would achieve fenced-off waterways without the need for "draconian" monitoring of their farms.

The "Sustainable Dairying: Water Accord" was the MK11 version that incorporated all Dairy Companies in New Zealand. Since this time from 2003 to 2024 there has been considerable tweaking up to now. However, despite an immense amount of work done by many farmers, clearly there is more to be done.

Federated Farmers have both Dairy and Sheep & Beef farm members. For a long time, they said there was no need for beef cattle to be fenced off. That when a dairy cow was not being milked, or in calf etc, then its status changed to be same as beef cattle so did not require to be fenced from waterways.

Twenty-one years later to now 2024 - We still have no effective CME – Compliance Monitoring and Enforcement of waterway fencing nor any dedicated monitors on our waterways. The attached 9x page PDF 23.01.2013 - MASTER LIST MK5 STOCK EXCLUSION FENCING REPORT CODE 39x codes goes somewhere in the direction of what will be needed though will require considerable further

development and to have bylaws of “warnings and infringements” etc just the same as our contract “parking wardens “ here in Whangarei issue. This code was developed from paddling & motorboating patrols on our Tai Tokerau waterways and from some 4,500 photos taken where some 40% show cattle, or the evidence of cattle, having caused a “detrimental effect” to our waterways. The SEFRC is offered as a baseline for future reporting on “Compliance Monitoring and Enforcement” of our waterways.

 **#13 code** - Evidence shows cattle have been grazing in the water course. ➢ It is a common occurrence to see obvious sign by way of mud tracks up to the watercourse, hoof prints in the watercourse mud/gravel, obvious grazing of aqua plants etc.	 **#17 code** – Cattle are confirmed as dairy stock. ➢ Dairy stock come under the Fonterra voluntary “clean stream accord”. Fonterra has stated that where a dairy farmer may run beef stock on his farm or a run-off at another location, then the beef stock must be fenced from waterways, the same as dairy cows.

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Land Air Water Aotearoa (LAWA)

The National water sampling in the Tai Tokerau region was originally managed by NIWA prior to around 2014. The MFE then decided to allow the Regional Councils to manage their own water sampling in their respective regions. The MFE established the Land Air Water Aotearoa (LAWA) information web site for all water sampling information to be held within. This LAWA website was handed over to the Cawthron Institute to manage. It is apparent that they, Cawthron, are mere website hosts as despite quite some correspondence to and fro with them, they say whatever info the Regional Councils provide, they just load it up online themselves.

The LAWA site has excellent capability, but the MFE has allowed the Regional Councils to manage and self-load what they wish to put in the site, or not put in it. Subsequently, its information effect has diminished and the opportunity to grow the platform to add on other relevant information has not

been taken up. It is apparent that over time there has been little or no review, nor audit to ensure information is accurate and that "best practice information gathering" and loading takes place. The LAWA site could be greatly expanded to include showing – stock exclusion fencing (or lack of it), NAIT

compliant farms, RMA Consented Points of Discharge / permitted effluent to land farms / irrigation m3 water-takes etc - - - there is a host of very of useful information that can be loaded to the LAWA site.

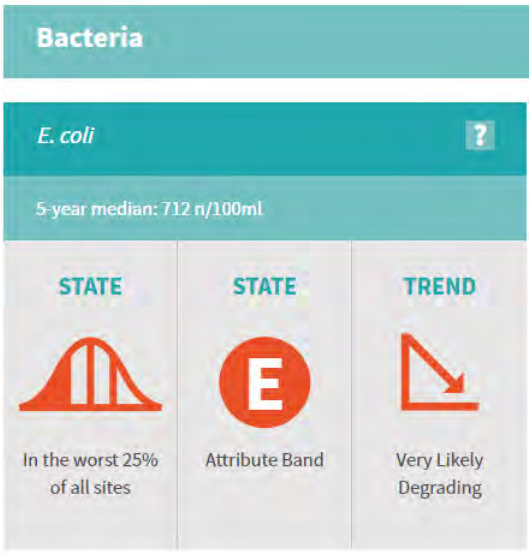
Example - For more than six years our hapu WRMU has lobbied at great length with NRC and MFE and the Cawthron Institute with submissions and direct correspondence to review the LAWA water sample testing locations. Our constant complaint has been that the Northland Regional Council (in its wisdom) no longer use the Mangakahia Bridge on the Wairua River as a water sample test site when it was previously a test sample site by NIWA up to around 2014. That the information loaded by NRC is "skewered". The NRC misses out 18 kilometres of the Wairua River by refusing to include the previous NIWA location prior to 2014. This 18 km is arguably one of the most intense dairy farm areas in the country. It is at this point we say that a prior senior NRC person owned three dairy farms in this area. When you look at LAWA locations for example in the Tai Tokerau region – is has obvious flaws that hides, or clouds, the very information that the process seeks to understand.

> ***WWW. LAWA*** *Land, Air, Water Aotearoa (LAWA) has been established by like-minded organisations with a view to helping local communities find the balance between using natural resources and maintaining their quality and availability. LAWA connects us with the environment by sharing environmental data and information. Initially a collaboration between New Zealand's 16 regional councils and unitary authorities, LAWA is now a partnership between the councils, Cawthron Institute, and the Ministry for the Environment and has been supported by the Tindall Foundation and Massey University.*

Recommendations by the WHATITIRI RESOURCE MANAGEMENT UNIT (WRMU)

- That all Regional Councils have an independent review of their respective water sample test locations that come under the LAWA regime.
- That Iwi and hapu of the respective areas have their input within the review.
- That Northland Regional Council re-establish the Mangakahia Bridge site on the Wairua River to be a water-sample test site.

- That MFE oversee the process.



Above - This is the LAWA reading as at Feb 2023 at Waipao Stream on Draffins Rd and at Mangere River on Knights Road. Both these waterways flow into the Wairua River. But the Wairua River's last test site is at Purua Bridge and the Mangere and Waipao feed in further down. Downriver for some 18 klm of intensive dairy area, there is no water quality testing to show what its true state is – the LAWA process is flawed by the way NRC feed information into it. Accurate information is further compromised by the flawed Point of Discharge (POD) water test methodology taken in larger waters of rivers and streams further away, rather than directly at the actual pipe out-let point where dairy effluent discharges from effluent ponds.

<u>The Northland Regional Council methodology to monitor dairy effluent Points of Discharge "POD"</u>

Discharges to land and water

Dairy effluent discharged to land, does not require a consent – it only requires a permit.
Dairy effluent discharged to a waterway requires an RMA consent.
Dairy effluent is highly toxic when in waterways as it contains nitrate, ammonia, E.coli and other contaminants.

In the north Dairy farmers rapidly changed over from "Consented Discharge" to the less constraint of a "permit to discharge to land". (2016 information).
The ratio is 80% distribution to land (by permit) and 20% "discharge to water by consent" (2016 information).
We are aware of illegal night-time discharges from effluent holding ponds, there are low-capacity effluent storage ponds, farm managers whom have little to no experience to manage dairy effluent systems. ERP reports on apparent illegal discharges have been met with scepticism and a virtual nil or inappropriate response from NRC. It is very difficult for NRC or kaitiaki to monitor illegal dairy effluent discharges at most offences take place at nigh-time and in heavy rain conditions. ERP is involved with a new electronic nitrate sensor project by DSL, that is another topic for when the time comes to deploy.

However, from ERP studies and advice from sectors whom also have concern for water quality, we have a consensus that the NRC methodology for monitoring and testing dairy effluent "POD = Point of Discharge" is a very flawed process that has can be remedied but NRC does not accept that perhaps there is a better way. Many dairy farmers opted to change their location of POD test location from near, or at their pond system to a further away, preferably a large river. So NRC water sample locations ended up to be hundreds of metres away and more on bigger creeks or a river, much further from their "Point of Source".. This achieved a "dilution is the solution" mentality. So here is the formula - - -

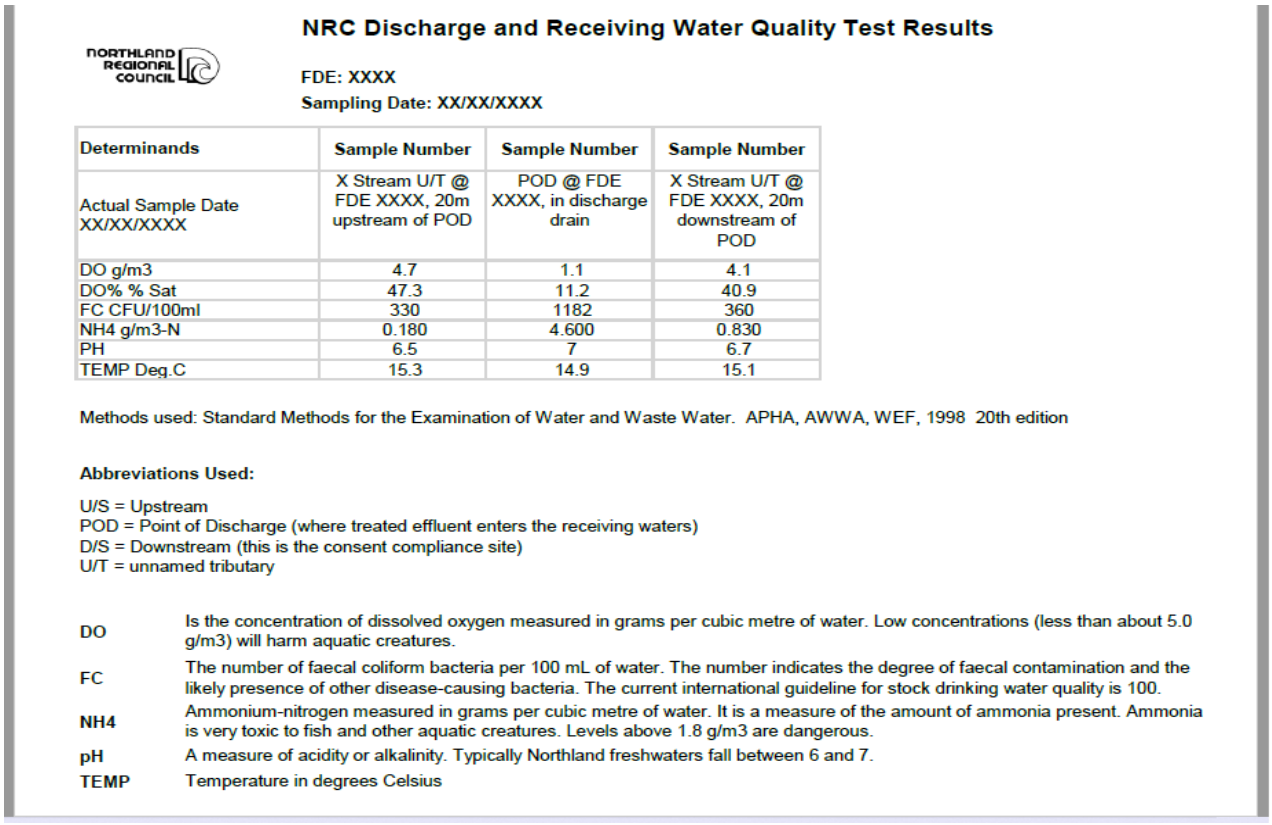
In the case of the Wairua River the NRC water test person would –

1. Take a dip jar sample 20 metres above the POD
2. Take a dip jar sample at the POD location
3. Take a dip jar sample 20 metres downstream of the POD location

*The focus is on the #3 sample downstream. Is it marginally higher than the #1 sample. If not, then all is ok.

The Flaw – Water test samples are taken from a point 20 metres above the actual POD point of discharge, a sample is taken at the centre point of the POD and one 20 metres further down. This is where the formula is contentious. There can potentially be some 100s of cubic metres of water flow by in the time it takes to clamber down the river banks to get the three samples This distorts the true readings that are sought. The test results are determined by whatever the flow speed and volume of water is on that particular day. There is no formula to factor the river size, depth and flow speeds. Nor if it is a stream to formulate the smaller flows. Obviously, the odds are way much better to get a compliant reading in bigger flows such as the Wairua River has, rather than the drain the pond actually discharges to.
One farmer we know has diverted from discharging to a small stream to now pipe his effluent flow a far greater distance to discharge to the Wairua River. All legal but now much better positioned for dilution and to meet FWMP policy when implemented in 2025 / 2030. The river still receives the same out-come as it did from the nearby stream, but the farmer gains much lower readings to ensure a fit with compliance.

The obvious sample test point is at the very POD "Point of Discharge", this is the true reading. It is this reading that can be reversed back to tell how efficient the effluent pond holding capacity and wash down volumes are coping. The milking cow ratios and pond capacity are thoroughly tested for "fit for purpose" if water samples are taken at the POD point. There is little good reason for three-point samples to be taken when one would suffice and the accuracy would be near 100%. The existing method is thoroughly industry driven and does not stand up to scrutiny even by a person with little knowledge in water dynamics. My research show that academics have considered change must take place with this methodology as it does not stack up in this day and age of farming intensification.
If this minor change was made by our Northland Regional (and others) our waterways would show a dramatic upturn in water quality. The challenge would be directly on the farmer, but our waste of millions of dollars on water studies and the like could go direct to the farmer for improvements to effluent confinement, processing and discharge.
It is obviously apparent that water quality is all about pollution containment. You must stop it before it gets to the waterway. The key is ample pond storage to suite the stock ratio and set discharge levels to be the same for all farms. Simple logic really. The recommended pond size should have no less than 150 days storage with its capacity set by the number of stock units. This backed up by the thorough embracing of CME "best Practice Guidelines "Compliance, Monitoring and Enforcement" by MFE would be a pivotal benefit for our water quality.



NRC Discharge and Receiving Water Quality Test Results

NORTHLAND REGIONAL COUNCIL

FDE: XXXX

Sampling Date: XX/XX/XXXX

Determinands	Sample Number	Sample Number	Sample Number
Actual Sample Date XX/XX/XXXX	X Stream U/T @ FDE XXXX, 20m upstream of POD	POD @ FDE XXXX, in discharge drain	X Stream U/T @ FDE XXXX, 20m downstream of POD
DO g/m3	4.7	1.1	4.1
DO% % Sat	47.3	11.2	40.9
FC CFU/100ml	330	1182	360
NH4 g/m3-N	0.180	4.600	0.830
PH	6.5	7	6.7
TEMP Deg.C	15.3	14.9	15.1

Methods used: Standard Methods for the Examination of Water and Waste Water. APHA, AWWA, WEF, 1998 20th edition

Abbreviations Used:

U/S = Upstream
POD = Point of Discharge (where treated effluent enters the receiving waters)
D/S = Downstream (this is the consent compliance site)
U/T = unnamed tributary

DO	Is the concentration of dissolved oxygen measured in grams per cubic metre of water. Low concentrations (less than about 5.0 g/m3) will harm aquatic creatures.
FC	The number of faecal coliform bacteria per 100 mL of water. The number indicates the degree of faecal contamination and the likely presence of other disease-causing bacteria. The current international guideline for stock drinking water quality is 100.
NH4	Ammonium-nitrogen measured in grams per cubic metre of water. It is a measure of the amount of ammonia present. Ammonia is very toxic to fish and other aquatic creatures. Levels above 1.8 g/m3 are dangerous.
pH	A measure of acidity or alkalinity. Typically Northland freshwaters fall between 6 and 7.
TEMP	Temperature in degrees Celsius

Recommendations by the WHATITIRI RESOURCE MANAGEMENT UNIT (WRMU)

- **That NRC make change to their water test methodology** to address the above concerns of the current practice known as "NRC Discharge and Receiving Water Quality Test Results".
- **Recommend** - that NRC use the actual Point of Discharge as the true sample point ie at the actual discharge pipe that immediately exits from the dairy effluent ponds.
- **Recommend** - that all sample point locations of dairy farms must meet a same set of maximum levels of FC / DO / NH4 / PH. These set levels to be for all effluent discharges to water.
- **Recommend** - that NRC formulate stock ratio and pond capacity to the set discharge levels.
- **Recommend** – that all dairy farms have 150 day storage capacity for their effluent / waste ponds.

Northland Regional Council announced on 26th March 2024 (Northern Advocate) ***NRC has cut funding contributions to emergency services and sporting facilities*** *in its draft Long Term Plan 2024-2034. Instead, it plans to funnel the money into core council functions such as its environmental work.*

Copy paste link - *https://www.nzherald.co.nz/northern-advocate/news/northland-regional-council-takes-timber-processor-resource-enterprises-to-court-over-unpaid-debt/BE2GYONLTG24FK4ZTWPFRMWJGE/*

It is timely to remind the NRC of its core and mandated duties to our Environment and our Communities within the jurisdiction area of the Northland Regional Council.

This statement has left a gaping hole of funds of $1.11 million relied on by Northland Rescue Helicopter, Surf Life Saving Northern Region, Hato Hone St John, Coastguard Northern Region, Northland and Far North Search and Rescue, and Far North Radio and Sea Rescue.

NRC has for generations failed to keep our rivers and streams sustainable and swimmable and has the lowest compliance rate in the country with the least fines and infringements issued of all our eleven regional Councils. Yet it has taken on roles that are out of its mandate to allow NRC ratepayers funds to be provided to private enterprise new start-up ventures such as NRC MEDIA statement 22 Aug 2019, 7:51 AM

Regional council prepares for $800k investment loss – NRC Media Statement 22.08.2019
The Northland Regional Council says a combination of factors, including a big jump in local log prices, is behind the looming potential loss of almost $820,000 invested in a Marsden Point-based timber processing start-up. Councillors at their monthly meeting in Whangarei on Tuesday, 20 August voted to record the almost $820,000 owed by Resource Enterprises Ltd (REL) – due to be paid by 05 March next year – as what's known as an 'impairment loss'.

NZ Herald 20th June 2020 - *NRC councillors voted in favor of the loan despite concerns raised in a review of REL's proposal for funding that highlighted an "optimistically low" budgeted log price that would result in low gross margins and high operating costs of the sawmill. Resource Enterprises, its director Maher Mohammad Jammal who lives in Dubai, and shareholder Harkirat Singh Gill were named as defendants.*

Hapu reply – NRC certainly are fully responsible for this loss, but disappointingly, they go as far as saying "*that it was mainly Central Govt Funds and not from ratepayer sources"*!!

Our point is the Northland Regional Council has stepped outside of their mandated role of environment and community responsibilities with disastrous consequences and avoids due accountability. These and other dalliances into the commercial investment arena must be curtailed and a refocus given to the duty of care to all our citizens within it jurisdiction who may well at some time need the services of our Northland Rescue Helicopter, Surf Life Saving Northern Region, Hato Hone St John, Coastguard Northern Region, Northland and Far North Search and Rescue, and Far North Radio and Sea Rescue.

Our Northland Regional Council needs to re-evaluate its role as the facilitator of the NORTHLAND CIVIL DEFENCE EMERGENCY PLAN. Surely its plain to see that every one of these services (above) has a vital role to play should we have a disaster such as a tsunami if it were to hit our coastal settlements and Whangarei Harbour entrance. The $800+k commercial loss would have gone a long way to assist our emergency services. *note - our WRMT has considered that this subject has relevance to the Draft - Fresh Water Plan.

Mauri ora

Millan Ruka MNZM

Environment River Patrol – Aotearoa
Postal – PO Box 98, Whangarei
New Zealand
Poroti Springs – Coordinator for WMRT
and Resource Management Unit – hapu rep,
Te Uriroroi, Te Parawhau, Te Mahurehure, ki Whatitiri
millan@wairuaenergy.co.nz
Mobile 021 67 3838

ENVIRONMENT RIVER PATROL
AOTEAROA - NEW ZEALAND
Kaitiaki mo nga awa

P.O. Box 98, Whangarei 0140
Mob: 021 67 3838
Email: millan@wairuaenergy.co.nz

23.01.2013 - **MASTER LIST MK5 STOCK EXCLUSION FENCING REPORT CODE 39x codes**

This up-dated MK4 assessment format is designed to gain standardised reporting to Regional Councils nation-wide with particular emphasis to the detrimental environmental effects of livestock grazing unfenced to water courses including creeks, streams, springs, drains, rivers, swamps, canals, tidal estuary and any other water course. It is a continual "work in progress".

Independent assessment document

- **#01 code** - A permanent wire strand electric fence is in place and stock are grazing on the correct side of the fence in the paddock, and not on the water course side of the fence.
  - An appropriate fence that is "fit for purpose" may be worthy of comment in a report.

- **#02 code** - A permanent wire strand electric fence is in place, but stock have been observed to be grazing on the wrong side of the fence, ie. on the banks of the water course.
  - This is a common occurrence. An appropriate fence is in place, but the farmer grazes stock on both sides of the fence.

- **#03 code** - A permanent wire strand electric fence is in place, stock have not been sighted, but evidence shows that there has been regular grazing by cattle on the banks of the water course due to the grass showing signs of recent grazing and fouling is apparent and recent.
  - This is a common occurrence where cattle are not seen, but there is obvious sign of recent grazing on the riparian waterway banks.

- **#04 code** – A permanent electric fence is erected to the water course, but is in disrepair and is not effective as a "stock exclusion fence".
  - ➢ This is a common occurrence – the fence requires repair.

- **#05 code** - A temporary hot-wire electric fence in place and stock are grazing on the correct side of the fence in the paddock, and not on the water course side of the fence. Example of a good (best practice) and appropriate fence.
  - ➢ An appropriate fence (best practice) that serves the purpose may be worthy of comment in a report.

- **#06 code** - A temporary hot-wire electric fence is in place, but stock have been observed to be grazing on the wrong side of the fence. ie on the banks of the water course.
  - ➢ This is a common occurrence. An appropriate temporary fence is in place, but the farmer grazes stock on both sides of the fence.

- **#07 code** - A temporary hot- wire electric fence is in place, stock have not been sighted, but evidence shows that there has been regular grazing by stock on the banks of the water course due to the grass showing signs of recent grazing and fouling is apparent and recent.
  - ➢ This is a common occurrence where cattle are not seen, but there is obvious sign of recent grazing.

- #08 code - A temporary electric fence is erected to the watercourse, but is in disrepair and is not effective as a "stock exclusion fence".
  - ➢ This is a common occurrence – the temporary fence requires repair.

- **#09 code** – A temporary electric fence is in place, but assessment demonstrates that a "permanent post & wire strand" electric fence should be erected to replace the temporary fence.
  - ➢ For several reasons including - volume of cattle, steep country, remoteness, brush/trees falling on wire, risk of cattle death, frequent cattle penetration etc. that the grazing area requires a more permanent remedy than a temporary ribbon wire electric fence.

- **#10 code** – Water course is fenced to one side only and stock can access waterway from the opposite bank.
  - ➢ This is a common occurrence – particularly in summer where rivers and streams a shallower and the cattle cross over in the shallows to graze the fenced riparian on the opposite side.

- **#11 code** - No water troughs are provided – and evidence shows that stock drink from the water course.
  - This is a common occurrence – there is no troughs on the riparian, or water course paddock so the only option for the cattle to drink is from the watercourse.

- **#12 code** - Cattle have been observed in the water course.
  - It is a common occurrence that cattle will still drink from a water course if they can access it, rather than drink from a trough that is located nearby.

- **#13 code** - Evidence shows cattle have been grazing in the water course.
  - It is a common occurrence to see obvious sign by way of mud tracks up to the watercourse, hoof prints in the watercourse mud/gravel, obvious grazing of aqua plants etc.

- **#14 code** - Evidence shows cattle are crossing the water course.
  - It is a common occurrence to see obvious sign by way of mud tracks up to the watercourse, hoof prints in the watercourse mud/gravel, obvious grazing of aqua plants and to see cattle on both sides of an unfenced watercourse.

- **#15 code** - Unfenced - Stream is wider than a stride, deeper than a red-band gumboot – so requires to be fenced.
  - Under the present "clean stream accord" a dairy farmer may self-assess a stream to not require it to be fenced. This decision may well be made in summer months when the stream may well be near dry – however in the winter months it is a full-on stream that is required to be fenced.

- **#16 code** – Cattle are confirmed as beef stock.
  - Beef stock do not come under Fonterra's "clean stream accord" so no authority requires them to fenced off from waterways. However Fonterra requires dairy farmers whom have beef cattle to fence them as per the accord, wherever the cattle are grazing be it on the dairy farm or on a run-off at another location.

- **#17 code** – Cattle are confirmed as dairy stock.
  - Dairy stock come under the Fonterra voluntary "clean stream accord". Fonterra has stated that where a dairy farmer may run beef stock on his farm or a run-off at another location, then the beef stock must be fenced from waterways, the same as dairy cows.

- **#18 code** – Dead cattle sighted in water coarse.

➢ This is a common occurrence. In most of these instances, there is no **ripa**rian fence in place and the cattle have lost their footing or the bank has given away, and they fall into the water-way and drown. Sometimes the waterway is used as a method of dead stock disposal.

- **#19 code** – Dead cattle sighted on riparian bank.

➢ This is a common occurrence. In most of these instances, there is no riparian fence in place and the cattle have gone down the bank for sweeter grass and to drink from the water-way. They get stuck in the muddy banks and die a slow death.

- **#20 code** – Wetland / swamp / spring - unfenced and grazed by cattle.

➢ Under the present "clean stream accord" a dairy farmer may self-assess their own farm waterways. Wetlands, swamps and springs are not mentioned in the accord. Beef farmers are not part of the accord. There is no obligation for dairy or beef farmers to fence off stock from wetlands, swamps and springs. Where there is an obvious RMA "detrimental effects" incident, then authorities should be notified.

- **#21 code** – Foul smell and apparent effluent discharge in water course.

➢ There may be no other evidence of pollution other than a strong smell emitting from the waterway itself. This may be a result of a common effluent discharge from a cow shed or wintering pad, but it not visual at the time of observation. Where there may well be "detrimental effects" then authorities should be notified to further investigate.

