

Feedback: Book 1

(PART C)



From: [Sarah Cameron](#)
To: [Freshwater](#)
Subject: HortNZ submission - Draft Freshwater Plan
Date: Wednesday, 27 March 2024 10:41:02 am
Attachments: [HortNZ Draft Northland Freshwater Plan Submission.pdf](#)

Hi

Please find attached HortNZ submission on the draft freshwater plan for Northland. Hort has responded to the plan as currently drafted while noting significant amendments to the NPSFM and Te Mana o Te Wai will be notified by the government within the next two years which may alter our response to what has been proposed.

Many thanks

Sarah Cameron

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Based in Canterbury

**HortNZ is holding grower consultation meetings
throughout February-March 2024.**

To find out more and to RSVP go to www.hortnz.co.nz



Growing together

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SUBMISSION ON

Draft Northland Freshwater Plan

27 March 2024

To: Northland Regional Council

Name of Submitter: Horticulture New Zealand

Contact for Service:

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OVERVIEW

Submission structure

- 1 Part 1: HortNZ's role
- 2 Part 2: Submission
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Our submission

Horticulture New Zealand (HortNZ) thanks Northland Regional Council for the opportunity to submit on the draft freshwater plan and welcomes any opportunity to continue to work with council and to discuss our submission.

HortNZ could not gain an advantage in trade competition through this submission.

HortNZ wishes to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

The details of HortNZ's submission and decisions we are seeking are set out in our submission below.

HortNZ's Role

Background to HortNZ

HortNZ represents the interests of approximately 4,200 commercial fruit and vegetable growers in New Zealand who grow around 100 different fruit, and vegetables. The horticultural sector provides over 40,000 jobs.

There is approximately, 80,000 hectares of land in New Zealand producing fruit and vegetables for domestic consumers and supplying our global trading partners with high quality food.

It is not just the direct economic benefits associated with horticultural production that are important. Horticulture production provides a platform for long term prosperity for communities, supports the growth of knowledge-intensive agri-tech and suppliers along the supply chain; and plays a key role in helping to achieve New Zealand's climate change objectives.

The horticulture sector plays an important role in food security for New Zealanders. Over 80% of vegetables grown are for the domestic market and many varieties of fruits are grown to serve the domestic market.

HortNZ's purpose is to create an enduring environment where growers prosper. This is done through enabling, promoting and advocating for growers in New Zealand.



HortNZ's Resource Management Act 1991 Involvement

On behalf of its grower members HortNZ takes a detailed involvement in resource management planning processes around New Zealand. HortNZ works to raise growers' awareness of the Resource Management Act 1991 (RMA) to ensure effective grower involvement under the Act.



Submission

1. Horticulture in Northland

Horticulture in Northland is diverse with nearly all kumara grown in the region being for domestic supply and the emerging tropical fruit market becoming more extensive.

Kumara

The kumara has a long history of cultivation in New Zealand, dating back over a thousand years with the arrival of early Māori settlers. While modern kumara are the same species but a different cultivar, it still has a place within New Zealand's cultural tapestry and is classified as a national taonga under the Wai 262 Treaty Settlement findings¹

The kumara is an important food source for New Zealanders. The Northland kumara industry alone provides 90% of domestic supply.

At a local level, the Northland horticulture industry provides much needed employment opportunities. The kumara industry employs 170 full time employees (FTE), increasing to 1,200 during planting and harvesting.

Tropical fruit

Northland's tropical climate supports an emerging market of tropical fruit growing. As of 2023, the following fruits/crops are grown:

- 120 hectares of bananas (increasing 20% each year)
- Papaya/Pawpaw grown in 2 hectares of greenhouses
- 10ha of Sugar cane
 - Sold through the Fijian/Indian markets
- 20 Mango trees (trial crop)
- 7 hectares of pineapples
- 1.5 ha of banana leaf growing variety
 - Grown to order by Pacific Island and Indian communities for food and gift wrapping

Citrus

The three major citrus crops currently grown in Northland are lemons, mandarins and oranges with 279 hectares of production occurring in Northland²:

¹ <https://waitangitribunal.govt.nz/news/ko-aotearoa-tenei-report-on-the-wai-262-claim-released/>

² <https://unitedfresh.co.nz/assets/site/images/images/Fresh-Facts-%E2%80%93-Online-version-2023.pdf>

- 26% of the national mandarin crop is produced in Northland with peak production in May. Mandarins produced in Northland are for the domestic market as mandarin exports have ceased for the last two years due to no export demand from Japan
- 6% of the national navel orange crop is produced in Northland with peak production in August. A large part of the navel orange crop is exported
- 13% of the national lemon crop is produced in Northland with peak production in July. 39% of the national crop was exported during 2021/22³.

Avocados

There are approximately 77 growers in the far north with the number of growers in Northland increasing by 79% over the past 12 years. This is mainly because of the favourable growing conditions but also driven in part by the more readily available and more competitive cost of land. Northland's avocado industry represents 30% of national avocado production and 43% of producing hectares⁴.

Kiwifruit

There are 630 producing hectares of kiwifruit in Northland centred mainly around the Kerikeri region. Greenfield conversion to kiwifruit orchard continues to increase with large scale developments continuing around Kerikeri.

Other

Raspberries and blueberries are a relatively new but rapidly growing fruit crop along with nuts and olives and watermelon. There is a smattering of other vegetables but generally, the far north climate is more suited to fruit.

2. Draft Freshwater Plan

The government has announced it is repealing the National Policy Statement for Freshwater Management 2020 (NPSFM), the Te Mana o te Wai hierarchy and introducing a longer timeframe for councils to notify their freshwater plans.

HortNZ has responded to the plan in its current form while acknowledging that a review of the NPSFM and Te Mana o te Wai will likely alter the freshwater policy landscape for the region.

For the horticultural sector the issues remain clear in terms of water quantity and quality matters and the relationship of freshwater to food production.

The key areas of interest remain for HortNZ in the progression of a freshwater plan for Northland:

- Highly Productive Land
- Rootstock Survival Water
- Consent Duration
- Allocation of Water – highly productive land and land-based primary production

The issues overlap for each of these matters and relate to the planning response to food production values.

³ Citrus Market Monitoring Report Citrus New Zealand

⁴ Avocado NZ

The value of food production, particularly as it relates to highly productive land has become better recognised nationally and regionally and we expect to see this value elevated in the freshwater plan.

If we are to maximise productive capacity for food production/supply and security then the freshwater plan must promote integrated management to do so. Notably, clause 3.2 Integrated Management of the NPSHPL, requires council to consider how land-based primary production, including supporting activities, interact with freshwater management at a catchment level. Identifying highly productive land is one step but the next is providing the regulatory environment and resource allocation.

2.1. Effects on tāngata whenua values and practices

The proposed plan introduces the consideration of Māori values in the consenting process - a resource consent application must include in its assessment of environmental effects an analysis of the effects of an activity on tāngata whenua values and practices.

While clause 3.4 (2) of the NPSFM sets out the requirement for regional councils to include Māori freshwater values, it remains unclear how Māori values will be considered when a grower is undertaking the consenting process.

As an example, the value of Mana is spiritual and is described as power, authority, ownership, status, influence, dignity, respect, derived from the gods. From an implementation point of view, when a grower applies for a water consent and is undertaking the cultural impact assessment, how they can show they have given effect to this value?

2.2. Domestic Food Supply Value

Rightly, council have included a value that recognises domestic food supply:

To recognise the importance of our domestic food supply in growing fruit and vegetables for human consumption. Growers rely on water of suitable quality and sufficient quantity to produce fruit and vegetables which are fundamental to the health of New Zealanders

The Northland region is undoubtedly nationally significant for its contribution to domestic food supply; hence the value being expressed in the draft plan.

While a freshwater value is identified and freshwater outcomes expressed, there is no direct policy (nor methods) to support the allocation of water for domestic food supply in the draft freshwater plan change. While there are no specific attribute states, the draft plan does indicate these could be considered.

Food security is a nationally important issue which needs to be addressed at a strategic level. New Zealand has a national food producing system that relies on growing vegetables and fruit in pockets of highly productive land, with good climate and access to freshwater. Fruit and vegetables are essential for the human health of New Zealanders.

HortNZ recommends that the targeted allocation of water should be extended to support an allocation framework to make sufficient provision for domestic food supply which in turn supports food security for Northland and New Zealand.

Council did not identify specific attributes for the domestic food supply value and have requested feedback on whether draft attributes identified to date are sufficient to provide for these values or whether specific attributes should be developed for each of them.

HortNZ has provided target attributes which are specific to domestic food supply and these are attached as Appendix A. We welcome further discussion on this.

2.3 Te Mana o Te Wai

The government has announced its intention to begin work on a replacement for the National Policy Statement for Freshwater Management in 2024.

The government has also announced it will amend the RMA to change how councils apply Te Mana o te Wai to individual consent applications in the meantime.

Final decisions have not been made, but we understand that the intent is to clarify that consent applicants do not have to demonstrate how their individual activity adheres to the hierarchy, and to disapply the hierarchy from council consent decisions.

In the decisions sought table, HortNZ has commented and sought relief for the elevation of the following freshwater outcomes from the third to the second priority:

- Water quality and quantity is suitable for irrigation for domestic food supply
- Water quality and water quantity allocation frameworks make sufficient provision for appropriately located domestic food production
- The quality and quantity of water used for domestic food production is resilient to climate change.

This is based on domestic food supply being an essential human health need which sits within the second priority. HortNZ has commented on this because the principles and hierarchy of Te Mana o te Wai have been included in the draft plan however the hierarchy is unlikely to be a consent decision factor which would make this section of the plan irrelevant once the proposed plan is notified.

2.4 Actions and Funding

Council is proposing additional funding of over \$6million dollars to support new actions contained in the 'The Northland Regional Council Freshwater Action Plan - DRAFT' document. The proposed funding would likely be supported through rate increases.

The decision to allocate rate payers money is set through the Annual Plan process which council sets out how they intend to finance activities each year - not a regional plan and while funding amounts are noted, there is no cost benefit analysis to support the funding amounts.

HortNZ doesn't support any increase to rates until there has been an opportunity to see a cost benefit analysis.

Submission on draft freshwater plan

Without limiting the generality of the above, HortNZ seeks the following decisions on the draft freshwater plan change as set out below, or alternative amendments to address the substance of the concerns raised in this submission and any consequential amendments required to address the concerns raised in this submission.

Additions are indicated by bolded underline, and deletions by strikethrough text.

Provision	Support/ oppose	Reason	Decision sought
Definitions			
Land preparation	Support		Support
Root stock survival water	Support	Support retention of definition and allocation provisions for root stock survival water.	Support
Activities affecting wetlands			
C.2.2.3 Wetland construction	Support	Support where the changes meet the National Environment Standard	Support
Damming and Diverting Water			
C.3.1.3 Existing in-stream dam	Support	Is in line with dam regulations	Support

Taking and use of water			
C.5.1.6 Water take associated with groundwater investigation bore development, bore testing or dewatering	Support	Provision has been amended to include groundwater investigation which HortNZ supports	Support
C.5.1.9 Takes existing at the notification date of this plan – controlled activity	Support	Provision has been deleted as was a transitional rule to consent unauthorised water takes	Support
New Rule C.5.1.# Water take for domestic food supply	New	Council has included a domestic food supply value and has asked for submitters to provide attributes/outcomes etc to support this value.	<p>Add new rule</p> <p><u>Rule 5.1.1: Water take for domestic food supply – restricted discretionary activity</u></p> <p><u>The take and use of water for an activity associated with primary production for domestic food supply where not authorised under another rule is a restricted discretionary activity provided:</u></p> <ul style="list-style-type: none"> • <u>The taking of water remains with limits prescribed with this Regional Plan;</u> • <u>The take is not from an Outstanding Freshwater Body or a dune lake</u>

			<p><u>Matters of discretion:</u></p> <p><u>1) The timing, rate and volume of the take to avoid or mitigate effects on existing authorised takes and aquatic ecosystem health.</u></p> <p><u>2) Effects on tāngata whenua and practices</u></p> <p><u>3) Measures to ensure the reasonable and efficient use of water.</u></p> <p><u>4) Effects on the identified values of mapped Sites and Areas of Significance to tāngata whenua (refer I Maps Ngā mahere matawhenua).</u></p> <p><u>5) The positive effects of the activity having regard to the contribution to the domestic supply of food; and maintaining food security for New Zealanders..</u></p> <p><u>For the avoidance of doubt this rule covers the following RMA activities: □ Taking and use of water from a river (s14(2)).</u></p>
C.5.1.10 High flow allocation	Support	HortNZ supports the retained restricted discretionary activity for this take	Support
C.5.1.11 Takes existing at the notification date of this plan – discretionary activity	Support	C.5.1.11 removes the rule providing for the discharge from a pit toilet into water	Support

		<p>or onto land where it might then enter water.</p> <p>Existing rule C6.1.2 provides for pit toilets with no changes proposed.</p>	
Discharges to land and water			
C.6.3 Production land charges	Support	C.6.3 deleted and replaced with a new rule structure that separates farm and horticulture discharges (no changes to hort discharges rule)	Support
C.6.3.6 Wastewater discharges to land	Support	Where the standards of C.6.3.2 for hort wastewater are not met this is now a discretionary activity	Support
C.6.3.7 Horticulture wastewater discharges to water	Support in part	It's unclear what treated horticulture discharges mean ?	Clarification sought on the definition of treated horticulture discharges
Other discharges of contaminants			
C.8.2 Land preparation	Oppose	This rule requires land preparation setbacks can be reduced with a certified FWFP that shows adverse effects of activity are no greater however FWFP regulations only apply to growers over five hectares and therefore growers with	Remove the requirement for an FWFP and retain existing rule (setbacks reduced to five metres)

		less than five hectares are disadvantaged	
C.8.2.2 Land preparation controlled	Oppose	The activity status is changing from a controlled to discretionary activity. HortNZ opposes this change as the matters of control in the existing rule are sufficient to mitigate adverse effects	Oppose
Earthworks			
C.8.3.1 Earthworks - permitted activity	Oppose in part	HortNZ doesn't support the council being notified of any earthworks within five days. This is overreach and differs significantly from the existing rule	Oppose
C.8.3.2 Earthworks - controlled activity	Support in part	An exclusion to this rule is required to support earthworks for biosecurity purposes	<p>Add exclusion</p> <ul style="list-style-type: none"> • <u>Activities associated with erosion and sediment control device establishment/maintenance associated with cultivation.</u> • <u>Burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the</u>

			<u>Minister under the Biosecurity Act 1993.</u>
Vegetation Clearance			
C.8.4.2 Vegetation clearance in riparian areas – permitted activity	Support in part	An exclusion to this rule is required to support earthworks for biosecurity purposes	<p>Add exclusion</p> <ul style="list-style-type: none"> • <u>Activities associated with erosion and sediment control device establishment/maintenance associated with cultivation.</u> • <u>Burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u>
Tangata Whenua			
D.1.1 and D.1.2	Support in part	There is little to no guidance on how spiritual values can be given effect to during the consenting process. Council will need to provide guidance on this	Further clarification required

		matter before HortNZ can provide additional commentary	
General			
D.2.14 Resource consent duration	Oppose in part	<p>HortNZ opposes a shorter consent duration for activities not supported by mana whenua. HortNZ supports the existing matters to be given regard to in considering consent duration and in particular the tenure of investment, certainty of effects and compliance history.</p> <p>A specific matter of regard for consent duration should be given to the regional value expressed for Domestic Food Supply which is an ongoing and intergenerational resource management issue where certainty in consenting is critical</p>	<p>Amend to include</p> <p><u>#) whether the activity is associated with primary production for domestic food supply and requires a longer consent duration for maintaining food security for New Zealanders.</u></p> <p>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</p>
Land and Water			
D.4.10 Avoiding over-allocation	Support in part	HortNZ supports this rule pending the elevation of 23,24 and 25 to the second priority.	Amend to move 23,24 and 25 to the second priority

D.4.12 Minimum flows and levels	Support in part	HortNZ supports this rule pending the elevation of 23,24 and 25 to the second priority.	Amend to move 23,24 and 25 to the second priority
D.4.27 Land preparation, earthworks and vegetation clearance	Support in part	HortNZ supports the rule but notes the inclusion of 'cultural' values and not 'Māori' values. It is unclear if these are two separate things	Clarification required of how (if) cultural and Māori values are different
D.4.37 Allocation of water - mauri		Does this lead to another allocation framework separate to targeted water allocation/rootstock survival water? The targeted water allocation has a specific purpose and criteria which is separate to D.4.37	Clarification required
D.4.39 Tāngata whenua climate change mitigation and adaptation		It is unclear how this would be articulated in a consent application and how applicants would know what to do and what information to provide	Clarification required
D.4.46 Allocation of water	Support in part	Reflecting the regional value of Domestic Food Supply and the elements expressed in F.1A (23, 24 and 25), the narrative attribute states proposed by the submitter and a new allocation rule, a new policy is required	Amend to include <u>Where primary allocation is available for abstraction, the Northland Regional Council will allocate water in a manner that is sufficient to provision existing and future domestic food production needs.</u>

D.4.51 Climate change mitigation and adaptation	Support in part	HortNZ supports including land use change to horticulture as a mitigation for climate change adaptation	Amend to include land use change to hort as a mitigation
D.4.52 The climate crisis and freshwater decision making	Support in part	The importance of domestic food supply to ensure food security in a changing climate should be recognised	Amend to include <u>6) domestic food security is protected</u>
D.4.53 Mitigating climate change	Support in part	Land use change to horticulture provides lower emissions which helps to mitigate climate change	Amend advice note to include: For example, the use of energy efficient pumps, <u>land use change to low emissions horticulture</u> and use of freshwater for renewable energy generation.
Values			
Domestic food supply	Support	HortNZ is pleased that domestic food supply has been recognised and included in this plan	Retain
Objectives			
F.1A Freshwater environmental outcomes	Support in part	Domestic food supply is a human health need and therefore should be elevated to the second priority	Amend to elevate 19, 23, 24 and 25 to the second priority

F.1A.8 Meeting target states for Māori freshwater values attributes	Oppose	The date of 2040 is not supported as it is based on the anniversary of the signing of the Treaty of Waitangi and not science based.	Reject
Environmental flows, levels and allocations			
Policy H.4.1 Minimum flows for river	Support	<p>Support retention of definition and allocation provisions for root stock survival water.</p> <p>Table 28: <i>Secondary minimum flows for root stock survival processes</i> sets out specific allocation framework (minimum flow and applicable conditions) in accordance with Environment Court decision.</p>	Retain
Policy H.4.3 Allocation limits for river	Support	<p>Support retention of definition and allocation provisions for root stock survival water.</p> <p>Table 31: <i>Root stock survival water allocation blocks</i> sets out specific allocation framework (minimum flow and applicable conditions) in accordance with Environment Court decision.</p>	Retain

Freshwater attributes			
H.12.2 Freshwater attributes Domestic food supply	New	<p>Council have not identified specific attributes for the included values. There are links between these values and the attributes identified to date in the draft plan change (for example suspended fine sediment and macroinvertebrates could be considered as attributes for the natural form and character value). Environmental flows and levels and water allocation also has a direct influence on many of these values and could be considered as an attribute.</p> <p>Council is interested in feedback on whether draft attributes identified to date are sufficient to provide for these values or whether specific attributes should be developed for each of them.</p>	Attached as appendix a

Appendix A

Attributes for Domestic Food Production Value

Value	Domestic Food Production
Freshwater body type	All
Attribute unit	Domestic Food Production Water Allocation

Attribute band and description	Narrative attribute state
Band A	
The allocation and use of water for domestic food production is sufficient to provision existing and future needs.	Excellent
Band B	
Highly productive land is mapped in the northland region. Water allocation and use displays a priority to domestic food production	Good
Te Tai Tokerau Bottom Line	
Band C	
Highly productive land is mapped in the northland region and water allocation recognised and provisioned for domestic food production	Fair
Band D	

Highly productive land is mapped in the northland region and the value of domestic food production not recognised in the allocation framework or decision making.	Poor
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Target Attribute States for Domestic Food Production Value

<u>Attribute</u>	Target State 1	Target State 2
Domestic Food Production	Band C, by 2025	Attribute bottom line, by 20..
Water Allocation		

From: [rmu patuharakeke](#)
To: [Freshwater](#)
Cc: [Alison Newell](#)
Subject: Submission on Northland Regional Councils draft Freshwater Plan Change
Date: Tuesday, 2 April 2024 1:00:55 pm
Attachments: [PTB TPT NPSEM submission to NRC.docx](#)

Kia ora,

Please find Patuharakeke's submission on the proposed NRC Freshwater Plan change attached. Feel free to reach out if you have any questions.

Nga mihi nui,

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Submission on Northland Regional Councils draft Freshwater Plan Change

Date: 2 April 2024

To: Northland Regional Council (freshwater@nrc.govt.nz)

From: Patuharakeke Te Iwi Trust Board

Re: draft Freshwater Plan Change Submission

Background

1. Patuharakeke as mana whenua of the region located south of the Whangārei Harbour have a long traditional relationship with the whenua. We have held mana or dominion over both land and water resources and other taonga in the area through numerous generations of occupation and use in Patuharakeke's history and since settler arrival, in our responsibility as ahi kā and kaitiaki of the region. Patuharakeke's traditional rohe is depicted in the abridged map below (marked accordingly for contemporary management purposes).

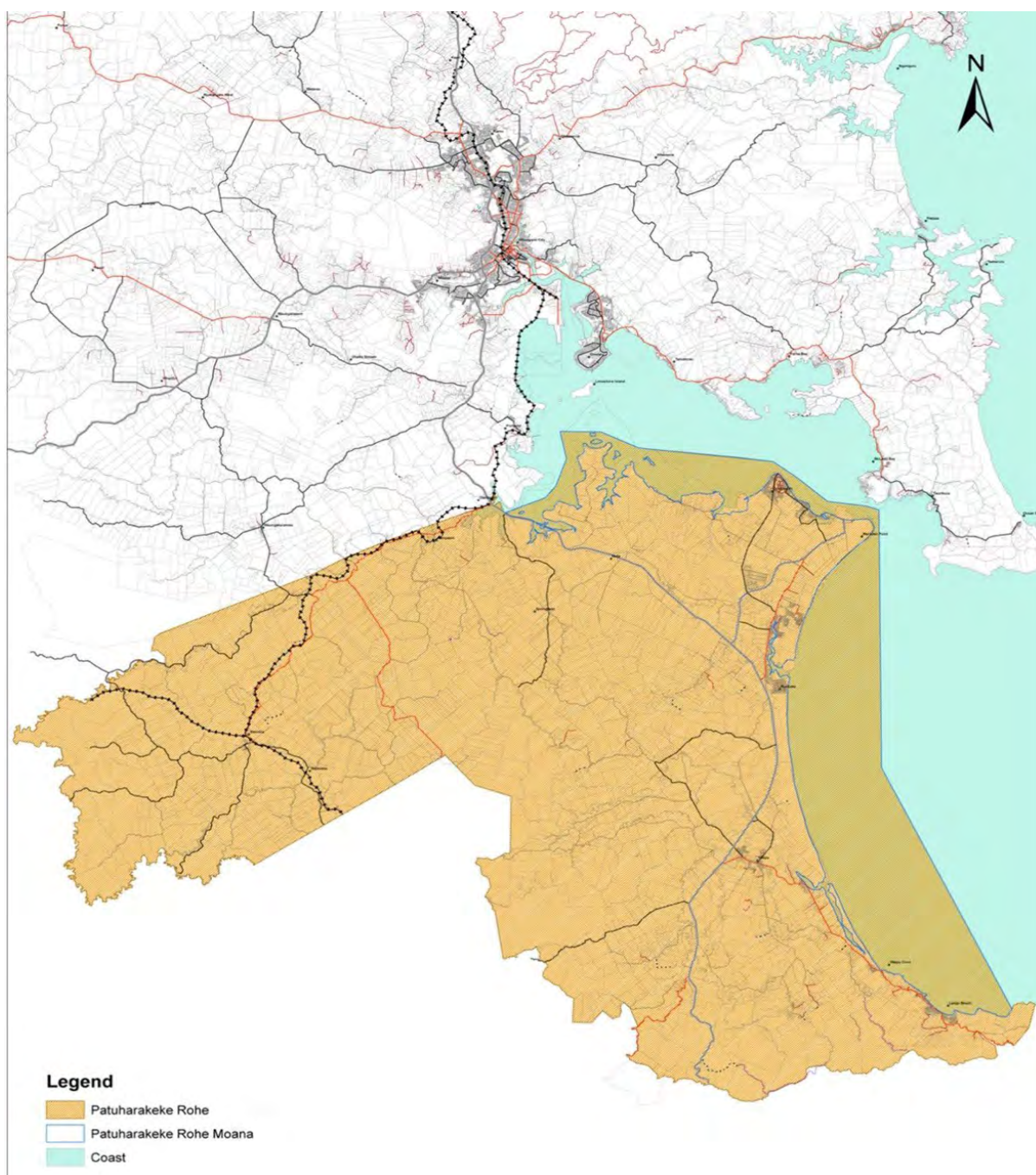
The relationship of Patuharakeke was considered against the various categories listed in sections 6(e), and 7(a) of the RMA 1991: that is to say the relationship of Patuharakeke and their culture and traditions with sites and wāhi tapu and wāhi tūpuna and other taonga in the vicinity; and our status as kaitiaki and practitioners of kaitiakitanga in regard to those resources.

The naming of water systems and land features is but one way that tangata whenua demonstrate the depth and closeness of this relationship. The waterways, and ranges and peaks that surround them are named in pepeha, waiata and whakatauki; as they were by our tūpuna and, as the current generation intends, they will be referred to by their mokopuna for all time to come.

Ruakākā River and its tributaries the Waiwarawara, Tauroa, Waipapa, and the Pukekauri/Waikauwera/Takahiwai and Rauiri streams were historically important and continue to be significant in contemporary times. These were important sources of kai e.g. tuna, parera, kōkopu, koura, and kuaka, and harakeke muka and other plants used for raranga/weaving and rongoa were also sourced there. Their important function as mahinga kai and mahinga mātaimai is described later in this report. Besides providing

physical sustenance these were also traditional transport and communication routes for our tūpuna and neighbouring tribes when they travelled between hinterland and coastal sites seasonally. Other locations were set aside by the hapū for particular activities such as baptisms, the washing of tūpāpaku (the deceased), repositories for taonga, and yet other areas for teaching children to swim. In terms of the cultural landscape outlined above, awa were important boundary and wayfinding features and of course central to hapū identity.

We acknowledge future growth and development is going to affect Patuharakeke rohe and its community significantly, including water supply.



2.

Patuharakeke rohe (gazetted for contemporary management purposes)

Patuharakeke HEMP and MWaR

3. PTB are signatories to a Mana Whakahono a Rohe Agreement (MWaR) with NRC which was initiated in 2020. The intent of the MWaR is to improve working relationships between Tangata Whenua and Councils, and to enhance Māori participation in RMA decision-making processes. It sets out how engagement should occur between the parties when NRC prepares a plan change such as this one. We acknowledge that NRC's freshwater Policy Team

has met and held discussions with PTB's Te Pou Taiao as well as PTB representatives having been part of the review and drafting process through Tai Tokerau Water Advisory Group (Dave Milner) and through the Te Tai Tokerau Māori and Council (TTMAC) Working Party (Juliane Chetham).

4. We further note that Te Pou Taiao are currently in the process of updating the Patuharakeke Hapū Environmental Management Plan 2014, specifically the Wai Māori/Freshwater section and climate change policy. We note that the NRC Freshwater Plan Change tangata whenua provisions as currently drafted (subject to any recommendations below) far better align with the outcomes we seek in our HEMP for Wai Māori in our rohe and therefore assist Council in meeting its obligations under S66 of the RMA.

Summary of approach

5. 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). Patuharakeke oppose these repeals including the amendments proposed for NPSFM 2020. We consider that regardless of Government providing NRC with the option to extend the deadline for councils to notify the plan until the end of 2027, Council should remain steadfast and uphold the mana and integrity of the lengthy process that Mana Whenua have engaged in with them thus far and continue the current process [note some Council's such as Otago Regional Council have confirmed they will push on with notification of their PC).

6. We applaud Northland Regional Council's (NRC) approach to developing a draft Freshwater Plan for Northland, in particular the tangata whenua provisions. As noted above, Patuharakeke was represented and participated in the drafting of these provisions through our roles on TTWAG AND TTMAC. 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

7. 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.

8. 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. 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).

9. We agree with meeting relevant standards and outcomes within the timeframe set for 2040 as described in the RPS. 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

10. 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.

11. 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

12. 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.

13. 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 rangatiratanga and uphold our mana over our taonga, that must be provided for by the draft Freshwater Plan administered by the Regional Council.

14. 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.

15. 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 kōhi 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

16. 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.

17. 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.

18. 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 direct our whānau how to treat wai, including wai tapu, and areas where we have mahinga kai for example.

19. We support the concept of legal personhood of a body of water, with an appropriately elected ambassador to speak on its behalf. This concept upholds the mana of wai in itself. We would like NRC to commit to pursuing this concept through the chapter.

Using mātauranga Māori in monitoring freshwater

20. 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 onto 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.

21. 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.

22. 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.

23. 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. Patuharakeke Pou Taiao upholds extensive capacity and capability in this space and currently work independently

as well as alongside NRC in monitoring across a number of domains in our rohe. We are confident we can monitor these attributes in our area of interest.

24. 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

25. 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.

26. We further support the inclusion of having a cultural impact assessment for all controlled activities. And having more stringent rules for setbacks around waterways.

27. Moreover, we advocate for a 10-year limit on all resource consent applications that involve water, with the consideration of a longer term if the application is supported by mana whenua.

28. 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

29. 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.

30. The methodology for developing FMUs by the Council in 2019 did not include engagement with our hapū. As proposed FMU's are high level and misaligned with hapū rohe boundaries and management objectives. 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.

31. There is also 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 and potentially better alignment with hapū aspirations at a rohe level.

Integrated management and climate change planning

32. 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.

33. 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.

34. 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

35. We support tangata whenua involvement in freshwater management and decision-making actions outlined in the draft Action Plan. Funding must be provided by the Council that enables our hapū to implement relevant parts, including monitoring freshwater. We are concerned that by delaying the decision on notification of the plan change this will mean there is inadequate funding for implementation for another 3 years. In the meantime the Long Term Plan currently out for consultation will need to have sufficient resourcing budgeted for freshwater mahi in the meantime. PTB intend to make a separate submission on the LTP regards this matter.

Signed



Juliane Chetham, on behalf of Patuharakeke hapū

From: noreply@fs17.formsite.com on behalf of [Formsite](#)
To: [Freshwater](#)
Subject: draft Freshwater Plan Change feedback from: Liliana Clarke
Date: Sunday, 31 March 2024 3:07:11 pm

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Liliana
Last name:	Clarke
Organisation:	Ngati Rangi Hapu
Mailing address:	
Email:	
Phone:	
Topics for feedback:	<ul style="list-style-type: none">• 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
Tell us what you think:	<p>I am writing this submission on behalf of Ngati Rangi Hapu to formally submit our responses regarding the Northland Regional Council Freshwater Draft Plan. As kaitiaki of our whenua and wai, we have a deep-seated relationship and responsibility towards the preservation and enhancement of our taonga, wai. We appreciate the opportunity to contribute to the shaping of policies that will govern the management of freshwater resources in Te Tai Tokerau.</p> <p>On behalf of Ngati Rangi Hapu, we submit this formal document to express our views, aspirations, and recommendations regarding the Northland Regional Council's Freshwater Plan.</p> <p>The vision, objectives and/or targets for our freshwater future</p> <p>Ngati Rangi Hapu, as kaitiaki of our lands and waters, holds a deep and intrinsic connection to the freshwater resources within our rohe. We acknowledge the Northland Regional Council for its</p>

efforts in drafting a plan that aims to address the pressing challenges our freshwater bodies face. However, we wish to ensure that the vision, objectives, and targets of this plan align with the principles of Te Mana o te Wai and effectively protect our taonga for future generations.

Vision: Our vision for freshwater in Northland aligns with the concept of Te Mana o te Wai, where the health and well-being of our water bodies are prioritised to sustain the natural environment, the people, and our culture. We envision a future where freshwater resources are managed sustainably, ensuring their mauri is restored and maintained. This vision encompasses not only the physical attributes of water but also its cultural, spiritual, and ancestral significance to Ngati Rangi Hapu.

Objectives:

Recognition of Tangata Whenua's Role: An essential objective is the formal acknowledgment of Ngati Rangi Hapu status as tangata whenua and our role as kaitiaki. This includes active participation and decision-making in the management and restoration of freshwater resources, reflecting a genuine partnership under Te Tiriti o Waitangi.

Sustainable Management and Protection: To manage freshwater resources sustainably, ensuring their quality and quantity supports both ecological integrity and Hapu aspirations. This entails stringent protection measures against pollution, over-allocation, and habitat destruction, guided by matauranga Maori and contemporary science.

Restoration and Enhancement: Commit to restoration projects that enhance the mauri of degraded water bodies, including riparian planting, wetland restoration, and the removal of barriers to native fish migration. These efforts should be Hapu-led, supported by the council, and involve the wider community.

Targets:

Water Quality Improvement: Achieve measurable improvements in water quality indicators (e.g., nitrate levels, E. coli presence) within five years, with the aim of reaching levels that sustain healthy ecosystems and safe cultural and recreational activities.

Increased Biodiversity: Double the area of protected and enhanced freshwater ecosystems (e.g., wetlands, streams) within the Northland region by 2030, emphasising indigenous biodiversity and habitat connectivity.

Cultural Health Indicators: Develop and implement a set of cultural health indicators, in collaboration with Ngati Rangi Hapu, to monitor and report on the health of freshwater bodies from a Maori perspective.

Improving water quality in a way that aligns with the cultural measures and values of Ngati Rangi Hapu involves a blend of modern scientific approaches and traditional knowledge. This respectful integration ensures that water management strategies not only enhance the physical quality of water but also honor the spiritual and cultural significance water holds for Ngati Rangi Hapu.

One key approach is the concept of kaitiakitanga, a Maori term for guardianship and conservation. This involves engaging Ngati Rangi Hapu as active partners in water management projects,

ensuring their knowledge and values are central to the planning and decision-making processes. For example, using traditional ecological knowledge to identify significant sites and species can guide the restoration of waterways, helping to improve water quality while also preserving or restoring habitats that are of cultural significance.

Innovative, yet culturally respectful, water treatment methods that align with Ngati Rangi Hapu values could include the use of constructed wetlands and riparian planting. Constructed wetlands act as natural filters, removing pollutants from water through biological processes, while riparian planting stabilises river banks, reduces runoff, and enhances habitat quality. These methods work in harmony with the natural environment, embodying the principle of mahinga kai, the sustainable utilisation of natural resources, which is a fundamental aspect of Ngati Rangi Hapu culture.

The implementation of monitoring programs that include cultural indicators alongside scientific parameters for water quality can offer a comprehensive understanding of the health of water bodies. This dual approach not only measures physical attributes like clarity, nutrient levels, and biodiversity but also assesses the spiritual and cultural health of the water, ensuring that improvements are made in a way that is meaningful and respectful to Ngati Rangi Hapu.

By incorporating these methods, water quality improvement projects can achieve outcomes that are environmentally sustainable and culturally enriching, fostering a deep sense of connection and stewardship towards water for future generations. Ngati Rangi Hapu seeks a collaborative approach with the Northland Regional Council to ensure that the Freshwater Plan not only meets statutory requirements but embodies the aspirations and values of tangata whenua. We believe that by working together, respecting the principles of co-governance, and incorporating matauranga Maori, we can achieve a sustainable and prosperous freshwater future for Te Tai Tokerau.

Our primary concern revolves around the protection of wai Maori (freshwater) to ensure its sustainability for future generations. The Draft Plan must recognise and incorporate Maori perspectives and values, particularly those of Ngati Rangi Hapu, in all aspects of water management. This includes the acknowledgment of our tikanga and the application of matauranga Maori in decision-making processes. The inclusion of Maori values is not only a matter of cultural significance but also a proven approach to achieving holistic and sustainable environmental outcomes.

Ngati Rangi Hapu urge the Council to prioritise the restoration and protection of waterways that are of significant importance to Ngati Rangi Hapu. These are critical habitats for our native species and are vital for the cultural practices and sustenance of our Hapu. The Draft Plan should outline clear, enforceable measures to reduce pollution, regulate water extraction, and mitigate the impacts of climate change on these ecosystems. We also propose the establishment of a co-management framework that allows Ngati Rangi Hapu to have direct involvement and authority in the governance of these waterways.

Ngati Rangi Hapu is committed to working collaboratively with the Northland Regional Council and other stakeholders to ensure the Freshwater Draft Plan reflects our shared vision for a sustainable and prosperous future for our water resources. We look forward to engaging in constructive dialogues and contributing further to the development of a plan that respects and upholds the principles of Te Tiriti o Waitangi, ensuring the well-being of our freshwater for generations to come.

Mandatory Cultural Impact Assessment Reports Pertaining to Freshwater and Land-Related Consents

Ngati Rangi Hapu are kaitiaki of the whenua and whenua that have sustained our Hapu for generations. Our connection to these natural resources is not merely environmental but deeply cultural, spiritual, and historical. It is within this context that we propose a policy requiring comprehensive Cultural Impact Assessment (CIA) reports for all consents related to freshwater resources and lands within our traditional territories.

The significance of freshwater and land to Ngati Rangi Hapu cannot be overstated. These elements are intrinsic to our identity, wellbeing, and the legacy we wish to leave for future generations. The increasing pressures on these resources, from commercial exploitation to environmental degradation, necessitate a more inclusive and culturally sensitive approach to consent processes. By integrating CIA reports into the consent framework, the council can ensure that decisions are made with a full understanding of potential impacts on Maori cultural values, practices, and ancestral legacies.

The proposed CIA reports should detail the potential effects of consented activities on cultural sites, water quality and availability, traditional food sources, and access to culturally significant lands and waters. Furthermore, these assessments should be conducted in partnership with affected Hapu and iwi, utilising both matauranga Maori (Maori knowledge) and scientific methodologies to ensure a holistic understanding of potential impacts. This approach aligns with the principles of the Treaty of Waitangi, promotes sustainable management of natural resources, and fosters a more equitable and participatory decision-making process.

We believe that the adoption of mandatory Cultural Impact Assessment reports for freshwater and land-related consents will mark a significant step towards honouring the Treaty of Waitangi's principles and ensuring that the voices and rights of Ngati Rangi Hapu, and indeed all tangata whenua, are adequately represented and protected in resource management decisions. We look forward to engaging in further discussions with the council on how this policy can be implemented effectively and respectfully.

The concept of Hapu cultural consent within the context of council decision-making underscores a vital aspect of indigenous rights and participation in local governance. Their involvement in decisions passed through council is not just a matter of respecting cultural heritage but a necessary step towards ensuring that the

decisions reflect the values, needs, and aspirations of the Hapu members.

Incorporating Hapu cultural consent into council decisions means recognising the Hapu as key stakeholders in matters that affect their lands, waters, and community well-being. This process involves active engagement and consultation with the Hapu, allowing them to have a say in the planning, development, and implementation of projects and policies. It is a manifestation of self-determination, allowing the Hapu to safeguard their cultural heritage, protect their resources, and contribute to sustainable development in a way that is aligned with their traditions and knowledge systems.

The benefits of requiring Hapu cultural consent extend beyond the preservation of cultural identity. It fosters a collaborative approach to governance that can lead to more innovative, inclusive, and effective solutions to local challenges. It builds stronger relationships between the council and indigenous communities, reduces conflicts, and enhances social cohesion. For these reasons, ensuring that every consent passed through the council receives Hapu cultural consent is not only a matter of respecting cultural rights but also a step towards more equitable and participatory governance.

Managing highly-erodible land

On behalf of Ngati Rangi Hapu, we would like to address the urgent matter of managing highly erodible land within our rohe. As kaitiaki of the whenua that has been entrusted to us through generations, we hold a deep-seated responsibility toward the preservation and sustainable management of our natural resources. The issue of land erosion poses a significant threat not only to the environmental integrity of our rohe but also to the cultural heritage and the economic well-being of Ngati Rangi Hapu.

The adverse effects of soil erosion extend beyond the mere loss of fertile topsoil; they manifest in the degradation of water quality, reduction in agricultural productivity, and the loss of native flora and fauna. These repercussions are profoundly felt by our community, which maintains a symbiotic relationship with the land and the environment. The erosion of land not only erases the physical terrain but also threatens to wipe away the rich cultural narratives and historical sites that are invaluable to Ngati Rangi Hapu.

In light of these considerations, we propose a collaborative approach to manage and rehabilitate the highly erodible lands within our rohe. This strategy should encompass the implementation of sustainable land management practices, the restoration of native vegetation, and the integration of traditional knowledge and modern science. We advocate for the establishment of a joint management committee, comprising representatives from Ngati Rangi Hapu, council members, and environmental experts, tasked with developing and overseeing the execution of a comprehensive land management plan.

We are committed to working in partnership with the council and

other stakeholders to address this critical issue. We hope that through collective efforts, we can safeguard the land for future generations, preserving its ecological, cultural, and economic value. We respectfully request the council's earnest consideration of our submission and look forward to the opportunity to discuss this matter further.

Eliminating discharges to waterways

Our concerns and proposals regarding the current state and management of water discharges within our region. As kaitiaki of our lands and waters, we hold a profound connection and responsibility toward the protection and preservation of our natural resources. It is with this sense of duty that we address an issue of critical importance to our community, the environment, and future generations: the elimination of discharges to water. The significance of water for Ngati Rangi Hapu cannot be overstated; it is a source of life and identity, deeply intertwined with our tikanga, kawa, and whakapapa. The ongoing discharges to our waterways not only pose a significant threat to the mauri of these waters but also to the flora, fauna, and communities that depend upon them. We believe that with concerted efforts, collaborative governance, and sustainable practices, we can achieve a future where our waters are free from pollution. We propose the following actions be considered and implemented by the Northland Regional Council:

Strengthening of Regulatory Frameworks: Review and enhance existing regulations concerning water discharges to ensure they are stringent, effective, and reflective of the latest environmental research and standards.

Community and Stakeholder Engagement: Foster a collaborative approach by involving Hapu, iwi, local communities, businesses, and environmental organisations in the decision-making process, ensuring diverse perspectives and knowledge inform sustainable water management practices.

Investment in Green Infrastructure: Encourage the adoption of innovative and sustainable technologies and infrastructure that minimise or eliminate pollutants entering our waterways. This includes support for projects that restore natural water filtration systems, such as wetlands and riparian planting.

Monitoring and Compliance: Implement a robust monitoring system to ensure compliance with water quality standards, including regular testing and public reporting of results to ensure transparency and accountability.

Education and Awareness: Develop educational programs aimed at raising awareness about the importance of water conservation and pollution prevention among the community and businesses. We understand that the challenge of eliminating discharges to water is complex and multifaceted, requiring the cooperation and commitment of all stakeholders involved. Ngati Rangi Hapu is dedicated to working alongside the council, other iwi, and community groups to achieve the shared goal of restoring and protecting the mauri of our waters.

Ngati Rangi Hapu support the following changes in regards to

wastewater discharges and as a result waterways pollution. The pressing issue of water pollution, particularly from discharges into freshwater systems, has prompted a reevaluation of environmental policies and regulations. Stormwater runoff and dairy farm effluent are significant contributors to this problem, carrying pollutants that degrade water quality, harm aquatic life, and pose risks to public health. In response to these challenges, proposals for greater controls on such discharges are gaining momentum. These measures aim not only to reduce the volume of pollutants reaching our waterways but also to ensure that any discharges are treated to the highest standards possible before their release.

Among the proposed changes is a significant shift in the management of dairy farm effluents. The new regulations would require all discharges of dairy effluent to land to obtain a resource consent, effectively banning the practice of discharging treated farm dairy effluent directly into water bodies. This move underscores a growing recognition of the need to protect our freshwater resources from agricultural pollutants. Additionally, the proposals call for stricter requirements for the renewal of existing consents, ensuring that even ongoing operations contribute to the overall goal of reducing waterway contamination.

The scope of these proposed changes extends beyond agriculture to encompass urban wastewater management as well. New discharges from wastewater treatment plants to water bodies are set to be prohibited, with existing consents facing more stringent renewal requirements. Similarly, the discharge of treated domestic wastewater to waterways is slated for prohibition. These measures represent a comprehensive approach to tackling water pollution, emphasizing prevention, treatment, and sustainable management practices. By addressing the issue from multiple angles, the proposed regulations aim to safeguard freshwater ecosystems, promote public health, and ensure the long-term viability of our water resources.

Ngati Rangi has shown support for changes in wastewater and discharge practices, emphasizing the importance of such reforms for environmental sustainability and cultural preservation. This support is not just a political stance but reflects a deep-seated value system that prioritises the health of the natural world and its significance in Maori culture. For indigenous communities like Ngati Rangi, water bodies are not merely resources but are considered taonga (treasures) that hold spiritual significance and are vital for the community's well-being and identity.

The endorsement of improved wastewater and discharge practices by Ngati Rangi is indicative of a broader indigenous-led movement towards sustainable development and environmental protection. This movement is grounded in traditional knowledge and practices that have been honed over centuries, emphasizing coexistence with nature rather than domination over it. By supporting these changes, Ngati Rangi advocates for practices that mitigate pollution, protect aquatic ecosystems, and ensure that water, a crucial life source, is treated with respect and care. Ngati Rangi Hapu support for these environmental initiatives

sends a powerful message about the importance of collaboration between indigenous groups and governmental bodies in addressing ecological challenges. It highlights the potential for traditional knowledge to complement scientific approaches in environmental management, offering innovative solutions to contemporary problems. Such partnerships can lead to more effective and culturally respectful policies, ensuring that efforts to protect the environment also support the preservation and revitalization of indigenous cultures and their deep connections to the land and water.

Managing exotic forests

Our Hapu holds a deep connection to our whenua (land), which is central to our identity, culture, and well-being. The introduction and management of exotic forests in our region have raised significant environmental, economic, and cultural concerns that we believe must be addressed collaboratively with the council. Firstly, the ecological impact of exotic forests, primarily composed of species such as *Pinus radiata*, has been profound. These species, while economically valuable, have altered native ecosystems, affected biodiversity, and impacted water quality through increased sedimentation and nutrient run-off. We advocate for a balanced approach that considers the ecological footprint of these forests. Implementing comprehensive ecological assessments and adopting practices that minimise adverse environmental impacts is crucial. This includes the integration of indigenous flora within these forests and the establishment of buffer zones around waterways and significant sites.

Economically, while exotic forestry presents opportunities for revenue and employment, these benefits must be realised equitably by our Hapu. We propose the development of partnership models that enable our people to participate more fully in the forestry sector. This includes involvement in decision-making processes, employment and training opportunities, and equitable sharing of economic benefits. The establishment of a joint management committee, including Hapu representatives, could oversee the implementation of these partnership models. Culturally, the land is a taonga (treasure) to us, and its management must reflect the principles of kaitiakitanga (guardianship) and manaakitanga (care and respect). We urge the council to recognise and incorporate Maori perspectives and values in forest management practices. This includes the protection of wahi tapu (sacred sites) and the use of Maori knowledge systems alongside scientific methods to inform sustainable practices.

In conclusion, we seek a collaborative approach to the management of exotic forests that respects the principles of the Treaty of Waitangi and recognises the rights, interests, and values of Ngati Rangi Hapu. We believe that through meaningful dialogue and partnership, we can achieve a management strategy that supports ecological integrity, economic development, and cultural preservation.

Managing impacts on tangata whenua values

On behalf of Ngati Rangi Hapu, we express our collective concerns and to propose measures for the management and protection of our Tangata Whenua values. Our Hapu, deeply rooted in our ancestral lands, holds the kaitiakitanga (guardianship) principles at the core of our identity, ensuring the sustainability and well-being of our people and our environment for generations to come.

In recent times, we have observed an increasing number of developments and activities within our rohe (territory) that have the potential to adversely impact the cultural, environmental, and spiritual well-being of our Hapu. These include but are not limited to, land use changes, water resource management, and infrastructure development. Any action must be taken within our rohe not only respects but actively supports the preservation of our Tangata Whenua values.

To address these concerns, we propose the following measures be considered and integrated into the Council's planning and decision-making processes:

Engagement and Consultation: Establish a formal process for ongoing engagement and consultation with Ngati Rangi Hapu on all projects and activities within our rohe. This process should recognise and respect our mana whenua (territorial rights) and ensure our active participation from the initial planning stages through to completion.

Cultural Impact Assessments: Require Cultural Impact Assessments for all major projects and activities to evaluate potential impacts on our Tangata Whenua values. These assessments should be carried out in partnership with Ngati Rangi Hapu representatives to ensure an accurate and comprehensive understanding.

Protection and Enhancement Measures: Implement measures to protect and enhance the natural and cultural heritage sites that are of significance to Ngati Rangi Hapu. This includes the restoration of waterways, protection of sacred sites, and the preservation of native flora and fauna.

Education and Awareness: Foster greater awareness and understanding of Ngati Rangi Hapu values, history, and practices among the wider community and stakeholders through education and partnership initiatives.

We believe that by adopting these measures, the Council will not only safeguard the Tangata Whenua values of Ngati Rangi Hapu but also contribute to a more sustainable and inclusive future for all residents within our rohe.

Stock exclusion – distance from waterways

Our collective concerns and recommendations regarding the current practices of stock management near waterways within our ancestral lands. As kaitiaki of this whenua, we are deeply committed to preserving and enhancing the mauri (life force) of our rivers, streams, and lakes, which are not only vital natural

resources but also of significant cultural and spiritual importance to our people.

Our primary concern lies in the unrestricted access of livestock to waterways, which has led to considerable environmental degradation, including erosion, pollution from animal waste, and the destruction of native habitats. These issues not only compromise the health and safety of our water but also pose a significant threat to our traditional practices, such as mahinga kai (food gathering) and other cultural rituals associated with water. The Ngati Rangi hapu's support for a ten-metre setback for stock exclusion reflects a holistic approach to land and water management, deeply rooted in the values of kaitiakitanga (guardianship) and sustainability. This initiative is not just about setting boundaries for livestock; it's a profound commitment to preserving the mauri (life force) of the land and waterways, ensuring they remain vibrant and healthy for generations to come. Implementing a ten-metre setback from waterways for stock exclusion is a significant step towards mitigating the environmental impacts of farming, such as erosion, sedimentation, and contamination of streams and rivers with nutrients and pathogens. By keeping livestock away from water bodies, the risk of these pollutants entering the water supply is greatly reduced, leading to cleaner, healthier water systems. This practice also encourages the growth of riparian strips, which can further filter out pollutants before they reach waterways and provide habitat for native flora and fauna, enhancing biodiversity. The stance of the Ngati Rangi hapu on this matter serves as an inspiring example of indigenous leadership in environmental conservation. It underscores the importance of integrating traditional knowledge with contemporary land-use practices to achieve sustainable outcomes. By advocating for such measures, the hapu not only protects natural resources but also strengthens the connection between people and the environment, fostering a sense of responsibility and respect for the natural world that sustains us all.

In light of these concerns, we propose the following recommendations for immediate action by the council:

Implementation of stringent stock exclusion regulations that mandate a 10 metre distance of livestock from all waterways within our Hapu's area of interest. This distance should be scientifically determined to ensure adequate protection of the waterway's health and its surrounding ecosystems.

Development and enforcement of a comprehensive management plan that includes periodic assessments and monitoring to ensure compliance with these regulations, in partnership with Ngati Rangi Hapu representatives.

Provision of support and resources for local farmers and landowners to transition to sustainable stock management practices, ensuring both the economic viability of their operations and the protection of our environment.

We believe that through collaborative efforts and the adoption of these measures, we can achieve a sustainable balance between agricultural activities and environmental stewardship, preserving the mauri of our waterways for future generations.

Ngati Rangi Hapu is committed to engaging in constructive dialogue and working closely with the council, landowners, and the wider community to implement these recommendations. We respectfully request that this submission be considered as a matter of urgency and look forward to your positive response and support in this endeavour.

Stock exclusion – highly-erodible land

The critical issues surrounding stock exclusion and the management of highly erodible land within our rohe. As kaitiaki, we are deeply committed to the sustainability and well-being of our lands, waters, and all living beings that inhabit them. It is with this sense of responsibility and guardianship that we engage with the council to ensure that our natural resources are managed in a way that honours our Tupuna connection, cultural values, and the environmental laws of New Zealand.

The issue of stock exclusion is paramount to maintaining the health of our waterways, wetlands, and the overall ecosystem. Livestock access to these areas not only degrades water quality through direct contamination but also contributes to erosion and loss of habitat for native species. We advocate for stringent regulations that require fencing or other effective barriers to prevent stock from entering not only waterways but also areas identified as wetlands and springs, which are of significant cultural and ecological importance to Ngati Rangi Hapu.

The management of highly erodible land is a matter of grave concern for our Hapu. Erosion not only leads to the loss of precious topsoil but also has severe downstream effects, including sedimentation of waterways, which impacts aquatic life and water quality. We urge the council to implement policies that encourage or mandate the use of land management practices that reduce erosion risk. This includes, but is not limited to, afforestation with native species, controlled grazing, and the establishment of protective ground cover. Such practices not only mitigate erosion but also contribute to the restoration of biodiversity and the enhancement of carbon sequestration capabilities of our lands.

