

# Feedback: Book 1

## (PART A)





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**From:** [Melony Atkins](#)  
**To:** [Freshwater](#)  
**Subject:** Submission on the Draft Freshwater Plan Changes  
**Date:** Sunday, 31 March 2024 12:05:04 am  
**Attachments:** [Draft Freshwater Plan Submission Melony Atkins.pdf](#)

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Kia ora Northland Regional Council staff and decision makers,

Attached is my submission on the Draft Freshwater Plan. Thank you for the opportunity to submit. If there is a hearing process, I would like to speak.

Kind regards,

Melony Atkins



Kia ora Northland Regional Council staff and decision makers

My name is Melony Atkins. My family and I operate an organic agriculture operation on the east coast of Northland. We have 300 acres, a quarter of which is in native forest that we have protected from stock and run a predator eradication programme that has benefited from Regional Council support and funding with great success. We have several small waterways running through our property which stock are already excluded from. Our farm was previously a dairy farm that we have converted to smaller sized heritage Dexter beef cattle, and bananas with some dairy support heifers. Prior to becoming a farmer, I trained and worked as an environmental policy analyst. I have worked as a consultant for almost all of the major Government departments, including Te Puni Kokiri and the Department of Conservation. I have also worked extensively for international bodies such as the World Health Organization and the governments of other nations. Most recently, I was employed at a large city council managing the Long Term Plan processes as well as all strategies, policies, bylaws, and reserve management plans. I have also been involved in co-governance projects such as developing the most recent reserve management plan for Mauao (Mount Maunganui) that was returned to tangata whenua by the Crown. As council staff I have been party to various resource consent processes and I am well aware of the significant costs and time, and stress, to applicants, particularly from rules that are well intentioned but have significant unintended consequences for applicants. I recognise the enormous amount of work that is involved in developing a draft document such as this.

I am concerned that some of the proposed changes in the Draft Freshwater Regional Plan will have significant and disproportionate costs and impacts, particularly on small farmers and lifestyle block owners in Northland. There currently seems to be little distinction made in the draft rules between the impacts of a large dairy operation frequently discharging effluent to land from hundreds of dairy cows or grazing steeper hillsides with large herds, and the impact of small farms or lifestyle blocks who infrequently use stock yards or graze a few cattle on the hill at the back of their block and the disproportionate impact of new resource consent requirements on them. Additionally, the disproportionate cost and loss of land from wider stock exclusion zones on smaller parcels of land with less stock and less income and less impact on water than large dairy operations does not appear to have been given any weight. The analysis does however state that planting pinus radiata on steep land is an economically viable alternative to grazing stock on steeper hillsides. Not for small landowners. I for one, and many others with me, would be extremely disappointed if the Council's well-intentioned plan for improving freshwater turned large areas of Northland into pinus radiata plantings for generations to come instead of currently viable small farm holdings that produce local food supply.

Farmers in New Zealand have sustained significant stressors in the past couple of years. Obviously weather-related events have been significant as have international factors increasing costs and decreasing incomes. Rural Support Trust NZ reports that the increase in farmers seeking support has been exponential. Calls to their helpline increased 53% in 2023 as well as new clients through other avenues. Across the country they report a steady number of cases coming through where farmers and growers are overwhelmed (Rural Support Trust NZ 30 January 2024). All of the farmers we are meeting and working with are under immense pressure. As a policy analyst, I have read the consultation documents in

their entirety late at night after physically demanding farming and looking after children all day. I can assure you that very few farmers in Northland have done the same, and are potentially unaware of the impact that the changes in this document will have on their ability to farm on their land, the increase in costs to be imposed on them, the loss of land available for farming, and the impact in many cases on their ability to continue farming. Farming generally has been subjected to immense regulatory change over the last few years and many are struggling to keep up or cope. There is a very real risk that we are going to lose a significant proportion of our food growing capacity as a nation and especially further here in Northland as a result of some of the proposed changes in the Draft Freshwater Plan. By making some changes, this could be avoided.

The Ministry for the Environment has announced that the National Policy Statement for Freshwater Management 2020 will be replaced, and the Government has extended the deadline for councils to notify freshwater plans and policy statements by three years until the end of 2027. It would be prudent for Northland Regional Council to wait until the Government announces what the changes are to the NPS for Freshwater Management before heading further into this Draft Freshwater Plan process. I would also recommend further and specific consultation with landowners of small farms and lifestyle blocks to assess the impact on them as opposed to larger farms.

Below, I have addressed the changes I believe are necessary to improve the Draft Freshwater Plan in the order that they appear in the document. A list of recommendations is included at the end of my submission for ease of reference.

## **Recommended Changes to the Draft Freshwater Plan**

### **Objective 3.17b**

Objective 3.17 Long-term vision for freshwater includes a clause:

b) Tāngata whenua are actively leading freshwater decision making, monitoring, policy and plan changes, and resource consent processes.

This is not specifically mentioned in any of the general summaries in the consultation materials, but has far reaching implications for all water users. I am Ngāpuhi, although I do not presume to speak on their behalf. I have been involved in co-governance projects and carried out extensive consultation with iwi and hapu representatives on various local government issues. This vision for 2040 is a significant change and has not been highlighted to the general public in the consultation documents.

Action Plan Potential Action 10 states:

"Tāngata whenua are categorical in their view that they need to be more involved in freshwater management (monitoring, compliance, resource consent processes, decision making), to better reflect the commitments made under Te Tiriti o Waitangi and He Whakaputanga, and to get better outcomes for freshwater. NRC is fully behind this and is committed to better involving tāngata whenua in the services it provides and better supporting tāngata whenua as kaitiaki and rangatira."

This does not necessitate leadership over decision making on water. In Te Tiriti o Waitangi, the Maori chiefs ceded 'kawanatanga', the right of governance. This covers decision making, policy and plan changes, and resource consent processes for water, all of which needs to be made in a democratic process to ensure all users are able to access and use water that is vital for all life and activity in Northland for all people.

The administration of decision making, monitoring, policy and plan changes, and resource consent processes under the Resource Management Act (RMA) is significant. No indications are made in the analysis of the cost to tangata whenua or ratepayers of transferring these roles. The staff and capacity and funding required for this process by tangata whenua would be significant and burdensome and does not appear to have been addressed at all.

Policy D.4.42 Transfer of powers and joint management agreements states that:

The Northland Regional Council will investigate the transfer of powers to tāngata whenua (section 33, RMA) and joint management agreements (section 36B, RMA).

Until that investigation has taken place and shown to be viable and financially practicable, and openly consulted on with ratepayers and landowners with the applicable costs and implications, Objective 3.17 b should be removed from the document.

#### **C.6.3.1 and C.6.3.X Farm Wastewater Discharges to Land**

C.6.3.1 Existing farm wastewater discharges to land – controlled activity

C.6.3.X Farm wastewater discharges to land – discretionary activity

These two draft clauses effectively mean that almost every single farm and many lifestyle blocks in Northland will have to apply for a resource consent to conduct basic farming and animal hygiene activities. It effectively makes future farming a discretionary activity in Northland. While I appreciate the importance and the impact of removing animal effluent and the impacts of that on waterways, there needs to be a balance in ensuring local people can keep animals, and provide the local food supply, and run small businesses without needing a resource consent for every small activity. It almost goes without saying that large dairy operations or other activities that produce large and regular concentrated volumes of animal effluent need a resource consent to discharge this to land with appropriate controls over that discharge. However, making cleaning stockyards on every small farm and lifestyle block a discretionary activity is impossible and out of proportion to the impact of the activity.

It is absurd that the application of agrichemicals and invertebrate toxic agents remains a permitted activity onto both land and water (C.6.5.2 and C.6.5.3), and C.6.6.3 discharge of cooling water, filter backwash water, vehicle wash-water and rock aggregate wash-water are permitted activities, while the discharge of even small amounts of animal waste to land (that would otherwise be distributed by the animals on that land) will be subject to resource consents. Is the Northland Regional Council providing additional staff capacity to meet the increase in resource consents that will be required? Has the council estimated how many



new consents will be required at 12 months from the new regulations? It will be significant and it will carry significant and disproportionate cost, especially where landowners only have small numbers of animals or infrequent distribution of farm waste to land. Note the following clauses from the draft plan:

C.6.3.2 Horticulture wastewater discharges to land – permitted activity

C.6.5.1 Application of agrichemicals – permitted activity

C.6.5.2 Application of agrichemicals into water – permitted activity

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

C.6.7.2 On-site refuse disposal – permitted activity

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

C.6.7.4 Discharges from composting operations greater than 10 cubic metres – permitted activity

C.6.3.4 Discharges associated with the disposal of dead animals or offal – permitted activity

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

C.6.9.3 Discharge of fertiliser – permitted activity

***C.6.3.1 Existing farm wastewater discharges to land – controlled activity***

***C.6.3.X Farm wastewater discharges to land – discretionary activity***

The current draft clauses C.6.3.1 and C.6.3.X effectively mean that every farm or lifestyle block with stock and stockyards and animal effluent to dispose of will require a resource consent. This incurs significant time and costs for applicants - the cost of council processing fees, hiring consultants to prepare the application, and inevitably according to the plan changes, costs of consultation with tangata whenua, which can be significant (I speak from experience in dealings with multiple iwi and hapu groups and this becomes even more extensive when rohe boundaries overlap as waterways tend to). It leads to the conclusion that farming activities may just become too expensive to carry out the basics. Farmers are under significant financial pressure and may just stop operating, or it will become the realm of large corporations with family farms a thing of the past. Personally, we are not a dairy farm but we do raise dairy heifers for others and weigh up to 180 young animals once a month. There is a small amount of effluent removed from the stock yards once a month which we use to fertilise our banana palms and orchard far from any waterways. It is out of proportion that this would require a resource consent. The cost of that resource consent would remove a significant proportion of the profit from undertaking this minor activity. The flow-on effect of these clauses would mean a significant number of small farms may stop operating as their activities become unprofitable and unviable.

To rectify the capture of small farms, lifestyle blocks, and non-dairy operations an exception could be made for less than a specified volume of farm wastewater per month or annually, it may also include a clause for example say less than 200 animals and it is not a daily or weekly discharge. For example:

### *C.6.3.1a Minor farm wastewater discharges to land – permitted activity*

*The discharge of minor farm wastewater onto or into land and any associated discharge of odour to air are permitted activities, provided:*

- 1) The farm wastewater discharge to land is less than 20cubic metres of discharge per month or 240cubic metres of discharge per calendar year, and*
- 2) The discharge from less than 200 animals, and*
- 3) there is no discharge:*
  - a) directly to groundwater, or*
  - b) into surface water or to the coastal marine area, or*
  - c) into surface water or to the coastal marine area via overland flow or any tile, mole or other subsurface drain, or*
  - d) into an artificial watercourse, and.*
- 4) there is no discharge onto or into land or overland flow within:*
  - a) 20 metres of a continually or intermittently flowing river, lake, natural wetland, or the coastal marine area, or*
  - b) 50m of the water body for a distance of 2000 metres upstream of a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua), and*
  - c) 20 metres of an artificial watercourse, or*
  - d) 20 metres of a neighbouring property owned or occupied by another person, or*
  - e) 20 metres of a public road or public space, or*
  - f) 20 metres of the head of any drinking water supply bore, or*
  - g) 50 metres of a dwelling owned or occupied by another person.*

### **C.8.1 Livestock exclusion**

These proposals are dealt with below in accordance with the questions posed in the relevant separate discussion document.

### **C.8.4.2A Vegetation clearance on Erosion Prone Land or Highly Erodible Land - permitted activity**

Clause C.8.4.2A states that "Vegetation clearance (excluding the harvest of plantation or carbon forest planted before 1 January 2027) on Erosion Prone Land or Highly Erodible Land 1 or Highly Erodible Land 2 and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, is a permitted activity." The analysis provided by the council states that planting pinus radiata is a viable economic alternative to farmers grazing highly erodible land. However, harvesting those trees is not a permitted activity and will require resource consent (decision making on which may have transferred to tangata whenua by the time they are harvested). Thus, providing no certainty of being able to harvest the trees or gain any economic return from them in the future. For small farms and landowners, the cost of a future resource consent and the associated consultants to prepare it may render any profits less than worth their while. Planting highly erodible land in exotic trees for harvesting is not a viable economic return for small

landowners and should not be classed as such. Small numbers of animals should remain viable on Highly Erodible Land 1 (but not 2).

Surely to protect Highly Erodible Land, it should not be planted in forestry that will be harvested with significant risk of erosion and sedimentation at the point of harvest. Therefore, C.8.4.4 should have an additional point to include Highly Erodible Land as not permitted.

#### C.8.4.4 Afforestation and replanting plantation forestry – permitted activity

Afforestation or replanting plantation forestry is a permitted activity provided it does not occur:

- 1) Within the catchment of an outstanding lake or a dune lake with outstanding or high ecological value, or
- 2) Within 10 metres of the bed of other lakes, or
- 3) Within 20 metres of an outstanding river, or
- 4) Within 10m a continuously or intermittently flowing river or
- 5) Within 10m of a natural wetland >500m<sup>2</sup>, or
- 6) Within 20m of the bed of a river for 1km upstream of an abstraction point for a registered drinking water supply that serves 500 people or more, or
- 7) *Within land classified as Highly Erodible Land 2.***

#### **D.4.46 Allocation of water - Targeted Water Allocation Policy**

I generally support a targeted water allocation policy. This would certainly improve cultural, social, economic and environmental outcomes for wai.