- **#22 code** – Effluent ponds are located within a regular flood zone level and are prone to washing into a water course.

➢ This is a common occurrence observed even in moderate floods. The ponds are incorrectly located with little consideration for elevation and the consequence of causing "detrimental effects" from flood events. Authorities have not assessed/observed or done an impact assessment of the ponds location, particularly during or after a flood event. Authorities should be notified to do an impact assessment of the effluent pond system.

- **#23 code**- Cattle raceway is located in a flood zone level and prone to washing into a water course.

➢ This is a common occurrence. Farmers are forming race-ways on the riparian of waterways. Often they are under heavy use and fouled and muddy with an inadequate road base. Light floods strip them and all the run-off ends up in the waterway causing "detrimental effects". A raceway does not require resource consent, but its location can cause extreme "detrimental effects" to waterways during flooding. Authorities should be notified do an impact assessment of the particular raceway.

- **#24 code** – Water samples have been taken / tests are required for suspected contaminated water.

➢ Where practical, tests samples should be GPS located and the sample presented to the regional council for testing.

- **#25 code** – Twenty metre riparian Recommend that a new fence line be set back to create a minimum 20 metre "queens chain" riparian strip to the average edge of waterway / river.

➢ In most instances, public have a right to use river banks for recreational use. This is denied if fences and cattle obstruct their way and where there is no riparian strip. Fonterra, Federated Farmers, DOC and Regional councils need to ensure that public access and "right of way" is always respected. For a river riparian to be effective, then a 20 metre distance is recommended to serve the purpose of filtration etc.

- **#26 code –** Ten metre riparian**.** Recommend that a new fence line be set back to create a minimum 10 metre "queens chain" riparian strip to the average edge of waterway / stream.

➢ In many instances, public have a right to use stream banks for recreational use. This is denied if fences and cattle obstruct their way and where there is no riparian strip. Fonterra, Federated Farmers, DOC and Regional councils need to ensure that public access and "right of way" is always considered. For a stream riparian to be effective, then a 10 metre distance is recommended to serve the purpose of filtration etc.

- **#27 code** – Unknown boundary. The boundaries of the farm are unknown. There are no markers to indicate where the farm starts or ends on the waterway. This causes identification problems and confusion to remedy problems.

➢ Recommended that all dairy and beef farms identify their boundary corners on rivers and streams. This should be mandatory so that notification can be served where pollution is identified. A rapid number system with tags on corner galvanised steel warratahs would suite the purpose.

- **#28 code** – Recommend that dairy farm gate # tags be displayed on the water course banks to indicate where the farm starts and ends.

➢ Recommended that all dairy and beef farms identify their boundary corners on rivers and streams. This should be mandatory so that proper notification can be served where pollution is identified. A rapid number system with tags on corner galvanised steel warratahs would suite the purpose. Dairy farms already have a gate number system that should be used on river and stream banks.

- **#29 code** – This farm has been reported on a previous occasion (or occasions). Prior reported reference numbers are ….

➢ Farms that have previous reports of "detrimental effects" should receive focus from authorities to ensure that they gain best practice compliance.

- **#30 code** – Estimated distance of unfenced riparian strip in regard to this report.

➢ Most often where cattle are unfenced on a waterway paddock, then often, the balance of waterway paddocks are also unfenced. It is most useful to identify the boundaries to then be able to assess the distance of fencing that may be required.

- **#31 code** - GPS coordinates have been taken – yes / no

➢ It is most important to identify the exact location of a pollution event. This can be done with a hand held GPS or with a GPS enabled camera. Google /Picasa/ mapping is a "fit for purpose" program that maps the photo to an exact location and supplies the time and date also.

- **#32 code** - GPS photos have been taken – yes / no.

➢ It is most important to identify the exact location of a pollution event. This can be done with a hand held GPS or with a GPS enabled camera. Google /Picasa/ mapping is a "fit for purpose" program that maps the photo to an exact location and supplies the time and date also. *code #31 is the same as this code (#32).

- **#33 code** - status – ERP has requested to the Northland Regional Council – to serve an abatement notice to the farmer.

➢ Where detrimental effects are obvious in the evidence supplied, then authorities should serve an "abatement letter" to the farmer to cease the "detrimental effects" in an appropriate timeframe.

- **#34 code** – ERP has requested to Fonterra – to serve an abatement notice to the farmer.

➢ Where detrimental effects are obvious in the evidence supplied, then Fonterra should serve an "abatement letter" to the farmer to cease the "detrimental effects" within an appropriate timeframe.

- **#35 code** – ERP has requested to Federated Farmers – to serve an abatement notice to the farmer.

➢ Where detrimental effects are obvious in the evidence supplied, then Federated Farmers should serve an "abatement letter" to the farmer to cease the "detrimental effects" within an appropriate timeframe.

- **#36 code** – ERP-A declares that stock referred to in this report have been observed prior on several occasions and that the "detrimental grazing" of riparian banks is frequent and a regular practice on this farm that continuous up to recent time of this report. Evidence may be dated back for several months, a year or more, or be historic.

➢ This is common practice for the farmer to graze in this manner. Photographic evidence is not current, but the farmer has been recently observed to continue to graze cattle on the riparian waterways.

- **#37 code** The waterway in this report does not have a designated access ramp for a motor boat or reasonable access to put in a canoe within 5klm of the reported location.

➢ The lack of access is not conducive to kaitiaki our waterways and does not encourage public utilisation and recreational use to share in this resource. Many of our waterways in the Northern Region have no vehicle/trailer access to launch a boat or canoe. The infrequent use of particular waterways is often observed to be heavily polluted from farm run-off and grazing unfenced to riparian banks. Citizens are not availed the opportunity encounter "detrimental environments" such as the Wairua River and the Mangakahia River in Northland and therefore are unaware of the condition of their waterways. Access points encourage walking, fishing and nature study to name a few recreational activities.

- **#38 code** The detrimental effects to the waterway referred to in this report has flow on effects to other waterways as stated -

➢ It is worthy to note that the "detrimental effects" may well flow on into other waterways ie. Detrimental effects in the Kauritutahi Stream flow on into the – Waipao Stream / the Wairua River / the Wairoa River / and on into the Kaipara Harbour.

- **#39 code** No fencing is apparent to - part / most / or all – of the farm. Boundaries are unknown, but the lay of the land, or other indicators suggest an approximate distance of riparian is not fenced.

➢ It is worthwhile (if boundaries are not marked) to gain an indication of apparent distance to the riparian waterway that is not fenced so that the report can give some indication of unfenced waterways relevant to the report.

This SEFRC document should be considered as a "work in progress" project that can be improved with stakeholder input over time. Fonterra will implement the new mandatory "clean stream accord" in June 2013, however this will require independent audit to ensure that compliance is met. Beef farming is proven to create the same environmental effects as Dairy farming and their cattle should be fenced from our waterways just the same as dairy stock. The purpose of this code is to provide a "layman's" reporting code/format to our Regional Councils so that Environment River Patrol-Aotearoa , and other organisations can report on the same format, on beef as well as dairy cattle. "Same format" reporting will greatly assist thorough assessment and evaluation of fencing, or the lack of it, on New Zealand's waterways.

It is intended that anyone using this report format should use a GPS enabled camera to gain proven evidence as to the event that they see, to support their SEFRC report.

While NZ's 16 Regional Councils may not wish to pursue an outcome on an SEFRC, if it is supported by well evidenced GPS photos together with a professional approach to a SEFC report, then at least it has value to gain a survey consensus of problems and offenders that may well need to be addressed at some stage in the future. This SEFRC document is a start to the recommended "management framework" that the Govt. Freshwater Management 2011 policy requires all Regional Councils to adopt.

ERP-A encourages any other person or organisation to use the "Stock Exclusion Fencing Report Code" (SEFRC) - Permission is subject to gaining written permission from ERP-A. * however this will not include to use the title of -
Environment River Patrol - ERP-A, this has NZ copyright protection IP#955429

…………………………………………………………………………………………-

He waka eke noa
A canoe which we are all in with no exception.
We are all in this together

……………………………………………………………………………………………

Millan Ruka

Environment River Patrol – Aotearoa
My awa – the Wairua River
My hapu – Ngati Pakau and Te Uriroroi

From:	Christina Schipper
To:	Freshwater
Cc:	Sue Reed-Thomas
Subject:	Department of Conservation - Northland Freshwater Plan Comments
Date:	Thursday, 28 March 2024 11:06:02 am
Attachments:	image001.png Department of Conservation - Northland Freshwater Plan Review - Comments 28.03.24.pdf

Tēnā koē,

Thānk you for thē opportunity to providē commēnts on thē Northlānd Rēgionāl Frēshwātēr Plān Rēviēw.

Plēāsē sēē thē āttāchēd commēnts from thē Dēpārtmēnt of Consērvātion.

Wē look forwārd to working with Northlānd Rēgionāl Council in thē futurē to āchiēvē thē bēst outcomēs for our frēshwātēr systēms.

If you hāvē ānу quēstions ābout our commēnts, plēāsē rēāch out viā ēmāil or phonē cāll to mē in thē first insistēncē.

Ngā mihi,

Christina Schipper (shē/hēr)
RMA Plānnēr | Kāiwhākāmāhērē Pēnāpēnā Rāwā
Hāmilton Officē | Kirikiriroā
Phonē: +64 27 254 0683

www.doc.govt.nz

Department of Conservation
Te Papa Atawhai

Department of Conservation
Te Papa Atawhai

CP133
28 March 2024

Freshwater Planning Team
Northland Regional Council
26 Water Street
Whangārei
0110

Tēnā koe,

Northland Regional Council Draft Freshwater Plan Change

Thank you for the opportunity for the Department of Conservation (DOC) to give feedback on the Northland Regional Council's (NRC) Draft Freshwater Plan. We acknowledge the challenges ahead for Northland and the local government, who are both tasked with addressing the mounting pressures on freshwater ecosystems. These pressures include but are not limited to: increasing concentrations of pollutants, inputs of sediment, water abstraction, invasive species, fish passage, and climate change. The increasingly intense rainfall events, coupled with the steep, soft geology in Northland, will mean greater erosion and sedimentation which will lead to increasing impacts on freshwater and coastal environments.

Research has shown Northland contains up to 20% of best unprotected freshwaters in New Zealand, many being unique dune lakes and wetlands (e.g. Kaimaumau wetland, Kai iwi lakes) that are specifically provided for in the Northland Conservation Management Strategy. Three of the twelve active national Ngā Awa sites (i.e. priority catchments) are in the region. High numbers of residents, national, and international visitors come to Northland for the outstanding and unique freshwater and coastal environments, bringing further value into the local economy.

This importance has been recognised by DOC at a strategic level with the Northland Conservation Management Strategy and in practice, with numbers of specialist freshwater staff being increased from a single Ngā Awa ranger to over six dedicated full-time freshwater staff in the last five years. We have found hapu are highly engaged with freshwater rehabilitation and this has led to substantial investment in freshwater mahi by the Ministry for the Environment (e.g. Kaipara Moana Remediation Programme).

We applaud NRC for the many important proposals in the draft plan that, if implemented, will improve Northland's freshwater and give effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM). We particularly appreciate the review of riparian setbacks and stock exclusion on steep, highly erodible land. Livestock exclusion on highly erodible land and riparian setbacks have the potential to reduce sediment and nutrient inputs to waterways. Measures such as planting, fencing and loss of productive land in the high country are intended to contribute to increases in freshwater, coastal, recreational, economic, and biodiversity values. In addition, increased resilience of catchments through increasing interception loss and reducing sediment loads will assist in protecting communities from extreme climate events, like Cyclone Gabrielle.

Whangarei Office
2 South End Avenue, Raumanga
Whangarei, 0110
www.doc.govt.nz

The draft freshwater plan sets reasonable target attribute states and acknowledges the uncertainty for some, including lake hypolimnetic oxygen. Dune lakes are a unique feature of the Northland region but baseline levels of hypolimnetic dissolved oxygen are yet to be determined. This challenge is not unique to Northland and solutions are currently being discussed nationally. This was recently discussed in the latest meeting of the Lakes Group; which is part of the Surface Water Integrated Management (SWIM) group. We expect a scientific and holistic-based approach to meeting environmental objectives especially where attributes have already been developed. This should also consider the habitat requirements for Threatened/At-Risk freshwater species and taonga species. This includes the Northland mudfish (*Neochanna heleios*) and dune lakes galaxias (*Galaxias* "dune lakes") which are at threat of extinction and endemic to Northland.

While acknowledging that the draft plan is a work in progress; we would like to see a clear roadmap for development. DOC would like to be involved in ongoing dialogue with NRC throughout and is particularly interested in contributing to certain issues and topics. We list these below and note the kind of roles/viewpoints and expertise we hope will be constructive in further development of the work:

- How action plans and resource limitations will lead to desired environmental outcomes.
- Several definitions need clarification for public use.
- During the consenting process, we would like to see long-term goals for attribute states considered, not just bottom lines to give effect to the NPS-FM.
- Linkages with farm plans regarding management of highly erodible land.
- Linkages with infrastructure such as wastewater treatment and its impact on freshwater

It is understood this version of the plan will change (possibly significantly) to meet a dynamic regulatory environment and therefore, we have kept our comments general at this stage. As development of the plan firms, we look forward to providing more detailed direction to assist.

The freshwater and coastal environments of Northland are renowned in Aotearoa New Zealand. The current good condition of many of these environments is due to less intense land use, so land use intensification increases, there needs to be the right measurements to ensure that the values are not degraded or lost that have been in other regions such as Waikato and Manawatu. We are keen to implement the right measures in our freshwater and coastal environments to ensure that Northland's unique environments are enjoyed by all for generations to come.

DOC looks forward to a continuing dialog with NRC on how to retain, and improve, the high freshwater values. If you have any questions regarding this letter or would like to contact relevant personnel in regard to particular topics, please contact Christina Schipper in the first instance, at cschipper@doc.govt.nz or 027 254 0683.

Naku noa, na

Sue Reed-Thomas
Director, Regional Operations – Northern North Island
64+ 027 445 5932 | sreedthomas@doc.govt.nz

From:	noreply@fs17.formsite.com on behalf of Formsite
To:	Freshwater
Subject:	draft Freshwater Plan Change feedback from: Terry Simon
Date:	Sunday, 31 March 2024 5:20:04 pm

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Terry
Last name:	Simon
Organisation:	Lake Ora Landcare Group - Maori & Community caring about Water & Nature
Mailing address:	Lake Ora Road, Te Kamo
Email:	taitokeraumaoricommittees@gmail.com
Phone:	-
Topics for feedback:	• The vision, objectives and/or targets for our freshwater future • Managing highly-erodible land • Eliminating discharges to water • Managing exotic forests • Managing impacts on tangata whenua values • Stock exclusion – distance from waterways • Stock exclusion – highly-erodible land • Timeframes for stock exclusion rules • Managing water allocation • Enabling tangata whenua to practice as kaitiaki for wai • Support and funding for efforts to improve freshwater • Something else (please specify below) (No Toxic Mining (Puhipuhi, Whakapara) on whenua and DOC Land, New Large Land Development and Lake Ora Spring Water)
Tell us what you think:	Our Lake Ora Landcare Group would like to show that we are maori and community of interest for all areas of significant in our defined area under the Maori Community Development Act 1962. 1. Lake Ora Landcare Group would like to commend NRC on reaching this draft stage of plan development. The framework you have developed provides a solid base for amendment to effectively address water quality issues we have in Te Tai Tokerau, not just to give effect to the NPS-FM (2020) and Te Mana o te Wai. This plan change represents an aspiration to ensure our tamariki, mokopuna, and future generations can swim in our rives and access safe drinking water, while providing for themselves and any options for how they live with our rivers,

lakes, wetlands, and land in the future. This plan change is important to our maori and community because what you do to the land, and what you do to the water, you do to our people.

2. We generally supportive of the draft plan change, particularly the incorporation of objectives and policies relating to Te Mana o te Wai (such as Objective 3.16 Te Mana me te Mauri o te Wai). I strongly support the retention of Te Mana o te Wai in the plan.

3. Our primary interest in freshwater in Northland is as tangata mana whenua, kaitiaki, fisher, swimmer, and we value the health of our rivers and streams, groundwater, and wetlands and the life-supporting services they provide, as well as their overriding cultural value, and our tino rangatiratanga over our Wai Maori - our water - which is protected as taonga and enshrined by the terms of Te Tiriti o Waitangi. We also value the coastal areas where these waterways flow to, which are obvious 'receiving environments' for water from upstream in the catchment.

We support the Ngararatunua Kamo Maori Committee who wants to protects Lake Ora Natural Springs in Te Kamo. We also want to protect all wai flowing through all the waterways that our tupuna protected for generations before us.

4. The water bodies and coastal environments that we interact most with and am most concerned with:
(a) The River and all its tributaries;
(b) All of the puna and awa - springs and streams,
(c) All of the lakes
(d) All of the rivers
(e) All of the wetlands,
(f) All of the springs and aquifers,
(g) All of the estuaries
(h) All of the beds and the banks of the rivers, lakes, streams, wetlands, and estuaries

5. Primarily we value the water quality values of these areas for protecting the safety of our drinking water, as our tupuna did. Also vitally important in ensuring the safety of our kai, and the environment where we enjoy contact recreation such as swimming and diving (and ecosystem health by association – as healthy ecosystems support better water quality for contact, such as by limiting algal growth and particularly toxic algal growth.

6. The natural and wildlife values of these areas are also important to me because this is where our people commune with our environment, and this is every bit as much of a "holy" communion as the colonial practises of "holy communion" - these places are our 'holy' places. The birds, the fish, the eels, the insects, the trees and plants, all have deep intrinsic value to us and all of them are sustained on a fundamental level by water, and vitally reliant on the quality of that water to sustain life.

7. We would like Northland Regional Council to do as much as it

can to protect and restore te Mana o te Wai and to achieve and maintain optimum ecosystem health in these areas, and across the region generally.

Key Issues:

8. Key issues for us across Northland include water quality (particularly e. coli, sediment, algal growth/periphyton, potential toxic waste from mining activities, and ecosystem health); amenity values/drinking water; contact recreation; and natural form and character. We see sediment flowing into our waterways uncontrolled and unmitigated by local bodies, we experience flooding frequently, and damage to roads and other infrastructure caused by run off and flooding. We frequently experience toxic algal blooms in our rohe (area) that poison our kai and our wai Maori - drinking water - and prevent us from practising our traditional cultural activities - swimming, diving, and travelling on rivers and waterways. We now have caulerpa in our inshore waters, and a number of invasive foreign species that have made their way past our border controls and governance and management bodies.
9. I support having strong regulatory measures in the plan to address these issues.

10. To address freshwater issues, we would like to see Northland Regional Council:

a. Protect and provide for ecosystem health by
i. Including clear target attribute states for nitrogen and phosphorus, and any heavy metals that might be part of toxic waste from mining proposals, that protect
ecosystem health (not just 'toxicity'); and connecting these to limits on resource use. It appears these are missing from the draft plan and this gap needs to be addressed.
ii. Providing for Te Mana o te Wai throughout the plan.

b. Protecting the health of groundwater for human drinking and ecosystem health by: i. Including a target attribute state for nitrate-nitrogen in groundwater with a target of less than 1.0 mg/L nitrate-nitrogen.

c. Protecting erosion prone land through:
i. new rules limiting vegetation clearance, land preparation and earthworks in areas of high erosion risk, with tighter controls applied to these activities in areas with severe erosion risk.
ii. new rules requiring stock to be excluded from areas of both high and severe erosion risk.

d. Keeping stock out of waterways with
i. rules for streams in steeper areas,
ii. large enough setbacks (>10m) to provide enough space for riparian vegetation to establish around waterways, to allow rivers and streams to naturally adjust through erosion over time, and to provide space for rivers to dissipate flood energy without eroding

fences or causing problems downstream

e. Eliminating and reducing discharges by:
i. Requiring consent for dairy effluent discharges to land
ii. Prohibiting new farm dairy effluent discharge to water and introducing stricter
requirements for renewal of existing consents.
iii. Prohibiting new wastewater treatment plant discharges to water and introducing stricter requirements for renewal of existing consents.
iv. Prohibiting domestic wastewater discharges to waterways
v. Prohibiting any toxic waste from mining activities into waterways above and below ground

f. Protecting wetlands by
i. Prohibiting wetland drainage and clearance
ii. Requiring stock exclusion from wetlands
iii. Adding policies to the plan that would encourage wetland restoration
iv. Mapping and monitoring wetland extent
v. Introducing a measure of wetland condition using a tool like the wetland condition index (as recommended by the Government's Science and Technical Advisory Group on the NPS-FM)

g. Controlling exotic forestry by:
i. Requiring larger setbacks for exotic carbon and plantation forestry from waterways. ii. Requiring resource consent for plantation forestry and exotic carbon forests in
high-value dune lake catchments.
iii. Prohibiting clear-felling of forestry in high-risk or steep areas

h. Expanding requirements for assessing impacts on cultural values by
i. Adding requirements for resource consent applicants to assess cultural impacts that affect tangata whenua values for freshwater.

i. Phasing out and preventing over-allocation of water by
i. Using short-term consents of < 10 years for all water takes, unless for
municipal/papakainga/marae supply
ii. Prohibiting water takes above environmental flows and levels
iii. Ensuring consent expiration dates are aligned across a catchment
iv. Setting aside a portion of unallocated water (provided it is within environmental limits) to be used for environmental enhancement.

j. Addressing nutrient pollution from agriculture by
i. Having a robust allocation system for nutrient leaching, which should include things like limits on fertiliser use and stocking rates in degraded catchments.

k. Promoting nature-based solutions by

	i. Including policy prioritises nature-based solutions over engineered solutions when making decisions on flood protection. ii. Including policy protecting the ability of existing wetlands, native forests, and rivers/floodplains to naturally mitigate extreme weather l. Improving the management of the natural character and habitat of our rivers by i. Increasing the regulation of activities in the beds of rivers, such as gravel extraction ii. Requiring regular monitoring and reporting of natural character and physical habitat in rivers iii. Including target attribute states for natural character and physical habitat in rivers m. Protecting coastal water and water in 'receiving environments' by: i. Protecting and restoring catchments upstream to improve water quality ii. Including target attributes for water quality in estuaries and coastal areas iii. Responding promptly and effectively to reports of pollution, contamination, invasive species, etc. iv. Ensuring that water in our waterways is maintained at a drinkable standard, and publishing full results of monthly testing on NRC website n. Honour Te Tiriti o Waitangi by: i. Consulting fully with the local hapu and Maori Associations, including primarily the Waitangi Pouerua ki Rakaumangamanga Maori Committee regarding all issues that affect our rohe - our area of jurisdiction, and our catchment area. ii. Establish and support systems based on tino rangatiratanga Maori, and work with and collaborate with Ngararatuna Kamo Maori Committee to enact and implement these systems. Thank you for the opportunity to make this submission. We look forward to the progression of the plan to notification and the improvements in water quality it can bring when implemented.
How did you find out about this:	• Social media • Sector group • Word of mouth • Other (please specify below) (Te Tai Tokerau District Maori Council - Maori Committees - Environmental Working Group)
Keep me updated:	Yes, please keep me updated about the draft Freshwater Plan Change
Last Update	2024-03-31 17:19:47
Start Time	2024-03-31 17:15:57

From:	noreply@fs17.formsite.com on behalf of Formsite
To:	Freshwater
Subject:	draft Freshwater Plan Change feedback from: Penny Smart
Date:	Tuesday, 2 April 2024 7:50:35 am

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Penny
Last name:	Smart
Organisation:	Aoroa Farms Trust
Mailing address:	[redacted]
Email:	[redacted]
Phone:	[redacted]
Topics for feedback:	• The vision, objectives and/or targets for our freshwater future • Managing highly-erodible land • Managing impacts on tangata whenua values • Stock exclusion – distance from waterways • Stock exclusion – highly-erodible land • Timeframes for stock exclusion rules • Managing water allocation • Enabling tangata whenua to practice as kaitiaki for wai • Support and funding for efforts to improve freshwater
Tell us what you think:	PLEASE NOTE THAT THIS IS A REPLACEMENT SUBMISSION TO THE ONE I SUBMITTED ON THE 30TH MARCH PLEASE DISREGARD THE 30TH OF MARCH SUBMISSION Kia ora koutou Thank you for the opportunity to submit on the Draft Fresh Water Plan I would like to acknowledge staff and councillors for the time and effort that has been put into producing the draft plan the time limits that you were under to get the draft out for consultation I agree with the desired outcomes and values of the draft plan However I am not convinced that the recommendations contain in the draft in many aspects is the best way forward in regards to the desired environmental impacts, practicality, affordability and land owner buy in Late last year I sent a set of questions on the draft to two

councillors and then a few weeks later - due to a time lag - similar questions to the council info@nrc email
The answers were much appreciated
I have and copied and pasted both sets below and made further comments as my submission

This first set of questions went to the NRC info email address

Questions
1.What were the other alternatives/options/tools considered by NRC to obtain the desired/required FW outcomes ?
Council did consider the "business as usual" option – ie no changes to the regional plan methods including rules, however this was not considered feasible as it would not achieve the improvement required to meet national bottom line in the National Policy Statement for Freshwater Management 2020 or to make Northland's water safe for us to swim in or eat plants/food from. Relying on Freshwater Farm Plans (FWFP) to minimise the impacts on freshwater in Northland has been discussed, but how effective and consistent these will be in addressing issues is unclear given the FWFP regime is very new and the council needs to have certainty that targets for freshwater improvement will be met.