Ngati Rangi Hapu seeks to work collaboratively with the council and other stakeholders to develop and implement effective strategies for stock exclusion and the management of highly erodible land. We believe that through respectful partnership and shared commitment to the environment, we can achieve outcomes that honor our responsibilities as kaitiaki and ensure the health and vitality of our lands and waters for generations to come.

Timeframes for stock exclusion rules

We the Kaitiaki of Ngati Rangi Hapu refer to the land and waters that sustain us, under the principles of kaitiakitanga that guide our stewardship. We wish to engage constructively on the proposed timeframes for the implementation of stock exclusion rules, which are of significant concern to our Hapu.

The relationship between Ngati Rangi and our environment is one of mutual care and respect, deeply rooted in our history, culture,

and identity. The health of our waterways is inextricably linked to the well-being of our people and the land. In light of this, we affirm our support for measures that protect and enhance the mauri of our waterways, including the exclusion of livestock from water bodies. However, we also recognise the practical challenges and economic implications these rules may pose to our farmers and landowners.

We propose a phased approach to the implementation of stock exclusion rules, allowing for a more gradual transition that would enable our community to adapt without undue hardship. Such an approach should include:

A comprehensive support system for affected landowners, including access to technical advice, financial assistance, and resources for alternative livestock management practices. Sufficient flexibility to accommodate the diverse circumstances and land types within Ngati Rangi rohe (territory), recognising that a one-size-fits-all approach may not be suitable or effective. An extended timeframe for compliance, particularly for smaller landowners and those with significant barriers to immediate implementation, to ensure that the economic viability of our community is not unduly compromised.

In conclusion, Ngati Rangi Hapu seeks to work in partnership with Northland Regional Council and other stakeholders to achieve the shared goals of environmental protection and sustainable land use. We believe that by acknowledging the unique position and needs of our Hapu, the stock exclusion rules can be implemented in a way that honors our kaitiakitanga responsibilities while supporting the livelihoods of our Hapu.

Managing water allocation

Our Hapu has long been a steward of the lands and waters that sustain us, embodying the principles of kaitiakitanga and manaakitanga that have been passed down through generations. It is within this context that we seek to ensure the sustainable and equitable distribution of water, a taonga of paramount importance to our people.

We respectfully request the council to consider setting aside a specific allocation of water for Ngati Rangi Hapu. This allocation is crucial for several reasons: it supports our traditional practices and sustenance; it is integral to the health of our people and the ecosystems we protect; and it enables us to continue our cultural practices, including marae-based hui and agricultural activities that are foundational to our way of life. Moreover, as partners in the Treaty of Waitangi, we assert our rights and interests in the management of natural resources within our territories, seeking collaborative governance and management arrangements that recognise our Tino Rangatiratanga over our taonga.

To facilitate a fair and informed discussion on this matter, we propose the establishment of a joint management committee comprising representatives from Ngati Rangi Hapu and the council. This committee would be tasked with developing a sustainable water management plan that respects the rights and responsibilities of all stakeholders, with a particular focus on the

needs and aspirations of Ngati Rangi Hapu. We believe that through constructive dialogue and mutual respect, we can achieve a balance that honors our shared commitment to the well-being of the land and its people.

Enabling tangata whenua to practice as kaitiaki for wai

Water is not merely a resource but the lifeblood of our Hapu, sustaining our people, land, and culture. Historically, the Ngati Rangi have been the custodians of our waterways, ensuring their purity and vitality through traditional practices passed down through generations. However, the increasing pressures of development, pollution, and climate change pose significant threats to these sacred waters. It is imperative now more than ever that we formalise the role of our people as kaitiaki to empower them to uphold their responsibilities effectively.

In this regard, we seek the council's support in recognising and formalising the status of Ngati Rangi Hapu members as kaitiaki for wai. This would involve developing and implementing policies that acknowledge our traditional knowledge and practices in water management, ensuring our inclusion in decision-making processes related to water resources, and supporting initiatives that promote the health and sustainability of our waterways. We believe that through collaborative efforts, we can achieve a sustainable future for our water resources that honors both the needs of our community and the environment.

Ngati Rangi Hapu are at the forefront of environmental stewardship, particularly in the management and preservation of waterways. Recognising the importance of maintaining the health and purity of their waters, they have employed a comprehensive array of water monitoring equipment and methodologies. This multifaceted approach ensures that the waterways within their care are monitored with precision and that any potential issues can be addressed promptly and effectively.

The array of tools and methods used by Ngati Rangi includes Mauri monitoring, AquaWatch, SHMAK testing (Stream Health Monitoring and Assessment Kit), Aquagenx testing, eDNA (environmental DNA) sampling and testing, as well as testing services provided by Hills Laboratories and ESR (Institute of Environmental Science and Research). Each of these tools and services offers unique insights into the health of water bodies. For instance, AquaWatch and SHMAK testing allow for regular monitoring of water quality, focusing on parameters such as clarity, flow, and the presence of certain chemical substances. Aquagenx testing provides accessible water quality testing options, particularly useful in remote areas. eDNA sampling and testing represent a cutting-edge approach, enabling the detection of biodiversity through genetic material present in the water, which can indicate the health of aquatic ecosystems and the presence of specific species without the need for direct observation.

The comprehensive approach taken by Ngati Rangi Hapu exemplifies their commitment not only to the protection of their natural resources but also to the application of both traditional

knowledge and modern scientific methods in environmental stewardship. This methodology serves as a model for communities worldwide, demonstrating the importance of a well-rounded and informed approach to environmental conservation. Through their efforts, the Hapu ensures that their waterways remain a source of life and vitality for future generations, while also contributing valuable data and insights to the broader scientific community on effective waterway management and conservation practices.

Support and funding for efforts to improve freshwater

Our Hapu is deeply committed to the guardianship of our natural resources, aligning with the principles of kaitiakitanga that guide us to protect and enhance the environment for future generations. The vitality of our freshwater resources is not only central to our cultural and spiritual well-being but is also essential for the ecological balance and biodiversity of our region. Our proposed initiatives include the restoration of native riparian plantings along waterways, the monitoring and management of water quality, and the development of educational programs to raise awareness about freshwater conservation within our community and beyond. These efforts are designed to address the pressing challenges faced by our freshwater ecosystems, including pollution, habitat destruction, and the impacts of climate change. By implementing these initiatives, we aim to achieve tangible improvements in water quality, promote biodiversity, and foster a sustainable relationship between our community and the natural environment. To realise these objectives, we seek the council's support in the form of funding and resources. This support will enable us to mobilise our Hapu, leverage traditional knowledge and contemporary science, and work collaboratively with local stakeholders to implement effective conservation measures. We believe that our proposed initiatives align with the council's strategic priorities for environmental sustainability and community engagement, offering a valuable opportunity for partnership and mutual benefit.

How did you find out about this:	<ul style="list-style-type: none">• Email from us• Website alerts service
Keep me updated:	Yes, please keep me updated about the draft Freshwater Plan Change
Last Update	2024-03-31 15:06:56
Start Time	2024-03-31 11:26:44
Finish Time	2024-03-31 15:06:56

From: [John Commissaris](#)
To: [Freshwater](#)
Cc: [Shay Schlaepfer](#)
Subject: EDS feedback on Draft freshwater plan change
Date: Thursday, 28 March 2024 4:41:10 pm
Attachments: [20240328 - EDS Feedback on Northland draft freshwater plan change.pdf](#)

Kia ora,

Please find **attached** EDS's feedback on the draft Northland freshwater plan change. Please reach out if you have any questions!

Happy Easter,

John Commissaris
Legal Advisor



Environmental Defence Society

PO Box 91736 | Victoria Street West | Auckland 1142 | New Zealand

Tel: (09) 302 2972 | Email: john@eds.org.nz

For more information about EDS: www.eds.org.nz; www.edsconference.com

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FEEDBACK ON NORTHLAND REGIONAL COUNCIL DRAFT FRESHWATER PLAN CHANGE

28 March 2024

To: Northland Regional Council (**Council**)

By email: freshwater@nrc.govt.nz

Submitter: Environmental Defence Society Incorporated (**EDS**)

PO Box 91736
Victoria Street West
Auckland 1042

Contact person: Shay Schlaepfer and John Commissaris

Electronic address for service: shay@eds.org.nz and john@eds.org.nz

Telephone: (09) 302 2972

Introduction

1. Thank you for the invitation to provide feedback on Northland's draft Freshwater Plan Change (**Plan**).
2. EDS welcomes the approach that Council is taking to its freshwater plan-making process and encourages Council to continue progressing towards restoring freshwater in Northland. In doing so, the Council is complying with its legal obligations under section 55 of the Resource Management Act 1991 (**RMA**) and Clause 4.1 of the National Policy Statement for Freshwater Management 2020 (**NPS-FM**), which requires Council to give effect to the NPS-FM as soon as reasonably practicable i.e., without delay.

Overview

3. Freshwater ecosystems are degrading nationally, including in the Northland region as set out in Land Air Water Aotearoa reporting. These issues have arisen as a result of consistent and prolonged habitat loss, nutrient pollution (including eutrophication), and sedimentation leading to widespread poor and degrading ecosystem health.

4. The NPS-FM is focussed on improving freshwater ecosystem health using the hierarchy of Te Mana o Te Wai. In providing this feedback, EDS has concentrated on ensuring that the Plan gives effect to the hierarchy and ultimately drives improvement in ecosystem health.
5. With this in mind, EDS supports the inclusion of comprehensive Māori freshwater values as a mechanism for implementing Te Mana o Te Wai. These values recognise the environmental and cultural significance of protecting and enhancing wai, and the associated attributes and target attribute states (**TAS**) enable progress and ensure accountability. However, it is unclear why the target for these attributes is 'Band C', which appears to be below the 'bottom line' proposed in the tables (which is set at Band B).

Feedback

6. At a high level, EDS is also generally supportive of:
 - a. Limitations on vegetation clearance, land preparation and earthworks in areas of high and severe erosion risk.
 - b. Stock exclusion from erodible land, and associated stabilisation of these areas with vegetation.
 - c. Stock exclusion areas and vegetated riparian buffers of at least 10 m from waterways, including wetlands, to achieve ecosystem health and climate change resilience. Riparian and erodible land planting should prioritise indigenous regrowth.
 - d. Prohibitions on various discharges to water, and added control of dairy effluent discharges to land.
 - e. Added setback requirements for forestry, although provisions enabling forestry on erosion prone land should be reviewed.
 - f. The targeted water allocation policy to set aside 20% of unallocated water available for allocation for environmental enhancement, marae and papakainga, or developing Māori land.
 - g. The implementation of appropriate minimum flows, levels and allocation limits.
 - h. Appropriate dissolved reactive phosphorous (**DRP**) water quality standards, although more ambitious targets are required. Mean and median DRP concentrations should be set at around 0.01 - 0.02 mg/L maximum.
7. EDS considers the following aspects require Council's attention:

- a. We consider the structure and coherency of freshwater values and their relationships with associated objectives, attributes, and TAS needs reworking to ensure clarity and consistency with the NPS-FM.
 - b. Relatedly, we are concerned about the absence of freshwater management units (**FMUs**) in the Plan. The NPS-FM requires identification of FMUs, and EDS considers their inclusion in the Plan vital to protecting and enhancing ecosystem health and habitat of indigenous species at appropriate scales.
 - c. We encourage Council to fill knowledge gaps relating to attribute baselines and TAS. The NPS-FM requires Council to identify all relevant attributes for compulsory values and, where practicable, attributes for all other values. If Council does not identify attributes for other values, Council must identify alternative criteria to assess whether the environmental outcome of the value is being achieved. Council must identify TAS for all attributes.
 - d. We generally support the Plan's management of future allocation, but consider protection and enhancement of wai to be best achieved when minimum flows, levels and limits are set presumptively. Alternative flows, levels and limits should only be available for consideration when they are shown to be sufficient to support the protection and enhancement of the health and well-being of freshwater ecosystems. In determining appropriate limits, Council should consider flow variability, and the importance of flow variability on ecosystem health, habitat and threatened species.
 - e. All future takes in excess of minimum flows, levels, and limits should be prohibited, and all related activities should 'avoid over-allocation'. Council must also include in the Plan a pathway to phase-out existing overallocation.
 - f. We note the Plan's lack of measures to control intensive winter grazing. Council should prohibit intensive winter grazing near critical source areas, and implement further controls above and beyond the minimum requirements of the Resource Management (National Environmental Standards for Freshwater Management) Regulations 2020 (**NES-F**), as outlined on the WaiGood Policy website. These include wider riparian setbacks, slope thresholds, and area limitations.
 - g. Spatial mapping of degraded water bodies, and target attributes for water bodies, would increase certainty around what will be required, including possible land use change, to meet TAS and bottom lines. Mapping of degraded waterbodies will also make the plan user-friendly and accessible and will make monitoring and enforcement easier and more transparent.
8. EDS seeks specific inclusion of the following across the region:
- a. Dissolved inorganic nitrogen limits for ecosystem health with appropriate targets.

- b. Groundwater quality limits, including a nitrate-nitrogen target of < 1.0 mg/L.
- c. Incorporation of the Wetlands Condition Index as a wetlands attribute, with a target of 10.
- d. TAS for deposited sediment with a target for maximum cover < 20%.
- e. TAS for all other attributes.

Conclusion

- 9. Thank you once again for your invitation to provide feedback on the draft Plan. We look forward to continuing the dialogue and would be happy to meet to discuss our feedback in more detail.

DATED 28 March 2024

**Shay Schlaepfer / John Commissaris
Environmental Defence Society Incorporated**

From: noreply@fs17.formsite.com on behalf of [Formsite](#)
To: [Freshwater](#)
Subject: draft Freshwater Plan Change feedback from: Thelma Connor
Date: Sunday, 31 March 2024 4:26:11 pm

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Thelma
Last name:	Connor
Organisation:	Whakapara Puhipuhi Waiotu Maori Committee, Whangarei Tribal Area, Te Tai Tokerau District Maori Council, NZMC
Mailing address:	
Email:	puhipuhiwaiotumaoricommittee@gmail.com
Phone:	
Topics for feedback:	<ul style="list-style-type: none">• 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 in Puhipuhi, Whakapara. Puhipuhi has the highest rain fall and highest flooding. We were disappointed that a small amount of funding was used from the Kaipara Remediation Programme to only monitor and not clean up the contaminated)
Tell us what you think:	<p>Our Whakapara Puhipuhi Waiotu 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.</p> <p>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</p>

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 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 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. 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 rural and 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/papakāinga/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:	<ul style="list-style-type: none"> • 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 16:25:58
Start Time	2024-03-31 16:17:49

From: [Jo-Anne Cook-Munro](#)
To: [Freshwater](#)
Subject: Feedback on Draft Freshwater Plan Change
Date: Thursday, 28 March 2024 12:18:48 pm
Attachments: [20240331_Feedback on NRC Draft FW Plan Change.pdf](#)

Good afternoon

Please find attached feedback on behalf of Federated Farmers of New Zealand (Inc) on the draft freshwater plan change. Can you please acknowledge receipt of this email and the attached document.

Regards



Jo-Anne Cook Munro

Senior Resource Management Solicitor

0273310084

jcookmunro@fedfarm.org.nz

444 Anglesea Street, Hamilton Central, Hamilton



fedfarm.org.nz

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Northland Regional Council (BOPRC): Draft Freshwater Plan Change to the Northland Regional Policy Statement

Feedback on behalf of Federated Farmers of New Zealand

28 March 2024



FEEDBACK

TELEPHONE 0800 327 646 | WEBSITE WWW.FEDFARM.ORG.NZ



To: Northland Regional Council
Private Bag 9021
Te Mai
Whangarei 0143

Via email: freshwater@nrc.govt.nz

Submission on: **Draft Freshwater Plan Change to the Northland Regional Policy Statement**

Date: 28 March 2024

Submission by: Federated Farmers of New Zealand – Northland

COLIN HANNAH

NORTHLAND PROVINCIAL PRESIDENT

Federated Farmers - Northland

M 027 275 6546

E jcookmunro@fedfarm.org.nz

Address for service: **JO-ANNE COOK MUNRO**

SENIOR RESOURCE MANAGEMENT SOLICITOR

Federated Farmers of New Zealand

M 027 331 0084

E jcookmunro@fedfarm.org.nz

1.0 Introduction

- 1.1 Federated Farmers – Northland (**Federated Farmers**) welcomes the opportunity to submit on the Northland Regional Council's (**Council**) draft freshwater plan change (**draft plan change**) to the Northland Regional Policy Statement (**RPS**).
- 1.2 Federated Farmers considers that it is in a unique position as it is the voice for all farming sectors and is involved (in other regions) in similar issues as those the Council is grappling with. Federated Farmers are a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers involved in a range of rural businesses.
- 1.3 Farming has a strong presence in the Northland region and contributes significantly to the region. Federated Farmers represent a variety of dairy, dry stock and horticulture land users and seeks to uphold and enhance the value of farming to the region. We have over 500 members located within the Northland region.
- 1.4 Federated Farmers aim to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
 - (a) our members may operate their business in a fair and flexible commercial environment;
 - (b) our members' families and their staff have access to services essential to the needs of the rural community; and
 - (c) our members adopt responsible management and environmental practices.

- 1.5 Federated Farmers is actively involved in resource management policy and planning across New Zealand at both district and regional levels. Primary production activities from our members make a significant contribution to the economic, social, and cultural well-being of New Zealand.
- 1.6 Our members want resource management documents that balance environmental, cultural, social, and economic values while ensuring rules are equitable, cost-effective, pragmatic and effects based. They want plans that are written in plain English; are easy to use and understand; acknowledge and reward the positive effects farming has on conservation; and recognise the importance of collaborating with communities to achieve desired environmental outcomes.
- 1.7 A lot of regulation has come at a significant cost on financial and mental health within the primary sector. Many of the costs are unnecessary and place additional pressure on the primary industry. Areas of discussion around climate change, biodiversity, outstanding natural features, and general land use activities need to be carefully considered to ensure that decision making with the consideration of the impacts of Councils decisions economically, socially, and environmentally.
- 1.8 Federated Farmers feedback is structured as follows:
- (a) General Comments.
 - (b) Feedback on the Consultation Document: The Draft Freshwater Plan Change: Have Your Say
 - (c) Feedback on the Consultation Document: Stock Exclusion.
 - (d) Feedback on the Consultation Document: Targeted Water Allocation Policy.
 - (e) Comments on the Draft Action Plan.

2.0 Executive Summary

- 2.1 Federated Farmers has some fundamental concerns about some of the proposed policy directions detailed in the draft plan change and companion documents. One of the main issues is the Council working from a different position in respect of Te Mana o te Wai as the concept has been set out and defined in the National Policy Statement for Freshwater Management 2020. The adoption of a different view of that fundamental concept seems unwise and creates the potential for uncertainty to occur.
- 2.2 It is essential that the Council works closely with all of its key stakeholders to ensure that any freshwater plan change is supported by science (both western and matauranga Māori) and is workable for all. The responsibility for improving the quality of freshwater lies with all people and communities within the Northland Region and should not be placed solely on one sector of the economy to be achieved.
- 2.3 Council should relook at the recommendations that came out of the report completed by the Primary Sector Liaison Group which were practical and achievable. For example, one recommendation discusses the need for any provisions to be supported by the relevant data and information so that potential solutions can be tailored on a catchment by catchment basis.
- 2.4 It is apparent that any freshwater provisions will need to be done on a catchment-by-catchment basis as a one-size-fits all approach is not suitable for primary production.
- 2.5 Any new form of regulation needs to be financially viable in order for landowners to become involved. If the costs of compliance are so high that they are prohibitive, many landowners will not be in a position to undertake the works needed.
- 2.6 Any new allocation method needs to be consistent with the law and the precedents that have been created through Court decisions and case law. The functions¹ of the Council are clearly set out in the Resource Management Act 1991 and do not include the creation of new laws or the making of legal decisions.

¹ At section 30.

3.0 General Comments

- 3.1 There is an expectation that Councils, when undertaking a plan change, will adopt a no-frills approach and only target what is necessary to manage and resolve any issues occurring in the district and to meet their responsibilities under the Resource Management Act 1991 (**RMA**).
- 3.2 Our members who work and live rurally play a critical role for the community contributing in economic, social, and cultural aspects of the district. We wish to make this point clear to Council for consideration when undertaking decisions impacting rural people.
- 3.3 Rural ratepayers are constantly interacting with both natural and built resources and rely heavily on these resources. Farmers and primary producers are very aware of the importance of managing these resources effectively, responsibly, and sustainably to provide for the viability of both their businesses and the resources for future generations.
- 3.4 It is important that Councils use every means available to them to keep the costs imposed on farmers as low as possible. Farmers and growers are price takers and cannot pass on rising costs to consumers. Rising farming costs (including Council costs) are the key driver behind farmers needing to continually raise farm productivity to remain viable. This usually results in intensification and, in turn, may place additional pressure on the region's resources.
- 3.5 The importance of the economic use of land needs to be recognised in regional planning documents. A sizable proportion of the Northland region is dedicated to earning a living off the land, which provides not only for those families, but also to district and regional wealth.
- 3.6 It is important that resource users feel that they have played an active role in the decision-making process. Resource users are more likely to engage and work proactively in partnership with Council when they have a sense of ownership of and responsibility for the targets and activities being conducted. Engagement and education are valuable tools, particularly for issues that are not well-known or where perceptions need adjusting. As people gain more accurate knowledge about issues important in the region, misconceptions will reduce.
- 3.7 Federated Farmers also believes that reducing misconceptions will result in more realistic and achievable community expectations. The need for some regulation is accepted but the Council needs to ensure that it is the most appropriate method before introducing a rule, or a requirement for landowners to adhere to.
- 3.8 Federated Farmers was part of the Primary Sector Liaison Group (**PSLG**) which produced a report that was intended to inform the development of the RPS and Regional Plan to give effect to the National Policy Statement for Freshwater Management 2020 (**NPS-FM**). It is unfortunate that while a lot of time and resources went into the PSLG at cost to the organisations who were involved, it is apparent that none of the recommendations produced were carried forward into the draft plan change.
- 3.9 The PSLG report recommended that:²
- (a) there is a need for reliable and robust scientific data to underpin catchment specific solutions;
 - (b) the one-size-fits-all approach is not suitable for primary production;
 - (c) there is a need for reliable access to water which mainly impacts dairy and horticulture;
 - (d) water storage is an option and a possible solution to enable reliable access to water;
 - (e) consultation and drawing on the communities existing knowledge is vital
 - (f) mitigations, costs and information must be made available, so landowners know exactly what is required of them;
 - (g) the interconnection between different land uses needs to be recognised and provided for; and

² (2022) Primary Sector Liaison Group *Report to Northland Regional Council*, p4.

- (h) freshwater planning needs to be responsive to the challenges of climate change and provide for resilient rural communities in the face of change, in setting limits and determining the relevant policy frameworks.

3.10 Federated Farmers supports the recommendations from the report and believe that they provide a proactive and practical way of moving forward with the Council for region's freshwater journey.

4.0 Feedback on the Consultation Document: The Draft Freshwater Plan Change: Have Your Say

- 4.1 The Government has signalled its intention to replace the NPS-FM. Work on the replacement of the National Policy Statement has commenced in 2024. As part of this process the date that Councils are required to notify their freshwater plan changes by has been extended by three years to 31 December 2027.³
- 4.2 Federated Farmers appreciates the time and effort that the Council has put into producing a draft freshwater plan change. The draft plan change proposes significant changes in terms of stock exclusion and how farms operate on a day-to-day basis (e.g., how effluent is managed). However, it is considered that more time is needed for the collection of data and information required to support the position that has been signalled in the draft freshwater plan change.
- 4.3 Any freshwater plan change needs to begin from an integrated approach that all of us are responsible for freshwater and its health and well-being. By starting at this point, the plan change can state a long-term vision for the management of freshwater that is realistic and achievable by all. The state of our freshwater has not occurred over night, and it cannot be fixed overnight. Having a vision that everyone can relate to will create a better understanding and uptake of what needs to be done.
- 4.4 For example the Waikato River Authority acknowledges that the timeline to achieve Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River (**Vision and Strategy**) is intergenerational with the river system as a whole potentially requiring many decades to be full restored and protected. The Authority also notes that there are elements to a healthy Waikato River that could and should be achieved at a greater pace.⁴
- 4.5 It is also noted that where rules require certain matters to be met, that those matters are defined sufficiently so that water users and resource consent holders know exactly what is required of them. This will assist the Council and water users in understanding what the matters of control / discretion are referring to and what they need to do in order to avoid, remedy or mitigate any effects on those matters.
- 4.6 Federated Farmers also considers that it is not the role of the Council to expand out the fundamental concept of Te Mana o te Wai from what has been set out in the NPS-FM. Te Mana o te Wai has been defined in the NPS-FM through the concept and framework set out in clause 1.3 of the NPS. It is considered that the changing of such a fundamental concept is not required and will create on-going confusion.
- 4.7 In respect of the proposed amendments to the RPS chapter dealing with the damming and diversion of water, Federated Farmers seeks clarification from the Council on how it intends to classify water takes existing at the time the freshwater plan is eventually notified. Both rules in the current chapter RPS are proposed to be deleted but there is no explanation as to why this is being done.
- 4.8 Federated Farmers is concerned about the approach that has been signalled in the draft freshwater plan change that no farm water waste discharges to land will be provided for as a permitted activity

³ Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-Track Consenting) Bill – Royal Assent received 22/12/2023.

⁴ Waikato River Authority Waikato River Restoration Timelines accessed at <https://waikatoriver.org.nz/visionandstrategy/> on 17/03/24.

(rule C6.3.1). It is shown that these discharges will require resource consent for a controlled activity to be obtained.

- 4.9 This is a substantial change to how things are currently done and provided for. When combined with the possibility that a major portion of productive land may become subject to stock exclusion rules and shorter consent periods for farm wastewater discharge to water, the impact on farmers and the farming sector will be significant.
- 4.10 There needs to be recognition from the Council that any freshwater plan change it makes must achieve the appropriate balance of providing for and restricting activities. It is not logical to expect all effluent discharges onto land to be avoided altogether as has been highlighted in the draft freshwater plan change discussion document.⁵
- 4.11 In respect of farm effluent storage, our members adhere to the relevant Code of Practice and Standards and undertake certification of the storage ponds as required. Some also are required to meet the conditions of supply required by Fonterra. The management of farm effluent is well controlled, and the current system is working well.
- 4.12 Our members take pride in how they act as caretakers of the environment and work hard to achieve positive gains. However, running a farm is a business like any other business and it is not always possible for the latest technology to be used, particularly in tough economic times. However, this does not then mean that they are adversely impacting on the environment.
- 4.13 It is also apparent from the draft plan change that the farming sector has had the major responsibility of improving freshwater quality placed on it. An example is the proposed deletion of the permitted activity rule for effluent discharges onto land while similar rules for other industries are retained.

5.0 Feedback on the Consultation Document: Stock Exclusion

- 5.1 The NPS-FM requires local authorities to give effect to it through the local authorities must use the best information available at the time, which means, if practicable, using complete and scientifically robust data.⁶
- 5.2 Where that information is not available, local authorities are directed to use information obtained through modelling along with the use of partial data, local knowledge and information obtained from other sources. The intent is that the local authority will use sources of information that provide the greatest level of certainty as well as taking all practicable steps to reduce uncertainty.
- 5.3 Federated Farmers feels that any changes to the stock exclusion rules for the Northland region must be workable for all parties and based on relevant data (both western science and mātāuranga Māori) that is scientifically sound.

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

- 5.4 The discussion document has proposed three different setbacks for excluding stock from waterways – three-metres, five-metres and ten-metres. Under the Resource Management (Stock Exclusion) Regulations 2020 (**Regulations**), a minimum 3-metre setback is required to exclude stock from a lake or wide river.
- 5.5 Federated Farmers would seek the adoption of the 3-metre setback set out in the Regulations. This is the setback that farmers have been working towards since the Regulations came into force. If wider setback distances were imposed this has the potential to severely impact on the day-to-day operations of a farm and other activities located in the rural zone.

⁵ Northland Regional Council (2023), *Te Panonitanga o te Mahere Wai Māori Hukihuki: Kōrerotia mai o Whakaaro The draft freshwater plan change: Have your say*, p13.

⁶ National Policy Statement for Freshwater Management 2020, section 1.6 Best Information.

- 5.6 The exclusion of stock is one way of reducing sediment in waterways. However, an integrated approach must be taken towards sediment control. This will require acknowledging that more than one activity may be responsible for sediment entering waterways. A collective approach across all stakeholders is needed to address this issue rather than just placing the burden on one sector to take on actions to improve water quality, improve the health of the wider ecosystem and provide climate change resilience for water bodies. This is a massive task that requires everyone to contribute to work towards the desired outcomes.
- 5.7 Improving water quality will take time. It is not only human-caused influences that impact water quality. Natural processes such as erosion and flooding can negatively contribute to the quality of water.
- 5.8 There is a lack of information in the discussion document about the supporting data used to inform the positions that have been put across. For example, in the table that sets out the financial costs of fencing for the three stock exclusion distances, it appears that figures assigned have been based on someone's perception. This perception is further intensified by a footnote to the table which states that the scoring is indicative only and is intended to show the relative difference based on available evidence.
- 5.9 It is also of concern that one of the assumptions made for the stock exclusion table was that there was established riparian planting in the stock exclusion zones. Given that it is highly likely some of the stock exclusion zones will be new zones, it cannot be assumed that there would be established riparian planting in place. This assumption creates a fundamental flaw about the table and what information it has been based on.
- 5.10 For the reasons outlined above, Federated Farmers does not support the imposition of a setback from waterways greater than the 3-metre requirement set out in the Regulations.
- 5.11 As a sidenote, where there are existing firebreaks near waterbodies, provision should be made that these can be counted as a valid setback for the purposes of excluding stock from water bodies.

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

- 5.12 Again, the focus on controlling highly erodible land has been placed on one sector – the farming sector. It will take all of us to adapt how we use the environment to effect meaningful change in this area, not just one part of society.
- 5.13 The other aspects that need to be considered by the Council are:
- (a) the proposed new rules will severely impact the regional economy through a reduction in produce and potentially in employment; and
 - (b) the Council would be enforcing impracticable provisions on land that is privately owned without the agreement of landowners.
- 5.14 In 2023, agriculture, forestry and fishing made up 9.9 percent of the region's gross domestic product.⁷ At the same time, economic growth in Northland declined by -2.5 percent. For the same period, the rest of New Zealand experienced a 2.9 percent increase in economic growth.
- 5.15 Agriculture, forestry and fishing contributed \$960 million to the Northland economy in 2023. This was up from the 2022 figure of \$949 million.⁸ At the same time, the industry was responsible for 9.6 percent of filled jobs in the region.

⁷ Infometrics, Northland Region Overview, accessed at https://ecoprofile.infometrics.co.nz/_/northland%2bregion/Infographics/Overview on 13/03/2024.

⁸ Ibid, accessed at <https://ecoprofile.infometrics.co.nz/northland%2bregion/Gdp/GrowthIndustrieson13/03/2024> on 13/03/2024.

- 5.16 Growth in productivity for the region in 2023 was -4.1 percent while the rest of the country experienced productivity growth of 0.5 percent.⁹
- 5.17 The Northland region economically is lagging behind the rest of New Zealand. Care needs to be taken by the Council when it is looking to impose rules that will hinder economic growth and the ability of the different production sectors to continue to operate.
- 5.18 Farming is not the only activity that operates on and around highly erodible land. Other activities also have the potential to further exacerbate erosion. Council needs to look at the bigger picture and work with individual landowners to produce provisions that are workable, based on agreement and are supported by the appropriate data. Also the suggestion that land is retired from grazing and converted into forestry will create new issues for the land that have not previously been present.
- 5.19 An approach to deal with the issues associated with highly erodible land across the region should involve all stakeholders to arrive at a solution that is both sensible and pragmatic. Care must be taken to ensure that one sector is not held as being responsible for everything that is occurring and bearing the brunt of any solution arrived at by the Council.
- 5.20 The retirement of highly erodible land is not the answer for reducing sediment entering waterways. Council needs to acknowledge that a 'one-size-fits all approach' is not practical and is not workable. Each catchment will need its own solution or even solutions for improving water quality. Any solutions put forward must be supported by the relevant data and information as well as being measurable and monitorable.
- 5.21 Costs need to be allocated across sectors so that all are being held accountable for working towards a better environment. Federated Farmers believes that more work needs to be done by the Council on how highly erodible land can be addressed. The current proposal put forward in the draft discussion document is not supported.

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

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

- 5.22 Federated Farmers would support a phased approach towards excluding stock from hill country wetlands. Time is required to identify where these hill country wetlands are located along with the extent of the land they cover. Council should be prepared to work with the relevant landowners to undertake these investigations on the ground and ensure that the appropriate area is identified and mapped. Ground truthing will also need to occur to ensure that the wetlands have been mapped correctly and that the mapping does not capture land outside of those wetlands.
- 5.23 As well, a phased approach over a longer period of time would allow for the costs associated with fencing and any other expenses to be addressed over time rather than one large cost at the beginning.

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

- 5.24 Federated Farmers supports a phased approach to the introduction of any new stock exclusion rules. It is important that any new provisions relating to the exclusion of stock should be phased in over a longer period than ten years as proposed.
- 5.25 Given the current economic climate and the events of recent years (e.g. adverse weather events, high interest rates etc.), landowners need to be provided with the opportunity to spread the costs associated with stock exclusion over longer periods of time. There is not the ability to pay for costs that have not been planned for.

⁹ Infometrics, Northland Region Overview, accessed at <https://ecoprofile.infometrics.co.nz/northland%2bregion/Productivity> on 13/03/2024.

- 5.26 A period over ten years is preferred for the introduction of any stock exclusion rules. The more time that can be provided, the better. One potential method of providing more time would be the avoidance of all stock exclusion occurring within a short period of time and have a staged approach to this.

6.0 Feedback on the Consultation Document: Targeted Water Allocation Policy

- 6.1 The issue of water allocation is an important one. The RMA states that the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body is a function of Regional Councils.¹⁰
- 6.2 This control has typically occurred through the resource consent process and has occurred on a 'first-in, first-served' basis. There is currently no available methods in the RMA that provide for a portion of allocable water to be set aside for specific uses not requiring resource consent.
- 6.3 The High Court has established that the focus of the RMA is on managing adverse effects and on authorising activities by reference to a particular class of activity or effects of an activity; rather than the making of rules that would give preference to a particular section of the community.¹¹
- 6.4 The Environment Court used this authority, in its decision on Waikato Regional Council's Variation 6 'Water Allocation' when it declined to adopt a controlled activity rule for the taking of water by Waikato River Iwi for development of land owned or leased by Waikato River Iwi.¹²
- 6.5 Subsequent cases have determined that planning provisions may properly look to recognise and provide for the matters in s6(e) of the RMA when considering the question of allocation. This might extend to the allocation of resources in a manner that helps to strengthen the relationship between Māori and their ancestral land, water and other taonga but such provisions should not be made arbitrarily or generically and would need to be specific to the local circumstances.¹³
- 6.6 The Courts have held that provision for cultural values or cultural use was not necessary in an RPS but that the RPS should enable such an outcome to occur at a planning level. This could occur with the RPS recognising tangata whenua values and the need for a regional plan to provide some flexibility for future tangata whenua developments.¹⁴
- 6.7 Federated Farmers considers that greater consideration should be given to the purpose of the proposed targeted water allocation. Such an allocation needs to be more clearly linked to tangata whenua's relationship with ancestral land, water and other taonga as well as the specific circumstances justifying the allocation. It also needs to be done on a catchment-by-catchment basis.
- 6.8 Federated Farmers is of the initial view is that it may be appropriate to consider an allocation of resources to assist with the development of Māori freehold and Treaty settlement land, where this would help to strengthen the relationship with ancestral land, water and other taonga. However, any allocation would need to be considered on a case-by-case basis and within the specific context of the particular catchment, local circumstances and tangata whenua relationship. Any allocation must be considered in the context of the FMU specific provisions so that the particular characteristics of the catchment can be considered and taken into account.
- 6.9 Federated Farmers does not support the proposal to arbitrarily allocate a portion of water when the approach is contrary to the decisions that have been made by the Courts. In addition, the impact of removing a certain percentage of water from the allocable flow able to be utilised means that other existing water users such as farmers who are located in catchment near or overallocated have the potential to be significantly impacted.

¹⁰ Section 30, RMA.

¹¹ *Hauraki Maori Trust Board v Waikato Regional Council* HC Auckland CIV-2003-485-999, 4 March 20024 at [57].

¹² *Carter Holt Harvey v Waikato Regional Council* [2011] NZEnvC 380 at [438] and [439].

¹³ *Ngāti Māhino Heritage Trust v Bay of Plenty Regional Council* [2013] NZEnvC 25 at [35].

¹⁴ Ibid.

- 6.10 The proposal to provide for the allocation of water based on a contribution to a fund with the contribution required to be proportionate to the amount of the reserved water being taken and any commercial returns resulting from the application causes significant concern. The contributions should be effects based and not include consideration of any profits that may be made. It is not the role of the Council as a local authority to effectively place a 'tax' on commercial activities who have consented water takes.
- 6.11 Care needs to be taken by the Council that what is in the eventual proposed freshwater plan change is legally defensible and ensure that proper process is used in the development of that plan change. The draft water allocation policy as worded, is outside the scope of the RMA in that it is not related to the management of adverse effects and is not activity based as required by the RMA.
- 6.12 Any allocation ought to be catchment and circumstance specific and considered in the context of the development of the FMU chapters (noting that a conclusion might be that an allocation is not appropriate in one catchment, but it is appropriate in another). Furthermore any allocation ought to be to enable land uses that:
- (a) will strengthen tangata whenua relationships with ancestral land, water and other taonga;
 - (b) are credible i.e., must be able to be achieved and are likely to be successful; and
 - (c) are sustainable (i.e., within the allocable flow limits defined for each FMU).
- 6.13 Thought also needs to be given on how to address overallocated catchments. Will there be a reduction in water takes by existing land uses to provide for the proposed cultural allocation? If so, how much? How do you ensure fairness and equity? What if this impacts on existing Māori land that is already developed? Over what timeframe is the allocation to be provided or available for Māori or Treaty settlement land?
- 6.14 Any water allocation provisions for tangata whenua should be the same or similar to those applying to other allocations in the catchment in terms of managing effects on the environment, consent status, future policy reviews and other relevant provisions unless there are clear reasons to do otherwise. This would help to ensure that the Council was authorising activities based on effects or activity classes rather than land ownership.
- 6.15 Any tangata whenua water allocation should not redress Treaty breaches or past injustices. These are matters for the Crown, not the Council.
- 6.4 Federated Farmers is unable to support the proposed water allocation policy in its current form.

7.0 Comments on the Draft Action Plan

- 7.1 Federated Farmers supports the retention of the existing actions outlined in the draft Action Plan. Of the potential actions listed, potential action 8 is supported which addresses funding to support stock exclusion, riparian planting and wetland restoration.
- 7.2 However, the funding figures of \$1-2 million per year would be an exceedingly small portion of the funds needed to undertake the works required. While funding would be appreciated, the majority of the burden of doing the work will be borne by landowners, which places yet another financial burden on them in this tough economic climate.
- 7.3 Potential action 13 'Subsidising resource consent applications' and potential action 14 'Reducing rural rates' are supported but realistically it is thought that the Council would not be in a financial position to commit to these actions.



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: * *Fiona*

Last name: * *Davidson*

Organisation (if giving feedback on behalf):

—

Mailing address:

Please include your postcode

—

Email:



Phone:

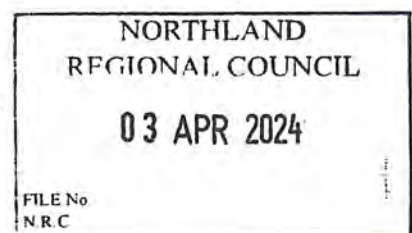
Feedback topics

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

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- ☒ 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 (please specify below)

Tell us what you think:

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

See enclosed sheets.

FILE UPLOAD

If you have more to say, feel free to upload further feedback here. Maximum file size is 5MB: ?

Choose File No file chosen

What is your preferred method of receiving feedback information?

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
- ☐ Other (please specify below)

Keep me updated:

- ✓ ☒ Yes, please keep me updated about the draft Freshwater Plan Change

Submit

Feedback to NRC's Draft Freshwater Plan 2024

Fiona Davidson – 12 March 2024

Whakataukākī | Introductory Proverb

“We know what the problems are and we know how to solve them.
All we lack is unified action.”

David Attenborough, on our planet's current state, and challenge.

Timatanga Kōrero | Introduction

Thank you for the opportunity to read, consider and give feedback to NRC's draft Freshwater Plan, and the draft Action Plan.

Water, and its wellbeing going forward, alongside that of our natural environment, is of deep personal interest to me. My perspective: humans are part of our natural environment, not masters of it. We need to have a mutuality of relationship with our environment. This kind of relationship allows us the family privilege of sharing in the gifts given, like water, not harm the gift. Further, I see water as a sacred resource, to be given the highest level of protection. I am a pākehā New Zealander who grew up in, and currently lives in Te Tai Tokerau.

The whakataukākī speaks to documented awareness by NRC of some Te Tai Tokerau freshwater issues: protecting erodible land; eliminating / reducing discharges to water; keeping stock out of waterways / wetlands; increased controls on exotic forests; and impacts on tāngata whenua.

Thank you for advancing these issues and providing possible solutions to debate.

In February 2024, on Radio NZ's programme, “Māpuna”, Julian Wilcox talked, and did his wicked laugh thing, with Delwyn King, a whāea from Omanaia, in Hokianga. Whāea Delwyn spoke of her hapū awa, the Omanaia river, although that is not the name she knows it by. Near the beginning of the awa the water has been documented as being pristine, she said. She spoke of

how their awa used to have 15 or so bends in it. Each bend area had a name. Specific resources and mahinga kai were associated with different bends. Then a road got put through beside the river. To accommodate the road the awa had to be reshaped and its bends, which slowed the water flow down allowing mahinga kai to survive, mostly were taken out. So the river became manipulated straight and flowed faster than before. A dam was put in along the river to supply water, lowering water levels in the downstream awa. At some point in the river's life permission was given for wastewater, including at times raw untreated sewage from Rāwene and Rāwene hospital, to be discharged into the awa, near the point it flows into Hokianga harbour. A further insult to the awa. Historically, at certain times of the year the river would flood across its floodplain flats, down near the outflow into the harbour, replenishing the groundwater beneath, fertilising the soil and allowing gardens to be planted. Whāea Delwyn told of her mother, and her grandmother, saying two to three thousand whānau came for sometimes several months at a time to this area. Those gathered were fed from the kai grown and gathered from the awa and floodplain gardens, and harbour. Contrast that picture to the awa's resources now, when whāea Delwyn said she would be unsure if that number of people could be fed for even one day in the same way. She further spoke of how every winter now their marae floods from water from the awa, preventing community events and kura (school) happening. Whāea Delwyn is an active kaitiaki for her hapū awa. During her kōrero with Julian there were points of sadness and anger about how their loved awa had been compromised.

Here's an extract from "Water Wars" written by Dave Hansford, for the *NZ Geographic* in 2017. "When people come to visit you, you offer them kai," says Julian Williams, strategy manager for the Waikato Raupatu River Trust. "If you go to Port Waikato, it's whitebait. If you come towards Lake Waikare, you'd get freshwater mussels, kaeo." For Ngāti Koroki, the Waikato was a place of eels. "You expect those things on your table when you go there because they're known for those delicacies." "If you can't provide that fare," says Williams, "you would feel like your mana would not be held up in high regard." "[From] the Waikato river, his [Julian Williams'] people once had the means to sustain the thousands of visitors to such potent spiritual seats as Ngāruawāhia, the home of the Kingitanga movement, and Taupiri, the resting place of the Māori kings and queens. But in recent times, says Williams, "we've had to buy eels to put on the table, just to maintain our mana. It's not nice as a tribe, knowing that you can't do that for yourself."

Another then / now piece, this a Ngāti Kahungunu rohe one quoted verbatim from a 2022 *NZ Forest and Bird* magazine article. "Aki Paipper was born and grew up in a home next to Kohupātiki Marae, on the northern bank of the Ngaruroro river near Clive, in Hawke's Bay. Kohupātiki is named for the kohu (mist) that hangs over the river, and for the mud stirred up by pātiki (black flounder) that used to abound there. The river was very different during her childhood, she remembers. It was full of kai that could feed the whole community. Her tūpuna and whānau were supported and nourished by the awa. 'If we had manuhiri at Kohupātiki Marae, it was no problem for our dads and uncles to go out and collect 300 flounders for breakfast, and every person had their own flounder,' said Aki, who is Ngāti Hori, a hapū of Ngāti

Kahungunu. 'When my dad and them put the hīnaki (eel traps) in to catch longfin tuna (eels), it took six of his shearers to pull that hīnaki out. That's how important the river was back in my childhood. We never starved. We ate top-shelf.' But, in the late 1960s, the Ngaruroro river was diverted away from Kohupātiki Marae into a straightened channel lined with stopbanks. What was left – the river's natural path – suffered a catastrophic decline in health. The energy of the awa was taken away, and it could no longer cleanse itself. Silt covers what used to be clean gravels, water quality has declined, and the channel is infested with weeds. Migrating fish species, including longfin tuna and pātiki, have suffered. 'The river is silent. It doesn't sing like it used to,' added Aki. 'We don't take our children to swim and connect with the river in the same way. For me, it's a cultural disconnect.'"

To another recent Radio NZ programme: this one "Our Changing World" with a sound story on a kaitiaki collective from the Waihi catchment in the Bay of Plenty. Interviewed were some collective members from the catchment's five iwi (Ngāti Whakahemo, Ngāti Whakaue ki Maketu, Ngāti Mākino, Ngāti Pikiao and Tapuika), who, in a joint management arrangement with the Bay of Plenty Regional Council, got funding and purchased 109 hectares of ex-dairy farmland, plus stopbanks, in the Waihi estuary (te wahapū o Waihi). This former farmland was kept permanently drained by pumps to ensure low water levels so grass could grow and not rot at the roots. Later this year [2024] the wettest 30 hectares of the farmland will be spilt off and retained, and the rest sold. On the retained part, the mauri of te wahapū o Waihi will then be returned by breaching the stopbank, allowing tidal water to flow naturally, and planting. It'll be turned back into a repo / wetland area (its original status). The collective hope in the future this area can also be recognised as a blue carbon credit capture site.

The following is more on this story in *NZ Geographic*, March / April 2024, #186. "Even 60 years ago, when Bay of Plenty regional councillor [and independent chair of the five iwi collective] Te Taru White (Ngāti Pikiao) was a boy, the [Waihi] estuary was a place of abundance and connection. He used to camp here with his whānau and gather pipi and watercress, tuatua and tuangi (cockles), sharing kai and kōrero with his community. 'No longer can we do that,' he says. 'It's a travesty.' After half a century of drainage, forestry run-off, and dairy and horticulture intensification, te wahapū o Waihi is paru [dirty, degraded], polluted – its shellfish toxic [with *E.coli* bacteria present at five times safe levels], its salt marshes high and dry [not bathed by tidal water], its rivers unnaturally straight." The article continues, "For us, the wetland is a korowai," explains [Kura] Paul-Burke [Ngāti Whakahemo, a University of Waikato marine scientist and project lead]. A cloak you put in front of the estuary to trap the pollution and sediment that's coming through the rivers or canals."

This within the wider national political picture of rapid environmental change.

Heading forward, writes Chris Bishop (Minister for RMA Reform) in mid December 2023, "replacement of the RMA 1991 with new resource management laws based on the enjoyment of property rights" is the end point

goal. The Natural and Built Environment Act 2023 and its mate the Spatial Planning Act 2023 have been repealed; the RMA 1991 is back in place.

There is some uncertainty around the timing the current coalition government will rewrite current environmental law and possibly / probably alter, degrade, disapply – some sort of version of that combo – current protections for freshwater. Chris Bishop has stated the National Policy Statement for Freshwater Management 2020 will be “reviewed and replaced in this term of government”. That review and replace will “follow normal RMA 1991 processes”. Some functions that were retained when the Natural and Built Environment Act 2023 was repealed will be used to extend the RMA 1991’s statutory deadline for notifying freshwater planning instruments (to implement a National Policy Statement for Freshwater Management) by three years to 31 December 2027. This will allow time to replace, then implement, a revised National Policy Statement for Freshwater Management. The Government’s intent: “to clarify that consent applicants do not have to demonstrate how their individual activity adheres to the hierarchy [in Te Mana o te Wai] and to disapply the hierarchy from council consent decisions.”

And they are moving swiftly. By around day 102 into this government’s term, the National / Act / NZ First coalition had passed with urgency (and consequent reduced public scrutiny) 14 pieces of legislation in the House, compared to about ten under urgency during the whole of the last Labour-only term.

Taumata Arowai, a Labour government Crown entity now disestablished by repeal, was set up to be the dedicated national water services body / regulator for New Zealand. It would have contributed to improved environmental outcomes for wastewater and stormwater networks.

Information provided by the Government is not always being shared with all those working on or interested in freshwater, says freshwater protection advocate Mike Joy.

Whakatau | In Support

I’ve read the National Policy Statement for Freshwater Management 2020 (January 2024 version). I was stunned (in a positive way) when I read the policy statement for the first time, during research to write this.

I am in agreement with the “fundamental concept” of Te Mana o te Wai within the policy statement, and of Te Mana o te Wai being relevant to the entirety of freshwater management, not just to the specific aspects of freshwater management referred to in the national policy statement.

I acknowledge and support (tautoko) the trifecta of obligations prioritised in Te Mana o te Wai (the so-called hierarchy of obligations), although I don't generally like assigning hierarchical value to give differing levels of protection. Water needs to look after itself before it can give care for the needs of others.

I've also read the recommendation report provided to NRC: *Ngā roimata o ngā atua: the tears of Ranginui and Papatūānuku – a recommendation report to support the implementation of Te Mana O Te Wai in Te Tai Tokerau*, written on behalf of Te Tai Tokerau Tāngata Whenua Water Advisory Group. This group is an advisory group to NRC.

I acknowledge and tautoko their collective and ongoing mahi in support of our tino taonga, water and its interconnected ecosystems, that should allow all life to survive and thrive in this world. I understand and support Te Tai Tokerau Tāngata Whenua Water Advisory Group's statement that Te Mana me te Mauri o te Wai is the same concept as Te Mana o te Wai, but places the critical emphasis on the mauri of wai. In particular, I'm in support of the korowai, the cloak of protection, Te Mana me te Mauri o te Wai places around water and its ecosystems, and totally agree that it should be upheld in all future freshwater decision making.

I also acknowledge Te Tai Tokerau Tāngata Whenua Water Advisory Group's definition of water includes wai in any form, while in any pipe, tank, or cistern. (The RMA's definition of water does not include water in pipes, tanks, cisterns.)

I've read the two proposed Northland Regional Policy Statement objectives (3.16 and 3.17) and tautoko the wording. (These two objectives were written because the National Policy Statement for Freshwater Management requires every regional council to include an objective in its regional policy statement describing how the management of freshwater in the region will give effect to Te Mana o te Wai.)

Te Tai Tokerau Tāngata Whenua Water Advisory Group's stated vision for our water is personally aspirational and inspirational. I see hope for our region because of their input and involvement.

But there seems like a ton of work still to be done by the group.

Ngā roimata o ngā atua: the tears of Ranginui and Papatūānuku – a recommendation report to support the implementation of Te Mana O Te Wai in Te Tai Tokerau says, "Giving effect to Te Mana me te Mauri o te Wai through a non-Māori regulatory framework is complex." The duplication I talk about in Ngā Whāinga / Objectives and Ngā Kaupapa / Policies is perhaps but one example of that complexity.

I am in particular support of these four NRC draft Action Plan actions: Action plan 6 (Freshwater farm plans); Potential action 8 (Funding to support stock exclusion, riparian planting and restoring wetlands); Potential action 9 (Increased compliance); Potential action 10 (Supporting tāngata whenua involvement in freshwater management and decision-making).

Ngā Take | Issues

I've struggled when working on this document with the absence of identified freshwater issues (problems). Working on an objective (environmental outcome) without an issue is strange and doesn't help with the flow of ideas. I went to NRC's Regional Policy Statement in the end to check the freshwater and associated landuse significant issues against my knowledge.

Please, put issues back into the next version of this plan.

Thank you for the colour used throughout this draft document. I'm a visual person; colour made the draft lots more mentally stimulating to work through.

I'd love to see the **issues** to be addressed → **objectives** to be achieved → **policies** to state positions → implementation **rules** (aka **methods**) flow physically made in wiring diagram form in the next version of this document. This could help readers make the issues, objectives, policies, rules connections. And visualise the direct links between each.

At the moment Ngā Whāinga / Objectives are grouped in one chapter; Ngā Kaupapa / Policies in the next chapter; Ngā Ture / Rules in a third. I understand that for many people using the Plan a standalone chapter for rules is necessary, because that is all they want to look at within the document.