However, requiring a contribution to a fund provides an opportunity for water going to the highest bidder. The allocated 20% should be going to environmental benefit or local tangata whenua use. If tangata whenua do not need the water allocation, it should be reserved for environmental benefit or reserved in light of future impacts of climate change, not allocated in exchange for payment. I do NOT support contribution to a fund in exchange for the use of water.

#### **FA Values Whanonga pono**

##### FA.1.3 Other values

Value:

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.

Meat is also an important part of the domestic food supply and has been since the beginning of human occupation of Aotearoa, and it is an important part of a healthy diet for most people (not all, but most). Northland growers produce fruit, vegetables and meat for the local and domestic food supply, and farmers require water of suitable quality and quantity for livestock consumption, and they also need to be able to utilise land required to produce fruit, vegetables and meat. If growers are no longer able to utilise the land and



water to grow food, and their businesses become unviable due to undue costs from resource consent processes or restrictions on activities, the domestic and local food supply will be diminished, and many small towns and rural communities will become even less economically and socially viable. Both local food supply and local rural communities are currently under significant pressure. Section F. Objectives, includes as a third priority: 14) Water quality is suitable for consumption by farmed animals, and sufficient water is available to provide for their reasonable drinking needs.

I suggest the following additions to the value of domestic food supply:

"Domestic food supply: to recognise the importance of our domestic food supply in growing fruit and vegetables **and meat** for human consumption. Growers rely on water of suitable quality and sufficient quantity to produce fruit and vegetables **and meat** which are fundamental to the health of New Zealanders. ***Growers need to be able to utilise the land and water required to produce a local food supply in Northland.***"

## **F. Objectives**

### F.1A Freshwater environmental outcomes

#### F.1A.2 Te Hurihanga Wai

The spiritual wellbeing and whakapapa of wai is prioritised and enhanced. All people who use and/or affect wai, listen to and respect Te Hurihanga Wai. - This is not an "environmental outcome" but one of beliefs and should be removed from the plan. Resource consents and plan changes should not be considered in light of whether the applicants "listen to" atua/gods that they may not believe in.

#### F.1A.7 Tāngata whenua well being

Tāngata whenua environmental, economic, social, spiritual, and cultural wellbeing is enabled and resourced - this is not an "environmental outcome" and should sit rather in F.1.9 rather than F.1A Freshwater environmental outcomes.

F.1A.5 Rangatiratanga and Kaitiakitanga Tāngata whenua can exercise Rangatiratanga and Kaitiakitanga in wai decision-making. - should sit rather in F.1.9 rather than F.1A Freshwater environmental outcomes.

F.1A.8 Meeting target states for Māori freshwater values attributes. Wai is improved and then maintained so that by 2040 the wellbeing of wai meets tāngata whenua target attribute states set in the freshwater plan - should sit rather in F.1.9 rather than F.1A Freshwater environmental outcomes.

### **C.8.1 Livestock exclusion**

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

The Draft Freshwater Plan Stock Exclusion document states that "The existing rules need to change. This is because:

- The Government's National Policy Statement for Freshwater Management directs us to significantly improve the health of freshwater in our region. Keeping the status quo would not markedly improve the quality of our freshwater – it would mean only minor improvements and no new stock exclusion requirements would apply after 2025.
- Most of our streams, rivers and lakes are in a poor state. The strong message from tāngata whenua, communities and the Government is we must improve the health of freshwater to provide habitats for our native plants and animals, safeguard the health of our communities, and enhance our resilience to climate change. We need to look at some new rules that will work better for protecting our freshwater."

However, as an environmental policy analyst, I would suggest that the problem definition is incorrect. The problem is not the rules but the implementation of the current rules. As I drive around Northland and visit other farmers, it is very clear that many lowland waterways are NOT fenced at all, and dairy and beef stock are NOT excluded from many waterways. The current rules are not complied with by many landowners and are not enforced by Northland Regional Council.

I have been surprised and horrified at how many lowland waterways I have encountered where stock have free access to waterways, with no fencing and no riparian planting. I have seen stock drinking from lowland waterways and stock damage on the banks of waterways is common. The purpose of my submission is not to point fingers at all the people that I know, but rather to highlight to council the issues with the problem definition that "the existing rules need to change." Has Council done any assessment of current compliance with the existing rules prior to making the assumption that they need to change the rules to improve freshwater and comply with the NPS?

To improve the health of freshwater to provide habitats for our native plants and animals, safeguard the health of our communities, and enhance our resilience to climate change, we do NOT need new rules for stock exclusion, we need compliance with the current rules. Some of the current rules have only come into force in 2023, and some do not come into force until 2025. The impact of those setbacks will not have been fully seen yet and has Council ensured that the rules were complied with in 2023? Farmers and landowners have been in process of fencing waterways at significant cost to landowners. Changing the rules punishes those who have already been proactive to comply with the rules in the current plan.

***Changing the rules does not necessarily improve the quality of freshwater, it punishes and forces greater costs on those who have already ensured they comply with the rules, and those who do not comply now are unlikely to comply with increased setbacks so there would be little actual gain in freshwater quality, and significant costs that would fall on those who have already borne the cost to be compliant.***

The document states "In summary, while riparian buffers of three to five metres provide effective filtering . . . the wider the setbacks and stock exclusion rules, the higher the costs. We are concerned about the financial cost for landowners, many of whom are already facing tough times. This can be mitigated somewhat by allowing sufficient lead-in time, but even so the costs will be significant."

### **Costs to farmers and landowners**

The discussion document states "Any new rules for excluding stock will likely have a massive financial impact on landowners – including lost income from reduced grazing area, costs of excluding stock (such as fencing) and reticulating stock drinking water. If a new rule were to be introduced requiring stock be excluded 10 metres from waterways, the estimated combined cost of stock exclusion and riparian planting (initial planting only) for the region is \$1.53 - \$2.29 billion over 30 years which equates to \$51 – \$76 million per year."

The discussion document for consultation tables the financial costs as \$10,200- \$16,500 plus planting for a 5metre setback or \$12,600 - \$24,500 plus planting for a 10metre setback per farm per year. This may have appeared manageable to some. However, when you read the analysis of the costings, 70-80% of the cost will be incurred in the first 5 years so the presented annual cost is absolutely misleading to farmers and landowners. Council proposes \$1 - 2million/year to assist with the costs i.e. \$5 - 10million of the estimated \$178.5million to \$266million costs incurred by landowners in the first five years. The benefits of landowners paying these unrealistic and unfeasible capital costs would largely fall on everyone else but the landowners.

The comparison with a 30metre setback is somewhat ridiculous considering that many lifestyle blocks may not even have 30 metres of land to provide a setback and stock exclusion could end up being on neighbouring properties and impossible to enforce. There is no recognition in the costs that 30 metres would put many farms out of business (nor of the legal costs of disputing it). It is an unrealistic and unfeasible comparison and as such it should not be used as a comparison.

The financial costs are deceptive as presented on an annual basis without providing a total cost nor a length of waterway in the discussion document. For example: Stock exclusion of 3metres assessed at: \$5,500 – \$8,200 (non-dairy farm) Riparian planting: \$1,400 – \$2,100. We are a small family farm of 300 acres, and have looked at fencing all of our waterways (stock is currently excluded with temporary fencing). Our costs are in the \$40,000s for ONE of our waterways and we have multiple small waterways on our property that would be captured by the draft rules. To fence all of our waterways at 5 metre setbacks, (some are continually flowing, some are intermittent, and some are man-made) would be in the \$100,000s. Additionally, we would lose several hectares of productive land, making our small family business unviable. 10 metres is completely unrealistic for almost all farms. Taking 10 metres either side of every waterway whether it flows or not is unfeasible. For us, moving from 3m to 5m, taking out an additional 4 metres of stock exclusion over many kilometres and multiple waterways across the farm is an unviable alternative and we may cease local food production, as would many other small farms.



The numbers are quite meaningless in the discussion document presented as simple averages "per farm per year". How large of a land area per farm? What length of waterway? The costs will fall disproportionately on some and not others. There is also no consideration that many farms will incur costs from all of the proposed draft changes. There is no calculation of potential cumulative costs on landowners of all of the draft changes proposed.

The status quo in the document states that there is no change in costs, but there is still a cost to landowners. There is still fencing required that many landowners have not yet complied with and there are rules coming in 2025 that will incur a cost to some landowners. There is a cost to the status quo on landowners that is not accounted for. There are rules that have been in place for only a year or less than a year, and there is no recognition that those will have an impact over time on the assessed values.

### **Increase in pest species and fire risks**

Maintaining a 5metre or 10metre stock exclusion area would create a land management nightmare for landowners and farmers. On our farm, this would be several hectares of strips of land that we could not possibly manage organically in line with organic certification requirements. We simply do not have the manpower hours and could not afford them. Others may simply significantly increase their use of agrichemicals to the detriment of aquatic species and ecosystems downstream. Most landowners are simply not going to maintain these areas and they will become a strip of kikuyu that will block waterways and of noxious weeds like gorse, blackberry, tobacco weed, privet, moth plant, convulvulus and others that will then spread by birds across large areas of land.

Large areas of dry unmanaged vegetation particularly around intermittently flowing streams in summers, especially in light of climate change, will create massive fire risks across Northland.

### **Loss of domestic food production**

We have a small family farm with several small waterways, some intermittently flowing that run through our land, primarily through the flat pasture land. We stand to lose hectares of productive land if the setbacks are increased to 5metres or 10metres. This combined with the required capital costs (as well as resource consent costs required from other draft plan changes) would easily make our farm and many others financially unviable in the current economic climate. For smaller blocks of land such as lifestyle blocks with a stream or river running through, at 5m or 10m setbacks, they may lose their ability to raise sheep or cattle for food which in many cases is a large rational for buying a block of land in the first place.

### **Averaging of stock exclusion areas**

Stock exclusion should remain at 3 metres rather than being increased to the unfeasible and unrealistic 5metres or 10metres so it should not be under consideration, but where it is not practical to fence off waterways to exclude stock, it should be recognised that it is not practical to fence off that part of the waterway to stock and NOT take more land elsewhere using "averaging."

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

I support the 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.

However, I do not support the exclusion of stock in Highly Erodible Land 1. The analysis provides the example of replacing grazing with pine plantations. Pine is not a permanent forest. It is harvested on a regular cycle which is likely to cause more erosion of sediment than keeping the land in stock and permanent grass as demonstrated during Cyclone Gabrielle particularly in the Hawkes Bay region where the sedimentation and debris from forestry was devastating. It would be a far more beneficial solution for Council to encourage planting of trees on highly erodible land 1 with an expansion of its programme providing poplar poles to encourage a form of silvopasture on these areas at a low cost to farmers, thereby enabling continued stock access, and reduction in slips and sediment.

The analysis provided in the consultation uses the potential returns from pine forests and I cannot believe that the Council would prefer to plant all of that land across the region in *pinus radiata* either permanently with further wilding pine weed issues in native forest, or for harvest that would have sedimentation issues at harvest. The Draft plan provides in Clause C.8.4.2A that the harvest of plantation or carbon forest planted before 1 January 2027 on Erosion Prone Land or Highly Erodible Land 1 or Highly Erodible Land 2 will require resource consent. The analysis provided by the council states that planting *pinus radiata* is a viable economic alternative to farmers grazing highly erodible land. However, harvesting those trees is not a permitted activity and will require resource consent (decision making on which may have transferred to tangata whenua by the time they are harvested). Thus, providing no certainty of being able to harvest the trees or gain any economic return from them in the future. For small farms and landowners, the cost of a future resource consent and the associated consultants to prepare it may render any profits less than worth their while. Planting highly erodible land in exotic trees for harvesting is not a viable economic return for small landowners and should not be classed as such. Small numbers of animals should remain viable on Highly Erodible Land 1 (but not 2).

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

Generally, I support stock exclusion from wetlands. I am not an ecologist but I do wonder and pose the question to Council, what will be the impact of complete lack of control of kikuyu grass on all of those wetlands? Without any form of reduction in kikuyu, it is likely from my experience that it would take over those wetlands completely and severely impact the native ecosystems we would like to protect. Is there an option of excluding stock on a permanent basis but allow those areas to be grazed once every 6 months to reduce the kikuyu barrier to other species?

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

No, allowing continued access by lighter animals such as sheep and goats enables some control over invasive species like kikuyu and does not cause significant damage to wetland

ecosystems. The increased fencing costs to landowners would outweigh the small benefits gained.

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

Some landowners are still working to fence to the existing rules. Many have not yet complied. Giving people 10 years for new requirements is reasonable. However, the setbacks should not be extended from the national requirement of 3metres. Stock should not be excluded from Highly erodible Land 1. How many landowners will be subject to ALL of the rule changes? Each option has costs estimated for it, but what is the collective impact of the rule changes on individual landowners. We are a small family farm of 300 acres. We have hill country, we have wetlands, we have Highly Erodible Land 1 and 2, and we have multiple waterways. The cost of the fencing and loss of production would likely mean we and many others would no longer make any profit at all and would no longer produce for the local food supply.