Further Comment. While the FWFP are evolving I think that they are a much better tool for all involved. Landowners and Councils alike. They are specific to the circumstances of the farm/land and outline specific actions that are to be taken which can be monitored, supported and audited. The alternative use of consents would be a duplication and resource hungry for all involved

2.Fresh Water quality is a whole of Northland issue, why are the large majority of implementation costs deemed to be an expense for the ag sector within this draft plan?
The state of our freshwater quality is significantly impact by agricultural and forestry (primary sector) land uses, particularly for in relation to sediment and from livestock farming (e. coli). Freshwater health has also been impacted by the loss of vegetation on riparian margins. The key ways of mitigating these sources of pollution require changes in land use practices that will impact those landowners engaged in those practices. The draft plan change also includes new rules for forestry activity, prohibiting new wastewater treatment plant and domestic wastewater discharges to water and new requirements for stormwater network discharges.

Council is also looking for feedback on in the draft Action Plan, which includes options that reduce the costs for the agricultural sector through, for example, rates relief on rural land, subsidies for resource consents and funding to support fencing, riparian planting, etc, which, being funded through the regional rates, would see these costs underwritten by all Northland ratepayers.

Further Comment. Further Comment. All Northlanders benefit from fresh water which I think justifies some generalised contribution. The state of our water ways has occurred over multiple generations and it would be unrealistic to assume that land owners have the capacity to fix and pay for the required remediation in a single generation without support and assistance The KMR project is a great example of what can be achieved when CG and LG, ratepayers and land owners all work together

3.The suggestion of contributions from NRC towards costs and or rates reductions do not sound at all feasible/do able. Given there is no certainty given by NRC that there will be any contribution and or rate reductions, why would farmers support the draft plan? We know that our waterways are in a poor state, and that it is going to take both time and money to fix them up to a state where they meet the national bottom lines. Council funding to support change is a challenge, with options being: landowners, ratepayers, or somewhere else (e.g. central government, philanthropic institutions). Northland is fortunate to have had the KMR project that has provided central government support, however council cannot fund the same programme across the rest of the region but can lobby for government support.

One of the recommendations proposed by the Tangata Whenua Water Advisory Group was to establish a fund which could support freshwater remediation projects and initiatives, with contributions to that fund coming from water users (see Targeted Water Allocation Policy discussion document). Whilst the quantum of this has not been determined, this does provide another avenue for raising financing to support landowner undertake the work needed to improve our freshwater health to meet national bottom lines.

We understand that there is no guarantee that council will include rates relief or support to landowners as this has to go through the LTP process, however council is making decisions on what goes into the proposed freshwater plan change as a package with the action plan. Providing feedback through the LTP process will help ensure that financial and other support is available from council to landowners.

Further Comment. There will need to be more certainty and less duplication of costs associated with the work required for landowner buy in. Both in this plan and the LTP

4.How does the use of blanket rules for the region’s most sensitive and important work cater for the diversity of environments, ecosystems and community needs within Northland?
Ideally a more localised catchment or FMU based approach would be applied, but this is a time consuming and resource hungry approach for all involved and (as things stand) council must notify a proposed freshwater plan change before 31 December 2024. We also know many of our freshwater issues

have common cause and effect relationships and the solutions are similar across the region – that said, the plan change can act as a basis for future refinement by communities / tangata whenua at a local scale

Further Comment. I think a do it once and do it right approach would be work best to achieve the desired outcomes A catchment FMU integrated based process/system would receive much better buy in, have greater longevity and be much more effective given variances in soil type, land use, Tangata Whenua and community values etc.

5.There is direction in the NPS FW to make use of FMU's (Fresh Water Management Units). This method would enable tailored solutions and implementation and also allow for community input (inclusive of Tangata Whenua). Why have FMU's not been part of the implementation plan/included as a tool?
Council has 13 identified draft FMU's defined which were developed in 2019 under the previous NPSFM. When looking at the challenges in Northland to improving freshwater to meet national bottom lines, these are region-wide and apply across all of these 13 FMUs. However, feedback on the draft plan change may lead to these being used to a greater extent to vary 'region-wide' provisions as needed to reflect local values.

TWWAG has recommended that council undertake a more detailed FMU (or hapori wai/rohe awa) focused approach and council has included a proposed action (#10) in the draft action plan as this will require resourcing. TWWAG have also noted that they do not agree with the existing 13 FMUs as these do not reflect tangata whenua relationships and connections with wai, hence their recommendation that council undertake further work with hau kainga and communities to define appropriate 'hapori wai'. We welcome your feedback on this proposed action as this would enable council to undertake the more detailed FMU by FMU/part-FMU or 'hapori wai' freshwater planning that would result in a future plan change to provide the greater level of detail and specificity that reflects each locale's specific characteristics and challenges over and above those that apply regionally.

Further Comment. Yes agree to further work where TW, Communities and Council all work together equally

6.Why haven't the already legislated FW Farm Plans that all farmers are/will be required to have, not been embraced and used as the main tool to achieve the required outcomes?
oThe NPS:FM 2020 requires Councils to at least maintain the state of freshwater and improve it where bottom lines or objectives are not being met. Council needs certainty that the draft plan change will achieve this – the FWFP regime is very immature at this point and we don't know how effective they will be – also the actions in FWFP are to large degree driven by regional rules (regulated actions) – in short council needs to provide certainty to an independent freshwater panel that will

hear submissions and make recommendations on the Proposed Freshwater Plan Change due to be released late 2024. Please note though that this is a draft and these do not preclude the integration of FWFPs into the Proposed Plan Change.

Further Comment. Now that the time frame has been extended the use of FWFP becomes much more feasible and practical

7.If farmers are required to have consents to farm, will there be duplications/bureaucracy/additional paperwork generated, given that farmers will all also be required to have FWMP and accreditations and audits ?
oCouncil isn't proposing requiring a consent to farm as such – it may be that consent is required for stock access to river margins and Highly Erodible Land but council has not made any decisions on this. It is envisaged that the work undertaken to prepare Freshwater Farm Plans could be used to help inform resource consent applications – for example the risk assessment and mitigation could be used in consent processes.
oThe FWFP process is useful to help identify existing values, risks, and management methods on a farm, but it is useful for FWFPs to rely on rules and standards that are defined in a Regional Plan.

Further Comments. Use the extra time now available to make FWFP's part of the plan. What has been recommended by council in the draft sounds very much like a consent to farm and will not receive the required buy in or compliance from farmers. What is proposed will be particularly resource hungry when that resource could be much better used else where

8.Why has there been no acknowledgement and or allowances made within the plan rules and requirements for differing soil types, location of farms, differences of weather between east and west coast, differences in districts, FMU and Catchments?
oThe issues for Northland's waterbodies are similar across all catchments, FMUs, and coasts, regardless of weather patterns.
oCrafting nuanced rules and standards for specific catchments and FMUs can be done but it would take more time and resources than what is currently available to NRC. In fact TWWAG has recommended that council do a 'deeper dive' at community level with hau kainga and communities to develop more detailed and localised visions, values, objectives, policies, methods, etc. We have included this in the Action Plan (proposed action 10) as this will require financial resources to undertake.
oThe current approach does not preclude future work in specifying standards and/or environmental limits in particular FMUs.

We'd appreciate feedback on the need for variation in rules across the region and how these could be justified

Further Comment. Catchments and FMU's do vary in my understanding - isn't that how they are identified. The use of

Catchments/FMU for landowner, TW and community values and FWFP would be a good solution

9.What and where have the figures for 'average farm size' calculations and references come from. How does NRC justify use of averages when there are such major differences between sizes in Dairy, and Sheep and Beef farm sizes and topography?
We don't have the resource to undertake cost estimates for all the different circumstances on farms in the region – this is also a draft and no rule changes have been confirmed at this point. The cost estimates provide an indication only to help people provide informed feedback.

10.Do the total areas above the 25-degree slope/18.8% of land in Northland either highly or severely erodible land include land already in trees and land either owned or managed by Department of Conservation?
oThe total area in the 25-35 slope layer is about 12.25% of the region and the land >35 degrees is about 7.2% (so around 19.45%). Yes, these layers include land in woody vegetation – for example:
Slopes between 25 – 35 degrees include:
•12.25% of land in Northland (155,548 ha of 1,269,780 ha), of which:
o21.59% of this is in pasture (33,581 ha); and
o78.41% of this is in woody vegetation (121,967 ha);
Slopes above 35 degrees include:
•7.20% of land in Northland (91,120 ha of 1,269,780 ha), of which:
o10.22% of this is in pasture (9,317 ha); and
o89.78% of this is in woody vegetation (81,803 ha)
oLand ownership/tenure has not been differentiated in these calculations, so the areas and percentages will include land owned by DoC.
oIt should be noted that the total areas used for estimating the cost of excluding stock from HEL only considered land area within the two HEL definitions that is in pasture.

Further Comment. This was helpful information to enable perspective of the amount of land impacted

11.How does NRC justify the 30-year time frames used to spread expenses/costs, when NRC states that most of the costs will be borne in the first five years?
A 30-year time frame was used to estimate the value of the on-going costs such as maintenance and opportunity costs. A 30-year time frame is typical for forecasting costs. These on-going costs can be considerable for some of the options being consulted on. Consider for example the opportunity cost proportion of the 30m setback option in Figure 1.

Further Comment. We are talking large amounts of money here and giving the impression that the amount required in the first five years can be spread over 30 is inaccurate and there needs to

be clearer guidance

12.Why have NRC chosen to use a rule for stock exclusion for land above a 25-degree slope when the LUC system states that some land above a 25-degree slope is suitable for pastoral farming
oNo rules have been confirmed regarding stock exclusion for the highly erodible land layers. The draft plan change is opportunity to test a new approach to mapping erosion risk – the LUC system has its faults being quite coarse and including some areas we think are low risk in terms of impacts on freshwater quality (e.g. Pouto / Aupouri sand country) and misses others we think are likely high risk due to steepness – but council is keen to test it as a concept as slope is a key driver of erosion risk in Northland and the LiDAR data means the layers are accurate at a farm scale.

Further Comment. The use of FWFP would be a better way to go and avoid the exclusion of stock from very small pockets of land and or land where they is not an erosion risk.
Blanket rules are a short cut that will meet with huge resistance

13.Will farmers that have fenced off their waterways up to 1 and or 3 metres be required to shift the fences if NRC decide on a 5 or 10 metre setback
oProbably not – council is likely to adopt a similar approach to that used in the Stock Exclusion Regulations whereby existing fences can remain until replaced (but depends on the what council decides in terms of the rules)

Further comment. 'Probably not' is not an answer that provides the security needed for land owner support

14.What is the anticipated number of consents applications that will be required to be processed if farmers need them for farming above 25 degrees, dairy farmers irrigating to land etc
oThis hasn't been calculated as we are still in the draft stage and council has not confirmed the rules for highly erodible land – this would also depend on the decisions made by landowners (i.e. whether they wanted to seek consent to continue grazing or shift to another land use). Council monitored 720 dairy discharges in 22/23 – of these 25% discharge to land only, 55% discharge to land and water and 18% discharge to water only.

Further Comment. Consents should be a last resort and can be largely avoided by the use of FWFP use/integration

15.What is NRC's processing and staffing plan for the number of consents that will be required?
To be confirmed – likely to be covered by the next LTP following council decisions on the Proposed Plan Change.

16.How were/where did the fencing and planting costs worked out – KMR?
Yes, figures from KMR Schedule of Prices October 2023 informed the costings and we also sought advice from fencing

contractors.

17.Why have per ha costs not been used throughout the draft – much more meaningful for farmers?
Per ha costs have been used where relevant, i.e., for calculating the cost of exclusion from HEL or wetlands. However, in the case of stock exclusion from waterways, it is more appropriate to consider costs in terms of stream length. Converting stream length to a per hectare value would require further assumptions.

Further comment. While I understand the reasoning it is not helpful for land owners, especially if it is not explained fully

18.Has there been allowances for inflation – given the 30-year timeframes suggested?
Following NZ Treasury guidance, the costs are valued in real terms (constant prices) as opposed to nominal terms.

Further comment. This needs to be explained within the draft

19.Why have initial costs of fencing and planting not been separated from ongoing maintenance costs?
Separate cost estimates for initial and ongoing maintenance costs are made. These were not included in the report for the sake of brevity. These can be made available on request.

Further comment. Suggest that they are made available per sue

20.When will there be more clarity as to the types of consents and or criteria within them?
The Proposed Freshwater Plan Change will provide more detail and rationale for the changes in the s32 report – this will be informed by feedback on the draft.

21.Have NRC calculated how much land above the 25-degree slope threshold is in dairy and how much is in sheep and beef?
No, not at this stage – council wanted to test the concept first but Council will need to do a s32 RMA cost/benefit analysis as part of the Proposed Plan Change.

Further Comment. Would have thought that this information would have been advantageous for Councillors to be aware of

22.Have NRC calculated how many sheep and beef farms have more than 50% of their land above the 25-degree slope threshold?
No, not at this stage – council wanted to test the concept first but Council will need to do a s32 RMA cost/benefit analysis as part of the Proposed Plan Change.

Further Comment As above

23.Rule costs for fencing off wetlands, have NRC done their cost calculations using only the farms that have wetlands on them or all farms?

The cost calculations are not done on a per farm basis. They are based on an estimate of the total area of wetlands in upland sheep and beef farms in Northland.

24.Why have NRC not followed other Regional Councils that have incorporated FWFP within their FW Plans e.g., Southland?
Please see responses above re certainty and that FWFP actions are influenced by regional rules.

25.Was it NRC's intent to encourage farmers to plant pines trees/take up carbon farming?
The intent behind managing grazing on Highly Erodible Land is to reduce the risk of mass erosion event (land slips) Woody vegetation on such slopes is beneficial to achieving this, and it is recognised that there are a range of potential productive activities (including but not limited to pine trees and carbon farming)

Further comments. The planting of trees is not a walk away exercise and not all land is suitable for growing trees. What may occur on some land is a huge infestation of weeds and pests, this needs to be considered and again can be dealt with via FWFP's

26.Regarding Water Allocation how was the 20% reserve amount justified?
oThe Targeted Water Allocation Policy is a recommendation from the Tangata Whenua Water Advisory Group
oIt is included as a separate discussion document to elicit feedback as it is a significant change to the status quo
The 20% as a percentage allocation is consistent with commercial fishing interests and the aquaculture space, and it also mirrors a similar policy that is already in the Hawkes Bay Regional Plan – see Policy 57 (POL TANK 57) on p.30
https://www.hbrc.govt.nz/assets/Uploads/PPC9-Commissioners-Decisions-Clean-Version-Aug22.pdf

Further comment. Would be happy with the 20% if the money goes to actual on the ground environmental work

27.Will the reserve money paid into the Whanau Whenua fund be used for things other than FW Quality improvement?
oCouncil needs to include policies in the regional plan rules for on financial contributions if this is to be progressed (there aren't any currently), which would set out:
- The purpose of the contribution
- How the level of contribution would be determined
- When the contribution would be required
- How it would be allocated

As TWWAG proposed the policy, our understanding is that they also intended the funding to also support maori wellbeing, and we note that in the Hawkes Bay policy this also includes reference to maori economic and cultural wellbeing.
oWe need more feedback and to undertake some more work on this before we progress this policy, and we have not worked through the practicalities of how the policy would apply.

Further comment. Would like to see some very clear criteria on what money could be spent where prior to supporting this initiative

Nga mihi

Freshwater Planning & Policy Team
Environmental Services | Te Roopu Tiaki Taiao

This is the set of questions sent to the two councillors with very similar answers and therefore only some Further Comment

Q1. For me it is a whole of Northland issue and should not be an expense or expectation that only farmers pay the cost of implementation. The suggestion of contributions from NRC towards costs and or rates reductions do not sound at all feasible to me.
Please note that the draft freshwater plan change also includes draft rules relating to forestry activities, restrictions on the discharge to water of domestic wastewater and wastewater from treatment plants and new requirements for stormwater discharges. That said, the draft rules could have a big impact on our rural communities and the purpose of the draft process is to help council make a decision on a proposed plan that strikes a good balance around addressing the challenges we have with water quality in a way that is sustainable for landowners; and feedback at this point is highly valuable to support council decision making to that end.

Q2. The use of blanket rules for the region's most sensitive and important work does not cater for the diversity of environments and ecosystems in Northland or the diversity of communities. This is a point that was also raised in recommendations given by the Tangata Whenua Water Advisory Group (TWWAG) to council. Due to time constraints associated with having to notify the plan by the end of 2024, the agreed approach was to apply regional wide rules and to consider a more catchment specific approach as part of the next generation of the regional plan. However, we have proposed actions in the action plan to undertake work that would allow for more catchment specific approach. This is covered in in later responses.

Q3. There is direction in the NPS FW to make use of FMU's. This method would enable tailored solutions and implementation and also allow for community input (inclusive of Tangata Whenua).
Council has 13 identified draft FMU's defined which were developed in 2019 under the previous NPSFM. When looking at the challenges in Northland to improving freshwater to meet national bottom lines, these are region-wide and apply across all of these 13 FMUs. However, feedback on the draft plan change may lead to these being used to a greater extent to vary 'region-

wide' provisions as needed to reflect local values.

Linked with our response to Q2, TWWAG has recommended that council undertake a more detailed FMU (or hapori wai/rohe awa) focused approach and council has included a proposed action (#10) in the draft action plan as this will require resourcing. TWWAG have also noted that they do not agree with the existing 13 FMUs as these do not reflect tangata whenua relationships and connections with wai, hence their recommendation that council undertake further work with hau kainga and communities to define appropriate 'hapori wai'. We welcome your feedback on this proposed action as this would enable council to undertake the more detailed FMU by FMU/part-FMU or 'hapori wai' freshwater planning that would result in a future plan change to provide the greater level of detail and specificity that reflects each locale's specific characteristics and challenges over and above those that apply regionally.

Q4. I also don't understand why the legislated FW Farm Plans that all farmers are/will be required to have, have not been embraced and used as well. They can be tailored and dovetailed into FMU plans. With what is proposed I can see huge compliance duplications
The NPS:FM 2020 requires Councils to at least maintain the state of freshwater and improve it where bottom lines or objectives are not being met. Council needs certainty that the draft plan change will achieve this – the FWFP regime is yet to be implemented in Northland and at this point and the actions in FWFP are to large degree driven by regional rules (regulated actions) – in short council needs to provide certainty to an independent freshwater panel that will hear submissions and make recommendations on the Proposed Freshwater Plan Change due to be released late 2024 and relying on farm plans to provide this certainty will not satisfy the freshwater panel. Please note though that this is a draft and these do not preclude the integration of FWFPs into the Proposed Plan Change – particularly if the notification deadline for the proposed plan is extended to allow time for farm plans to be implemented.

Q4. There has been no acknowledgement of differing soil types, location of farmers and the differences of weather between east and west coast as well as districts
Over the course of developing the draft plan, the technical work that we brought together indicated that the issues for Northland's waterbodies are similar across all catchments/FMUs and coasts, regardless of weather patterns. Crafting nuanced rules and standards for specific catchments and FMUs can be done but it would take more time and resources than what is currently available. In fact, TWWAG has recommended that council do a 'deeper dive' at community level with hau kainga and communities to develop more detailed and localised visions, values, objectives, policies, methods, etc. We have included this in the Action Plan (proposed action 10) as this will require financial resources to undertake. The current approach does not

preclude future work in specifying standards and/or environmental limits in particular FMUs and we'd appreciate feedback on the need for variation in rules across the region and how these could be justified.

Q5. How is the use of 'average farm size' calculations and references justified, when there are such major differences between Dairy and Sheep and Beef farm sizes and topography
It wasn't practicable to complete cost estimates for all the different circumstances on farms in the region – this is also a draft and no rule changes have been confirmed at this point. The cost estimates provide an indication only to help people provide feedback. Once a rule is developed after the feedback on the draft has been considered, this will be accompanied by a s32 analysis which will provide further details around the cost and benefits of the proposed plan provisions.

Further Comment. I think this is an instance where the use of averages is too inaccurate as the variances are too great and give more questions than answers.

Q6. The 30 year time frames used to spread expenses is disingenuous, NRC states the it is obvious that most of the costs will be borne in the first five years
A 30-year time \frame was used to estimate the value of the on-going costs such as maintenance and opportunity costs. A 30-year time frame is typical for forecasting costs. These on-going costs can be considerable for some of the options being consulted on. For example the opportunity cost proportion of the 30m setback option.

Q7. Use of the highly erodible and severely erodible maps is flawed for many of the reasons above. The LUC system states that some of the land that has been classed by NRC to need stock excluded is suitable for pastoral farming.
No rules have been confirmed regarding stock exclusion for the highly erodible land layers. The draft plan change is an opportunity to test a new approach to mapping erosion risk – the LUC system has its faults being quite coarse and including some areas we think are low risk in terms of impacts on freshwater quality (e.g. Pouto / Aupouri sand country) and misses others we think are likely high risk due to steepness – but council is keen to test it as a concept as slope is a key driver of erosion risk in Northland and the LiDAR data means the layers are accurate at a farm scale.

Q8. The figures for amount of land in Northland that is in the red and yellow stock exclusion zones. Does the figure include land that is already in trees (natives and exotics) and does it include land owned and or managed by DOC. If so how much is it please
The total area in the 25-35 slope layer is about 12.25% of the region and the land >35 degrees is about 7.2% (so around 19.45%). These layers include land in woody vegetation – for example:

•Slopes between 25 – 35 degrees include:
o12.25% of land in Northland (155,548 ha of 1,269,780 ha), of which:
21.59% of this is in pasture (33,581 ha); and
78.41% of this is in woody vegetation (121,967 ha);
•Slopes above 35 degrees include:
o7.20% of land in Northland (91,120 ha of 1,269,780 ha), of which:
10.22% of this is in pasture (9,317 ha); and
89.78% of this is in woody vegetation (81,803 ha)
Land ownership/tenure has not been differentiated in these calculations, so the areas and percentages will include land owned by DoC. It should be noted that the total areas used for estimating the cost of excluding stock from HEL only considered land area within the two HEL definitions that is in pasture.

Q9. Also what in ha is the 'average farm size' and how was it worked out
The cost calculations are not done on a per farm or average farm basis – in the case of stock exclusion from waterways, we think it is more appropriate to consider costs in terms of stream length. Per ha costs have been used where relevant, i.e., for calculating the cost of stock exclusion from HEL or wetlands – for wetlands we have used estimated total area of wetlands in upland sheep and beef farms in Northland. We have used average prices to calculate a total Northland cost for the options. These have come from a variety of sources which are noted in the costing report attached to the consultation document. Where possible, a distinction is made to reflect the different prices that occur for lowland and upland areas (topography). For example, fencing and riparian planting prices are higher in upland areas but the opportunity cost in terms of loss of farm profit is lower. Acknowledging that these can vary from farm-to-farm, the costing use a plus/minus 20% to estimate an upper and lower range within which the cost is likely to fall. However, converting stream length to a per hectare value would require further assumptions and would carry large margins of error.

Q.10was there any ground proofing type visits by councillors re the slopes and impact
Councillors have had a field visit in October to look at some farms and implications of the rules.

Further Comment. Would suggest that Councillors and staff use the extra time to visit a good number of the differing types of land that will be potentially impacted i.e. using industry, land use and district groupings.
I did find the work of the PSLG un productive as thought the group did not necessarily provide a diverse enough representation

Nga mihi,
Ruben

	Ruben Wylie Pou Tiaki Taiao - Group Manager Environmental Services Northland Regional Council » Te Kaunihera a rohe o Te Taitokerau M 027 289 3295 I do have one further comment on the consultation of TW for landowners. I listened to a recorded online feed back forum where a comment was made by a staff member that the TW consultation would be akin to a chat between neighbours on a boundary fence. Reading the recommendations I did think that the comment seriously underplayed what would be required. I do agree with TW consultation where appropriate I wish NRC Councillors and staff well with further work on this and would like to see the time taken to fully investigate the use of FWFP and the non use of consenting as much as possible Nga mihi and best regards Penny Smart Lastly and possibly out of scope I found the actions of councillors post the draft plan approval for consultation disappointing Particularly the removal and replacement of committee and working party chairs - totally unwarranted I do hope that councillors have been able to reconcile differences and are now working as a professional and unified group, representing the interests of all of Te Taitokerau
How did you find out about this:	• Social media • Newspaper • Email from us • Website alerts service • Sector group • Word of mouth
Keep me updated:	Yes, please keep me updated about the draft Freshwater Plan Change
Last Update	2024-03-31 06:13:46
Start Time	2024-03-31 03:48:52
Finish Time	2024-03-31 06:13:46

From:	Honeymoon Valley Landcare Group
To:	Freshwater
Subject:	Our Submission to: "Wai it Matters" attached
Date:	Monday, 1 April 2024 7:12:13 pm
Attachments:	Wai it matters submission 31.3.24 from Y. Steinemann.pdf

Please find attached our Submission to: Wai it Matters
We apologise for not getting this in yesterday on Easter Sunday and hope you can still include it.

Thanks, Yvonne Steinemann - Secretary

Honeymoon Valley Landcare Charitable Trust

Working together to enhance and protect our natural Honeymoon Valley and Peria ecosystems, for the enjoyment and benefit of present and future generations

honeymoonvalleylandcare.org.nz

Friend us on Facebook: Honeymoon Valley Landcare

"Wai it matters" Submission from Y. Steinemann 31 March 2024

Full name: Yvonne Steinemann

Organisation (if giving feedback on behalf): Honeymoon Valley Landcare Trust

Mailing address: [redacted]

Email: [redacted]

Phone: [redacted]

What topics do you want to provide feedback on? = YES TO ALL OF THEM

Select as many as you want

☒ **The vision, objectives and/or targets for our freshwater future**
☒ **Managing highly-erodible land**
☒ **Eliminating discharges to water**
☒ **Managing exotic forests**
☒ **Managing impacts on tāngata whenua values**
☒ **Stock exclusion – distance from waterways**
☒ **Stock exclusion – highly-erodible land**
☒ **Timeframes for stock exclusion rules**
☒ **Managing water allocation**
☒ **Enabling tāngata whenua to practice as kaitiaki for wai**
☒ **Support and funding for efforts to improve freshwater**
☒ **Something else**

MY GENERAL COMMENTS

1. **We commend NRC on reaching this draft stage of plan development.** The framework you have developed provides a solid base for amendment to effectively address water quality issues we have in Te Tai Tokerau, not just to give effect to the NPS-FM (2020) and Te Mana o te Wai. This plan change represents an aspiration to ensure our tamariki, mokopuna, and future generations can swim in our rives and access safe drinking water, while providing for themselves and any options for how they live with our rivers, lakes, wetlands, and land in the future.