A well-constructed plan will present a strong argument for its policies. It will make it harder to challenge in court. An MfE 2003 document says, "Objectives and policies have a specific role in decisions made about resource consents. This role is particularly important for decisions about activities that don't comply with the rules, as they help to decide whether the proposed activity would contradict the overall intent of the plan. Objectives and policies can't limit the discretion of decision makers, but they can provide clear guidance about what decision makers think is relevant and important."

Ngā Whāinga | Objectives

I have made little response to the draft plan Ngā Whāinga / Objectives themselves. This was a deliberate choice. It was going to be hard and a waste of time to critique the objectives due to the overlap and apparent duplication, sometimes even conflict, of the objectives from two worldviews (Te ao Māori / tāngata whenua, alongside Pākehā / tāngata Tiriti perspectives) throughout the Ngā Whāinga / Objectives chapter. It looks like two different sets of objectives (mixed with what are probably policy statements, not objectives, in this context, from one party) have been put

together with zero wordsmithing. They need integration-discussion, and work. Maybe parts of this draft were put together in a hurry or there are other complexities? (And I acknowledge that policies can be treated in different ways in different plans, depending on the context and the authority creating the plan. A policy in one plan may be a method, or even an objective, in another plan.)

Examples of overlap:

Objective F.1A.5 Rangatiratanga and kaitiakitanga

Tāngata whenua can exercise rangatiratanga and kaitiakitanga in wai decision-making.

And

Objective F.1.9 Tāngata whenua role in decision-making

Tāngata whenua's kaitiaki role is recognised and provided for in decision making over natural and physical resources.

Objective F.1A.1 Priorities for freshwater management

1) to 8) as a first priority and 11) to 13) as a second priority

See draft plan for wording.

And

Objective F.1.3 Indigenous ecosystems and biodiversity

1) to 4)

See draft plan for wording.

Objective F.1A.1 Priorities for freshwater management

21) as a third priority

Freshwater is of suitable quality, and sufficiently available, to support commercial and industrial uses.

And

Objective F.5 Enabling economic wellbeing

The use and development of Northland's natural and physical resources is efficient and effective and managed in a way that will improve the economic, social and cultural wellbeing of Northland and its communities.

Instead of looking at and commenting on the individual draft objectives themselves, I decided to compare NRC's Ngā Whāinga / Objectives chapter with the National Policy Statement for Freshwater Management's sole objective, to see how they align.

My understanding is the RMA 1991 is at the top of the tree; national policy statements are the next cabs down (including the National Policy Statement for Freshwater Management); then there's an area's Regional Policy Statement; yet further down are regional plans, like this one I'm giving feedback to; and finally, local authority documents. My understanding of the RMA is NRC's draft objectives have to give effect to the direction given in the National Policy Statement for Freshwater Management, because that policy statement is sited above it (a regional plan) on the hierarchy tree.

The National Policy Statement for Freshwater Management's sole objective:
 "... to ensure that natural and physical resources are managed in a way 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."

I enjoyed reading Objective F.1A.1 Priorities for freshwater management in the draft Plan. It looks and reads like an expanded version of the hierarchy of obligations in Te Mana o te Wai / the National Policy Statement's sole objective (the wording of these twins is identical). Te Mana o te Wai is the fundamental concept of the National Policy Statement for Freshwater Management. The te ao Māori / tāngata whenua objectives / policies appear to originate from the mahi to date of NRC's Te Tai Tokerau Tāngata Whenua Water Advisory Group and are hugely aspirational. A tautoko to them for their leadership here. They mostly align strongly, in my view, to the National Policy Statement's sole objective. Priority status is clear.

I support the deletion of Objectives F.1.1 Freshwater quantity and F.1.2 Freshwater quality, but perhaps there are aspects of these two objectives that need to be retained? Saline intrusion may be an example?

The NRC-generated objectives are much less exciting and feel mediocre at best. At worst I think there are objectives missing. (For example, where's a strong, stand-alone objective around climate change from a freshwater viewpoint?) The objectives don't set the bar very high off the ground. No priority status (first, second, third) is indicated. The objectives don't reveal a strong belief / buy-in, or alignment to the National Policy Statement for Freshwater Management's direction, in my opinion. In other words, their "position" on the Policy Statement's coming on the scene: it's in the way of us doing business as usual. Does NRC seriously think it will meet government freshwater national bottom lines / minimum standards with weak to mediocre objectives, which then (probably) transfer into the same strength weak tea policy statements?

Our planet is facing the challenge of its life: NRC, we need aspirational. Offer a deliberately ambitious vision (difficult to achieve) but reasonable (not impossible). (That last sentence is a paraphrase from the National Policy Statement for Freshwater Management.) Set the bar high. Don't lack ambition. Time is critical, now.

Wish list objectives:

Te Hurihanga Wai in its entirety is not further constrained or diminished by any other objectives, any policies or rules within this plan, either individually or in a cumulative way. Rather they reinvigorate Te Hurihanga Wai's mauri. Sad to have to frame this objective from a negative perspective.

Freshwater is managed in an integrated, interconnected way through a whole-of-catchment (or whole-of-combined catchments, like the Kaipara) basis, including the effects on the receiving environments. (These words are a shortened version of Policy 3 in the National Policy Statement for Freshwater Management 2020.) So I'm asking for a Te Tai Tokerau-wide, ki uta ki tai, approach that recognises and provides for the interconnectivity of ecosystems and downstream environments. For all our catchments. In te ao Māori everything is interconnected. The idea of scale is very important here. A whole-of-ecosystem approach to freshwater management and monitoring is directly and indirectly beneficial; the mauri of all benefit. Another way of saying this: a rising tide raises all boats.

Give consideration to an objective or policy around cross-boundary jurisdictional issues with Auckland Council's Unitary Plan.

Give consideration to monitoring cumulative effects and loss of potential value. Throughout this draft freshwater plan I have seen no direct evidence of oversight of negative cumulative effects within Te Tai Tokerau. Perhaps the National Policy Statement for Freshwater Management has standards around this? (I acknowledge I'm not all that up to speed on the monitoring aspects in the Policy Statement.)

Actively consider the cumulative, negative downstream effects this plan could contribute to. Out in the marine area, sediment is having an impact. While the coastal marine area is outside the jurisdictional scope of this freshwater plan, its potential impacts are certainly not.

Information and quotes for this paragraph came from the Supporters of Tiritiri Matangi magazine *Dawn Chorus* bulletin 136, February 2024. Last year, 2023, on Tiritiri Matangi (an open sanctuary DoC island in the Hauraki Gulf) 11 pair of kororā (little blue penguins) nested in shoreline nestboxes, each laying two eggs. Between the 11 pairs, 15 chicks were hatched. "All seemed to be going well until the second half of October, by which time we had chicks ranging in age from a few days to around six weeks. Sadly, all the chicks then died within two weeks. It is likely that the parents were unable to find enough food to keep themselves and their chicks alive. The situation on Motuora, about 20 km north of Tiritiri Matangi, was very similar and there were reports from other Hauraki Gulf sites of many failures and starving chicks. While nesting, kororā only have time to feed within about 20 km of their nest

sites, so their annual breeding success is a good indicator of the abundance, quality, and accessibility of food available within that distance.” Kororā live up to around 25 years old. They visually forage for small bait fish and arrow squid within the 20 km radius of their land site. Research now shows native Hauraki Gulf plankton types, which the small bait fish consume, were low in volume around the time the chicks died, so the assumption is the small bait fish moved away from the island at this time, to find better feeding conditions further offshore, leaving the penguins hungry. Also contributing to their hunger situation are sedimentation and storm events. Sediment obscures the kororā (and many other seabirds) being able to see their food, as they are visual feeders. “Sediment is ranked the third highest threat to Aotearoa / New Zealand’s marine habitats (after ocean acidification and climate change [marine temperature increase / heatwaves]). The cyclone (Gabrielle) in 2023 brought vast quantities of terrestrial debris down rivers into the Gulf. Much of this was in the form of fine, low-density organic particulate matter, which settles lowly during fine weather, only to be stirred up again in even slightly rough seas, obscuring sunlight and hiding prey fish.” A copy of the *Dawn Chorus* magazine this quote is from is with this feedback document.

In the lower South Island, Te Waipounamu, all newly hatched hoiho (yellow-eyed penguins) are being removed from their parents’ care. The chicks are transferred to a wildlife hospital in Dunedin for supplementary feeding, then are returned to their parent birds / nests to continue to be raised by them, while being monitored. The reason for the supplementary feeding? So many hoiho chicks have died in their nests in recent years because, it appears, their parents can’t catch sufficient food for them. This taonga species is on our \$5 note. It is estimated around 160 breeding pairs remain.

Develop an objective around all soft-bottomed streams and rivers suffering from sedimentation due to upstream land use pressure being returned to their natural hard-bottomed state. NRC’s Action Plan states it’s anticipated that it will have enough data on the deposited fine sediment attribute by 2027, to enable it to identify these sedimentated waterways.

Insert a strong, ambitious objective around wetlands and estuaries as carbon sinks with an important role in mitigating climate change.

Add a further objective that estuaries and wetlands, their values, and their associated ecosystems are enhanced, and protected from future development and degradation.

An objective recognising and limiting / preventing salt water intrusion into coastal aquifers. Coastal aquifers are important to their communities.

Ngā Kaupapa | Policies

I've made a reduced response to the specific policies in the Ngā Kaupapa / Policies chapter, for the same reasons as above; overlap and duplication issues.

Policies are the course of action to achieve / implement the objective. My understanding is the best policy will achieve the stated objective with the greatest benefit and the least cost (that doesn't mean just the financial cost).

Again, I acknowledge that policies can be treated in different ways in different plans, depending on the context and the authority creating the plan. What follows may be a mix of objective and policy.

Wish list policies:

Rivers are made room for to be themselves (rather than being straightened, manipulated, constrained). This is a 2022 NZ Forest and Bird nature-based climate solution (first developed and used in The Netherlands 15 years back) to mitigate down-river flood risk to communities and ecosystems during climate change events (like the next Cyclone Gabrielle-type heavy rain / high wind event). One of the first local authorities to plan to implement the room for rivers idea was Wellington, with proposed flood protection, urban revitalisation and improved transport links along Kairangi / the Hutt river. Giving rivers room to roam reduces their energy making them less likely to cause damage through high energy torrents of water hitting farms, infrastructure, homes and businesses; increasing a river's ecological health by restoring pools, riffles and undercut banks; reducing gravel and sediment run-off; and filtering and slowing stormwater. The Dutch approach changed flood protection for their nation with the room for rivers to flood safely approach. Contrast that with NZ's hard engineered (think stopbanks, flood protection schemes, groynes, concrete structures) one.

Hold fast to the rules requiring fencing to keep stock out of small streams, too. NZ scientific research by Dr Richard McDowell from the University of Waikato, and published in 2017 in the international *Journal of Environmental Quality*, found that "the smaller, exempt-from-fencing streams account for 77% of the contamination load in a catchment. The research indicates that not requiring smaller streams to be fenced may be undermining efforts to stop declining water quality." NZ Fish and Game's Bryce Johnson says "We now have the science to show what we have long suspected – small waterways are crucially important to the environment and need to be properly protected from contamination." Bryce Johnson further says, "These smaller streams are vital to the environment – they flow into the bigger streams and rivers and Dr McDowell's research shows that by the time they join up with bigger [fenced] streams, much of the pollution has already occurred." He goes on to state, "These smaller waterways are the capillaries of our lakes and rivers and provide essential habitat and breeding areas for a range of species. Yet the current approach means they can be treated like farm drains for animal effluent and farm run-off." "This has to change. If the

farming sector is serious about reducing its impact on water quality and restoring rivers to be swimmable then it has to exclude stock from all water bodies – regardless of size – and create more extensive riparian buffer zones.”

What I’m not sure of is if ephemeral streams (where water flows only during and shortly after rain) were included in the study. I’m assuming intermittently flowing streams were (streams that are naturally dry at certain times of the year, with two or more of the following: natural pools, a well defined channel, surface water more than 48 hours after a rain event which results in stream flow, rooted terrestrial vegetation isn’t established across the entire channel width). Taken from a *Northern Advocate* newspaper article, 12 October 2017, page 13.

Recognise and provide for the lifecycle needs of aquatic life, including native fish species.

Advocate for changes to the Emissions Trading Scheme to allow farm / lifestyle blocks’ riparian margin planting to be eligible as a carbon credit source.

Give recognition to any type of wetland, lake or dune lake as a blue carbon credit source, particularly for farmers. It’s not all about exotic forestry, or even natives.

Put resources into advocacy and education about the positive values of all types of wetlands. I read a *Northern Advocate* March 2024 article on complaints to NRC about earthworks, including draining works and vegetation clearance around wetlands. From that I see that understanding of wetlands’ positive environmental values seems low in the community. And wetlands as carbon sinks didn’t even rate a mention in the article, a value they most assuredly have.

Make individualised, farm-specific, sediment run-off reduction plans mandatory. Fonterra and the local regional council, some years back now, asked for riparian planting plans from farmers in Taranaki, so there is precedent for such plans. Having these plans could allow catchment-wide sediment reduction goals / assessment.

Make individualised, farm-specific, freshwater management plans mandatory.

Place nitrogen (and its associate, phosphorus) caps on farms. This has been done in the Taupō area, on a catchment-wide basis, to limit nitrogen fertiliser run-off. The farmer(s) cannot stock over a certain number consistent with their nitrogen cap allowance. There is flexibility for farmers to trade allowances amongst themselves, and to sell allowances to a public fund, while remaining within the overall catchment cap. Consider mandatory farm nutrient budgeting.

Encourage, incentivise, reducing stock numbers to reduce nitrogen (and phosphorus) leaching. Jan Wright, past Parliamentary Commissioner for the Environment, said as a summary statement, when she was PCfE,

“Intensive farming and healthy waterways are mutually exclusive.” Encourage income diversification.

Manage intensively stocked dairy farms more intensively. Use rules creatively to have more oversight of farms (particularly dairy farms) that are deliberately intensively stocked, to prevent water degradation and sediment run-off. Encourage more sustainable stocking rates or other, more appropriate land use options.

Stop operating on a first-come, first-served allocation basis for water takes. I think the National Policy Statement adequately addresses this take / issue.

Keep a database of water allocations (current and historical). NRC, do you know who is taking water from where, and how much? Is that take a consented or permitted take? How long is the consent for? I want to see water takes more regulated, so over and under allocation doesn't occur. I read somewhere that only 30 % of water takes are known about in New Zealand.

Apply a fenced setback distance (30 metres), combined with native riparian strip planting for keeping stock away from all dune lakes and lakes.

Place no hierarchical values on water bodies to decide differing levels of protection. I understand these are terms (for example, Outstanding Freshwater Body, Outstanding Lake, Outstanding River) in current use, and required by legislation. I don't know how to get around the required legislative need. What I do know is all wai has value.

Limit resource consent duration to a maximum of 10 years for all consents. Possible exceptions for could be for regionally significant infrastructure.

Stop allowing for the practice of granting retrospective resource consent applications. This can be done when unauthorised work is found, for example, with unauthorised coastal protection structures, like rock groynes, vehicle tyres, car bodies. Historically no one was penalised for minor breaches and a retrospective consent was granted to regularise the work. That kind of response encourages more breaches. It doesn't change thinking.

Stop allowing the practice of making reconsenting possible if a consent has been granted previously for the same activity. Put a final end date into this plan.

Actively work with tāngata whenua to investigate the use of mechanisms available (under the RMA 1991) to involve them in freshwater decision-making and management. These mechanisms include: a transfer or delegation of power (done under s.33 of the RMA); joint management agreements (done under s.36B of the RMA) and mana whakahono a rohe / iwi participation arrangements (done under subpart 2 of Part 5 of the RMA).

Ngā Ture | Rule Bundles

I support NRC's rules to improve freshwater by keeping stock away from all permanent and intermittently flowing rivers and streams, and off land classed as erosion prone land, highly erodible land 1, and highly erodible land 2. (What I don't necessarily agree with is the activity status assigned to the rules, eg permitted, controlled etc, to achieve those goals.) I agree that the further all stock are kept from permanent and intermittently flowing rivers and streams, and off land classed as erosion prone land, the greater the mauri benefit, including climate change resilience paybacks, especially when combined with as wide as possible fenced native riparian vegetation margins. I would like to see riparian margins of at least 10 metres, preferably 30 metres. I support the averaging approach outlined. I understand the very big financial input fencing and riparian margins require.

Another point: native riparian margin planting isn't a 'do it and you're done' static type thing; the planted margin evolves over the years from a natives shelter belt margin through into a mature native bush margin, as birds, and the wind, gift seeds around. The margins sometimes need replenishment with longer lasting trees to supplement what seeds the birds and wind bring, along the older the margin becomes. And as the native vegetation margin matures and evolves (think birds, bats, tree-dwelling insects, epiphytes), so too does the stream, river, water body ecosystems it cloaks and supports.

I understand there is a financial cost to farmers (and others) for my holding these perspectives. But we are now, I think, in Te Tai Tokerau losing our soil (as sediment to the ocean) faster than we can replace it. There are long-term consequences for Northland as a food producer here. The rate has increased as climate change events hit us more frequently and with increased extremity. I believe we must accept that, although the above rules apply on private land, we all need to contribute to some degree and take responsibility for their implementation. I think we all as tax payers pay either up front (a proactive approach), or later, to do a massive cleanup, think Cyclones Hale and Gabrielle in 2023 (the too late the damage is done way). Another perspective is: the wider Te Tai Tokerau community is picking up the tab and paying the price for farmers' private gain with unswimmable water bodies, polluted drinking water, increased costs of treating contaminated drinking water. Intensive agriculture freeloards on the environment because historically it's been allowed to: there's the loss of mauri, cultural connection, cultural harvesting, natural values, the loss of healthy ecosystems, so much; none of that is taken into account.

Remember Cyclone Bola in 1988? NZ Forest and Bird field officer Basil Graeme witnessed the hill country erosion and destruction after Bola in the Te Tairāwhiti region. He wrote in 1990, presciently, "The seeds of destruction were laid in our pioneer culture which assigned too freely individual property rights with property ownership. Today these rights are infringing the wider rights of the East Cape community. Today the East Cape waits exposed and unprepared for the next cyclone." Graeme's wife, Ann, wrote recently for a

2023 NZ Forest and Bird magazine edition, "After Bola the government of the day gave nearly \$200 million in cyclone relief. It should have been used to buy out and retire the most severely damaged properties. Instead, it helped farmers re-establish grazing and enabled forestry companies to plant pines on the 240,000 ha ... of erosion prone land."

I would like to see all stock (dairy stock, dairy support stock, beef, pigs, sheep, and deer; not sure about goats, horses, exotic species like alpaca) excluded from wetlands and lakes of any size, and any slope angle. So, while I support rules to exclude non-dairy stock from hill country wetlands as a good start point, I think the rules should extend further, to exclude all stock. Are all dune lakes included here? And include mandatory riparian planting around the water body.

I also give a tautoko to NRC's rules around earthworks, land preparation and vegetation clearance on erosion prone land, highly erodible land 1, and highly erodible land 2. (Again, what I don't necessarily agree with is the activity status assigned to the rules, eg permitted, controlled etc, to achieve those goals.) Personally, the tighter the rule controls on earthworks, land preparation and vegetation clearance on these land types, the better.

I'm in support of all these draft rules: resource consent needed for dairy effluent discharges to land; prohibiting new dairy effluent discharges to water; prohibiting new wastewater treatment plant discharges to water; and prohibiting domestic wastewater discharges to water. (And again, what I don't necessarily agree with is the activity status assigned to the rules, eg permitted, controlled etc, to achieve those goals.) I don't want stricter requirements for renewal of existing consents for dairy effluent discharges to water, or for existing wastewater treatment plant discharges to water. My preference is, once the current consent expires, no renewal (with associated stricter requirements), but you go apply for a discharge to land instead (ie the new rule situation). No more hiding / diluting our wastes in water, thanks.

Consider markedly reducing the number of permitted activities. This is a breakdown of the consent types within the rule bundles within this draft plan (not by consent volume, solely on the consent status within a rule bundle). I was amazed to realise that 63 % of rule bundle consents are permitted or controlled. **Permitted activities** (no NRC consent application needed) **47 %**. **Controlled activities** (NRC consent application needed, consent has to be granted, consent conditions limited to stated matters of control in rules) **16 %**. **Restricted discretionary activities** (NRC consent application needed, consent can be declined or granted, consent conditions restricted to matters of control in rules) **4 %**. **Discretionary activities** (NRC consent application needed, consent can be declined or granted, no restrictions on consent condition scope) **20 %**. **Non-complying activities** (NRC consent application needed, consent should be declined unless you can prove minimal environmental impacts, no restrictions on consent condition scope) **8 %**. **Prohibited activities** (no NRC consent can be applied for, consent unable to be granted, activity prohibited) **5 %**.

The rule bundles in this draft plan that I would be comfortable with retaining a permitted activity status are:

[C.2.1 Activities in the beds of lakes and rivers](#)

C.2.1.1 Introduction or planting of plants in rivers and lakes

C.2.1.4 Existing structures

C.2.1.7 Demolition or removal of existing structures

[C.2.2 Activities affecting wetlands](#)

C.2.2.2 Structures in wetlands

[C.3.1 Damming and diverting water](#)

Nil suited to retaining permitted activity status.

[C.4.1 Land drainage and flood control](#)

C.4.1.2 Existing authorised stopbanks

[C.5.1 Taking and use of water](#)

C.5.1.2 Taking and use of coastal water

C.5.1.4 Water take from an off-stream dam

C.5.1.5 Water take from an artificial watercourse

[C.6.1 On-site domestic wastewater discharges](#)

C.6.1.1 Existing on-site domestic wastewater discharge

C.6.1.2 Pit toilet

C.6.1.3 Other on-site treated domestic wastewater discharge

[C.6.2 Wastewater network and treatment plant discharges](#)

No permitted activities listed in this section.

[C.6.3 Production land discharges](#)

C.6.3.3 Discharges associated with the making or storage of silage

C.6.3.5 Emergency discharge of milk to land

[C.6.4 Stormwater discharges](#)

C.6.4.1 Stormwater discharges from a public stormwater network

C.6.4.2 Other stormwater discharges

[C.6.5 Agrichemicals and vertebrate toxic agents](#)

C.6.5.3 Ground-based application of vertebrate-toxic agents

[C.6.6 Industrial and trade wastewater discharges](#)

C.6.6.1 Discharge of cooling water

C.6.6.2 Discharge of contaminants from a water treatment plant

C.6.6.3 Discharge of cooling water, filter backwash water, vehicle wash-water and rock aggregate wash water

[C.6.7 Solid waste](#)

C.6.7.3 Discharges from composting operations less than 10 cubic metres

[C.6.8 Contaminated land](#)

Nil suited to retaining permitted activity status.

[C.6.9 Other discharges of contaminants](#)

C.6.9.1 Discharge of dust suppressants

C.6.9.4 Discharge of sluicing water, water from a public water supply network or reservoir

C.6.9.5 Discharges from shellfish harvesting, washing and sorting

[C.8.1 Livestock exclusion](#)

NRC is seeking feedback on options for stock exclusion, so no draft rules have been confirmed / added in.

[C.8.2 Land preparation](#)

Nil suited to retaining permitted activity status.

[C.8.3 Earthworks](#)

Nil suited to retaining permitted activity status.

[C.8.4 Vegetation clearance](#)

Nil suited to retaining permitted activity status.

[C.8.5 Bores](#)

Nil suited to retaining permitted activity status.

[C.8.6 Re-building](#)

No permitted activities listed in this section.

Why consider reducing the number of permitted activities? Won't that make life for farmers and others harder?

Definitely, but environmental outcomes around decreased sedimentation and improved water quality (a big focus of this draft plan) are likely to be much improved: because more controls have been placed around an activity;

because there is awareness of an activity occurring, compliance / monitoring could occur. An increase in controlled activity status (instead of permitted) would give positive gains, when added to the gains from the proposed rules to improve freshwater by keeping stock away from rivers and streams, and off land classed as erosion prone; riparian planting; changes to earthworks, land preparation and vegetation clearance on erosion prone land; prohibiting new dairy effluent discharges, wastewater treatment plant discharges, and domestic wastewater discharges to water. My perspective is look to make incremental gains in every area possible; incremental gains add up.

Nor does permitted activity status generally support an integrated, ki uta ki tai approach to freshwater management; rather I think it allows piecemeal activities with little to no knowledge of what is happening, how much / often, or site-specific oversight. It does give freedom to do work, yes, and in certain situations that is the most appropriate status to apply.

I came to the conclusion about the need for a switch from permitted to controlled or restricted discretionary activity status as I looked at in detail at the rules for [C.2.1 Activities in the beds of lakes and rivers](#). I started out looking at each clause (eg C.2.1.2) separately, then realised I was just responding by repeating, pretty much, what I had already written for the previous one, sometimes adding in extra stuff. And that was just for the permitted activities. So this is what I wrote, and learnt from:

[C.2.1.2. Excavation of material from rivers – permitted activity](#)

Consider changing the activity status from permitted activity to controlled or restricted discretionary. This would give increased control over downstream sediment run-off into coastal waterways / the sea, increased control over volume and material type (sand, gravel, rock) taken, and over what timeframe. These resources are fairly finite.

[C.2.1.3 Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity](#)

Consider changing the activity status from permitted activity to controlled or restricted discretionary. This would give increased control over discharge of sediment into water incidental to the activity, downstream sediment run-off into coastal waterways / the sea, increased control over volumes of accumulated material and vegetation removed from the bed of the water body, recorded volumes of material and vegetation type(s) removed, and over what timeframe.

Alongside an activity status change, consider asking for a financial bond to be paid ahead of work starting. This rule bundle contains activities (machinery in the water body, sediment control, potential diversion of channel flow) posing negative downstream environmental impacts if the work is poorly done.

[C.2.1.5 Maintenance or repair of authorised flood defence – permitted activity](#)

Consider changing the activity status from permitted activity to controlled or restricted discretionary. This would give increased control over discharge of

sediment into water incidental to the activity, downstream sediment run-off into coastal waterways / the sea.

Alongside an activity status change, consider asking for a financial bond to be paid ahead of work starting. This rule bundle contains activities (machinery in the water body, sediment control, potential diversion of channel flow) posing negative downstream environmental impacts if the work is poorly done.

C.2.1.6 Fish passage structures – permitted activity

Consider changing the activity status from permitted activity to controlled or restricted discretionary. This would give increased control over other in-water body aquatic habitats and ecosystems potentially impacted, an assessment for the need for a fish passage structure, type of fish passage structure to be introduced (the designs become more innovative as more research is done), the timing of the structure's introduction to fit with fish breeding and lifecycle requirements, the increased protection of suspected or known vulnerable indigenous fish populations upstream, a mana whenua role and response as kaitiaki of indigenous flora and fauna, an assessment of indigenous vegetation potentially impacted by the introduction of the structure, increased control of downstream sediment run-off into coastal waterways / the sea.

C.2.1.8 Construction and installation of structures – permitted activity

Consider changing the activity status from permitted activity to controlled or restricted discretionary, because, with the exception of 6) maimai / game bird shooting shelter structures, the remainder of the listed structure types potentially require some degree of specialist technical design input. A controlled or restricted discretionary activity status would give that oversight assurance. This would give increased control over discharge of sediment into water incidental to the activity, and downstream sediment run-off into coastal waterways / the sea.

Alongside an activity status change, consider asking for a financial bond to be paid ahead of work starting. This rule bundle contains activities (machinery in the water body, sediment control issues, potential damming, potential diversion of the water flow) posing negative downstream environmental impacts if the work is poorly managed.

I now want to approach consideration of the need for a switch from permitted to controlled or restricted discretionary activity status from a tāngata whenua viewpoint.

Applying mana whenua eyes to permitted activities gives a further argument to change a number of rule bundles away from being permitted. In the mana whenua snatches I gave in my introduction, whānau spoke of being disengaged / disconnected from their awa.

"The river is silent. It doesn't sing like it used to," added Aki [Paipper, Ngāti Hori, a hapū of Ngāti Kahungunu]. "We don't take our children to swim and connect with the river in the same way. For me, it's a cultural disconnect."

“Even 60 years ago, when Bay of Plenty regional councillor [and independent chair of the Waihi catchment kaitiaki collective (Ngāti Whakahemo, Ngāti Whakaue ki Maketu, Ngāti Māhino, Ngāti Pūkiao and Tapuika) in the Bay of Plenty], Te Taru White (Ngāti Pūkiao) was a boy, the [Waihi] estuary was a place of abundance and connection. He used to camp here with his whānau and gather pipi and watercress, tuatua and tuangi (cockles), sharing kai and kōrero with his community. ‘No longer can we do that,’ he says. ‘It’s a travesty.’ After half a century of drainage, forestry run-off, and dairy and horticulture intensification, te wahapū o Waihi is paru [dirty, degraded], polluted – its shellfish toxic [with *E.coli* bacteria present at five times safe levels], its salt marshes high and dry [not bathed by water], its rivers unnaturally straight.”

“‘When people come to visit you, you offer them kai,’ says Julian Williams, strategy manager for the Waikato Raupatu River Trust. ‘If you go to Port Waikato, it’s whitebait. If you come towards Lake Waikare, you’d get freshwater mussels, kaeo.’ ‘If you can’t provide that fare,’ says Williams, ‘you would feel like your mana would not be held up in high regard.’”

In my understanding, permitted activity status generally actively disengages mana whenua from their mana whakahaere, kaitiakitanga and manākitanga roles / obligations. These roles are listed, and given some definition, on page 5 of the National Policy Statement for Freshwater Management. No or limited interactions between their wai and tāngata whenua critically endangers (read compromises, does not invigorate, does not enable appropriate kawa and tikanga to be practiced) the reciprocal relationship wai requires for te mauri me te mana to be sustained. This directly in opposition to the intent of the National Policy Statement for Freshwater Management.

According to draft policy D.1.1 When an analysis of effects on tāngata whenua values and practices is required, mana whenua can (potentially) engage with resource consent applicants on controlled and restricted discretionary activity status activities, if the effects of the resource consent activity on tāngata whenua and their taonga is listed as a matter of control (for controlled activities) or discretion (for restricted discretionary activities). From what is written in draft policy D.1.1, engagement isn’t possible for discretionary, complying, or non-complying resource consent application activities – or am I reading this wrongly?

The engagement is through, probably, a site visit, and an analysis of effects on mana whenua values and practices (aka a cultural impact assessment). *Ngā roimata o ngā atua: the tears of Ranginui and Papatūānuku – a recommendation report to support the implementation of Te Mana O Te Wai in Te Tai Tokerau* says, “Giving effect to Te Mana me te Mauri o te Wai through a non- Māori regulatory framework [NRC’s Freshwater Plan] is complex.” Here is another example of that spoken of complexity.

Permitted activity status can also disengage those tāngata whenua holding mana whenua from environmental monitoring related to that activity.

Add more non-regulatory methods within the Rules (= Methods) section. Most of the rules in this draft plan are regulatory; there are not so many carrot and stick type ones to support and encourage a particular direction or thinking. An example is immediately below.

Advocate for farmers, lifestyle blockers, to actively protect ecologically significant land through the QE II Trust covenant system. Te Tai Tokerau is a regional numbers leader here, with a very high number of covenants, although not in area. The QE II Trust is a preferred option by farmers and others because of the oversight and support, including rates relief, and I think, fencing, offered with it.

Ka Mutu | The End

A joke to finish with.



"Advocate" 1/10/2015

From: [Amanda de Jong](#)
To: [Freshwater](#)
Cc: [Janet Whiteside](#)
Subject: Submission on freshwater plan change
Date: Tuesday, 26 March 2024 11:56:45 am
Attachments: [image001.png](#)
[NRC FWM consultation submission \(Brighta consulting\) 26.03.2024.pdf](#)

Kia ora

Please find our submission on the Northland draft Freshwater Plan Change attached.

Nga mihi | Kind regards,

Amanda de Jong

Director/Strategic Environmental Consultant
0212693259



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Northland Regional Council
Draft Freshwater Management Plan Consultation Submission

Introduction

1. Thank you for the opportunity to make a submission on Northland Regional Council's (NRC) draft Freshwater Management Plan change Consultation document – Te Panonitanga o te Mahere Wai Māori Hukihuki: Kōrerotia mai o whakaaro.
2. Brighta Consulting Ltd (Brighta) is a strategic resource management consultancy that offers a range of resource management consulting services for both public and private sectors. This work has involved working with councils to increase their compliance monitoring and enforcement (CME) effectiveness and assisting in the implementation of the Freshwater Farm Plan system.
3. Brighta is supportive of the intent behind the document and most of the content, in particular the introduction of additional rules excluding stock from waterways, wetlands, and highly erodible land, limiting vegetation removal in highly erodible land, and prohibiting and/or limiting discharges of dairy and human effluent. There are, however, some aspects that we consider need consideration. In summary these are:
 - a. Adequacy of training and resources provided to tangata whenua to enable them to participate actively in freshwater management and decision-making.
 - b. The need for training of NRC staff and decision-makers implementing provisions of the proposed Regional Plan on tangata whenua values.
 - c. The need for good regulatory design at all stages of the plan-making process and the need to ensure that the CME function is sufficiently resourced.
 - d. How progress of the development and implementation of the suggested limits, rules and action plan will be monitored to ensure that they are developed and implemented within the required time limits.
 - e. The availability of data obtained through the quality and quantity accounting systems for all persons involved in developing freshwater policies and plans, those carrying out the CME function and the wider community.

Tāngata Whenua

4. Brighta commends NRC for the extent of engagement of tangata whenua in the process so far and its intention to continue this engagement at all stages of developing, implementing, and developing the Freshwater Management Plan change, and the intention to enable Tāngata Whenua to participate actively in freshwater management and decision-making.
5. We also note the intention to weave “together te ao Māori and western world views”. We suggest that this involves including cultural indicators designed and monitored by local communities, involving mana whenua in the environmental monitoring and monitoring of compliance with rules, and that training and adequate resources are provided to tangata whenua to enable the carrying out of these roles.
6. We also support the TWWAG recommendations that mātauranga guidelines to identify where tikanga Māori practices should occur are developed with mana whenua and that NRC staff and decision-makers implementing provisions of the proposed Regional Plan are trained on tāngata

whenua values¹. Until all decision-makers have a thorough understanding of Māori culture and of the Māori worldview, decisions are still likely to be made using a western worldview and therefore not sufficiently protect Māori values and interests.

Stock exclusion from waterways and highly erodible land

7. We note NRC is considering more rules regarding stock exclusion from more waterways in steeper areas and introducing a wider buffer area to enable riparian vegetation to establish being a 3, 5 or 10 metre setback. As explained in the consultation document on stock exclusion, at least 10 metres of riparian vegetation is needed to noticeably improve the ecological health of freshwater. In addition, the more riparian vegetation there is, the more effective it is at reducing the impacts of climate change, such as droughts and floods.
8. As explained in the stock exclusion document, most of the sediment in waterways comes from two main sources – sediment coming off the land (especially the steeper highly erodible land) and stream bank erosion. We therefore agree that excluding stock from the highly erodible land will help to reduce the discharge of sediment into waterways. The damage that can be caused by grazing animals on this type of land has been clearly demonstrated, for example, by the significant amount of erosion of the land in Tairāwhiti caused by the clearance of indigenous vegetation and use of the land for pastoral uses. This is a process that has occurred throughout New Zealand²

Vegetation clearance

9. As explained above, much of the sediment in waterways comes from steeper highly erodible land. We therefore support the inclusion in the Freshwater Plan change of the proposed new rules limiting vegetation clearance in areas of high erosion risk and the proposed tightening of the rules that apply to vegetation clearance in areas with severe erosion risk.

Discharges of wastewater and dairy effluent

10. The discharge to waterways of dairy and human effluent, resulting in high levels of *E.coli*, is one of the main forms of contamination of those waterways. We therefore support the proposal to prohibit new dairy effluent discharges to water, introduce stricter requirements for renewing existing consents for discharge to water, with a cut-off in January 2030, and to require resource consent for all dairy discharges to land.
11. For the same reasons, Brighta also supports the proposal to prohibit discharges from wastewater treatment plants to water and discharges of treated domestic wastewater to waterways.

Wetlands

12. Brighta supports NRC's intention to consider additional rules for excluding stock from wetlands, and to prohibit the discharge of fertiliser within 10 metres of a wetland or a waterway. Wetlands improve water quality by slowing the flow rate as water moves into a wetland, allowing particles to settle out. The plant surfaces act as filters, absorbing solids and adding oxygen to the water. Wetlands can also reduce the impacts of flooding as they can absorb heavy rain and release water

¹ Te Tai Tokerau Tangata Whenua Water Advisory Group, "Ngā Roimata o Ngā Atua: The Tears of Ranginui and Patūānuku, a Recommendation Report to support the implementation of Te Mana o Te Wai in Te Tai Tokerau", pp 9 & 11.

² Glade T 2003. Landslide occurrence as a response to land use change: a review of evidence from New Zealand. Catena 51: 297–314.

gradually. They provide a habitat for two-thirds of threatened freshwater and estuarine fish species and 13% of threatened plant species³. As approximately 90% of New Zealand's wetlands have been lost since human occupation and those remaining are moderately to severely degraded⁴, it is important that all practicable steps are taken to protect them.

Compliance monitoring and enforcement

13. We recommend that good regulatory design in the implementation of the proposed plan is followed, with rules and resource consent conditions written so that they clearly reflect their purpose, can be easily understood by all parties, and can be effectively monitored and enforced where required.
14. It is also critical that the CME function that ensures that the rules and conditions are complied with is sufficiently resourced. There is no point in developing rules and conditions that are not monitored and enforced.

Monitoring progress

15. If the proposed vision and objectives set out in the consultation document are to be effective and the environmental outcomes and targets are to be obtained, the progress of the development and implementation of the limits and action plans must be tracked.
16. Clause 3.29(1) of the NPS-FM provides that every regional council must operate and maintain, for every FMU: (a) a freshwater quality accounting system; and (b) a freshwater quantity accounting system.
17. Subclause 3.29(5) provides that the freshwater quality accounting system must (where practicable) record, aggregate, and regularly update, for each FMU, information on the measured, modelled, or estimated: (a) loads and concentrations of relevant contaminants; and (b) where a contaminant load has been set as part of a limit on resource use, or identified as necessary to achieve a target attribute state, the proportion of the contaminant load that has been allocated; (c) sources of relevant contaminants; and (d) the amount of each contaminant attributable to each source.
18. Subclause 3.29(6) states that the freshwater quantity accounting system must record, aggregate, and regularly update, for each FMU, information on the measured, modelled, or estimated: (a) amount of freshwater take; (b) the proportion of freshwater taken by each major category of use; and (c) where a take limit has been set, the proportion of the take limit that has been allocated.
19. Implementing these systems will ensure that council will obtain reasonably up-to-date information about the state of the environment and therefore, about whether the limits and action plans are having a positive effect.
20. We recommend that NRC monitors the progress of the development and implementation of the suggested limits, rules, and action plan to ensure that it all occurs within the required times.

³ New Zealand Ministry for the Environment and Stats NZ *New Zealand's Environmental Reporting Series: Environmental Aotearoa 2022* (April 2022) at 19

⁴ At 41.

21. We also recommend that the data obtained through the quality and quantity accounting system is readily available to all persons involved in developing freshwater policies and plans, to those involved in the CME function so that their work is evidence-based and to the wider community.

Action Plan

22. We agree that there is little point in having stringent rules if they cannot be implemented and complied with. We therefore consider that Potential Action 9 to increase funding for compliance is essential to ensure the new rules are complied with.
23. We also support Potential Action 10 to increase NRC's support for tangata whenua involvement in freshwater management and decision-making. The ability of Māori to have effective input can be limited by insufficient resourcing to participate adequately and effectively. Embedding indigenous knowledge throughout "all layers of NRC's policies and influence -decisions makers" is also commendable.

Conclusion

24. Overall, Brighta supports the proposed rules and Action Plan. We recommend, however, that the issues we have identified and the solutions we have suggested are taken into account when introducing the new freshwater provisions into the Regional Plan. In addition, a comprehensive implementation plan and support package will need to be developed to support this programme of work.

From: [Craig Deal](#)
To: [Freshwater](#)
Cc: [Mischa Davis](#)
Subject: Submission on Draft Freshwater Plan - Northland Fish and Game Council
Date: Thursday, 28 March 2024 3:59:59 pm
Attachments: [image001.png](#)
[Northland Draft Freshwater Plan Submission - Wai it Matters - Northland Fish and Game Council - Mar 2024.pdf](#)

Good afternoon,

Please find attached the submission on the Draft Freshwater Plan from Northland Fish and Game Council.

Kind regards,

Craig Deal
Regional Manager
Northland Fish & Game Council
A5/7 Nell Place, Raumanga, Whangarei 0110
P +64 9 438 4135 | M +64 21 798 749

E cdeal@fishandgame.org.nz





4 March 2024

TO: Northland Regional Council
By email: freshwater@nrc.govt.nz

RE: Submission on the draft Freshwater Plan Change

SUBMITTER DETAILS:

Full name: Northland Fish and Game Council
Address: a5/11 Nill Place, Raumanga, Whangārei 0110
Contact: Craig Deal
Email: cdeal@fishandgame.org.nz

Introduction:

1. The Northland Fish and Game Council ("NFG") thank the Northland Regional Council ("NRC") for the opportunity to provide a submission on the draft Freshwater Plan Change ("Draft Plan").
2. The sports fish and game habitat within the Northland Region includes rivers, lakes, and wetland ecosystems of regional and national significance. As such, the Draft Plan directly touches on sports fish and gamebird habitat management, the interests of hunters and anglers in the Northland Region, as well as operational matters for NFG. We welcome the opportunity to provide a submission and ensure that the implications of the Draft Plan on habitat, hunters and anglers, and Fish and Game operations are carefully considered.
3. We have reviewed the Draft Plan and are concerned that it does not go far enough to provide for improvement of water quality in Northland. The Draft Plan also fails to provide sufficient detail on how Target Attribute States and Freshwater Outcomes will be achieved over the set timeframes. An example of this is that sediment is one of the biggest problems for water quality in Northland yet there is insufficient data to identify baseline or target states for deposited fine sediment and as such the plan cannot provide for improvement for this attribute.
4. Another crucial concern with the Draft Plan is the blanket approach that has been applied across the region. Waterbodies within the region will not be appropriately managed and restored as they do not have individual visions, objectives or baseline data from which to measure improvements. Setting visions, objectives and bottom lines that capture

Statutory managers of freshwater sports fish, gamebirds and their habitats.

Northland Fish & Game

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waterbodies individually, or at a minimum at catchment or Freshwater Management Unit (“FMU”) scale, is critical for maintaining and restoring water quality.

Role of NFG

5. NFG is an entity established under the Conservation Act 1987 with functions including:¹
 - Manage, maintain and enhance the sports fish and game resource;
 - Maintain and improve access;
 - Ensure sufficient resources to enforce fishing and hunting season conditions;
 - Promote recreation based on sports fish and game;
 - Represent the interests and aspirations of anglers and hunters in statutory planning;
 - Prepare sports fish and game management plans;
 - Advocate the interests of the Council, including in habitats.
6. NFG aims to stop further degradation of water quality and, over time, improve water quality to a point where it provides for ecosystem health and protects and restores Fish and Game values.

Page | 2

Northland Fish and Game Region

7. The Northland Region provides a valued sports fishery resource, although its extent is somewhat limited by characteristically high summer water temperatures and low flow levels. River or lake trout populations are consequentially fewer compared with other parts of New Zealand. Sports fish present in the Northland Region include Rainbow trout and Brown trout.
8. Significant declines in water quality throughout the region have decreased fish habitat reducing angling opportunity. The most crucial impacts on waterways within the region has been caused by the ongoing intensification of land use. Combatting the decline in water quality requires land use change that can only be driven by changes to the Regional Plan. The implementation of the National Policy Statement for Freshwater Management 2020 (“NPS-FM”) via the Freshwater Plan is our best opportunity to do this.
9. The Northland Region provides significant game bird habitat and hunting opportunity, with some key large waterbodies such as the Kaipara and Hokianga Harbours, and numerous dams, ponds, wetlands, rivers, lakes and estuaries. Game birds present in the Northland Region include Mallard duck, Grey Duck, Shoveler duck, Paradise shelduck, Black swan, Pukeko, Ring-neck pheasant, Brown quail and California quail.
10. Today, the extent and quality of many wetlands in Northland has severely diminished. While in many places they are much reduced in area and modified through drainage and land development, these habitats are the last remaining areas of more or less contiguous

¹ Conservation Act 1987, s 26Q

Statutory managers of freshwater sports fish, gamebirds and their habitats.

freshwater swamp of any significant size. Total area is in the order of several thousand hectares.

Overview of feedback on the Draft Plan

Our relief notes specific changes which would improve the Draft Plan and address our concerns. They are contained in Table 1 provided as an appendix to this submission. Page | 3

General submission

The protection of trout and salmon habitat

11. Sports fish and game birds are highly valued by a large segment of the New Zealand population as well as international tourists.
12. Human activities at the landscape scale are the overwhelming threat to the ecological integrity of river ecosystems and local species assemblages.² Joy et al. found the primary drivers of fish biodiversity declines were due to habitat effects including increasing in-stream nutrients, deposited fine sediment, increasing macrophyte and algal abundance, increasing water temperatures, and decreasing water velocity.³
13. Similarly, the background paper⁴ outlining F-IBI attribute⁵ in the NPS-FM indicates that intensive land use upstream of sampling sites was associated with poor F-IBI scores. The presence of non-indigenous species is considered as a negative, detracting from the F-IBI scores. However, it did not have as significant an impact as land use.
14. The protection of trout and salmon habitat is a matter to be had particular regard to in the RMA⁶, and Policies 9 and 10 of the NPS-FM require the habitat of trout and salmon to be protected, as far as it is consistent with protection of habitat of indigenous species.
15. Although it is understood many indigenous freshwater species can tolerate lower water quality conditions than trout and salmon, there is limited data on their habitat requirements (The Department of Conservation is currently publishing a report to be released on their physical habitat requirements). As such it is important to point out that because trout have more stringent habitat requirements and become stressed more quickly in poor habitat than most indigenous freshwater species, providing good habitat conditions for trout and salmon will also ensure adequate habitat quality for indigenous fisheries and Taonga species.

² Maddock, I. (1999). The importance of physical habitat assessment for evaluating river health. *Freshwater Biology*, 24(3), 383–397. <https://doi.org/10.1556/achrom.24.2012.3.4>

³ Joy, M. K., Foote, K. J., McNie, P. & Piria, M. (2018). Decline in New Zealand's freshwater fish fauna: effect of land use. *Marine and Freshwater Research*, 70(1), 114–124. <https://doi.org/10.1071/MF18028>

⁴ Jor, M. & Death, R. (2004). Application of the index of biotic integrity methodology to New Zealand freshwater fish communities. *Environmental Management*, 415–428.

⁵ A measure of biotic integrity for fish populations, which a low score indication worse integrity.

⁶ RMA section 7(h).

[Statutory managers of freshwater sports fish, gamebirds and their habitats.](#)

Long term vision

16. Long-term visions, as required by the NPS-FM, are goals, objectives, or aspirations, which outline how catchments or water bodies are to look in the future. Long-term visions are critical as they guide how the NPS-FM is implemented by becoming objectives in the Regional Plan.
17. Multiple visions may be developed to address the range and scale of values in different places (for example the FMU, part of an FMU or catchment level) and amongst various communities and mana whenua.
18. Long-term visions must therefore stand on their own and present an opportunity to be aspirational, while also being practical about what can be achieved and by when⁷.
19. Long-term visions should:
 - Relate directly to what needs to be achieved for freshwater health and articulate precisely what needs to be accomplished in the FMU, part of an FMU or catchment. For example, we know that E.coli and sediment that are the key issues for Northland in which respect visions should be written to address these.
 - Be specific to the place, location, or community within an FMU, and not generic to a region.
 - Include a way to acknowledge that the vision is being achieved for example by measuring, observing, experiencing, or interacting with freshwater in the future.
20. However, the single proposed overarching vision in the Draft Plan fails to meet the requirements of the NPS-FM by failing to include what a long-term vision should describe. Further to this, the requirement for setting visions is that they are set at FMU, part of an FMU, or catchment level, not at a regional level.⁸ Only having one overarching vision for the entire region will not safeguard the health and wellbeing of individual degraded waterbodies within each FMU, especially those outstanding water bodies.

A need for clear language

21. Language should be clear and consistent and direct that environmental limits be determined for the region to an adequate standard, or to achieve specific aims, and that resource use and all activities must be within those limits.
22. NFG considers that the current drafted long-term vision lacks specificity about what it will achieve (e.g., what, where, when, who), and does not provide clear outcomes with set timeframes. We address these specific points in more detail in Table 1.

⁷ 3.3(2)(b) & (c) of the NPS-FM 2020

⁸ NPS-FM Policy 3.3 (2)(a).

Statutory managers of freshwater sports fish, gamebirds and their habitats.

23. The drafted long-term vision uses wording which creates uncertainty as to the direction it is providing. Phrases like 'more resilient', 'used sustainably' and 'at most sites' do not provide clear direction and undermine the effectiveness of the vision.
24. Similarly other phrases used in the vision such as 'improving', 'prioritised' or 'enhanced' provide a general sense of direction but not specific detail on what is intended. Where these phrases are used, we suggest using 'protect and restore' with a definition provided for restoration to aid in clarity. In this respect the phrase can be defined to require a target state, so that decision makers face less ambiguity as to how much is required in each circumstance.

Freshwater Management Units

25. The NSP-FM directs regional councils to identify FMUs which enable the council to effectively manage freshwater activities at an appropriate scale. FMUs are the default spatial unit at which long-term visions are set, values are identified, attributes are identified, action plans are prepared and progress towards goals is monitored, assessed and reported. Within each FMU regional councils must also identify monitoring sites, primary contact sites, habitats of threatened species, outstanding water bodies, and natural inland wetlands.⁹
26. The NPS-FM requires councils to maintain freshwater accounting and monitoring systems at a level of detail that reflects the significance of the water quality and / or quantity issues applicable to each FMU or part of an FMU, and how these are to be managed. As such FMU's are a management tool, not just a monitoring tool, of the NPS-FM.
27. The Draft Plan however, as noted above, has failed to identify individual visions for FMUs, instead it's single long-term vision for freshwater applies to the entire region and all the FMU's together. NFG are of the strong opinion that to achieve improvements in water quality as required by the NPS-FM, FMU's need to be managed individually, and not only this but so too do outstanding water bodies - recognising their individual hydrogeomorphic features and the specific management requirements of their catchments.
28. A single overarching vision for the entire regions catchments and water bodies will not ensure the individual protection required nor provide the necessary action for already degraded catchments. To meet the requirements for improvements, visions need to detail what improvements need to happen to degraded catchments.

Target Attribute States

29. NFG are pleased to see, and support, the proposed additional freshwater attributes for Northland set out under H.12.2 of the Draft Plan. However, we do have several concerns with regards to the Freshwater Target Attribute states generally:

⁹ [Environmentguide.org.nz/ freshwater-management-framework/national-policy-statement-for-freshwater](https://environmentguide.org.nz/freshwater-management-framework/national-policy-statement-for-freshwater)
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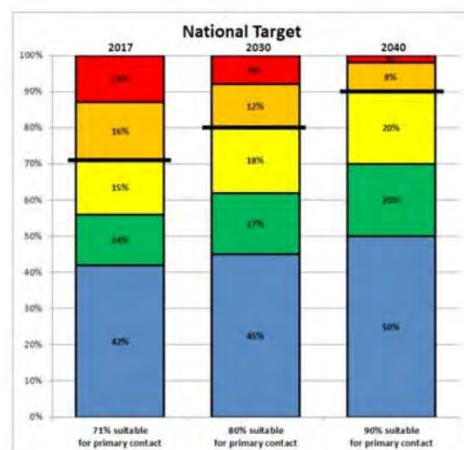
- a) The bands for human contact are not in line with the NPS-FM Appendix 3 targets as below:

Appendix 3 – National target for primary contact

The national target is to increase proportions of specified rivers and lakes that are suitable for primary contact (that is, that are in the blue, green and yellow categories) to at least 80% by 2030, and 90% no later than 2040, but also to improve water quality across all categories.

In this Appendix, **specified rivers and lakes** means:

- rivers that are fourth order or greater, using the methods outlined in the River Environment Classification System, National Institute of Water and Atmospheric Research, Version 1 (see clause 1.8); and
- lakes with a perimeter of 1.5 km or more.



The categories above represent combined improvements in all regions. For each region, this means reducing the length of specified rivers and lakes in the red and orange categories, and increasing the length of specified rivers and lakes in the yellow, green and blue categories.