## **RECOMMENDATIONS**

**1)** The Ministry for the Environment has announced that the National Policy Statement for Freshwater Management 2020 will be replaced, and the Government has extended the deadline for councils to notify freshwater plans and policy statements by three years until the end of 2027. It would be prudent for Northland Regional Council to wait until the Government announces what the changes are to the NPS for Freshwater Management before heading further into this Draft Freshwater Plan process. I would also recommend further and specific consultation with landowners of small farms and lifestyle blocks to assess the impact on them as opposed to larger farms.

**2)** Objective 3.17b should be removed from the document until the investigation in Policy D.4.42 has taken place to show whether this is feasible and financially practicable.

**3)** Clauses C.6.3.1 Existing farm wastewater discharges to land – controlled activity and C.6.3.X Farm wastewater discharges to land – discretionary activity effectively mean that almost every single farm and many lifestyle blocks in Northland will have to apply for a resource consent to conduct basic farming and animal hygiene activities. To rectify the capture of small farms, lifestyle blocks, and non-dairy operations an exception should be made for less than a specified volume of farm wastewater per month or annually, it may also include a clause for example say less than 200 animals and it is not a daily or weekly discharge.

**4)** Add the following clause C.6.3.1a to remove the capture of small farms and lifestyle blocks from resource requirements for farm wastewater discharges to land:

*C.6.3.1a Farm wastewater discharges to land – permitted activity*

*The discharge of minor farm wastewater onto or into land and any associated discharge of odour to air are permitted activities, provided:*



- 1) *The farm wastewater discharge to land is less than 20cubic metres of discharge per month or 240cubic metres of discharge per calendar year, and*
- 2) *The discharge is from less than 200 animals, and*
- 3) *there is no discharge:*
  - a) *directly to groundwater, or*
  - b) *into surface water or to the coastal marine area, or*
  - c) *into surface water or to the coastal marine area via overland flow or any tile, mole or other subsurface drain, or*
  - d) *into an artificial watercourse, and.*
- 4) *there is no discharge onto or into land or overland flow within:*
  - a) *20 metres of a continually or intermittently flowing river, lake, natural wetland, or the coastal marine area, or*
  - b) *50m of the water body for a distance of 2000 metres upstream of a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua), and*
  - c) *20 metres of an artificial watercourse, or*
  - d) *20 metres of a neighbouring property owned or occupied by another person, or*
  - e) *20 metres of a public road or public space, or*
  - f) *20 metres of the head of any drinking water supply bore, or*
  - g) *50 metres of a dwelling owned or occupied by another person.*

**5)** Add the following clause C.8.4.4 7) and remove references to pinus radiata planting for forestry harvest as a viable alternative to grazing stock on Highly Erodible Land as the need for resource consents that may not be received removes any certainty of this as an economically viable option, particularly for small land holdings:

#### C.8.4.4 Afforestation and replanting plantation forestry – permitted activity

Afforestation or replanting plantation forestry is a permitted activity provided it does not occur:

*7) Within land classified as Highly Erodible Land 2.*

**6)** The Targeted Water Allocation Policy should not provide for a contribution to a fund in exchange for the use of water.

**7)** Amend FA.1.3 Other values. Value: Domestic food supply: to recognise the importance of our domestic food supply in growing fruit and vegetables **and meat** for human consumption. Growers rely on water of suitable quality and sufficient quantity to produce fruit and vegetables **and meat** which are fundamental to the health of New Zealanders. **Growers need to be able to utilise the land and water required to produce a local food supply in Northland.**

**8)** F.1A.2 Te Hurihanga Wai. The spiritual wellbeing and whakapapa of wai is prioritised and enhanced. All people who use and/or affect wai, listen to and respect Te Hurihanga Wai. - This is not an "environmental outcome" but one of beliefs and should be removed from the plan. Resource consents and plan changes should not be considered in light of whether the applicants listen to atua/gods that they may not believe in.

9) F.1A.7 Tāngata whenua well being, F.1A.5 Rangatiratanga and Kaitiakitanga and F.1A.8 Meeting target states for Māori freshwater values attributes - should sit rather in F.1.9 rather than F.1A Freshwater environmental outcomes.

### ***Livestock Exclusion***

10) The problem definition that "the rules need to change" for livestock exclusion around waterways is incorrect. Council should enforce compliance with the current stock exclusion rules some of which have not even come into force yet.

11) Stock exclusion should remain at 3 metres in alignment with the rest of New Zealand under the Resource Management (Stock Exclusion) Regulations 2020 and NOT be extended to 5metres or 10metres. Extending the stock exclusion requirements punishes all those who have just complied with the current regulations, many coming into force just last year. The cost of extending stock exclusion is unfeasible and financially unviable for most farmers and produces disproportionate impacts on small farmers and lifestyle block owners with small waterways. The loss of productive land is unworkable for the continuation of small farms and rural communities who are currently under significant increased financial pressures. Changing the rules does not necessarily improve the quality of freshwater, it punishes and forces greater costs on those who have already ensured they comply with the rules, and those who do not comply now are unlikely to comply with increased setbacks so there would be little actual gain in freshwater quality, and significant costs that would fall on those who have already borne the cost to be compliant.

12) Increasing stock exclusions around waterways will create reservoirs of weed species that will multiply across the region, and significant increased fire hazards across the region, as well as significant risk of loss of local food production and viability of rural communities.

13) Stock exclusion should remain at 3 metres rather than being increased to the unfeasible and unrealistic 5metres or 10metres so it should not be under consideration, but where it is not practical to fence off waterways to exclude stock, it should be recognised that it is not practical to fence off that part of the waterway to stock and NOT take more land elsewhere using "averaging."

14) Stock should NOT be excluded from Highly Erodible Land 1, but should be excluded from Highly Erodible Land 2 where there is severe erosion risk. Planting pinus radiata is not a viable alternative to grazing stock as the harvest in 25 years' time will require a resource consent that may not be granted and the cost of which would make the profits negligible for small landowners.

15) Council should increase its provision to landowners of poplars and other species for space planting at subsidised cost to landowners for Highly Erodible Land to reduce sediment runoff and slips.

**16)** I support the exclusion of stock from wetlands but propose that those areas be allowed to be grazed once every 6 months to reduce the complete invasion of those wetlands by kikuyu grass.

**17)** Stock exclusion in wetlands should not be extended to apply to other animals. Allowing continued access by lighter animals such as sheep and goats enables some control over invasive species like kikuyu and does not cause significant damage to wetland ecosystems. The increased fencing costs to landowners would outweigh the small benefits gained.

**18)** 10 years is a reasonable timeframe for the new rules to come into force. However, the setbacks should not be extended from the national requirement of 3metres. Stock should not be excluded from Highly erodible Land 1.

**19)** Council needs to consider the collective impact of the draft rule changes on individual landowners. Council needs to ensure the draft plan does not reduce the domestic food supply produced by farmers in Northland and that small farms and rural communities can continue to viably operate.

If there is a related hearing on submissions before decision-makers, I would like to speak.

Please do not include my personal contact details in any public document.

Thank you for the opportunity to submit and I am happy to be contacted by Council for further information or discussion.

Kind regards

**Melony Atkins and family.**

**From:** [dean.baigent-merc@freshwater.govt.nz](#)  
**To:** [Freshwater](#)  
**Subject:** Draft Freshwater Plan Submission  
**Date:** Friday, 29 March 2024 9:14:33 am  
**Attachments:** [Draft Northland Freshwater Plan Submission 28032024.docx](#)

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Kia ora

Please find my submission on the draft Freshwater Plan attached.

Nga mihinui  
Dean Baigent-Mercer



# 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](http://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](http://wai-it-matters.nz) or email us at [freshwater@nrc.govt.nz](mailto: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:** Dean Baigent-Mercer

**Mailing address:** [REDACTED]  
[REDACTED]  
[REDACTED]

**Email:** [REDACTED]

**Phone:** [REDACTED]

### What topics do you want to provide feedback on?

Select as many as you want

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

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

## Tell us what you think

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

### General comments

1. I'm grateful the NRC has made it this far with this draft. The framework provides a useful way to address the myriad of water quality issues across the north, not just to give effect to the NPS-FM (2020) and Te Mana o te Wai. It is present and future-focused to deliver the outcomes needed.
2. Over the past 20 years since I moved to Northland, I have watched freshwater improvements in some important areas as some waterways and wetlands got fenced off (but sometimes with too small margins that became ineffective after flooding) and also many areas of no improvement or getting worse in terms of siltation, fertilizer nutrient impacts, pugging, land slips and stock accessing waterways.
3. I am overall supportive of the draft plan change, particularly the incorporation of objectives and policies relating to Te Mana o te Wai (such as Objective 3.16 Te Mana me te Mauri o te Wai). I strongly support the retention of Te Mana o te Wai in the plan.
4. The late Matua Nuki Aldridge of Rātāroa, Whangaroa said to me, "I am responsible for looking after the wai as it runs through my place. I do it to look after the water for the people downstream. I trust the people upstream are doing the same for me".
5. I live at Ōtangaroa near the headwater of a tributary of the Ōruaiti River and have taken Matua Nuki's practical view in how to look after the land and water. I travel all over the north and have been horrified that some people have not been doing the same and the appalling and unnecessary erosion and downstream siltation effects into Hokianga, the Bay of Islands, Doubtless Bay, Kaipara and Whangaroa Harbours.
6. My primary interest in freshwater in Northland is as a resident who has restored a wetland and de-stocked waterways on my landholding. I've found it an inspiring and positive thing to do as water quality and native biodiversity returns. A friend and I made this short video about the steps I've taken to restore a wetland: <https://www.youtube.com/watch?v=Jx6XE87TW28&t=4s>
7. During the peak of Cyclone Wilma, the flood of water leaving this wetland was clean. That's because the harakeke/flax halted the speed of water barrelling down the valley. It meant the water had to rise and fall more slowly and you could see at the base of harakeke a few days later, the line where the sediments collected on the base of the plants. This enabled the water leaving to be clean.
8. But I get dismayed when I see what is happening downstream in areas in the catchment I am in and other catchments, as the impacts of climate change get more severe and so does the erosion. I think we need to be aiming for all waterways to be of drinkable quality – if not, we're not doing things right – and we're not looking after the use downstream (for people or for native biodiversity). It's great to make the most of native habitats to keep the land intact and the water clean even through cyclones.

9. Part of the problem is that steep land that should never have been cleared is being used to farm animals. Cattle have very heavy bodies and with each step when the land is moist or wet is scrapped, scarred and compacted by these animal's hooves. This ensures that sediments are ready to be taken into waterways quickly when it rains. The filthy brown of estuaries and harbours after rain are testament to this.
10. The natural and wildlife values of streams and rivers areas are also important to me because waterways are corridors for native fish, bats and birds. The banks of waterways and wetlands that should be growing native plants that help shade the water to keep it cool and keep the banks intact and slow the water during floods and cyclones.
11. I would like to see Northland Regional Council do as much as it can to protect and restore Te Mana o te Wai and ecosystem health across the region.

**Key Issues:**

12. I am very concerned about e. coli, sediment disgorging into harbours and the coastal areas, algal growth/periphyton, stock access to waterways, barren river and stream banks, potential toxic waste from future mining activities entering waterways, and need for healthy native habitats. The next generation deserve to be able to drink and swim in waterways and other water bodies in their natural form with native biodiversity from giant dragonflies to fernbirds and raupo to bittern.
13. I support having strong regulatory measures in the plan to address these issues.
14. 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 stock exclusion setbacks (up to 10m each side) to provide enough space for riparian vegetation to establish around waterways and secure the banks, 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. I have seen fences that were put in too close to streams less than a decade ago, now dangling in mid-air, being ineffective because they were not put far enough back from streams and rivers.
- e. Eliminating and reducing discharges by:**
  - i. Requiring consent for dairy effluent discharges to land
  - ii. Prohibiting new farm dairy effluent discharge to water and introducing stricter requirements for renewal of existing consents.
  - iii. Prohibiting new wastewater treatment plant discharges to water and introducing stricter requirements for renewal of existing consents.
  - iv. Prohibiting domestic wastewater discharges to waterways
  - v. Prohibiting any toxic waste from mining activities into waterways above and below ground
- f. Protecting wetlands by**
  - i. Prohibiting wetland drainage and clearance
  - ii. Requiring stock exclusion from wetlands
  - iii. Adding policies to the plan that would encourage wetland restoration
  - iv. Mapping and monitoring wetland extent
  - v. Introducing a measure of wetland condition using a tool like the wetland condition index (as recommended by the Government's Science and Technical Advisory Group on the NPS-FM)
- g. Controlling exotic forestry by:**
  - i. Requiring larger setbacks for exotic carbon and plantation forestry from waterways.
  - ii. Requiring resource consent for plantation forestry and exotic carbon forests in high-value dune lake catchments.
  - iii. Prohibiting clear-felling of forestry in high-risk or steep areas
- h. Expanding requirements for assessing impacts on cultural values by**
  - i. Adding requirements for resource consent applicants to assess cultural impacts that affect tāngata whenua values for freshwater.
- i. Phasing out and preventing over-allocation of water by**
  - i. Using short-term consents of < 10 years for all water takes, unless for municipal/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

15. I appreciate 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.

16. Ngā Mihinui

**Dean Baigent-Mercer**

### 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:** [Julianne Bainbridge](#)  
**To:** [Freshwater](#)  
**Cc:** [Ben Lee](#); [Brenda Baillie](#)  
**Subject:** Draft Freshwater Plan Feedback  
**Date:** Tuesday, 2 January 2024 7:01:55 am  
**Attachments:** [NRCfreshwater.docx](#)

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Good morning

Please find attached my submission on the draft Freshwater Plan.