2. This plan change is important to me because **it will make changes to help improve our Northland fresh water quality** rather than have it continue to degrade. This has been verified by water quality monitoring in most monitoring sites in Northland over the past 10 - 15 years. **We cannot justify continuing degradation of our fresh water quality as has been measured in our region over the past few decades.** Science and our community both request that big improvements happen as soon as possible.

3. **Improving fresh water quality is of utmost importance to our community and our environment / Te Taiao.** I have been part of Doubtless Bay Marine Protection Group/ Livingseadoubtless Bay/ Roopu Whakahauora o Tokarau as well as Northland Regional Council Waiora Community Group and now the Nga Awa Doubtless Bay Community Catchment Roopu who are actively looking at our catchment and the improvements and care it needs to maintain and improve fresh water quality. All these groups have formed in response to our Far North community concerns about our degrading environment and we all want to see improvements as soon as possible.

We support legislation and support for Farming practices that can continue to improve the quality of the fresh water running off agricultural land, dairy sheds, effluent ponds, grazed hill sides etc.

4. We **are supportive of the draft plan change**, particularly the incorporation of objectives and policies relating to Te Mana o te Wai (such as Objective 3.16 Te Mana me te Mauri o te Wai). **We strongly support the retention of Te Mana o te Wai in the plan.**

   We **fully support incorporation and action of Tangata whenua values**. More Hapu and Iwi input into our community and our environmental management will only strengthen our capability and capacity going forward for the benefit of future generations. I have thoroughly enjoyed working with hapu on this kaupapa.

   Highly erodible land does need more protection, particularly to support climate change resilience, and reduce siltation and sedimentation of our waterways - one of the prime causes of reduced fresh water quality in our Far North area. We can all see our estuaries filling with sediment and mangroves growing in response to the new silted environment, trying to cleanse the marine environment, and our harbours and estuaries becoming quite enclosed, rather than the past open sandy healthy wide marine environments supporting fish spawning etc with a more balanced marine ecosystem.

   More controls and encouragement of higher ecological practice for commercial exotic forests in our area are urgently needed.
   Practices such as monitored silt ponds, slash on contours remaining to help hold the hills, reinstatement of stream bed and seep areas into native. There have been many improvements over recent years with silt management. However the practice of clear-felling hill slopes is inherently problematic in our soil types and steep hill slopes. **Encouraging permanent native forest on slopes over 18 degrees would help our Te Taiao long term.**

   Forestry setbacks well away from seeps and stream beds need to be much wider in my opinion. I think that all Exotic forestry plantations should ensure all these seeps and stream beds are native wild life corridors (without weeds) to a width of 20 metres minimum on each side.

   We have some amazing Dune Lakes in our region. I have seen pine trees planted virtually to the wet edge of these. I request that dune lake margins be reserved for native ecosystems (with active weed management) to a buffer width of minimum 30 metres.

5. **Our primary interest in freshwater in Northland is as long term residents and kaitiaki**. I value the health of our rivers and streams, groundwater, and wetlands and the life-supporting services they provide, as well as their intrinsic value. I also value the coastal areas where these waterways flow to, which are obvious 'receiving environments' for water from upstream in the catchment. We have an obligation to leave all of these in better health after every generation.

6. **The water bodies and coastal environments I interact most with and that we ar most concerned with are:**

   a. Doubtless Bay catchment and 3 sub-catchments of Awapoko, Peria/ Oruru, Oruaiti. This includes the estuaries, harbours and stream beds right up to the top of the catchment.
   b. Primarily I value the water quality values of these areas for contact recreation such as swimming (and ecosystem health by association – as healthy ecosystems support better water quality for contact, such as by limiting algal growth). Our awa and catchments are reflective of our whole Taia, and our health, economy and future depend on them.

7. **The natural and wildlife values of these areas are also important to me because most of these values have been degrading for a long tim**e - as measured by many scientists and councils. We work hard in our catchment for the ngahere health with extensive pest control and we realise our forest health and landowner practices are integral to the future health of our whole Taiao taonga, awa and Moana.

8. **We would like to see Northland Regional Council do as much as it can to protect and restore Te Mana o te Wai and ecosystem health in these areas, and across the region generally.**

9. **Key issues for us** across Northland are water quality (particularly e. coli, sediment, algal growth/periphyton, potential toxic waste from mining activities, and ecosystem health); amenity values/drinking water; contact recreation; and natural form and character. I see sedimentation in floods in our valley and out to Oruru, Taipa. I am upset that coastal bathing water quality is low after rainfall. I am concerned at the algal blooms resulting from Taipa Wastewater Treatment Plant at Aurere.
10. **We support having strong regulatory measures in the plan to address these issues.**

11. **To address freshwater issues, we would like to see Northland Regional Council:**

a. Protect and provide for ecosystem health by
    i. Including clear target attribute states for nitrogen and phosphorus, and any heavy metals that might be part of toxic waste from mining proposals, that protect ecosystem health (not just 'toxicity'); and connecting these to limits on resource use. It appears these are missing from the draft plan and this gap needs to be addressed.
    ii. Providing for Te Mana o te Wai throughout the plan.
b. Protecting the health of groundwater for human drinking and ecosystem health by:
    i. Including a target attribute state for nitrate-nitrogen in groundwater with a target of less than 1.0 mg/L nitrate-nitrogen.
c. Protecting erosion prone land through:
    i. new rules limiting vegetation clearance, land preparation and earthworks in areas of high erosion risk, with tighter controls applied to these activities in areas with severe erosion risk.
    ii. new rules requiring stock to be excluded from areas of both high and severe erosion risk.
d. Keeping stock out of waterways with
    i. rules for streams in steeper areas,
    ii. large enough setbacks (>10m) to provide enough space for riparian vegetation to establish around waterways, to allow rivers and streams to naturally adjust through erosion over time, and to provide space for rivers to dissipate flood energy without eroding fences or causing problems downstream
e. Eliminating and reducing discharges by:
    i. Requiring consent for dairy effluent discharges to land
    ii. Prohibiting new farm dairy effluent discharge to water and introducing stricter requirements for renewal of existing consents.
    iii. Prohibiting new wastewater treatment plant discharges to water and introducing stricter requirements for renewal of existing consents.
    iv. Prohibiting domestic wastewater discharges to waterways
    v. Prohibiting any toxic waste from mining activities into waterways above and below ground
f. Protecting wetlands by
    i. Prohibiting wetland drainage and clearance
    ii. Requiring stock exclusion from wetlands
    iii. Adding policies to the plan that would encourage wetland restoration
    iv. Mapping and monitoring wetland extent
    v. Introducing a measure of wetland condition using a tool like the wetland condition index (as recommended by the Government's Science and Technical Advisory Group on the NPS-FM)
g. Controlling exotic forestry by:
    i. Requiring larger setbacks for exotic carbon and plantation forestry from waterways.
    ii. Requiring resource consent for plantation forestry and exotic carbon forests in high-value dune lake catchments.
    iii. Prohibiting clear-felling of forestry in high-risk or steep areas
h. Expanding requirements for assessing impacts on cultural values by
    i. Adding requirements for resource consent applicants to assess cultural impacts that affect tāngata whenua values for freshwater.
i. Phasing out and preventing over-allocation of water by
    i. Using short-term consents of < 10 years for all water takes, unless for municipal/papakainga/marae supply
    ii. Prohibiting water takes above environmental flows and levels
    iii. Ensuring consent expiration dates are aligned across a catchment

iv. Setting aside a portion of unallocated water (provided it is within environmental limits) to be used for environmental enhancement.

j. Addressing nutrient pollution from agriculture by
    i. Having a robust allocation system for nutrient leaching, which should include things like limits on fertiliser use and stocking rates in degraded catchments.

k. Promoting nature-based solutions by
    i. Including policy prioritises nature-based solutions over engineered solutions when making decisions on flood protection.
    ii. Including policy protecting the ability of existing wetlands, native forests, and rivers/floodplains to naturally mitigate extreme weather

l. Improving the management of the natural character and habitat of our rivers by
    i. Increasing the regulation of activities in the beds of rivers, such as gravel extraction
    ii. Requiring regular monitoring and reporting of natural character and physical habitat in rivers
    iii. Including target attribute states for natural character and physical habitat in rivers

m. Protecting coastal water and water in 'receiving environments' by:
    i. Protecting and restoring catchments upstream to improve water quality
    ii. Including target attributes for water quality in estuaries and coastal areas

Thank you for the opportunity to make this submission. If our voluntary group had more time we would give more detailed feedback.
We look forward to the progression of the plan to notification and the improvements in water quality that it can bring when implemented.

Ngā Mihinui, Yvonne Steinemann - on behalf of Honeymoon Valley Landcare Charitable Trust
Batchelor of Horticultural Science

[redacted]

YES - We would like to make an oral submission if possible.

From:	Snow Tane
To:	Freshwater
Subject:	Hapu Submission
Date:	Monday, 1 April 2024 3:47:29 pm
Attachments:	Pananawe Hapu Submission.docx

Tena koe,

Please see our submission for Nga Uri o Tiopira Hapu ki Pananawe Hapu.

I know we have missed the deadline, but would like you to consider our submission.

--

Nga mihi

Snow

Taoho (Snow) Tane | General Manager

Te Roroa Development Group

Ph: 09 439 6443 | Mobile: 021 439 644

Email: gm@teroroa.iwi.nz

Submission on Northland Regional Councils draft Freshwater Plan Change

Date: 30.03.2024
To Northland Regional Council
From: Taoho Tane
Re: Draft Freshwater Plan Change Submission

Background

1. Nga Uri o Tiopira Hapu ki Pananawe are tangata whenua of Whenuahou, Waipoua Forest Settlement and have lived in this area for over 700 years. Ohae Stream, Waiotane Stream, Waiarara Stream, Haohaonui Stream, Waipoua River, Muriwai River, Lake Waingata and Lake Te Riu are our mahinga kai and wai source that have sustained our hapu for generations.
2. The rohe of Nga Uri o Tiopira is situated south of the Waimamaku River and takes in Ohae, Kawerua, Pawakatutu, Kaitieke, Waipoua, Te Taiawa, Tekateka and Muriwai.

Summary of approach

3. While drafting this submission a number of policy and legislative changes have been introduced and passed by the current Government. The repeal of the Natural

Built and Environment Act 2023 and Water Services Entities Act 2022 have once again changed and altered regulations regarding freshwater management. Further amendments are also proposed with respect to 'Local Water Done Well', the Resource Management Act 1991, and the National Policy Statement on Freshwater Management 2020 (NPSFM).

4. We applaud Northland Regional Council's (NRC) approach to developing a draft Freshwater Plan for Northland, in particular the tangata whenua provisions. We request the retention of these provisions enabling our hapū to uphold our role as kaitiaki. Allowing us to make decisions based on our mātauranga and ability to practice tino rangatiratanga over wai Māori (freshwater) and resources.

Importance of retaining Te Mana o Te Wai and upholding Te Hurihanga Wai

5. The Resource Management Act and previous regulations have failed to protect and uphold the mauri of wai Māori. We believe the NPSFM 2020 provides the appropriate policy direction for avoiding further overallocation, and reducing pollution of freshwater.

6. We agree with the concept of Te Hurihanga Wai and whakapapa o te wai as described in the draft Freshwater Plan Change and supporting reports.[1] We support the planning provisions that give effect to Te Mana me te Mauri o te Wai and the long-term vision for freshwater in the Regional Policy Statement (RPS).[2]

7. We agree with meeting relevant standards and outcomes within the timeframe set for 2040 as described in the RPS.[3] We realise this is an ambitious target, but we do not think is unreasonable if provisions are implemented and monitored. We further recognise that the timeframe coincides with 200 years of the signing of Te Tiriti o Waitangi.

Fundamental concept and hierarchy of obligations

8. The fundamental concept and six overarching principles of Te Mana o Te Wai as defined in the NPSFM 2020 must be upheld through future stages of NRC's draft Freshwater Plan.[4]

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[1] Stage 1 report: *Te Mana me te Mauro te Wai: A Discussion Document for Te Tai Tokerau* (2022), and Stage 2 report: *Ngā Roimata o Ngā Atua: the Tears of Ranginui and Papatūānuku (2023).* Prepared for the Tangata Whenua Water Advisory Group (TWWAG).

[2] See Objectives 3.16 & 3.17.

[3] See Objectives 3.16 & 3.17.

[4] See NPSFM, clause 1.3:
(a) *Mana whakahaere*: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater
(b) *Kaitiakitanga*: the obligations of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations
(c) *Manaakitanga*: the process by which tangata whenua show respect, generosity, and care for freshwater and for others

9. The Hierarchy of Obligations prioritises the health and well being of freshwater and ecosystems and must be retained in the draft Freshwater Plan. We applaud the Council for drafting objectives, policies and rules that give effect to this.

Hapū rangatiratanga and kaitiakitanga

10. He Whakaputanga (the Declaration of Independence 1835) confirms the mana motuhake and rangatiratanga o ngā hapū and is the founding document that lead to Te Tiriti o Waitangi.

11. The Waitangi Tribunal in Te Paparahi o Te Raki Stage 1 and 2 reports (Wai 1040) confirmed this independence of ngā hapū rangatira. The Report found that rangatira who signed Te Tiriti o Waitangi in February 1840 did not cede their sovereignty to the Crown. It is the role of our hapū to practice rangatiranga and uphold our mana over our taonga, that must be provided for by the draft Freshwater Plan administered by the Regional Council.

12. It is only tangata whenua who have mana and rangatiratanga over a particular area who can practice kaitiakitanga in that area. The whakapapa of tangata whenua in an area enables us to uphold our roles and responsibilities to act as kaitiaki and ensure the mauri, wairua, and mana of the taiao (environment) is protected and sustained for current and future generations.

13. Where there is a loss of mauri in the environment, it is our whānau who suffers. The depletion of our taonga species impacts on our ability to kohi kai (gather food) in our traditional and customary landscapes. Where there is an inability for our whānau and marae to put kai on the table for our manuhiri, this has a direct and detrimental impact on our mana and inability to manaaki manuhiri (look after guests) on our whenua. It is critical that pollution to our waterways is avoided and reduced, so that we can enhance the mauri and protect the biodiversity and ecosystems that rely on our wai to be healthy.

Upholding tangata whenua values

14. We support the inclusion of tangata whenua values in the draft Freshwater Plan, but this must not preclude our hapū from developing our own values in future. It is our traditional concepts, beliefs, and values that form the basis of our thinking. Sometimes this is referred to as tikanga Māori, or Māori cultural values.

(d) *Governance*: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future
(e) *Stewardship*: the obligations of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations
(f) *Care and respect*: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

15. As tangata whenua we are the only ones who can define what our cultural values are in relation to wai Māori and the taiao more generally.

16. Our hapū has a different relationship with certain bodies of wai based on our tikanga and values. This includes using lakes, wetlands, rivers and streams for different things. There are traditional place names and landmarks that we have for certain wai that directs our whānau how to treat wai, including wai tapu, and areas we use to undertake pure or tohi, or have mahinga kai for example.

Using mātauranga Māori in monitoring freshwater

17. Mātauranga Māori is a body of knowledge both obtained through past and future knowledge. It covers customary and contemporary worldviews from Māori, and is a taonga that will be passed on to future generations. It is an intergenerational body of knowledge that is informed by korero tuku iho handed down from tupuna, and is guaranteed as a taonga under Te Tiriti o Waitangi.

18. Therefore we support the development of Māori freshwater attributes and target attribute states that enable our hapū and kaitiaki to monitor environmental outcomes and our cultural values. But these descriptions should not preclude or limit the ability of our hapū to define our own attributes based on our mātauranga and tohu.

19. Upholding mātauranga Māori attributes as a scientific body of knowledge will be critical for the successful implementation of the Plan Change. Hapū must be funded by NRC to undertake their role as kaitiaki and monitor freshwater. We support the inclusion of more funding for mātauranga Māori monitoring programmes to be included in Long Term and Annual Plan funding.

20. Council compliance and monitoring officers do not need to monitor tangata whenua attributes. Where the opportunity arises, Council staff should work alongside hapū and kaitiaki to understand our concerns with respect to monitoring water quality and quantity issues based on our mātauranga. Similarly, reciprocal learning could occur where Council staff upskill kaitiaki on how to use western science and tools to monitor water ways.

21. Any future use of our mātauranga in relation to freshwater management cannot be used by the Council without the prior permission from our hapū. We recommend the development of data information protocols with our hapū to describe how and when our data can and cannot be used.

Tangata whenua environmental outcomes, policies and rules

22. We generally support new provisions that uphold tangata whenua environmental outcomes, policies and rules. We further support the rules that are more stringent on freshwater management as part of this plan change. But where there are challenges faced by Māori landowners to comply with new regulations, financial support and further engagement must be provided by the Council and relevant agencies.

23. We further support the inclusion of having a cultural impact assessment for all controlled activities. And having more stringent rules for setbacks around water ways.

24. Financial support from the Council, such as rates relief, rates remission, or new grants should be provided to Māori land owners to help comply with new rules. This includes funding for new fencing on highly erodible land and planting native species around waterways.

Freshwater Management Units

25. We would welcome the opportunity to undertake further research and engagement with the Council, our hapū and whānau with how Freshwater Management Units (FMUs) should be defined and planned for. This includes recognising the interaction with harbours, estuaries, and adjoining boundaries with other hapū and existing catchments.

26. The methodology for developing FMUs by the Council in 2019 did not include engagement with our hapū. We wish to develop a methodology and process to determine how freshwater in our takiwā is monitored based on our mātauranga, whakapapa, taonga and mahinga kai. NRC should support this methodology with funding from a non-contestable grant.

27. There is an opportunity to review and/or establish new catchment management plans for freshwater. The development of new plans provides an opportunity to review existing strategies around water use, infrastructure planning and development.

Integrated management and climate change planning

28. Undertaking integrated land use and freshwater planning will be critical to enhance and uplift water quality standards in Te Tai Tokerau. This is recognised in the NPSM regarding Integrated Management – Ki uta ki tai. We therefore support stronger policy provisions that seek to give effect to this in the draft Freshwater Plan.

29. Furthermore, we support stronger provisions for integrated planning that give effect to better stormwater management, erosion and sediment control plans and waste water treatment compliance. These factors must be aligned with appropriate engineering and environmental standards that are in accordance with our hapū cultural values.

30. The climate crisis is having a direct impact on freshwater management in our rohe and takiwā. Our hapū do not have adequate resources and capacity to plan for natural hazards and the effects of climate change, with effects often resulting in droughts and severe flooding at different times of the year. We support more stringent objectives, policies and rules to determine effects of climate change and natural hazards in the draft Freshwater Plan. This must include enabling tangata whenua to plan for climate change based on our mātauranga. This includes, but not limited to, developing and identifying new water sources in areas of need, such as for coastal and rural marae.

Draft Freshwater Action Plan to support implementation

31. We support tangata whenua involvement in freshwater management and decision-making actions outlined in the draft Action Plan.[5] Funding must be provided by the Council that enables our hapū to implement relevant parts, including monitoring freshwater.

Signed by Taoho Tane on behalf of Nga Uri o Tiopira ki Pananawe

_____

30.03.2024

[5] See Actions 10 (a) – (g), pp12.

From:	Snow Tane
To:	Freshwater
Subject:	Te Roroa Freshwater Submission
Date:	Friday, 29 March 2024 10:35:18 pm
Attachments:	TR Freshwater Submission.docx

Tena koe,

Please see attached Freshwater Submission from Te Roroa Commercial Development Ltd.

--

Nga mihi

Snow

Taoho (Snow) Tane | General Manager

Te Roroa Development Group

Ph: 09 439 6443 | Mobile: 021 439 644

Email: gm@teroroa.iwi.nz

Submission to the Northland Regional Council Draft Freshwater Plan Change

Submitter Information

Name:	Taoho Tane
Iwi / Māori Organisation:	Te Roroa Commercial Development Ltd
Address:	1 Waipoua River Rd, Waipoua Forest Dargaville 0376
Email:	gm@teroroa.iwi.nz
Phone:	09 439 6443
Contact:	Taoho Tane General Manager TRDG

Introduction

1. This submission is made by Te Roroa Commercial Development Ltd on Northland Regional Councils (NRCs) Draft Freshwater Plan Change.

2. Te Roroa Commercial Development Ltd is a subsidiary of Te Roroa Whatu Ora Trust.

3. Te Roroa rohe extends from Arai te Uru, Hokianga Harbour in the north to Tokatoka Maunga, Northern Wairoa in the south and have six marae; Te Whakamaharatanga (Waimamaku), Pananawe (Waipoua), Matatina (Waipoua), Waikarā (Aranga), Waikaraka (Kaihu) and Te Houhanga (Dargaville), that are located along the west coast.

   The Te Roroa Deed of Settlement 2008 saw the establishment of the Post Settlement Governance Entity, Te Roroa Whatu Ora and Manawhenua Trusts (TRWO&MWT) and acknowledges Te Roroa Rohe through the Te Roroa Claims Settlement Act 2008. The Act is an acknowledgement by the Crown of Te Roroa statutory areas.

Te Roroa Rohe

4. This submission relates to the entirety of the draft Freshwater Plan, and we wish to be included in future processes and refinements.

5. The Council must uphold and recognise our role as a Treaty partner through this process and give significant weighting to our views, which entails being treated as an equal partner in Council decision-making processes and not as a stakeholder.

6. We acknowledge the process NRC has taken to co-design the tangata whenua provisions. We support the work that the Tāngata Whenua Water Advisory Group (TWWAG) has undertaken to see these provisions developed to give effect to Te Mana o Te Wai in Te Tai Tokerau.

State of freshwater in Te Tai Tokerau

7. There are numerous issues facing the management of freshwater in Te Tai Tokerau including sedimentation and discharges to freshwater and harbours, land use, water takes, overallocation and the diversion of streams. All of these activities severely impact on the biodiversity and ecosystems that make our water healthy and thriving.

8. A number of these issues require a dramatic review and new provisions to avoid further impact. This must be done in partnership with our iwi to ensure our mana and rangatiratanga is upheld and that the connectivity between wai, whenua and receiving environments is protected and cared for.

Te Mana o Te Wai and Hierarchy of Obligations

9. We acknowledge that Te Mana o Te Wai is the korowai of the National Policy Statement

on Freshwater Management 2020 (NPSFM). Te Mana me Te Mauri o Te Wai needs to be upheld in this respect and should be implemented as tāngata whenua see fit in their rohe and takiwā.

10. The fundamental concept and six overarching principles of Te Mana o Te Wai as described in the NPSFM 2020 must be upheld through future stages of NRC's draft Freshwater Plan.

11. Achieving Te Mana o te Wai requires active and meaningful participation and partnership with iwi. How we as Māori lead and participate in the governance and management of freshwater in our rohe will determine how water is managed in the future.

Te Hurihanga Wai and Tangata Whenua Values

12. Multiple activities are currently impacting and severing tangata whenua values to freshwater, diminishing the mana and mauri o te wai. Status quo is no longer an option, and the Council must take action to reduce the level of pollution in our waterways, and further avoid the overallocation of our water sources.

13. We support the Councils approach to including Te Hurihanga Wai in the draft Freshwater Plan. Te Hurihanga Wai and te whakapapa o te wai must be enhanced and upheld in all parts of Te Tai Tokerau.

14. The NPSFM sets a framework for our iwi to develop our own planning and decision-making processes for freshwater management. Our tikanga and mātauranga Māori must be given more weighting in Council decision-making processes where our cultural values are upheld.

Implementing objectives, policies, rules and new actions

15. We support the provisions in the draft Freshwater Plan that enable our iwi to uphold our mana and rangatiratanga over our wai and taonga species.

16. It is only our iwi who can determine the effects of resource consents on our cultural values. Having cultural impact assessments as a matter of control for all controlled activities is supported by us. We also support Māori attributes in the Draft Freshwater Plan, but there should be a bespoke process for our iwi to determine what our own attributes are over the bodies of wai we have an interest in.

17. The draft Freshwater Action Plan sets out some of the funding required to implement existing freshwater programmes[1] and new provisions in the draft Freshwater Plan. It is disappointing to see funding has not been fully allocated yet, but is subject to consultation through the next Long Term Plan 2024-2034. We agree with and support tangata whenua involvement in freshwater management and decision-making in the draft Action Plan[2] and request the Council allocates the estimated costings to achieve

[1] See Actions 1 – 5 for example.
[2] See Actions 10 (a) – (g), pp12.

and deliver these actions.

18. Adhering to new provisions will be difficult for many Māori land owners. We support rates remission, or funding to be provided to Māori land owners and whānau who will struggle to pay for and comply with new regulations. Additional support should be requested from the Government or other Crown agencies to support the Council with financing.

Water allocation and Treaty settlements

19. We support the 20% water allocation policy that sets aside a proportion of water for Māori. The relationship that iwi, hapū and whānau have with freshwater must be viewed from a Māori worldview. As kaitiaki of our taonga and taiao, any initiatives that Māori consider with respect to freshwater management is considered in light of our role and responsibilities we have to tiaki te taiao and meeting the needs of people.

20. Current water allocation policy does not account for the complexity of the relationship that our iwi, hapū and whānau have with water. The 'first in first serve' basis of decision-making under the Resource Management Act 1991 is not fit for purpose and contradicts what was guaranteed under Te Tiriti o Waitangi.