- b) Attributes bands that differ in name from the NPSFM like MCI need to be changed to reflect the NPS-FM. For example, MCI is a numerical score NPSFM has alphabetical bands (A-D) and the plan is descriptive (Excellent-Poor) – as such the bands must be consistent with NPSFM or otherwise specifically defined. This also goes for metrics like TLI.
- c) Compulsory Attributes for MCI are not in line with NRC data (as shown in the tables below) showing 29% of MCI scores as excellent 2012-2016 and the end goal in the plan for 2060 is 7%. NFG would expect all the MCI and QMCI scores to be above bottom line in 80 years with 20% of the improvement frontloaded in the first 10 years.¹⁰

¹⁰ <https://www.nrc.govt.nz/media/wwxne5rv/river-water-quality-and-ecology-in-northland-2012-2016.pdf>

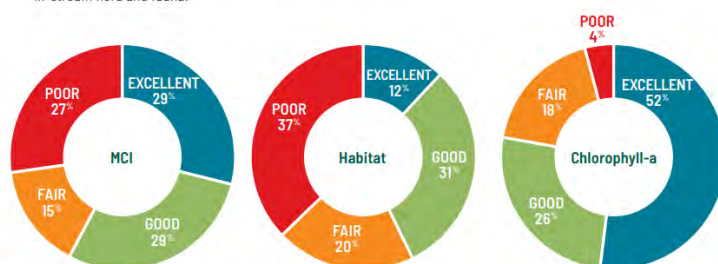
NRC Compulsory Attributes	Excellent	Good	Fair	Poor
Fish IBI (wadable rivers) (n = 20)				
Baseline (2015-2019)	65	20	10	5
End of 2035	65	20	15	0
End of 2040	65	25	10	0
End of 2050	65	30	5	0
Macroinvertebrates (wadable rivers)-MCI n=66				
Baseline (2015-2019)	1	11	33	55
End of 2035	2	10	38	50
End of 2040	2	20	38	40
End of 2050	2	30	58	10
End of 2060	2	50	43	0
QMCI n=66				
Baseline (2015-2019)	4	9	17	70

Ecological results

Ecological measures used in this report include:

- **Macroinvertebrate Community Index (MCI):** an index derived from macroinvertebrates taxa present in a stream and their tolerance to pollution.
- **Chlorophyll-a:** a measure of the biomass of periphyton (algae, fungi, and bacteria which grow on the beds of rivers and streams).
- **Habitat:** the condition, complexity and characteristics of the stream which provides the living space for all in-stream flora and fauna.

The pie charts below and Appendix B show the ecological results from data collected at 34 RWQMN sites from January 2012–December 2016. The ecological results are slightly better than for water quality, with almost 60% and 52% of sites scoring **GOOD** or **EXCELLENT** for MCI and chlorophyll-a respectively but still a considerable number of sites scoring either **FAIR** or **POOR**. More than half of sites (57%) scored **POOR** for habitat.



- On a similar note, we would expect to see frontloading of the improvement timeframe in with all rivers below the C band improving by 20% in the first 10 years with no degradation on any NRC Compulsory Attributes. For example, the baseline of Dissolved Reactive Phosphorous is 33% and 2035 is 30% of all rivers in the D band. An 80% improvement would be 26% in 2035.
- The list of compulsory attributes should match Appendix 2A and attributes requiring action plans in Appendix 2B of the NPSFM. The tables are not well labelled to indicate what is compulsory and where action plans will be required in FMU's.

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- c. The time frames for Phytoplankton and TLI do not front load the improvement required. The 2035 targets should be 18% and 30% respectively.

Unders and Overs approach

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30. A major concern with the plan is the blanket approach of setting the same bottom-lines and TAS across the region, rather than for individual waterbodies or even FMU's. Setting TAS in percentages of monitoring sites across the region means that there may be some unders and overs. This is a concern for those waterbodies that are in a pristine and healthy state as it allows for water quality to degrade. No waterbody should ever degrade and to allow for it in a freshwater plan contravenes the requirements of the NPS-FM.¹¹
31. Case law¹² indicates that an "Unders and Overs" approach that allows for water quality to deteriorate in one area of a waterbody so long as there is a matching improvement in quality elsewhere is inconsistent with the function imposed on regional councils by s30(1)(c)(ii) of the RMA which requires the maintenance and enhancement of the quality of water in waterbodies. Nor is the approach compatible with the requirements of s69 RMA regarding rules relating to water quality which specifically provides:

"a regional council shall not set standards in a plan which result, or may result, in a reduction of the quality of the water in any waters at the time of the public notification of the proposed plan unless it is consistent with the purpose of this Act to do so."

32. For an Unders and Overs approach to be avoided in the Draft Plan an appendix must be included that identifies all rivers and lakes in the region with known data for all baseline attributes states. Where relevant data is not available to include in the tables then the freshwater plan must include an additional method to require that missing data to be gathered and subsequently included in the tables by way of a plan change as soon as practicable.
33. Although basic interventions like the ones suggested in the Draft Action Plan such as stock exclusion is essential, each FMU will have unique challenges that cannot be improved with a one size fits all approach. Put simply – if no degradation is to occur then bottom lines must be set for each waterbody otherwise there is no data from which to measure improvement.
34. The blanket approach applied in the Draft Plan is also in breach of the NPS-FM as it requires regional councils to identify sites to be used for monitoring¹³, and then set TAS and identify the site or sites to which the TAS applies.¹⁴ Further to this, the NPS-FM requires regional

¹¹ Policy 5 NPS-FM

¹² Ngati Kahungunu Iwi Inc vs Hawkes Bay Regional Council [2015] NZEnC 50

¹³ 3.8(2)(a) NPS-FM

¹⁴ 3.11(1) NPS-FM

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councils to publish annually data about each component of the value ecosystem health and the value human contact, as obtained from monitoring sites for the relevant attributes.¹⁵

Draft Action Plan

35. While the Draft Freshwater Action Plan (Draft Action Plan) provides a good overall summary of the current work that NRC are doing to address water quality issues in the Northland Region, it fails to provide detail on how it will achieve the environmental outcomes of the Freshwater Plan Change. We consider that the Draft Action Plan reads more as a summary document about current and potential future work, rather than an action plan of the standard required by the NPS-FM to meet the environmental outcomes of the Draft Plan.
36. Action plans, along with limits, are the methods by which the environmental outcomes of the regional freshwater plan will be achieved. Section 32 of the RMA sets out an evaluation framework for proposed plans and plan changes. Where action plans (i.e., non-regulatory methods) are used to achieve environmental outcomes (objectives), then those methods must be set out in the regional plan. If this is not done, it will not be possible to conclude through s32 evaluation that the policies and methods of the plan are effective at achieving the objectives of the plan. When the regional freshwater plan change is notified, an action plan should contain enough detail to enable an assessment of the how effective and efficient the actions would be at achieving the objectives of the regional plan.
37. NFG are concerned that the width and detail in the Draft Action Plan are all mandatory elements that should have been done in the lead up to writing the Draft Plan. This round of plan changes should not be occurring without being preceded by good State of the Environment reporting. From this reporting NRC should be focusing on catchment basis action plans for remediation of existing degradation.
38. NFG fail to understand why in the introduction of the Action Plan NRC have specifically excluded returning soft bottomed streams and rivers to their natural hard bottomed state. We also consider that waiting until 2027 to provide data on deposited fine sediment is inadequate. This work should have preceded the policy work in the policy cycle.
39. We do note that there are numerous projects occurring in the Northland region however including detail of this is not the point of the action plan, especially on monitoring and operational issues.
40. We note that funding of several actions is subject to other processes e.g. the Long-Term Plan funding and consultation process. This would include funding to support stock exclusion, riparian planting, restoring wetlands, increasing compliance, supporting tangata whenua in freshwater management and decision making etc.

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¹⁵ 3.30 NPS-FM.

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41. We support potential action 12 – advocacy which includes working with district councils to improve performance of wastewater and SW services, support on site water storage in appropriate places, improve water use efficiency, and better riparian vegetation etc.

Water quality standards

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42. NFG consider the water quality standards (WQS) under policy H.3.1 of the Draft Plan are weak and need improvement. If these standards are not amended then they will keep water quality as it is, which as we know in Northland for some attributes is below national bottom lines. In this respect the WQS do not provide for improvement of degraded waterbodies and as such are not in line with the requirements of the NPS-FM.¹⁶
43. For nitrogen, while we are pleased to see the target of 1.0 mg/L that recognises toxicity, if NRC are aiming for water quality improvement to the standard that supports ecosystem health (as it itself states in the table), then the target should be closer to 0.6 mg/L.
44. We consider that the periphyton biomass standards for “other rivers” is too high at 200 mg chl-a/m² and needs to be brought lower closer to that of “outstanding rivers”.
45. For QMCI we consider that this should not be measured by percent change and should instead be measured by Attribute Band in the NPS-FM, with at least a B band as a minimum.¹⁷ Likewise, for Visual clarity change¹⁸ and Deposited fine sediment change¹⁹.

Keep stock out of waterways and wetlands

46. NFG note that there are existing stock exclusion regulations, however we are concerned that these may be repealed and therefore we urge NRC to replicate these requirements in the Draft Plan.
47. NFG strongly support a 10m setback with riparian planting. However, stock exclusion alone will not stop further degradation. In some catchments, activity status change will be required to prevent further degradation of water quality.
48. The consultation document itself, under the heading ‘What does the science say?’ states how at least 10 meters of riparian vegetation is needed to noticeably improve the ecological health of freshwater.²⁰

“In summary, while riparian buffers of three to five metres provide effective filtering, vegetated riparian buffers of 10 metres or more are needed to achieve wider ecosystem health and climate change resilience benefits for waterbodies”²¹

¹⁶ Policy 5 NPS-FM.

¹⁷ Table 14 and Table 15 Macroinvertebrates, NPS-FM.

¹⁸ Table 8 Suspended Fine Sediment, NPS-FM.

¹⁹ Table 16, Deposited Fine Sediment, NPS-FM.

²⁰ Baillie, B. Murfitt, J. (2023). Riparian setbacks: Summary of the science. Northland Regional Council

²¹ The draft Freshwater Plan Change: Have your say on stock exclusion page 9.

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This fact alone indicates that a 10m setback is the bare minimum required to improve water quality. In this respect NFG are confused as to why this is being consulted on, or why 10m is the maximum, not the minimum, distance being proposed.

49. To ensure TAS are achieved stock exclusion requirements must be set as rules in the Draft Plan. Further to this stock exclusion requirements should be linked with Freshwater Farm Plans. There should also be a rule to exclude stock from critical source areas and highly erodible land. The current rules do not provide adequately for fish spawning sites. Stock should be excluded from all fish spawning sites.
50. NFG are unsure how a per farm per year cost can be calculated as the cost would depend on the actual water bodies on site. Further, maintenance of planting is not the same as the upfront costs of putting in the planting (it will be cheaper to maintain generally).

Eliminate or reduce discharges

51. We are concerned that the Draft Plan does not go far enough in controlling discharges to water. We consider that it is the result of too many permitted activities for discharges in the Northland Regional Plan that is contributing to Northland's E.coli problem. With the E.coli issues in the region it is no longer appropriate to have permitted activity status for discharge of any kind to water.
52. For wastewater network and treatment plant activities under C.6.2, the activity status for these activities in the Draft Plan appear to be correctly set. However, ongoing upgrades of these systems are critical, especially as population continues to grow and more users are added to the system. We also support the discharge of wastewater from wastewater treatment plant onto land only (and not into water). We also support proposed new rule C.6.2.X to replace an existing discharge consent into water as a non-complying activity to make it clear that upgrades will be required or evidence to show why discharge to land cannot be achieved.
53. With regards to production land discharges under C.6.3 many of the permitted activity rules should only be allowed if there is a good amount of separation from critical source areas.
54. With regards to stormwater discharges under C.6.4, the Draft Plan allows for too many permitted activity rules. This will not require district councils to invest in storage pond and other treatment facilities to improve their discharge outputs. These consents involve large volumes and should be a discretionary activity and NRC should require district councils to keep improving their discharges in line with new technology.

Water Allocation

55. We are concerned about the water allocation and lack of background information for this framework. We have further detailed our concerns in the table under the definitions section and section H.4 in the table. We are concerned that NRC do in fact have catchments

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that are overallocated, and if so NRC need to implement rules that provide a sinking lid approach so that reduced flow allocation can be achieved over time.

Conclusion

56. NFG again thank NRC for the opportunity to provide a submission on the Draft Plan. We look forward to continuing to work with NRC to address our concerns outlined above. Page | 12

Follow up:

57. We would like to see mapping of degraded water bodies but particularly the Wairua and Wairoa catchments. The flood control schemes and drainage (drained wetlands) and land use change to pasture has resulted in loss of indigenous biodiversity, game bird and trout habitat. With the straightening of these rivers it is unlikely that a hard bottomed river can be achieved. Parts of this habitat should be returned to wetland as an action plan. We question whether the flood control scheme will continue to be effective with climate change and increased flooding.
58. We would like to discuss further stock exclusion regulations and what monitoring NRC are doing of this work.
59. We would like to provide NRC with mapping of habitat of fish and game prior to notification of the proposed plan.
60. We support the proposed timeline to notify the Draft Plan in late 2024. We trust with changes signalled by government that NRC will keep to this timetable.

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Specific relief – Northland Regional Plan

Provisions to which submission relates:	Position:	Reasons:	Relief:
Draft Changes to the Regional Policy Statement			
Objectives			
3.16 Te Mana me te Mauri o te Wai	Seek amendment		<i>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.</i>
3.17 Long-term vision for freshwater	Seek amendment	The single proposed overarching vision in the Draft Plan fails to meet the requirements of the NPS-FM by failing to include what a long-term vision should describe. The long-term vision lacks specificity about what it will achieve (e.g., what, where, when, who), and does not provide clear outcomes with set timeframes. Wording has been used that creates uncertainty as to the direction it is providing. Phrases like 'more resilient', 'used sustainably' and 'at most sites' do not provide clear direction and undermine the effectiveness of the vision. Similarly other phrases used in the vision such as 'improving', 'prioritised' or 'enhanced' provide a general sense of direction but not specific detail on what is intended. Where these phrases are used, we suggest using 'protect and restore' with a definition provided for restoration to aid in clarity. In this respect the phrase can be defined to require a target	Amend to rewrite to make multiple long-term visions that are catchment or at a minimum FMU specific with wording to meet the requirements of the NPS i.e. specific, measurable, achievable, relevant and timebound.

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		state, so that decision makers face less ambiguity as to how much is required in each circumstance.	
Draft Freshwater Plan Change – Northland Regional Plan			
Definitions			
Conspicuous change in colour or visual clarity	Seek amendment	A 40% reduction in the colour or visual clarity <i>above background levels in rivers, artificial watercourses and wetlands</i> is too high and will not provide for water quality improvement, especially for that of sediment and should be amended to be 20%. Likewise for the lakes and coastal waters this should be reduced to 10% rather than 20%.	Amend as follows: <i>Means more than a 40 <u>20</u> percent reduction in the colour or visual clarity above background levels in rivers, artificial watercourses and wetlands; except for lakes and coastal waters where it means more than a 20 <u>10</u> percent reduction in the colour or visual clarity.</i>
Dust sensitive area	Oppose	The definition needs to be amended to include all fish spawning and fish habitats as these are areas sensitive to dust and sediment.	Amend as follows: <ol style="list-style-type: none"> 1) Residential buildings and associated garden areas, and 2) school, hospital buildings and care facilities and grounds, and 3) amenity areas where people congregate, including parks and reserves, and 4) community buildings and grounds, including places of worship and marae, and 5) orchards, crops and commercial growing areas, and DRAFT FRESHWATER PLAN CHANGE – NORTHLAND REGIONAL PLAN 16

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			6) <i>water bodies used for the supply of drinking water and for stock drinking, and</i> 7) <i>apiaries, and</i> 8) <i>natural wetlands and significant areas of indigenous vegetation and habitats of indigenous fauna as defined in the Regional Policy Statement for Northland on land.</i> 9) <i><u>All fish spawning habitat and fish habitat</u></i>
Effectively excluded	Seek amendment	We are concerned that virtual fences will fail when power and internet is down thereby allowing stock into waterways. Virtual fences are also banned in some countries on animal welfare grounds. We are further concerned that any temporary fencing measures will fall into neglect and end up in waterways and not effectively fence stock from waterways.	Amend as follows: <i>Effectively barred from access to the beds of lakes and rivers, drains, natural wetlands, and the coastal marine area either through a natural barrier (such as a cliff), a permanent fence (including a single polymer wire fence), or new technologies such as a 'virtual' GPS fence. Temporary fencing may be used in flood-prone areas.</i>
Good management practice	Oppose	We disagree to the use of Good Management Practice because it is industry led and doesn't necessarily mean that it is good farming practice from other stakeholders perspective.	Delete definition from the Draft Plan
Highly erodible land 1 (HEL1)	Support		Land with a slope between 25 and 35 degrees
Highly erodible land 2 (HEL2)	Support		Land with a slope greater than 35 degrees
Minimum flow	Seek amendment	See H.4 Environmental flows, levels and allocations. We support table 27 primary minimum flows for rivers. However, we do not support table 28, secondary minimum flows for root stock survival. We advocate for the use of water storage devices to be used to provide for root stock	

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		<p>survival and do not agree that the minimum flow should fall to 75% of the seven day mean annual low flow.</p> <p>The ecological flow recommendations in the draft National Environmental Standard for ecological flows (draft NES Flows) are not stringent enough as more recent science has found that allocation of more than 20 percent of MALF will have a detrimental effect on ecosystem health. Unless more recent, regional specific studies have been completed – the regional plan should set allocation take limits at around 10 percent of MALF to protect ecological values.</p> <p>Table 30 allocation limits for rivers should be reduced for small rivers from 40% of the seven day mean annual low flow to 20% and for large rivers reduced from 50% to 20% of the seven day mean annual low flow.</p> <p>Allocating a volume of water equivalent to 30% of MALF has been common practice and ecosystems can survive this for a short time, as they are naturally resilient, but like the human body, the longer periods of time it is under stress, the more impact it will have on the system over time.</p>	
Minimum level	Seek amendment	See H.4 Environmental flows, levels and allocations – see our submission points above. The existing over allocation needs to be reduced to restore ecosystem health to the water body.	
Non consumptive take	Support	We support the definition as worded.	Retain definition as worded.

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Pest	Oppose	<p>The definition is too broad and leaves open to discretion of a decision maker to decide what a pest is based simple being any “unwanted living organism”. The definition needs to be amended to specifically reference a policy document that in itself specifies what a pest is.</p>	<p>Amend as follows:</p> <p><i>“These include:</i></p> <p><i>1) any unwanted living organism including microorganisms, pest agents, plants, animals and marine pests and any genetic structure capable of replicating itself (whether that structure comprises all or only part of an entity, and whether it comprises all or only part of the total genetic structure of an entity) that may affect plants, animals, or raw primary produce, and</i></p> <p><i>2) any organism listed in the Northland Regional Pest Management Plan, and</i></p> <p><i>3) any organism listed in the Unwanted Organisms Register held by the Ministry for Primary Industries, and</i></p> <p><i>4) does not include any human being or living organism which affects only human beings; or any living organism declared not to be a pest for the purposes of the Biosecurity Act.</i></p> <p><i><u>means any identified or suspected organism listed in the following:</u></i></p> <p><i><u>a. Northland Regional Pest and Marine Pathway Management Plan 2017-2027;</u></i></p> <p><i><u>b. Biosecurity (Notifiable Organisms) Order 2016 (or subsequent amendments) administered by the Ministry for Primary Industries; or</u></i></p> <p><i><u>c. Unwanted Organisms Register held by the Ministry for Primary Industries.</u></i></p> <p><i><u>d. Ministry for Primary Industries (2019). New Zealand Marine Pest ID Guide. Biosecurity New Zealand, Wellington. 32pp”</u></i></p>
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Root stock survival water	Oppose	Growers need to be encouraged to invest in water bladder / storage facilities for root stock survival. As such we seek this definition be deleted as we do not consider that there should be any water reserved specifically for root stock survival water.	Delete definition entirely.
Seven-day mean annual low flow (MALF)			The mean of the lowest average flow for any consecutive seven-day period for each year of record.
Spray-sensitive area	Seek amendment	Fish can be highly sensitive to agrichemicals.	Amend as follows: 1) Residential buildings and associated garden areas, and 2) schools, hospital buildings and care facilities and grounds, and 3) amenity areas where people congregate including parks and reserves, and 4) community buildings and grounds, including places of worship and marae, and 5) certified organic farms, and 6) orchards, crops and commercial growing areas, and 7) water bodies used for the supply of drinking water and for stock drinking, <i>and that contain any fish species</i> 8) natural wetlands and significant areas of indigenous vegetation and habitats of indigenous fauna as defined in the Regional Policy Statement for Northland, and 9) roofing for the collection of drinking water; and 10) apiaries.
Zone of reasonable mixing	Oppose in part	The zone of reasonable mixing should be reduced where there are fishing values relating to the waterbody.	Amend as follows: <i>For the purpose of a discharge of a contaminant permitted by a rule in this Plan:</i>

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			<p>1) in relation to flowing surface water bodies, a distance downstream of the point of discharge that is the lesser of:</p> <p>a) 200 metres if the bed width of the surface water body is greater than 30 metres at the point of discharge, or</p> <p>b) a distance equal to seven times the bed width of the surface water body, but which must not be less than 50 metres from the point of discharge, or</p> <p>2) in relation to a lake, wetland, or coastal water <u>or river with fishing values</u>, a distance 20 metres from the point of discharge.</p>
Legal Effect of Rules page 36 of DFWPC	Support		Under Section 86B of the Resource Management Act 1991 (RMA), all rules have immediate legal effect from notification of the Regional Plan.
Resource Management (Stock Exclusion) Regulations 2020 (SER)	Support inclusion of SER as rules	We are concerned that the SER will be repealed so we would like those rules (or stronger rules) included in the plan change.	
Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F)	NES-F Sunset Clauses	We are concerned that if a proposed plan is not notified by December 2024 that the sunset clauses about further intensification of farming will expire in January 2025. Therefore we urge NRC to include these restrictions in the Draft Plan now.	
C Rules			
C.1 Coastal activities	Oppose	We strongly disagree that the coastal activities provisions are outside the scope of the freshwater plan change. Improving coastal water quality and discharges to water	Amend the Draft Plan to include proposed changes to the coastal activities section of the Regional Plan.

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		requires an integrated approach that considers both coastal discharges and catchment discharges originating inland of the coastal environment. This is also a requirement of the NPS-FW where under policy 3, freshwater is to be 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. The receiving environment includes, but is not limited to, any water body (such as a river, lake, wetland or aquifer) and the coastal marine area (including estuaries).	
C.2 Activities in the beds of lakes and rivers			
C.2 Activities in the bed of rivers - fish passage	Support	We note that these regulations apply, but ultimately the NPS-FM require fish passage structures to be upgraded. Consents should not be approved that impede fish passage.	The Department of Conservation must be notified of the intention to erect or place any structure likely to impede fish passage. This includes: culverts, fords, dam or diversion structures (Part VI of the Freshwater Fisheries Regulations 1983).
C.2.1.2 Extraction of material from rivers – permitted activity	Seek amendment	The current volume and area of river bed extraction will cause sedimentation in the river and inadvertently cause adverse environmental effects to fish spawning sites. The volume and area limit must be reduced to ensure water quality is maintained and fish habitat protected. We also seek a new condition that any excavation not be located within 500m of a fish spawning site.	Amend as follows: <i>1) the total volume excavated from a river does not exceed 50 100 cubic metres and the area the of riverbed that is disturbed does not exceed 500 1000 square metres in any 12-month period, and</i> <i><u>14) Not be located within 500m of a fish spawning site.</u></i>
C.2.1.3 Maintenance of	Seek amendment	We are concerned about condition 5 as this additional standard allows for 1000m2 of area, but it doesn't specify	Amend as follows:

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the free flow of water in rivers and mitigating bank erosion		if that is over one certificate of title, or if it can occur at multiple locations along the side of the river. We are concerned that any removal of gravel generally causes sedimentation and is not generally good for fish species.	5) <i>The area of the riverbed that is disturbed does not exceed 1000 square metres in area in any 12month period, <u>and per certificate of title.</u></i>
C.2.1.5 Maintenance or repair of authorised flood defence permitted activity	Seek amendment	Sedimentation from construction causes serious adverse effects to fish and fish spawning habitat. Therefore mitigation should be in place even when it involves flood defence schemes.	Amend as follows: <i>Discharge of sediment or water into water incidental to the activity (s15(1). <u>Appropriate sediment and erosion control measures shall be in place to minimise sedimentation in the waterbody.</u></i>
C.2.1.6 & C.2.1.7 Fish Passage permitted activity	Seek amendment	Low impact structures should be promoted for fish passage via a permitted activity rule. These should not obstruct fish passage for trout and indigenous fish, they should not obstruct navigation and they should not obstruct existing legal and public access.	Amend rule as suggested
C2.1.8 Construction and installation of structure permitted activity	Seek amendment	For culverts in water bodies classified as Trout Fisheries or Indigenous Fisheries: <ul style="list-style-type: none"> the structure shall not impede fish passage where it would otherwise occur, or a mechanism, structure or procedure shall be provided, that allows for fish passage where it would otherwise occur. 	Amend rule as suggested
C.2.1.9 Minor riverbank	Seek amendment	All fish spawning sites should be protected not just Inanga spawning sites.	Amend as follows:

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protection works			6) the activities do not take place in an Outstanding Freshwater Body, or Inanga spawning site, and <u>fish spawning site</u>
C.2.1.12, C.2.1.13, C.2.1.15	Seek amendment	Spawning sites for all fish should be referred to in these rules rather than just Inanga spawning sites.	Amend as follows: or Inanga spawning site, <u>or other fish spawning site</u>
C.2.2 Activities affecting wetlands			
C.2.2.3 Wetland construction or alteration of a constructed wetland	Seek amendment	The point of the NES-F and the NPS-FM is to not allow for further reduction in size of wetlands. Therefore 5) cannot be a permitted activity to accord with the NES-F.	Amend as follows: 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.
C.3 Damming and diverting water			
C.3.1.1 Off-stream damming and diversion and C.3.1.2 Small dam	Seek amendment	Spawning sites for all fish should be referred to in these permitted activity rules rather than just Inanga spawning sites.	Amend as follows: 2) the activities are not in a significant wetland or an Outstanding Freshwater Body, or Inanga spawning site, <u>or fish spawning site</u> mapped (refer I Maps / Ngā mahere matawhenua):

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C.4 Land Drainage and flood control			
C.4.1.9 Land drainage and flood control general conditions	Seek amendment	Spawning sites for all fish should be referred to in this rule rather than just Inanga spawning sites.	Amend as follows: <i><u>17) The activity does not take place in a fish spawning (generally winter months).</u></i>
C.5 Taking and use of water			
C.5.1.1 Minor Takes permitted activity	Support	We encourage regional councils to obtain information so that they know where permitted water takes are occurring and map this information so that wastewater and discharge consents are not approved near these takes. Permitted takes also need to be accounted for in flow allocation calculations. We recommend that NRC require water meters to be installed to ensure that only the permitted volume is taken.	Retain as drafted.
C.6 Discharges to land and Water			
C.6.1 On site domestic wastewater discharges	Seek amendment	For new domestic waste water discharges, pit toilets, on site domestic waste water discharges we draw your attention to more stringent rules in other plans eg 30m setback to water supply bore in the Waikato Regional Plan. We would also suggest that a 1.5m setback from a property boundary is likely to have odour effects to neighbouring sites. These permitted activity rules also dictate minimum tank size, effective disposal area, minimum set back of 20m to fisheries class water body and “the wastewater system shall be designed and	Amend rules as our reasoning suggests.

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		installed such that there will be no adverse change in groundwater quality as a result of the discharge, or in combination with other discharges". That way if SOE monitoring show that these permitted activities are having an adverse effect, especially located near critical source areas or near water bodies there may be a need to introduce a controlled activity rule requiring a Nitrogen removing tank and require land owners to provide better treatment of waste water.	
C.6.2 Wastewater network and treatment plant discharges	Support	The activity status for these activities appear to be correctly set. However, ongoing upgrades of these systems are critical, especially when more and more users are added to the system. We also support the discharge of waste water from waste water treatment plant onto land only (and not into water). We also support rule C.6.2.X to replace an existing discharge consent into water as a non complying activity to make it clear that upgrades will be required or evidence to show why discharge to land cannot be achieved.	
C.6.3 Production land discharges	Oppose	Many of these permitted activity rules should only be allowed if there is a good amount of separation from critical source areas. We support the new C.6.3.1 Existing farm wastewater discharges to land – controlled activity. We support rule C.6.3.8 Replacement consent for treated farm wastewater discharges to water – non complying activity. We support rule C.6.3.9 which makes farm wastewater discharges to water a prohibited activity.	

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C.6.3.5 Emergency dumping of milk	Oppose	We object to this rule as a permitted activity. Any emergency dumping needs to go to an effluent pond and then spread on land in accordance with best practice.	Amend rule to be a discretionary activity with conditions that require discharge to an effluent pond and then spread to land in accordance with best practice.
C.6.4 Stormwater discharges	Oppose	Public stormwater network stormwater discharges should not be a permitted activity. To provide for conditions of consent requiring improvements to quality and design of water quality, this activity should be a discretionary activity. We support additional conditions C.6.4.1 (5) not including high risk industrial or trade premises and (7) where the discharge is from a high risk for gross pollutants in stormwater gross pollution traps.	Amend C.6.4.1 to be a discretionary activity.
C.6.5 Agrichemicals and vertebrate toxic agents			
C.6.5.2 Application of agrichemicals into water	Oppose	The application of agrichemicals to water as a permitted activity should not be allowed even where it is to control plant pest species if fishing values are identified down stream in the water body.	Where fish values exist in the water body, a controlled activity status should be used.
C.6.6.1 The discharge of cooling water	Oppose	The discharge of cooling water should not be a permitted activity and this should not be discharged at a higher temperature if there are fishing values in the water body. Water should be cooled first prior to entering the water body.	Amend rule to be a discretionary activity and include a condition that the discharge cannot increase the temperature of the receiving waters if there are fishing values in the water body.
C.6.6.7	Support	We support the new rule for industrial or trade discharges to water as a non complying activity.	Retain rule as worded.
C.6.7 Solid waste			

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C.6.7.1	Oppose	We disagree with this rule being a permitted activity. The concern with discharges from closed landfills is when neighbouring land use change comes closer and closer to these sites. In the absence of monitoring, NRC will not know if the closed landfills are leaching or adversely affecting neighbouring properties. Many historical land fills do not have suitable lining and capping of the landfill. Ground water can also be adversely effected by this activity.	Amend rule to be a discretionary activity.
C.6.8 contaminated land	Seek amendment	Regulation 8 of the Resource Management (National Environment Standard for Assessing and Managing contaminants in Soil to Protect Human Health) Regulations 2011.	Amend the permitted activity rules to be consistent with the Resource Management (National Environment Standard for Assessing and Managing contaminants in Soil to Protect Human Health) Regulations 2011..
C.6.9 Other discharges of contaminants	Seek amendment	The permitted activity rules should be revised and tightened up - our concerns are addressed in the general submissions above.	Amend as recommended in general submissions above.
C.6.9.3 Discharge of fertiliser	Support and recommend amendment	Fertiliser permitted activity rule should be amended to ensure that the discharge does not result in any direct application of fertiliser to any water body with fishing values.	Amend to include the following condition: <u><i>4) Fertiliser is not applied on or within 10 meters of any water body with fishery values.</i></u>
C.8 Land use and disturbance activities			
C.8.1 Livestock Exclusion			

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C.8.1.2 Access of livestock (and where specified, sheep) to the bed of a water body or continually flowing artificial watercourse - permitted activity.	Seek amendment	The current rules do not provide adequately for fish spawning sites. Stock should be excluded from all fish spawning sites.	Amend as follows: <i>4) livestock and sheep are effectively excluded from any inanga spawning sites, and <u>fish spawning sites.</u></i>
C.8.2 Land Preparation	Seek amendment	We submit that it is unlikely that the certifier can guarantee that the effects will be no greater than the setback listed in h) which is 10m from an intermittently flowing river.	Amend as follows: <i><u>C.8.2.1 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.</u></i>
C.8.3 Earthworks			
C.8.3.2 Earthworks	Seek amendment	Table 15 should include a setback to rivers and lakes that have fishing values. We are also looking to develop a permitted activity rule near wetlands that have a prior notification process, rather than a m ² threshold of exposed earth or volume standard.	Amend as follows: The following condition should be added to the permitted activity and controlled activity rule: <i><u>Within 10m of a lake or river with fishing values</u></i> The matters of control should also include <i><u>adverse effects on fishing values.</u></i>

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C.8.3.3 Earthworks in Flood Hazard Areas	Seek amendment	We support that this is a controlled activity, although 1000m ³ allows for a large change which should perhaps be a discretionary activity.	Amend as follows: The matters of control should also include <u>adverse effects on fishing values.</u>
C.8.4 Vegetation clearance in riparian areas and foredune management areas			
C.8.4.2 Vegetation clearance in riparian areas	Seek amendment	Resource consent should be required where vegetation clearance occurs in areas with fishing values.	Amend permitted activity rule as follows: <i>2) The vegetation clearance does not occur within 10m of inanga spawning site <u>or within 10m of a lake or river with fishing values,</u> and</i>
C.8.4.2A (PA) & C.8.4.3 (discretionary) Vegetation clearance on erosion prone land or highly erodible land	Seek amendment	We support the permitted activity rule provided the following additional condition is added.	Amend as follows: The following condition should be added to the permitted activity rule: <i><u>The vegetation clearance does not occur within 10m of inanga spawning site or within 10m of a lake or river with fishing values.</u></i>
C.8.4.4 Afforestation and replanting plantation forestry & C.8.4.5 afforestation	Seek amendment	We support the rules with the following additional condition.	Amend as follows: The following condition should be added to the permitted activity rules: <i><u>The afforestation does not occur within 10m of inanga spawning site or within 10m of a lake or river with fishing values.</u></i>

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for permanent exotic carbon forests C.8.4.6 Afforestation discretionary			
D Policies			
D.4 Land and water			
D.4.1 Maintaining overall water quality	Seek amendment	<p>While we support the intention of this policy which is to maintain water quality in the region and thereby not allow for it to degrade, we have concerns with several clauses in that they contradict the purpose of the policy.</p> <p>Clause 3 must be amended so that it applies to all discharge consents, including replacement ones (not just “new” ones). This is particularly important as it relates to our next point about deleting clause 4 which concerns replacement consents. Further we seek to delete the words or is likely to” as it allows for uncertainty with regards to effects/impacts of discharges on water quality.</p> <p>The requirement of the NPS-FM is to maintain and improve water quality. Clause 4 must be deleted entirely as it allows for water quality to degrade by allowing for the approval of resource consents that are already known to be exceeding water quality standards. It makes no difference if there is then a requirement to improve the discharge over time. The consent cannot be approved in the first instance if it is already known to be breaching</p>	<p>Amend policy as follows:</p> <p><i>When considering an application for a resource consent to discharge a contaminant into water or onto or into land where it may enter water or onto land where it may enter water:</i></p> <p><i>1) ensure that the quality of fresh and coastal water is at least maintained, and</i></p> <p><i>2) where a water quality standard in H.3 Water quality standards and guidelines is currently met:</i></p> <p><i>a. ensure that the quality of water in a river, lake or the coastal marine area will continue to meet the standards in H.3 Water quality standards and guidelines; and</i></p> <p><i>b. consider whether any improvements to water quality are required in order to achieve F.1.2 Water quality Freshwater environmental outcomes in F.1A;</i></p> <p><i>3) where a water quality standard in H.3 Water quality standards and guidelines is currently exceeded, ensure that any resource consent for a new discharge will not, or is not likely to, cause or contribute to a further</i></p>

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		<p>water quality standards and thereby contributing to degradation.</p> <p>This same principle applies to clause 6 – if a discharge is causing exceedances in water quality standards then it cannot be approved for renewal, even if it is only a “transitory exceedance” (which has not been defined in the Draft Plan therefore creating uncertainty in regards to what it means).</p> <p>Clause 7 must be amended to state that where water quality is unknown or the effect of a discharge is unknown then a consent must not be approved. That in itself would be applying a precautionary approach. Further to this the precautionary approach has not been defined in the Draft Plan leaving it up to interpretation by a decision maker and thereby creating uncertainty about what it means and how it is applied. Further to this, NRC cannot approve a consent where effects are unknown.</p>	<p><i>exceedance of a water quality standard in H.3 Water quality standards and guidelines;</i></p> <p><i>4) where a water quality standard in H.3 Water quality standards and guidelines is currently exceeded and the exceedance of the water quality standard is caused or contributed to by an existing activity for which a replacement resource consent is being considered, ensure any replacement resource consent granted for the existing discharge includes a condition(s) that: a. requires the quality of the discharge to be improved over the term of the consent to reduce the contribution of the discharge to the exceedance of the water quality standard in H.3 Water quality standards and guidelines; and b. sets out a series of time bound steps, demonstrating how the activity will be managed to achieve the water quality improvements required by (4)(a).</i></p> <p><i>5) ensure that the discharge will not cause an acute toxic adverse effect within the zone of reasonable mixing</i></p> <p><i>6) where a discharge will, or is likely to, cause or contribute to:</i></p> <p><i>a) an exceedance of the coastal sediment quality guidelines in H.3.4 Coastal sediment quality guidelines; or</i></p> <p><i>b) a transitory exceedance of the toxicants, metals and metalloids standard in Table 22: Water quality standards for ecosystem health in rivers, and the activity is associated with the establishment, operation, maintenance or upgrade of Regionally Significant Infrastructure,</i></p>
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			determine whether higher levels of contaminants in the particular location affected by the discharge can be provided for while still achieving Freshwater environmental outcomes in F.1A F.1.2 Water quality; and set appropriate levels of contaminants in accordance with best practice methodology to safeguard the ecosystem values present at the location affected by the discharge; and 7) where existing water quality is unknown, or the effect of a discharge on water quality is unknown, the activity must be managed using a precautionary approach, which may include adaptive management. consent must not be approved.
D.4.1A Target attribute states	Seek amendment	<p>While we understand and support the intention of the policy to ensure that TAS are being met and achieved when considering resource consent applications for discharges, the policy itself fails because of the percentages/blanket approach being applied to the TAS under H.12.2 as described in in the general submissions above under the headings “Target attribute states” and “Unders and overs approach”.</p> <p>As noted in those paragraphs, an appendix must be included that identifies all rivers and lakes in the region with known data for all baseline attributes states from which improvement can be measured. From there policies can then be drafted based on sensitivities of the geographic area. This policy (and the others under D.4 Land and Water) are not appropriate policies where fishing values are relevant.</p>	Amend as described in general submissions above.

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D.4.2 Industrial or trade wastewater discharges to water	Seek amendment		Amend as follows: <i><u>1) An application for resource consent to discharge industrial or trade wastewater to water will generally not be granted unless a discharge to land has been considered and found not to be culturally, environmentally, economically, or practicably viable, and the best practicable option to manage the treatment and discharge of contaminants is adopted.</u></i> <i><u>2) the water quality standards in Appendix H.3 will be met</u></i>
D.4.3 Production land discharges	Oppose	We are confused as to why 'municipal' has been included in this policy – as there is a specific policy for municipal discharges under D.4.3B. Likewise for 'farm wastewater' which is covered under D.4.3A. As such we seek to delete these words from the policy. Further to this we seek that a condition be included that requires the water quality standards in Appendix H.3 be met.	Amend as follows: <i>An application for resource consent to discharge municipal, domestic, horticultural or farm wastewater to water will generally not be granted unless:</i> <i>1) the storage, treatment and discharge of the wastewater is done in accordance with recognised industry good management practices, and</i> <i>2) a discharge to land has been considered and found not to be environmentally, economically or practicably viable</i> <i><u>3) the water quality standards in Appendix H.3 will be met</u></i>
D.4.3A Farm wastewater discharge to water	Oppose	We seek that a condition be included that requires the water quality standards in Appendix H.3 be met.	Amend as follows: <i>An application for resource consent to discharge farm wastewater to water will not be granted unless:</i> <i>1) It is to replace an existing resource consent, and</i> <i>2) a discharge to land has been considered and found not to be environmentally, economically or practicably viable, and</i>

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			<p>3) any resource consent granted must be for a term that ends before 1 January 2030, and</p> <p>4) the storage, treatment and discharge of the wastewater is done in accordance with recognised industry good management practices.</p> <p><u>5) the water quality standards in Appendix H.3 will be met</u></p>
D.4.3B Municipal discharges	Oppose	While we support the principle that discharges should be required to improve water quality over time – a resource consent to discharge to water should not be approved if it is going to breach water quality standards.	<p>An application for resource consent to discharge municipal, domestic, horticultural or farm wastewater to water will generally not be granted unless:</p> <p>1) It is to replace an existing resource consent, and</p> <p>2) the storage, treatment and discharge of the wastewater is done in accordance with recognised industry good management practices, and</p> <p>3) a discharge to land has been considered and found not to be environmentally, economically or practicably viable, and</p> <p>4) the water quality standards in Appendix H.3 will be met, or</p> <p>5) the replacement resource consent includes conditions requiring the quality of the discharge to be improved so that the standards in Appendix H.3 will be met over the term of the consent.</p>
D.4.10 Avoiding over-allocation	Oppose allocation framework	We support the policy however the regime for setting allocation limit under H.4 is flawed. See our comments below relating to H.4 and in the minimum flow section in definitions above. NRC also need to develop a sinking lid approach so that where catchments are over allocated flow allocated can be reduced.	
D.4.12 Minimum flows and levels	Oppose allocation framework	We support the policy however the regime for setting allocation limit is not see H.4 is flawed. See our comments below relating to H.4 and in the minimum flow section in	

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		definitions above. NRC also need to develop a sinking lid approach so that where catchments are over allocated flow allocated can be reduced.	
D.4.25 Indigenous freshwater species	Seek amendment	The NPS-FM supports recognition of both indigenous and valued introduced freshwater species. We do not support the focus on this policy being solely on indigenous species. Further we seek to delete the term “non-pest” from clause 3.	Amend as follows: <i>D.4.25 Indigenous freshwater species</i> <i>When considering resource consent applications for activities in freshwater bodies recognise:</i> <i>1) that in the absence of alternative evidence, most Northland continually or intermittently flowing rivers and some lakes and natural wetlands provide habitat for threatened or at-risk indigenous fish species</i> <i>3) the need to maintain the ability for non-pest fish species to effectively move up and downstream of the activity site, and</i>
D.4.29 Exceptions to livestock exclusion requirements	Seek amendment	Freshwater Farm Plans cannot allow an out for stock exclusions. NRC must apply the stock exclusion regulations and Freshwater Farm Plans should not be able to recommend otherwise. Stock exclusion regulations requires regional councils to comply with them or otherwise make them stricter – they cannot make them weaker.	Amend as follows: <i>1) Have regard to any relevant priorities and recommendations in a certified freshwater farm plan, a farm environment plan prepared by the Regional Council, or in an industry approved farm environment plan, and</i>
D.4.48 Restoring degraded waterbodies	Additional information suggested	We would like to see degraded water bodies mapped, both for recreation standards and those that are over allocated (in accordance with our comments in H.4.	
F Objectives			

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F.1A Freshwater environmental outcomes	Seek amendment	While we support the intention of the list of priorities and understand that this is an adoption of Te Mana o Te Wai and it's hierarchy of priorities, we disagree with the blanket approach of having these outcomes apply to the entirety of the Northland Region and consider this approach has not fulfilled the requirements of the NPS-FM. The NPS-FM requires regional councils to set environmental outcomes for every value that applies to an FMU, or part of an FMU.	Amend to rewrite environmental outcomes that are catchment, or at a minimum, FMU specific with wording to meet the requirements of the NPS in that they enable as assessment of the effectiveness of the regional policy statement, plans and action plans in achieving the environmental outcomes, and when achieved fulfil the long-term visions (also set at catchment or FMU scale) and the objective of the NPS.
H Appendices			
H.4 Environmental Flows, levels and allocations			
H.3 Water quality standards and guidelines	Seek amendment	See general submission above under "water quality standards"	Amend table as directed in general submission above under "water quality standards"
H.4.1 Minimum flows for rivers	Seek amendment	We would like to see the hydrological reports relating to the allocation limits set in Northland. We note on page 235 of the plan that these were set prior to the NPS-FM 2020 and therefore we are concerned that they are not fit for purpose under the NPS-FM.	Policy as stated above we have explained in our definitions section that the MALF should be set at 80% and should not be further reduced for stock survival. On site storage should be developed for root stock survival, or allocation from the 20% should be set aside for this where the catchment is not already over allocated.
H.4.3 Allocation Limits for rivers Oppose	Seek amendment	We oppose the allocation limits for rivers set out in table 30. While 10% for outstanding rivers may be acceptable, 30% for coastal and 40% for small and 50% for large rivers simply will not meet NPS-FM 2020 requirements. The best information available would suggest that up to 20%	Amend Table 30 as follows: <i>Coastal rivers 30% 20% of seven-day mean annual low flow</i>

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		<p>(including root stock survival) is the maximum allocation NRC can grant for small and large rivers.</p> <p>We oppose root stock survival water allocation blocks set out in table 31. This water should be provided on site, or within the allocation framework (by not exceeding allocations set above at 20%).</p>	<p><i>Small rivers 40% <u>20%</u> of seven-day mean annual low flow</i></p> <p><i>Large rivers 50% <u>20%</u> of seven-day mean annual low flow.</i></p> <p>Amend Table 31 to include:</p> <p><i><u>No allocation for root stock survival and this is provided by on site storage, or within in the allocation regime where available.</u></i></p> <p><i><u>Where catchment specific information is not available: the minimum flow should be:</u></i></p> <p><i><u>90% of naturalised 7DMALF if the mean flow is less than or equal to 5m³/s; and</u></i></p> <p><i><u>80% of naturalised 7DMALF if the mean flow is greater than 5m³/s; and</u></i></p> <p><i><u>take limits are the sum of maximum instantaneous rate of take allocated.</u></i></p> <p><i><u>As consents expire, new consents should adhere to the sinking lid approach to meet the new allocation limits. This means that on site storage will need to be provided by land owners to tie them over in times of drought / low flow.</u></i></p>
H.4.4 Allocation limits for aquifers & H.5	Seek amendment	We object to aquifers managed by take limits and environmental levels set at 35% mean annual recharge.	<i><u>Aquifers managed by take limits and environmental levels set at 35% <u>15%</u> of Mean Annual Recharge in accordance</u></i>

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A5/11 Nell Place, Raumanga, Whangarei 0110, New Zealand. Telephone (09) 438 4135

Email: northland@fishandgame.org.nz www.fishandgame.org.nz

Managing groundwater and surface water connectivity		<p>We would like to see reports that justify allocation limits set in Table 32 and Table 33.</p> <p>Again robust hydrological reports should sit behind the take limits to justify why the proposed levels are going to meet the requirements of NPS-FM. Can NRC provide a flow setting report for ground water so that we can review the proposed 35% mean annual recharge proposed.</p> <p>We note that the potential degree of hydrological alteration from ground water allocation of over 25% of recharge is high, whereas 11-25% of recharge is medium. Therefore, the proposed 35% is not acceptable.</p>	
H.6 Wetland definition relationship		<p>We note reference to If there is any doubt over wetland extent, use: <i>Landcare Research, Published 2014: A vegetation tool for wetland delineation in New Zealand. This report is available on Landcare Research's website.</i></p> <p>We recommend that NRC use the wetland delineation tools provided by MfE and update references in this section in accordance with the NES-F requirements.</p>	
H.12 Freshwater attributes		<p>See general submission above under “Target attribute states” and “Unders and overs” approach.</p>	

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From: noreply@fs17.formsite.com on behalf of [Formsite](#)
To: [Freshwater](#)
Subject: draft Freshwater Plan Change feedback from: Syd Diamond
Date: Sunday, 31 March 2024 5:16:01 pm

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Syd
Last name:	Diamond
Organisation:	Pakotai Parakao Maori Committee, Mangakahia Tribal Area, Te Tai Tokerau District Maori Committee, NZMC
Mailing address:	Mangakahia
Email:	[REDACTED]
Phone:	-
Topics for feedback:	<ul style="list-style-type: none">• 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:	<p>Our Pakotai Parakao Maori Committee - Mangakahia 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.</p> <p>1. Pakotai Parakao Maori Committee - Mangakahia 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</p>

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. Pakotai Parakao Maori Committee - Mangakahia's 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. 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/papakāinga/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 Pakotai Parakao Maori Committee - Mangakahia 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 Pakotai Parakao Maori Committee - Mangakahia 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:	<ul style="list-style-type: none">• 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 17:15:47
Start Time	2024-03-31 17:10:08
Finish Time	2024-03-31 17:15:47

From: [REDACTED]
To: [Freshwater](#)
Subject: Draft Freshwater Plan Change Feedback Submission
Date: Friday, 22 March 2024 12:21:43 pm
Attachments: [NRC Draft Freshwater Plan Feedback JG Craig & TL Dunlop 22-03-24.pdf](#)

Hi there

Please find attached our Draft Freshwater Plan Change feedback submission.

Regards

Tania Dunlop
J G Craig & T L Dunlop

[REDACTED]

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: Tania Dunlop

Organisation (if giving feedback on behalf): J G Craig & T L Dunlop

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

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.

Stock Exclusion Draft Plan

Waterways Setback

1. Setback measurements:
 - a. Is there any scientific evidence (tested in Northland) that a 10 m setback provides more benefits than a 3 m setback or any other setback measurement?
 - b. If so, where is this evidence and how much testing/monitoring has been done?
 - c. Are research figures in the draft plan actuals or modelling?
 - d. There's no point in setbacks unless it can be proven they work and modelling is not proof.
2. Any setback causes a loss of grazing land meaning loss of income, meaning less to spend on the nice to have's but not essentials, such as environmental things.
3. The larger the setback the more wasted area that needs management. Applying this to our farm:
 - a. If it's expected to be planted, the larger the setback the more plants required which will come at a considerable cost.
 - b. If it's expected to be planted, the larger the setback the more weed control that will need done on an ongoing basis, otherwise kikuyu will take over and smother everything. This meaning spraying every year, not just for the first couple of years.
 - c. Given the flooding we experience, it's likely that plantings will be difficult to establish and may need to be constantly redone.
 - d. All of this comes at considerable time and cost (ongoing, not just a one off), which we will not be doing. We can't afford the planting or ongoing maintenance cost, we don't have the time to put into it and we can't afford to pay anyone to do it for us. I can't see NRC ever being able to fund it enough to have grants available that would make it affordable for us to ever plant our waterways.
4. Maintenance – is spraying going to be allowed along waterways? This is the only way to control kikuyu on a large scale.
5. Flooding – plants being washed away in floods just cause a mess further down stream and risk blocking up narrower areas causing even more problems.
6. At the first online meeting you had about this plan, a comment was made by a councillor that setback land shouldn't be considered wasted land and examples given of how it could be used. In response to those comments:
 - a. Planting manuka for honey – not viable, considerable outlay for no income for some time, not practical for all of us to become apiarists, existing honey market is in the doldrums and we don't get paid for the hives currently on our farm (even when honey was worth something). In fact, they don't even collect the honey anymore, it's just left the feed the bees. Will be difficult to establish trees as noted above.
 - b. Harvesting grass – not quite sure what was meant by this but can only assume two things:
 - i. Cut and carry as the goat farmers do – we don't have a goat farm and it's certainly not something anyone would do for beef. Not cost effective or practical. Plus I thought the point was to provide a vegetation buffer so what would be the point of cutting it?
 - ii. Hay or silage – unless grazed for quite a bit of the year to keep the pasture quality up it would just be long kikuyu and of no value and since the point of the setback is to exclude stock this not a viable option. Again, the point is to provide a vegetation buffer so cutting it goes against this principle.

- c. Coppicing for stock feed – not a practical or cost effective option for a beef farm. This is the sort of practice that's used only when in a severe drought and there is nothing else to feed stock.
 - d. Apart from none of the above suggestions being viable, KMR funding for fencing rules mean minimal gate ways. Gate ways are for the sole purpose of getting stock out that accidentally get it, not for any other purpose. In other words, you are not be to in that fenced area doing anything.
7. I assume there is an expectation that waterways will no longer be cleaned out. The effect of this is that eventually they block up completely, water spreads further out meaning further loss of pasture due to boggy areas and no clear passage of running water. What effect does no clear passage of running water have on fish? I would have thought this had an adverse effect on fish.
 8. Interesting, last time it rained, the sediment going into the creek that's on our boundary was coming from road run off, not our farm. I have photos of this with a clear demarcation line. What's being done about preventing sediment run off from metal roads, of which there are a lot in Northland?
 9. Trees that fell over in Gabrielle and Lola are causing ongoing sediment issues when it rains. The exposed roots with dirt attached mean more dirt washed into waterways every time it rains. From observations on our farm, this is a far bigger problem than cattle. Only going to get worse with more plantings.
 10. Fire risk – if this goes ahead there will be long swathes of land in long rank grass which is a fire risk in the summer. Has this been considered?
 11. Pigs are another problem. Ground is often softer along the edges of waterways and pigs rooting up the ground mean dirt going into waterways the next time it rains or floods. I would also have thought pigs would root up newly planted plants if they are rooting around in setback areas. Pigs are hard to get rid of and cost a lot of time and money in trying to do so. Also have the problem of people thinking it's a good idea to let them go so they have something to hunt.
 12. Regardless of timeframe for setback fencing and planting, this farm will never stand the cost and I very much doubt we are the only ones in this position. If there are no excess profits, there will never be money saved up to afford it regardless of how long the timeframe is.