Confirmation of receipt would be appreciated.

Thank you,

Julianne

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Julianne Bainbridge

Director

Orotere Farm Ltd

### SUBMITTER DETAILS

**NAME:** Julianne Bainbridge

**EMAIL:** [REDACTED]

**PHONE:** [REDACTED]

**ADDRESS:** [REDACTED]

I am making this submission on the Northland Regional Council (NRC) draft Action Plan for Freshwater and draft Freshwater Plan Change documents.

#### **Opening**

I am investing the time doing this submission with the hope it is read and understood. I am happy to provide photographs, videos or further time for explanation if required.

The key areas of concern are Highly Erodible Land (HEL), Effluent Management, Water Allocation, Cultural Values, Stock around Waterways and the unintended social and environmental consequences of the policies.

I am committed to working collaboratively to address any issues and find mutually beneficial solutions. I believe that an open and respectful dialogue can help bridge gaps in understanding and lead to more effective and fair decision-making processes.

I would like to see more involvement of landowners/contractors/people on the ground with practical experience in the forming of policy other than just in the submission process. We have had "educated" people with little or no practical or applicable experience making these proposals with little or no science backing them.

I would like to take a moment to bring to your attention a matter of concern that has been consistently observed in my interactions with the NRC. It has come to my attention that there may be an entrenched bias within the NRC towards some pastoral farmers and some pastoral farming practices. I would like to take this opportunity to respectfully request that my perspectives and concerns, as well as those of others in the pastoral farming sector, be given fair and unbiased consideration.

On multiple occasions, I have encountered dismissive attitudes based on my association with pastoral farming. For instance, a senior staff member's statement, "Nothing is as bad as what comes out of the back end of a Dairy Farm," (I wonder if Aucklanders who want to go swimming at one of their local beaches over this festive season would agree?) and the response to concerns about our local waterway, where I was told, "everybody makes an impact," were disheartening instances that have left me feeling unheard.

I wish to emphasise the importance of addressing these biases and urge you to look into the observations and scientific evidence supporting the concerns raised by pastoral farmers. It is my sincere hope that we can foster a more inclusive dialogue where differing perspectives are genuinely considered, and decisions are based on a thorough examination of the facts. I firmly believe that a fair and unbiased assessment, devoid of preconceived notions, is crucial for effective decision-making and just governance.

I would like to express my support for the significant goal of freshwater improvement and commend the efforts being made in this regard. It is crucial for our community and the environment.

I am concerned that the changes being put forward by NRC are going to have a net negative effect on our waterways and Northlands' economy.

GDP is traditionally used to express Agriculture's contribution to the economy. There are so many businesses which support farming which aren't included in the GDP numbers. How are these changes going to effect the entire Northland economy, and how will the net effect be measured, particularly the unintended consequences? Who will be accountable when Northland moves into negative GDP and a majority of the population moves into poverty?

The Resource Management Act Section 32 requires a cost analysis to be done.

It is imperative that these policy changes are grounded in thorough and comprehensive scientific research rather than selectively chosen data. It is essential to avoid decisions influenced by emotion, assumptions, or personal opinions of staff members.

Acknowledging the inherent uncertainties in freshwater science, it becomes even more critical to adhere to a rigorous scientific approach. The purpose of science is to challenge biases and uncover the truth.

I am very concerned at the combined effects of the current plan changes which will take Northland further away from regenerative agriculture, whose cornerstone is ruminant animals, and take away the ability of farmers to make timely decisions for the health of their stock and soil, and consequently the waterways.

I am interested in understanding the accountability framework associated with these changes. In the event that the NRC proceeds without due consideration of submissions from Farmers or potential government directives, and if there is a continued decline in Northland's waterways, who will be held accountable? Additionally, I am concerned about the potential legal implications, especially given that some of the NRC recommendations exceed the requirements of the National Policy Statement.

In the event of legal challenges, how will the NRC address these situations, and could ratepayers potentially be burdened with funding court cases? I believe clarity on these matters is essential for maintaining transparency and ensuring that decisions align with legal frameworks.

In failing to consider the economic and social impacts of the proposal NRC is failing in its obligations under the Local Government Act 2002 to provide social, economic, environmental, and cultural well-being of their communities, which is the purpose of local government.

## **Introduction**

My husband and I own, and live with our family on a 135ha dairy farm, and 38ha support block in Waiharara in the Far North. Our sons attend local schools.

We support many local businesses and contractors. I was a volunteer for the local playgroup, Dairy Women's Network and DairyNZ, and my husband is on the Far North District Council drainage board. We feel passionately about raising the next generation of New Zealanders, and the environment we will leave them. I feel passionately about our land and animals and all our long term and day to day decisions are around the welfare of our animals and soil and consequently our waterways, as the health of waterways are directly determined by the health of the soil surrounding them.

My husband has been helping on farms since deciding he wanted to be a farmer at five years old, and dairy farming his entire working life. I have been alongside him for much of that time. He has farmed in seven different Northland locations, each farm unique. I have been full time farming with him for twenty years.

My submission comes from our lifetimes of learning, the different experiences we have had, and contain echoes of our mentors.

I have reflected on and considered the changes over the last few weeks before sitting down to write this. I am feeling overwhelmed at the amount of time and effort required to read and understand the changes. The farmers who don't submit will only have not done so because they haven't had time or don't believe their voices will be heard, or are simply overwhelmed by the process and the number of questions being asked. Presumably the writers and experts involved in these plans are in paid positions. The many hours I am investing in trying to stop the passing of bad regulation is on a pro-bono basis.

We are farming on some of New Zealand's newest soils. We autumn calve to have our cows' dietary requirements as closely matched to the local growing season as possible. We have a low stocking rate of less than two cows per effective hectare (NZ average is 2.8). We have a diverse pasture species, although less than we used to as some species attract too much bird life or do not persist in the local environment, and we are taking our cues from nature. We avoid bare soil, overgrazing and pugging. We rotational graze in a holistic manner. We view our effluent as a resource. We compost our organic farm waste. This is New Zealand Pastoral Farming. Some might label it "regenerative agriculture".

I strongly believe that when our soils are healthy, we have healthy plants, animals and waterways. I believe we are successful as we have very few animal health problems, copious amounts of worms in our soil, and when our waterways were tested they were the same or better on every count after passing through our land.

We have an excess of twelve months storage capacity for our farm dairy effluent. We have 0.03sqkm of fenced off and retired wetland, 4kms of fenced off man made drains, and are working on riparian/native plantings as money and time permits. We have two slopes and some drain banks fenced off, retired and planted.

We have man-made drains which are fenced and planted on one side. Open side is essential for maintenance of drain and control of weeds. This drain does not need to be fenced and does not meet any requirements to be fenced. The fencing and planting are voluntary actions.

I am proud of the work we have done with our land, animals, soil and waterways and the contribution we make to our local economy. We are the best people to make informed decisions for our land, waterways and animals, and need to be able to make timely decisions in what are sometimes narrow windows of opportunity around other farm commitments and weather. Our ability to be able to do this is being legislated away, eroding both our economic and mental resilience.

Our farm is part of a healthy ecosystem. We have resident populations of white faced herons, grey herons, an Australasian Bittern, frogs, eels and many fish species in our drains/waterways. We do nothing specifically to improve water, we farm for healthy soils. All our farming practices are covered by our Farm Environment Plan (FEP).

All of the consents and regulations NRC is proposing could be covered in each FEP without the need for duplication, cost and unnecessary bureaucracy.

There is also an overlap coming in the form of Freshwater Farm Plans (FFP). FFP could be used as a tool to identify potential improvements in water quality which could have been missed in the FEP.

It seems that most of these proposals are about the NRC and an ethnic minority having power and an income stream i.e. revenue gathering. In fact, in the meeting notes mentioned in Footnote i, the word "control" is used at least three times.

NRC have gone for more of a regional approach as opposed to a catchment approach. Largely due to the resources required to take things down to that level, and also NRC believe the cause and effect of key contaminants (sediment and E.coli) are pretty similar across the region. This is a grave error. Northlands' soils and terrain is extremely diverse and a diverse approach is needed.

These diverse soils and terrain would be taken into account with each farms' FEP and FFP, thus ensuring a more likely positive outcome while reducing the drain on resources for NRC. How is NRC preparing for the increased amount of consents they are proposing? Where will the expertise come from in the staff who will be involved in the consent process come from?

NRC have identified e-coli and sediment as being the two biggest issues which face Northland waterways. NRC have determined that pastoral farming is the biggest contributor to both of these pollutants. I would like to see further and more complete testing being taken out. It is also of significant note that NRC is making these recommendations on monitoring which is sporadic and incomplete. There is no baseline available to show e-coli levels in lakes, and absolutely nothing being measured in wetlands, both habitats for introduced water fowl. You are submitting these incomplete measurements for reporting which compromises the report themselves.

### **Highly Erodible Land (HEL)**

NRC have identified land slope and the main indicator for HEL. This has resulted in much of Northlands' most erodible land being missed off the maps and lots of land un-farmable with the stroke of a pen.

Northlands' HEL is also small soil particles, which can be found on any land slope.

Erosion is not just caused by water. Wind is also a major contributor to erosion, especially when the soil is bare. Much of Northland is coastline, and much of Northland is hills. Consequently much of Northland suffers from a lot of wind from varying direction much of the time.

It is also of note that the weather events of the last few years have caused erosion on hills which were almost entirely native bush. Examples can be seen on the Brynderwyns and the Mangamukas. Therefore we already know that planting into trees and excluding stock on the steeper land will not guarantee there is not significant erosion.

Using the Aupouri Peninsula as an example. In 1770, Joseph Banks on the Endeavour described the land as "almost entirely occupied by vast sands"<sup>i</sup>. "...the most significant change in the environment say 1000 years ago was not in climate...but the effect of the arrival in New Zealand of the major tide of human settlement...fire - deliberate, accidental or spontaneous - now became the major factor not only in completing the destruction of the natural forest but in rendering its recovery ever less likely." Farming and gum-digging by settlers saw increased burning of the vegetation, resulting in



the Aupouri Peninsula being so exposed to wind and rain the sand dunes had encroached across half of the peninsula by the time large scale pine planting began in the 1960s. Large scale marram grass and lupin planting stabilised the dunes before the exotic forest could establish.

The Aupouri Peninsula has seen a huge change in land use away from Pastoral Farming in the last two decades. Over the last ten years the 5km around our farm has had a dairy farm decrease from nine to four. Each of the five farms has not only left dairy but is no longer Pastoral Farmed at all.

The change of land use has seen the waterway which runs through our property, to the local harbour, change. **It once ran clear, all year round, even in floods.** It has been running dirty with a **huge sediment load for the last two and a half years consistently.** This is a significant and sustained change. A change NRC does not seem to be interested in addressing.

The unintended social and environmental consequences of this sits firmly at the feet of NRC who have not been monitoring this waterway and who have not enforced changes since being made aware of it.

If the supposition of Pastoral Farming being the main cause of contaminates in Northlands' waterways is correct we will be seeing a huge down trend of pollutants on the Aupouri Peninsula consistent with the amount of land use change. Not only has there been large amounts of dairy land use change there has also been large amounts of beef and sheep change. Is this being mirrored in the test results? If it is not then there is the proof of a paradigm shift requirement.

The change has been to Market Gardening (cropping) which exposes the soil to erosion and also large scale avocado development which not only is drawing from underground water sources, it is also requiring large scale movement of soil and contouring of the land which is designed to shed water.

When we experience dry periods the soil is evident blowing inside our house. Within a day there is a layer of dirt on the floor, window sills and toilet seat.

All of this soil disturbance has a twofold effect on the environment. There is the destructive nature of tilling soil year after year which leads to the mass release of carbon and the degeneration of the soil. This is exactly how the United States of America encountered the famous [dust bowl](#) of the 1930s.

The two biggest threats to erosion on the Aupouri Peninsula are the harvesting of plantation forestry and market gardening.

"Soil loss by wind erosion may not be physically noticeable on the field, but it can be significant in terms of its effects on air, soil, and water quality over time.<sup>ii</sup> The mechanism of wind erosion is quite different from water erosion. The drier the soil the more effect wind will have on dislodging soil particles and carrying them away causing significant damage to the air and water quality. Soil that is left unprotected due to tillage operations is prone to wind erosion, especially on flat, dry fields. Wind erosion is caused by strong winds that physically move lighter, less dense soil particles such as organic matter, clay, and silt particles. Very fine particles can simply be suspended in the airstream and carried long distances. Slightly larger soil particles may hop along the surface. Still larger particles are rolled along the soil surface. Loose soil particles can drift along, bombarding and dislodging still more particles with the same effect as sandblasting."