21. Future and current Treaty settlement arrangements over freshwater, including other arrangements,[3] must be upheld in the draft Freshwater Plan. This includes recognising statutory acknowledgements over wai, and land returned (or under negotiation) with the Crown.

22. Current regulations do not provide enough weighting to iwi in response to concerns over water allocation and use. More support must be provided by the Council to iwi and hapū where our concerns are being raised around resource consent applications, in particular the availability of water for future Treaty settlements and development opportunities.

Wai is a living being

23. Wai Māori must not be considered a commodity and a resource that can be sold, abused, and neglected. Wai Māori is a living being, and we support the inclusion of Mana Atua[4] as it upholds Te Mana o Te Wai by acknowledging the living nature and sanctity of freshwater.

24. The management of freshwater resources to maintain ecosystem health and supporting iwi and hapū to thrive is one of the most pressing issues that will face generations to come. New mechanisms and frameworks are required to change the behaviour that individuals and organisations have towards freshwater. One option is affording legal personhood to environmental domains, including wai Māori.

[3] This includes Transfer of Powers, Joint Management Agreements, Mana Whakahono a Rohe, or other arrangements developed under Treaty settlement legislation.
[4] See Policy D.4.33. Draft Freshwater Plan Change – Northland Regional Plan: pp192.

Climate Change

25. There are numerous methods based on mātauranga Māori that can be used to plan better for freshwater management and climate change. For instance, using the maramataka, or Māori lunar calendar, to understand tidal and seasonal changes that can influence the level and flow of freshwater sources across the region.

26. We strongly support the proposed Tāngata whenua climate change mitigation and adaptation policy[5], and we recommend that the Climate change and development policy[6] in the Regional Plan to align more specifically with Integrated Management identified within the NPSFM[7] which recognises *Ki uta kia tai* and the interconnection between water, land and sea.

Capacity constraints

27. There are considerable capacity constraints that exist for our iwi to be involved in all parts of resource management. The requirement of applicants to engage and consult with us is necessary and should be resourced by the Council and applicants where relevant.

28. The time and resources required for tangata whenua to respond to resource consents without financial support is a major issue, in particular for pre-Treaty Settlement entities.

29. With the inclusion of new provisions encouraging more engagement with iwi through the Freshwater Plan, NRC must also be able to support us and applicants through this process. To enable this, NRC should be resourcing tangata whenua through capacity contracts and/or engagement agreements to support a streamlined process for engagement.

30. Further guidance for implementation of policy provisions should also be developed by the Council with tangata whenua, to ensure applicants are appropriately informed about engagement and resourcing requirements. This training could also extend to drafting cultural impact assessments, and how applicants and Council processing planners interpret the assessments and recommendations.

31. Further training to uplift the capacity and capability of iwi and hapū could be considered by the Council. This could include developing iwi and hapū environmental plans that provide direction to the Council and developers with how to consider issues and opportunities for our iwi.

Collaboration with other entities

32. With more changes being proposed under 'Local Water Done Well' strong collaboration between parties will be needed. Relationships with councils, iwi, Taumata Arowai and other Crown agencies are imperative to ensure there is a consistent and well planned

[5] See Policy D.4.39: pp193.
[6] See Policy D.23: pp166.
[7] See Part 3.5. NPSFM: pp14.

water services system implemented. There are inconsistencies with regulations and compliance with rules creating inefficient services. Different decisions around applications can be made based on a different persons interpretation, resulting in unpredictable outcomes for communities and service providers.

33. Iwi must be involved in all decision-making processes undertaken by councils and water service providers. Different approaches and siloed work on the same project can be burdensome for iwi to be engaged in. This must result in more aligned work programmes where efficient and effective service is provided for iwi to reduce over-engagement and consultation fatigue.

Conclusion

34. We welcome the opportunity to submit on the draft Freshwater Plan Change. We also congratulate the Council for being proactive and preparing a draft Freshwater Plan to meet existing timeframes under the NPSFM 2020.

35. Any future changes and engagement to the draft Freshwater Plan must involve our iwi so we can discuss the above matters further.

36. Ultimately the health and wellbeing of our freshwater *te mana me te mauri o te wai* will be critical for our future generations to live healthy and prosperous lives.

37. If you have queries about in this submission please contact Taoho Tane.

Ngā mihi,

Taoho Tane
GM, TRDG

From:	Lorna Tantrum
To:	Freshwater
Subject:	freshwater submission march 2024
Date:	Saturday, 30 March 2024 9:22:32 pm
Attachments:	Freshwater submission March 2024.docx

Hi

I have attached my submission for the draft freshwater plan change.

Thank you

Lorna Tantrum
Mt Moriah Farms ltd
[redacted]

Submission for Draft Freshwater Plan Change 31 March 2024

Introduction

We would all agree that it is important to safeguard New Zealand for the future generations, and our waterways are something that needs to be protected. However, we need to do this in a practical, sustainable, and holistic manner that considers our communities and environment as well. This submission will discuss some of the costs associated with changes to the rules around land use, using our farm in Hakaru as an example, as well as some practical thoughts to consider that may make implementation of any new polices more palatable to farmers.

Economic, social, and environmental Impact of rule changes on the community.

It is important to consider the economic impact of any changes to environmental rules as this can affect the wider community. Farming is a significant part of our Northland economy, not just as exporters that bring money into our economy from overseas, and as employers. But also, as an industry that feeds other businesses, for example, agricultural service industries, meat processing plants and dairy factories. We have seen in the past the terrible social impact of the closure of meat processing plants and other large employers in small towns, and this is not something that we want to happen if it can be avoided. One company that comes to mind personally as it is close by is the Maungaturoto dairy factory. This is a factory that has been run efficiently, contributes to a lot of employment in the area, and is a source of pride to the community. If dairy farming were to become too difficult, or even farmers becoming too discouraged, with impractical and economic rule changes, and we had a loss of several more dairy farms in the area, this factory would be at risk of closure. Moreover, we need to look at the individual impact on landowners, who not only live on these farms, but also rely on them for income. If a significant proportion of the land is no longer useable under new rules, then perhaps we need to consider financial compensation as the changes are intended for the good of the community, in the same way a homeowner or business owner would be compensated if they had a building removed to make way for a motorway.

In addition to this, we need to consider the environmental impact of making impractical or overreaching rule changes. Currently, there is a significant marketing pressure on the environmental impact of farming, and Fonterra and the other dairy companies have been encouraging and implementing responsible stewardship of the land and water for a very long time now, so that we can show our markets that we are the most efficient producers of milk in the world with the lowest carbon output. This is something to be proud of, not to be destroyed. If the rule changes are not practical, uneconomic, or even just implemented in a way that discourages farming, and the land is sold out of farming we need to think about the alternative uses. Forestry is often an alternative land use to steeper previously agricultural land, but we only need to take a drive past forestry being harvested to see the devastation that this causes to the waterways from runoff of soil and waste from the trees. Let alone the social impact of the loss of families to the smaller rural communities. Another alternative land use, that we see in lower Northland is subdivision. Although it is necessary for a certain amount of subdivision to provide housing for the growth in the area, the soil runoff, stormwater issues, and increased demand on the sewage systems puts pressure on the waterways. In addition to this, the areas where the subdivision is turned into lifestyle blocks, we often see an impact on the environment

when inexperienced people attempt to look after land, for example the spread of noxious weeds. Furthermore, lifestyle blocks are not being regulated by industry standards with environmental safeguards.

Example of the impact of rule changes on a dairy farm

The following calculations are based on Mt Moriah Farms ltd in Hakaru in lower Northland. It is a 80ha farm with 74ha of effective area, which the area of land that is able to be used to grow and graze pasture. This is a split calving dairy herd peaking at 290 cows, with all young stock grazed off the dairy platform. This farm does approximately 135,000 kg MS per year, which is an average total milk production for Northland. However, the size of the farm is smaller than average. This farm has the Hakaru River as one boundary, and a tributary of the Hakaru River running through the centre of it.

Table showing area (ha) and the percentage of the farm lost to farming system with different distances of fencing from waterways.

(**Table 1**)

Farm effective area (ha)		74				
Length waterway (kms)		Fenced/ planted distance average metres				
		2	5	10	20	50
Boundary	1					
Internal	1					
Effective	3	0.6	1.5	3	6	15
% farm		0.8%	2.0%	4.1%	8.1%	20.3%
Drains	2					
Effective drain	4					
Total	7	1.4	3.5	7.0	14.0	35.0
% farm		1.9%	4.7%	9.5%	18.9%	47.3%
Length waterway (kms)		Fenced planted distance minimum metres (add 2m)				
		2	5	10	20	50
Boundary	1					
Internal	1					
Effective	3	1.2	2.1	3.6	6.6	15.6
% farm		1.6%	2.8%	4.9%	8.9%	21.1%
Drains	2					
Effective drain	4					
Total	7	2.8	4.9	8.4	15.4	36.4
% farm		3.8%	6.6%	11.4%	20.8%	49.2%

Table 1 shows the area that would be taken out of the effective area of the farm for the additional distances required for the fences to be moved out from the existing fences. The length of the waterway is an estimate based on assumption not measurements. The one kilometre of the internal waterway is effectively 2 kilometres of fenced and planted waterway as

it is internal so both sides need to be considered. This has been accounted for in the effective length of the waterway. The table also shows the percentage of the farm area that would be lost due to the movement of the fences. The top part of the table is calculated assuming an average fencing distance from the waterway. The middle part of the table is calculated with the conservative allowance of an extra 2 meters for the curve of the waterway if the distance is a minimum distance. The bottom part of the table calculates the extra area lost if drains were required to be fenced and planted too.

Table showing yearly financial cost to the business based on reduced earnings.

(Table 2)

Area lost (ha)	1.4	3.5	7	14	35
Feed lost (13t/ha)	18.2	45.5	91	182	455
Replacement cost ($600/t)	$10,920	$27,300	$54,600	$109,200	$273,000
Or loss to buisness*	$15,015	$37,538	$75,075	$150,150	$375,375
Area lost (ha)	2.8	4.9	8.4	15.4	36.4
Feed lost (13t/ha)	36.4	63.7	109.2	200.2	473.2
Replacement cost ($600/t)	$21,840	$38,220	$65,520	$120,120	$283,920
Or loss to buisness*	$30,030	$52,553	$90,090	$165,165	$390,390

Table 2 (*assume $8/kg MS payout, 11 kg MJME/kg DM, 64 MJ ME/kg MS)

Table 2 shows the financial loss to the business based on loss of earnings from the reduced productive area. These calculations are based on a dairy payout of $8 per kilogram milk solid (kgMS) as this is the generally accepted breakeven milk price. An average of 13t DM/ha pasture grown is used as this is the calculated average for this farm. However, realistically the areas near the waterways are the more fertile areas with better topography, so would in practice be more productive than this. The figure of 11 MJ ME/kg DM is used as this is the average measured energy available of pasture in most research and in New Zealand farming systems energy normally is the limiting factor in the diet. The energy required to produce a kilogram of milk solid (64 MJ ME/kg MS) is for an average New Zealand dairy cow. It can be seen in table 2 that any of movement of the fences will have a significant impact on the income of a dairy farm, and thus whether the farm will be profitable.

Practical considerations for rule changes.

Any rule changes need to be carefully implemented to have a positive effect on the environment while reducing the negative effect on the community. Environmental issues are already an emotional subject for farmers, as the extensive positive changes that have already been made as an industry are often overlooked. One way that would make farmers more amenable to reducing the negative effects on the waterways is to provide practical help and suggestions as a first step for remedying issues. If the regulations are enforced from a position of forcing

compliance, it is liable to discourage people from doing any more than the bare minimum and cause more farmers to leave the industry. However, when encouragement and practical solutions are given to meet the regulations then they are easier to implement, and people feel better about the positive impact that they are making. In addition to this, the cost of any rule changes needs to be taken into consideration so that the farming operations can continue in an economic way. Furthermore, the improvements to care for the environment and waterways that have already been implemented by industry bodies such as Fonterra should be acknowledged. Both as a sign that farming as an industry is moving in the right direction and to ensure that the regulations are complimentary and practical.

Conclusion

Changes to the freshwater plan need to consider the impact on the community as well as individual farmers. Economics must be considered, as these changes affect people's livelihood and ultimately the whole community. Changes must be carefully thought out so that the side effects will not negatively affect the environment. The positive steps that have already been taken by industry bodies needs to be acknowledged and any changes need to be carefully implemented to reduce the negative impact on morale.

Please contact me if you would like further information regarding the calculations.

Lorna Tantrum BApplSc(hons)

Mt Moriah Farms ltd

[redacted]

[redacted]

From:	noreply@fs17.formsite.com on behalf of Formsite
To:	Freshwater
Subject:	draft Freshwater Plan Change feedback from: Robyn Tauroa
Date:	Saturday, 30 March 2024 9:12:05 am

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Robyn
Last name:	Tauroa
Organisation:	Te Patunga Marae
Mailing address:	[redacted]
Email:	[redacted]
Phone:	[redacted]
Topics for feedback:	• The vision, objectives and/or targets for our freshwater future • Managing highly-erodible land • Eliminating discharges to water • Managing exotic forests • Managing impacts on tangata whenua values • Stock exclusion – distance from waterways • Stock exclusion – highly-erodible land • Timeframes for stock exclusion rules • Managing water allocation • Enabling tangata whenua to practice as kaitiaki for wai • Support and funding for efforts to improve freshwater • Something else (please specify below)
Tell us what you think:	General Comments Ko Maungaemiemi te maunga, Te Awaroa te awa, Whangaroa te moana. Ko Te Patunga te marae, Kii Koopu te kauta, Whakatipuranga te whare kai. General comments 1.Firstly, I would like commend NRC on reaching this draft stage of plan development. The framework you have developed provides a solid base for amendment to effectively address water quality issues we have in Te Tai Tokerau, not just to give effect to the NPS-FM (2020) and Te Mana o te Wai. This plan change represents an aspiration to ensure our tamariki, mokopuna, and future generations can swim in our rives and access safe drinking

water, while providing for themselves.

2. This plan change is important to our marae as our whànau and hapù have been living, sharing, growing, playing and surviving beside Te Awaroa for generations longer than our marae has been present, which is over 100 years.

3. We are generally supportive of the draft plan change, particularly the incorporation of objectives and policies relating to Te Mana o te Wai (such as Objective 3.16 Te Mana me te Mauri o te Wai). I strongly support the retention of Te Mana o te Wai in the plan.

4. Our primary interest in freshwater in Northland is as tangata whenua hapù in the Whangaroa catchment. We value the health of our rivers and streams, groundwater, and wetlands and the life-supporting services they provide, as well as their intrinsic value. I also value the coastal areas where these waterways flow to, which are obvious 'receiving environments' for water from upstream in the catchment.

5.The water bodies and coastal environments I interact most with and am most concerned with are:

a.Te Awaroa (the traditional name for the river you the river you regard as Pupuke River);
b.All of its tributaries, some of which have different traditional names to those that you have recorded;
c. All of the wetlands that traditionally existed in the Te Awaroa catchment, including those that have been drained and irrigated for farming, and particularly the wetlands beside SH10 which were drained for roading without consultation with tangata whenua in the 1950s, that severely affected the mouths of three streams in that area which no longer flow into the Whangaroa Harbour.

6. We value the water quality values of these areas for a number of reasons, including swimming and bathing during the summer, fishing for tuna and koura for manaakitanga, and therefore ecosystem health which support better water quality for contact, such as by limiting algal growth). The current poor water quality has impacted on at least two of our in the recent past, as they have contracted e-coli poisoning, which had near fatal consequences during Covid lockdowns.

We also value Te Awaroa as we are Te Awaroa. It is our whànaunga and is the essence of our being. Te Awaroa is also the tangible connection to our neighbouring whànau upstream and downstream, as well as those in Hokianga, Mangonui and Pewhairangi, as the source of all rivers leading to those areas is one and the same.

7.The natural and wildlife values of these areas are also important to us because we are related to all the native flora and fauna

intrinsically through our whakapapa to Tane-te-waiora, Wainuiàtea and Moanaroa.

8.I would like to see Northland Regional Council do as much as it can to protect and restore Te Mana o te Wai and ecosystem health in these areas, and across the region generally.

Key Issues:

9.Key issues for me across Northland are water quality (particularly e. coli, sediment, algal growth/periphyton, potential toxic waste from mining activities, and ecosystem health); amenity values/drinking water; contact recreation; and natural form and characteristics, and flooding.

10. I support having strong regulatory measures in the plan to address these issues, provided they are regulations created, developed and implemented alongside tangata whenua Màori of Tai Tokerau who have the neccessary matauranga Màori to inform this regulatory process on behalf of Tai Tokerau whànau, hapù and iwi.

11.To address freshwater issues, I would like to see Northland Regional Council:

a.Protect and provide for ecosystem health by
i.Including clear target attribute states for nitrogen and phosphorus, and any heavy metals that might be part of toxic waste from mining proposals, that protect ecosystem health (not just 'toxicity'); and connecting these to limits on resource use. It appears these are missing from the draft plan and this gap needs to be addressed.
ii.Providing for Te Mana o te Wai throughout the plan.

b.Protecting the health of groundwater for human drinking and ecosystem health by:
i.Including a target attribute state for nitrate-nitrogen in groundwater with a target of less than 1.0 mg/L nitrate-nitrogen.

c.Protecting erosion prone land through:
i.new rules limiting vegetation clearance, land preparation and earthworks in areas of high erosion risk, with tighter controls applied to these activities in areas with severe erosion risk.
ii.new rules requiring stock to be excluded from areas of both high and severe erosion risk.

d.Keeping stock out of waterways with
i.rules for streams in steeper areas,
ii.large enough setbacks (>10m) to provide enough space for riparian vegetation to establish around waterways, to allow rivers and streams to naturally adjust through erosion over time, and to provide space for rivers to dissipate flood energy without eroding fences or causing problems downstream

e.Eliminating and reducing discharges by:
i.Requiring consent for dairy effluent discharges to land
ii.Prohibiting new farm dairy effluent discharge to water and introducing stricter requirements for renewal of existing consents.
iii.Prohibiting new wastewater treatment plant discharges to water and introducing stricter requirements for renewal of existing consents.
iv.Prohibiting domestic wastewater discharges to waterways
v.Prohibiting any toxic waste from mining activities into waterways above and below ground

f.Protecting wetlands by
i.Prohibiting wetland drainage and clearance
ii.Requiring stock exclusion from wetlands
iii.Adding policies to the plan that would encourage wetland restoration
iv.Mapping and monitoring wetland extent
v.Introducing a measure of wetland condition using a tool like the wetland condition index (as recommended by the Government's Science and Technical Advisory Group on the NPS-FM)

g.Controlling exotic forestry by:
i.Requiring larger setbacks for exotic carbon and plantation forestry from waterways.
ii.Requiring resource consent for plantation forestry and exotic carbon forests in high-value dune lake catchments.
iii.Prohibiting clear-felling of forestry in high-risk or steep areas

h.Expanding requirements for assessing impacts on cultural values by
i.Adding requirements for resource consent applicants to assess cultural impacts that affect tangata whenua values for freshwater.

i.Phasing out and preventing over-allocation of water by
i.Using short-term consents of < 10 years for all water takes, unless for municipal/papakainga/marae supply
ii.Prohibiting water takes above environmental flows and levels
iii.Ensuring consent expiration dates are aligned across a catchment
iv.Setting aside a portion of unallocated water (provided it is within environmental limits) to be used for environmental enhancement.

j.Addressing nutrient pollution from agriculture by
i.Having a robust allocation system for nutrient leaching, which should include things like limits on fertiliser use and stocking rates in degraded catchments.

k.Promoting nature-based solutions by
i.Including policy prioritises nature-based solutions over engineered solutions when making decisions on flood protection.
ii.Including policy protecting the ability of existing wetlands, native forests, and rivers/floodplains to naturally mitigate extreme weather

	l.Improving the management of the natural character and habitat of our rivers by i.Increasing the regulation of activities in the beds of rivers, such as gravel extraction ii.Requiring regular monitoring and reporting of natural character and physical habitat in rivers iii.Including target attribute states for natural character and physical habitat in rivers m.Protecting coastal water and water in 'receiving environments' by: i.Protecting and restoring catchments upstream to improve water quality ii.Including target attributes for water quality in estuaries and coastal areas 12.Thankyou for the opportunity to make this submission. I look forward to the progression of the plan to notification and the improvements in water quality it can bring when implemented. 13.Nga Mihinui
How did you find out about this:	• Social media • Website alerts service • Word of mouth
Keep me updated:	Yes, please keep me updated about the draft Freshwater Plan Change
Last Update	2024-03-30 09:11:53
Start Time	2024-03-30 08:48:29
Finish Time	2024-03-30 09:11:53

From:	Tame Te Rangi
To:	Freshwater
Cc:	Tame Te Rangi | Ngati Whatua
Subject:	240323 - NRC PLAN CHANGE & LTP
Date:	Saturday, 23 March 2024 1:34:27 pm
Attachments:	240323 FW PLAN CHANGE & LTP Draft Subm Deadline 31 Mar 24 V 2.docx

TO WHOM IT MAY CONCERN

Tēnā koē – plēāsē find āttāchēd our submission for considērātion. Tāmē Tē Rāngi

Email to: freshwater@nrc.govt.nz

Northland Regional Council Draft Freshwater Plan

Kia hora tonu ngā aronga matua ki te wāhi ngaro i tohua ai ko te pūtake o ngā aronga katoa kei taua wāhi. Kia whai ake hoki ki ngā kupu maioha mō rātou kua okioki – kāti, kia huri kau ake.

To whom it may concern

This submission is made on behalf of our hapū of Ngāti Whakamau with our land interests located on the west bank of the Mangakāhia River @ Pakotai. As rate-paying, Tai Tokerau residents, we have grave concerns about the poor health of freshwater and the urgent need for us all to treat this taonga with the respect it so richly deserves. We seek serious consideration of any due action to ensure that the 2024 proposed freshwater plan changes as well as the provisions proposed in the Long Term Plan, uphold te mauri o te wai, as a matter of urgency and priority. This first step aligns with the notions associated with the *rejuvenated* reference for te mana o te wai as provisions within freshwater plans across the nation.

We would also suggest a consideration within the draft plan changes and action plans for the collaborative effectiveness and efficiencies of local, at-source, involvement of rate-payers. Key aspects include, but are not limited to the following:

1. Te mauri o te wai is fundamental and central to improving water quality – we all need healthy water for healthy lives for sustainable livelihoods.
2. Supporting hau kāinga and communities to undertake actions on the ground – NRC's focus has to be on enabling community-based action that results in long-term environmental gains and promotes sustainable livelihoods.
3. Hau kāinga have been managing wai and whenua, based on kōrero tuku iho, tikanga, & kaupapa – NRC should support kaitiaki at-source not creating barriers through policy and regulatory implementation.
4. We need an adaptive approach to how we treat wai Māori at source. The reference to mauri o te wai is a prerequisite to the sustainable livelihoods referred to earlier. Land use decision-making needs to be refreshed along with a refresh of the NRC role to support to enable landowners to use their lands in ways that result in improvements to wai Māori.
5. It is not acceptable nor is it sustainable to continue enabling land uses that result in declining freshwater health. Setbacks and stock exclusion policies should accompany NRC support to landowners to sustain alternative livelihoods

from riparian margins, particularly on highly erodible land that results in measurable environmental improvement.

6. NRC budget allocation must consider the service delivery model conducive to a more effective and efficient outcome for managing freshwater.
7. The freshwater plan change and action plan needs to focus on transgenerational environmental gains. The options to empower local communities to improve freshwater health as well as the associated ecosystems must feature at the top of the priority action plans. Freshwater health and well-being must be foremost in all NRC's planning and decision-making within our collective ability to sustain livelihoods.
8. Due consideration of ways in which water wastage can be reduced, along with alternatives that will reduce demand for freshwater extraction must move beyond the existing *first come first served* approach must be explored and implemented.
9. NRC needs to demonstrate within policy development and implementation a commensurate with taking its Te Tiriti partnership roles and responsibilities seriously including the recognition of He Whakaputanga along with the findings of the Waitangi Tribunal relating to freshwater.

Kāti ki konei,

Tame Te Rangi

tame.terangi@ngatiwhatua.iwi.nz

027 470 2921

From:	noreply@fs17.formsite.com on behalf of Formsite
To:	Freshwater
Subject:	draft Freshwater Plan Change feedback from: Hone Waiomio
Date:	Sunday, 31 March 2024 4:39:42 pm

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Hone
Last name:	Waiomio
Organisation:	Akerama Ruapekapeka Maori Committee
Mailing address:	Towai
Email:	akeramaruapekapekamc.ttdmc@gmail.com
Phone:	-
Topics for feedback:	• The vision, objectives and/or targets for our freshwater future • Managing highly-erodible land • Eliminating discharges to water • Managing exotic forests • Managing impacts on tangata whenua values • Stock exclusion – distance from waterways • Stock exclusion – highly-erodible land • Timeframes for stock exclusion rules • Managing water allocation • Enabling tangata whenua to practice as kaitiaki for wai • Support and funding for efforts to improve freshwater • Something else (please specify below) (No Toxic or Gold Mining of Puhipuhi, Whakapara)
Tell us what you think:	Our Akerama Ruapekapeka Maori Committee would like to show that we are maori and community of interest for all areas of significant in our defined area under the Maori Community Development Act 1962. 1. We would like to commend NRC on reaching this draft stage of plan development. The framework you have developed provides a solid base for amendment to effectively address water quality issues we have in Te Tai Tokerau, not just to give effect to the NPS-FM (2020) and Te Mana o te Wai. This plan change represents an aspiration to ensure our tamariki, mokopuna, and future generations can swim in our rives and access safe drinking water, while providing for themselves and any options for how they live with our rivers, lakes, wetlands, and land in the future. This plan change is important to our maori and community

because what you do to the land, and what you do to the water, you do to our people.