Stock Exclusion on Highly Erodible Land

1. I disagree with the statement that says land erodes more when in pasture and grazed than when covered in vegetation other than pasture and that it's also less vulnerable to slips.
 - a. Kikuyu does a fairly good job of holding soil in place.
 - b. Only have to look at places affected by the Auckland floods and Gabrielle to see that hill sides covered in trees slipped badly.
2. The draft plan says that cost of keeping stock off highly erodible land can be offset by planting the land and claiming carbon credits.
 - a. There's a cost to planting said land in trees – who's going to pay for that? Not something we can afford.
 - b. Carbon credits are a complicated system most of us are not experts in. I can't comment on the returns as I don't know enough about it but I know enough to know it's not the magic answer to income problems.
 - c. If we wanted to live in a plantation with all the pollen and mess trees make I'd have bought a forestry block, not a beef farm.
 - d. There are problems with forestry that need to be considered before promoting wholesale planting – monoculture isn't good for biodiversity, associated water problems, slips and run off, sediment when trees are cut down, slash problems and the fire risk.
 - e. The ETS scheme is governed by politics so rules can change too easily to make it reliable.
3. The map isn't accurate. I can see it being like the low slope map that was a complete dog's breakfast when it first came out and has changed several times since. I have no idea what the

story is with that is anymore as there have been so many changes and don't want to be put in this position with the highly erodible land map.

4. Our farm would be completely non viable if these proposals went ahead as they are because:
 - a. If accurately mapped, more land would have stock excluded than is currently showing.
 - b. Can't farm the flats without the hill country as the flats flood so stock must be moved to the hills.
 - c. This would mean all that would be left are the flatter paddocks on top of the hills and to get to those, the main access road must be used, which goes up through the hill country and is metalled with brown rock and would probably be deemed a sediment risk.
5. It doesn't matter what the timeframe is. If that much grazing land is removed from our farm, there will simply be no viable farming operation left.
6. We don't have the option of planting poplars here to help stabilise hillsides that may be prone to slipping. They just die and apparently there is some disease they get that's in certain areas in Northland and it would appear it's here. When we find something suitable to plant that will grow, we'll consider planting in those areas.

Other

1. I disagree with a one size fit's all approach. Why would I spend a lot of time and money and go broke over something that I don't actually know is a problem? Firstly, the problem needs to be identified, then a decision needs to be made about what will fix the problem. A lot more testing needs to be done.

Example, we have a waterway that runs from one side of our farm to the other. The water needs testing where it enters our property and where it exits.

- a. If the results are OK, no problem, therefore nothing needs to be done.
 - b. If the results are not OK, where is the problem?
 - c. If the problem is where it enters our place, nothing I do will fix the problem.
 - d. If the problem is on our farm, where? More testing needed.
2. What we need is a simple, inexpensive test kit that we can use ourselves to frequently test water in numerous places.
3. Fencing won't stop rain washing down to the lowest point.
4. Planting and fencing won't stop water flowing into our farm from the creek that's on our boundary and flooding our place with dirty water from elsewhere, included the road which also ends up under water in several places.
5. Rates reduction is a nothing. Our NRC rates are \$906/year and that will go nowhere towards the proposed fencing and loss of income.
6. Current proposals would send us broke. With no viable farm, the value of the place will drop and it would be very difficult to sell. Really the only contenders for buying it would be forestry companies and do we really want the pines everywhere?
7. We do quite a bit of pest control – 84 traps and 65 bait stations. We are already struggling financially, so any further pressure and that will stop. We pay for all the bait and, while most of the traps and bait stations were supplied, we've bought some ourselves. There is considerable time involved in checking traps and rebaiting – time that we could spend doing something else, eg having a day off.
8. We have a 372 ha farm, of which there is approximately 180 ha in native bush. There are a lot of kauri trees. We have kiwi in our bush and at times dab chicks on our dam. Pateke and green gecko's have been seen here.

Most of the bush was not fenced when we bought the farm. While the cattle don't go into most of it because it's too steep and there's nothing for them to eat anyway, it is better fenced. We've

done quite a bit but there's still a lot to be done. While time is an issue, the biggest problem is cost – we'd love to fence the lot but simply can't afford to.

This farm doesn't make much money as it is. If we lose any more grazing land, it's unviable, no question about it.

It's not that easy to change the use of this farm – the land type is suited to a particular class of stock, as are many Northland farms. Remember, there are plenty of Northland farms like ours, that are not intensively grazed and run breeding cows. A lot of those calves are sold to the Waikato and without the cows here, they wouldn't have the stock they need to finish for meat production for export.

9. We find cattle generally don't go into the waterways. We have plenty of troughs and they won't drink out of waterways unless they really, really have to. If a trough is empty, they'll stand around it waiting for it to be fixed rather than drinking from a waterway.
10. If these proposals go ahead, even in a reduced capacity, I doubt very much we will be one only ones that won't be able to afford to stay here. If people are forced off their farms because it's unviable, no one else is going to buy it then to farm them, the only buyers will be forestry. The less farms and the more forestry, the less need there will be for business and people that support the farming industry. The financial implications of this have a flow on effect that will affect a lot more people than just farmers – eg, stock agents, farm vehicle and equipment businesses, rural stores. Once these go, the flow on effects then moves onto retail, supermarkets, schools, etc. Less rate payers means less rates for NRC and district councils. This has the potential to ruin the Northland economy completely.
11. Less farms in NZ would mean food production needs to be increased by other countries – likely to be countries with a poorer track record in animal welfare and looking after the environmental. It will also mean NZ has to import more food. Given the unrest around the world at present this has the potential to be disastrous. Be very careful of unintended consequences.
12. What legal grounds does NRC have to potentially devalue properties and remove people's income with no compensation? Perhaps the answer is for NRC to buy farms like ours and do nothing with them. Maybe we could continue living here and be paid to do conservation work – after all, who else will continue with that?
13. I'm not happy with where this is going, which is farming via resource consent.
 - a. Resource consents are expensive and are going to cost more than council staff hinted at, especially given there will no doubt be independent reports required to back an application up. Just a further cost for no financial gain – not viable when a business is not making a lot in the first place.
 - b. No guarantee of getting a consent granted. This process is too reliant on the current political mood of the day. Very risky to commit to spending that much money for no guaranteed positive outcome.
 - c. No resource consent, or a consent that limits what can be done, means no income, which means the farm has no value, again bring us around to wiping out our equity and income in one hit with no compensation.
14. This entire process and plan is going to cost a lot of people a lot of money, stress and time and in some cases their income and asset, and on top of that I really don't think it's going to achieve the outcomes the plan is aiming for.

Would it not be better to identify problems and rank them and then deal with them in order of what's causing the most problems rather than a wholesale one size fits all approach?

Things change over time and any plan needs to cater to change and be flexible and I don't feel this plan is.

15. Funding – currently funding for fencing or planting seems to be 50%.

As far as fencing goes, this basically covers materials so unless you can do the fencing yourself, you have to pay for a fencer to do the work. While 50% might seem generous, for some it's not. If we couldn't do the fencing ourselves, we'd think twice about doing the fencing we've had funded.

As far as planting goes, while I've not looked into this, there's a lot of labour involved in planting and maintaining planted areas so I can't see 50% funding being viable for a lot of people either.

Waikato funds 100% - how does it manage this?

16. Have the wider implications of a lot of pine plantations been considered? This is going to be the only alternative and it brings a whole other set of problems with it. We've seen enough examples of those problems in other parts of the country so I'm not going to list them all here. Restricting harvesting to partial rather than clear felling is hardly the answer either as that won't be economic for forestry companies.
17. Apart from council restrictions on forestry, there may well be government imposed restrictions meaning forestry may well be not an option in the future. The end result, with NRC's draft proposals and future possible forestry restrictions, is likely to result in farms with no resale value at all.
18. Any plan needs to not be too restrictive or specific on how goals can be achieved. There are often many ways of achieving the same outcome. The methods used years ago are not necessarily the same methods that would be used today and no doubt won't be the same methods used in the future. An example is cow collars and virtual fencing – who knows how extensively this will be used in the future? There may well be other way of doing things in the future that we don't know about yet.

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

☐ Radio

☒ Newspaper

☒ Email from us

☐ Letter from us

☒ Sector group

☒ Word of mouth

☐ Other: _____

☒ Please keep me updated.

Thank you for taking the time to provide feedback.

From: [KR & PR Edwards](#)
To: [Freshwater](#)
Cc: [Geoff Crawford](#)
Subject: KR & PR Edwards Ltd draft Freshwater plan submission
Date: Saturday, 2 March 2024 8:44:13 am
Attachments: [regional council Robyn.docx](#)

Hi

Please find attached our submissions for the Draft Freshwater Plan Change

Regards

Keith and Robyn Edwards
KR & PR Edwards Ltd

3rd March 2024

Northland Regional Council
Private Bag 9021
TE Mai Whangarei 0143

RE: Submission Feedback for the Draft Freshwater Plan Change

Dear Council Members,

I write to express my opposition to the proposed changes to river fencing, and changes in the District Plan for Waterways, to assist, there is always another way.

As a lifelong farmer from early settlers in the region, with my family support, to develop our property, my aim is to provide insights, into the potentially devastating implications this could have on farmers, also to display the importance trusted into council, to work with the Government, Fonterra, and community to develop a plan, fair for all members of the community. We wish to assist within our ability but do not want our name published

Key Points

Historical Compliance and Environment impact

The remarkable achievement of dairy farmers, who have fenced thousands of kilometers of waterways to Regional Council Plan and Rules, (refer to your records) stands as a testament to compliance, and commitment to our environment stewardship.

The proposal to re-a line or move existing fences is unwarranted, and **threatens to nullify the commendable environmental strides made by farmers.**

I will try to set out below how we have adopted **variable setback and improved water Quality improvement plans**

1. **Lack of Carefully Observed proof of impact to Protect Highly Erodible Land**

There is a lack of convincing evidence to demonstrate any significant environment benefits from the exclusion of stock, and proposed extension of the fencing distance from waterways.

Removing livestock completely from hill country would lead to increased erosion and sediment runoff. Decisions should be carefully weighed against the potential damage.

Economic impact and management goals of the environment, to retain available alternatives.

We essentially must retain our sustainable agriculture base

Dense vegetation or natives, on variably fenced river banks, of Wairua silt loam soil, on our farm river flats, we continually observe clean water after rain.

The changing of farm management can limit E.coli to water on grazed farmland, for vital income required by the whole community.

- (a) The sediment damage to the Wairua River going past our property is from upriver and also from on our property drains and dry creeks, wider riparian strips has made no difference to sediment discharge from our drains and creeks
- (b) **Our Exhibit is Firstly a well-known erosion valley**, that the former Catchment Commission with Bob Cathcart years ago done a lot of research to stop erosion.
- (c) We have placed across this valley a sediment (E.coli trap), consisting of a stop bank cow race, with only a small culvert at ground level to stop stale water, and a big culvert about a meter above the small culvert creating a dam to sediment.
- (d) The sediment is continually building behind the undrained bank and a previously existing large sediment bank within the Wairua River has gone altogether. This shingle bank was used as a platform to allow the family to swim in the Wairoa River (before the level of e coli was known)
- (e) This sediment bank was approximately 25 meters wide and 6 to 8 meters deep with only a channel on the far bank where boats could pass.
- (f) We have put a simple grader blade drain above the eroding valley, on the flatter side, to divert the runoff water away from any erosion to a Totara Tree outcrop. This has assisted but now wants re-cleaning after the wet year
- (g) We use fertilizer in light applications; this saves runoff, and assists to retain a good sole of grass to stop sediment, stock assist the fertilizer cycle to retain a good buffer to sediment and to suppress weeds.
- (h) **Our Second Exhibit** the valley from Aponga road, we fenced with a very wide riparian retired area, fencing is from the Wairua River to our boundary approximately 1500 meters. This fencing does not and will not stop sediment. The only way to stop this sediment also the farm drain sediment and upriver sediment, would be by carefully designed sediment possibly E.coli traps. we have had no support to do.

Very Heavy Rain and Weather Bombs

Very Heavy continual Rain and Weather bombs, made the fencing on our Wairua river boundary very expensive to be strong to withstand flooding.

This proved very successful apart from some pressure points.

The Flood flow is close to 300m³ second at our farm.

2. Economic Impact of Livestock Exclusion Plan

The recently introduced draft freshwater plan changes has sent shock waves through us, (having spent a massive lot on real compliance each year)

- (a) The map illustrating areas of hill country to exclude stock from raises serious questions about the viability of farming on many farms in Northland

Firstly mostly the steep areas on our farm are either now fenced off, or there would be no advantage to have fenced off. We are continually responsibly fencing more places to retire land on our property with no support.

Secondly every farm would require an individual plan including lifestyle blocks to be fair, carefully drawn with fair rules that apply to all land in Northland

- (b) **Methane and Carbon Dioxide**

It is my understanding that methane is produced from wetlands. It is for this reason our sediment trap has a low culvert to drain it so it does not become a wetland.

About 2 years ago an article on TV explained how from outer space a large cloud had formed over Wisconsin in America that it was found to be Oxygen formed from the Maize crops, taking in Carbon Dioxide and giving out Oxygen
We have 35Ha of maize for silage this year with also another 365 ha in pasture
All consuming carbon dioxide.

If we manage our future farming practices sustainably, cropping and forestry will all combined contribute to climate change mitigation?

4 Cultural impacts

Cultural impact becomes less over time as our families and the community become more multi-cultural and we treat all equally.

The accepted fact of having purchased our properties registered with land transfer in Wellington with the Rivers and coast accepted as community property for food recreation and access before roads, is the accepted case precedent of our future compatibility for our families

The district plan the council and government should make rules equal for all the community without any need for additional approval or cost.

Kind regards,

Keith & Robyn Edwards

Phone: {09} 434 6305 | top.90@xtra.co.nz

From: [Lucy Evans](#)
To: [Freshwater](#)
Cc: [Tami Woods](#)
Subject: B+LNZ Submission on the Draft Northland Freshwater Plan change
Date: Thursday, 28 March 2024 2:15:28 pm
Attachments: [getsitelogo_fec7269c-7aab-4980-9d55-a7e009ccce05.png](#)
[NRC Draft Freshwater Plan Change Consultation B+LNZ Submission March2024.pdf](#)

Kia ora,

Please see submission completed by Beef + Lamb New Zealand for the Draft Northland Freshwater Plan.

Please let me know if you have any further questions surrounding the consultation or feedback provided within the submission.

As an additional note I have a final notice going out to farmers tomorrow in the Beef + Lamb New Zealand weekly email newsletter to encourage submitting feedback. I have provided a base template for farmers to complete so hopefully you may get a few more submissions over the next week.

Have a great long weekend.

Many thanks,
Lucy



Lucy Evans

Environment Policy Analyst

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Submission

31 March 2024

TO THE

Northland Regional Council

ON THE

Draft Northland Freshwater Plan Change

BY

Beef + Lamb New Zealand Limited

SUBMISSION ON THE NORTHLAND REGIONAL FRESHWATER DRAFT PLAN

To the: Northland Regional Council (NRC)

Email: freshwater@nrc.govt.nz

Name of Submitter: Beef + Lamb New Zealand Limited (B+LNZ)

Date: 31 March 2024

Address for service:

Name	Position	Phone Number	Email Address
Beef + Lamb New Zealand Limited			
Lucy Evans	Environment Policy Analyst	027 211 2303	Lucy.evans@beeflambnz.com
Dave Harrison	GM Policy and Advocacy	027 248 3510	Dave.harrison@beeflambnz.com

1. Introduction

- 1.1. Beef and Lamb New Zealand (B+LNZ) thank you for the opportunity to provide feedback on the Northland Regional Councils Draft Freshwater Plan Change. B+LNZ is an industry-good body funded under the Commodity Levies Act through a levy paid by producers on all cattle and sheep slaughtered in New Zealand. It is the organisation mandated by sheep and beef cattle farmers to speak on their behalf.
- 1.2. The sheep and beef industry is diverse, adaptable and very resilient. We have continually made eco-efficiency gains in how red meat is produced. Collectively sheep and beef farmers have maintained meat production, while decreasing the total number of animals farmed and their environmental footprint. Sheep and beef farmers are proud kaitiaki of the land and, while recognising more can still be done, are proud of their sector's sustainability and environmental integrity.
- 1.3. B+LNZ's vision is 'Thriving sheep and beef farmers, now and into the future'. An important part of B+LNZ's role is investing in building capability and capacity to support a vibrant, resilient, and profitable sector that contributes to thriving communities. Protecting and enhancing New Zealand's natural capital and economic opportunities through a holistic approach to environmental management is fundamental to the sustainability of the sector and to New Zealand's wellbeing for current and future generations.
- 1.4. We believe that policy and implementation pathways should enable and empower individuals and communities to build resilience across all their wellbeing's. Policy approaches and pathways need to provide for clear, practical, and time-bound outcomes that provide business and community certainty. They must also be considerate of the pressures their intended audience is facing and what additional change, or the threat of change, could mean. Farmers are currently seeing forecasted farm profits to be down 67 percent from 2021-22 year to profit levels not seen since the 80s, except for during the Global Financial Crisis. Policies and rules that impose costs to farmers must be cognisant of the financial uncertainties that farmers face each year.
- 1.5. Regulatory requirements must also be commensurate with the impact of the particular activity, farming system, or land use that the provisions apply to, and rules and standards need to be effects-based, and be equitable across land uses and farming systems.
- 1.6. Within the Northland Region, there are approximately 600 sheep and beef farms classified as commercial (>750 stock units). Many of these farms are class 4 but also cover classes 3 and 5¹. It is important to note the variation of farming within the Northland region and that all farms cannot be treated in the same manner with blanket provisions.
- 1.7. Sheep and beef farms play an important role in the Northland regions economy and communities. The red meat sector employs a significant number of people and supports jobs

¹ **Class 3 North Island Hard hill country:** Steep hill country or low fertility soils with most farms carrying 6 to 10 stock units per hectare. While some stock are finished a significant proportion are sold in store condition.

Class 4 North Island Hill country: Easier hill country or higher fertility soils than Class 3. Mostly carrying between 7 and 13 stock units per hectare. A high proportion of sale stock sold is in forward store or prime condition.

Class 5 North Island finishing: Easy contour farmland with the potential for high production. Mostly carrying between 8 and 15 stock units per hectare. A high proportion of stock is sent to slaughter and replacements are often bought in.

and businesses within rural towns for example, public services including teachers and doctors, small businesses including mechanics and veterinarian clinics, and many contracting businesses including shearers and contract harvesters. Additionally, rural communities play a fundamental role in preserving and looking after our natural environment. B+LNZ advocates for the importance of the red meat sector and rural communities to be considered in the development of regional plans, and the Council considers the following themes:

- Recognition of agriculture and the importance of food security.
- Building climate resilience.
- Allowing for innovation and technology.
- The importance of rural communities.
- Community collaboration to improve and implement sustainable land uses.

- 1.8. The feedback provided in this submission has been developed with input from farmers from within the region, but not as part of a wide consultation process. It is essential that there is adequate consultation with the farming community by Northland Regional Council throughout the process.

2. Essential Freshwater Plan Change

Government review of the NPS-FM 2020:

- 2.1. B+LNZ notes the significant uncertainty on the next steps within freshwater policy. The Government has signalled changes to the National Policy Statement for Freshwater Management 2020 (NPS-FM 2020), the Stock Exclusion Regulations 2020, and Freshwater Farm Plans (FW-FP), but we don't know what they will be. This makes it difficult to provide feedback as we are not sure how it will align with national direction – including the Te Mana o Te Wai hierarchy, which is a fundamental planning concept.
- 2.2. We support the Council's decision to delay its processes till after the review of the NPS-FM 2020 as per the email sent from NRC on the 21 February 2024, as the potential for misalignment between national and regional policy objectives is a significant concern to B+LNZ.
- 2.3. B+LNZ would like to highlight the regulatory fatigue farmers are currently facing due to a number of different rules and plans being enforced over the past decade. We note that the last Northland Regional Plan was notified in 2017 and is still going through processes to become fully operative. It is important that the council is cognisant of this and sets realistic timeframes that allow for community involvement and make selected changes to the Northland Regional Plan to avoid uncertainty and continued confusion for farmers.

Adequate Community Engagement:

- 2.4. Meaningful engagement with the community is essential and required under the NPS-FM 2020 in the development and setting of new regional plans and policy statements. B+LNZ does not feel that NRC has adequately engaged with farming communities leading up to the publication of this draft plan, with a lack of engagement around the settings of visions, values, and environmental outcomes and options.

- 2.5. We understand that farmers are not the only sector within the community, but we need to be compassionate of the impact that future changes could and will have on them. Additionally, to successfully achieve environmental outcomes, farmers will need to be involved in setting practical and workable policies.
- 2.6. B+LNZ was involved in the Primary Sector Liaison Group (PSLG) speaking for farmers, we note that NRC also had the Tāngata Whenua Water Advisory Group (TWWAG) representing tāngata whenua. The PSLG and TWWAG are a subset of the community and do not necessarily reflect the visions, values and opinions of the community itself. These groups must not be seen as engaging with the community or in place of adequate engagement with farmers who live and farm within Northland. Further to this, B+LNZ are disappointed the feedback given in the PSLG report has not been given effect to.

Te Mana o te Wai:

- 2.7. Section 1.3 of the NPS-FM outlines the fundamental concept of Te Mana o te Wai. Highlighting the importance of water and the balance between water, the wider environment, and the community. B+LNZ notes that the NRC uses the term Te Mana o te Mauri o te Wai rather than Te Mana o te Wai whereby the emphasis is placed on the mauri of the wai being the critical element of the concept.
- 2.8. B+LNZ advocates that NRC uses terminology and concepts that are consistent with National Policy Statements for Freshwaters (2017, 2020, and future amendments). At current there is public confusion around what Te Mana o te Wai means in a practical sense, a lack of consistency around the implementation of the concept at a regional level, and an intention by the new Government to rebalance. Introducing new concepts and terminology only adds to the uncertainty in this space.
- 2.9. B+LNZ is concerned that changing the concept changes the balance of Te Mana o Te Wai to add greater emphasis on the priority of the health and well-being of water bodies and freshwater ecosystems. We support the need to prioritise the health of freshwater ecosystems however, in balance with and not at the expense of human, economic, social, and cultural health.
- 2.10. B+LNZs position on Te Mana o te Wai under the existing NPS-FW 2020 is that although the hierarchy is clear the health of the water comes first, it does not preclude the necessity for Councils to provide for (in an integrated way) the other two priorities within a Regional Policy Statement and Regional Plan – it must be acknowledged that priority 2 and 3 are still priorities.
- 2.11. The second priority of the health needs of people is not limited to drinking water. Drinking water is an example given in the NPS-FM but it must be recognised that water is crucial to human health beyond drinking water, including for food production and sanitation. Further to priority two, it does not refer to the direct consumption of food and water from a direct water source and therefore we must not instate that every water source should be able to be directly used.
- 2.12. Finally, the third priority the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future may be priority three but that does not assume that it is not a priority and should not be clearly considered and given effect to throughout the plan.

Long-term visions for freshwater:

Northland Regional Plan 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) Tāngata whenua values and mātauranga Māori are identified and are embedded in freshwater management; and
- (b) Tāngata 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.

- 2.13. A long-term vision plays an important role in setting the tone of a regional plan, motivating change, and leading the community forward. We are concerned that the above vision is overly simplistic and should not be defined in one short sentence. It does not convey an aspirational future that will motivate positive change for the community. The vision is not measurable and will be difficult to define whether it has been achieved or not.
- 2.14. With NRC stating they will delay notifying the plan until after the NPS-FM 2020 reform we encourage the council to use this as an opportunity to adequately engage with the community to establish an understanding of what is important to those that live and work within the region to set a realistic, reasonable, and well-informed vision that motivates change.
- 2.15. We support the themes discussed in the targets listed in (a) – (i) but advocate that these themes should be prioritised in the core vision to recognise and reflect the importance of prioritising not just freshwater health but also the health of communities and the economy.
- 2.16. The PSLG report provided feedback on potential wording and themes to include in a vision. We are concerned that the feedback provided has not been given effect to and highlight the failure to recognise the following statements that were made:
- *“Social, cultural and economic well-being of present and future generations.*
 - *Communities resilient to climate change.*
 - *Food and fibre production is supported by innovative and sustainable land and water management practices that continue to: maintain food security, support a transition to lowering emissions, improve resilience to the effects of climate change, recognise and provide for primary production.²”*

² Primary Sector Liaison Group (PSLG) Report to NRC – October 2022, pg 5.

- 2.17. B+LNZ has concerns that there is no over-arching timeframe and only an interim timeframe of 2040 to track the achievement of targets. B+LNZ supports the use of interim timeframes to guide the region forward. However, the NPS-FM 2020 sets out the requirements for regional councils to set a timeframe for a vision to be achieved, this is to be both ambitious and reasonable. The example given in the NPS-FM is 30 years. B+LNZ does not see this as realistic and argue that timeframes need to allow for time for plan changes to be implemented, time for communities to react and make changes, and time to see changes in freshwater attributes.
- 2.18. B+LNZ cannot support timeframes that are shorter than 30 years, such as 2040. Only providing the one timeframe of 2040 creates uncertainty of whether these targets must be achieved in full by 2040 and what is to be achieved post this date to continue to achieve the vision.
- 2.19. B+LNZ supports the comments made in the PSLG:

“When setting a timeframe, it’s important to recognise:

- *the lag time between changes made now and water quality improvements can be upwards of 50 years, depending on the natural makeup of the landscape,*
- *the journey it will take to improve the health of our waterways, including its associated cost (refer to KMR example earlier and the resources available),*
- *mitigations to enact freshwater improvements are heavily reliant on individual buy-in, often requiring a level of behaviour change that will not occur immediately.*

To evoke a relationship between the present and future, recognising the importance of sustainable land and water use, the PSLG suggests using the word ‘generation’ (rather than years); for example, ‘two generations’. Generational thinking connects one to a distinctive timeline, evoking a personal connection to time through both family and the land.

Timeframes should be influenced by community aspirations, taking into account the social, economic and cultural implications, while allowing for a reasonable transition time depending on the desire for future water quality states.³”

3. Consultation documents

Stock exclusion – water ways and riparian buffer zones

- 3.1. B+LNZ understands the benefits of stock exclusion and riparian management of rivers, lakes, and wetlands. However, we have concerns surrounding the regulatory framework and regional blanket provisions as suggested by NRC.
- 3.2. B+LNZ is concerned that the NRC does not adequately balance environmental risk with resulting cost. Expanding stock exclusions requirements beyond what is stated in national legislation will significantly impact farm systems and businesses and is likely to result in other mitigation options being forgone for example wetland creation, sediment traps, and stock water reticulation systems, some of which could bring greater environmental gains whilst allowing for the farm to maintain profits and farming systems.

³ Primary Sector Liaison Group (PSLG) Report to NRC – October 2022, pg 5.

- 3.3. Blanket provisions that impose stock exclusion need to fully understand the costs involved not just for fencing but also for changes in farm systems, repairs and maintenance of fences, and other infrastructure costs. This includes but is not limited to stock drinking reticulation systems and stock crossings (bridges and underpasses). Any rules surrounding the construction and installation of structures including bridges, culverts, and underpasses must allow for an easy pathway for farmers to build infrastructure to meet stock exclusion rules.
- 3.4. Additionally, we need to be clear on the definition of stock exclusion and whether this is through permanent or temporary fences, or alternative methods such as plantings and virtual fencing such as Halter. Stock exclusion requirements should be flexible for farmers to adapt and innovate to meet the multiple demands of their business and be implemented via farm management practices that manage the risk. This can be done using a Freshwater Farm Plan (FW-FP), or Farm Environment Plan (FEP).
- 3.5. B+LNZ is also concerned about the blanket provisions to enforce riparian planting. This imposes an additional cost on farmers and will further put farms under risk of being financially unviable. It is not realistic or achievable to enforce all rivers and streams to be riparian planted. A blanket provision does not take account of necessary factors such as soil type, slope of surrounding land, flood risk, and the farm business. There is also a concern that a planted margin, if not adequately maintained, can result in weed and pest issues.

Consultation Questions:

How far away from waterways should stock be kept? Should an averaging approach be used for 5metres + stock exclusion?

- 3.6. To be clear B+LNZ does not support blanket provisions to enforce region-wide stock exclusion. However, if a distance is to be set B+LNZ advocates the council aligns with the national regulations of 3 metres to maintain consistency. Those that have begun fencing under the national regulations should not be penalized for the work they have done so far by requiring to shift fencing from 3 metres to a wider exclusion distance as this would result in a waste of resources (finances, labour time, and environmental waste through lost infrastructure – fence posts and wire).
- 3.7. Applying a set exclusion distance of 3, 5, 10 or 30 metres as a blanket provision across the region does not consider the complex nature of hill and high-country farming operations. There are many factors and variables that create and contribute to environmental risk, including slope, vegetation, soil type, stock type, and stocking rate. Determining the appropriate size for a buffer area on a farm is unlikely to be successful as a “universal” one size fits all approach.
- 3.8. An averaging approach must be implemented. It is not realistic or reasonable to not allow for an averaging approach. An averaging approach will allow for better environmental outcomes whereby farmers can prioritise areas of a river or stream that will bring better environmental gain if fenced. It will also mitigate some of the issues with the impracticalities of fencing some landscapes due to topography and flood risk.

Should stock exclusion be extended to apply to other animals?

- 3.9. B+LNZ does not support sheep being included in stock exclusion rules. Unlike other stock, sheep do not have a natural tendency to stand in or disturb stream margins or beds, their feet are much lighter and therefore pose a reduced risk to stream bank erosion and they get much of their water needs through grazing pastures. Therefore, the additional cost of a multiwire fence is a costly exercise to bring little environmental gains. Considering the animal behaviour of sheep and the increased cost of exclusion, exclusion of sheep is neither effective nor efficient. This also highlights the importance that regional plans give appropriate water allocation to farmers to allow for water security for stock within reticulation systems to avoid stock searching for freshwater sources in dry periods.

What should the rules be for excluding stock from wetlands?

- 3.10. Fencing of wetlands can be problematic and difficult. Unlike rivers, wetlands are not confined to channels and can be located in the middle of paddocks and scattered throughout farm landscapes whereby fencing can impact the farms farmable area and be both difficult and expensive.
- 3.11. It is important that wetlands for the purposes of stock exclusion are well defined and exclude human constructed wetlands, critical source areas, and wet pastures. Mapping of natural wetlands has proven across the country to be a complex process with many inaccuracies. Any provisions to regulate exclusion from wetlands needs to allow farmers to have input into adequately defining natural wetlands on their properties, and a mechanism to dispute incorrectly identified wetlands.
- 3.12. Stock exclusion from wetlands would be best completed under an FW-FP or FEP whereby farmers can identify areas of the farm that would bring the greatest results to wetland and freshwater ecosystem health.
- 3.13. Rules that mandate the exclusion of stock from wetlands must not discourage farmers from constructing wetlands or penalize those that have worked to retain and maintain wetlands over those that have removed and therefore escaped costs of wetland management. Grazing in wetland areas can also act as an important management tool in preserving the health of a wetland as seen in the Upper Taieri Scroll Plains in Otago.

What timeframes are feasible for any new stock exclusion rules?

- 3.14. Farmers should have the ability to set timeframes within a FW-FP or FEP whereby they can budget and plan based on the circumstances of their farms. All farmers will require a different amount of resources based on the quantity of waterbodies on their farms, how much fencing has already commenced, and the financial health and budget of their farm business. One farmer we spoke to farms a 50-hectare sheep and beef farm with 3.8km of river flowing through. Fencing this length of river will be a significant cost to his business, alongside remove a large portion of farmable area. Additionally, the river and area is highly susceptible to flooding and therefore infrastructure is likely to be costly to maintain. These stock exclusion rules could significantly impact the viability of their farming system.
- 3.15. When setting timeframes, it is also important to allow for innovation and other mitigation options to become available. For example, Halter virtual fencing is becoming a more

common practice in dairy farming but is still an expensive option for sheep and beef farmers with technology still developing. We cannot impose high costs of fencing on farmers which will inhibit future investment into other mitigation options.

Stock exclusion – highly erodible land:

Should stock exclusion rules apply to highly erodible land?

- 3.16. Excluding stock from highly erodible land is inferring that land should be retired to other uses or not used at all. B+LNZ does not support the blanket retirement of land from sheep and beef farming. B+LNZ supports farmers being able to identify areas of concern on their farm and mitigating concerns through practices that suit them and their farm system.
- 3.17. Excluding stock from slopes may seem like the easiest option to avoid sediment loss however, it is important to understand the characteristics of the soil types, slopes, and farm systems. Some farms may have a combination of soil types that mean that the slopes are relatively stable, and the flatter land is prone to pugging. It may be that having cattle on the flatter land on that farm results in more contaminant losses than if they were on safer sloped land (with the caveat that they were actively managed on the slopes and there is a 'Plan B' for adverse weather events).
- 3.18. In areas of highly erodible land stock exclusion and/or planting regenerative bush or pine plantations are not the only answers to preventing erosion and may not provide the best outcomes for the environment or community. Other techniques for managing erosion can be identified and actioned within a FW-FP or FEP. These can include:
 - grazing management including during wet conditions,
 - silvopasture techniques including pole planting,
 - managing animal behaviour and health,
 - trough and fence placement,
 - following best practice techniques for cultivating paddocks.
- 3.19. B+LNZ is also concerned with 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, and increased fire risk from ungrazed pasture. Farmers should not be required to retire large areas of land while still needing to manage the costs and risks of this retired land, they simply would not be able to afford to do so.
- 3.20. We also advise caution in using maps to determine management of highly erodible land. The map provided by NRC is unable to accurately identify areas of great erosion risk. A map that identifies erosion risk should include soil type, slope, geology, vegetation cover among other things. Additionally, it does not consider the farm practices already in place for example pole planting, stocking rates, and farm management during adverse events. Or where waterbodies are present that need to be managed. Excluding stock from slopes where there are no waterbodies at the bottom of the slope should not apply as there is no direct risk to water.
- 3.21. Retiring steep areas of land can fundamentally change a farm system and lead to implications to the farm system including the intensification of lower sloped areas or result in a farm becoming unviable. Sheep and beef farmers commonly farm through rotational grazing and farm to the grass curve. This involves constantly changing their farm practices, mob rotations, and stock numbers throughout the year to utilize different areas of their farm

to mitigate changing seasons, feed availability, maintain stock health, ensure increased pasture growth, control animal feed intake, and preferentially feed some classes of stock. Excluding stock from certain areas of a farm including hill country can have a significant impact on these farm practices. For example, hill country areas may be important for summer grazing to allow pasture regrowth on flat areas to allow for making additional feed like silage and / or allowing for pasture regrowth for cooler months when pasture growth declines.

Alternative options to stock exclusion:

Farm Environment Plans (FEP)

- 3.22. Stock exclusion is one tool to mitigate contaminants reaching water sources, however, stock exclusion comes with a high financial and labour-intensive cost to farmers. All farms come with differing inherent risks and farm practice risks which therefore means that there should be no 'one-size-fits-all' approach. Farmers should have the ability to identify the key risk(s) on their farm and mitigate through tools that suit their systems, this can be achieved through a FEP.
- 3.23. A FEP is a documented plan that identifies on-farm environmental risks and outlines strategies for managing and mitigating those risks. A FEP addresses soil health, water quality, biodiversity, and nutrient management in a holistic way to promote sustainable farming practices and minimise environmental impact. Without a holistic approach to managing contaminants there is a high risk of causing unintended consequences.
- 3.24. Identifying areas of erosion and contaminant losses within FEPs allows farmers to identify the area more accurately at a smaller scale and create mitigation options that work for the farm system without the burden of retiring large portions land.
- 3.25. It is important that farmers can use their time and financial resources to invest in options that provide for the best outcomes for both the farm and the contaminant loss reduction. This may include sediment traps, space and/or pole planting, investing in water reticulation systems, or changing cultivation practices.

Catchment Groups

- 3.26. The council should encourage community collaboration and catchment groups that can provide pragmatic solutions to environmental issues. Catchment groups are a non-regulatory avenue for farmers, landowners, community members, tāngata whenua, regulators, and other interested stakeholders to work collaboratively together to respond to catchment specific issues. Catchment groups allow those within the area to learn from each other and recognise the contribution, whether negative or positive, that they may be having. Rather than having blanket provisions that penalise all farmers, catchment groups can identify high risk areas and mitigate appropriately. Catchment groups also allow for shared resources and funding.
- 3.27. Despite Section 'E – Catchments' in the Northland Regional Draft Plan there is little mention or encouragement of catchment groups, catchment values, or community collaboration with catchments.

- 3.28. FEPs and catchment groups work well together through a holistic approach at both the farm and catchment scale. These alternative options also coincide well with Council Action Plans within the NPS-FM 2020.

Targeted Water Allocation Policy Consultation Document

Water Allocation Policy:

Where primary allocation is available for abstraction, the Northland Regional Council will allocate 20% of the total wai available in every allocation unit⁷, 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.

- 3.29. B+LNZ supports the need to move away from a model based on first in first serve but have concerns that this policy does not meet the requirements of the RMA as it seeks to move away from a resource consenting process to a regime that could favour one group of people over another. B+LNZ is also concerned that within unallocated water there is no provision allowing for the reasonable allocation and use for stock drinking water as required under the RMA, building climate resilience, and providing for other essential water takes.
- 3.30. NRC needs to ensure it understands how various policies being proposed work together, to avoid unintended consequences. With the changes proposed for stock exclusion there are a number of sheep and beef farmers that may be required to invest in stock reticulation systems which in turn may require more investment in, and consenting of, water storage and allocation. We also note that stock water is most crucial during dry periods and droughts when water shortages may exist. Water quantity policies play an important role in how the region prepares for climate events and builds resilience. B+LNZ would support this policy identifying the need for the region to be climate resilient.
- 3.31. We support that 20 percent of water allocation could provide for local values in a specific waterbody but question how this will be decided and who by? The regional plan should enable the community to be fairly represented and involved in processes relevant to them. Everyone in the community holds different values and opinions on water use, the regional plan should enable the community to be fairly represented and involved in processes and decisions relevant to them. For example, who should decide if water is to be kept in the river to support native fish habitats, should be contributed to water storage, or be used to support marae and papakāinga? These same points relate to the fund highlighted in (c)(iii)

and how the fund would finance projects across the region. The consultation document and council resources online lack details on the implementation of both this policy and the fund.

- 3.32. B+LNZ appreciate that current resource consents will not be affected as to not diminish water security for the primary industries. However, there is a lack of understanding in how expiring consents will be treated and reissued. Will there be an intention to clawback water resources from consent holders and in catchments that are over allocated and is there an aim to have water made available to meet this water allocation policy?
- 3.33. Water allocation policy also needs to be future proofed to enable those that may not currently take water to have a pathway to do so in response to climatic change, or pressure to intensify production as a response to a need or desire to retire parts of a farming operation. Locking in water allocation rights to existing users can come at a detriment efficient and sustainable land use into the future.
- 3.34. We also highlight that the council needs to provide better data and information on water allocation in catchments across Northland so we can provide adequate comments on water quantity issues within the region.

4. Conclusion

- 4.1. B+LNZ thank the Northland Regional Council for providing the opportunity to provide feedback on an early draft of the Northland Regional Freshwater Plan. We appreciate the time given to provide feedback and the acknowledgement from Council that timeframes will be slowed given recent Government announcements and the plan will not be notified until after the review of the NPS-FM is completed. We hope that Council uses this as an opportunity to further engage with the community to understand the wants and needs of the many people that live and work within the region.
- 4.2. The draft plan that has been provided by the Council has some large concerns for sheep and beef farmers, including the stringent provisions around blanket stock exclusion from waterways and highly erodible land. B+LNZ is happy to work further with the Council to ensure any rules that are enforced within the plan are pragmatic, sensible and will not lead to an unviable farming sector within Northland.
- 4.3. NRC must recognise the importance of farming to the region and create enduring policies that enable and empower individuals and communities to build healthy and resilient farming systems. Additionally, policies and rules must align where possible to national regulations to provide for a coherent framework and to avoid added confusion for farmers.

From: [REDACTED]
To: [Freshwater](#)
Cc: ["Andy Fleming"; "William Steward"](#)
Subject: Draft Freshwater Plan Change
Date: Saturday, 30 March 2024 11:46:42 am
Attachments: [Submission NRC.docx](#)
[NRC Inspection 6 March 2024.pdf](#)

On behalf of Rayonier Matariki Forests I attach a submission on the draft Freshwater Plan change.

Please note that the email address for service is to the RMF's National Environmental Forester, Andy Fleming.

Regards
Trish Fordyce
Consultant
[REDACTED]

NORTHLAND REGIONAL COUNCIL
DRAFT FRESHWATER PLAN CHANGE

TO: Northland Regional Council
Private Bag 9021
WHANGAREI 0148
freshwater@nrc.govt.nz

SUBMISSION: Draft Freshwater Plan Change

NAME: Rayonier Matariki Forests

ADDRESS: Northland Regional Office
Maruata Road
Glenbervie RD3
Whangarei 0173

CONTACT: National Environment Forester
Andy Fleming

TELEPHONE: 027 248 9004

EMAIL: andy.fleming@rayonier.com

SUBMISSION

1. This submission covers the following matters:
 - Rayonier Matariki Forests
 - Rules of Concern
 - NES-CF
 - Stringency
 - Impacts of the Harvesting Limitation
 - Conclusion

RAYONIER MATARIKI FORESTS (RMF)

2. RMF grows and manages 120,000 hectares of forest from the top of the North Island to the base of the south. Within the Northern Regional Council (NRC) area owns and or manages Glenvervie, Katui, Maungatapere Forestry Right, Poutu Topu, Pukehuia and Topuni forests. The forests are made up of 18.5% freehold, and the rest is a mixture of Crown Forestry Licences, Forestry Rights and Joint Ventures. This means that any rules will impact not only RMF but the owners of the land under the forests.
3. The forests include 2873.8 hectares of Significant Ecological Areas. Over the next four years RMF proposes to harvest an average of 247 ha/yr.
4. RMF has operated in the NRC area since 1991. RMF is a member of the Northern Wood Council and supports their submission on the draft Freshwater Plan Change (DFWPC).

RULES OF CONCERN

5. RMF is concerned with the changes to C.8 Land Use/Disturbance and in particular C.8.3 Earthworks and C.8.4 Vegetation Clearance.

NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY (NES-CF)

6. The NES-CF provides a comprehensive and nationally consistent framework of managing the environmental risks associated with commercial forestry. The NES-CF deals with the main stages of the forestry cycle (afforestation, harvesting, replanting and earthworks) and for two key associated activities, quarries, and river crossings. The regulations primarily address the effects of forestry on soil erosion and water quality.
7. Underpinning the activity classifications is the Erosion Susceptibility Classification which is materially incorporated into the NES-CF. New Zealand is divided into four categories. Land areas coloured green (low) and yellow (moderate) have lower erosion risk and so forestry activities are permitted, where there is a high or very high risk of erosion (areas mapped orange and red) stricter requirements apply and some forestry activities cannot be carried out without a resource consent.

8. RMF operates in the NRC area by a variety of permitted activities and, where NES-CF trigger points are exceeded, by way of resource consents. RMF does hold some global resource consents to harvest and do earthworks in some forests.
9. Media statements that the NES-CF is a permissive regime are incorrect. Permitted activities are subject to conditions which may also include thresholds cascades to a resource consent.

10. We refer you to the earthwork regulation 24 (2) (c) that provides as follows:

“(2)

The earthworks may be—

(a)

in a green or yellow zone; or

(b)

in an orange zone with a land slope of less than 25 degrees; or

(c)

in an orange zone with a land slope of 25 degrees or more and, in any 3-month period, comprise—

(i)

side cutting to a height of 2 m to 3 m over a continuous length of no more than 100 m; and

(ii)

the deposition of less than 500 m³ of spoil or fill; or

(d)

in a red zone and, in any 3-month period, comprise—

(i)

side cutting less than 2 m deep over a continuous length of no more than 50 m; and

(ii)

the deposition of less than 100 m³ of spoil or fill.”

11. This is just one example of many regulations that set out threshold and trigger points. There are more threshold limitations included in the earthwork provisions rather than the harvesting provisions. This is not surprising as it is bare land that has always been the activity that has the potential to generate sediment if the mitigation measures are not applied.
12. Harvesting sites are not bare land. Yes, the canopy cover is removed but there is forestry slash left, there are remnants of understorey vegetation and of course the roots and stumps of the harvested trees are left in the ground.
13. The NES-CF requires management plans for the activities of afforestation, replanting, harvesting, earthworks, and forestry quarries. The plans set out how a

forester is proposing to meet the regulations. Non-compliance with the plans can lead to enforcement actions by NRC.

14. A regulation that appears to have been overlooked by NRC in the development of the DFWPC is that the activities of harvesting and earthworks are subject to a discharge of sediment to water standard. Regulation 26 for earthworks provides as follows:

“26 Permitted activity conditions: sediment

Sediment originating from earthworks must be managed to ensure that after reasonable mixing it does not give rise to any of the following effects on receiving waters:

- (a)
any conspicuous change in colour or visual clarity:
 - (b)
the rendering of fresh water unsuitable for consumption by farm animals:
 - (c)
any significant adverse effect on aquatic life.”
15. We know of no report from the NRC that the provisions of the NES-CF are not being effective in managing soil erosion and water quality in the NRC region. We know of no scientific report in Northland which would require the limitation of harvesting of no more than 40 hectares a year.
 16. We attach a recent monitoring report of NRC for Glenbervie and Puipuhi Forests and Maungatapere Forest. While this report concerns a resource consent there is no indication from this report that harvesting is resulting in adverse environmental impacts. In fact, the report indicates the opposite.

STRINGENCY

17. Regulation 6 of the NES-CF allows the ORC to provide regional rules that are more stringent than the NES-CF for various matters but in particular to objectives giving effect to the National Policy Statement for Freshwater Management (the NPS-FM).
18. While regulation 6 of the NES-CF allows for a council to provide more stringent rules to meet an objective giving effect to the NPS-FM, there is a process to be undertaken by the council to justify any application of stringency. We refer you to Section 32 (4) of the RMA which states:

*“(4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or **restriction is***

justified in the circumstances of each region or district in which the prohibition or restriction would have effect. “(our emphasis)

19. The starting point when assessing the need for a more stringent rule under Regulation 6(1)(a) is firstly to demonstrate the NES-CF controls are not sufficient to achieve a plan objective that gives effect to the NPS-FM.
20. The next step is to then demonstrate how a more stringent rule will achieve that objective in a more effective and efficient way than the NES-CF and that the more stringent rule is justified in the context of the region. Simply proving a link between a proposed rule and a plan objective that gives effect to the NPS-FM is not sufficient.
21. It is our understanding the council has not undertaken any of its own research into how the NES-CF provisions have been operating in the region. We are also advised that the regular monitoring of forestry operations has not indicated any major issue with the operation of the NES-CF in regulating the impacts of forestry operations including the harvesting regulations.
22. We urge the council to review its own information it has on monitoring of forest operations, to focus on scientific research undertaken in the region on the water quality of waterbodies within forests.

IMPACTS OF THE HARVESTING LIMITATION

23. We are very concerned about the economic impact of the 40-hectare harvesting restriction. We are concerned that the rule could lead to forest areas being uneconomical to harvest.

CONCLUSIONS

24. Our concluding comments are as follows:
 - We support the submission by the Northern Wood Council
 - The NES-CF provides a comprehensive regime controlling the environmental impacts of commercial forestry.
 - There is no scientific research by NRC that would support more stringent rule to control commercial forestry.
 - The proposed harvesting limitation could lead to forest areas being uneconomical to harvest.

Signed on behalf of Rayonier Matariki Forests



PA Fordyce

Dated 30 March 2024

13 March 2024

Matariki Forests
Maruata Road
RD 3
Whangarei 0173

emailed to: sam.middlemass@rayonier.com

Dear Sam

**MONITORING REPORT FOR GLOBAL RESOURCE CONSENT AUT.031508:
ACTIVITIES ASSOCIATED WITH HARVESTING OF MATARIKI PLANTATION
FORESTS.**

Following our site visit to the Matariki Forests on 6 March this letter constitutes the report for that inspection.

**Visual Inspection results:
Glenbervie and Puhipuhi Forests**

A high standard of harvesting, earthworks and post-harvest remediation is being maintained. Slash and sediment controls are being used in accordance with forestry best practice guidelines.

As discussed, please ensure any bare fill/ batter areas are re- vegetated to achieve 80% ground cover by 30 June.

Please also maintain efforts to stabilize and re-vegetate the River Road slip.

Maungatapere Forest

Vegetation has been roller crushed in preparation for replanting and chemical thinning of wilding pines is in progress.

No adverse effects were noted by the operation of heavy machinery however again please ensure any bare earthworks areas are re- vegetated by 30 June.

Consent Compliance

All conditions of the resource consent were complied with at the time of inspection.

I will arrange to meet up with you at Topuni forest at some stage before winter.

An invoice which covers council's travel, fieldwork and administration costs for the inspection will follow shortly.

Please contact me if you have any questions.

Yours faithfully



Bryan Edwards
Monitoring Officer
Ph: 09 947 0016
Mob: 027 471 6781, E: bryane@nrc.govt.nz

From: [John Gardiner](#)
To: [Freshwater](#)
Subject: Draft Fresh Water proposed changes
Date: Monday, 25 March 2024 10:20:10 am
Attachments: [Freshwater Plan Changes Draft.docx](#)

Please see attached submission

John Gardiner [REDACTED] Cell
[REDACTED], Email: [REDACTED]

Submission on Draft Freshwater Plan Changes – NRC

John Gardiner

24/03/2024

Introduction: My background in freshwater is via 47 years in conservation management – initially with the National Park Service under the Department of Lands and Survey and then, following the Govt restructuring of 1987, the Department of Conservation (DOC). Since shifting to Te Taitokerau in 1978, I have held several senior management positions in DOC encompassing all of Northland but, primarily, Whangarei District and Bay of Islands.

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

I support the general thrust of the vision and direction to improve the sustainability and resilience of Northlands freshwater resource. However, there are improvements that need to be made within the draft plan if it is to achieve NRC's vision. Currently, the draft plan will be seen, especially by farmers, as an unobtainable blunt instrument derived from insufficient data. Unless there is general buy-in by farmers, compliance will become impossible without a strong compliance team, a determined council and a healthy legal budget.

I suggest that more flexibility, consideration of other mitigation factors, extended timelines and more robust data is all needed to win over more support from the farming community.

Managing highly-erodible land:

I support the need for retiring severe erodible land and also support the splitting into high and severe risk. I also broadly support the new rules limiting vegetation clearance, land preparation and earthworks in areas of high erosion risk, with tighter controls applied to these activities in areas identified as severe erosion risk.

However, it is still a blunt instrument to apply throughout Northland without the consideration of other factors, such as geological influences, soil types, land use on adjacent land, existing fencing, flood zones etc.

Comment;

- In checking the map, I note that some areas identified as an erodible risk are very small. There needs to be a minimum area set where the controls don't apply otherwise there will need to be a lot of expensive fencing.
- Clearly the roll-out on the agreed upon plan changes will take many years to implement. There needs to be guidance on how all the required work to meet the plan changes is prioritized. Presumably, for example, severe erodible land needs addressing first.
- There is no mention of fire risk and ongoing weed control in the costings for land that is retired. The latter will be a major on-going cost to farmers.
- I did not see mentioned the factors required to qualify for [ETS](#)

Eliminating discharges to water:

I support the general thrust of eliminating discharges to water and support the averaging technique proposed for stock exclusion provided that a strong element of commonsense and flexibility is applied in its application. (see managing and support below).

Comment;

- Clearly there will be much resistance from farmers to the 10-metre averaging. There is no distinction made between dairy and beef/sheep/deer farming. Without such a distinction the application of the proposed rule change will favour dairy farmers

(smaller and more profitable per ha) and yet they are arguably the greater polluters. Perhaps a lower average should be set for beef, deer, and sheep.

- No account seems to be made to recognise the difference in productivity of the land/soils within Northland. The proposed change will financially impact more on those farming the less productive and marginal land. Is this fair? It could initiate farmers switching to ETS farming. This may well be good but it could also result in farmers walking off their farms due to the lack of viability.
- No mention of the cost burden to replace current stock water supply with new reticulated water systems throughout a farm.
- No mention I could see to restricting the use of nitrogen on dairy farms. This is an obvious and necessary step if managing freshwater sustainably and resiliency is the vision of NRC.
- Again, no mention of ongoing weed control within the riparian areas. This will be a major expense – especially in Northland.
- Again, a lack of other germane and mitigating factors - geological influences, soil types, land use on adjacent land, existing fencing, flood zones etc.