"In a normal rainfall, raindrops range in size from 1 to 7 millimetres in diameter and hit the ground going as fast as 35km/hr.<sup>iii</sup> The impact of millions of raindrops hitting the bare soil surface can be

incredible, dislodging soil particles and splashing them one and a half metres away. A heavy rainstorm may splash a huge amount. However, the majority of the soil splashed is not immediately lost from the field. Most of the splashed soil particles don't leave the field; they clog surface pores, which in turn reduces water infiltration, increases water runoff, and increases soil erosion. After a rainfall event, soil crusting is a significant problem, particularly on soils with low or no residue cover. The surface crust is caused by a breakdown of soil aggregates due to raindrop impact. The raindrop splash detaches particles that fill soil pores. When rapid drying occurs, a hard crust layer can form in the top five cm of the soil. Soil crusting creates conditions that are extremely conducive to soil erosion during following rainfall events.”

Farming which follow the five principals of healthy soil (avoiding bare soil, minimising soil disturbance chemical, physical or biological, plant diversity, continual live plant/root, and livestock integration) grow the Mycorrhizal fungi in the soil.

Mycorrhizal fungi are beneficial fungi that have a symbiotic relationship with most plants and trees. The plant provides the mycorrhizal fungi with sugars produced by photosynthesis and in return, the mycorrhizal fungi extend their network of long, threadlike filaments out into the soil to effectively extend the reach and root volume of the plant's roots. This supports the growth and health of plants by providing additional nutrients, increasing drought-tolerance and access to water, reducing stress in extreme environmental conditions, improving soil structure, and protecting plants from harmful pathogens.

Mycorrhizal hyphae enmesh and entangle soil particles, organic matter and small aggregates together facilitating macro-aggregate formation. This glue holds the soils together. There is a huge opportunity to inoculate soils with Mycorrhizal fungi to combat soil erosion.<sup>iv</sup>

### **Water shedding and velocity**

The contouring of the land, such as we have seen in avocado orchard development, to change it from a water catchment to a water shed speeds the leaving of water from the land. Not only will the velocity take soil with it, the water no longer is able to infiltrate into the soil to protect from drought conditions and to recharge underground water.

We saw the effect of this upstream soil contouring directly during the wet winter this year. We saw the biggest, deepest, longest lasting, sediment loaded flooding we have ever seen while living here. It also affected our neighbours. We were unable to graze 25ha for three months this winter. Our neighbour suffered economic loss in the form of dead trees in their orchard from water logging as water shed up stream was pushed onto our large flat area.

The Okohine stream flows through our flat. This was once, many decades ago a meandering stream which zig zagged across the flat, slowing the velocity of the water and allowing water infiltration.

Now we have the effect of water shedding land design further upstream which adds to the water quantity and the water velocity. This is furthering inhibiting water infiltration while increasing erosion. The banks of the stream are caving in.

A thirty year research project<sup>v</sup> has shown that slowing the water velocity by a series of small rock dams through a landscape has many positive effects such as: slowing water velocity, improving water clarity, reducing the amount of exposed bedrock, reducing turbidity, increasing the base flow in times of drought, increasing the water table above the bedrock and incredibly stopping 200 tons

of erosion per year, keeping sediment out of the waterway and increasing downstream water quality. It was also estimated the carbon storage was between 200 and 250 tonnes metric tons per hectare.

## Effluent Management

In your [Northland river water quality baseline state \(2015 - 2019\) \(E.coli - overall\) map](#), there is red being shown in the Aupouri Forest waterways for both e-coli and sediment. This is an interesting result for a monoculture crop and is in direct contradiction to the narrative from NRC.

Your report "[A review of river microbial water quality data in the Northland region states](#)": "Long-term trend analysis was conducted at all river water quality monitoring sites. Eleven sites had statistically significant trends. Six sites showed a statistically significant decreasing E. coli trend (improving water quality) and five sites showed a statistically significant increasing E. coli trend (decreasing water quality). This data is provided to the Northland Regional Council to support further local investigations." What further investigations were made by NRC and what were the outcomes of those investigations. What land use change had occurred?

It also states "The patterns of contaminant concentrations predominantly indicated diffuse pollution sources of E. coli." How much DNA testing has been done? How often do contaminants get traced to source? How much e-coli test result has been attributed to sheep or cattle because the site was next to grazing land where there is also lots of native bush which contains birds and possums? When we were farming in Okaihau there was a huge possum population on the farm. Interestingly we were on a Water Exclusion Plan with Fonterra as the farm supply which came from a spring in the middle of a patch of native bush was full of e-coli. Unfortunately this was before testing was able to be traced.

"Mapping of Farm Dairy Effluent (FDE) across Northland appeared to show a relationship between the density of FDE discharges and median stream E. coli concentrations." What changes in e-coli is going to occur when nil-discharge being enforced by Fonterra comes into effect? Surely the gains to be made are very clear. There have many dairy farms exit the industry in the last decade, and I understand many more expected to leave before these next lot of rules take effect.

The total area farmed in Northland was 809897ha in 2002, and 706668ha in 2019. How much more land is no longer farmed and what is the anticipated outcome on waterways due to the change in land use? The human population was 144,400 in 2000 and 194,600 in 2020. How is the populations of humans increasing impacting on Northlands' waterways?

"Avian faecal source markers were frequently (92%) detected in low levels with no apparent relationship with site, E. coli concentrations, rainfall or river flows." We have huge populations of game and pest birds in the Far North which are not being controlled. All introduced species should be eradicated.

Black swans are known to have two litres of effluent per bird per day. We have a huge population of pest birds on our farm. Controlling them is impossible. We are not able to harvest rain water from our cowshed roof to use in our cowshed because of e coli. We have been unable to get permission to get excessive numbers of Paradise Ducks controlled through Fish and Game. Not only is this affecting our waterways, but it effects our pasture diversity <sup>vi</sup>because we have stopped trying to grow some species of pasture because the birds like it so much.

After purchasing our farm 17 years ago we sought advice from Fonterra and NRC on an effluent system which would future proof our farm.

They both recommended systems smaller and cheaper than what we ultimately chose. We made the decision to invest heavily because we recognised any discharge, treated or untreated was unacceptable, and that cow effluent is an important form of nourishment for soil and harvested water to be used at times of a moisture deficit is invaluable.

We wanted to make the most of that. We have invested over \$35000 so far and expect the total invested when we are finished will be over \$150000.

In the future, we plan to do add to our farm dairy effluent system to enable us to separate water from solids, irrigate the water and spread the solids to make the most of this valuable resource. This will strategically place moisture and nutrients to benefit the microbial life in the soil, while also slowing the leaving of water from the land.

### **Recommendation:**

I support slopes >25 being inoculated with Mycorrhizal fungi and space planting of trees. I support the landowners being able to harvest crops, in whatever form, from those trees without resource consent. Trees have a lifespan, and an ability to fall over when unmanaged. This needs to be recognised.

I do not support stock exclusion from sloped land.

I support holistic planned rotational grazing.

I support education for NRC staff/farmers/horticulturists/orchardists/landowners about the five principals of healthy soils.

I support education for NRC staff/farmers/horticulturists/orchardists/landowners to understand the water cycle and the employment of a NRC water practitioner to consult.

I support limits for tilled soils. I support the integration of ruminant animals into cropping to heal the soil. I support policies which restrict soil disturbance.

I support policies which mitigate soil erosion and slash in forestry.

I do not support policies which encourage monoculture that fail to provide the ecological benefits of natural, diverse forests and may cause problems by lowering the water table.

I do not support riparian margins over 3m. Not only is this a land grab, but it will provide habitat for introduced bird species and vermin (raising e coli levels) and it will be hard to control weeds without the use of sprays. There is also the consideration that under the new rules farmers may also have this tool removed from them. They will only be effective if managed correctly on high stocking rate properties, otherwise they are a waste of time, money and resources. Taking an extra seven meters would see farming become unviable. Huge tracts of land with unmanaged vegetation will create a fire corridor.

I support variable riparian margins to make an average of 3m to allow ease of fencing.

I support incentives to retire land where the landowner sees fit. Periodic grazing (even if only annually) should still be allowed.

I support advocacy of eradication of introduced water fowl species with Fish and Game by NRC.

I support eradication of pest species such as possums, feral cats and rodents.

I support a fertiliser cap and stocking rate (including humans) and fertiliser cap **if they are applied across the board**. Lifestyle blocks and urban areas included.

I support changes to storm water management to reduce and mitigate the effects of runoff from impervious surfaces such as streets, paved and roofed areas, and solar farms. All the impervious surfaces humans have created and the drainage to get water away from houses and roads has a huge effect on our soil and waterway health.

Human effluent treated or untreated is unacceptable to enter any waterway at any time. I support policies which ensure this.

I support human rubbish and pollutants not entering waterways, e.g. rubbish in roadside drains, sunscreens in waterways.

I do not support changing FDE to requiring a consent.

I support the use of FEPs and FFPs to create plans at farm level to improve on farm waterways. Use these plans to increase soil organic carbon (SOC). Organic matter is 58% carbon. Carbon stored in the soil helps the soil hold four times the amount of moisture.

I support all Northlanders having equal responsibilities and involvement in our waterway health. I do not support minority groups and bureaucrats with no practical knowledge or experience having power over landowners' decisions.

I support equality for waterway health, human needs and stock needs.

I support harvested, stored water being used as irrigation to keep soil in a sponge-like state in times of moisture deficits and to help recharge groundwater. I support the ability for landowners to hold water on a landscape and to help it infiltrate into groundwater, in the form of dams, terraces, swales etc. without the need of controls or regulations. We have a large rainfall in New Zealand, particularly in Northland, and must be doing more to store excesses for future use. Water harvesting and storage is a priority for soil and waterway health.

Level Terrace Pros: Prevents soil erosion effectively by interrupting the flow of water down the slope. Good for growing crops that need level ground. Cons: Can be expensive to build and maintain. Requires precise construction to ensure the terrace is truly level.

Reverse-Slope Terrace Pros: Collects water for crops at the base of the terrace, which can be beneficial in dry areas. Cons: Can lead to waterlogging at the base if not properly drained. More complex to construct than level terraces.

Slope-Separated Terrace Pros: Allows for different types of land use on the same slope. Can be tailored to the specific needs of each crop or area. Cons: The complexity of the design can lead to higher costs and maintenance. Requires careful planning to prevent erosion between terraces.

Sloped Terrace Pros: Easier to construct than level terraces as it follows the natural slope of the land. Good for water drainage. Cons: Less effective at preventing erosion compared to level terraces. May require additional structures to manage water flow.



**Level Ditch** Pros: Simple to construct. Effective at water management, allowing excess water to be channelled away from the slope. Cons: If not properly maintained, ditches can become conduits for erosion. They can also become overgrown, reducing effectiveness.

**Fish-Scale Pit** Pros: Effective in dry regions for capturing and holding rainwater. Helps to recharge groundwater and provides moisture to roots. Cons: Can be labour-intensive to create and maintain. Not suitable for areas with heavy water flow as pits can overflow.

Each method has its appropriate application depending on the climate, soil type, slope gradient, and the intended use of the land. The choice of method should be based on a detailed analysis of these factors.

Zach Weiss is a water practitioner who has been involved internationally in restoring water cycles. He says “Water is a basic human right. Water cannot be privatised. Water is for the benefit of the living beings on that landscape. Create legislature which allows people to hold water on that landscape. In order to restore the hydrology of these degraded, drained landscapes we really need to change these regulations so we are not asking the people who are restoring the planet to also break the law in the process. If we can do this we are going to see these communities more and more become water secure, food secure, climate secure, where they are controlling the swings in the climate. They have a more balanced even climate. They have plenty of water, whether for drinking, agriculture or wildlife and they have an abundance of food. Through regeneration and restoration of the water cycle we can create conditions again where all of the water is pristine and healthy. The ecosystems are really going to come back to life as a result. **Water drives 70 to 95% of the global heat dynamics on earth.**”

### Photographs



Left: rubbish around Lake Ngatu Dec 2023

Below: drain State Highway 1 Nov 2023 and Oct 2019. Same place, showing a massive, sustained problem with human pollution.





The following photographs demonstrate the quantity of pest birds on our farm and on local waterbodies.





The following photographs demonstrate some of the voluntary actions around our farm.

Note plantings on one side of drains to allow ease of access for drain maintenance.





The photograph showing fish was taken from a farm



drain. I understand these particular species are undesirable. There were other species present, but were too quick to photograph. I would like to emphasise the water clarity. The photo demonstrates that our farm is part of a healthy ecosystem.



A demonstration of market gardening. Note bare soil and plastic.



An example of a watermelon crop when the farmer had finished. The remaining crop and the remaining plastic was mulched and left.





These photographs are of one property which was kept in cropping for three consecutive years. Top photograph was taken in June 2022 showing the huge amount of erosion after a rain event. It was easy to see how far the soil health had deteriorated by this stage. Rain no longer infiltrated into the soil. It ran off or pooled.