2. We generally supportive of the draft plan change, particularly the incorporation of objectives and policies relating to Te Mana o te Wai (such as Objective 3.16 Te Mana me te Mauri o te Wai). I strongly support the retention of Te Mana o te Wai in the plan.

3. Our primary interest in freshwater in Northland is as tangata mana whenua, kaitiaki, fisher, swimmer, and we value the health of our rivers and streams, groundwater, and wetlands and the life-supporting services they provide, as well as their overriding cultural value, and our tino rangatiratanga over our Wai Maori - our water - which is protected as taonga and enshrined by the terms of Te Tiriti o Waitangi. We also value the coastal areas where these waterways flow to, which are obvious 'receiving environments' for water from upstream in the catchment.

4. The water bodies and coastal environments that we interact most with and am most concerned with:
(a) The River and all its tributaries;
(b) All of the puna and awa - springs and streams,
(c) All of the lakes
(d) All of the rivers
(e) All of the wetlands,
(f) All of the springs and aquifers,
(g) All of the estuaries
(h) All of the beds and the banks of the rivers, lakes, streams, wetlands, and estuaries

5. Primarily we value the water quality values of these areas for protecting the safety of our drinking water, as our tupuna did. Also vitally important in ensuring the safety of our kai, and the environment where we enjoy contact recreation such as swimming and diving (and ecosystem health by association – as healthy ecosystems support better water quality for contact, such as by limiting algal growth and particularly toxic algal growth.

6. The natural and wildlife values of these areas are also important to me because this is where our people commune with our environment, and this is every bit as much of a "holy" communion as the colonial practises of "holy communion" - these places are our 'holy' places. The birds, the fish, the eels, the insects, the trees and plants, all have deep intrinsic value to us and all of them are sustained on a fundamental level by water, and vitally reliant on the quality of that water to sustain life.

7. We would like Northland Regional Council to do as much as it can to protect and restore te Mana o te Wai and to achieve and maintain optimum ecosystem health in these areas, and across the region generally.

Key Issues:

8. Key issues for us across Northland include water quality (particularly e. coli, sediment, algal growth/periphyton, potential toxic waste from mining activities, and ecosystem health); amenity values/drinking water; contact recreation; and natural form and character. We see sediment flowing into our waterways uncontrolled and unmitigated by local bodies, we experience flooding frequently, and damage to roads and other infrastructure caused by run off and flooding. We frequently experience toxic algal blooms in our rohe (area) that poison our kai and our wai Maori - drinking water - and prevent us from practising our traditional cultural activities - swimming, diving, and travelling on rivers and waterways. We now have caulerpa in our inshore waters, and a number of invasive foreign species that have made their way past our border controls and governance and management bodies.

9. We support having strong regulatory measures in the plan to address these issues.

10. To address freshwater issues, we would like to see Northland Regional Council:
a. Protect and provide for ecosystem health by
i. Including clear target attribute states for nitrogen and phosphorus, and any heavy metals that might be part of toxic waste from mining proposals, that protect
ecosystem health (not just 'toxicity'); and connecting these to limits on resource use. It appears these are missing from the draft plan and this gap needs to be addressed.
ii. Providing for Te Mana o te Wai throughout the plan.

b. Protecting the health of groundwater for human drinking and ecosystem health by: i. Including a target attribute state for nitrate-nitrogen in groundwater with a target of less than 1.0 mg/L nitrate-nitrogen.

c. Protecting erosion prone land through:
i. new rules limiting vegetation clearance, land preparation and earthworks in areas of high erosion risk, with tighter controls applied to these activities in areas with severe erosion risk.
ii. new rules requiring stock to be excluded from areas of both high and severe erosion risk.

d. Keeping stock out of waterways with
i. rules for streams in steeper areas,
ii. large enough setbacks (>10m) to provide enough space for riparian vegetation to establish around waterways, to allow rivers and streams to naturally adjust through erosion over time, and to provide space for rivers to dissipate flood energy without eroding fences or causing problems downstream

e. Eliminating and reducing discharges by:
i. Requiring consent for dairy effluent discharges to land
ii. Prohibiting new farm dairy effluent discharge to water and introducing stricter

requirements for renewal of existing consents.
iii. Prohibiting new wastewater treatment plant discharges to water and introducing stricter requirements for renewal of existing consents.
iv. Prohibiting domestic wastewater discharges to waterways
v. Prohibiting any toxic waste from mining activities into waterways above and below ground

f. Protecting wetlands by
i. Prohibiting wetland drainage and clearance
ii. Requiring stock exclusion from wetlands
iii. Adding policies to the plan that would encourage wetland restoration
iv. Mapping and monitoring wetland extent
v. Introducing a measure of wetland condition using a tool like the wetland condition index (as recommended by the Government's Science and Technical Advisory Group on the NPS-FM)

g. Controlling exotic forestry by:
i. Requiring larger setbacks for exotic carbon and plantation forestry from waterways. ii. Requiring resource consent for plantation forestry and exotic carbon forests in high-value dune lake catchments.
iii. Prohibiting clear-felling of forestry in high-risk or steep areas

h. Expanding requirements for assessing impacts on cultural values by
i. Adding requirements for resource consent applicants to assess cultural impacts that affect tangata whenua values for freshwater.

i. Phasing out and preventing over-allocation of water by
i. Using short-term consents of < 10 years for all water takes, unless for municipal/papakainga/marae supply
ii. Prohibiting water takes above environmental flows and levels
iii. Ensuring consent expiration dates are aligned across a catchment
iv. Setting aside a portion of unallocated water (provided it is within environmental limits) to be used for environmental enhancement.

j. Addressing nutrient pollution from agriculture by
i. Having a robust allocation system for nutrient leaching, which should include things like limits on fertiliser use and stocking rates in degraded catchments.

k. Promoting nature-based solutions by
i. Including policy prioritises nature-based solutions over engineered solutions when making decisions on flood protection.
ii. Including policy protecting the ability of existing wetlands, native forests, and rivers/floodplains to naturally mitigate extreme weather

	l. Improving the management of the natural character and habitat of our rivers by i. Increasing the regulation of activities in the beds of rivers, such as gravel extraction ii. Requiring regular monitoring and reporting of natural character and physical habitat in rivers iii. Including target attribute states for natural character and physical habitat in rivers m. Protecting coastal water and water in 'receiving environments' by: i. Protecting and restoring catchments upstream to improve water quality ii. Including target attributes for water quality in estuaries and coastal areas iii. Responding promptly and effectively to reports of pollution, contamination, invasive species, etc. iv. Ensuring that water in our waterways is maintained at a drinkable standard, and publishing full results of monthly testing on NRC website n. Honour Te Tiriti o Waitangi by: i. Consulting fully with the local hapu and Maori Associations, including primarily the Akerama Ruapekapeka Maori Committee regarding all issues that affect our rohe - our area of jurisdiction, and our catchment area. ii. Establish and support systems based on tino rangatiratanga Maori, and work with and collaborate with Akerama Ruapekapeka Maori Committee to enact and implement these systems. Thank you for the opportunity to make this submission. We look forward to the progression of the plan to notification and the improvements in water quality it can bring when implemented.
How did you find out about this:	• Social media • Word of mouth • Other (please specify below) (Te Tai Tokerau District Maori Council - Maori Committees - Environmental Working Group)
Keep me updated:	Yes, please keep me updated about the draft Freshwater Plan Change
Last Update	2024-03-31 16:39:28
Start Time	2024-03-31 16:34:19
Finish Time	2024-03-31 16:39:28

From:	noreply@fs17.formsite.com on behalf of Formsite
To:	Freshwater
Subject:	draft Freshwater Plan Change feedback from: Jeanette Walters
Date:	Sunday, 31 March 2024 5:08:32 pm

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Jeanette
Last name:	Walters
Organisation:	Whananaki Maori Committee, Whangarei Tribal Area, Te Tai Tokerau District Maori Council. NZMC
Mailing address:	Whananaki
Email:	whananakimaoricommittee@gmail.com
Phone:	-
Topics for feedback:	• The vision, objectives and/or targets for our freshwater future • Managing highly-erodible land • Eliminating discharges to water • Managing exotic forests • Managing impacts on tangata whenua values • Stock exclusion – distance from waterways • Stock exclusion – highly-erodible land • Timeframes for stock exclusion rules • Managing water allocation • Enabling tangata whenua to practice as kaitiaki for wai • Support and funding for efforts to improve freshwater • Something else (please specify below) (No Toxic or Gold Mining of Puhipuhi, Whakapara)
Tell us what you think:	Our Whananaki Maori Committee would like to show that we are maori and community of interest for all areas of significant in our defined area under the Maori Community Development Act 1962. We are concerned about the fast tracking of RMA and the Marine Farms permits being automatically renewed for 25 years with no consultation or review. 1. Whananaki Maori Committee would like to commend NRC on reaching this draft stage of plan development. The framework you have developed provides a solid base for amendment to effectively address water quality issues we have in Te Tai Tokerau, not just to give effect to the NPS-FM (2020) and Te Mana o te Wai. This plan change represents an aspiration to

ensure our tamariki, mokopuna, and future generations can swim in our rives and access safe drinking water, while providing for themselves and any options for how they live with our rivers, lakes, wetlands, and land in the future. This plan change is important to our maori and community because what you do to the land, and what you do to the water, you do to our people.

2. We generally supportive of the draft plan change, particularly the incorporation of objectives and policies relating to Te Mana o te Wai (such as Objective 3.16 Te Mana me te Mauri o te Wai). I strongly support the retention of Te Mana o te Wai in the plan.

3. Our primary interest in freshwater in Northland is as tangata mana whenua, kaitiaki, fisher, swimmer, and we value the health of our rivers and streams, groundwater, and wetlands and the life-supporting services they provide, as well as their overriding cultural value, and our tino rangatiratanga over our Wai Maori - our water - which is protected as taonga and enshrined by the terms of Te Tiriti o Waitangi. We also value the coastal areas where these waterways flow to, which are obvious 'receiving environments' for water from upstream in the catchment.

Ngararatunua Kamo Maori Committee protects Lake Ora Natural Springs in Te Kamo. We also want to protect all wai flowing through all the waterways that our tupuna protected for generations before us.

4. The water bodies and coastal environments that we interact most with and am most concerned with:
(a) The River and all its tributaries;
(b) All of the puna and awa - springs and streams,
(c) All of the lakes
(d) All of the rivers
(e) All of the wetlands,
(f) All of the springs and aquifers,
(g) All of the estuaries
(h) All of the beds and the banks of the rivers, lakes, streams, wetlands, and estuaries

5. Primarily we value the water quality values of these areas for protecting the safety of our drinking water, as our tupuna did. Also vitally important in ensuring the safety of our kai, and the environment where we enjoy contact recreation such as swimming and diving (and ecosystem health by association – as healthy ecosystems support better water quality for contact, such as by limiting algal growth and particularly toxic algal growth.

6. The natural and wildlife values of these areas are also important to me because this is where our people commune with our environment, and this is every bit as much of a "holy" communion as the colonial practises of "holy communion" - these places are our 'holy' places. The birds, the fish, the eels, the insects, the trees and plants, all have deep intrinsic value to us and all of them are sustained on a fundamental level by water, and

vitally reliant on the quality of that water to sustain life.

7. We would like Northland Regional Council to do as much as it can to protect and restore te Mana o te Wai and to achieve and maintain optimum ecosystem health in these areas, and across the region generally.

Key Issues:

8. Key issues for us across Northland include water quality (particularly e. coli, sediment, algal growth/periphyton, potential toxic waste from mining activities, and ecosystem health); amenity values/drinking water; contact recreation; and natural form and character. We see sediment flowing into our waterways uncontrolled and unmitigated by local bodies, we experience flooding frequently, and damage to roads and other infrastructure caused by run off and flooding. We frequently experience toxic algal blooms in our rohe (area) that poison our kai and our wai Maori - drinking water - and prevent us from practising our traditional cultural activities - swimming, diving, and travelling on rivers and waterways. We now have caulerpa in our inshore waters, and a number of invasive foreign species that have made their way past our border controls and governance and management bodies.
9. I support having strong regulatory measures in the plan to address these issues.

10. To address freshwater issues, I would like to see Northland Regional Council:
a. Protect and provide for ecosystem health by
i. Including clear target attribute states for nitrogen and phosphorus, and any heavy metals that might be part of toxic waste from mining proposals, that protect ecosystem health (not just 'toxicity'); and connecting these to limits on resource use. It appears these are missing from the draft plan and this gap needs to be addressed.
ii. Providing for Te Mana o te Wai throughout the plan.

b. Protecting the health of groundwater for human drinking and ecosystem health by: i. Including a target attribute state for nitrate-nitrogen in groundwater with a target of less than 1.0 mg/L nitrate-nitrogen.

c. Protecting erosion prone land through:
i. new rules limiting vegetation clearance, land preparation and earthworks in areas of high erosion risk, with tighter controls applied to these activities in areas with severe erosion risk.
ii. new rules requiring stock to be excluded from areas of both high and severe erosion risk.

d. Keeping stock out of waterways with
i. rules for streams in steeper areas,
ii. large enough setbacks (>10m) to provide enough space for riparian vegetation to establish around waterways, to allow rivers

and streams to naturally adjust through erosion over time, and to provide space for rivers to dissipate flood energy without eroding fences or causing problems downstream

e. Eliminating and reducing discharges by:
i. Requiring consent for dairy effluent discharges to land
ii. Prohibiting new farm dairy effluent discharge to water and introducing stricter
requirements for renewal of existing consents.
iii. Prohibiting new wastewater treatment plant discharges to water and introducing stricter requirements for renewal of existing consents.
iv. Prohibiting domestic wastewater discharges to waterways
v. Prohibiting any toxic waste from mining activities into waterways above and below ground

f. Protecting wetlands by
i. Prohibiting wetland drainage and clearance
ii. Requiring stock exclusion from wetlands
iii. Adding policies to the plan that would encourage wetland restoration
iv. Mapping and monitoring wetland extent
v. Introducing a measure of wetland condition using a tool like the wetland condition index (as recommended by the Government's Science and Technical Advisory Group on the NPS-FM)

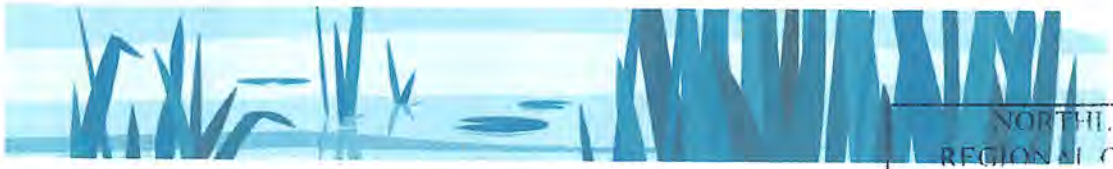
g. Controlling exotic forestry by:
i. Requiring larger setbacks for exotic carbon and plantation forestry from waterways. ii. Requiring resource consent for plantation forestry and exotic carbon forests in
high-value dune lake catchments.
iii. Prohibiting clear-felling of forestry in high-risk or steep areas

h. Expanding requirements for assessing impacts on cultural values by
i. Adding requirements for resource consent applicants to assess cultural impacts that affect tangata whenua values for freshwater.

i. Phasing out and preventing over-allocation of water by
i. Using short-term consents of < 10 years for all water takes, unless for
municipal/papakainga/marae supply
ii. Prohibiting water takes above environmental flows and levels
iii. Ensuring consent expiration dates are aligned across a catchment
iv. Setting aside a portion of unallocated water (provided it is within environmental limits) to be used for environmental enhancement.

j. Addressing nutrient pollution from agriculture by
i. Having a robust allocation system for nutrient leaching, which should include things like limits on fertiliser use and stocking rates in degraded catchments.

	k. Promoting nature-based solutions by i. Including policy prioritises nature-based solutions over engineered solutions when making decisions on flood protection. ii. Including policy protecting the ability of existing wetlands, native forests, and rivers/floodplains to naturally mitigate extreme weather l. Improving the management of the natural character and habitat of our rivers by i. Increasing the regulation of activities in the beds of rivers, such as gravel extraction ii. Requiring regular monitoring and reporting of natural character and physical habitat in rivers iii. Including target attribute states for natural character and physical habitat in rivers m. Protecting coastal water and water in 'receiving environments' by: i. Protecting and restoring catchments upstream to improve water quality ii. Including target attributes for water quality in estuaries and coastal areas iii. Responding promptly and effectively to reports of pollution, contamination, invasive species, etc. iv. Ensuring that water in our waterways is maintained at a drinkable standard, and publishing full results of monthly testing on NRC website n. Honour Te Tiriti o Waitangi by: i. Consulting fully with the local hapu and Maori Associations, including primarily the Whananaki Maori Committee regarding all issues that affect our rohe - our area of jurisdiction, and our catchment area. ii. Establish and support systems based on tino rangatiratanga Maori, and work with and collaborate with Whananaki Maori Committee to enact and implement these systems. Thank you for the opportunity to make this submission. We look forward to the progression of the plan to notification and the improvements in water quality it can bring when implemented.
How did you find out about this:	• Sector group • Word of mouth • Other (please specify below) (Te Tai Tokerau District Maori Council - Maori Committees - Environmental Working Group)
Keep me updated:	Yes, please keep me updated about the draft Freshwater Plan Change
Last Update	2024-03-31 17:08:20
Start Time	2024-03-31 17:04:02



Draft Freshwater Plan Change

We welcome your feedback on anything in our draft Freshwater Plan Change. To learn about the changes being considered, visit: wai-it-matters.nz

The closing date for feedback is 5:00pm Sunday, 31 March 2024

Privacy Statement: Please be aware that your feedback may be made public, including the name and contact details you provide. All feedback received will be assessed and summarised for use in preparing the proposed plan change, which will be publicly notified in late 2024.

Contact information

Please provide your name and at least **one other** piece of contact information.

First name/s: *

John and Jenny

Last name: *

Waterhouse

Organisation (if giving feedback on behalf):

Mailing address:

[redacted]

Email:

[redacted]

Phone:

[redacted]

Feedback topics

What topics do you want to provide feedback on?
Select as many as you want *

- ☐ The vision, objectives and/or targets for our freshwater future
- ☑ Managing highly-erodible land
- ☐ Eliminating discharges to water
- ☐ Managing exotic forests
- ☐ Managing impacts on tāngata whenua values

420

- [x] Stock exclusion – distance from waterways
- [x] Stock exclusion – highly-erodible land
- [ ] Timeframes for stock exclusion rules
- [ ] Managing water allocation
- [ ] Enabling tāngata whenua to practice as kaitiaki for wai
- [x] Support and funding for efforts to improve freshwater
- [ ] Something else (please specify below)

Tell us what you think

Please provide your thoughts and comments on anything in the draft Freshwater Plan Change: *

1-Farms need to be individually assessed and governed by NRC
2-Tiaki Enviromental Assessment should be a starting point. And used by NRC
3-Slope map is not accurate. Soil types, natural barriers, and man made barriers are not visable on the slope map.
4- Our farm has 10 kms of river frontage and 22 internal drains. All fenced and stock excluded
5- A 3 mt setback is actually 6 mts. Drains have 2 sides.This setback will result in a substancal loss of farmland.
6- To replace existing fencing with a new setback will take considerable time and cost alot of money.
7- If the intended resource consents, severe setbacks, and blanket slope management become mandatory we will have no alternative but to cease farming
8- To retain our land we must generate an income
9- Exotic pine trees will be our only alternative.
10- This farm will lose 3 fulltime employees .
11- This farm will not put $944,000 into the Northland Economy each year
12- The financial loss will affect alot of people. It filters out to the suppliers, or supplies that the businesses need. If we go out of business so will many more farms around Northland. It will have a big affect on this provence.
13- Riparian plantings are only marginally successful. Flooding, wet winters and dry summers kill alot of plants .
14- Septic tanks should be mandatory in rural locations.
15- Relying on Resourse Consents to administer the new rules and regulations will not work. NRC workloads are going to increase regardless. Why not make it a 1 on 1 journey with the land owners.

File upload

If you have more to say, feel free to upload further feedback here. Maximum file size is 5MB: ⓘ

Browse... No file selected.

How did you find out about this feedback opportunity?

Please tell us how you found out about this:

- [ ] Social media
- [ ] Radio
- [ ] Newspaper
- [ ] Email from us
- [ ] Letter from us

- [ ] Website alerts service
- [ ] Sector group
- [ ] Word of mouth
- [x] Other (please specify below)

public consultation meetign Poriti

Keep me updated:

- [x] Yes, please keep me updated about the draft Freshwater Plan Change

Submit

SUBMISSION ON THE PROPOSED DRAFT FRESHWATER PLAN CHANGE

JOHN AND JENNY WATERHOUSE

[redacted]

Fonterra Supplier 1/3429

We wish to convey our deep concerns for the generalized regulations being proposed.

- It does not take into consideration individual circumstances, and the environmental measures that have been actioned already. Or could be actioned without a resource consent.
- Our farm has multiple soil types that include clay, volcanic, rock, and alluvial flats. This property has a flexibility ,others do not have.
- In NZ, Northland is renowned to have variable soil types. And provides a better compatibility with agriculture. Especially for effluent disposal.
- We border 10 kms of rivers. Both the Mangakahia and Wairua are fenced at bank level. The fences are placed for minimal flood damage.
- The farm is a plateau of good dairy land with sidling's that lead down to river flats. The cowshed, houses etc are all on the top plateau and are away from rivers and waterways.
- The sidling's are for youngstock grazing and although sloped have a considerable natural buffer before any waterway
- We have 22 drains through our property. These are double fenced. Only 1 of these drains flows consistently. Even if it is just a trickle in summer. With one being 1 ½ kms long.
  21 are dry at least 4-6 months of the year.
- We have had stock exclusion from waterways for 10 or more years.
- 3mt set back for drains is actually 6 mts. Drains have 2 sides
  It does not sound much a 3 mt set back, but its 6 mts beside 22 drains
  A 10 mt set back will severally impact our milking plateau.
  Either setback will result in considerable loss of arable property.
- Refencing 22 drains. The distance is considerable. It will take time and cost a fortune
- Refencing the10 kms of riverbank. Again, astronomical cost and time.
- Refencing our existing wetlands again time and cost

- Our septic tanks do not flow into waterways. On Tokiri road there are no houses beside a drain, river, or stormwater path. There is no way septic tanks flow into a water way. We routinely empty 5 septic tanks.
- Tokiri road has numerous dwellings with no septic tanks. As Iwi have come back to their land, especially after covid.
- NRC should be more concerned that all rural dwellings have a septic tank. This is beneficial for the health of the inhabitants and land
- Riparian plantings are difficult to establish
- The riverbanks and big stream areas flood
- Floods demolishes native planting. Native plantings cannot tolerate the force of water during flooding. Let alone being submerged. From experience the only successful river bank plantings are poplar. Poplars are now deemed problematic. But they certainly reduced the erosion around our rivers. We have planted river bends that were eroding and they have stabilised well.
- Riparian plantings along drains/ gully's are difficult to establish. The wet northland winters and drought summers kill most plants. Even with multiple releasing, staking, and watering only ¼ live.
- Under the proposal we would require 4 resource consents. This will make an enormous workload for IWI, NRC, and us. Plus, a cost of $100,000.
- This farm supports 4 families. It houses 3 families. And it provides a cashflow for numerous businesses in the northland area.
- This farm pays rates of $16,000. And the 4 families would average $320,000 taxable income. Both providing local and national revenue
- **There will be a serious financial impact for employees and northland businesses if our farming operation is scaled down or stops.**
- Where is the compensation for the loss of productive land?
  Our land will reduce in size and devalue.
  At a stroke of a pen, we will lose equity, income and incur expenses that will result in us having to stop operating as a dairy unit.

TOKIRI ROAD - PAST AND PRESENT

Tokiri Road is 8 kms long. 40 years ago it had 10 dairy farms, and 1 beef unit.

1 @250 cows

2 @ 220 cows

1 @180 cows

2 @ 120 cows

2 @ 100 cows

2 @ 80 cows

A Dry stock unit of 40 HA **a total of 1470 milking cows**

Tokiri Road today –

The 10 farms are now amalgamated to 3 dairy farms. Same area being used.

1@550 cows

1@430 cows

1@360 cows **Animal numbers have reduced to 1340 milking cows.**

There are now 26 new houses on live style blocks.

These blocks are totally unregulated

Plus, numerous unconsented housing on IWI land

Our farm is 211 ha with 179 effective.

- **30 ha being for youngstock grazing.**
- **Additional 40 ha neighbouring Māori lease block for youngstock**

We milk 360 mixed breed dairy cows. We are a self -contained farm

Production will average 118,000 kgs. It is farmed on a 2-3 system

Our farming operation is similar to the other 2 farms on Tokiri Road.