Managing exotic forests:

I support larger setbacks for exotic carbon and plantation forestry from waterways. What happens to pine slash needs resolving. What happened on the East coast needs avoiding in Te Taitokerau – perhaps removing or utilizing (e.g. mulching) slash over a certain dimension. Where pines are planted for both plantation and, in particular ETS farming, also needs a rethink. The cyclones of last year that uprooted or shattered mature trees on a massive scale demonstrated the risks of planting pine forests. Slope, soils, size, exposure and age are all now critical factors when considering future pine plantations.

Water allocation to Māori and managing impacts on Māori values:

I oppose in principle the draft rule change allocating 20% to Tāngata whenua of unallocated water to be used for environmental enhancement, marae and papakainga, or developing Māori land. It is my belief that NRC have overstepped their mandate in making such a rule. Any new rule that provides an advantage based on ethnicity should be made by central government after testing with the people and, whatever is decided, applied nationally. I also oppose in the detail as it is too open-ended to understand where it may lead. What does allocation of water to environmental enhancement mean and what does allocating water for developing Māori land mean e.g. criteria, limitations etc? The proposed change results in an advantage based on race. That will be seen as discriminatory and divisive and thus, needs to be opposed strongly. Each water use application must be based solely on its environmental, economic and social merits, irrespective of ethnicity.

Moreover, applying the 20% rule to the high Māori population engaged in farming and horticulture in Te Taitokerau may well penalize Māori. Māori may well require more than 20% of water allocation to meet their current and aspirational goals. Provided Māori meet the same three above mentioned assessment factors, that apply to non-Māori applicants as well, there should be no minimum or maximum percentage set for Māori.

Māori values should be considered along with the values of any other citizen of NZ. All citizens of NZ must have equal rights and opportunities. Tāngata whenua values may be given a greater consideration but in no way should their view be given veto or priority rights over what council believe is the right decision based on all other values and considerations that are backed up by robust technical and scientific advice.

Stock exclusion from wetlands:

Wetlands are important - they are great filters of contaminants and great carbon sinks (more so than forests).

I support fencing off existing wetlands from all domestic stock to reduce faecal and other contaminants in waterways — particularly wetlands directly connected to waterways.

The earlier covered averaging for exclusion fences needs to also apply to wetlands.

Timeframes and Support

The timeframes suggested in the draft plan seem reasonable but, along with much of the proposed plan changes, will likely be opposed by many farmers. In terms of seeking community feedback on these proposed changes I suggest that the most important question is not being asked in this questionnaire. What level of buy-in from farmers is needed for the Freshwater Plan to be seen as viable. What, for example, is NRC prepared to do if there is wide-spread rejection of the final plan by the farming community? How committed is it to force farmers to comply with the plan once implemented and, will its compliance team be resourced enough to ensure compliance through the courts? The key to the success of the plan will rest with how well it is sold to the farming community. This is where innovation, specialist advice and flexibility are needed for the final plan to be accepted and successfully implemented.

Considerations;

- NRC needs to be seen as collaborators rather than regulators. Staff need to be professional and respectful but, most of all, helpful. The implementation of the plan is arguably the most important piece of work NRC will be taking on in decades. Additional resourcing of trained staff will be essential to assist farmers to meet the standards within the expected timeframes. They will need to have the delegation when in the field to be practical, flexible and reasonable when assessing farmers planned responses to the new rules.
- In Southland, the production of holistic “farm plans” has found support from farmers and well worth considering for Te Taitokerau. This is where all the new freshwater requirements would be captured along with all other farm development plans, timeframes and maintenance information into the one document. Workshops could be run by NRC to assist farmers in developing such plans. Having holistic farm plans, apart from being extremely valuable to the farmer as an on-going working tool for management, will also be an immense efficiency gain to NRC having everything needed to assess and monitor, captured in the one document - saving on staff time and dollars.
- Other considerations to be seen as collaborative rather than regulative could include waiving consent fees, providing templates, information sheets and experienced staff assisting farmers with practical planning advice in the field. Such roles could well be filled by retired farmers on a voluntary or semi-voluntary capacity.
- All Northlanders will benefit with improved freshwater management. People feel satisfaction in “doing the right thing” even if they are not utilizing freshwater streams, wetlands or erodible slopes. Think of how NZers from all over the country got behind the Save Manapouri Campaign with many having never been there. With this in mind, I suggest the freshwater targeted rate levy be increased significantly to assist farmers with the capital costs of implementing the plan changes. Given a well delivered information campaign by NRC I am confident the wider Te Taitokerau

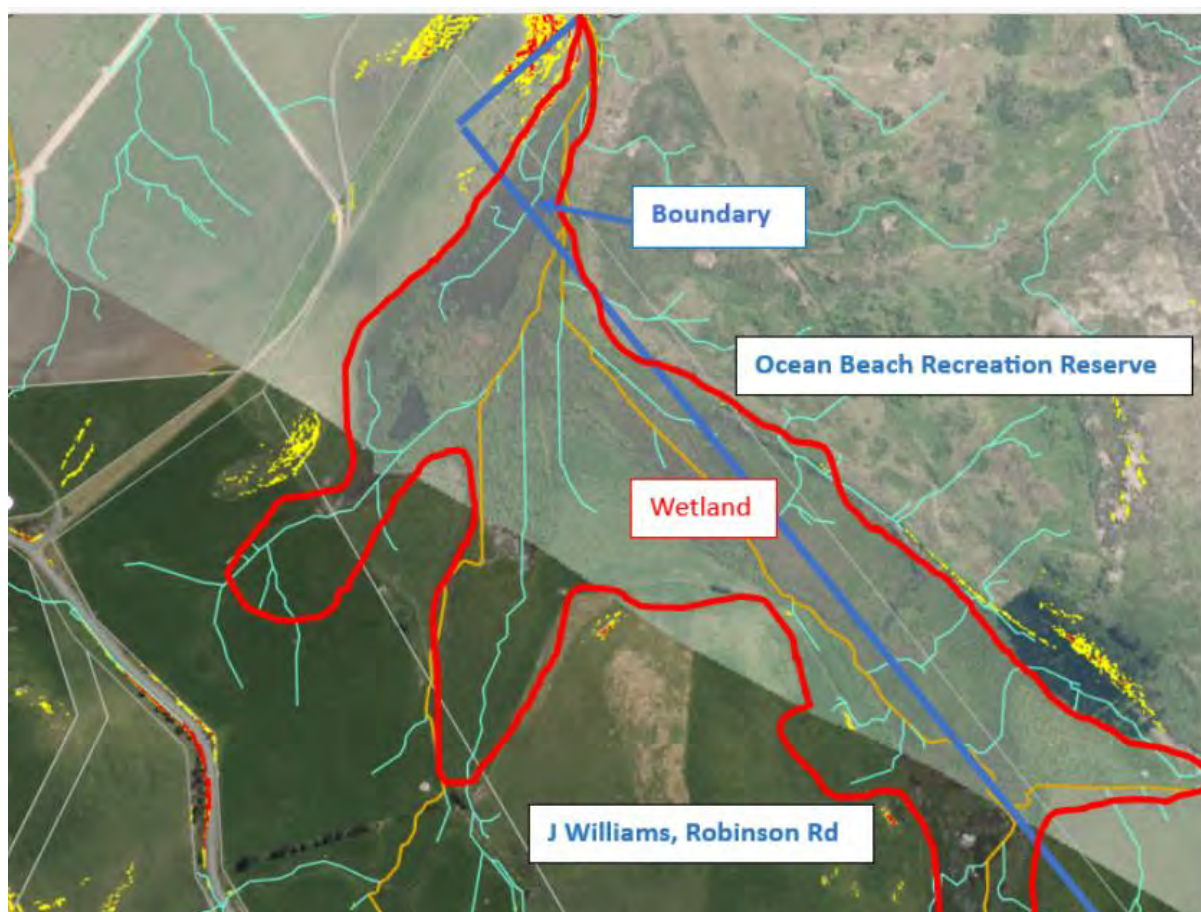
community will understand and support sharing in the cost to rescue and improve our freshwater resource.

Footnote. Efficacy of Wetlands:

I note that, arguably, one of the most significant wetlands in the Whangarei District appears not to be on NRC's radar. This wetland is sited adjacent to Robinson Road, Whangarei Heads and mostly on land owned by Mr Jim Williams but partly on Ocean Beach Recreation Reserve administered by DOC.

It is possible that this wetland is subject to some form of controlled drainage scheme and, if so, needs reviewing. Fortunately, the wetland outlet has not been maintained to the extent that it could have been. This has allowed substantial recovery of wildlife as the habitat has significantly improved due to the blocked drain. Old maps illustrate that, prior to the drainage scheme, this area was once a huge wetland stretching for many hundreds of metres further up the valley. Wildlife observed at this wetland in recent years include Australian bittern (conservation status [CS], "nationally critical", also endangered in Australia), the endemic NZ dabchick, (CS "Extinct" Sth Is, "Recovering" Nth Is - where there is habitat along with pest control) and the endemic brown teal (CS "nationally endangered" - rarest duck in NZ and 6th rarest duck in the world).

This matter will be the subject to a separate approach to NRC within the coming weeks.



Robinson Road Wetland



Robinsons Road Wetland

Useful update on the values of Wetlands from Niwa

<https://niwa.co.nz/freshwater/freshwater-and-estuaries-update/freshwater-update-88-september-2022/better-outcomes-for-downstream-water-quality>

John Gardiner [REDACTED]. Cell [REDACTED],
Email: [REDACTED]

From: [Phillip Grimshaw](#)
To: [Freshwater](#)
Cc: [Kiri Sloane-Hobson](#); [sam.napia](#)
Subject: Submission to NRCs Draft Freshwater Plan Change
Date: Tuesday, 2 April 2024 10:59:16 am
Attachments: [Outlook-A blue cir.png](#)
[Outlook-A blue cir.png](#)
[Outlook-A blue cir.png](#)
[Outlook-A black ba.png](#)
[TKoT Submission NRCs Freshwater Plan Change.pdf](#)

Tena koe

Please find attached a late submission from Te Kahu o Taonui on NRCs Draft Freshwater Plan Change.

Please note that our late submission is due to our office being closed over the statutory holidays.

Thank you for your consideration and can you please advise that our submission has been received and accepted.

Nāku noā, nā

Phillip Grimshaw
Ngāpuhi, Te Rārāwā

Kaitohutohu Taiao Senior Advisor

Te Ropu Ringa Raupa, Te Kahu o Taonui

Īmera: phillip@tkot.org.nz | Waea Pukoro: 021 933 359 | Paetukutuku: www.tkot.org.nz



TE KAHU O TAONUI

Me mahi tahi tātou

This email may contain confidential information. If you are not the intended recipient, you must not use or disseminate this email or its attachments. If you have received this in error, please notify us immediately and delete this email.



TE KAHU O TAONUI

Me mahi tahi tātou

31 March 2024

Northland Regional Council
Private Bag 9021
Te Mai
WHANGĀREI 0143
freshwater@nrc.govt.nz

Attention: Draft Freshwater Plan Change

Tēnā koe

Preamble:

He Whakaputanga o te Rangatiratanga o Nu Tirenī and Te Tiriti o Waitangi were some of the enabling frameworks, outside of Te Ao Māori, that our tupuna envisioned would support the development of our nationhood as Aotearoa/New Zealand.

This submission is an ongoing part of that continuum to realise and reassert the aspirations of our tupuna to facilitate intergenerational equity whilst recognising and upholding Te Mana me te Mauri o Te Taiao.

Submission on Northland Regional Councils Draft Freshwater Plan Change

1. This response is made on behalf of Te Kahu o Taonui (Te Tai Tokerau Iwi Chairs Forum).
2. Te Kahu o Taonui was established in 2006/07 and is now a collective of Authorities in Te Tai Tokerau namely Ngāti Kuri Trust Board, Te Rūnanga Nui o Te Aupōuri, Te Rūnanga o Te Rarawa, Te Rūnanga o Ngāi Takoto, Te Iwi o Ngāti Kahu Trust, Kahukuraariki Trust / Ngātikahu ki Whangaroa, Te Rūnanga o Whaingaroa, Te Runanga-Ā-Iwi-Ō Ngāpuhi, Ngāti Hine Health Trust, Ngātiwai Trust Board, Te Iwi o Te Roroa and Te Rūnanga o Ngāti Whātua.
3. The aim of Te Kahu o Taonui is to advance the collective aspirations of Te Tai Tokerau iwi and hapū.
4. Please note that this submission does not usurp the mana of iwi and hapū who wish to provide their feedback directly to the Northland Regional Council (NRC).

Overarching Comments:

1. The relationship that Māori have with, and within, Te Taiao is irrefutable, ongoing and intergenerational.
2. Waitangi Tribunal findings have clearly identified *“that their water bodies were taonga over which hapū or iwi exercised te tino rangatiratanga and customary rights in 1840, and with which*

they had a physical and metaphysical relationship under tikanga Māori (Māori law). Their rights included authority and control over access to the resource and use of the resource.”¹

3. The above relationship was specifically provided for within Article 2 of Te Tiriti o Waitangi such that Māori customary rights were akin to proprietary rights guaranteed under the Treaty for so long as Māori wished to retain them.
4. It is from this customary ownership perspective² that Te Kahu o Taonui supports the concepts of Te Oranga o Te Taiao and Te Mana o Te Wai with its associated hierarchy of obligations 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.

Specific Comments:

We make the following comments on NRCs Draft Freshwater Plan Change:

5. The retention of Te Mana o Te Wai is paramount in order to negate Māori customary ownership and proprietary rights from being further eroded
6. In doing so the following kaupapa need to be uplifted into the Draft Freshwater Plan to provide more effective management regimes, that is:
 - a. Stock exclusion from waterways, wetlands and highly erodible land
 - b. Targeted Water Allocation Policy and;
 - c. Legal Personhood status.

The draft Freshwater Plan must also recognise and provide for the following:

7. To uphold existing and future Treaty Settlement legislation and management arrangements over freshwater and adjacent statutory acknowledgement areas
8. To give effect to existing iwi and hapū management plans (IHEMPs), where policies and objectives describe how freshwater resources should be managed
9. To involve tāngata whenua at all stages of freshwater decision-making which includes policy development, implementation, monitoring of resource consents, as well as the effectiveness of the freshwater provisions
10. To take an integrated approach of *ki uta ki tai*
11. To support the concept of Te Hurihanga Wai and the retention of Te Mana me te Mauri o te Wai as the long-term vision for freshwater in the RPS³
12. To involve tāngata whenua in the method for establishing FMUs
13. That NRC introduce a range of mechanisms such as rates relief policies, contestable funds, or similar policies to reduce the financial burden that the proposed stock exclusions rules and provisions may have on Māori landowners who may not have the financial means to implement and comply with the proposed regulations

¹ See Wai 2358. The Stage 1 Report on the National Freshwater and Geothermal Resources Claim. pp75

² See Wai 2358. The Stage 1 Report on the National Freshwater and Geothermal Resources Claim. pp76

³ See Objectives 3.16 & 3.17.

14. 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.
15. That 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. And that NRC resource tāngata whenua through capacity contracts and/or engagement agreements to support a streamlined process for resource consent engagement
16. The use of mātauranga Māori for freshwater monitoring is led by tāngata whenua not the Council. Apart from the draft Action Plan, funding of a mātauranga Māori framework needs to be included in NRCs Long Term and Annual Plan budgets
17. The application of non-organic agrichemicals is currently a permitted activity and has not been reviewed as part of the draft Freshwater Plan Change⁴. However, we recommend that this activity status is reviewed
18. The proposed tāngata whenua climate change mitigation and adaptation policy is fully supported
19. And that appropriate funding be included in NRCs Long Term and Annual Plan budgets to support and enable the input and participation of tāngata whenua in all stages of freshwater decision-making.

Summary:

20. Te Kahu o Taonui supports the development of a Freshwater Plan from the perspective that as Te Tiriti Partners, Te Tai Tokerau iwi and hapū have proprietary rights, obligations and interests in the freshwater environment, which includes but not limited to:
 - a. Supporting the capacity and essence of Te Mana o Te Wai
 - b. The maintenance of tikanga Māori; and
 - c. Defending our kaitiaki obligations identified within NPSFM 2020.
21. As Te Tiriti Partners these rights, obligations and interests are captured within Article 2 of Te Tiriti o Waitangi and have been legally recognised through a range of Treaty Settlement Legislation.
22. Therefore, this submission serves to identify that for Te Kahu o Taonui there is an expectation that our partnership obligations in the Taiao space will be considered in a meaningful way.

Signed:

Dated: 31 March 2024

Sam Napia

Iwi CE Lead

Te Kahu o Taonui



⁴ See Rule C.6.5.2

Address for Service: Kiri Sloane - Hobson
Amorangi / Operations Manager
Te Roopu Ringa Raupa
Te Kahu o Taonui
kiri@tkot.org.nz

Telephone: 021 420 257

From: [Peter Hall](#)
To: [Freshwater](#)
Subject: Feedback from the Mataka Residents' Association to the Draft NRC Freshwater Plan Change
Date: Thursday, 28 March 2024 2:54:44 pm
Attachments: [Submission to NRC Draft Freshwater Plan Change Mataka Residents Association Inc.pdf](#)

Please find attached the feedback from the Mataka Residents' Association Inc to the Draft Freshwater Plan Change.

The Association thanks the Council for the opportunity to provide this feedback and looks forward to your continuing engagement as the draft provisions are developed further, taking onboard the feedback received.

Best Regards



Peter Hall

Director, *BPlan*, MNZPI

Peter Hall Planning Limited

m: 0274 222 118 e: peter@phplanning.co.nz



Feedback on Draft Freshwater Plan Change: Northland Regional Council

Mataka Residents' Association Inc

Name and Contact Details

Full name: Donald Chandler
Organisation: Mataka Residents' Association Inc
Mailing address: PO Box 501, Kerikeri 0245
Email: manager@mataka.co.nz

Background

The Draft Freshwater Plan Change to the Northland Regional Plan (**the Draft Plan Change**) seeks to change rules about freshwater to meet the Government's National Policy Statement for Freshwater Management 2020 (NPS-FM 2020).

The Draft Plan Change has been released for feedback between 1 November 2023 - 31 March 2024.

Under the National Policy Statement for Freshwater Management 2020 – Amended January 2024 (**NPS: Freshwater**), the deadline for council to release (notify) proposed Freshwater Plan Change has been extended to December 2027.

This feedback on the Draft Plan Change as currently out for comment is provided by the Mataka Residents' Association Inc (**the Association**).

The Association is a collective of landowners with properties at Mataka Station.

Mataka Station

Mataka Station is an ecological farm estate on the Purerua Peninsula in the Far North District. Mataka Station comprises a 30-lot residential development with an operational sheep and cattle farm and a large private conservation estate totalling 1150ha.

Mataka operates a full farming operation under the supervision of a full-time manager, with all required stock yards, woolshed and infrastructure. Over recent years the owners at Mataka have invested substantially in upgrading the farm infrastructure. The property includes some 20 Kms of high-quality metal roads with extensive water management structures and approximately 300 kms of fences.

The farm operations and business are owned by the body corporate which represents all owners – the Mataka Residents' Association. All owners take an interest in the farm and the farm is an integral part of ownership at Mataka.

The dedicated conservation estate of Mataka is now over 350ha including substantial new planting by the developers and by subsequent owners. Large valleys within Mataka are covered by native manuka and kanuka trees providing a natural home for New Zealand's rare kiwi, nectar for manuka and kanuka honey production, and a nursery for other species of native trees.

110 kms of fences divide the conservation areas from the farm, protecting the growing conservation estate.

The landform at Mataka Station predominantly comprises moderately steep to steep hill slopes on greywacke (Land Use Classification **(LUC)** 6), with some land being LUC 7 (Steep to very steep coastal greywacke hill country) and the coastal cliffs being LUC 8 (Very steep and precipitous slopes and cliffs). There are some small pockets of :LUC 4 (Gently rolling to strongly rolling greywacke)¹.

The Station is mainly classed as Highly Erodible Land 1 and 2 under the regional Council mapping released with the Draft Plan Change (land with a slope between 25 and 35 degrees is considered to have high erosion risk (Highly Erodible Land 1) and land with a slope >35 degrees considered to have severe erosion risk (Highly Erodible Land 2)).

There are several small wetlands and ponds on the property which have been fenced and planted by the Association, however no other large waterbodies. The steep valleys on the property provide the catchment for the Waitohara Stream.

Feedback on Draft Plan Change

Objectives, Policies and Rules of the Draft Plan Change

This part of the feedback is on the proposed Draft Objectives and Policies, including Objectives 3.16 Te Mana me te Mauri o te Wai, Objective 3.17 Long-term vision for freshwater) and including but not limited to proposed policies D.4.41 Matters to consider when making decisions for wai, D.4.44 Te mauri o te wai, D.4.48 Restoring degraded waterbodies, D.4.49 Mauri of wetlands, and D.4.50 Improving degraded wai.

The stated purpose of the Plan Change is the give effect to the NPS: Freshwater. Policy 1 of the NPS: Freshwater is that freshwater is managed in a way that gives effect to Te Mana o te Wai. Section 3.2 of the NPS: Freshwater specifies that every regional council must engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.

Cabinet has agreed to replace the NPS: Freshwater within the next 18 to 24 months. This may significantly change the fundamental purpose of the NPS: Freshwater, and the objectives and policies that have informed the Draft Plan Change.

On this basis, the Association reserves its position on the objectives, policies and rules of the Draft Plan Change until it sees the formal Proposed Plan Change, scheduled to be released in 2027. Mataka Station anticipates that changes to the NPS: Freshwater will result in significant changes to how it is implemented through the objectives, policies and rules of this future Plan Change.

In the meantime however, the Association would like to provide some feedback on the approaches being considered by the Council to stock exclusion from waterways and highly erodible land and would like to continue to engage with the Council on these matters. At this point in time, it is understood that the Draft Plan Change does not have any specific rules on these matters, with options only being considered.

¹ Source Land Use Capability Mapping, Our Environment, Manaaki Whenua.

In providing this feedback, reference is made to the document that accompanies the Draft Plan Change being: *“Te Panonitanga o te Mahere Wai Māori Hukihuki: Kōrerotia mai o whakaaro mō te aukati kararehe pāmu The draft Freshwater Plan Change: Have your say on stock exclusion”*. This sets out questions to which feedback is provide below.

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

There are already rules requiring stock exclusion from waterways, including Government Stock Exclusion Regulations and rules in the Regional Plan for Northland.

The Association notes that current rules require dairy cows and pigs to be excluded from all continually flowing streams, rivers, wetlands >0.05 hectares, artificial watercourses, and the coastal marine area. Beef cattle and deer are required to be excluded from the same areas as dairy and pigs, but only in lowland/low slope areas. Sheep are required to be excluded from margins of rivers and estuaries inundated by spring tides.

The Association considers that exemptions from stock exclusion should apply to certain classes of cattle, including calves under 12 months, which cannot be controlled with virtual fencing. We contend that calves under 12 months are lightweight, lower impact, and stay close to cows. The Resource Management (Freshwater Farm Plans) Regulations 2023 require, the Farm operator to have regard to catchment context, challenges, and values (clause 9) in preparing their Farm Plan.

Freshwater Farm Plans are required to contain maps that show fencing to exclude stock from freshwater bodies, planted riparian areas, soil erosion control plantings or works.

The Association considers that these regulations in combination provide adequate protection of freshwater values, and moreover the ability to manage the impact of stock on waterways according to the specific values of those waterways, while also allowing farm-specific solutions such as the type of stock in paddocks adjacent to water ways, stock rates used and seasonal variation. Wholesale stock exclusion rules in the Regional Plan do not enable this sort of necessary flexibility.

Farm Plans are also flexible, allowing for the adoption of new technologies (Such as electronic exclusion rather than hard fencing).

Were stock exclusion rules to be extended in the manner being contemplated, then an averaging approach is preferable for determining setbacks from waterways to recognise the practicalities of fencing off waterways to exclude stock – allowing for variation in slope and existing landform. . However an averaging approach is difficult to regulate and to measure compliance against. For this reason, it is better suited to a matter demonstrated in Farm Plans, rather than regulated through Regional Plan rules.

Finally, the Association considers that its efforts to protect waterways and wetlands at Mataka Station are a model example of excellent environmental outcomes. That of course comes with significant capital and operational expenditure including fencing, planting and maintenance; however has been achieved without Regional Plan regulation requiring such outcomes.

The 300 kms of fencing at Mataka would have a significant replacement value (current replacement cost of close to \$10 million dollars), with a lifespan from new of approximately 25 years. Livestock sale income from marginal land such as at Mataka Station (much already in fenced conservation) falls well short of this replacement cost. Were there to be Regional Plan rules requiring the preservation (or worse, addition to) physical fencing going forward, Mataka Station would have to seriously contemplate exiting the livestock business altogether.

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

The Association considers that stock exclusion rules to highly erodible land should not apply through Regional Plan rules.

The Council is considering new rules limiting vegetation clearance, cultivation and earthworks in areas of high erosion risk, with tighter controls applied to these activities in areas with severe erosion risk.

The Council are also seeking feedback on whether stock exclusion rules should be applied on Highly Erodible Land 1 by 2040, which applies to 12.25% of land in the region.

For Highly Erodible Land 2, which applies to 7.2% of land in the region, Council is proposing tighter controls on earthworks, land preparation and vegetation clearance.

Excluding stock from Highly Erodible Land comes with practical difficulties and varying efficacy as a result. In particular:

- Fencing highly erodible land does not necessarily mean it will regenerate, particularly without a nearby seed source. This means that without active management and planting, weeds will predominate on such land. By definition, the land is difficult to establish and maintain planting on, having poor soil and dry.
- Active management and planting of highly erodible land is expensive, and not offset by carbon credits, particularly where such planting is vulnerable to failure during drought.
- Low stocking rates, and having the right stock such as sheep, can be an equally effective tool in managing highly erodible land.
- In some cases, such as at Mataka, steep slopes and promontories are deliberately kept open due to their landscape and cultural significance. It would for example be inappropriate to plant out many Pa sites and other pre-European land form modifications.
- The mapping used based on slope is a relatively crude measure of how erosion prone the land is. A more nuanced approach is needed taking into account soil type, rainfall and on-farm evidence and observations of erosion.

The proposed regulation needs to anticipate and avoid unintended consequences, such as forcing an intensification into cattle vs sheep where sheep were to be added also to fencing regulations, which could have a contrary outcome with respect to freshwater.

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

The Council has identified a potential gap in the current rules for excluding non-dairy stock from hill country wetlands.

The issue here is the definition of wetlands. As "Natural Inland Wetlands" are defined in the National Policy Statement Freshwater, the net is cast very widely, capturing all manner of 'wetlands' whether of value or not and irrespective of the size of that feature.

Subject to a definition that allowed some consideration of the value of the wetland (such as predominance of native plants and animals adapted to wetland conditions) and a minimum size area requiring protection, then the Association could support stock exclusion from wetlands. As noted above however, this exclusion need not be only through hard fencing and should allow for modern electronic fence-less technologies.

The use of Farm Plans as the tool for managing stock exclusion from natural wetlands should not be discounted by the Regional Council. Sometimes, limited grazing within small wetlands is appropriate for pest plant control (even in wetlands where native species are predominant). Through a Farm Plan, pest plant control via grazing within wetlands could be considered on a case-by-case basis depending on how sensitive and/or important the wetland is.

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

No given the costs of new fencing for sheep and because sheep are not controllable by virtual fence collars in the foreseeable future.

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

Any timeframe would have to have as its commencement 2027, based on the new programme for freshwater plan changes under the NPS: FM. From that starting point, a 10-year implementation timeframe would be feasible, with the ability for exceptions for large properties.

Conclusion

The Association appreciates the opportunity to provide feedback on the Draft Plan Change and would like to continue engaging with the Regional Council on this matter. The Association believes it has good practical experience in farming in a way that promotes strong environmental gains.

In light of the impending changes to the NPS: Freshwater, it is anticipated that wholesale changes to the objectives, policies and rules of the Draft Plan Change as currently cast will be required. For this reason, the Association has not provided any specific feedback on these in their current draft form, but welcomes the opportunity to do so after the anticipated changes to the NPS: Freshwater are made.

The feedback above focusses on the specific questions raised by the Council on stock exclusion from waterways and highly erodible land. Ultimately the Association believes that more nuanced approaches are required here, that may vary farm by farm, rather than regulation through the Regional Plan. Specific feedback has been provided above and trustfully the Council finds this feedback useful as it develops its thinking further.

Please keep us informed as you develop these provisions further and, again we thank the Regional Council for the opportunity to provide this feedback.

Donald Chandler

Manager: Mataka Residents' Association Inc

28/03/24

From: noreply@fs17.formsite.com on behalf of [Formsite](#)
To: [Freshwater](#)
Subject: draft Freshwater Plan Change feedback from: Connor Henare
Date: Sunday, 31 March 2024 4:33:14 pm

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Connor
Last name:	Henare
Organisation:	Pukepoto Maori Committee, Te Rarawa Maori Committee, Te Tai Tokerau District Council. NZMC
Mailing address:	Pukepoto, Far North
Email:	pukepotomaoricommittee@gmail.com
Phone:	
Topics for feedback:	<ul style="list-style-type: none">• 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) (Concerned that environmental issues are not being addressed as Te Rarawa has gone full and final. The water dish. Marine Farms licences being extended 25 years without consultation.)
Tell us what you think:	<p>Our Pukepoto 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.</p> <p>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</p>

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. 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 Pukepoto 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 Pukepoto 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:	<ul style="list-style-type: none">• 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 16:32:58
Start Time	2024-03-31 16:26:16
Finish Time	2024-03-31 16:32:58

This email was sent as a result of a form being completed.
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From: noreply@fs17.formsite.com on behalf of [Formsite](#)
To: [Freshwater](#)
Subject: draft Freshwater Plan Change feedback from: Kristi Henare
Date: Sunday, 31 March 2024 4:58:44 pm

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Kristi
Last name:	Henare
Organisation:	Ngati Hau Environmental Management Group
Mailing address:	
Email:	
Phone:	
Topics for feedback:	<ul style="list-style-type: none">• 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:	<p>Ngati Hau 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.</p> <p>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,</p> <p>352</p>

you do to our people.

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- 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/papakāinga/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 Ngati Hau 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 Ngati Hau 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:	<ul style="list-style-type: none">• 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 16:58:30
Start Time	2024-03-31 16:52:35
Finish Time	2024-03-31 16:58:30

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From: noreply@fs17.formsite.com on behalf of [Formsite](#)
To: [Freshwater](#)
Subject: draft Freshwater Plan Change feedback from: Moana Henare
Date: Sunday, 31 March 2024 5:04:08 pm

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Moana
Last name:	Henare
Organisation:	Ngati Hau Rangatahi Group
Mailing address:	
Email:	
Phone:	
Topics for feedback:	<ul style="list-style-type: none">• 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:	<p>Our Ngati Hau Rangatahi 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.</p> <p>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,</p>

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. 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.
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iii. Adding policies to the plan that would encourage wetland restoration

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municipal/papakainga/marae supply

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iii. Ensuring consent expiration dates are aligned across a catchment

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

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 - ii. Establish and support systems based on tino rangatiratanga Maori, and work with and collaborate with Ngati Hau Rangatahi Group 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:	<ul style="list-style-type: none">• 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 17:03:54
Start Time	2024-03-31 17:01:19
Finish Time	2024-03-31 17:03:54

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From: noreply@fs17.formsite.com on behalf of [Formsite](#)
To: [Freshwater](#)
Subject: draft Freshwater Plan Change feedback from: Shane Henare
Date: Sunday, 31 March 2024 4:07:30 pm

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Shane
Last name:	Henare
Organisation:	Ngararatunua Kamo Maori Committee, Whangarei Tribal Area, Te Tai Tokerau District Maori Council, NZMC
Mailing address:	
Email:	
Phone:	
Topics for feedback:	<ul style="list-style-type: none">• 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:	<p>Government has signalled it will amend the RMA and National Policy Statement Freshwater Management (process estimated to take 18-24 months) so council has decided to postpone notifying its proposed freshwater plan change until after the legislation is changed (ie not before 2026 at the earliest).</p> <p>Feedback on the draft freshwater plan change will determine where council prioritizes staff and resources over the next couple of years – so incredibly important to provide feedback to council – deadline 31 March. Te Kahu o Taonui and Tangata Whenua Water Advisory Group have developed templates to help hapu and maori landowners provide feedback.</p>

Our Ngararatuna 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.

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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;
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- (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

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 - iv. Prohibiting domestic wastewater discharges to waterways
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 - ii. Prohibiting water takes above environmental flows and levels

- iii. Ensuring consent expiration dates are aligned across a catchment
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 - i. Including policy prioritises nature-based solutions over engineered solutions when making decisions on flood protection.
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- 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.

this:	Word of mouth
Keep me updated:	Yes, please keep me updated about the draft Freshwater Plan Change
Last Update	2024-03-31 16:07:15
Start Time	2024-03-31 16:03:43
Finish Time	2024-03-31 16:07:15

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From: noreply@fs17.formsite.com on behalf of [Formsite](#)
To: [Freshwater](#)
Subject: draft Freshwater Plan Change feedback from: Sheena Henare
Date: Sunday, 31 March 2024 3:38:22 pm

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Sheena
Last name:	Henare
Organisation:	Omapere Opononi Waimamaku Maori Committee, Southern Hokianga, Te Tai Tokerau District Maori Council, NZMC
Mailing address:	
Email:	
Phone:	
Topics for feedback:	<ul style="list-style-type: none">• 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) (Maori Funding for Developing for Hapu Rangers and Hapu Labs, Hapu Environmental Technicians, Need to protect our Hokianga Harbour from Deep Sea Oil Drilling, Toxic Weeds and Diseases (kauri dieback, myrtle rust to our native trees and ngahere.)
Tell us what you think:	<p>Reference to: 2024 Triennial Elections - Boundary Map Area and Hapu Tribal Area</p> <p>General comments:</p> <p>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</p>

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 use 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). We 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 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 are those in the area encompassed on Hapu Boundary Map for the areas Omapere, Opononi, Waimamaku and our maunga:

- (a) The Hokianga Harbour 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
- (i) All shellfish and pipi beds

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.

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vitaly 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. 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.

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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 Omapere Opononi Waimamaku 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 Omapere Opononi Waimamaku Maori Committee to enact and implement these systems.

11. 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.

Meeting Notes with NRC Staff for Hapu Consultation - Friday 22 March 2024:

- Government has signalled it will amend the RMA and National Policy Statement Freshwater Management (process estimated to take 18-24 months) so council has decided to postpone notifying its proposed freshwater plan change until after the legislation is changed (ie not

before 2026 at the earliest).

- Feedback on the draft freshwater plan change will determine where council prioritizes staff and resources over the next couple of years – so incredibly important to provide feedback to council – deadline 31 March. Te Kahu o Taonui and Tangata Whenua Water Advisory Group have developed templates to help hapu and maori landowners provide feedback.
- Setbacks for plantation forestry – should be 100m setbacks for any plantation forestry to be clear-felled.
- Riparian planting needs to be done with care, and managed, otherwise becomes corridors for pest plants and animals and a liability.
- Floods take out plantings – needs to be ongoing management if riparian planting is to be effective.
- 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.
- WWTP is ongoing huge issue.
- Donnelley's crossing – pine trees are blocking the awa – they were planted too close to the river.
- Fast tracking of mining (especially on DOC estate) – minerals research needs to be undertaken to understand impact of mining on water quality. Maps from 1820 show contaminated land/mines which no longer appear on contaminated land maps – local knowledge is critical as council's corporate knowledge can't be relied on.
- Farmers can't afford to do more fencing – need to recognise takes both time and money, both of which are in short supply.
- Legal personhood – concerns that this is misrepresenting views of hapu.
- Council must recognise Maori Committee (Maori Development Act 1962) – race should not be conflated with community. Te Taitokerau Maori And Council (TTMAC) working party doesn't have hapu representation – only limited to a select few. TTMAC meeting on 28 March has future review of TTMAC on the agenda for discussion.
- Concerns re central government policies directing monetary gain for land loss.
- 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.

- 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.
- Increased setbacks mean reduced private usage – needs to be compensation for that loss.
- 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.
- High Court appeals (Uri Rangatira) challenge Poneke – Government has no standing and is a criminal organisation.
- Hapu will assert rangatiratanga – they should have power of veto in their rohe.
- Local Government Act has been void since 2002.
- Concern of actions being taken by NGOs in the valley without proper mandate of hapu knowledge in some instances.
- 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.
- 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 source of the water flowing in Whirinaki.
- Council needs to recognise that hapu in Hokianga don't have the resources to participate in all these processes and require resourcing.
- Object to automatic extension to leases for marine farms.
- Need to have water police – as global temperature increase, the water will dry up – water management is going to need to be policed.
- 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.
- Rates relief should be provided to farmers – they can't afford to give their time voluntarily.

Agreed Actions:

1. Alison to circulate templates for feedback on draft freshwater plan change and check to see if extension is possible for feedback.
2. Alison to follow up on bank erosion affecting Sheena's

property and on Myrtle rust from Rawene tree nursery.
3. Ngati Korokoro representatives to consider attending next TTMAC meeting on 28 March.

How did you find out about this:	<ul style="list-style-type: none">• Social media• Word of mouth• Other (please specify below) (Maori Committees)
Keep me updated:	Yes, please keep me updated about the draft Freshwater Plan Change
Last Update	2024-03-31 15:38:06
Start Time	2024-03-31 14:23:37
Finish Time	2024-03-31 15:38:06

This email was sent as a result of a form being completed.
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From: [Wendy Henwood](#)
To: [Freshwater](#)
Subject: Submission
Date: Sunday, 31 March 2024 12:23:13 pm
Attachments: [Tapuwae Incorp & Tapuwae Farms Ltd submission on NRC Freshwater Plan 31.03.24.pdf](#)

Kia ora

Please find attached submission on the NRC Freshwater Plan.

Nga mihi

Wendy Henwood

Submission on Northland Regional Councils Draft Freshwater Plan Change 31st March 2024

To	Northland Regional Council
From	Tapuwae Incorporation and Tapuwae Farms Ltd
Submitted by	Stewart Otene (Chair Tapuwae Incorporation) stewart.otene@gmail.com Wendy Henwood (Chair Tapuwae Farms Ltd) tirairaka@outlook.com

1. Introduction

This submission on the Northland Regional Councils draft Freshwater Plan Change is from the Proprietors of Tapuwae 1B & 4, and Tapuwae Farms Ltd. Tapuwae Incorporation is a Māori land authority established in 1979 and constituted within the terms of Te Ture Whenua Māori 1993. It is owned by approximately 1000 hapū members and governed by a Management Committee elected by the Incorporation shareholders.

Tapuwae is the customary land of Ngāi Tūpoto / Ngāti Here hapū in the Iwi rohe of Te Rarawa, situated at the head of the Tapuwae River which connects to Te Wahapū o Hokianga, in North Hokianga. The whenua, the wai and the harbour are taonga and at the heart of who we are as a people. They have fed us physically and spiritually for hundreds of years and is of the utmost importance to us culturally, socially, environmentally and economically. Comprising approximately 2000 hectares (320 EFA), the block is run as a farm-forest-honey-conservation operation where each complements the other. We also lease an adjoining 650 ha (450 ha EFA) iwi block.

Our four-pou approach to business and decisions focuses on wholistic, intergenerational and long-term outcomes. This is consistent with our values and enables us as Māori land-owners to retain mana whenua of the land and ecosystems in sustainable ways.

2. Impact on Tangāta whenua values

Hapū rangātiratangā

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 this independence of ngā hapū Rangatira. They must be the foundation for policy development. We expect to be treated as Treaty partners going forward in ways that ensure long term rangatiratanga of hapū and Iwi. We are concerned that emerging environmental policy and compliance frameworks will undermine our hard-fought iwi Treaty settlements.

Te Ao Māori and te taiao

We support policies that recognise Te Ao Māori view of te taiao and the roles and responsibilities of us as kaitiaki of the whenua. This means protecting whole ecosystems, not just the wai. All elements of the natural environment are interconnected and have a mauri; the mauri of the catchment is nourished by the mauri of the whenua – mai uta ki tai. This recognises the interaction with harbours, wetland, estuaries, and adjoining boundaries with catchments and other hapū all hold stories of customary place names, landmarks, events, tupuna, kai and tikanga.

Whakapapa to the whenua enables us to carry out our responsibilities and ensure the mauri, wairua, and mana of the taiao (environment) is protected and sustained for current and future generations. Mātauranga includes customary concepts, beliefs and values and forms the basis of our thinking and doing which is critical to our hapū asserting tino rangatiratanga over wai Māori (freshwater) and resources. Water quality impacts on our taonga species and landscapes; it is therefore important that cultural impacts that affect our freshwater are assessed prior to any development being agreed.

Tapuwae Environmental Management Plan (2020)

We adhere to a set of values that are consistent with the Ngāi Tūpoto / Ngāti Here hapū and our Ngāi Tūpoto Marae. The Plan asserts mana whenua over development and decision-making on our whenua. It sets the pathway to fulfill our kaitiaki roles and responsibilities for the environment by exercising rangātiratanga and taking a strong position of influence and governance within our rohe. It draws on mana whenua, mana moana, mana tangāta and mana atua connectivity to ngā awa me ngā repo (freshwater), estuarine/salt marsh, Te Wahapu o Hokianga (Hokianga harbour), the maungā, whenua, and ngāhere to protect, restore and enhance our environment (eco-systems, biodiversity and habitats) so that it can sustain our people.

Tapuwae principles and values of tika, pono, aroha: he rarangi tohutohu

- Mana whenua: customary authority over our rohe
- Wairuatanga: spiritual dimension of the whenua and the people
- Tino Rangātiratanga effective, innovative and visionary leadership
- Whanaungatanga: whakapapa connections
- Kotahitanga: working together, unity of purpose
- Manaakitanga: whanau supporting whanau
- Kaitiakitanga: taking responsibility for our environment so it can sustain us
- Ahika: recognition of those that keep the home fires burning
- Mātauranga: value of knowledge and expertise
- Whakatau tika: accountability and transparency

3. Protecting and managing erosion prone land

As a working farm we know that using a land slope measure to define erodible land and a reason for stock exclusion is simplistic and not workable. 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.

4. Keeping stock out of waterways

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 determine whether a 3 meter set-back is practical or appropriate.

Challenges include the cost of fencing materials and labour, and maintenance once stock are excluded and weeds colonise the stream banks.

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.

5. Managing exotic forests

Again, as with stock, setbacks needs to be on a case-by-case basis – we know the terrain and we know our waterways.

6. Support required

The introduction of further compliance and monitoring would erode the viability of our Māori land blocks, especially in our rurally isolated areas. We would require financial support from the Council in the form of rates relief, rates remission, or new grants.

7. Conclusion

We support the concept of Te Hurihangā Wai and whakapapa o te wai as described in the draft Freshwater Plan Change, and the reports and provisions that give effect to Te Mana me te Mauri o te Wai. However, we expect flexible solutions that take into account local situations and contexts. These need to acknowledge our plans already in place and the work already undertaken by Māori land-owner/farmers.

We don't rely on regulations to decide what is good for the taiao – the whenua determines what needs to be done. We will continue to exercise rangātiratangā over our lands and assert mana whenua in these matters.

From: [Jacqui Hewson](#)
To: [Freshwater](#)
Subject: Feedback on the Draft Freshwater Plan Change on behalf of Golden Bay
Date: Wednesday, 27 March 2024 4:09:00 pm
Attachments: [FEEDBACK ON THE DRAFT FW PLAN_GB_27_MARCH_2024.pdf](#)

Kia ora,

On behalf of our clients, Golden Bay - a division of Fletcher Concrete & Infrastructure Ltd, please find attached feedback on the Draft Freshwater Plan Change.

Regards
Jacqui Hewson

Jacqui Hewson
Senior Consultant
Resource Management Group Ltd

M 022 680 1921
E jacqui.hewson@rmgroup.co.nz
W www.rmgroup.co.nz

**FEEDBACK ON NORTHLAND
REGIONAL COUNCIL REGIONAL
POLICY STATEMENT AND REGIONAL
PLAN - DRAFT FRESHWATER PLAN
CHANGE
ON BEHALF OF
GOLDEN BAY CEMENT**

TO: Freshwater Management Team
Northland Regional Council
Private Bag 9021
Te Mai, Whangārei 0143

Feedback lodged by email – freshwater@nrc.govt.nz

FEEDBACK ON: Draft Freshwater Plan Change

FEEDBACK BY: Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd
(**GB**)

**FEEDBACK
ADDRESS:** Golden Bay
PO Box 1143
Whangārei 0140

Please note the different address for service on page 6.

INTRODUCTION

1. Golden Bay (**GB**) hereby provides general feedback relating to the Draft Freshwater Plan Change, specifically the draft amendments to the provisions.
2. The details of the feedback focusses primarily on the following proposed rules:
 - a. Rule C.6.6.7 Industrial or trade discharges to water – non-complying activity*
 - b. Rule C.8.5.3 Construction or alteration of a bore – controlled activity*
3. GB wishes to ensure that any proposed changes to the Regional Policy Statement and Regional Plan as result of the Draft Freshwater Plan do not adversely affect GB's three Whangarei sites that operate under existing regional resource consents in relation to freshwater matters.

STATEMENT OF INTEREST AND BACKGROUND

4. GB is New Zealand's longest standing cement manufacturer. GB is committed to sustainable products and product transparency which is central to their strategy, vision and values. This includes how they operate, with their New Zealand made cement being independently assessed to demonstrate a 27% lower carbon emissions per tonne of cement than the ISC 2020 Baseline.
5. GB has three sites with the Northland Region, as shown on **Figure 1** below:
 - a. Portland Cement Works
 - b. Portland Quarry
 - c. Wilsonville Quarry

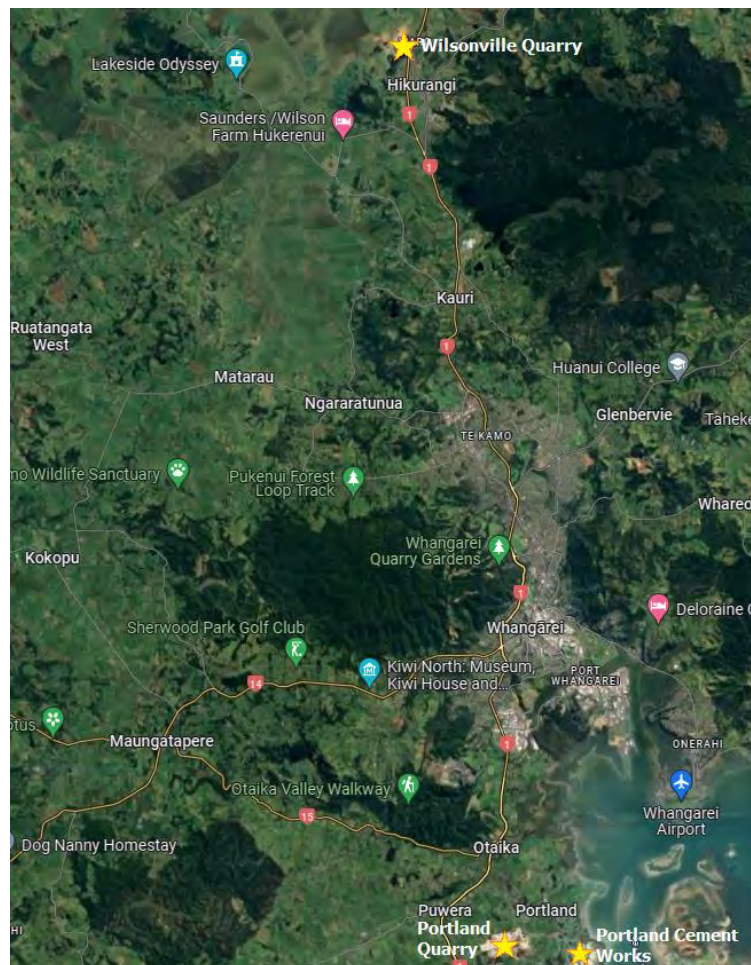


Figure 1: Map showing GB's three Whangārei sites, depicted by yellow stars. Source: Google Maps, annotated by RMG March 2023

6. All three sites operate under the following relevant regional resource consents in relation to freshwater management as set out in Table 1 below.

Table 1: GB's Whangārei sites and relevant freshwater resource consents

Site	Portland Cement Works	Portland Quarry	Wilsonville Quarry
Relevant Resource Consents	<ul style="list-style-type: none"> • AUT.005059.01.04 • AUT.005059.02.02 • AUT.005059.03.02 • AUT.005059.04.02 • AUT.005059.05.02 • AUT.005059.06.03 • AUT.005059.07.05 • AUT.005059.30.01 • AUT.005059.01 	<ul style="list-style-type: none"> • CON200771863301.02 • CON200771863301.03 • CON200771863301.04 • CON200771863301.05 • CON200771863301.06 	<ul style="list-style-type: none"> • AUT.007046.02.01 • AUT.007046.03.02 • AUT.007046.04.02

7. All three Whangārei sites play a vital role in the manufacturing, supply distribution of GB's cement products to the New Zealand construction industry.
8. As set out above in **Table 1**, GB site operations operative under existing regional resource consents for a variety of freshwater management activities including the following:
 - a. Stormwater discharge
 - b. Diverting of stormwater
 - c. Damming
 - d. Groundwater take permits
 - e. Boreholes
 - f. Discharge of contaminants to land and water
9. The above resource consents invariably include monitoring and review provisions that allow the Council to review the conditions of consent for a variety of reasons, including a change in the prevailing rule framework. Therefore, any changes in respective rules to the above activities are crucial to ensure that GB's continued operation and supply of their cement products which are manufactured entirely in New Zealand are maintained in perpetuity.

GENERAL FEEDBACK ON THE DRAFT FRESHWATER PLAN

10. GB considers that all National Directions need to reflect and drive the changes to the freshwater provisions to ensure a balanced approach to freshwater management is achieved. Therefore, GB's feedback reflects this, in particular the need for the regional instruments that are produced to not only give effect to the National Policy Statement for Freshwater Management (NPS-FM) but also to align with the National Policy Statement for Urban Development (NPS-UD).
11. GB generally supports the directions of Northland Regional Council rule changes to:
 - a. Protect highly-erodible land
 - b. Eliminate or reduce discharges
 - c. Better manage the impacts on tāngata whenua
 - d. Keep stock out of waterways and wetlands; and
 - e. Controls on exotic forests.

SPECIFIC FEEDBACK ON THE PLAN CHANGE PROVISIONS

12. GB's specific feedback relates to the following amendments contained within the Draft Plan Change in relation to the Regional Policy Statement which are of relevance to GB three Whangarei operations are:

- ***Rule C.6.6.7 Industrial or trade discharges to water – non-complying activity***
- ***Rule C.8.5.3 Construction or alteration of a bore – controlled activity***

13. Feedback is provided on each of these matters below in turn. Detailed relief sought is set out in **Appendix A**.

Rule C.6.6.7 Industrial or trade discharges to water – non-complying activity

14. GB notes that the Draft Plan seeks to insert an entirely new 'non-complying rule' for Industrial or trade discharges to water as follows:

C.6.6.7 Industrial or trade discharges to water – non-complying activity

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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant (except for a contaminant entrained in stormwater) from an industrial or trade premises into water (s15(1)).

15. This rule would apply to the Portland Cement Works site and activity, which currently operates under several discharge consents for an industrial activity, which do not expire until May 2046.
16. GB's Portland Cement Works is identified as a verified HAIL site on the Regional Council's Selected Land-use Register (SLU.803260), E3. Cement or lime manufacture, F7. Service stations.
17. As the existing resource consents relating to discharge of contaminants (AUT.005059.05.02, AUT.005059.06.03 and AUT.005059.18.01) have a review clause which allows Council to review the conditions of consent to either align the conditions with amendments to the plan that have are operative post the date of consent being granted, or if monitoring highlights adverse effects arising, it could potentially trigger this non-complying rule.
18. However, it is unclear how Rule C6.6.7 is triggered over and above the existing 'discretionary activity' Rule C.6.6.6, which is also for industrial or trade discharges to water.
19. GB considers that the existing 'Discretionary Activity' rule status is sufficient to capture any industrial or trade discharges. It is an appropriate provision to give effect to the prevailing policy framework
20. In addition, GB considers that the 'Non-complying Activity' status of Rule C6.6.7 increases the level of uncertainty to GB's continued operation and does not align with NPS-UD Policy 1(b) to enable a variety of sites that are suitable for different business sectors in terms of location and site size, particularly given that the site is an existing consented activity on a HAIL site.
21. Therefore, GB considers that Rule C6.6.7 should be deleted, as set out in more detail in **Appendix A**.