Left: On the right of this picture is water from our farm drain going in and joining the Okohine stream. Please note the difference in clarity of the water. Prior to land use change up stream there was no visible difference between the two water bodies.



Left: A salt burnt tree following cyclone Gabrielle in 2023. This is a demonstration of the ability of wind to move particles a long distance.

### Conclusion

Thank you for considering my submission. I ask that you work with Northlanders, including farmers, not against us, to continue our commitment to improved water quality outcomes for all Northlanders. Hopefully if you have read and understood my submission you have realised that soil matters for water and that maintaining water in soils can help mitigate against many global challenges including climate change. “The water cycle interacts with all basic biophysical cycles: the carbon cycle, the energy cycle and the nutrient cycle. The better we understand this, and the better we appreciate how water processes relate to alleviating poverty and hunger, reversing desertification and rebuilding biodiversity, the

more equipped we will be to take on difficulties of our time” Judith D Schwartz. Everybody needs to take responsibility for our water cycle.

I hope I have articulated well my dedication to the welfare of my land, animals, and community and that it comes through strongly, and that the insights as a farmer are invaluable in shaping effective and fair policies.

I recommend the following:

Water in Plain Sight and Reindeer Chronicles by Judith D Schwartz (both available from FNDC libraries)

[Landcare Research Soil Health Factsheet Soil Erosion and Sediment Control](#)

Soil Matter by Michelle Groothedde

[Water Stories.com](#) (some available on You Tube)

Soil Carbon Coalition <https://soilcarboncoalition.org/>

<https://www.stuff.co.nz/environment/climate-news/132789476/paydirt-why-australia-is-ahead-of-nz-on-a-big-way-that-farmers-can-fight-climate-change>

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<sup>i</sup> Forest On the Sands EV Sale

<sup>ii</sup> <https://crops.extension.iastate.edu/encyclopedia/spring-wind-erosion-and-residue-management>

<sup>iii</sup> <https://crops.extension.iastate.edu/encyclopedia/how-reduce-potential-soil-erosion-early-spring>

<sup>iv</sup> [The Use of Mycorrhizal Fungi in Erosion Control Applications](#)

<sup>v</sup> [Aridland Water Harvesting Study](#) <https://www.youtube.com/watch?v=c2tYI7jUdU0>

<sup>vi</sup> Pasture Diversity is one of the five principles of soil health.

**From:** [Geraldine Baker](#)  
**To:** [Freshwater](#)  
**Subject:** Kahukuraariki Trust Submission on draft  
**Date:** Monday, 18 March 2024 1:34:33 pm  
**Attachments:** [image001.png](#)  
[20241103 Kahukuraariki submission on NRCs draft Freshwater Plan Change\\_GB.pdf](#)

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# Submission to the Northland Regional Councils Draft Freshwater Plan Change

## Submitter Information

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## Introduction

1. This submission is made by Kahukuraariki Trust Board on behalf of the Iwi, Ngātikahuki Whangaroa on the Northland Regional Councils (NRCs) Draft Freshwater Plan Change.
2. The Kahukuraariki Trust is the Post Settlement Governance Entity for the Iwi of Ngātikahu ki Whangaroa. Originally a claimant group of approximately 3000 people whose area of interest lies in the Far North between the Mangonui Harbour and Whangaroa Harbour.

The iwi is bordered by Ngātikahu to the north-west and Ngāpuhi to the south-east. In September 2001, the Crown recognised the mandate of the Ngātikahu ki Whangaroa Trust Board to negotiate on behalf of its people. The Crown and Ngātikahu ki Whangaroa Trust Board signed Terms of Negotiation in October 2004 that agreed the scope, objectives and general procedures for the negotiations.

An Agreement in Principle (AIP) was signed in December 2007, and a refined AIP was signed in July 2014. On 18 December 2015 by the Kahukuraariki Trust Board and members of Ngātikahu ki Whangaroa. In 2017 the Ngātikahu ki Whangaroa settlement Act was passed through parliament.

Kahukuraariki is the common ancestress of the people of Ngātikahu ki Whangaroa.

Today the Trust is the kaitiaki of those assets returned to it, to manage on behalf of the people of Ngātikahu ki Whangaroa. The Trust Board comprises 8 Trustees representing the 8 Marae within the tribal boundaries. They are:

Taemaro  
Waimahana  
Taupo Bay  
Mangatowai  
Otangaroa  
Waihapa  
Waitaruke  
Te Komanga



## Draft Freshwater Plan Change Submission Template

The Trust Board appointed an inaugural General Manager in September 2020. The operational staff consists of 2 employees. The Trust currently does not have a physical base.

3. The geographical boundaries of the iwi location/areas of interest are as follows:



4. Further details relating to Ngātikahu ki Whangaroa's settlement can be read here:

<https://www.tearawhiti.govt.nz/te-kaui-whakatau-treaty-settlements/find-a-treaty-settlement/ngatikahu-ki-whangaroa/>

## Background

1. In this submission, the Kahukuraariki Trust generally supports the Northland Regional Council's (NRC) draft Freshwater Plan Change. Where we oppose or seek amendments to provisions, specific submission points are provided in **Appendix A**.
2. This submission relates to the entirety of the draft Freshwater Plan, and we wish to be included in future processes and refinements relating to the finalisation of the Freshwater Plan. We further request that this submission is afforded status and weight in the finalisation of the Freshwater Plan, to acknowledge and recognise the mana and rangatiratanga of Ngātikahu ki whangaroa (Kahukuraariki Trust).
3. We acknowledge the process NRC has taken to co-design the tāngata whenua provisions. We support the work that the Tāngata Whenua Water Advisory Group (TWWAG) has undertaken to see these provisions developed to give effect to Te Mana o Te Wai in Te Tai Tokerau.
4. We encourage the Council to further involve as many the iwi/hapū representatives with the finalisation of the draft Freshwater Plan. This includes implementing the support required for tāngata whenua to be involved in freshwater management and decision-making whilst contributing the required resources and funding to ensure these are successfully implemented.<sup>1</sup>

### *Treaty Settlement Legislation*

5. Throughout the development and implementation of the draft Freshwater Plan, NRC must recognise and uphold existing and future Treaty Settlement legislation. This includes giving effect to existing management arrangements over freshwater.
6. It is also critical through the development of the freshwater plan, to give effect to existing iwi and hapū management plans (IHEMPs). In particular, where policies and objectives describe how freshwater resources should be managed. Where relevant, IHEMPs should also inform how the Council proposes to include mātauranga Māori methods for monitoring the quality and quantity of freshwater used across the region.
7. Where there are existing statutory acknowledgments over freshwater, NRC must engage directly with those entities affected.

### *Importance of NPSFM*

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

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<sup>1</sup> See Potential Action 10(a)-(g) in the Draft Freshwater Action Plan: pp12.



9. Many of these issues tāngata whenua face on a daily basis which impacts livelihoods.
10. The NPSFM provides direction to the way tāngata whenua must be involved in freshwater decision-making. NPSFM Policies 1 - 5<sup>2</sup> must be upheld in the draft Freshwater Plan, and we support the draft provisions that enable tāngata whenua to do this.
11. Tāngata whenua involvement must occur at all stages of freshwater decision-making. This includes policy development, implementation, monitoring of resource consents, as well as the effectiveness of the freshwater provisions.
12. The NPSFM also requires an integrated approach, *ki uta ki tai*, to freshwater management.<sup>3</sup> This means decision-makers must consider the holistic well-being of the environment when making decisions, including the interaction between land, water bodies, ecosystems and receiving environments.<sup>4</sup>
13. Tāngata whenua must be able to determine how this occurs, and we support the continuation of this work through future phases of the plan change, including non-regulatory methods via the Action Plan.

### *Te Mana o Te Wai and Hierarchy of Obligations*

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

#### *Fundamental concept*

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

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<sup>2</sup> See NPSFM, 2.2 Policies: pp10

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

<sup>3</sup> See NPSFM, clause 3.5.

<sup>4</sup> Ibid, clause 3.5(1)(a)-(d).

<sup>5</sup> See NPSFM, clause 1.3:

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

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

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

17. We support the freshwater environmental outcomes in the draft Freshwater Plan that seeks to give effect to the following:

- a) Priorities for freshwater management*
- b) Te Hurihanga Wai*
- c) Treating land, wai and ecosystems as one*
- d) Climate change and wai decision-making*
- e) Rangatiratanga and Kaitiakitanga*
- f) Tikanga Māori, He Whakaputanga and te Tiriti o Waitangi*
- g) Tāngata whenua well being; and*
- h) Meeting target states for Māori freshwater values attributes.<sup>7</sup>*

### *Te Hurihanga Wai*

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

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

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

## Overview of Key Matters in the Submission

### *Upholding Tāngata Whenua Values*

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

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

<sup>6</sup> NPSFM, clause 1.3(5)(a)-(c).

<sup>7</sup> See Draft Freshwater Plan Change, pp217-219

<sup>8</sup> See Objectives 3.16 & 3.17.

<sup>9</sup> See Draft Freshwater Plan Change, F.1A.1:pp217

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

22. In order for tāngata whenua to uphold their mana and rangatiratanga in freshwater management, we must be able to practice kaitiakitanga. This is not just about acting as an agent for environmental protection, but ensuring our freshwater and wider environment is sustained and regenerated in places for future generations, ngā uri whakatipu.
23. Therefore, we support the inclusion of an assessment on 'effects on tāngata whenua values and practices' being included as a new Matter of Control for all controlled activities in the draft Freshwater Plan.
24. This does not however mean that a 'full' assessment might be required for all resource consents for controlled activities. The requirement for a full report, Cultural Value Assessment (CVA) or Cultural Impact Assessment (CIA), will likely be determined based on the level of effects on cultural values. In some cases, there may be none or very little cultural effects or impacts, and tāngata whenua may only wish to be notified of the activity by the Council. In other cases, the activity may have significant adverse effects on cultural values, and tāngata whenua may wish to draft a more comprehensive report such as a CIA or CVA, to highlight options to avoid, remedy or mitigate these effects. This can only be determined by tāngata whenua whose cultural values will be affected.
25. The significant loss of wetlands and indigenous biodiversity has had a devastating effect on mahinga kai (a compulsory value under the NPSFM). These activities have severely impacted freshwater behaviour such as quality, flow, and yield in some places. Overall, we support the introduction of more stringent rules in the draft Freshwater Plan to enhance and protect freshwater bodies from further degradation and protect tāngata whenua values.
26. We also support the protection and inclusion of inanga spawning sites in the draft Freshwater Plan, but have recommendations for amendments to wording in **Appendix A**.

### *Freshwater Management Units (FMUs) and Attributes for Māori Values*

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

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<sup>10</sup> See Northland Regional Council, *Rationale for the establishment of Freshwater Management Units (FMU's) for water quality in Northland*, February 2021.

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

*Māori freshwater attributes*

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

*Policy on Setbacks*

30. The degradation of freshwater in Te Tai Tokerau requires more stringent rules to protect and revitalise freshwater bodies and ecosystems. We support the inclusion of more prescriptive rules on setbacks for stock exclusion, but note the financial burden this will have on landowners in particular Māori entities discussed below.
31. We support the new stock exclusions rules and provisions that have multiple benefits to achieving freshwater outcomes, such as decrease in livestock damage, bank stabilisation, flood control, plant nutrient uptake, and increased habitat and ecosystem for freshwater species.<sup>13</sup>
32. Riparian planting as a method of maintaining, improving and revitalising terrestrial and freshwater ecosystems should be required for all activities surrounding freshwater, including on highly erodible land. Where possible, riparian planting of native species should be undertaken in consultation with tāngata whenua from the area who can confirm the most suitable species.
33. Given the ambitious vision and environmental outcomes in the draft Freshwater Plan, it is considered wider setbacks will help achieve these goals by 2040. Further, we acknowledge the impact climate change is having on erodible land resulting in significant soil erosion in places. With more significant weather events predicted to continue and increase, this in turn will add to the further degradation and pollution of our waterways.
34. **Table 1** in NRC Stock Exclusion Consultation document shows that there will be a significant increase in the mauri of wai the further the distance is for the stock exclusion rules. While we acknowledge that the further the setback is, the more expensive and costly it will be on landowners. We believe this is a small trade off to enhance and protect our freshwater. In particular given the large amount of pollutants to freshwater is sedimentation and E.coli from livestock.

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<sup>11</sup> See Draft Freshwater Plan Change: pp227

<sup>12</sup> See Draft Freshwater Plan Change: H.12.1 Attributes for Māori freshwater values. pp267

<sup>13</sup> Northland Regional Council, Riparian setbacks: Summary of the science, October 2023.