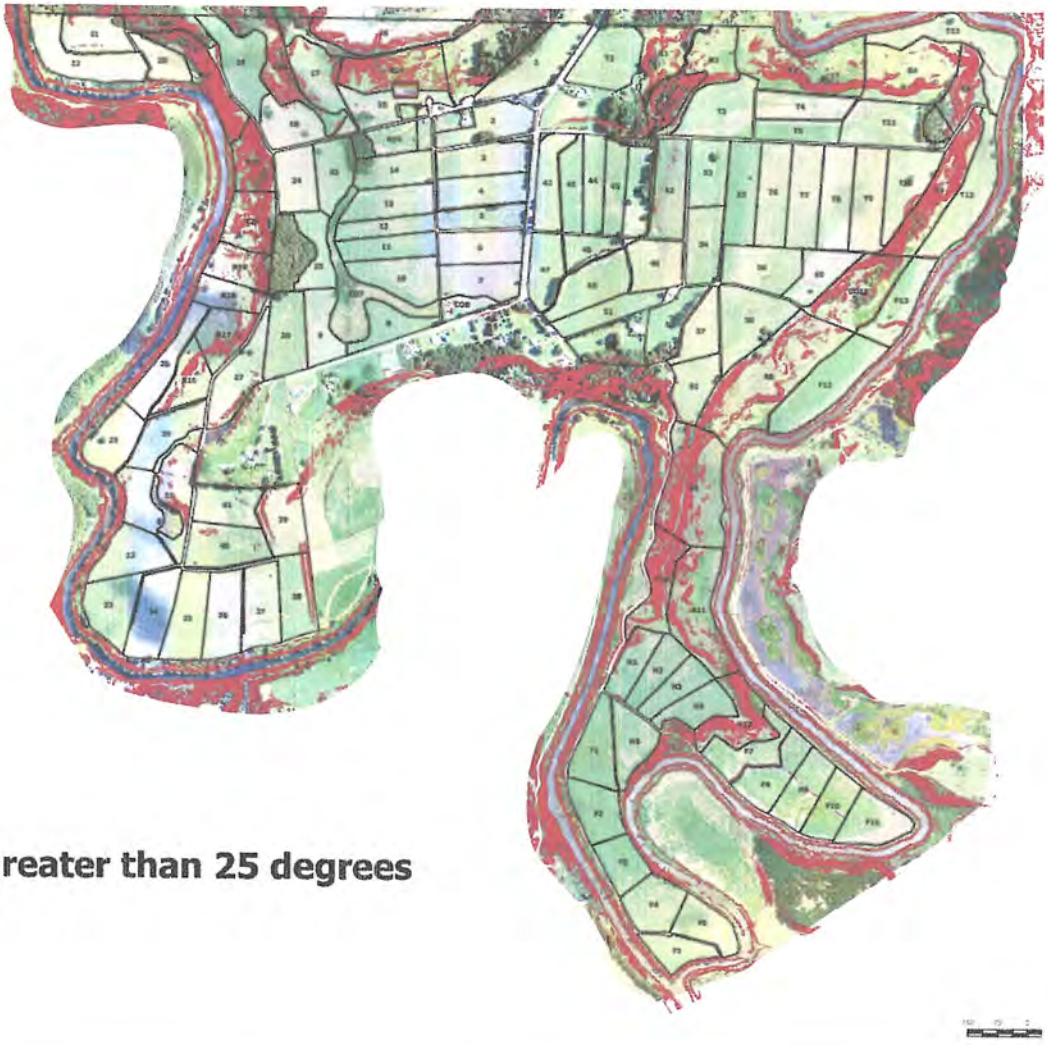
Usual operations include.

- Effluent management- irrigators to land. Pond sludge pumped
- Riverbanks and water ways fenced off. Most done 12 years ago
- Reduced crop tillage
- Riverbank stabilisation planting- poplars
- Strategic fencing and native planting of waterways
- Two council monitored fenced wetlands doing well.
- Best practise of not spraying drains edges, protecting the bank from erosion. Drain cleaning only when drains non -running.
- 6 blocks of native bush fenced off
- Minimal strategic fertiliser applied on non-irrigated areas -as per soil test and advise.
- Capped nitrogen use. Applied strategically.
- Spot spray weeds only
- Farm rubbish recycling. All plastics soft and hard with accredited operators.
- Water conservation- shed stormwater captured.
- Recycling wash water for shed hosing
- Animal welfare plan audited annually
- Employment Federate farmers conditions of employment.
- Houses meet all rental requirements
- Proactive OSH
- R@M to a high standard

Our farming is light years away from farming 10 years ago, 20 years ago, and unimaginable 40 years ago.

There is always room for improvement and knowledge to be gained. But not in such an abrupt and extensive way that is being proposed.

J & J Waterhouse Slope Map



Slope is greater than 25 degrees

Our farm is a plateau surrounded by sidling's that fall to river flats. We have a river each side of the farm that converges to form the Northern Wairoa River.

Soil types vary paddock to paddock from volcanic, clay, mixed types, solid rock, and river silt. This variation in soil type allows us to farm according to the weather and reduces impact during adverse times.

Most hilly areas have either a natural barrier from the waterways . Or else fenced and planted. Some of the red areas are stone cliffs.

This map does not represent our farming operation or land use. It looks horrendous on the map but in fact only a couple of areas need addressing.

Our farm must be viewed and assessed area by area.

FINANCIAL IMPACT

Fonterra- tankers, Kauri Factory etc	Kensington Refrigeration cowshed
Northland Vetinary vets	K E Electrical domestic
Norwoods tractor	J Bazil- painting
Powerfarming tractor	ITM general supplies
RAC- contractor silage/hay etc	G Cochrane plaster
VCon contractor grassing/crops	Gate way signs signage
United Metal racing	Farmbike service's farm bike
Rothbury insurance	COSCA accountant
FMI insurance	Thomson Wilson legal
Paul Neuman effluent spreader	Colin Gibson plumber
Pacific Moror Group vehicles	Farmlands general supplies
Northland Seeds & Supplies crop/grass	Cates digger, metal,cartage
Northland Farm Services cowshed plant, water	Arnold Franks general supplies
Northland Haulage cartage	Fencing Services electric fencing
MTL cartage & supplies	Paiko Tractors tractor
MC Lean Spraying cropping etc	Agri Spraying North pest spraying
McClean Spreading fertiliser	AgriFirst farm advisory
K Trumper farm electrical prob	Ag Earth vehicles
NRC compliance	NMI shed repairs
Udder testing milking machine	Carters tyres
RD1 supplies	Affco meatworks
Balance Fertiliser	

A lot of the above businesses transact with us monthly

What you are not seeing is the supplies and services that these businesses use to provide their product/ service. It is a ripple affect that goes deeper than just the service to a vehicle or repair on the farm

For example, $10,000 worth of regrassing starts in Canterbury with it being, prepared, grown, harvested, processed. Distributed. Our paddocks being sprayed, grassed, baited, and weed sprayed. Then fertilised. At least 12 businesses are involved with this simple annual operation.

Going out of agriculture on this property will take away substantial income from every business above except rates and insurance.

4 employees will be out of work.

SUMMARY

- I would suggest that the Taiki Farm Environment Plan is an ideal tool that can be used going forward. There needs to be individual assessments and governance 1 on 1. It is an ideal tool that is already in place. It is shortsighted not to use this evaluation. It is a working document and could be far more useful than turning all the issues into resource consents.

- During your NRC community consultation, the NRC have said they do not have the personnel to assess every farm and would not use this environmental plan. The farming operations will be governed by the Resource Consent s, with IWI evaluation and permission. Your departments workload is about to go through the roof regardless.

  Why can't you go down a more practical road and use Taiki?

To summarize our only option to continue owning this property would be -

Pine trees

Pine trees will be the only long-term alternative for this farm. Once planted there will be no money spent in Northland

We will not be planting native- as it is difficult to establish , costly, and has no financial return

From:	Michael Winch
To:	Freshwater
Subject:	Draft Freshwater Plan Change
Date:	Wednesday, 20 March 2024 11:25:00 am
Attachments:	Feedback-Draft-Northland-Freshwater-Plan M Winch.docx

Attached is my submission on the draft Freshwater Plan Change.
Regards
Michael Winch

Feedback form

Draft Freshwater Plan Change

The closing date for feedback is **5pm, 31 March 2024**

We welcome your feedback on anything in our draft Freshwater Plan Change. To learn about the changes being considered, visit www.wai-it-matters.nz

We encourage electronic feedback, as it helps keep costs down and reduce our impact on the environment. Head to wai-it-matters.nz or email us at freshwater@nrc.govt.nz

Otherwise, complete this form and return it:

- **By mail** Freepost 139690, Northland Regional Council, Private Bag 9021, Te Mai, Whangārei 0143
- **In person** to our main office at 36 Water Street, Whangārei; or to any of our regional offices.

Your name and contact details

Please provide your name and at least one other piece of contact information

Full name: Michael John Winch

Organisation (if giving feedback on behalf):

Mailing address: [redacted]

[redacted]

Email: [redacted]

Phone: [redacted]

What topics do you want to provide feedback on?

Select as many as you want

- ☒ The vision, objectives and/or targets for our freshwater future
- ☒ Managing highly-erodible land
- ☒ Eliminating discharges to water
- ☒ Managing exotic forests
- ☐ Managing impacts on tāngata whenua values
- ☒ Stock exclusion – distance from waterways
- ☒ Stock exclusion – highly-erodible land
- ☐ Timeframes for stock exclusion rules
- ☐ Managing water allocation
- ☒ Enabling tāngata whenua to practice as kaitiaki for wai
- ☒ Support and funding for efforts to improve freshwater
- ☒ Something else

Privacy Statement: *Privacy Statement: Please be aware that your feedback may be made public, including the name and contact details you provide. All feedback will be assessed and summarised for use in preparing the proposed plan change, which will be publicly notified in late 2024.*

Tell us what you think

Please provide your thoughts and comments on anything in the draft Freshwater Plan Change.

General comments

I would like commend NRC on the draft Freshwater Plan Change and Action Plan.

I generally support the draft plan change, including the incorporation of objectives and policies relating to Te Mana o te Wai - the intrinsic value of water and freshwater ecosystems.

I live in Northland and value the health of our rivers and streams, groundwater, and wetlands and the life-supporting services they provide, as well as their intrinsic value. I also value the coastal areas where these waterways flow to, which are obvious 'receiving environments' for water from upstream in the catchment. I live next to the downstream section of the Kerikeri River and am concerned that every time there is any significant rainfall the river turns brown with sediment.

I would like to see Northland Regional Council do as much as it can to protect and restore ecosystem health in these areas, and across the region generally.

Key Issues:

Key issues for me are water quality (particularly e. coli, sediment, algal growth/periphyton, and ecosystem health); amenity values; contact recreation; and natural form and character

I support having strong regulatory measures in the plan to address these issues.

To address freshwater issues, I would like to see Northland Regional Council adopt high water quality standards, particularly for nitrogen and phosphorus, and by:

a. **Protecting erosion prone land through:**
    i. new rules limiting vegetation clearance, land preparation and earthworks in areas of high erosion risk, with tighter controls applied to these activities in areas with severe erosion risk.
    ii. new rules requiring stock to be excluded from areas of both high and severe erosion risk.
b. **Keeping stock out of waterways with**
    i. rules for streams in steeper areas,
    ii. large enough setbacks (>10m) to provide enough space for riparian vegetation to establish around waterways, to allow rivers and streams to naturally adjust through erosion over time, and to provide space for rivers to dissipate flood energy without eroding fences or causing problems downstream
c. **Eliminating and reducing discharges by:**
    i. Requiring consent for dairy effluent discharges to land
    ii. Prohibiting new farm dairy effluent discharge to water and introducing stricter requirements for renewal of existing consents.
    iii. Prohibiting untreated wastewater discharges to waterways
    iv. Non-complying activity status for new wastewater treatment plant discharges to water and introducing stricter requirements for renewal of existing consents.

d. Protecting wetlands by

i. Prohibiting wetland drainage and clearance
ii. Requiring stock exclusion from wetlands
iii. Adding policies to the plan that would encourage wetland restoration
iv. Mapping and monitoring wetland extent
v. Introducing a measure of wetland condition using a tool like the wetland condition index (as recommended by the Government's Science and Technical Advisory Group on the NPS-FM)

e. Controlling exotic forestry by:

i. Requiring larger setbacks for exotic carbon and plantation forestry from waterways.
ii. Requiring resource consent for plantation forestry and exotic carbon forests in high-value dune lake catchments.
iii. Prohibiting clear-felling of forestry in high-risk or steep areas

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i. Adding requirements for resource consent applicants to assess cultural impacts that affect tāngata whenua values for freshwater.

g. Phasing out and preventing over-allocation of water by

i. Prohibiting water takes above environmental flows and levels
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h. Addressing nutrient pollution from agriculture by

i. Having a robust allocation system for nutrient leaching, which should include things like limits on fertiliser use and stocking rates in degraded catchments.

i. Promoting nature-based solutions by

i. Including policy that provides for the prioritisations of nature-based solutions over engineered solutions when making decisions on flood protection.
ii. Including policy protecting the ability of existing wetlands, forests, and rivers/floodplains to naturally mitigate extreme weather

j. Improving the management of the natural character and habitat of our rivers by

i. Increasing the regulation of activities in the beds of rivers, such as gravel extraction
ii. Requiring regular monitoring and reporting of natural character and physical habitat in rivers
iii. Including target attribute states for natural character and physical habitat in rivers

k. Protecting coastal water and water in 'receiving environments' by:

i. Protecting and restoring upstream water quality
ii. Including target attributes for water quality in estuaries and coastal areas

Draft Regional Plan Change

My comments on specific sections of the draft Plan Change are as follows:

Definitions

The definition of 'Highly Erodible Land' should include geological considerations as well as slope. For example Northland Allochthlon soils can be unstable on slopes less than 10 degrees (eg refer Tonkin & Taylor report for Whangarei District Council 'Land Zonation Mapping Geotechnical Assessment' June

2008). As shown in the Cyclone Gabriel storms, there is a high correlation between land instability and sediment runoff. The current Regional Plan definition of 'Erosion Prone Land' based on Land Use Capability takes into account soil and slope. The discussion document does not explain why the LUC system is inappropriate and expert advice should be obtained before changing to the proposed definition based solely on slope.

Rules

C.2.1. I support adding restrictions on disturbing inanga spawning areas (Rules C2.1.8 and C2.1.9). This should also apply to Rules C2.1.2, C2.1.3 and C2.1.5.

C.6.1.6 On-site domestic wastewater discharges to water. I agree that untreated wastewater discharge to water should be prohibited. A case could be made for consent to discharge highly treated wastewater to water when discharge to land would directly end up in water, particularly during storm events. I suggest adding a non-complying activity for treated wastewater discharge to water. If not, the explanation of Rule C.6.1.6 should include treated or.

C.6.2.Y Further to my suggestions on Rule C.6.1.6, I suggest combining X and Y into a non-complying activity.

C.6.3. I support the requirement for resource consents for farm wastewater discharges.

C.6.4.2. I support the requirement for controls on gross pollutants from high risk sites.

C.6.4.3 Matters of Control could include 'The extent to which nature-based solutions such as constructed indigenous wetlands have been included in the mitigation methods'. NRC should include a requirement for flood mitigation works to include nature-based solutions.

C.8.1. Livestock Exclusion – I support the proposal in the discussion document to exclude livestock from streams, wetlands, 10m margin each side of rivers (including streams and intermittent streams) and Highly Erodible Land.

C.8.2. I support controls on land preparation on Highly Erodible Land

C.8.3. I support controls on earthworks on Highly Erodible Land

C.8.4. I support controls on vegetation clearance on Highly Erodible Land.

Draft NRC Freshwater Action Plan

The Plan Change needs to be supported by the actions detailed in the Draft NRC Freshwater Action Plan. My comments on the Freshwater Action Plan are:

- I **support** the existing monitoring and science based action outlined in Draft Action Plan. Funding for these actions needs to continue.
- I **support Potential Action 8** – Landowners need to be supported with stock exclusion, riparian planting and wetland restoration. I agree that NRC should provide an additional $1M to $2M per year. However, as noted in the Action Plan, to be effective, the subsidy needs to be around 50% which amounts to $25M to $38M per year. As the benefits to this work are national and Northland has a small population base, NRC should lobby central government to fund a nation-wide government subsidy for stock exclusion, riparian planting and wetland restoration.
- I **support Potential Actions 11 and 12** – information and advocacy.

- I **support Potential Action 13** (subsidising resource consent applications) only if the application is for environmental improvement / restoration.
- I **oppose Potential Action 14** – reducing rates to all rural landowners is poorly targetted. Subsidies for environmental protection would be better.

Other Actions that should be considered:

- Include methods in the Action Plan to protect indigenous forests, especially on erosion-prone land.
- Control of browsing animals in indigenous forests should be promoted. Pigs, goats and other browsing animals have the same effect on erosion-prone soil as stock and reduce the ability of indigenous forests to intercept and store rainfall. However, feral animals can't be controlled by rules in the Regional Plan in the same way as farm animals as no income is derived from them. Pest management therefore needs to be voluntary and supported by NRC and central government.
- Include methods in the Action Plan to encourage creation of new indigenous wetlands and restoration of degraded wetlands. NRC could also consider subsidies for creating wetlands.

Thank you for the opportunity to make this submission. I look forward to the progression of the plan to notification and the improvements in water quality it can bring when implemented.

If you have more to say, feel free to attach more pages to this feedback form.

How did you find out about this feedback opportunity?

☐ Social media	☐ Letter from us
☐ Radio	☒ Sector group
☐ Newspaper	☐ Word of mouth
☐ Email from us	☐ Other: _____

☒ **Please keep me updated.**

Thank you for taking the time to provide feedback.

From:	Celia Witehira
To:	Freshwater
Cc:	Nora Rameka
Subject:	Ngati Rehia Feedback
Date:	Sunday, 31 March 2024 9:34:18 am
Attachments:	Ngati Rehia NRC FWPC Feedback 2024.pdf

Tēna koutou,

Hērē is thē fēēdback on thē Northland Rēgion draft frēshwatēr plan changē from Tē Runanga o Ngati Rēhia.

If you havē any quēriēs plēasē lēt us know.

Mauri ora,
Cēlia Witēhira
Consultant
Waēa pukoro: 021 751 133

Te Rūnanga o Ngāti Rēhia
66A Kerikeri Road
PO Box 202
Kerikeri 0245

31 March 2024

Northland Regional Council
Private Bag 9021
Whangārei 0143
freshwater@nrc.govt.nz

Tēnā koutou,

FEEDBACK – Draft Northland Region Freshwater Plan Change

1. Introduction

Ngāti Rēhia mata momoe
Ngāti Rēhia mata kaka
Titiro ki ngā maunga, ngā awa, ngā moana, ngā whenua tapu o Ngāti Rēhia

1.1 TRONR is the hapū authority of Ngāti Rēhia. Ngāti Rēhia hold mana i te whenua and mana i te moana over the traditional rohe of the hapū[1]. We are responsible as kaitiaki for maintaining and protecting the mauri of our whenua and resources. It is a responsibility that has been passed down to us by our tūpuna and one we will in turn pass on to our mokopuna. On behalf of Ngāti Rēhia TRONR claim ahi kā and tangata whenua status over our rohe.

1.2 TRONR acknowledges that such mana is not necessarily held exclusively. Ngāti Rēhia are proudly Ngāpuhi and acknowledge the guardianship of times past and the mana in which resources were shared with other Ngāpuhi hapū, whose lives, stories, and whakapapa are also interwoven into the landscape. We acknowledge those common interests and kaitiakiatanga of our neighbouring whanaunga hapū.

1.3 TRONR kaupapa is to develop a sustainable economic, social, and cultural base for the continued growth of Ngāti Rēhia hapū and whānau. This includes cultural advice, and support for our hapū members, the Kerikeri community and the wider surrounds. We provide opportunities for our hapū members to strengthen their whakapapa and wairua connections and gain a deeper understanding of their part in the economic and social development of our Riu, tribal territories.

[1] For a map of the riu of Ngāti Rēhia refer to the Northland Regional Council Mana Whakahono a Rohe Agreement 2020

1.4 TRONR strongly support the ahu whenua Trusts (Tapuaetahi Incorporated and Takou Trust) that are part of Ngāti Rēhia hapū and their rights as mana whenua over their lands, taonga and resources. This support includes any feedback they provide on the Draft Northland Region Freshwater Plan Change.

1.5 TRONR are supportive of the need for the review and update to the current Northland Region Freshwater Plan. We would like to commend all the work done on this draft freshwater plan change, and in particular the Tangata Whenua Water Advisory Group and we fully support their recommendations as presented in *Ngā Roimata a ngā Atua*.

1.6 We thank the Northland Regional Council (NRC) for the opportunity to provide our feedback on the draft freshwater plan change, action plan and associated consultation documents including those relating to erosion control and water allocation. We would like NRC to note the considerable time and effort it has taken us to go through all the documentation and resources that NRC has made available.

1.7 We are also aware of the pending resource management and freshwater legislation reforms and want to state our strong opposition to any recasting or reframing or removal of Te Mana me te Mauri o Te Wai or the hierarchy which puts the health and wellbeing of wai first and foremost. Both are essential if we are to offer any hope to our mokopuna of having access to clean freshwater or having sustainable livelihoods in Te Tai Tokerau. Having healthy freshwater is essential for us and our businesses - so if having healthy clean water means we have to change how we do business, then NRC needs to support landowners and businesses to transition. We cannot afford to continue with land uses that continue to see our wai degraded and polluted.

1.8 As a Treaty Partner and Mana Whakahono a Rohe signatory, we expect NRC to carefully consider what we have to say, show due respect to our feedback and to work with us to urgently get work done on the ground to improve our wai. We would like to know NRC's intention on the freshwater plan change and the mahi that has been done, given the pending legislative reforms. We would also like to be informed what NRC now intends to do with the feedback it receives and how you will follow through on what we have to say. We do not want our time to have been wasted.

Feedback areas:

2. Fundemental Concept and hierarchy of obligations

2.1 The fundamental concept and six overarching principles of Te Mana o Te Wai as defined in the NPSFM 2020 must be upheld through future stages of NRC's draft Freshwater Plan.

2.2 The Hierarchy of Obligations prioritises the health and well-being of freshwater and ecosystems and must be retained in the draft Freshwater Plan. We applaud the Council for drafting objectives, policies and rules that give effect to this.

2.3

3. Te Tiriti o Waitangi and He Whakaputunga

3.1 He Whakaputanga o te Rangatiratanga o Nui Tireni 1835 (He Whakaputanga) and Te Tiriti o Waitangi 1840 (Te Tiriti) are the foundational constitutional documents of Aotearoa and must be considered together. They establish the partnership between hapū, iwi and the Crown for shared decision-making. As our first constitutional text, He Whakaputanga affirms the mana and rangatiratanga of hapū over their ancestral

lands through whakapapa. For Ngāpuhi hapū, He Whakaputanga makes clear that authority resides with hapū leaders over their territories. The 1835 declaration recognised Aotearoa as an independent state and paved the way for a subsequent treaty relationship. In accordance with tikanga and Te Tiriti o Waitangi the primary rights holders in the natural resources space are primarily hapū, with ancillary or relational rights held by ahi kā, landowners, individuals, whānau and hapū collectives and confederations.

3.2 In 1840, Tareha signed He Whakaputanga on behalf of Ngāti Rēhia, securing the mana and independence of our people. Ngāti Rēhia did not sign Te Tiriti, as Tareha felt our rangatiratanga was already confirmed. He Whakaputanga and Te Tiriti together outline a relationship where hapū exercise rangatiratanga and tino rangatiratanga across their domains, while the Crown has an obligation to empower these rights and authorities in decision-making. As found by the Waitangi Tribunal, these agreements did not cede sovereignty but developed a partnership framed by mutual influence and negotiation.

3.3 This constitutional partnership requires that hapū preferences guide resource management in our rohe. It is only tangata whenua who have mana and rangatiratanga over a particular area who can practice kaitiakitanga in that area. As stated in Tribunal records, we view kaitiakitanga as the appropriate system, employing rahui and other tikanga to ensure environmental and communal wellbeing. Regional NRC has a duty to uphold these rights and priorities.

3.4 TRONR support the inclusion of the policies and methods which enable and support kaitiakitanga, tino rangatiratanga and recognise whakapapa and atautanga, as well as associated attributes and target states. We support the inclusion of references to He Whakaputanga and to relevant Waitangi Tribunal claims and findings (including WAI2358 and WAI262) in the plan change - these are all pertinent and relevant. NRC should be constrained to mirroring the wording in the Resource Management Act, there are other considerations for Te Tai Tokerau given our history.Recommendation

4. Climate Change, water resilience, future water demand and alternatives

4.1 Further work needs to be done to work out the existing and future demand for water, based on both population projections and industry demand. Given the changing climate and increasing temperatures and increased severity of droughts, floods, and wildfires, there needs to be much better consideration of how much freshwater Northland needs, and where that water is going to come from. Demand for freshwater for the next 50 years (at least and preferably the next 100 years) needs to be estimated so that we can plan for freshwater use and allocation properly.

4.2 Alternatives to freshwater takes need to be looked into, such as reducing demand for freshwater (e.g. desalination plants that create freshwater from seawater for coastal communities; switching to land uses and crops that need less water, reducing wastage), so that more freshwater can be left in our rivers, lakes and aquifers. Future water takes should be only 'a last resort' when the applicant has demonstrated that there are no viable alternatives, and policies included in the plan to direct applicants and decision-makers to view water takes as a privilege and not a right.

4.3 We support community-based water storage schemes and other approaches that take water when there is plenty available and then keep that in reserve for use at times of low flows and droughts, and for use in fighting wildfires. There needs to be a focus on recycling and reusing water wherever possible, and reducing the demand for freshwater so that our aquifers can recharge.

4.4 We support innovative, community-based water supply and in particular the proposed targeted water allocation policy which would support and enable our kainga and marae to meet their freshwater needs, as well as enable the sustainable use and development of our whenua.

4.5 Support should be provided to landowners and communities that focuses on driving down the demand for freshwater in the first place through research, advice, education and financial incentives, as well as putting limits on the amount of water that can be taken. The proposed targeted water allocation policy fund could support installation of water saving devices and approaches, as well as creation of new freshwater sources (e.g. from sea water, high take fed storage reservoirs).

5. Improving freshwater health through knowledge and advocacy

5.1 Improving the resilience of freshwater to impacts of climate change also means we need to improve the health of our freshwater. CIAs and our Hapū Environmental Management Plan (HEMP) are key ways that allow Ngati Rehia to input to freshwater decision-making processes, and we have valuable local knowledge that can help make better decisions for everyone.