Rule C.8.5.3 Construction or alteration of a bore – controlled activity

22. The draft Plan Change seeks to amend Rule C8.5.3 to include two new matters of control as follows:
 - “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”*

23. Both the Portland Cement works and Portland Quarry operate under existing respective consents for bores (AUT.005059.02.02 and CON200771863301.06).
24. The amended rule may potentially have an impact on the existing bore allocations under the 'review' conditions of the relevant consents, particularly if the catchment in which the sites are located within becomes fully allocated.
25. Portland Quarry is situated on the boundary of a "potential allocation restrictions surface water impact",
26. Furthermore, **Condition 28** of (CON200771863301.06) of the Portland Quarry consent provides the Council the ability to be review the consent to provide for compliance with any rules that have been made operative since the commencement of the consent, which in turn provides the Council with the ability review the volume or rates of water take could be amended.
27. GB acknowledges that Council already has the ability to amend this and Condition 28 of the Portland Quarry consent, particularly if monitoring shows an adverse effect this situation could arise under the existing operative rules.
28. However, GB considers that this rule should only apply to the construction of new bores and not the 'alteration' of existing bores, or the re-consenting of existing bores.
29. Therefore, GB seeks that Rule C.8.5.3 should be amended to include an EXCEPTION as set out in detail in **Appendix A**.

CONCLUSION

30. GB wishes to thank Northland Regional Council for the opportunity to provide feedback on the Draft Plan Change.
31. GB wishes to be directly involved/consulted in any future development of the Freshwater Plan Change.

Feedback signed for, and on behalf of, Golden Bay



Jacqui Hewson
Senior Consultant Planner
(022) 6801921
Email: Jacqui.hewson@rmgroup.co.nz

Resource Management Group Limited
27 March 2024

Address for Service:

Golden Bay
C/- Resource Management Group Ltd
PO Box 25 175
Wellington 6140

APPENDIX A

Northland Regional Policy Statement - Draft Freshwater Plan Change – Detailed Relief Sought Submitter Name: **Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd**

Draft Plan Change Chapter	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
C6.6 Industrial and trade wastewater discharges	<i>Rule C.6.6.7 Industrial or trade discharges to water – non-complying activity</i>	Oppose	<p>As set out in the general summary of GB's feedback, it is unclear how Rule C6.6.7 is triggered over and above the existing 'discretionary activity' Rule C.6.6.6, which is also for industrial or trade discharges to water.</p> <p>GB considers that the existing 'Discretionary Activity' rule status is sufficient to capture any industrial or trade discharges.</p>	Delete draft Rule C.6.6.7.
C.8 Land use and distance activities C8.5 Bores	<i>Rule C.8.5.3 Construction or alteration of a bore – controlled activity</i>	Oppose	<p>As set out in the general summary of GB's feedback, GB considers that this rule should only apply to the construction of new bores and not the 'alteration' of existing bores, or the re-consenting of existing bores, where the rate or volume of abstraction is increasing.</p>	<p>Insert an EXCEPTION as follows:</p> <p><u><i>EXCEPTION: this rule does not apply to the alteration of existing permitted bores that do not increase the volume or rate of abstraction.</i></u></p>

From: noreply@fs17.formsite.com on behalf of [Formsite](#)
To: [Freshwater](#)
Subject: draft Freshwater Plan Change feedback from: Maia Honetana
Date: Sunday, 31 March 2024 4:48:10 pm

Feedback on the draft Freshwater Plan Change has been received:

First name/s:	Maia
Last name:	Honetana
Organisation:	Ngati Tu o Whangarei Heads
Mailing address:	
Email:	
Phone:	-
Topics for feedback:	<ul style="list-style-type: none">• 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:	<p>1. Ngati Tu Hapu 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.</p> <p>2. Ngati Tu Hapu generally supportive of the draft plan change,</p>

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. Ngati Tu Hapu's 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 are concerned about the fast tracking and the removal of tangata whenua or hapu consultation about marine farms licences or permits which have been extended for another 25 years.

Ngati Tu Hapu wants to protect 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, Ngati Tu Hapu 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/papakāinga/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 Ngati Tu 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 Ngati Tu 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:	<ul style="list-style-type: none"> • 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 16:47:54
Start Time	2024-03-31 16:40:47
Finish Time	2024-03-31 16:47:54

From: [Phil Hook](#)
To: [Alison Newell](#)
Cc: [Simon Greening](#)
Subject: TWWAG Finalised Report
Date: Wednesday, 3 April 2024 11:28 AM
Attachments: [A03740102R001_Final.docx](#)

Kia ora Ali,

Please find attached a finalised TWWAG report . Would like to pass on my regards to the members who are resigning from the ropu. Also looking forward to seeing what happens next with TWWAG as well.

Let them know we're here to help if they ever need some advice or writing up some documents on their behalf.

Nga Mihi,

Phil

Phil Hook – PgDipSci (Merit), BSc | Service Leader – Hydrology
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Te Taitokerau Draft Freshwater Plan Change – Tangata Whenua Water Advisory Group Feedback

- Prepared for

Northland Regional Council

- April 2024



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Quality Control Sheet

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1.0 Introduction

Section 80A of the Resource Management Act 1991 (RMA) requires regional councils to undergo a Freshwater Planning Process (FPP) and prepare a Freshwater Planning Instrument (FPI) that gives effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM).

Northland Regional Council (NRC) has prepared a draft freshwater plan change (dFPC) (i.e. the FPI) and associated guidance documents (see Section 2.0) for the Te Taitokerau rohe to give effect to the NPS-FM. This dFPC has been prepared having received advice from the Te Taitokerau Māori and Council (TTMAC) and the Tangata Whenua Water Advisory Group (TWWAG).

As part of the process, NRC has released a draft FPI for feedback from the general public and other interested parties.

TWWAG was invited to provide their advice and feedback on the dFPC document and associated documents. As such, this feedback focuses on the consistency between the dFPC provisions drafted by NRC against TWWAG's Stage 2 TWWAG Report: *Ngā Roimata o Ngā Atua: The tears of Ranginui and Papatūānuku*, (the Stage 2 report). Accordingly, provisions from the Stage 2 report have either been incorporated, not incorporated or incorporated but amended into the dFPC.

This document sets out the feedback and commentary to NRC regarding TWWAG's position in relation to each of the documents, along with any recommendations or advice for TTMAC's consideration. This feedback and advice is expected to inform NRC's notified plan change document.

2.0 Purpose

There are four documents that have been developed as part of the dFPC. These are:

- Draft Freshwater Plan;
- Draft Freshwater Action Plan;
- Draft Targeted Water Allocation Policy; and,
- Draft Stock Exclusion Plan.

It is critical that an analysis of these various documents is undertaken from a tangata whenua perspective to ensure provisions set out in earlier work are incorporated and remain fit for purpose.

The following section outlines the review undertaken against the Stage 2 Report provisions recommended by TWWAG and provides feedback to NRC to inform their preparation of the notified Plan Change.

3.0 Draft Freshwater Plan Analysis and Recommendation

3.1 Legislative Context

TWWAG is acutely aware of the signalled changes to the legislative framework that drives the requirement for a freshwater plan change, and in particular the proposed changes to the National Policy Statement for Freshwater Management 2020 (NPSFM). In brief, this includes:

- The Natural and Built Environment Act (NBA) being repealed on 24 December 2023;
- Central Government’s announcement that changes to the NPSFM are being made including (insofar as they affect Freshwater Plan Changes):
 - Government will review and replace the NPSFM in this parliamentary term (between 18 to 24 months).
 - Government extended the statutory deadline for councils to notify FPI’s to implement the NPSFM by three years (i.e. 31 December 2027).

Having acknowledged these changes and impending changes, TWWAG’s notes the feedback on the dFPC in its current form is provided in context of the existing NPSFM requirements. However, TWWAG also notes the principles will be enduring regardless of any future reforms that Central Government may make. Although this is the case, TWWAG will need to consider the form and nature of any future NPSFM requirements and reconsider the feedback/recommendations within both the Stage 2 report and this report to check consistency with and advice against any future NPSFM.

3.2 General Feedback

The dFPC encompasses a significant portion of the provisions and guidelines recommended in the Stage 2 report which have been brought through in the dFPC which TWWAG supports. Nonetheless, certain elements have not been adopted, or have been adopted but amended. As a result, some of the objectives and policies proposed by TWWAG have not been included in the dFPC and/or potential disparities in wording and meaning have been identified. A summary of these disparities are detailed below.

Prior to making comment on each policy provision, TWWAG has set out some more general feedback to comments received from NRC. This feedback is provided in response to comments from NRC staff which identified that the tangata whenua policies that TWWAG proposed were:

- often high level;
- repeat direction in the RMA or NPS policy;
- incorporate words that are not defined;

- sit separately to the existing policies which are much more specific and directive; and
- unclear on what types of consents these policies would have bearing on.

In conclusion, NRC considered that in their current form, NRC runs the risk the policies will not be effective in decision making. In response to these comments TWWAG provides specific responses as follows:

1. High level policy: TWWAG consciously developed a policy set that focused on human behaviour and relationships with wai. This represents a significant shift in 'status quo' policy and TWWAG consider this is the opportunity to adopt a more philosophical approach that focuses on putting wai first, and not people's needs. Arguably, this is equally directive, but in a different way to which 'directive policy' has been interpreted to date. TWWAG has discussed at length the need for mana i te whenua to be involved, to be the ones who interpret how this policy is applied, even though may not sit comfortably with the status quo way of doing things.
2. Repeats higher order direction: TWWAG has been conscious on trying not to replicate higher order direction, however this may be unavoidable in some instances. It is not clear which specific policies this applies too, but in many cases, the wording proposed has tried to be put into a Te Tai Tokerau context and written with a specific purpose in mind. This may overlap somewhat with higher order wording, but is ultimately designed to give effect to higher order documents.
3. Definitions: In a similar manner, TWWAG consider that not every word needs defining, and it should be the role of mana i te whenua to determine the meaning of some words and/or phrases on a case by case basis. Again this may not sit comfortably with the status quo, but TWWAG consider this is the opportunity to be bold with the approach.
4. Existing policies: Similarly to point 1, TWWAG recognised that higher level policy was desirable and were cognisant of the existing policy that already existed. TWWAG consider that specific policy should be developed on a Freshwater Management Unit (FMU) by FMU basis in a local context and NRC would need to understand local iwi, hapu and marae requirements in order develop FMU specific and directive policy. Furthermore, directive elements were incorporated through rules that drove bottom line outcomes sought by TWWAG.
5. Activity types: In response to NRC querying which activities these policies apply to, TWWAG notes that they apply to all applications affecting water, as is the purpose of the Plan Change. Accordingly, it applies to activities regulated under s.13, s.14 and s.15 of the RMA.

The context within which these provisions were developed by TWWAG is vitally important to understand, and may not appear immediately obvious. TWWAG recommend that NRC continue to engage with both TWWAG and mana i te whenua to understand this context.

3.3 Provisions Incorporated

The following provisions have been incorporated in the dFPC as proposed by the Stage 2 report. Given these provisions are incorporated, TWWAG do not provide further feedback or advice on these Objectives other than some minor alterations where appropriate.

Table 1: Provisions Incorporated in dFPC		
Provision Reference	Provision Wording	TWWAG Feedback
Objectives		
Objective 1 of the Stage 2 report now Objective F.1A.2	<i>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.</i>	None.
Objective 2 of the Stage 2 report now Objective F.1A.3	<i>The land, wai and associated ecosystems are treated as one to ensure the mauri, health and wellbeing of wai is put first.</i>	None.
Objective 5 of the Stage 2 report now Objective F.1A.7	<i>Tangata whenua environmental, economic, social, spiritual, and cultural wellbeing is enabled and resourced.</i>	None.
Objective 6 of the Stage 2 report now Objective F.1A.8	<i>Wai is improved and then maintained so that by 2040 the wellbeing of wai meets target attribute states set by tangata whenua.</i>	None.
Objective 7 of the Stage 2 report now Objective F.1A.4	<i>The impacts of climate change must be integrated into all wai decision making.</i>	None.
Policies		
Policy 2.2 of the Stage 2 report now Policy D.4.35)	<i>Tāngata whenua can exercise and apply their mātauranga Māori in freshwater management decision making.</i>	Note, TWWAG considers that there are minor wording amendments needed to this policy and the Advice Note that Tangata whenua needs to guide decision making needs to be reinstated, however these are considered inconsequential.

Table 1: Provisions Incorporated in dFPC		
Provision Reference	Provision Wording	TWWAG Feedback
		TWWAG note that there are also no clear guidelines as to how this will be implemented or recognised by NRC in the plan change, which should be addressed.
Policy 2.4 of the Stage 2 report now Policy D.4.37	<i>Allocation of water must provide for the mauri of the wai, taonga species and mahinga kai, taking into account climate change impacts.</i>	None.
Policy 4.4 of the Stage 2 report now Policy D.4.53	<i>Avoid the taking of wai for commercial wai bottling purposes unless that wai is:</i> 1) <i>supported by tāngata whenua or</i> 2) <i>taken for the purpose of supplying water for domestic needs within the Te Tai Tokerau region.</i>	None.
Policy 6.1 of the Stage 2 report now Policy D.4.47)	<i>Protect tangata whenua values associated to wetlands, rivers, lakes and their margins, receiving environments, including their ecosystems, from inappropriate activities that effect wai.</i>	None.
Policy 6.2 of the Stage 2 report now Policy D.4.48	<i>To restore and then maintain degraded wetlands, rivers, lakes and their margins, and receiving environments, so that:</i> 1) <i>taonga species are healthy and resilient</i> 2) <i>wetlands and water bodies function as they should in Te Hurihanga Wai</i>	None.

Table 1: Provisions Incorporated in dFPC		
Provision Reference	Provision Wording	TWWAG Feedback
	<p>3) <i>mahinga kai are thriving and supporting cultural, social, environmental, spiritual and economic outcomes for tāngata whenua</i></p> <p>4) <i>cultural practices and tikanga can be undertaken in wai tapu and other significant water bodies identified by tāngata whenua</i></p> <p>5) <i>harmful pest species are controlled in an integrated way at levels that enables taonga species to thrive</i></p> <p>6) <i>access to water bodies for waka is enabled where access is limited.</i></p>	
Policy 7.2 of the Stage 2 report now Policy <u>D.4.52</u> .	<p><i>Recognise that adapting to the climate crisis needs to be built into all freshwater decision-making so that:</i></p> <p>1) <i><u>The health and integrity of</u> aquifers are preserved and protected</i></p> <p>2) <i>Surface water and ground water management is integrated;</i></p> <p>3) <i>Wetlands are conserved, maintained and rehabilitated;</i></p> <p>4) <i>Water dependency and related climate risks are understood, and urban and rural communities' exposure to risks are reduced and resilience increased; and</i></p>	TWWAG considers that the minor wording amendments made to this policy (underlined) only serve to strengthen the wording and TWWAG support this.

Table 1: Provisions Incorporated in dFPC		
Provision Reference	Provision Wording	TWWAG Feedback
	5) <i>Freshwater-related infrastructure is climate-proofed, including in design of new and retrofit of existing infrastructure.</i>	
Policy 7.3 of the Stage 2 report now Policy <u>D.4.53</u> .	<p><i>Recognise that how we use the way water is used can help mitigate climate change. e.g. use of energy efficient pumps and use of water for renewable energy generation.</i></p> <p><i>Advice Note: For example, the use of energy efficient pumps and use of freshwater for renewable energy generation.</i></p>	TWWAG considers that the minor wording amendments and last sentence being turned into an Advice Note is inconsequential and therefore no objections are made.

3.4 Provisions Incorporated but Amended

The following Objectives have been carried through but have been amended. The amendment either retains the same intent and therefore does not alter the overall outcome, or changes the intent or way the Objective is implemented. In both scenarios, we have identified what the amendment is, how it effects the interpretation and/or implementation of the Objective, together with advice and/or recommendations for TWWAG to consider.

There are a number of provisions that reference certain terms which have different meanings in terms of implementation and create a “hierarchy”. The statutory hierarchy means that a “stronger direction” is given in relation to provisions that must be given effect to as compared to matters that must be taken into account.

Section 18A of the RMA is relevant to consider and has possibly guided NRCs choice of words for particular policies, as the Council may respond to matters set out in section 6 to 8 of the RMA. Section 18A, where relevant states:

Every person exercising powers and performing functions under this Act must take all practicable steps to—

(b) ensure that policy statements and plans—

(i) include only those matters relevant to the purpose of this Act; and

The relevant RMA sections require decision makers to:

- “recognise and provide for” certain matters of national importance (Section 6);
- “have particular regard to” other matters (Section 7);
- “take into account” the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (Section 8);

The relevant NBEA section requires:

- decision makers to “give effect” to the principles of Te Tiriti o Waitangi (Section 5);

Each of the above phrases have a slightly different requirement for NRC in drafting the dFPC and set out below is how the terms have been described / defined through relevant case law.

- **“give effect to”** means “to implement”. This is a very directive requirement which means that provisions have to be met and leaves little room to balance against other competing provisions.

- **“have (particular) regard to”** means¹ to ...*to give the matter genuine attention and thought, but it remains open to the decisionmaker to conclude that the matter is not of sufficient significance to outweigh other contrary considerations*”.
- **“take into account”** requires decision-makers to consider the provision, to weigh those up with other relevant factors and to give them the weight that is appropriate in the circumstances.

¹ Sanford Ltd v New Zealand Recreational Fishing Council [2008] NZCA 160 at [95] adopting the interpretation from an earlier Court of Appeal decision, New Zealand Fishing Association v Ministry of Agriculture and Fisheries [1988] 1 NZLR 544 (CA), at 551 per Cooke P.

Table 2: Provisions Carried Through but Amended in dFPC			
Stage 2 Provision	dFPC Provision	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
Objectives			
Objective 3: Tangata whenua exercise Rangatiratanga and Kaitiakitanga in wai decision-making.	Objective F.1A.5: Tangata whenua <u>can</u> exercise Rangatiratanga and Kaitiakitanga in wai decision-making.	The word “can” has been added. The wording addition is subtle, but shifts it from a requirement to an ambition. NRC suggested the word 'can' provides flexibility to tangata whenua to choose to exercise or not, but also stated the word ‘can’ has been added to read like an Objective.	TWWAG consider that the word “can” should be removed and revert to the original wording. The wording doesn’t oblige or require tangata whenua to be involved if they do not wish, but emphasis that they will exercise Rangatiratanga and Kaitiakitanga. This ability is not a permissive requirement - hapū and iwi have the mana to exercise rangatiratanga and NRC does not permit this.
Objective 4: Tikanga Māori, He Whakaputanga, Te Tiriti o Waitangi and Wai 1040 Stage 1 findings are given effect to, including in wai decision-making.	Objective F.1A.6: Freshwater management decisions: 1) take into account Tikanga Māori and He Whakaputanga, and 2) give effect to the principles of te Tiriti o Waitangi.	The original wording would have required wai decisions makers to “give effect” to Tikanga Māori, He Whakaputanga, Te Tiriti o Waitangi and Wai 1040 Stage 1 findings. The new wording proposed by NRC would require wai decisions makers to: <ul style="list-style-type: none"> “take into account” Tikanga Māori and He Whakaputanga. “give effect” to Te Tiriti o Waitangi. not consider Wai 1040 Stage 1 findings at all. NRC noted that their wording aligns with s.7 and 8 of the RMA (i.e. uses the words ‘take into account; rather than give effect to).	TWWAG has carefully considered this matter, and recommend that the wording should be reinstated in the first instance on the basis that regional plans can be more stringent than the RMA, as long as they do not contradict the RMA. It is essential to ensure consistency with the RMA’s over-arching framework and principles. As an alternative, TWWAG would consider the use of the “recognise and provide for” which shifts the comparison of wording away s.6 to 8 of the RMA while still retaining the same intent.
Policies			
Policy 1.1: The spiritual connection tangata whenua have with wai is recognised and upheld by providing opportunity for mana i te whenua to: a) Undertake cultural practices; b) Apply localised mātauranga and tikanga to inform decision making c) Hapū Kaitiakitanga d) Access wai AND	Policy 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.	Policy 1.1 and 4.2 has been rolled together in Policy D.4.32. The policy retains the original intent, but also has additional wording added as follows (in underline): 3. <u>Undertake</u> hapū Kaitiakitanga; and 4. <u>Have an active and healthy relationship with wai, including physical and spiritual</u> access to wai. NRC had no specific feedback on this policy.	TWWAG consider that this additional wording is useful and expands on the original intent of the Stage 2 report wording in a positive way.

Table 2: Provisions Carried Through but Amended in dFPC			
Stage 2 Provision	dFPC Provision	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
<i>Policy 4.2: Enable tangata whenua to have an active and healthy relationship with wai.</i>	<i>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.</i>		
<i>Policy 2.1: Connectivity between all wai, land and receiving environments, is prioritised in alignment with the Te Mana me te Mauri o te Wai hierarchy to protect Taiāpure and Mātaitai and ki uta ki tai – mountains to the sea.</i>	<i>Policy D.4.34: Connectivity between all wai, land and receiving environments, through te Hurihanga Wai, is prioritised to protect ki uta ki tai – mountains to the sea.</i>	<p>The amended provision generally achieves the same outcome, however has been reframed to remove “alignment with the Te Mana me te Mauri o te Wai hierarchy to protect Taiāpure and Mātaitai” and replace with “te Hurihanga Wai” while still referencing ki uta ki tai.</p> <p>NRC considered that the original policy limits protection to Taiāpure and Mātaitai only and the dFPC version is much broader and well as limiting the scope to freshwater only (recognising provisions can relate to the impacts on coastal/estuarine environments, but any direction needs to relate to activities in Freshwater).</p>	<p>TWWAG considers that the inclusion of the words Taiāpure and Mātaitai does not limit the consideration to only these values when considering connectivity. This is due to the use of the conjunctive “and” which further opens consideration to ki uta ki tai – mountains to the sea.</p> <p>The prominence of the words Taiāpure and Mātaitai elevates their importance to the decision makers.</p> <p>Furthermore, the wording is considered to fit within the freshwater scope. It focuses on those activities occurring on wai, land and receiving environments in order to protect coastal environments, which is entirely consistent with integrated management. It does not seek to manage activities in the coastal environment.</p>
<p><i>Policy 2.3: Wai habitat is protected and enhanced in collaboration with mana i te whenua to enable taonga species to migrate and thrive by:</i></p> <p><i>a) Reconnecting migratory pathways by:</i></p> <ul style="list-style-type: none"> <i>i. avoiding new and removing or remediating existing fish barriers</i> <i>ii. avoiding new and restoring river modification or diversion</i> <i>iii. maintaining flow</i> <p><i>1) unless there is a functional need for such activities to occur</i></p> <p><i>b) Improving and then maintaining healthy habitat</i></p> <p><i>c) Controlling harmful pest species</i></p>	<p><i>Policy D.4.36: Wai habitat is protected and enhanced in collaboration with mana i te whenua to enable taonga species to migrate and thrive by:</i></p> <p><i>1) Reconnecting migratory pathways by:</i></p> <ul style="list-style-type: none"> <i>a) avoiding new and removing or remediating existing fish barriers</i> <i>b) avoiding new and restoring river modification or diversion</i> <i>c) maintaining sufficient flow</i> <p><i>unless there is a functional need for such activities to occur,</i></p> <p><i>2) Improving and then maintaining healthy habitat,</i></p>	<p>The amended provision is still generally the same, however has removed the ability to set kaitiaki limits on wai quantity to protect and enhance wai.</p> <p>NRC queried whether the kaitiaki limits covered by the targeted water allocation policy, did not understand what a kaitiaki limit is, or how it would be implemented. They considered it could sit within a standalone policy about process or be more effective in the Action Plan.</p>	<p>TWWAG consider the policy wording should be reinstated. In terms of a definition, this is something mana i te whenua can describe on a case by case basis, but in general the provision of this wording has been to ensure that cultural values for a local water body can be reflected in a targeted limit. The intention is that kaitiaki limits would not be prescribed within the Plan itself, but rather developed on an application by application basis. This is because water quantity limits are often set at lower catchment levels, however they may not provide necessary cultural protection in smaller head water tributaries.</p> <p>A kaitiaki flow can be applied which may be more or less stringent than the catchment limits, and could apply to either the amount taken, or flow required to be retained instream.</p>

Table 2: Provisions Carried Through but Amended in dFPC			
Stage 2 Provision	dFPC Provision	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
<p>d) <i>Improving and then maintaining wai quality</i></p> <p>e) <u>Setting kaitiaki limits on wai quantity</u></p> <p>f) <i>Recognising the importance of estuarine and coastal ecosystems and habitats 1</i></p>	<p>3) <i>Controlling harmful pest species,</i></p> <p>4) <i>Improving and then maintaining wai quality,</i></p> <p>5) <i>Recognising the importance of estuarine and coastal ecosystems and habitats</i></p>		<p>Such limits have been implemented elsewhere in Aotearoa in regional plans.</p> <p>Policy 6.5 in picks this requirement up as a standalone policy which could be implemented.</p> <p>Having further considered this policy, TWWAG proposes a shift from a Kaitiaki limit to a Mauri limit, where water quantities are determined based on the necessary levels required to preserve and enhance the mauri of a particular water body.</p>
<p><i>Policy 2.5: Existing resource consents that effect wai are reviewed by no later than 2030 and/or when new flows, limits and standards are imposed. This may be undertaken using section 128 of the RMA:</i></p> <p>a) <i>at any time or times specified for in the consent, or</i></p> <p>b) <i>when a rule in a Regional Plan becomes operative that has wai limits set, or</i></p> <p>c) <i>at any time to address any identified effects on cultural values that were not identified by tangata whenua, and which were subsequently identified and agreed through any regional planning process or set in the objectives, policies and standards of the Regional Plan.</i></p>	<p><i>Policy D.4.38: 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.</i></p>	<p>The policy still generally provides for the outcomes sought by TWWAG.</p> <p>NRC noted that this provision has been amended due to likelihood of legal challenge due to the ability to review a consent at “any time to address effects on cultural values”.</p>	<p>TWWAG has been advised that such wording is used elsewhere in Aotearoa in regional plans. This wording reflects the fact that tangata whenua may not always be able to respond during consent processes due to resourcing or other pressures, but that this should not indicate tacit approval of a consent. In any case, the wording restricts the review potential only to instances where cultural values are identified in the regional plan where they weren’t previously considered in the consent application process. It doesn’t provide an opportunity for tangata whenua to at any time request a review of consent.</p>

Table 2: Provisions Carried Through but Amended in dFPC			
Stage 2 Provision	dFPC Provision	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
Policy 2.7: Wai decision making gives effect to tangata whenua climate change mitigation and adaptation responses.	Policy 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 hapū and iwi environmental management plans and other relevant iwi authority and hapū planning documents).	The original wording would have required wai decisions makers to “give effect” to tangata whenua climate change mitigation and adaptation responses. The new wording proposed by NRC would require wai decisions makers to have “particular regard to” to this requirement. NRC considered that this wording aligns with s.7 or the RMA or is beyond scope of RMA.	The same response applies as for Objective F.1A.6 above. TWWAG request the original wording is reinstated or as an alternative the use of the words: “recognise and provide for”.
Policy 3.1: All authorities regulating wai must give effect to: a) Te Hurihanga Wai; b) Te Tiriti o Waitangi; c) Hapū and iwi management plans; and d) Mana whakahono a rohe arrangements; e) Treaty settlement legislation. f) Cultural practices according to tikanga including but not limited to rāhui.	Policy D.4.41 Matters to consider when making decisions for wai All authorities regulating wai must: 1) <u>take to into account</u> Te Hurihanga Wai; 2) <u>give effect to the principles of Te Tiriti o Waitangi and Treaty settlement legislation</u> ; 3) <u>have particular regard</u> to hapū and iwi management plans recognised by an iwi authority or hapū and lodged with councils; 4) <u>comply with</u> Mana whakahono a rohe arrangements; and 5) <u>recognise and provide for</u> cultural practices according to tikanga including but not limited to rāhui.	This policy has been amended so that instead of giving effect to these matters, a variety of alternative wording has been used as highlighted. NRC considered that this wording aligns with s.7.	The same response applies as for Objective F.1A.6 above. TWWAG request the original wording is reinstated or as an alternative the use of the words: “recognise and provide for”.
Policy 3.4: Northland Regional Council investigates and transfers powers to Tangata whenua using s.33 (RMA) and utilises Joint Management Agreements using s.36B (RMA).	Policy 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).	The Policy wording is diluted so that the NRC only has to investigate these mechanisms. The original wording went a step further and required the transfer of power and utilisation of JMAs. NRC stated that the transfer of powers must undergo a special consultative procedure under s.83 of the Local Government Act 2002 (LGA) which exposes the process to public feedback and uncertainty of the outcome and cannot occur until this process is complete. They noted NRC will need to be satisfied regarding the LGA process prior to forming any agreement; hence the 'diluted' policy D.4.42.	Firstly, TWWAG has been advised that the s.83 LGA process is consultative and would not prevent NRC making the decision in the end to transfer any powers to mana i te whenua. Provided the request is reasonable and within mana i te whenua ability to undertake, there is no reason this process should create a barrier to process. Even if the process did find mana i te whenua unable to undertake the work where power is transferred, then the Policy wording does not limit NRC to ending there, and other opportunities can arise to transfer other powers.

Table 2: Provisions Carried Through but Amended in dFPC			
Stage 2 Provision	dFPC Provision	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
		Further NRC noted that the requirement for Council to carry out a specific action or commit finances has been removed, as it is not the role of a Regional Plan to make these decisions, nor which powers are to be transferred and there is a specific process in the Act to carry out transfers.	Secondly, the wording specifically doesn't limit what powers would or could be transferred or JMAs created, which is intentional. Section 33(6) clearly sets out the process for this: <i>(6) A transfer of functions, powers, or duties under this section shall be made by agreement between the authorities concerned and on such terms and conditions as are agreed.</i> This Policy ties to Policy 4.1 (D4.43) that requires Tangata whenua to be resourced to practice and exercise tikanga and kawa.
<i>Policy 4.1: Tangata whenua are resourced to practice and exercise tikanga and kawa.</i>	<i>Policy D4.43²: Tāngata whenua are enabled to practice and exercise tikanga and kawa in freshwater decision-making and monitoring.</i>	The wording has been changed from resourcing Tangata whenua to enabling Tangata whenua to practice and exercise tikanga and kawa. However, this may be satisfied by the inclusion of Objective F.1A.7 which requires: <i>Tāngata whenua environmental, economic, social, spiritual, and cultural wellbeing is enabled and resourced.</i> NRC noted that their decisions to resource an activity is subject to Annual/Long Term Plans and the original policy is unclear on the extent of resource needed.	TWWAG note that this policy is largely aimed at resource consent applicants, but can also be considered an informative policy for other Policies which do require resourcing for mana i te whenua. TWWAG consider that it would be appropriate to use the word 'budget or budgeting' instead of 'fund' or 'funding', as the latter has connotations of charitable work , whereas tangata whenua work is commensurate with any other expertise required for natural resource management, and which is budgeted for. TWWAG therefore consider NRC need to develop an annual budget for tangata whenua to be able to participate in various processes.
<i>Policy 4.3: People develop a positive relationship with wai so that every interaction improves and then maintains te mauri o te wai and wai is healed where it is not meeting target attribute states.</i>	<i>D.4.43 Te mauri o te wai Ensure that every interaction improves and then maintains te mauri o te wai, and that wai is healed.</i>	The Policy has been amended to remove reference to "people" developing a positive relationship with water. This was a significant Policy for TWWAG. The wording change also makes it appear that all wai is degraded and needs healing which may not be the case. NRC considered that the original wording could be reinstated, although contemplated whether the removal of the word 'people' when developing a positive relationship with wai might be unachievable through the RMA.	TWWAG consider that the reference to people is crucial as it represents a mind shift change required by people, and not for the environment to continue to be subject to peoples control. There equally is no person that does not rely on or interact with wai. We all drink it and need it, and therefore it is not just limited to applicants. However TWWAG consider the term could be changed to 'everyone'.

² Note, NRC has two policies both referred to as Policy D.4.43. This will require correction to avoid confusion. (NRC COMMENT: this has been fixed)

Table 2: Provisions Carried Through but Amended in dFPC			
Stage 2 Provision	dFPC Provision	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
<p><i>Policy 5.1: Promote wai sovereignty and the sustainable use of wai for the wellbeing of marae, papakāinga, Māori-owned land and current and future Treaty settlement land.</i></p> <p>AND</p> <p><i>Policy 5.2: Wai quality and quantity is reserved and protected for use by marae, papakāinga, and Māori landowners resulting in:</i></p> <p><i>a) enhanced tikanga Māori and customary practices (see Advisory Note 2);</i></p> <p><i>b) economic, cultural and social well-being and development for Māori;</i></p> <p><i>Advisory Note:</i></p> <p><i>a) Wai sources for marae, papakāinga and Māori landowners including through Treaty settlement legislation, should be identified within 5 years by tangata whenua in accordance with tikanga Māori.</i></p> <p><i>b) This includes but is not limited to sustainable māhinga kai, Gazetted Rohe Moana areas, s.186A (Fisheries Act 1996) temporary closures, taiāpure and tauranga waka sites.</i></p> <p><i>c) Nothing in this plan should limit the ability of indigenous agroecology and activities to take place are enabled in relation to ngāhere food, medicine forests, and traditional methods of customary use and harvesting.</i></p>	<p><i>D.4.45 Sustainable use of wai</i></p> <p><i>Water is managed in a way that provides for tangata whenua to manage and sustainably use wai for marae, papakāinga, Te Ture Whenua, and current and future Treaty settlement land, to enable their economic, social and cultural wellbeing and enhance tikanga Māori.</i></p>	<p>Policy 5.1 and 5.2 has been rolled together in Policy D.4.45.</p> <p>The Policy still generally seeks the same end outcome, however the words ‘Promote wai sovereignty’ and ‘customary practices’ are notably absent, as is the wording to ‘reserve water quality and quantity’ for the specific tangata whenua purposes.</p> <p>The Advisory note has also not been carried through which is useful for explaining the context.</p> <p>NRC noted that applicants would not be able to carry out the specific direction included/sought.</p>	<p>TWWAG, strongly request this Policy is reinstated and refer NRC back to the following relevant Waitangi report findings.</p> <p>WAI 2358 - National Freshwater and Geothermal Resources Claim³: The Tribunal found that Māori rights in the water resources at 1840 included authority and control over access to water and over its use. This authority was sourced in tikanga and carried with it kaitiaki obligations to care for and protect the resource. This authority and control extended to all elements of a water body; its constituent elements (water, banks, fish etc) were not severable, because of the way in which the waterbody was used and valued.</p> <p>WAI 1040 – Te Paparahi o Te Raki⁴: The report follows the Tribunal’s stage 1 report <i>He Whakaputanga me te Tiriti – The Declaration and the Treaty</i> (2014) which concluded that in February 1840 the rangatira who signed te Tiriti in the Bay of Islands and Hokianga did not cede their sovereignty. Rather, they agreed to a relationship in which they and the Governor were to be equal while having different roles and different spheres of influence. A common theme in the claims is the desire of Te Raki Māori to regain their ability to exercise the tino rangatiratanga promised to them in te Tiriti. Overall, the Tribunal found that the Crown overstepped the bounds of its kāwanatanga (authority to govern) in Te Raki between 1840 and 1900, leading to the erosion of Te Raki Māori rangatiratanga.</p> <p>As mana i te whenua, hapū and iwi of Te Tai Tokerau have the rights and responsibilities to ensure the sovereignty and sustainability of wai for their economic, cultural and social well-being.</p>

³ <https://www.waitangitribunal.govt.nz/inquiries/kaupapa-inquiries/national-fresh-water-and-geothermal-resources-inquiry/>

⁴ <https://www.waitangitribunal.govt.nz/news/tribunal-releases-report-on-te-paparahi-o-te-raki-inquiry/>

Table 2: Provisions Carried Through but Amended in dFPC			
Stage 2 Provision	dFPC Provision	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
<p><i>Policy 6.3: To improve the mauri of wai, and thriving taonga species, by 2030 at least 30% of degraded natural inland wetlands are:</i></p> <p>a) <i>under effective restoration; and</i></p> <p>b) <i>effectively conserved and managed through protected areas.</i></p>	<p><i>D.4.49 Mauri of wetland</i></p> <p><i>Through good wetland management (including stock exclusion and sustaining flows) enhancement and restoration to improve the mauri of wetlands, by 2030:</i></p> <p>1) <u><i>Taonga species are thriving</i></u></p> <p>2) <u><i>The ecological condition of at least 30% of wetlands is improving</i></u></p> <p>3) <u><i>The plant and animal communities of significant wetlands for each wetland type, are thriving.</i></u></p>	<p>The new wording doesn't read well, however the intent of the Policy appears retained.</p> <p>NRC acknowledged the wording could have been better, but suggested the TWWAG wording is more of an objective than policy.</p>	<p>TWWAG general accept this change and agree it can be an Objective.</p>
<p><i>Policy 5.3: 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:</i></p> <p>a) <i>contribution to environmental enhancement; or</i></p> <p>b) <i>wai for domestic use by marae and papakāinga; or</i></p> <p>c) <i>any other use of wai, provided that:</i></p> <p>i. <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,</i></p> <p>ii. <i>the fund will be used to provide for development of Māori wellbeing;</i></p> <p>iii. <i>the contribution to the fund is proportional to the amount of reserved wai being taken and any commercial returns resulting from the application; and,</i></p> <p>d) <i>the development of Māori owned land and land returned to a Post-Settlement Governance Entity through a Treaty Settlement.</i></p>	<p><i>D.4.46 Allocation of water</i></p> <p><i>Council is seeking feedback on the recommendations of TWWAG water allocation policy. Please refer to the Water allocation companion document for more information.</i></p>	<p>Refer to Section 5.0 below.</p> <p>NRC considered that this Policy requires a lot of work and is not overly clear. NRC would also need to make changes to the allocation framework, to incorporate financial contribution provisions and make sure the policy didn't read like an allocation to a "group of people" to which there is caselaw stating this is not appropriate and could unnecessarily draw submission and appeals.</p>	<p>TWWAG was advised that a using almost the same wording has been tested through a public process in Hawkes Bay (TANK Plan Change), although TANK is subject to appeal. The only difference is the allocation of only high river flows in Hawkes Bay versus all primary allocation in Te Tai Tokerau. On this basis, TWWAG recommend that this Policy is adopted as is and is not concerned with the possibly of submissions or appeals.</p>

Table 2: Provisions Carried Through but Amended in dFPC			
Stage 2 Provision	dFPC Provision	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
<i>Advisory Note: Māori wellbeing is best defined by tangata whenua groups who may be apply to this fund. This can include better social and cultural outcomes for Māori.</i>			
<i>Policy 6.4: Wai must be maintained in the current attribute state band, or achieve target attribute states.</i>	<i>D.4.50 Improving degraded⁵ 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.</i>	<p>The wording has been significantly altered and introduced a level of vagueness or ambiguity compared with the more simplified wording TWWAG proposed.</p> <p>It appears diluted to some extent as it is unclear what “efforts made” means, and “with the aim of” somewhat falls short compared with requiring the achievement of target attribute states.</p> <p>NRC noted that the application of this policy might rest of the distinction between the word “Wai” and “water” and may have limited values as it mirrors the NPSFM.</p>	TWWAG consider this Policy is retained as is and has little consequence as it reiterates the intent of the NPSFM. Wai has the same meaning as water in this case and the Policy applies to all attributes, including cultural.
<i>Policy 7.1: Recognise that better freshwater decision making is an essential component of climate change mitigation and adaptation.</i>	<i>D.4.51 Climate change mitigation and adaptation Recognise that climate change mitigation and adaptation is an essential component of freshwater decision making</i>	The emphasis of the sentence has been flipped around.	TWWAG does not have any concern with the new wording.

⁵ Note the spelling mistake which requires correction from NRC. (NRC COMMENT: this has been fixed)

3.5 Provisions Not Incorporated

The following provisions in Table 3 have not been included and none of the rules TWWAG proposed have been incorporated.

In response to these omissions, TWWAG considers that these provisions are critical and request that NRC incorporate them into the notified Plan Change, subject to any minor amendments recommended in in Table 3 below.

Table 3: Provisions Not Carried Through in dFPC			
Provision Reference	Provision Wording	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
Policy 1.2	<i>Mana i te whenua are the authority to determine the spiritual wellbeing and whakapapa of wai in their rohe and how best to respect Te Hurihanga Wai.</i>	NRC staff indicated that the intent of this policy is written throughout many other provisions.	TWWAG accepts that while the intent of this policy comes through in other policies, this policy succinctly explains who is responsible for making this assessment, and does not leave it to interpretation that other third parties could make this determination on behalf of mana i te whenua.
Policy 1.3	<i>Recognising mana atua by applying legal personhood to all wai.</i>	NRC considered that a Regional Plan may not be the appropriate place for this policy but rather it would evolve directly from Parliament rather than through Regional Plans. NRC considered legal advice would be needed.	TWWAG consider NRC should seek legal advice on this matter and include the Policy if legally viable.
Policy 1.4	<i>Relevant tangata whenua are invited and adequately resourced at every stage to undertake a Cultural Impact Assessment (or similar) for every resource consent application that effects wai. However, this may be satisfied by the inclusion of Objective F.1A.7 which requires: Tāngata whenua environmental, economic, social, spiritual, and cultural wellbeing is enabled and resourced</i>	NRC staff indicated that the intent of this policy is written throughout many other provisions and could result in regulatory backlogs. NRC questioned what 'every stage' means, what 'resourced' means and what 'relevant tangata whenua' means. Further they noted that a CIA may not be needed for every consent, and it is unclear which consents 'affect wai'	TWWAG agree that the wording "at every stage" can be misinterpreted. Accordingly, it is recommended the wording "at any stage", in the expectation that ordinarily, one CIA will be prepared (although this should be limited where consent applications span years and proposals change significantly). In regards to resourcing, previous policies deal with this matter.

Table 3: Provisions Not Carried Through in dFPC			
Provision Reference	Provision Wording	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
			TWWAG note that 'relevant tangata whenua' will not be defined and is determined on a case by case basis from mana i te whenua.
Policy 2.6	<p><i>When considering an application for resource consent that effects wai, regard shall be given to establishing and applying a consent term of no more than 10 years, unless:</i></p> <ul style="list-style-type: none"> <i>a) The activity and consent duration is supported by tangata whenua; or</i> <i>b) The activity is for the sole purpose of environmental enhancement; or</i> <i>c) The activity is necessary to enable the use or development of regionally significant infrastructure; or</i> <i>d) A longer term is demonstrated by the applicant to be appropriate in the circumstances.</i> 	NRC has noted that Policy D.2.14 has added a clause to note that activities not supported by mana i te whenua have a generally shorter consent duration, however also commented that 10 years is likely unacceptable for NRC and would be cumbersome from a regulatory view and question what consents these would apply to.	<p>TWWAG consider this Policy should be adopted in its entirety.</p> <p>Resource consents with a duration of 10 years are regularly issued by Councils around Aotearoa. The applicant pays and NRC should be able to resource applications that they receive. There are various methods NRC could employ to do this, including out-sourcing of resource consent application processing if necessary.</p>

Table 3: Provisions Not Carried Through in dFPC			
Provision Reference	Provision Wording	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
	<i>Advisory Note: These are in no order of priority and do not preclude the wider assessment of activities.</i>		
Policy 2.8	<i>Wai is taken and used within the same catchment, unless there is a functional need to carry wai outside the catchment.</i>	NRC considered this Policy could be included back in.	TWWAG recommend that is it reinstated.
Policy 4.1	<i>Tangata whenua are resourced to practice and exercise tikanga and kawa. However, this may be satisfied by the inclusion of Objective F.1A.7 which requires: Tāngata whenua environmental, economic, social, spiritual, and cultural wellbeing is enabled and resourced</i>		
Policy 6.5	<i>Wai taken from a water body is subject to a cultural flow limit and cultural values assessment prepared by tangata whenua. Advisory Note: The cultural flow limit must be specifically designed to protect cultural values in that reach of river or downstream reaches.</i>	NRCs questions and feedback was the same as for Policy 2.3 (Policy D.4.36) in Table 2 above.	See Policy 2.3 (Policy D.4.36) in Table 2 above.

Table 3: Provisions Not Carried Through in dFPC			
Provision Reference	Provision Wording	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
Policy 6.6	<i>Any activity that affects wai must apply the effect management hierarchy to managing adverse effects on tangata whenua values associated with wai.</i>	NRC comments that hierarchy has limited application in NPS-FM.	TWWAG recommend that this Policy is adopted as written.
Rule 1.1.1	<p><i>The point-source discharge of contaminants to a water body that does not have a functional need to discharge to those water bodies is a non-complying activity.</i></p> <p><i>Advisory notes:</i></p> <p><i>Functional need for this rule has the same meaning as the NPSFM and means ‘the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment’.</i></p> <p><i>Water body has the same meaning as the RMA and means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.</i></p>	<p>NRC considered that this would require a very high bar to pass through and that some point source discharges may have less than minor effects which would capture far more activities than necessary to achieve targets.</p> <p>Additionally, NRC considered the rule unclear as to the type of activity it’s trying to manage and would apply the Non-Complying activity status to some very benign activity (e.g. residential stormwater discharge).</p>	<p>TWWAG recommend that this Rule is incorporated as originally proposed. This policy applies to ‘contaminant’ discharges, as opposed to activities such as stormwater discharges, which are ‘water’ discharges. TWWAG want to actively discourage the point discharge of contaminants to water so that land based discharges are incentivised and prioritised.</p> <p>Additional, if a discharge did have such low effects (minor or less) after it had been proven to have a functional need to discharge to a river, then the s.104D gateway would not present a problem to the application.</p>

Table 3: Provisions Not Carried Through in dFPC			
Provision Reference	Provision Wording	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
Rule 1.1.2	<p><i>The point-source discharge of contaminants to a water body that has a functional need to discharge to those water bodies is a discretionary activity.</i></p> <p><i>Advisory note:</i></p> <p><i>Functional need for this rule has the same meaning as the NPSFM and means ‘the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment’.</i></p> <p><i>Water body has the same meaning as the RMA and means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.</i></p>	As per Rule 1.1.1 above.	As per Rule 1.1.1 above. This rule lowers the bar for those discharges that do demonstrate a functional need to discharge contaminants to rivers.
Rule 1.1.3	<p><i>The point-source discharge of contaminants to land is a restricted discretionary activity subject to the following conditions:</i></p>	As per Rule 1.1.1 above.	As per Rule 1.1.1 above. This rule incentives discharge of contaminants to land.

Table 3: Provisions Not Carried Through in dFPC			
Provision Reference	Provision Wording	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
Rule 5.1.1	<p><i>The take and use of surface water for:</i></p> <ul style="list-style-type: none"> <i>a) contribution to environmental enhancement;</i> <i>b) domestic use by marae and papakāinga;</i> <i>c) any activity that contributes to the development of environmental and Māori wellbeing;</i> <p><i>is Controlled Activity subject to the following conditions:</i></p>	NRC commented that a number of these would be permitted activities.	TWWAG consider that this matter can be resolved with the inclusion of the wording: “where not permitted.”
Rule 5.1.2	<p><i>The take and use of groundwater for:</i></p> <ul style="list-style-type: none"> <i>a) contribution to environmental enhancement;</i> <i>b) domestic use by marae and papakāinga;</i> <i>c) any activity that contributes to the development of Māori wellbeing;</i> <p><i>is a Restricted Discretionary Activity subject to the following conditions:</i></p>	As per Rule 5.1.1 above.	As per Rule 5.1.1 above.

Table 3: Provisions Not Carried Through in dFPC			
Provision Reference	Provision Wording	Summary of Amendment and NRC commentary/reasoning	TWWAG Feedback
Rule 5.1.3	<i>Activities that effect freshwater used for drinking water where Attribute Table A4 applies is a Non-Complying Activity.</i>	As per Rule 5.1.1 above.	As per Rule 5.1.1 above.
Rule 6.3.1	<i>Vegetation clearance, earthworks and the taking, use, damming, diversion, or discharge of water for the purpose of wetland creation for environmental enhancement is a restricted discretionary activity.</i>	NRC noted that this rule would restrict some wetland enhancement that is currently a permitted activity.	TWWAG note that whilst permitted, if not done properly, then wetland enhancement can cause damage. Consideration should be had by NRC as to whether to elevate such activities to require consent if they do not meet certain conditions. This could be addressed through the requirement for guidance documents.

3.6 Other Comments

Among the policies outlined, it is noteworthy that only Policy D.4.2, pertaining to industrial or trade wastewater discharge to water, expressly takes into account cultural impacts. Specifically, it stipulates that resource consent for such discharge will generally not be granted unless a discharge to land has been thoroughly evaluated and deemed culturally, environmentally, economically, or practicably unviable. Furthermore, it requires the adoption of the best practicable option for the treatment and discharge of contaminants. In contrast, Policies D.4.3, D.4.3A, and D.4.3.B, which respectively cover the discharge of municipal, domestic, horticultural or farm wastewater to water, do not incorporate explicit considerations for cultural impacts. Instead, they primarily focus on environmental, economic, and practical viability assessments in their criteria for granting resource consent. Changes to Policies D.4.3, D.4.3A, and D.4.3.B are recommended to include cultural impacts.

D.4.43 Tikanga and Kawa, D.4.44 Te mauri o te wai, D.4.47 Tangata Whenua Values do not have any guidelines as to implementation.

F.1A.1 Priorities for Freshwater Management is before Te Hurihanga Wai which is F.1.A.2.

4.0 Draft Freshwater Action Plan

4.1 Context

The Draft FAP outlines the approach by which NRC will contribute to achieving the outcomes and target attribute states through its diverse functions. These initiatives represent a selection of the numerous activities aimed at fulfilling the environmental goals set for freshwater and target attribute states.

4.2 Provisions Consistent with TWWAG Recommendations

Most of the recommendations of TWWAG have been included in the Draft FAP. Therefore, the Draft FAP is supported by TWWAG in almost its entirety. Set out below are some further comments on the Draft FAP.

The funding allocation for the seven proposed actions⁶ to support Tangata Whenua in freshwater management and decision-making is outlined in the dFPC. While this is favourable, there remains a critical need for well-defined guidelines pertaining to its management and the subsequent execution of proposed actions. Without a clear roadmap in place, the effective utilisation of these resources may be hampered, potentially inhibiting tangata whenua and te mana me te mauri o te wai. It is imperative that a robust framework for financial oversight and implementation strategies be established, ensuring transparency, accountability, and the optimal allocation of resources.

⁶ Page 12, listed as Proposed Actions (a) to (g).

While TWWAG's recommendations have been carried over into the Draft FAP they lack direction and guidelines to ensure they are able to be implemented.

NRC also acknowledges there is little information available at present to create a potential Māori freshwater values attributes monitoring program and that it is likely to require extra council funding, possibly surpassing \$1 million annually. NRC is prepared to invest resources into this as they acknowledge that not only can it support better water outcomes but it could lead to strengthened relationships and increase trust with tangata whenua.

Although the Māori freshwater values attributes monitoring program could be integrated into the Mātauranga Māori Monitoring Framework, it has been highlighted separately because it is an essential action that NRC recognises they must undertake.

4.3 Provisions/Matters Requiring Focus

The following areas of the role of tangata whenua and hapū, iwi planning documents which were requested by TWWAG be included in the Draft FAP have not clearly been outlined in the Draft FAP.

Give effect to empower tangata whenua through s.33 and s.36B of the RMA to assess water quality and quantity levels, taking into account cultural indicators or attributes they have identified. TWWAG was very clear that they wanted these sections of the RMA not only to be investigated by NRC but putting steps in place to be transferring powers so as tangata whenua can genuinely exercise rangatiratanga and kaitiakitanga.

Give effect to hapū and iwi planning documents and/or whakahono a rohe agreements. It is important for TWWAG to inquire about the timeline for incorporating hapū and iwi planning documents currently in possession of NRC into freshwater management and decision-making, as this is not specified as a proposed action plan.

5.0 Water Allocation Policy Analysis

5.1 Context

The draft Targeted Water Allocation Policy (TWAP) has been released as a separate document to the dFPC. NRC decided to document the water allocation policy as its own document due to the potential contentious nature of what is being proposed and receive public feedback. This section assesses the targeted water allocation policy and sets out where TWWAG either supports or opposes proposed actions. It is important to note that NRC did request legal feedback on the proposed changes with Rob Enright of Public Law. Public Law indicated that whilst it is possible to enact the targeted water allocation policy, its highly contentious so NRC could expect some legal challenge.

5.2 Provisions Consistent with TWWAG Recommendations

All the objectives within Stage 2 have been carried across into the water allocation policy including water allocation policy which includes the 20% reservation of wai for use by Tangata Whenua.

The way the policy has been written is clear on how the 20% targeted allocation will work in practice. The ability to be able to continue to take wai within the 20% allocation is important to allow for further development (not necessarily economic) by hau kainga.

The contribution fund is supported for implementation. See section 4.2.3 for more information.

5.3 Provisions/Matters Requiring Focus

The draft TWAP, states that objectives F.1A.5-7 recommended by TWWAG and endorsed by TTMAC have been included in the dFPC⁷, however Policy F.1A.6 has been modified in the dFPC from what TWWAG recommended.

Although the water allocation policy is the same as proposed in the Stage 2 report, TWWAG request particular focus to some key elements of the policy. In particular, TWWAG consider that the definition of “*contribution to environmental enhancement*” and how this is implemented will need to be thought through further. It is recommended that TWWAG and NRC consider whether resource consent applicants need to show how they are contributing to environmental enhancement in their resource consent application, and whether mana i te whenua are involved in the process to reject/approve any application for this.