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

### *Current water takes*

36. As identified above, one of the issues around freshwater in Te Tai Tokerau is overallocation of water sources. While we agree that permissive rules are required for domestic household and minor and temporary activities, more monitoring is required to measure allocated consents for commercial uses, including agricultural and horticultural activities.
37. The current regime of a 'first come first serve' basis as permitted under the Resource Management Act 1991, has not supported tāngata whenua and our ability to manaaki and tiaki wai. There are a number of case studies around the impact to tāngata whenua on the overallocation of freshwater as a result of multiple activities being consented by the Regional Council. For example, the springs and headwaters of Waipao Stream are subject to numerous water takes that includes bottling operations, cattle supply, and domestic water supply via District Council consent, and land irrigation.<sup>14</sup>
38. As such, we support the introduction of new Matters of discretion (2) effects on tāngata whenua values and practices, and (6) sites of significance to tāngata whenua in Rule C.5.1.10 – High flow allocation. It is expected through the introduction of these new controls, tāngata whenua values can be taken into account by the Regional Council through the consenting process.
39. With many Māori and marae in Te Tai Tokerau living in coastal areas, we also support more stringent rules in draft Freshwater Plan regulating quantity of freshwater that can be taken around coastal aquifers in Policy H.4.4(b) to prevent the effects of saline intrusion.

### *Managing development and growth*

40. As our population in Te Tai Tokerau grows, and new housing developments are approved across the region, the requirement to provide suitable drinking sources increases. Resulting in more resource consent applications for water takes by developers or territorial authorities.
41. To manage this, we recommend NRC and territorial authorities introduce provisions around resource consent renewals, and that existing consents are reviewed to align with

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<sup>14</sup> See Ruka, M., Environment River Patrol New Zealand, *Poroti Case Study for Kahui Wai Maori*, 2019.

new provisions once notified under the draft Freshwater Plan. This would be consistent with the NPSFM policy intent in relation to Integrated Management.<sup>15</sup>

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

### *20% water allocation for tangata whenua*

43. The introduction of a policy for targeted water allocation to tāngata whenua is supported. The intent of the policy is first and foremost to preserve and enhance freshwater bodies. Secondly, the 20% water allocation policy would only benefit new consents, primarily for marae and papakāinga use.
44. As highlighted above, the current regulatory framework enables water takes to be consented on a ‘first come first served’ basis. This has resulted in many tāngata whenua groups not having adequate access to freshwater as a consequence of overallocation. Historical injustices around water allocation in Te Tai Tokerau has further resulted in tāngata whenua being adversely affected in particular when there are low water supplies in a district or zone or severe droughts.
45. We agree with the analysis in NRC Companion document on the 20% Water Allocation Policy, that water within the 20% allocable limit will most likely be kept in a freshwater source to enhance the mauri of the wai, and taonga species that rely on wai to be well. This aligns with tikanga Māori and the concept of kaitiakitanga, as well as the proposed long-term vision and environmental outcomes for freshwater management under the RPS.<sup>16</sup>
46. We further support the intent of the policy that enables Māori land owners and PSGEs the ability to use remaining water that can be allocated within existing limits to improve the health and wellbeing of tāngata whenua<sup>17</sup>. As a result of historical injustice’s suffered by Māori through breaches of Te Tiriti o Waitangi, the Council must recognise and provide additional support to tāngata whenua via water allocation policies.
47. The current regime based on a ‘first come first serve’ basis does not support Māori entities who may want to enhance social, cultural, environmental and economic outcomes for their whānau, hapū and iwi. This policy ~~should~~ must be reviewed alongside current water allocation provisions and the duration of consents mentioned above, to ensure Māori are not disadvantaged again through this plan change.

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<sup>15</sup> NPSFM, clause 3.5(4)

<sup>16</sup> RPS, objectives 3.16 and 3.17.

<sup>17</sup> See Draft Freshwater Plan. Chapter H.4 Environmental flows, levels and allocations.pp235



### *Financial Implications for Tāngata Whenua*

48. There are considerable capacity constraints that exist for tāngata whenua through the resource management system. The requirement of applicants to engage and consult with tāngata whenua is necessary and should be resourced by the Council, and applicants where relevant.
49. The time and resources required for tāngata whenua to respond to resource consents without financial support is a major issue, in particular for pre-Treaty Settlement entities. As a result of a lack of resources from the Council, there are often major delays in correspondence from tāngata whenua, or an inability for entities to respond adequately, if at all.
50. With the inclusion of new provisions encouraging more engagement with tāngata whenua through the Freshwater Plan, NRC must also be able to support tāngata whenua and applicants through this process. To enable this, NRC should be resourcing tāngata whenua through capacity contracts and/or engagement agreements to support a streamlined process for engagement.
51. Further guidance for implementation of policy provisions should also be developed by the Council with tāngata whenua, to ensure applicants are appropriately informed about engagement and resourcing requirements.

### *Use of mātauranga Māori for monitoring*

52. [insert name of iwi / Māori entity] strongly supports the use of mātauranga Māori for freshwater monitoring. This should however be led by tāngata whenua not the Council. We note the inclusion of possible funding of a mātauranga Māori framework in the draft Action Plan. We strongly support this funding, and that it is included in NRCs Long Term and Annual Plan budgets. The funding must be provided to tāngata whenua in a non-contestable grant to enable tāngata whenua to develop their own monitoring programmes.
53. We support the introduction of Māori values and attributes in the draft Freshwater Plan, but note that iwi and hapū may also have their own values associated with different bodies of wai. This will extend to the attributes (or tohu) associated with those bodies of wai that may be based on mātauranga Māori relevant to tāngata whenua.
54. Any data and information using mātauranga Māori for freshwater monitoring must remain the property of iwi and hapū. Data information protocols must be developed by the Council and tāngata whenua documenting how their data and information is used and shared.
55. Data relevant to Māori attributes under the draft Freshwater Plan can be collected numerically or qualitatively based on discussion and interviews with kaitiaki. Because tāngata whenua values can only be assessed by relevant iwi or hapū groups, resourcing and weighting of data collected by these entities must be given by NRC. In most cases,

data can also be gathered based on western science methods, but this must be determined by tāngata whenua.

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

### *Activities on and around Sites and Areas of Significance*

57. While we support the inclusion and assessment on the effects of sites and areas of significance under the draft Freshwater Plan, we do not agree that all sites and areas must be listed and mapped in the Regional Plan.<sup>19</sup>
58. Multiple sites of significance will not be mapped by tāngata whenua for different reasons. The current Schedule 1 process under the RMA where sites need to go through a plan change process is an extremely drawn-out, resource heavy, and costly process. Secondly, a majority of significant sites are on private land which requires the property owner to agree having the site scheduled for tāngata whenua.
59. Also, tāngata whenua do not wish to have significant sites scheduled in regional and district plans in fear that these sites will be destroyed or damaged by the public.
60. We recommend that the Council amend provisions to allow sites and areas of significance that are *not* mapped to be assessed in resource consent processes. This would be consistent with the NPSFM where 'wai tapu' are affected by particular activities, but not necessarily mapped in the Regional Plan. Further, we recommend where sites are mapped and identified in iwi and hapū management plans, this information must be given the same weighting as if the sites were mapped in region or district plans.<sup>20</sup>

### *Agri-chemicals*

61. The Application of agrichemicals has not been reviewed as part of the draft Freshwater Plan Change<sup>21</sup>. Currently this is a permitted activity but we recommend the activity status is reviewed, in particular to consider whether the spraying buffer is compliant with new provisions introduced under the draft Freshwater Plan. Furthermore, the permitted activity status should be considered as a controlled or restricted discretionary activity.

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

<sup>19</sup> See for instance, Rules C.2.1.8, C.2.1.12, C.3.1.2, C.3.1.5.

<sup>20</sup> This information can also be considered under section 104(c) through resource consent applications and assessment of environmental effects.

<sup>21</sup> See Rule C.6.5.2

Given the chemicals in synthetic fertilisers and the impact these pollutants have on freshwater. Alternative methods such as organic fertiliser use should be less stringent in the regional plan when dispersed around freshwater.

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

### *Wai is a living being*

63. Wai Māori must not be considered a commodity and a resource that can be sold, abused, and neglected. Wai Māori is a living being, and we support the inclusion of Policy D.4.33 as it upholds Te Mana o Te Wai by acknowledging the living nature and sanctity of freshwater.
64. The management of freshwater resources to maintain ecosystem health and supporting iwi and hapū to thrive is one of the most pressing issues that will face generations to come. New mechanisms and frameworks are required to change the behaviour that individuals and organisations have towards freshwater. One option is affording legal personhood to environmental domains, including wai Māori.
65. The notion of granting legal rights to non-human entities is not new but has been implemented for nature overseas and locally. In Ecuador legal rights were granted to nature in their constitution in 2008.<sup>22</sup> Bolivia also introduced legal rights for nature, establishing ‘Laws of Mother Earth’ or protection of Pachamama in 2010. Similarly local laws have been created in Aotearoa New Zealand for protecting Whanganui River. In India laws were created to protect Ganges and Yamuna, and a hybrid of legal rights to protect nature were used in Victoria, Australia to protect rivers in the State.
66. Potential Action 10(c) in the draft Freshwater Action Plan recommends the Council:

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

67. While we agree that water is a living entity and has the right to be healthy and flourishing, we acknowledge the extensive discussions that need to occur around this model. We support further investigation of this recommendation, in particular how iwi and hapū can develop the regulatory framework that best represents protection of the rights of wai to be ‘healthy and flourishing’.

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<sup>22</sup> See Articles 71 – 74 of Ecuador Constitution 2008.

## *Climate Change*

68. The impacts of climate change and freshwater management are inextricably linked. Māori are disproportionately affected by the impacts of climate change, largely living in rural and remote areas that are exposed to multiple natural hazards. Including severe flooding, coastal erosion, droughts, high winds, pollution to freshwater bodies, loss of taonga species and biodiversity. We strongly support landowners to consider alternative methods to land use on erosion prone land, in particular where flooding and severe weather events have impacted on the land and surrounding freshwater.
69. Tāngata whenua do not have equitable access to resources to plan adequately for climate change that often have direct consequences to access to freshwater. Māori are not able to retreat or relocate to other locations due to the loss of their tribal estate and their whakapapa and lineage to whenua, moana, awa and other cultural assets.
70. Often climate change planning will be led by local authorities, taking little account of the mātauranga that iwi and hapū have to plan effectively for natural hazards and climate impacts.
71. There are numerous methods based on mātauranga Māori that can be used to plan better for freshwater management and climate change. For instance, using the maramataka, or Māori lunar calendar, to understand tidal and seasonal changes that can influence the level and flow of freshwater sources across the region.
72. New methods and provisions must support more innovative processes that allows tāngata whenua to adapt to climate change. For example, coastal and rural marae and Māori communities may need to consider alternative water sources as a result of climate change. Alternatives such as using desalination systems may be the best method for rural and coastal marae to obtain adequate freshwater sources. Future freshwater provisions must support these techniques and proposals where they arise in such a way such that it does not place increasing bureaucratic and fiscal burdens on coastal and rural communities.
73. We strongly support proposed policy **D.4.39 Tāngata whenua climate change mitigation and adaptation**, and we recommend Policy D.2.3 in the Regional Plan is amended as shown in **Appendix A** to align more specifically with Integrated Management clause 3.5 of the NPSFM.

# Appendix A - Remedy and relief sought

(amendments shown in ~~strike through~~ and underline)

## Rules

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

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

*Draft Freshwater Plan Change Submission Template*

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



*Draft Freshwater Plan Change Submission Template*

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

*Draft Freshwater Plan Change Submission Template*

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

*Draft Freshwater Plan Change Submission Template*

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

*Draft Freshwater Plan Change Submission Template*

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

## Draft Freshwater Plan Change Submission Template

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

## Policies

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

## Draft Freshwater Plan Change Submission Template

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

*Draft Freshwater Plan Change Submission Template*

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



## Draft Freshwater Plan Change Submission Template

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

## Draft Freshwater Plan Change Submission Template

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

### Tāngata Whenua Freshwater Policies

Proposed wording	Recommendation/Remedy sought	Reason.
<p><b>D.4.32 Tāngata whenua spiritual connection with wai</b></p> <p>The spiritual connection tāngata whenua have with wai is recognised and upheld by providing opportunity for mana i te whenua to:</p> <ol style="list-style-type: none"> <li>1) Undertake cultural practices;</li> <li>2) Apply localised mātauranga and tikanga to inform decision making;</li> <li>3) Undertake hapū Kaitiakitanga; and</li> <li>4) Have an active and healthy relationship with wai, including physical and spiritual access to wai.</li> </ol> <p><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></p>	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.

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

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

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



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Proposed wording	Recommendation/Remedy sought	Reason.
<p><b>D.4.48 Restoring degraded waterbodies</b>            To restore and then maintain degraded wetlands, rivers, lakes and their margins, and receiving environments, so that:</p> <ol style="list-style-type: none"> <li>1) taonga species are healthy and resilient</li> <li>2) wetlands and water bodies function as they should in Te Hurihanga Wai</li> <li>3) mahinga kai are thriving and supporting cultural, social, environmental, spiritual and economic outcomes for tāngata whenua</li> <li>4) cultural practices and tikanga can be undertaken in wai tapu and other significant water bodies identified by tāngata whenua</li> <li>5) harmful pest species are controlled in an integrated way at levels that enables taonga species to thrive</li> <li>6) access to water bodies for waka is enabled where access is limited.</li> </ol>	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
<p><b>D.4.49 Mauri of wetlands</b>            Through good wetland management (including stock exclusion and sustaining flows) enhancement and restoration to improve the mauri of wetlands, by 2030:</p> <ol style="list-style-type: none"> <li>1) Taonga species are thriving</li> <li>2) The ecological condition of at least 30% of wetlands is improving</li> <li>3) The plant and animal communities of significant wetlands for each wetland type, are thriving.</li> </ol>	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
<p><b>D.4.50 Improving degraded wai</b>            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.</p>	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
<p><b>D.4.51 Climate change mitigation and adaptation</b>            Recognise that climate change mitigation and adaptation is an essential component of freshwater decision-making</p>	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.