5.2 Whilst the draft plan change rules are important for defining what's allowed and what's not, there needs to much greater emphasis on the tools that incentivize landowners to treat water with respect, such as providing landowners with information and advice as to more sustainable long-term economically viable farming options for their land, free native tree seedlings, financial support for setting aside or restoring wetlands and riparian habitats. NRC needs to approach the financial institutions, such agri-banks, and negotiate better lending rates or zero interest loans for landowners, including māori landowners, for those who are prepared to set back their fences greater distances from water bodies and replant native forests, swamps and wetlands. Financial levers to support landowners to 'go the extra mile' and not just do the bare minimum need to be better explored and developed.

5.3 We support a focus on education and sharing of knowledge, and request that support be provided to establish hapu/iwi owned model demonstration farms that others can experience firsthand. Scholarships and support for developing career pathways in sustainable farming are essential and should also be prioritised in the action plan and budget allocated through NRC's Long Term Plan.

5.4 As landowners, kaitiakitanga is the first of our values and duties. The outcomes in the draft freshwater plan and action plan which seek to regenerate our natural freshwater environment back to a healthy state we support as Kaitiaki.

5.5 NRC needs to recognise different land holdings, and what that means, particularly for whenua Maori, in terms of obligations and constraints that do not apply to General Title. Specific recognition for Te Ture Whenua, marae and papakainga should be given in the freshwater policies and rules. At a bare minimum we request that Northland Regional NRC include a standalone chapter within the freshwater plan change which addresses Whenua Maori (and returned Treaty Settlement Assets) and our sovereignty over our wai.

5.6 We wish to return the mauri back to our waterways. When the water leaves our property we want it to be cleaner than when it entered our property. However, we expect all those up and down stream will do the same. We hope that our awa will one day be able to be used again to sustain our people and those that live amongst us. We have already fenced much of our land, and encourage others to fence off the waterways on their lands, and also to consider fencing off the coastline as well as freshwater margins. We hope to

develop our water resources (both surface and underground) to provide for our people. We also are interested in investigating alternatives such as low energy desalination and water storage options.

6. Using mātauranga Māori in monitoring freshwater

6.1 Mātauranga Māori is a body of knowledge both obtained through past and future knowledge. It covers customary and contemporary worldviews from Māori, and is a taonga that will be passed on to future generations. It is an intergenerational body of knowledge that is informed by korero tuku iho handed down from tupuna, and is guaranteed as a taonga under Te Tiriti o Waitangi.

6.2 Therefore, we support the development of Māori freshwater attributes and target attribute states that enable our hapū and kaitiaki to monitor environmental outcomes and our cultural values. But these descriptions should not preclude or limit the ability of our hapū to define our own attributes based on our mātauranga and tohu.

6.3 Upholding mātauranga Māori attributes as a scientific body of knowledge will be critical for the successful implementation of the Plan Change. Hapū must be funded by NRC to undertake their role as kaitiaki and monitor freshwater. We support the inclusion of more funding for mātauranga Māori monitoring programmes to be included in Long Term and Annual Plan funding.

6.4 Council compliance and monitoring officers do not need to monitor tangata whenua attributes. Where the opportunity arises, Council staff should work alongside hapū and kaitiaki to understand our concerns with respect to monitoring water quality and quantity issues based on our mātauranga. Similarly, reciprocal learning could occur where Council staff upskill kaitiaki on how to use western science and tools to monitor water ways.

6.5 Any future use of our mātauranga in relation to freshwater management cannot be used by the Council without the prior permission from our hapū. We recommend the development of data information protocols with our hapū to describe how and when our data can and cannot be used.

7. Freshwater Management Units

7.1 We would welcome the opportunity to undertake further research and engagement with the Council, our hapū and whānau with how Freshwater Management Units (FMUs) should be defined and planned for. This includes recognising the interaction with harbours, estuaries, and adjoining boundaries with other hapū and existing catchments.

7.2 We wish to develop a methodology and process to determine how freshwater in our riu is monitored based on our mātauranga, whakapapa, taonga and mahinga kai. NRC should support this methodology with funding from a non-contestable grant.

7.3 There is an opportunity to review and/or establish new catchment management plans for freshwater. The development of new plans provides an opportunity to review existing strategies around water use, infrastructure planning and development.

8. Further freshwater plan research and topics that require further development and inclusion

8.1 *Sustainable livelihoods*. For Māori owned land having an idea of what the landblocks' aspirations for the future are will help NRC write policy that supports and enables that. Mana whenua should be able to use their land as they see fit as long as there are no adverse impacts on others.

8.1.1 NRC's rules and policies need to enable integrated farming systems that are fully sustainable where all environmental impacts are mitigated and ecological restoration supported, so that all whenua is managed in a way that sees environmental improvements and not further degradation. This means supporting landowners to switch how they are farming and to think differently, e.g. riparian planting can also generate alternative income e.g. bee hives and we should use species that are needed to restore the ecology of each place but are also important culturally as kai or for cultural uses.

8.1.2 We support planting of native forests on erosion prone land and removal of pines and other exotics over time and their replacement with natives - NRC's policies and rules and support should focus on enabling landowners to plant natives on land that should not be in pines or grazed pasture.

8.2 *Water Resilience and Sovereignty*. Our expectation is that the NRC's plans will uphold our ability to access reliable supplies to meet current and future needs to reticulate water to kainga and marae.

8.2.1 Our development plans for our whenua depend on having access to clean freshwater. We are currently reliant on expensive temporary drinking water solutions (currently Tapuaetahi residents, Takou, Matoa and our Te Tii residents buy freshwater at around $500/truck).

8.2.2 We support innovative community-based waste water treatment systems that incorporate native species and methods that ensure that all effluent disposal is of the cleanest possible and that the greywater is circulated and used to water native plantings. NRC's policies and rules must support environmentally sustainable and innovative wastewater treatment. We support prohibition of all treated and untreated wastewater to freshwater.

8.2.3 Building resilience is vital to adapting to climate impacts like drought, flooding, and fire. Our rohe is prone to drought and wildfire which threatens water security, flood vulnerability also needs addressing. Climate change is a key driver for future use and allocation (we need to be able to relocate our marae and kainga and access water resources into the future when we relocate). Our HEMP highlights planning for infrastructure to cope with climate change impacts.

8.2.4 The NRC's plan must enable the realisation of commercial development of whenua maori and recognise that papakāinga aspirations depend on sufficient allocation. Our ability to establish new housing, tourism, or host events is constrained without adequate provision of wai.

8.2.5 We support giving legal personhood to all wai, and support the further development of the targeted water allocation policy which sets 20% aside for tangata whenua purposes or environmental enhancement, and suggest that existing costs for tankering water could be used as the basis for setting the level of contribution required by an applicant when applying to take that additional 20% and not set it aside for the proposed purposes.

8.2.6 Our authority over water resources within our rohe must be recognized and upheld. We never ceded sovereignty over water and NRC's freshwater plan change will uphold Te Tiriti. Our use of rahui must be recognised.

8.3 *Hapū Environmental Plan Alignment*. Our hapū have established policies and methods focused on restoring waterway health, preserving atuatanga links to freshwater, and undertaking cultural impact assessments. These require integration into NRC's freshwater planning and existing hapū frameworks must be enabled by NRC's plans rather than make them redundant or with contradictory provisions, including in freshwater farm planning.

8.4 *Incentivising Behaviour Change*. A transformative shift in land and water uses across the rohe is needed and this requires a suite of regulatory and non-regulatory methods. The hapū support rates relief, free native plants, and research into alternative land uses to incentivise sustainable change

8.5 *Protection of Sites and Atuatanga*. Many areas of ecological and biodiversity richness including unfenced waterways with native vegetation are vital to safeguard. Tools like GIS mapping of changes over time are critical for informing adaptive planning and consent decisions protecting taonga including identification of specific sites used for cultural practices along and in awa, roto and repo. NRC needs to ensure that protection of all such sites is built into its freshwater planning including implementation.

8.6 *Partnership Approach*. Our expectation is that the NRC's freshwater plan change upholds the Crown's duties under The Treaty regarding active protection of hapū interests and authority over waters within our rohe. Early engagement, defined pathways and adequate resourcing are needed to enable hapū vision, values and limits to be set for our waterbodies. This requires allocation of resourcing in the Long Term Plan and in the action plan for hapu engagement.

9. Conclusion

9.1 Ngati Rehia reiterates that we have never ceded sovereignty of wai. As kaitiaki we have obligations and responsibilities which NRC must not restrict and rather should enable. Ngati Rehia requests that NRC continues to engage with the hapu throughout its development and decision making on the freshwater plan change and action plan.

Signed:

Nora Rameka
Trustee, Te Rūnanga o Ngāti Rēhia
Charitable Trust

From:	Nicci Wood
To:	Freshwater
Cc:	Gillian Blythe; [redacted]
Subject:	draft Freshwater Plan Change submission
Date:	Monday, 4 March 2024 12:13:59 pm
Attachments:	image004.png Te Taitokerau Freshwater Plan Submission (1).pdf

Kai ora ra,
Please find attached our submission on your draft Freshwater Plan Change.

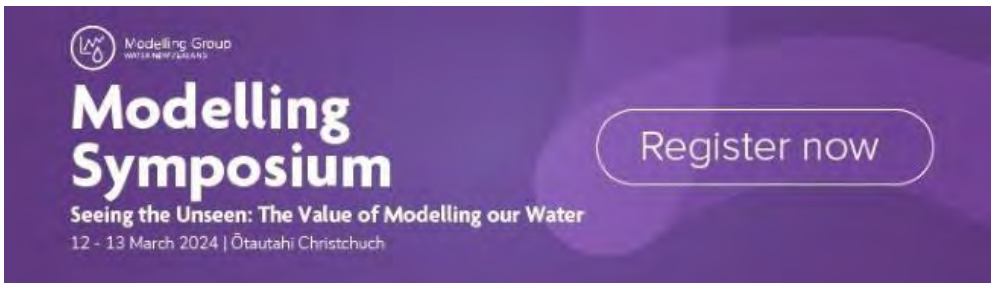
If you have any questions please don't hesitate to contact me

Naku noa, na (sincerely)
Nicci

Nicci Wood | Technical Advisor - Regulatory
Mobile: +64 **021 112 1737**

water NEW ZEALAND
The New Zealand Water & Wastes Association Wai ora Aotearoa

Ka ora te wai, ka ora te whenua, ka ora nga tangata
If the water is healthy, the land is healthy, the people are healthy
www.waternz.org.nz



04 March 2024

Northland Regional Council
By email: freshwater@nrc.govt.nz

Draft Freshwater Plan Change feedback

Tēnā koutou katoa

1. Water New Zealand (Water NZ) welcomes the opportunity to provide comment on draft Freshwater Plan Change (FPC).

2. Water NZ is a national not-for-profit organisation which promotes the sustainable management and development of New Zealand's three waters (drinking water, wastewater and stormwater). Water NZ is the country's largest water industry body, providing leadership and support in the water sector through advocacy, collaboration and professional development. Its ~3,100 members are drawn from all areas of the water management industry including regional councils and territorial authorities, consultants, suppliers, government agencies, academia and scientists.

Approach to our submission

3. This submission was initially drafted before the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act was enacted. Since then, the government has announced the intention for an amendment bill, expected in mid-2024, to change the application of the NPS-FM's Te Mana o te Wai hierarchy of obligations as well as an RMA replacement bill, which is expected to be enacted in late 2026. Government's direction for water services; Local Water Done Well has also been introduced and legislation expected in the middle of the year.

4. We recognise the uncertainty the repeal, replace and revision presents to how the freshwater plan work may progress. We acknowledge the significant time and resources committed into the resource management legislation instruments, especially the application of the Te Mana o te Wai hierarchy of obligations provisions of the NPS-FM. Water NZ is committed to the sustainable management of water to the benefit of the environment and our communities, as such would support Northland Regional Council's continued focus on managing freshwater wellbeing.

5. Water NZ supports the FPC and the new rules that are designed to protect waterways for future generations.

6. This submission addresses specific activities first and then provides general commentary to help guide drafting before the proposed FPC is publicly notified in June 2024. We do not provide commentary on the catchment specific or freshwater unit clauses.

Commitment to prioritising tāngata whenua in freshwater management and decision making

7. We applauded the FPC and policies for prioritising tāngata whenua, as kaitiaki and Rangatira, their whakapapa and tikanga, in decision making and monitoring. This recognition, status and involvement of tāngata whenua being articulated in policy and rules is unique in Aotearoa. Requiring local kaupapa Māori in decision-making structures will ensure that Te Mana me te Mauri o te Wai[1], the spiritual wellbeing and whakapapa of Te Hurihanga Wai is prioritised, respected, protected and enhanced - the very objective of the National Policy Statement for Freshwater Management 2020 (NPS-FM) and the purpose of the FPC.

A draft Action Plan sits alongside the FPC to support efforts to improve freshwater.

8. We acknowledge the NRC Freshwater Action Plan which, in conjunction with the draft FPC, sets out what the Council plans to do to support efforts to improve freshwater. Water NZ commend the approach including this costed action plan as part of the 2024 Long-term Plan process.

9. Given the stated importance of tāngata whenua involvement in freshwater management and decision making, it is unfortunate Potential Action 10 (Supporting tāngata whenua involvement) is unfunded and not committed to.

10. Similarly with Potential Action 9 (Increased compliance) implementing and enforcing compliance with the rules, in a timely fashion, will be critical to achieving better

1. [1]Te Mana me te Mauri o te Wai is the same concept as Te Mana o te Wai – but makes clear that it is the mauri of wai that is the critical element.

outcomes for freshwater health. Water NZ considers that, across the board, compliance, monitoring and enforcement under the RMA is piecemeal and largely ineffective. The decline in freshwater quality over the last 30 years is illustrative of the problem. There is little point in having more stringent rules if it can't be reasonably ensured that they are being implemented and complied with.

11. We **recommend** the two actions -supporting tāngata whenua involvement and improved compliance, monitoring and enforcement- are fully funded through the NRC 2024 Long-term Plan process.

Rules, regulations, and policies with implications for water are generally supported.

12. In general, we **support** the rules for activities in the bed of lakes and rivers and in wetlands. We suggest the FPC recognises, provides for, and protects the ability of lakes, rivers, wetlands and floodplains to mitigate natural hazard risk. Aotearoa's rivers have enormous flood capacity, but encroachment of flood plains and riparian margins reduces that capacity. Making room for rivers allows adjacent land to flood safely, while providing a range of benefits such as river and riparian habitat and wetland restoration, carbon sequestration and increased groundwater recharge. It also offers to restore connections between mana whenua with their local rivers. Where river, wetland and floodplain remain in natural state, they should be prioritised for protection and providing natural hazard mitigation.

13. We **recommend** the rules C.2.1. (New flood defences) prioritise nature-based solutions, including 'making room for rivers'.

14. The C2.3 (Sediment discharges) rules are **supported**.

15. Currently flood protection stop banks are not subject to the Building (Dam Safety) Regulations 2022. This is despite stop banks meeting the definition of a dam as defined in the regulations[2], and the impact of stop bank failure on lives, environment and infrastructure can be significant.

[2] A dam, as defined by section 7 of the Building Act 2004, means an artificial barrier that is used for the storage, control, or diversion of water, but c) does not include a stopbank designed to control floodwaters.

16. We **submit** that the stop bank provisions, rules and consents issued under C.4 Land Drainage and Flood Control aligns with dam safety management system principles, criteria and standards of the Building (Dam Safety) Regulations 2022.

17. We **fully support** the C.3.1.9 (Obstructions that divert water) rules, and that the obstruction in a flood hazard area, an overland flow path, a river or an artificial watercourse, is a discretionary activity.

18. Policy C.4.1.5 (Re-consenting flood control schemes) must be administered in a way that ensures future-proofed decision-making including the benefits of rivers being allowed to reclaim parts of their natural flood plains. Stop banks and other flood defences must be allowed to 'retreat' where appropriate, to reduce flood inundation risks to life, property and infrastructure.

19. The concepts of betterment and resilience must be supported by the FPC consenting authorities and go beyond like for like replacement and reconsenting. Risk and the costs associated with repeated maintenance and replacement as well as consideration of asset performance and condition of at-risk assets should inform reconsenting decisions. To continue to allow for problematic placement of infrastructure perpetuates public safety and property risks and creates significant future costs.

20. We **acknowledge** the comprehensive clauses in C.5 (Taking and use of water) and policies D4.9- D4.18 that incentivise efficient water use and conservation. Water allocation needs to consider water use within the catchment. Water leaks and unaccounted for water increase the water taken, which will affect the health and wellbeing of a river or aquifer - and the first obligation of te mana o te wai. We suggest the Reasonable and efficient use of water clauses are expanded to include reducing water losses and smart water use within a catchment, beyond the irrigation clauses.

21. We **recommend** the observation of drinking water supply zones and drinking water abstraction points in the various C.6 (Discharges to land and water) policy and rules.

22. The comprehensive rules for stormwater are **supported**. We suggest stronger policy signalling to develop and use catchment management plans. Other legislative regimes are requiring stormwater catchment management plans to inform [but not limited to]

infrastructure strategies, pricing plans and climate adaptation-managed retreat plans. Water NZ suggests integrated catchment planning is the best way the interrelations of the wairua and whakapapa of Te Hurihanga Wai, the take and discharge clauses and biophysical limits can be recognised and to avoid conflict between outcomes.

23. We **support** the wastewater chapter of FPC, including the provisions for biosolids and onsite wastewater discharges. We do however have the following recommendations should inform their final drafting.

Application of Biosolids to Land Guide is being revised.

24. Water NZ have been working in partnership with WasteMINZ, the Centre for Integrated Biowaste Research (CIBR) and the New Zealand Land Treatment Collective (NZLTC) in partnership with the Environment (MfE), Health (MoH) and Primary Industries (MPI) ministries to update the Safe Application of Biosolids to Land in New Zealand, 2003. A draft revision was published in 2017, the Guidelines for Beneficial Use of Organic Materials on Productive Land and we are aiming to have the finalised version published in early 2024.

25. We acknowledge the reference in D.4.9 Application of biosolids to land to the 2003 edition but **suggest** the proposed FPC makes reference to the forthcoming Guidelines for Beneficial Use of Biosolids and Other Organic Materials on Land, 2024.

Regulatory improvements are necessary for onsite wastewater systems.

26. Around 20% of Aotearoa's population is not connected to a municipal wastewater network and relies on private small scale on-site wastewater systems or septic tanks. Aging, poorly designed, unmaintained, or non-complying on-site wastewater systems, if not adequately managed or regulated can lead to in system failures, or worse, significant public or environmental health risk, for example 2016 Havelock North type water contamination event.

27. However, current policies and practices applying to the design and maintenance of onsite wastewater management systems vary. Indeed, little is known about the location, performance, or condition of most of New Zealand's onsite wastewater systems.

28. The design and installation of on-site wastewater treatment and disposal systems is regulated by:
    - Building Code- designed and constructed in accordance with Verification Method G13/VM4 Foul Water: On-Site Disposal[3], and
    - Resource Management Act 1991 in accordance with the District or Regional Plan.

29. Generally, on-site wastewater systems are permitted activity (as in the FPC), not needing resource consent and, depending on where you are in the country, have different building consent requirement for on-going compliance. There is no requirement under either regime for on-going performance monitoring or compliance certificates.

30. When considering the relevance of the National Objective Framework, and identifying baseline state and set target attribute states, it would be appropriate for the FPC to consider onsite wastewater systems and their potential risk to drinking water supplies, waterbody health and tāngata whenua values.

31. The reference to AS/NZS 1547:2012 On-site Domestic-Wastewater Management as a rule for the design of discharge trenches is applauded. We request that the policy and rules for onsite wastewater systems consider all components and stages of a systems expected life - design, construction, inspection, maintenance, and compliance inspections use of AS/NZS 1547:2012 On-site Domestic-Wastewater Management.

32. Under section C.6.1, discharges from on-site systems are permitted or discretionary if the system met an array of measures "so that it operates effectively at all times and maintenance is undertaken in accordance with the manufacturer's specifications". Water New Zealand request a regular inspection and reporting provisions to align compliance of the array of FPC measures. This is an intensive request but poorly managed onsite wastewater systems present significant public and environmental health risk.

33. Water NZ also **recommend** establishing GIS based recording portal of all systems, including those currently considered to be permitted activities. ECAN in collaboration with ESR, undertook GIS mapping and assessment of risks posed by systems. Employing

[3] https://www.building.govt.nz/assets/Uploads/building-code-compliance/g-services-and-facilities/g13-foul-water/asvm/g13-foul-water-2nd-edition-amendment-9.pdf

consistent approaches for GIS mapping amongst regional councils will help us develop nationally consistent approaches for managing risks over time.

34. We **suggest** Te Ura Kahika, with the Ministry for Building, Innovation and Employment, and the water quality regulator, Taumata Arowai, draft standard consent conditions or verification methods for ongoing maintenance, performance, and compliance of on-site wastewater systems, as well as developing a national GIS portal.

Swimming and spa pool water should discharge to the wastewater system.

35. Wherever possible, a swimming or spa pool, should drain to the public wastewater system, controlled by building consent conditions. The sewer conveys wastewater to a treatment plant which is designed to remove many pollutants from water. Whilst we support controlled discharges to land, swimming and spa pool water can contain chemicals such as chlorine and copper to kill bacteria and/or algae water. If discharged into stormwater systems or streams, this treated water has the potential to harm, even kill, fish and other aquatic life.

What follows from here is more general commentary to help guide the development of the FPC.

New responsibilities for regulation, monitoring and reporting of water are in effect.

36. From October 2023, Taumata Arowai are responsible for monitoring and reporting on the environmental performance of wastewater and stormwater services.

37. Regional councils will remain responsible for regulation, compliance and enforcement of fresh, waste and storm waters quality. With Taumata Arowai having oversight and reporting responsibilities for these the environmental performance of drinking water, wastewater and stormwater, as demonstrated in the following diagram.

38. Under Local Water Done Well policy, the Commerce Commission will be the independent economic regulator for the New Zealand water sector. Strong collaborative relationships between regional councils and other regulators - Commerce Commission and Taumata Arowai - are imperative to ensure consistent and integrated planning, monitoring and reporting of water services.

39. Inconsistencies in the requirements and the consent and compliance process across consent authorities creates inefficiencies, increases the regulatory burden for designers, technology providers and service providers.

40. It is desirable to reduce these inconsistencies to avoid situations where applicants receive substantially different requests for information, or even different decisions, when making applications for the same type of system.

Rules and policy provisions must be aligned with national direction and standards.

41. We recommend that a more holistic approach is taken, across reforms and other programmes, infrastructure planning and regulatory frameworks to ensure consistency, efficiency and ultimately good environmental outcomes while ensuring communities have safe delivery essential services (including but not limited to the Te Waihanga Infrastructure Strategy, the proposed water service delivery plans, infrastructure strategies and asset management planning).

42. The Water Services Act 2021 introduces new mandatory requirements to monitor and report on the environmental performance of drinking water, wastewater and stormwater networks and their operators. Environmental limits and targets that affect three waters infrastructure need to align with the environmental performance measures, targets and standards set by Taumata Arowai in accordance with the Water Services Act 2021, specifically the Network Environmental Performance Measures[4].

43. Any policy, rules and consents must also reflect the economic regulator's (future) information disclosure and price-quality standards monitoring of water services provision. They will review and approve activity plans based on consumer protection, and improvements in the quality of service provided to consumers to reflect consumer demands, as well as to work with community in a catchment and will require providers to 'meaningfully engage'.

44. Taumata Arowai are currently drafting standards and consent conditions for wastewater networks, overflows and treatment plants and intend to introduce wastewater and stormwater measures at a future date. Northland Regional Council should consult with them on any proposed measures, to ensure consistency.

45. We **submit** that the FPC must be consistent with the National Engineering Design Standard[5]

The new regulation and policy landscape must address non-compliance and lack of enforcement.

46. Water NZ considers that compliance monitoring and enforcement under the RMA is piecemeal and largely ineffective. The decline in freshwater quality over the last 30 years is illustrative of the problem.

47. Water NZ considers the economic and quality water regulators, will bring strong regulatory tools and national oversight of compliance, monitoring, and enforcement

[4] https://www.taumataarowai.govt.nz/for-water-suppliers/network-environmental-performance-measures/

[5] The National Engineering Design Standards were developed under the previous governments Affordable Water programme. At the time of writing this submission, their future was unclear, despite much support form the water industry for their implementation.

across all the matters covered in the Resource Management Act – and ensure that poor performance is addressed.

48. Regional councils will remain responsible for regulation, compliance, and enforcement of fresh, waste and storm waters quality and natural hazards policy and planning.

49. Recent flooding and storm events have illustrated an unambiguous need for land use planning decisions and choices to take into account climate risk. In many places, existing planning rules aimed at avoiding building on flood plains, protecting overland flow paths, requiring future-proofed stormwater management or including water-sensitive design are extremely weak or frequently overruled.

50. Regional Councils must enforce rules and plans in place and proposed – this includes, but not limited to, wastewater treatment plant compliance, sediment and erosion control, and land-use planning restrictions on high-risk susceptible land.

Engagement with end users is important.

51. We recommend Northland Regional Council engage further in the end users of policy, rules, and clauses to ensure what is proposed is workable.

52. This is important for all stages of the water sector- from Te Mana o Te Wai practitioners, to treatment plant designers and operators, to on-site contractors managing sediment and erosion control conditions.

Conclusion

53. Water NZ thanks the Northland Regional Council for the opportunity to provide comments on the draft FPC.

54. Ultimately the FPC and Water New Zealand purpose statement are aligned;

"Ka ora te wai, ka ora te whenua, ka ora ngā tāngata.

"If the water is healthy, the land is healthy, the people are healthy".

55. The role of both is to promote and enable the sustainable management and development of the water environment to the benefit the environment and society.

56. If you have any queries in relation to this submission please contact Nicci.Wood@waternz.org.nz

Ngā mihi nui

Gillian Blythe
Chief Executive