We note that some reaches/catchments in Te Tai Tokerau are currently fully allocated, or near full allocation and there is a policy mechanism (D.4.38) to review conditions to align with new catchment allocation policies. TWWAG recommend that it will be important for NRC to determine how many catchments still have 20% available to better understand which reaches/catchments this policy would affect.

Although the fund is supported in principle, its final implementation or how it works in practice is still yet to be determined. Mana i te whenua will need to be involved in any fund usage. A potential option would be that any fund contributions be spent within the rohe that the allocation has come from.

⁷ 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.

6.0 Stock Exclusion Policy Analysis

6.1 Context

A draft stock exclusion plan (SEP) has also been developed as a separate document for feedback. The Stage 2 report did not address or make recommendations on stock exclusion policies. However, PDP has identified the areas TWWAG may be interested in.

It is noted that regulations already exist for this purpose under the Resource Management (Stock Exclusion) Regulations 2020 (RMSER) and Regional Plan for Northland. Although these regulations exist, a rule in a regional plan can be more stringent than the RMSER as noted in Regulation 19 of the RMSER:

Despite section 68(2) of the Act, a more stringent rule in a regional plan prevails over a provision in these regulations that relates to the same matter.

It is on this basis that NRC is proposing further restrictions relating to stock exclusion.

6.2 NRC Questions

The draft SEP poses a series of questions and asks for feedback on the options for changes to the stock exclusion rules. In summary the key questions and TWWAGS response are as follows:

- Question 1: How far away from waterways should stock be kept?
 - A 3-metre setback.
 - A 5-metre setback.
 - A 10-metre setback.
- Question 2: Should stock exclusion rules apply to highly erodible land?
 - “Highly erodible land” is land NRC has mapped which is steep and most at risk of erosion.
- Question 3: What should the rules be for excluding stock from wetlands?
 - The current rules require dairy stock and pigs to be excluded from wetlands greater than 500 m² and beef, dairy support cattle and deer to be excluded from wetlands greater than 500 m² on low-slope land.
 - The current rules do not require beef, dairy support cattle and deer to be excluded from wetlands in hill country areas.
- Question 4: Should stock exclusion be extended to apply to other animals?
 - The current rules apply to dairy cattle, pigs, beef cattle, dairy support cattle, and deer.

- The current rules do not require sheep and goats to be excluded.
- Question 5: What timeframes are feasible for any new stock exclusion rules?
 - The government requires NRC be ambitious but reasonable in setting timeframes for improving freshwater.
 - The current rules require non-dairy stock (beef and dairy support cattle and deer) to be excluded from lowland rivers and wetlands of 500 m² or more by 2025;

6.3 TWWAG Response

An individual response is not provided to each question, however TWWAG recommends the following in regards to the SEP:

- 10 m setbacks are supported, however, often a one-size fits all approach isn't appropriate either.
- If farm owners would like to be excluded from the 10 m setback rule, then they must apply for consent to do so.

7.0 Conclusion

TWWAG has reviewed NRC's dFPC documents and considered NRC's reasoning for some provisions from the Stage 2 report having been either incorporated but amended, or omitted entirely. In response, TWWAG has considered each of these provisions and provides feedback to NRC that sets out TWWAG's position in respect to each of these. It is expected that NRC further consider this feedback in order to inform their notified Freshwater Plan Change. TWWAG request and look forward to NRC further engaging with TWWAG to understand the context and reasoning behind these provisions so that support cultural aspirations in giving effect to Te Mana o Te Wai and the NPSFM.

From: [Benson Horsford](#)
To: [Freshwater](#)
Subject: Feedback
Date: Sunday, 31 March 2024 5:02:32 pm
Attachments: [Proprietors of Pokapu Incorporation Feedback for the Feedback on Draft Freshwater Plan Change and Action Plan for Te Tai Tokerau 2024 .pdf](#)

Kia ora

Please find attached a our feedback for the Draft Freshwater Plan Change.

It might look like a template but we scroll through and our feedback is there.

Nga mihi

Benson Horsford

On behlalf of Pokapu Inc.

Feedback on Northland Regional Council Draft Freshwater Plan Change and Action Plan for Te Tai Tokerau

December 2027

Deadline for council to release (notify) proposed Freshwater Plan Change. Submissions will be heard by the Freshwater Hearing Panel, which will make recommendations on content to council. Following this, council will decide whether to adopt the recommendations.

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

<https://www.wai-it-matters.nz/media/hsnfv4ir/the-draft-freshwater-plan-change-have-your-say-final.pdf>

<https://www.nrc.govt.nz/environment/the-draft-freshwater-plan-change/learn-more-about-the-draft-freshwater-plan/key-draft-rule-changes/>

https://www.wai-it-matters.nz/media/pz4ejhhv/the-draft-freshwater-plan-change_uvn_2.pdf

<https://www.wai-it-matters.nz/media/3trl3vuz/the-draft-action-plan.pdf>

<https://www.nrc.govt.nz/environment/the-draft-freshwater-plan-change/learn-more-about-the-draft-freshwater-plan/publications/>

The closing date for feedback is 5:00pm SUNDAY 31 MARCH 2024

Submission instructions

Please make your submission as follows:

1. Fill out your name and organisation in the table, “Your name and organisation”.

2. Fill out your responses to the changes being considered questions in the table, “Responses”. Your feedback may respond to any or all of the questions in the Draft Plan Change and Action Plan. Where possible, please include evidence to support your views, for example references to practical solutions or options on your whenua/farm, facts and figures, or relevant examples.
3. We also encourage your input on any other relevant issues in the “Other comments” section below the table.
4. When preparing to send your feedback:
 - a. You can delete these first two pages of instructions if you need too.
 - b. Include your e-mail address and telephone number in the e-mail or cover letter accompanying your feedback – we may contact submitters directly if we require clarification of any matters in feedback.
 - c. If your feedback contains any confidential information:
 - i. Please clearly indicate this on the front of your submission or in the accompanying cover letter or e-mail. Any confidential information, together with reasons for withholding the information, should be clearly marked within the text of your feedback. Northland Regional Council will take such objections into account and will consult with submitters when responding to requests under the Official Information Act 1982.
 - ii. Please provide a separate version of your feedback excluding the relevant information for publication on Northland Regional Council Wai it Matters website.
 - d. If you do not wish for your submission to be published please clearly indicate this in the cover letter or e-mail accompanying your submission. However, please note that submissions remain subject to request under the Official Information Act 1982. Northland Regional Council will consult with submitters when responding to requests under the Official Information Act 1982.
5. Send your feedback:
 - as a Microsoft Word document or searchable PDF to freshwater@nrc.govt.nz (preferred), or

Provide feedback in print or in person

<https://www.wai-it-matters.nz/media/hiekgowo/draft-freshwater-plan-change-feedback-submission-form-final-pdf.pdf>

You can download our print-friendly feedback form and post it to us at:

Northland Regional Council
Private Bag 9021
Te Mai, Whangārei 0143

Alternatively, you can pick up or drop off your feedback form, or speak to someone in person, at one of our offices in Whangārei, Dargaville, Kaitaia or Waipapa.

Your name and organisation

Name	Benson Horsford (Farm Manager)
Organisation (if applicable)	Proprietors of Pokapu Incorporation
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 2027.	

* Questions in GREY (Grey)

- Questions may or may not be relevant to you, your whenua or farm but are there to help with your response to the “Changes being considered” topics.

*Tables below are provided by the Draft Freshwater Plan Change that are related to the “Changes being considered” topics.

- You can delete tables and other information for your final feedback.

Responses

<p>If you are writing for an organisation, give brief details of the organisation's aims, membership, and structure. Make sure that you have the authority to represent the organisation and note your position within the organisation.</p> <p>Proprietors of Pokapu Incorporation consists of 700ha of pasture (dairy and beef), pine forest, wetlands, and native bush. It is boundaried on two sides by rivers with multiple tributaries flowing through it. This land block has a large number of shareholders. It is situated in Te Kau e Mua Hapu and Ngati Hine Iwi.</p>	
<p>Is your whenua or farm in Te Turi Whenua Act 1993 or are you Māori with General Title property? Please indicate below.</p>	
	<p>Land is Incorporated under Te Turi Whenua Act 1993</p>
1	<p>Managing highly erodible land. https://experience.arcgis.com/experience/da684289f0e246d7b2a0888c302c8b7e</p> <p><i>We are in the process of retiring our highly erodible land. This land does not represent financially viable land for pastoral farming, therefore our aim is to work through retiring it and planting in a mix of exotic and native hardwood species to assist with stabilisation.</i></p> <p>Classing land as erosion prone simply by looking on a map disregards the contributing land characteristics that can reduce or exacerbate said erosion. A more effective control system would be for each farm to have an individualised 'consent to farm'. This would allow each area on the farm to be categorised and have the appropriate restrictions put in place for that specific farm.</p>

Status quo			
Map	Area (ha)	Basis for maps	Summary of current rules
Erosion prone land	252,409 (18.8% of land in the region)	Land defined as Land Use Capability (LUC) units 6e17, 6e19, 7e1 - 7e10, 8e1 - 8e3, and 8s1	Currently only earthworks and land preparation rules apply
We agree with tighter controls on highly erodible land. Assuming the land is actually highly erodible, it should not be subject to earthworks, vegetation clearance, or stock grazing.			
New draft maps and rules			
Map	Area (ha)	Basis for maps	Summary of current rules
Highly Erodible Land 1	155,548 (12.25% of land in the region)	Land with a slope between 25 degrees and 35 degrees	<p>Draft rules: Moderate controls on earthworks, land preparation and vegetation clearance.</p> <p>We are seeking feedback on whether stock exclusion rules should be applied on Highly Erodible Land 1 by 2040.</p>

	Highly Erodible Land 2	91,120 (7.2% of land in the region)	Land with a slope greater than 35 degrees	<p>Draft rules: Tighter controls on earthworks, land preparation and vegetation clearance.</p> <p>We are seeking feedback on whether stock exclusion rules should be applied on Highly Erodible Land 2 by 2035.</p>
	<p><i>The maps lack in their interface. They are not very user friendly and lack the ability to focus in on specific areas of the map.</i></p>			
2	Eliminating discharges to water			
	<p><i>We currently have a consent to discharge, however we also have a discharge to land system set up. A consent to discharge to land would ensure that every effluent system is designed correctly and used appropriately.</i></p>			
3	Managing impacts on tāngata whenua values			
	<p><i>Our Whenua values are constantly front of mind. They feature first, second, and third in every decision making process. As a Maori Incorporation any decisions on farm are looked at through a 100 year lens to ensure we are looking after the land correctly. We also acknowledge the Ngati Hine IHEMP, and our shareholders are kaumatua and respected leaders in Ngati Hine</i></p>			
4	Stock exclusion – distance from waterways https://www.wai-it-matters.nz/media/5v0lz3j0/draft-freshwater-plan-change-have-your-say-on-stock-exclusion.pdf#calendar			
	<p><i>Stock set-backs are only really effective during low rainfall events. When larger amounts fall, the water will form riverlets and not run over the ground uniformly. They will also reduce the drainage of the paddock behind the set-back and cause pugging and water holding. This will cause these areas to become contaminated and will then flow into the water ways.</i></p>			

	Stock exclusion distance from waterway	Water Quality Improvement			Co-benefits			Financial costs (per farm per year)
		Sediment reduction	<i>E. coli</i> reduction	Freshwater habitat and ecology improvement	Mauri*	Mitigating climate change	Terrestrial biodiversity improvements	
	Comparator status quo**	0	0	0	0	0	0	The costs associated with existing regional and national regulations will not change with the options being considered.
	Three-metre setback	3	4	1	1	1	1	Stock exclusion: \$5,500 – \$8,200

								(non-dairy farm) Riparian planting: \$1,400 – \$2,100
	Five metre setback	4	6	2	2	2	2	Stock exclusion: \$10,200 – \$16,500 Riparian planting: \$4,600 – \$9,300
	Ten metre setback	6	7	5	5	3	4	Stock exclusion: \$12,600 – \$24,500 Riparian planting: \$9,200 – \$18,500

Comparator thirty metres	7	7	8	8	5	8	Stock exclusion: \$19,700 – \$65,300 Riparian planting: \$27,300 – \$55,600
<p><i>*Mauri is the life force given to all things through a Māori perspective. The numerical values attained and compared to the effects of stock exclusion and riparian planting have been compared against the attributes in the TWWAG Stage 2 report: Ngā Roimata o Ngā Atua (PDF 4.45 MB) . Further work is being done to assess different methodologies and confirm these values.</i></p> <p><i>** 'Status quo' refers to the current state as of October 2023. It does not take into account national and regional rules to apply from 2025.</i></p> <p>Scoring: 0 = no improvement (from status quo), 5 = moderate improvement, 10 = major improvement. Scoring is indicative only and is intended to show the relative difference based on the available evidence.</p> <p><i>We could not implement a 30 metre setback as we would lose 70% of our farm. I find the 'table' to be highly misleading as it is all theoretical and not based on what happens in a real life riparian area. In reality water takes the easiest route to the drain. If you plant a riparian area and the sediment builds up the water will run sideways till it finds a low spot and will then funnel through there, completely negating all of the setback and riparian efforts.</i></p> <p><i>We need to step back and look at what we are really trying to achieve. Shade plants on the north side of the waterway to keep the water cool. These don't need to be 3 metres thick, they just need to be on the bank and provide shade. Setbacks to capture sediment and nutrients. These setbacks are more about capturing sediment and the nutrients contained within. These are as effective being grass as they are planted with natives, although they don't look as pretty.</i></p>							

	<i>We have installed some stock exclusion fencing. We tend to do 4 metres on the north/east side or uphill side and no setback on the other. 4 metres allows us to fit an excavator between the drain and the fence.</i>
5	Stock exclusion – highly-erodible land
	<i>Stock should be excluded from highly erodible areas, not because they will cause more erosion, but because these areas are unsafe to maintain i.e. fencing, fertilising, weed control. As such these areas are less financially viable and represent an opportunity to increase efficiency by retiring these areas.</i>
6	Timeframes for stock exclusion rules
	<i>These should be on a farm by farm basis. They should form part of the ‘Consent to Farm’.</i>
7	Managing water allocation https://www.wai-it-matters.nz/media/u5hdrscp/the-draft-freshwater-plan-change-targeted-water-allocation-policy.pdf
	<p><i>We currently pump from a creek for the stock water and have a dam to supply the cowshed. We plan to build more dams on farm to make ourselves more self sufficient around water. This will cost us between \$60,000 and \$100,000 and we will have to bear that cost ourselves. If Council decided to try to ‘procure’ 20% of our water storage, we would be sending them an invoice for the cost of the infrastructure and an annual invoice for the cost of maintaining the storage system. Any requirement to contribute on-farm resources to off-farm entities without compensation would not be tolerated.</i></p> <p>Giving effect to Te Mana o te Wai</p> <p><i>Fresh water is the life blood of our communities and our country. All efforts should be made to preserve and improve the quality of the water without exception.</i></p> <p>Making water allocation fairer</p>

	<i>Council holds ultimate responsibility for water take consents and as such is liable ensuring the fairness of the allocation system, regardless of the time requirement or cost.</i>
8	Support and funding for efforts to improve freshwater
	<i>We would be very excited to apply for funding to look into greater water storage opportunities.</i>
9	Enabling tāngata whenua to practice as kaitiaki for wai
	<i>We consider ourselves kaitiaki and do our best to protect the wai.</i>
10	Something else (please specify below)
	How did you find out about this feedback opportunity? Through Beef and Lamb NZ

From: [Chevon Horsford](#)
To: [Freshwater](#)
Subject: Feedback for Draft Freshwater Plan Change
Date: Sunday, 31 March 2024 4:55:07 pm
Attachments: [AHEI Consultancy Ltd Feedback on Northland Regional Council Draft Freshwater Plan Change and Action Plan for Te Tai Tokerau.pdf](#)
Importance: High

Kia ora

Please find attached our feedback for the Draft Freshwater Plan Change.

Naku noa
Chevon

Director | Consultant
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E: chevon.horsford@ahei.cloud

ĀHEI CONSULTANCY

Feedback on Northland Regional Council Draft Freshwater Plan Change and Action Plan for Te Tai Tokerau

Name	Chevon Horsford
Organization (if applicable)	Āhei Consultancy Ltd Māori Agribusiness and Taiao services Māori owned and operated here in Te Tai Tokerau cheovn.horsford@ahei.cloud 02102357844
Brief description of the organization	On behalf of numerous Māori farming businesses mainly in the rohe of Ngāti Hine that we work with and, are uri of Te Orewai, Ngāti Manu, Te Rarawa, Te Waiariki, Ngapuhi and Te Uri o Hau. Our team works with two sectors here in Te Tai Tokerau (Dairy and Sheep and Beef). Landowners, beneficiaries, and staff of whenua Māori Te Turi Whenua Act 1993 and general title Māori landowners. Services are farm systems, facilitating wananga on farm, Taiao and all needs required by the farmers.

Managing highly erodible land.

Unfortunately, some Māori land in Te Tai Tokerau is typically lower quality land and more prone to be higher slope/ lower value.

What is being considered in the new draft could impact whenua Māori for many reasons. Undeveloped land, capital financial opportunities to keep up with the moving goal posts and governance structures.

The maps show these impacts, and it is concerning that for whenua Māori what is being consider would highly likely cripple their businesses on the whenua or potentially plant pine forestry as diversifying is big upfront costs and, with the financial constraints of not accessing any sort of borrowing from any financial institutions on whenua Māori land. Most whenua Māori can't borrow money against their whenua.

There is already enough in pine forestry in Ngāti Hine, regenerating bush for carbon is yet to be something. To encourage permanent woody vegetation would mean our whenua Māori would not be able to create or continue a commercial living for their whanau and shareholders.

We use the Te Puni Kokiri – Tipu website a lot. Farming platforms like HawkEye and FarmIQ/Farmax.

Tipu website is great now and is far more accessible than any of the NRC Arcgis maps. The NRC Arcgis maps are very hard to navigate and will be a problem for the Māori farmers we work with. Also, connectivity is a big issue for our Māori rural communities.

Reliance becomes the role of farm staff and external experts such as consultants and, can come at a cost. We would like to you to have discussions with whenua Māori, Māori farming so you can understand their farm systems and your draft would impact them now and, in the future, as they are already disadvantaged for highly erodible land and stock exclusion of these areas.

Eliminating discharges to water

Some of our whenua Māori are dairy farmers with current consent to discharge. It is not practiced this consent. Effluent is spread over pasture where it is more effective. Some of the whenua Māori dairy farms will need to adapt their infrastructure to such as their ponds, area of application to land. If a consent of required, it needs to be appropriate and understand the needs of our Māori dairy farmers.

Managing impacts on tāngata whenua values

Our whenua Māori and Māori farmers understand their values and are also part of their marae, hapū and iwi. They have their own and would be very similar. There is multiple marae in the rohe of Ngāti Hine. They are uri of these of marae, who are also holding the tea towel at their marae. Ngāti Hine have an Iwi Hapū Environmental Plan. The kaitiaki of both Tirairaka o Ngāti Hine and Nga Wai Māori of either shareholders or beneficiaries of these whenua Māori entities.

Stock exclusion – distance from waterways.

Some of our whenua Māori and Māori farmers are not yet fully compliant or have permanent fencing due to the capital cost and other reasons. The current setback works and are open to 5 meters where appropriate. Again, this is already a challenge for whenua Māori are it also takes away from some productive whenua where anything beyond 10 meters is impacting them. So do not support 10 meters and 30 meters in areas that is not appropriate.

Again, the challenge will be with the shareholders and beneficiaries as they are pushing for some of these ideas but do not understand the impacts on their whenua. To maintain the relationships will be an interesting space for them all.

Stock exclusion – highly-erodible land.

Some whenua Māori will have over 50%-70% of their whenua impacted. That is a lot! They will need financial assistance to comply with this rule.

Timeframes for stock exclusion rules

Dairying is already set with sheep and beef soon to come.

This will still be a challenge for whenua Māori and Māori landowners.

Managing water allocation

Some whenua Māori are using water from creeks and rivers with some having water storage on their whenua.

There will need to be investment needed for whenua Māori and Māori farmers to have more water storage. Question is would they need to have a consent to be self-sufficient? We think you should be encouraging more water storage like ponds around the whenua, and we see that not impacting on the awa as it is captured when it is at large rainfalls.

We believe there isn't much if any water allocation in our areas but if there is, it would not be Māori. We are unsure what where the water allocations are and if they are full already.

We don't believe, if our whenua Māori and Māori farmers are self-sufficient, they should not be required to contribute to the 20% fund scheme proposed. It should be optional.

They are no different to the identified groups for the 20% allocation fund scheme.

If they are required, what would it mean to them and how will they benefit if they are not different to the identified groups?

Water storage is an opportunity and possible solution to water security challenges, particularly with the increase in drought and fire risks as most whenua Māori land blocks are neighboring or surrounded by forestry and native scrub.

Support and funding for efforts to improve freshwater.

There is some NRC funding is available but not all and likewise with KMR.

Unfortunately, some whenua Māori can't access the funding due to not having the remaining 50% there NRC

funding support requires as most if not all funding supports require capital input from landowners.

We would like to see more discussions and better assessments to support whenua Māori and Māori farmers who might not qualify for the funding support.

Enabling tāngata whenua to practice as kaitiaki for wai.

There are already relationships with whenua Māori and Māori farmers with local kaitiaki. This is optional and should stay like that.

Our whenua Māori and Māori farmers are kaitiaki of the wai and their whenua so please acknowledge or recognize this.

Something else

We want NRC to consider engaging with whenua Māori, Māori farmers and their respective Māori advisors including the Māori sector partners so they can express their concerns but give NRC the opportunity to see for themselves on their whenua not from a screen in front of them.

NRC need to work with these groupings or individuals properly if they want to achieve a better relationship with landowners especially Māori.

So, we would like to be heard and we hope there is a process for post feedback for whenua Māori and Māori farmers.

Some helpful information for NRC in the Māori Agribusiness sector in Aotearoa below.

1271 Māori Freehold land titles hold NAIT registered animals 960 Beef, 303 Dairy & 7 Deer. This doesn't included PSGE or Māori who own general title. We still don't understand yet the exact hectares involved but it is somewhere between 580k – 730k ha farmed by Te Ture Whenua Māori entities plus roughly 200k ha of PSGE/GT owned by Māori. 800k ha farmed by Māori or 10% of the land currently in ag production.

563k ha in 100 blocks

1mil ha in 27113 blocks

1.2mil ha Governed

200k ha No Governance or administration

38% in Indigenous Biodiversity

From: [Nikki Hudson](#)
To: [Freshwater](#)
Subject: Submission of Freshwater planning
Date: Monday, 12 February 2024 1:08:44 pm
Attachments: [SUBMISSION TO NORTHLAND REGIONAL COUNCIL ON FRESHWATER PLANNING 10.2.24.pdf](#)

Thank you for accepting my submission.

If you need any further information, feel free to contact me for any queries.

kind regards,
Nikki Hudson
0574

freshwater@nrc.govt.nz

Draft Freshwater Plan Change

10.2.24

Dear Council Freshwater select committee,

Please find my submission below:

Long Term Values

We strongly oppose the model of freshwater planning via cogovernance and Te Mana o te Wai statements putting the health and wellbeing of water before providing for human health needs, being adopted at council level which give race-based groups the ability to make separate consultation, and consideration to our natural resources. We also request further information not included in your documents.

General intent

Northlands freshwater degradation has not been clearly demonstrated by your consultation documents to have been given an objective baseline preceding aspirational targets of significantly improved freshwater standards being set. This Freshwater planning directive comes from National government and assumes a great deal of monitoring has been reported on by the NRC, which has not been reported on since 2015. <https://www.nrc.govt.nz/resource-library-summary/environmental-monitoring/state-of-the-environment-monitoring-12> The National Policy statement for Freshwater Management is reminiscent of indiscriminate climate net-zero targets of the ousted Labour government. <https://environment.govt.nz/publications/national-policy-statement-for-freshwater-management-2020-amended-february-2023/>

Eliminating or Reducing Discharge, Stock exclusion from waterways

"We also think there is a case for excluding stock from our most erodible land to limit erosion and sediment going into waterways." <https://www.nrc.govt.nz/environment/the-draft-freshwater-plan-change/information-for-farmers-and-landowners/setbacks-and-stock-exclusion/> This is unfortunate. There is no document provided to show that this is proven. How do we know which regional waterways are getting worse, and are the identified causes cyclical, human-generated, and what data set and reporting dates are you are using to measure the water health? What is the cost-benefit analysis and fiscal impact on Northland ratepayers of land-use regulation imposing universal resource consents restricting activity on private property as well as public lands? It is time to examine the case before the aspirational improvement targets are completed.

We completely support universal stock exclusion from waterways (excluding wet weather creeks) and setbacks at the minimum distance of 3 metres with grants to farms; discharge controls on industrial and dairy farm effluent; riparian vegetation on farms with least impact on activity of private landowners. However, we have reservations about onsite wastewater proposals which need to exclude residential and non-commercial wastewater and storm water systems, already rated for Council's network upgrades.

Farm plans are already implemented that address many of these practices and should have been credited with improvements in water quality, but this trend is not clarified by your consultation. Rural freshwater quality has been proven to be on the improve*. There is no mention of industry plans for commercial operations (trade waste consents) which for example threaten instances of contaminant discharge into the Hoteo River in breach of Council Trade waste conditions and native species dependent on the ecosystem. <https://www.rnz.co.nz/news/in-depth/435111/revealed-the-companies-dumping-contaminants-down-the-drain> The fact that the Environmental court has allowed Waste Management to resubmit applications for consent based on bribes and 10 houses, is offensive and breaches trust in our Council to manage its own district.

https://www.localmatters.co.nz/environment/no-decision-decision-on-dome-landfill/#gf_17

As for sediment generating activities- are extreme weather events and geological phenomenon excluded as a cause? <https://braidedrivers.org/rivers/>

How does council reconcile essential land clean-up activity to dispose of landslide material on public and private property? Does not work to construct in-stream structures for fish passage also generate sediment?

<https://niwa.co.nz/natural-hazards/research-projects/responding-to-and-preparing-for-extreme-weather-events-niwa-led-research>

Please explain what you mean by embedding “matauranga maori” and “mauri o te wai” in Freshwater monitoring, and how that will be measured by scientific quantitative methods. This is not our native first language therefore we expect the courtesy and convention of translated definitions please.

Water Allocation, Resource Consents, Expanding requirements for Impacts on Cultural Values

While we understand that the intentions to improve freshwater is for the health and safety of everyone, this cogovernance model establishing a Tangata whenua water advisory group does not ensure everyone's rights to equal consultation and decision making. Secondly conferring veto authority in Te Mana O Te Wai to Iwi for “special water bodies” and water permit allocations opens up liability for council via the courts if decisions are not given “adequate consideration of the Treaty of Waitangi” and when water consent holders appeal their allocations vetoed by Iwi.

The risks of special permissions to enlisting Iwi to access private land to monitor water quality is at once in breach of private property conventions in New Zealand, and trades out of the council's obligations to respect Landowners' rights. Iwi accompanying Council on investigation of possible “breaches” apart from being a stand-over tactic, is most offensive to council inspectors' licence to perform their role. Let's not play the race card on private property rights at the council. <https://www.nrc.govt.nz/media/lb2klsqc/stage-2-report-nga-roimata-o-nga-atua-english-summary.pdf>

Race-based water consultation, monitoring and enforcement is a divisive fool's errand, and must be deprioritised as a legacy of a failed government. Unfortunately for the previous government – the cogovernance model principle of freshwater consultation was soundly rejected at the recent election, and Northland Council needs to take account of the rising opposition to race-based wards, seats and natural resources regulations. [Maori seats for Auckland opposed](#) The government's 3 waters proposal for 50/50 veto and tribal control of council water assets and services was undemocratic.

From the poll in June 2023:

“Three quarters of New Zealanders believe that those responsible for water services should be directly accountable to voters, reveals [a new scientific poll](#) commissioned by the Taxpayers' Union.”

https://www.taxpayers.org.nz/three_waters_poll2

From a petition in 2022:

[**100,000 New Zealanders have now signed the official Stop Three Waters petition.**](#)

From a poll in 2021:

“The poll of 1,000 New Zealanders reveals 56% oppose the reforms, with just 19% in support. 24% are unsure. The full polling report is [available here](#).”

The entrenchment of separate Mana Whenua voices into council consultation stands starkly as a remnant of a bygone era of separatist policy. Iwi have also remarked that Maori has never asked for veto on water allocation, so it is incongruent to future consultation that Northland Council is still going down this road. There is nothing in the treaty about partnership nor cogovernance.

“Show whenever we have ever asked for a right of veto on water” Sir Mark Solomon, co-chair of the Freshwater Iwi Leaders group.

“.. what we're saying is the Government itself is proposing a policy which is racist by giving a particular group based on race a right to allocate water. We think that's totally contrary to what everything New Zealand Stands for.”

<https://www.teaomaori.news/ad-asking-whether-one-race-should-control-fresh-water-labelled-nonsense>

Therefore, we disagree with the proposed plans to extend Iwi cultural impact consultation for Freshwater allocation and resource consents.

Conclusion

We are confident the council appreciates that access to fresh water, sanitation and is a human right. Access to safe drinking water and sanitation are internationally recognized human rights, derived from the right to an adequate standard of living under Article 11(1) of the International Covenant on Economic, Social and Cultural Rights. No one race should have more say in freshwater management and or regulation and allocation.

The right to freedom of expression is enshrined in the New Zealand Bill of Rights Act 1990 (NZBoRA), and is integral to other civil and political rights, such as the right to justice, and the equal right to take part in public affairs.

We request further reporting as per our submission and call for a State of the Environment Report for Northland and assurances that the council is acting in the equal interests and rights of ALL Northlanders and not just “some.”

Regards,

Nikki Hudson

0573

From: [Laura Jeffries](#)
To: [Freshwater](#)
Cc: [Richard Allen](#)
Subject: Draft Freshwater Plan Change – Northland Regional Plan: Feedback from Fonterra Co-operative Group Limited
Date: Thursday, 28 March 2024 4:39:57 pm
Attachments: [image001.png](#)
[image002.png](#)
[Fonterra Co-operative Group Limited - Feedback on NRC Draft Freshwater Plan Change \(20240328\).pdf](#)

Good afternoon,

Please find **attached** Fonterra Co-operative Group Limited's feedback on the Draft Freshwater Plan Change – Northland Regional Plan.

Kind regards,

Laura Jeffries
Environmental Policy Manager
Kaiwhakahaere Kaupapahere Taiao

Te Rōpū Wai me te Taiao

*Provide sustainability leadership, turn ideas into reality,
leave a legacy we can all be proud of.*

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Fonterra Co-operative Group Limited

Draft Freshwater Plan Change – Northland Regional Plan

To: Northland Regional Council
By Email: freshwater@nrc.govt.nz
Submitter: Fonterra Co-operative Group Limited
Contact: Richard Allen
Environmental Policy Manager, Sustainable Dairying
Laura Jeffries
Environmental Policy Manager/Kaiwhakahaere Kaupapahere Taiao

Address for Service: 80 London Street
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Email: richard.allen2@fonterra.com; laura.jeffries@fonterra.com

1. Introduction

- 1.1. Fonterra Co-operative Group Limited (**Fonterra**) appreciates the opportunity to provide feedback on Northland Regional Council's (**NRC**) draft Freshwater Plan Change for Northland (**Draft Plan**).
- 1.2. Fonterra is supportive of the NRC requesting feedback on the Draft Plan, with that feedback being used to inform and refine what will become the proposed plan. With that said, Fonterra supports NRC taking more time in the drafting of its proposed plan, following the Government extension of the deadline for regional councils to release proposed freshwater planning documents from 2024 to 2027. This will assist in ensuring consistency with changes to policy direction, in particular a new National Policy Statement for Freshwater Management, which the Government has advised should be expected within 18 to 24 months.

2. Fonterra and the Northland Region

- 2.1. Fonterra is a global leader in dairy nutrition and is the preferred supplier of dairy ingredients to many of the world's leading food companies. Fonterra is New Zealand's largest company, and a significant employer, with more than 12,000 New Zealand based staff and over 5,800 employees based overseas.
- 2.2. Fonterra is a farmer-owned co-operative, and in 2023 was one of the top ten dairy companies in the world with a turnover of more than \$24 billion annually.¹ It is one of the world's largest investors in dairy research and innovation drawing on generations of dairy expertise to produce more than two and a half million tonnes annually of dairy ingredients, value added dairy ingredients, specialty ingredients and consumer products. These products are exported to over 130 markets worldwide. Annually, Fonterra collects more than 16 billion litres of milk from its 9,000 shareholders, who are a mix of family-owned farms and corporate entities. Fonterra owns 28 manufacturing sites, five brand sites and three logistic/distribution sites in New Zealand.
- 2.3. During the 2022/23 milking season, Fonterra had 693 supply farms within the Northland Region producing a sum of 72,605,571 kg of milk solids.² In addition to its supply farms, Fonterra has significant assets and operational interests in Northland. These include the:
- 2.3.1. Kauri milk processing site (**Kauri Site**) at 442 State Highway 1 (**SH1**), Kauri, approximately two kilometres south of Hikurangi Village;
- 2.3.2. Three irrigation farms: "**Kauri Farm**" (located adjacent to the Kauri Site, approximately two kilometres south of Hikurangi Village), "**Hikurangi Farm**" (located adjacent to SH1,

¹ "Mary Ledman and Richard Scheper Global Dairy Top 20" (Rabobank, Utrecht, 2023) at p. 1.

² Fonterra has 683 supply farms in the Northland Region for the 2023/24 season.

immediately across from the southern-most residential area of Hikurangi Village) and “**Jordan Valley Farm**” (located on Jordan Valley Road, approximately 3.2 kilometres to the northwest of the Kauri Site);

2.3.3. “**Croft Farm**” located adjacent to SH1, immediately across from the Hikurangi Sports Park; and

2.3.4. Maungatūroto milk processing site (**Maungatūroto Site**) at 1 Hurndall Street, Maungatūroto, immediately to the east of the Maungatūroto township.

2.4. Fonterra holds several resource consents issued by NRC for both the Kauri Site and Maungatūroto Site that provide for the activities necessary for the continued operations of these sites. The efficient operation of Fonterra’s manufacturing sites is essential to its business.

3. Relief Sought

3.1. Fonterra considers that New Zealand can have both healthy freshwater and a thriving agricultural economy. At the same time, it appreciates that there is a careful balance to be struck with regards to regulation (i.e., it is important that regulatory processes achieve environmental outcomes in a way which does not impose indiscriminate burdens on farm or manufacturing operations). Fonterra is therefore supportive of regulation that is effective and efficient and is designed to achieve clear agreed objectives, takes into account whether there are alternatives to new regulation, and is implemented at a sustainable pace and price to allow farmers and businesses to adapt.

3.2. Fonterra wishes to address a key theme arising out of the Draft Plan, being the greater consideration of effects on Tāngata Whenua values and practices. Fonterra is supportive of Tāngata Whenua having a greater role in resource management issues and understands the importance of genuine Tāngata Whenua engagement and input throughout the reconsenting process of its manufacturing sites. As such, where appropriate, Fonterra would like to be involved in further discussions surrounding the process for ensuring Tāngata Whenua values are recognised while working within statutory requirements.

3.3. Fonterra’s specific submission points on the draft Plan are attached as Appendix “**A**” (Fonterra’s on-farm feedback on the Draft Plan) and as Appendix “**B**” (Fonterra’s manufacturing feedback on the Draft Plan), with its general position set out below.

On-farm

3.4. Fonterra supports regulation that is efficient, practicable and science-based and is necessary for the achievement of reasonable, and broadly agreed, water quality outcomes. The dairy industry has been proactive in self-regulation for water quality improvement and regional council regulation should recognise the effort farmers have made to date, utilise existing industry programmes and

methods, and apply the least onerous level of control required to achieve the community values for water.

3.5. There are many parts of the Draft Plan that Fonterra generally supports and therefore it has made no comment in this submission on these topics. The use of permitted activity rules is supported although the lack of recognition of the significance and value of farm planning is of some concern.

Manufacturing

3.6. At a national level, Fonterra is committed to increasing efficiencies and reducing emissions associated with milk collection and its subsequent processing. This means that when considering its water use and wastewater practices, Fonterra will continue to seek opportunities that are environmentally sustainable, deliver continuous improvement and reflect industry practice. In terms of wastewater discharges more specifically, Fonterra's preference is to implement the best practicable option to manage the treatment and discharge of contaminants.

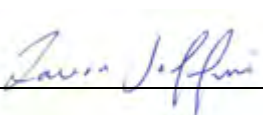
3.7. For example, the soil type of the Kauri Site's irrigation farms (and the wider area surrounding the Kauri Site in general) means that they are susceptible to water retention at certain times of the year. For this reason, it is not practicable, or environmentally sound, for Fonterra to discharge all of the Kauri Site's wastewater to land during these periods and the option to discharge wastewater to water is required to enable the Kauri Site to continue to operate. It is therefore important to Fonterra that the Draft Plan provides a pathway for the consideration of ongoing wastewater discharges to water from its sites. This is reflected in Fonterra's opposition of industrial discharges to water being classified as a non-complying activity.

Signed on behalf of Fonterra Co-operative Group Limited:



Richard Allen

Environmental Policy Manager, Sustainable Dairying



Laura Jeffries

Environmental Policy Manager/ Kaiwhakahaere Kaupapahere Taiao

Appendix A: Fonterra's (on-farm) feedback on the Draft Freshwater Plan Change – Northland Regional Plan

Provision	Support/Oppose	Comments	Relief Sought
C.6.3 Production Land Discharges C.6.3.1 Existing farm wastewater discharges to land – controlled activity	Oppose	The NRC has recently been through an Environment Court process. It is unclear why NRC now considers that an activity (Farm Wastewater Discharges to Land) that was recently confirmed as permitted (with detailed standards and conditions), has now been determined by NRC to require a resource consent. A permitted activity was found to be appropriate through the plan change process however, the council wish to change this activity status. Such a change acts to make the rule less certain (the detailed standards being replaced by broad and less certain matters of control). Adding cost and decreasing certainty for farmers (and ratepayers generally) without very clear rationale for doing so, are not consistent with efficient regulation.	Delete the Controlled Activity rule and revert to a Permitted Rule. If there are particular concerns NRC has identified with the current permitted conditions or standards, address those specific matters through consultation with industry. Add a condition to the Permitted Rule similar in nature to C.6.4.2 Other Stormwater Discharges (at 2) that recognises and allows for uncontrollable discharges as a result of extreme weather events above certain thresholds.
C.6.3.5 Emergency discharge of milk to land – permitted activity	Support	It is appropriate to provide for this activity as permitted, with clear standards and conditions.	
C.6.3.8 Replacement consent for treated farm wastewater discharges to water – non-complying activity	Support	Providing for a transition away from discharges to water and a more prescriptive rule regime for any treated effluent discharges to water prior to general prohibition by 2030, is supported.	
C.6.9.3 Discharge of fertiliser – permitted activity	Support in part	The new condition requiring 10m setback for any fertiliser application regardless of slope is not supported. On flat and easy land a 3m setback distance from a permanently flowing river is appropriate, while larger (10m) setbacks for lakes and regionally significant wetlands could be supported.	Change the fertiliser application setback standard for “permanently flowing rivers” to 3m on low slope land.
C.6.9.6 Discharges to land or water not provided for by other rules – permitted activity	Support	Providing for incidental discharges as a permitted activity (with conditions), that are not directly the subject of another rule is supported	
C.8.1 Livestock exclusion Refers to Discussion Document: <i>The draft Freshwater Plan Change: Have your say on stock exclusion</i>		Fonterra supports a general requirement for stock to be excluded from waterbodies wherever it is practicable to do so. The dairy industry has been proactive in ensuring stock exclusion occurs on dairy farms and has been generally supportive of the national regulations.	
Question 1: How far away from waterways should stock be kept?		Fonterra supports setbacks for dairy and dairy support that align with the national regulations. Setting aspirational outcomes as minimum standards that are not currently normal practice and cannot be achieved by most without very significant cost and disruption to business, is not supported. Several recent plan change processes have considered in detail proposals to require wider buffer strips. A general requirement for very wide buffers on all waterways has not been favoured due to cost, impracticability and uncertainty of environmental benefit. The additional benefit for decreasing sediment and e coli transport to water rapidly diminishes as buffer width increases beyond 3m. A general requirement for 3m setbacks on all permanent and intermittent streams, for all cattle, is supported with the proviso that existing fences constructed prior to a regulatory requirement to exclude stock, do not have to be replaced in the short term.	Require a 3m minimum buffer (all cattle and deer on lower slope land, all intensive cattle and deer on other land) on all permanent and intermittent waterways except where there is an effective stock exclusion fence already in place prior to the regulatory requirement to exclude.
<i>“To gain the most benefit, the stock exclusion areas around waterways would need to be planted with native riparian vegetation”.</i>		While appropriate riparian planting is strongly supported, Fonterra would not support any general obligation to plant all waterway margins. The evidence that sediment and e coli transport to waterways is reduced through native planting – as opposed to rank vegetation – has not been established. With the very high cost to establish planting and uncertain benefit for water quality, we support the use of non-regulatory methods and farm plan risk assessments, to encourage this outcome over time.	Use non- regulatory methods and farm plan process (not rules) to encourage riparian planting where most appropriate.

Question 2: Should stock exclusion rules apply to highly erodible land?		Fonterra recognises the clear need in the Northland context to better manage sediment loss off steep erodible land currently used for pastoral farming. Having additional council oversight and controls on steep erodible land is supported in principle. The use of minimum practice standards related to slope risk in rules, and a robust regulatory freshwater farm plan process (plus more direct landowner support through non regulatory methods), would decrease the need for large numbers of consents to farm and reduce the cost of regulation on affected farmers.	Use slope specific rules related to stock management with conditions and freshwater farm plan processes that require risk assessment and mitigation actions to be put in place. Support farmers through catchment groups, education and financial support for specific and targeted native flora reversion programmes on the highest risk (to water quality) parts of steeper farms. Only require resource consent to farm where standards cannot be met and / or farm plan actions are insufficient or not implemented.
Question 3: What should the rules be for excluding stock from wetlands?		Fonterra recognises that wetlands are important areas to protect wherever it is practicable to do so. Ensuring the definitions / descriptions of wetlands are very clear is fundamental to farmer engagement with this proposal. If areas that farmers consider to be part of a paddock, with little or no additional ecological values, are not explicitly excluded from wetland rules, implementation in the hill country situation is likely to be challenging. Non regulatory education and support processes might be more successful than expanding the rule regime beyond national regulation in the short term.	
C.8.2.1 Land preparation – permitted activity	Oppose in part	Fonterra does not consider that the proposed changes to the operative plan permitted standard is justified. A 10m setback on flat or easy land is excessive. While we support in principle the use of the Freshwater Farm Plan (FWFP) pathway as an alternative to meeting the standard or applying for consent, in this case the requirement to prove the same outcome (as a 10m setback) through a lesser distance setback, is unlikely to be possible.	Delete the changed standards (from the operative rule) and revert to the current rule with the addition of the FWFP pathway (proposed rule at 2) where standards cannot be met.
C.8.2.2 Land preparation – discretionary activity	Oppose	It is not clear why it has been considered necessary to go from a controlled rule in the current plan to a full discretionary rule. Fonterra supports the principle of least onerous regulation consistent with achieving the desired outcome and without a robust basis for this change would not support it.	Revert to the operative plan rule with the addition of a FWFP option where standards cannot be met.
D.1 Tāngata whenua D.1.1 When an analysis of effects on tāngata whenua values and practices is required	Support in part	Fonterra is supportive of Tāngata Whenua having a greater role in resource management issues and considers that this can be achieved without creating uncertainty for plan users. Fonterra is unsure whether the policy achieves this balance and would like to better understand how the policy could work in practice to ensure that there is sufficient certainty for plan users. .	Fonterra would like to engage further with NRC with regards to this policy to better understand its implications and ensure there is sufficient certainty for plan users.
D.1.2 Requirements of an analysis of effects on tāngata whenua values and practices and their taonga	Support in part	A/A.	Fonterra would like to engage further with NRC with regards to this policy to better understand its implications and ensure there is sufficient certainty for plan users.
D.2.1 Rules for managing natural and physical resources	Support	This policy appropriately sets out principles for efficient and effective regulation. Fonterra considers there are some internal inconsistencies (in this draft plan) between this policy and a number of the other policies and rules.	Ensure that the proposed planning provisions are not inconsistent with this policy.
D.4.3A Farm wastewater discharge to water An application for resource consent to discharge farm wastewater to water will not be granted unless:	Support	Providing for a transition away from treated effluent discharges to water, and a more prescriptive rule regime for any treated effluent discharges to water prior to general prohibition by 2030, is supported.	

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.	Neutral	Fonterra is concerned that there are a number of policies that could create uncertainty and additional costs for plan users. Policy D.4.33 is one example of this. As such, Fonterra would like the opportunity to engage with NRC on these policies to ensure they are practical, lawful and implementable.	Fonterra would like to engage with NRC to better understand how the policies could be implemented and to ensure they are practical, lawful and implementable.
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Appendix B: Fonterra's (manufacturing) feedback on the Draft Freshwater Plan Change – Northland Regional Plan

Provision	Support/Oppose	Comments	Relief Sought
Rule C.6.6.7 – Industrial or trade discharges to water	Oppose	<p>The Draft Plan classifies the discharge of a contaminant (except for a contaminant entrained in stormwater) from an industrial premises into water as a non-complying activity.</p> <p>Fonterra opposes changing the activity classification for an industrial discharge to water from discretionary to non-complying. There appears to be no substantive reason in any supporting documentation for the draft rule. The Background Information Summary Report (NRC, 31 October 2023) states that the change is proposed “to encourage discharges to land and discourage discharges to water.”</p> <p>It is also noted that the Proposed Regional Plan for Northland 2017 (February 2024) contains stringent policy direction regarding the management of discharges to water (i.e., a discharge must at least maintain existing water quality, with reference to standards, and a discharge to water must be the best practicable option).³</p> <p>Any new rule or change to an existing rule regarding an industrial or trade discharges should be based on the nature of the discharge and its effects on the receiving environment.</p>	Amend Rule C.6.6.7 to classify the discharge of a contaminant (except for a contaminant entrained in stormwater) from an industrial premises into water as a discretionary activity.
Policy D.2.14(5) – Resource consent duration	Oppose	<p>Policy D.2.14 provides direction on resource consent duration. Draft clause 5 provides for a third party to influence duration or resource consent.</p> <p>Fonterra's preference is to develop and maintain strong relationships with Tāngata Whenua and is committed to working collaboratively with Tāngata Whenua on resource consent applications. Notwithstanding this commitment, Fonterra is unsure whether provision for third party input regarding a decision about duration of consent (Resource Management Act 1001 (RMA), s123) is appropriate from a legal perspective. Fonterra is not aware of caselaw indicating that support of a third party is a relevant factor to duration of consent and the inclusion of such could therefore be potentially ultra vires.</p>	Fonterra would like to engage further with NRC with regards to this policy, including the sharing of any further information and/or legal advice on the implementation of this policy.
Policy D.4.1 – Maintaining overall water quality	Support in part	<p>The policy references water quality standards in Appendix H.3 of the plan. The National Policy Statement for-Freshwater Management 2020 (NPS-FM) requires regional councils to, among other things, set target attribute states in plans to support the achievement of environmental outcomes (clause 3.11).</p> <p>Fonterra considers that the term “standard” should be replaced with “target attribute state” to be consistent with the NPS-FM and prevent confusion/ambiguity amongst plan users.</p> <p>It may however be appropriate to retain the terms “coastal water quality standards” and “coastal sediment quality standards” in appendix H.3 and make consequential amendments to policy D.4.1 because there is no statutory requirement to set target attribute states for coastal waters.</p>	Replace the term “water quality standard” in policy D.4.1 with “target attribute state” in relation to freshwater quality.
Policy D.4.1A – Target attribute states	Oppose	<p>The draft policy is about the achievement of target attribute states in relation to an application for resource consent to discharge a contaminant into water or onto or into land whether it may enter water. It appears to duplicate Policy D.4.1.</p> <p>Fonterra considers that the policy is unnecessary because of policy D.4.1., i.e., the freshwater quality standards in Appendix H.3 are effectively target attribute states.</p> <p>The policy would also appear to be challenging to apply in practice for several reasons including the way that some of the attribute states are expressed and are to be complied with. For example, and the target attribute states for rivers (H.12A.2) are based on a proportion of environment monitoring sites being within respective attribute state bands. The monitoring sites are not identified in the plan. This is particularly important to Fonterra given that it holds consents to discharge to water and certainty is required regarding where relevant target attribute states are to be applied.</p>	Delete Policy D.4.1A and amend policy D.4.1 so that it references target attribute states (and make consequential amendments to the terminology in appendix H.3).

³ For example, policies include D.4.1 (“Maintaining overall water quality”) and H.3.1 (“Water quality standards for continually or intermittently flowing rivers”).

Policy D.4.2 – Industrial or trade wastewater discharges to water	Oppose in part	<p>Fonterra considers that requiring resource consent applications for industrial wastewater discharges to water to “<i>generally not be granted</i>” does not accurately reflect that while it is often more appropriate to discharge to land (as opposed to direct discharges to water), in some instances there are limitations that mean discharges to land are not practicable and would not produce the best environmental outcomes. The focus ought to be implementing the best practicable option to manage the effects on the environment and ought not to be subject to any predetermined bias.</p> <p>In addition, Fonterra considers that the draft changes to policy D.4.2 are not necessary to achieve the sustainable management of water. While Fonterra acknowledges a focus on discharges to land (rather than water), it considers that the draft changes to the policy are not necessary because it already requires an assessment of alternative options to prevent or minimise adverse effects of a discharge on the environment. The policy framework of the plan also requires the achievement of water quality standards and maintenance or improvement of water quality more generally.</p>	<p>Amend Policy D.4.2 to:</p> <p>An application for resource consent to discharge industrial or trade wastewater to water will generally not be granted unless a discharge to land has been considered and found not to be culturally, environmentally, economically, or practicably viable, and will be granted where it is determined to be the best practicable option to manage the treatment and discharge of contaminants is adopted.</p>
Policy D.4.46 [Placeholder for water allocation policy]	Neutral	<p>NRC is seeking feedback on a recommendation of Te Tai Tokerau Tāngata Whenua Water Advisory Group to set aside 20% of unallocated water available to be used for environmental enhancement, marae and papakāinga, or other uses provided a financial contribution is made for access.</p> <p>Fonterra acknowledges that section 30 of the RMA provides for regional councils to establish rules in a regional plan to allocate the taking or use of water among competing types of activities (s30(4)(e)). It also noted that section 77E of the RMA provides for a local authority to make a rule about financial contributions. Subsection 2 states:</p> <p style="padding-left: 40px;">A rule requiring a financial contribution must specify in the relevant plan or proposed plan—</p> <p style="padding-left: 40px;">(a) the purpose for which the financial contribution is required (which may include the purpose of ensuring positive effects on the environment to offset any adverse effect); and</p> <p style="padding-left: 40px;">(b) how the level of the financial contribution will be determined; and</p> <p style="padding-left: 40px;">(c) when the financial contribution will be required.</p> <p>However, the statutory basis for the draft policy is unclear and Fonterra requests more information about its legal foundation and how it could work in practice.</p>	<p>Fonterra would like to engage further with NRC with regards to this policy, including the sharing any further information and/or legal advice on the water allocation draft policy and how a financial contribution scheme could operate.</p>
Objective F.1A.1 – Priorities for freshwater management	Support in part	<p>The draft objective sets out priorities for freshwater management that seem intended to reflect the hierarchy of obligations of Te Mana o te Wai (as set out in the NPS-FM).</p> <p>Fonterra notes that its Kauri and Maungaturoto sites provide significant employment and economic benefits, and in turn social and economic well-being. It also highlighted that dairy products provide domestic and international consumers with nutrient dense food and are used as a substitute, often for physiological and medical reasons, as an alternative source of milk for babies and young children.</p> <p>Fonterra considers that the objective should be amended so that it is explicit that the allocation of water (quality and quantity) to industrial and commercial users is fundamental for social and economic well-being of people and communities in Northland and more broadly human health.</p>	<p>Amend objective F1A.1 by being more explicit that the need to take and use water more generally for food production manufacturing operations is part of the third priority.</p> <p>Prioritising the use of water for food production (and the health needs of people) is a fundamental priority of freshwater management.</p>
Policy H.3.1	Support in part	<p>As stated above, Fonterra considers that the water quality standards for rivers and lakes should be described as target attribute states to ensure consistency with the NPS-FM. This is important to ensure that the plan can be easily and efficiently implemented.</p>	<p>Amend policy H.3.1 by replacing the terms “water quality standards” (for rivers and lakes) with target attribute states.</p>
Objective F.1.2 – Water quality	Support in part	<p>The existing objective is shown as struck through (to be deleted). The objective is about the management of discharges to fresh and coastal water. The draft new objective (F1.A.1) is specific to freshwater only. Fonterra considers that the plan should contain an objective about coastal water quality and recognition of associated uses and values (refer feedback in relation to objective F1.A.1).</p>	<p>Include an objective about coastal water quality.</p>