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Proposed wording	Recommendation/Remedy sought	Reason.
<p><b>D.4.52 The climate crisis and freshwater decision-making</b>  Recognise that adapting to the climate crisis needs to be built into all freshwater decision-making so that:</p> <ol style="list-style-type: none"> <li>1) The health and integrity of aquifers are preserved and protected</li> <li>2) Surface water and ground water management is integrated;</li> <li>3) Wetlands are conserved, maintained and rehabilitated;</li> <li>4) Water dependency and related climate risks are understood, and urban and rural communities' exposure to risks are reduced and resilience increased; and</li> <li>5) Freshwater-related infrastructure is climate-proofed, including in design of new and retrofit of existing infrastructure.</li> </ol>	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
<p><b>D.4.53 Mitigating climate change</b>  Recognise that the way water is used can help mitigate climate change  <i>Advice Note: For example, the use of energy efficient pumps and use of freshwater for renewable energy generation.</i></p>	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.
<p><b>D.4.53 Commercial wai bottling</b>  Avoid the taking of wai for commercial wai bottling purposes unless that wai is:</p> <ol style="list-style-type: none"> <li>1) supported by tāngata whenua or</li> <li>2) taken for the purpose of supplying water for domestic needs within the Te Tai Tokerau region.</li> </ol>	Agree with inclusion of new policy.	Gives effect to Te Hurihanga Wai and Te Mana o Te Wai (NPSFM) policy requirements.

## Freshwater Environmental Outcomes

Objectives	Proposed wording	Recommendation/Remedy sought
F.1A.1 Priorities for freshwater management	<p>Manage natural and physical resources in freshwater bodies and their catchments so that:</p> <p><b>As a first priority</b></p> <ol style="list-style-type: none"> <li>1) the mauri, life-supporting capacity, ecosystem processes and indigenous biodiversity of freshwater bodies and harbours and estuaries, and their habitats are protected and improved where degraded</li> <li>2) river flows (and flow variability and flushing flows), lake levels and any damming, diversion and the take and use of water, provide for the habitats and lifecycles of indigenous species and support the ecological function of freshwater bodies</li> <li>3) water quality attributes for ecosystem health are at least maintained, and improved where target attribute states or community and tāngata whenua outcomes are not being met for fresh water or receiving environments</li> <li>4) There is a continued increase in the extent of natural inland wetlands, and loss of river extent and values is avoided to the extent practicable.</li> <li>5) Natural inland wetlands and the freshwater habitats of threatened species are mapped</li> <li>6) indigenous ecosystems and habitats that support populations of threatened species are restored to a healthy functioning state, and the overall threat status of regionally and nationally Threatened or At Risk species is reduced</li> <li>7) freshwater ecosystems are resilient to the foreseeable impacts of climate change</li> <li>8) preventing the introduction of new freshwater pests into Northland and slowing the spread of established freshwater pests within the region is minimised.</li> </ol> <p><b>As a second priority:</b></p> <ol style="list-style-type: none"> <li>9) Freshwater is available for drinking water supplies and water quality is suitable to enable it to be used for drinking water supplies (after good practice treatment).</li> <li>10) water quality is improved over time, so it is suitable for people and communities to safely undertake recreation and other activities that involve contact with fresh and coastal water, and flows and water levels support recreational and other activities that involve human contact with water.</li> <li>11) Mahinga kai species are safe to harvest, eat and use, mahinga kai species are healthy and abundant and the exercise of customary practices is not compromised</li> <li>12) The mauri of important mahinga kai sites is protected and enhanced where</li> </ol>	Gives effect to Te Hurihanga Wai and policy and principles in Te Mana o Te Wai (NPSFM).

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

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

### **Attributes for Māori freshwater values and target attribute states**

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



**From:** [Resource Management](#)  
**To:** [Freshwater](#)  
**Subject:** Northland Draft Freshwater Plan Change  
**Date:** Wednesday, 27 March 2024 1:24:17 pm  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[2024\\_03\\_31 The Maori Trustee feedback on the Northland Draft Freshwater Plan.pdf](#)

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Kia ora,

Please find attached the Maori Trustee's feedback on Northland's Draft Freshwater Plan Change.

If you have any questions or queries, please contact this email address

[resource.management@tetumupaeroa.co.nz](mailto:resource.management@tetumupaeroa.co.nz).

Nga mihi,

**Ngahuia Huirama**

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31 March 2024

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Te Mai, Whangārei 0143  
New Zealand  
Email: [freshwater@nrc.govt.nz](mailto:freshwater@nrc.govt.nz)

Tēnā koe

## Draft Freshwater Plan

Please find attached the Māori Trustee's submission in response to Draft Freshwater Plan.

The Māori Trustee looks forward to discussing this submission with the Northland Regional Council.

Please contact Tere Brown to arrange a time for the Māori Trustee to speak to this submission.  
Tere can be contacted on (04) 474 4661 or by email at  
[resource.management@tetumupaeroa.co.nz](mailto:resource.management@tetumupaeroa.co.nz).

Ngā manaakitanga,



**Dr Charlotte Severne**  
Māori Trustee



## **Draft Freshwater Plan**

### **Submission by the Māori Trustee on the Draft Freshwater Plan**

**31/03/2024**



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## Summary of Position

### *Background and Introduction*

1. The Māori Trustee is appointed by the Minister for Māori Development under the Māori Trustee Act 1953 and administers nearly 82,000 hectares of Māori freehold land for approximately 100,000 individual Māori landowners. The Māori Trustee is the single largest trustee and agent of Māori land.
2. Te Tumu Paeroa, the Office of the Māori Trustee, is the organisation that supports the Māori Trustee to carry out her functions, roles and responsibilities. Further information regarding the Māori Trustee and Te Tumu Paeroa is contained in Appendix A and additional information is available on Te Tumu Paeroa's website, [www.tetumupaeroa.co.nz](http://www.tetumupaeroa.co.nz).
3. Within Te Taitokerau, the Māori Trustee administers, as responsible trustee, 40 blocks (1,797 hectares) of Māori freehold land, representing 2,375 beneficial ownership interests in this whenua.
4. The views expressed in this submission on the Northland Draft Freshwater Plan (**Plan**) are those of the Māori Trustee.
5. Given the number of interests in the land that she administers, the Māori Trustee acknowledges that the views in her submission may not necessarily be shared by all beneficial owners of the land that she administers. Further, the Māori Trustee does not speak for iwi, hapū or individual owners of Māori land.

### *Challenges to use and development of Māori Freehold Land*

6. Māori freehold land is a specific category of land that differs from general freehold land. Legislative and practical restrictions on Māori freehold land result in challenges to use and development of Māori freehold land.
7. Specifically, Māori freehold land often does not achieve an economic return for owners. This is due to factors such as:
  - a. Size and shape of Māori freehold land. Most parcels are less than 50 hectares and have been surveyed into irregular shapes and configurations.
  - b. Land class. Often, Māori freehold land is of a marginal land class.
  - c. Access. Many parcels of Māori freehold land are physically or legally landlocked, resulting in large areas of underdevelopment.
  - d. Lack of occupation and/or improvements on the land.
8. Further, with over 100 owners per parcel of Māori freehold land (on average), decision-making is more complex than for general freehold land, even where Trustees are appointed.
9. Accordingly, the land is often forced into passive leasing to neighbouring owners and the income is often insufficient to meet costs like rates, costs of regulatory compliance and the Māori Trustee's fees.





10. Access to third party capital is also highly constrained as lenders are generally unwilling to lend against Māori freehold land due to legislative restrictions on security over Māori freehold land, the poor economic viability of the land and the number of owners in each parcel.
11. Finally, Māori freehold land is often particularly vulnerable to climate change impacts due to its inherent location on, near or surrounding coastal or freshwater environments, topography, and remoteness. Increasingly, climate change is negatively impacting Māori freehold land and its owners.

### Overview of Submission

12. Broadly, the Māori Trustee's submission on the Plan as it relates to proposals for stock exclusion is:
  - a. She recognises the potential benefits to water quality through implementing greater setbacks. However, she is unable to support the Council's draft proposal to increase the stock exclusion setback distance, to 5 or 10 metres from a waterway, on Māori freehold land. The unique characteristics, historical barriers, inability to change land use and the economic restrictions experienced by Māori freehold land and its owners, means that any setback increases will likely have a significant and disproportionate impact on whenua Māori. Therefore, Māori freehold land should only be subject to the current setback requirements under the Resource Management (Stock Exclusion) Regulations 2020. The Māori Trustee considers Freshwater Farm Plan are a more appropriate tool to identify instances where a greater setback is required on Māori freehold land for protecting and enhancing water quality.
  - b. She **does not** support rules to exclude stock from Highly Erodible Land 1 (HEL1) and Highly Erodible Land 2 (HEL2) on Māori freehold land. The Māori Trustee is concerned, given the unique characteristics<sup>1</sup> of whenua Māori, that the current mapping of HEL1 and HEL2, will disproportionately result in the reduction, or further reduction, of productive land on whenua Māori. This will be exacerbated if a practical fencing factor<sup>2</sup> is used when excluding stock rendering a significant number of Māori freehold land blocks uneconomic and/or unable to be utilised.
  - c. She considers that the unique characteristics, historical barriers, and the economic restrictions experienced by Māori freehold land and its owners needs to be accounted for when developing stock exclusion rules for wetlands in the hill country. Due to these challenges, the development of Māori freehold land has been constrained resulting in a disproportionate number of wetlands now being located on whenua Māori in comparison to general land. The Māori Trustee is not opposed to protecting these wetlands; however, a greater level of financial support will be required to acknowledge the disproportionate impact stock exclusion rules may have on whenua Māori and its owners.
  - d. She **does not** support an extension of stock exclusion regulations from waterways to apply to sheep on Māori freehold land. The financial implications on Māori freehold

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<sup>1</sup> Refer to paragraph 7.

<sup>2</sup> Refer Consultation document supplementary report "A costing of the options to support The draft Freshwater Plan Change: Have your say on stock exclusion report" pg.13.



landowners are likely to be high, as the cost of conventional fencing (post and batten 8-wire) to exclude sheep from waterways is significant<sup>3</sup>. This will likely make it cost prohibitive to farm sheep on Māori freehold land and could result in land use changes if that option exists.

- e. More information about the farming of sheep in Te Taitokerau is needed before stock exclusion rules are broadened to include them. It may be more appropriate to manage the stock exclusion of sheep from waterways through FWFP, particularly where there is clear evidence to suggest that sheep are having a significant impact on the waterway, rather than having an all-encompassing rule applied to the entire region.
- f. She considers that small Māori land blocks will likely struggle to adhere to any timeframe requirements set in the Plan given the unique characteristics, historical barriers, inability to change land use and the economic restrictions experienced by Māori land and its owners. Majority of our land trusts are already unable, or find it difficult, to meet base administration costs. Therefore, it is unlikely that our owners will be able to achieve the expected stock exclusion requirements within a timeframe that would be acceptable to the Council or an economic unit.

13. Broadly, the Māori Trustee's submission on the Plan as it relates to water quality and implementation is:

- a. She **strongly supports** a policy to set aside 20% of allocatable water<sup>4</sup>, as a minimum, to be used for environmental enhancement, marae and papakāinga, contributes to a Te Mana me te Mauri o te Wai fund, or Māori land development. The proposed policy is a step towards a more equitable and enabling system for the development of whenua Māori and providing an avenue for the preservation of the wai.
- b. She **strongly supports** the proposal that an assessment of effects on tāngata whenua values and practices is provided in relation to certain resource consent activities and their effects on Māori freshwater values.
- c. She **strongly supports** the Council's direction to eliminate or reduce discharges to freshwater to promote the restoration and health of waterways. The discharge of dairy effluent to freshwater, whether treated in holding facilities or not, is a practice that appears to be phased out by other regional councils. Therefore, measures should be undertaken to completely avoid the activity at the expiry of the consent and forgo granting a renewal to existing consents, including those for a term that ends before 1 January 2030.
- d. She **supports** measures to manage the potential for adverse effects from commercial forestry on waterways and indigenous biodiversity. However, it is very important that any publicly notified Plan implements standards or rules relating to exotic forests and stock exclusion at the same time. This is because the unintended consequences of the

<sup>3</sup> Refer Consultation document supplementary report "A costing of the options to support The draft Freshwater Plan Change: Have your say on stock exclusion report" states on Page 4 "Notably, the material cost for a non-electric 8-wire fence is nearly twice as high as the material cost for an electric 4-wire".

<sup>4</sup> Refer Consultation document report "Targeted Water allocation policy", pg. 4.



proposed stock exclusion regulations could result in large scale land use changes from farming to exotic forestry (production and permanent). Not synchronising the introduction of standards or rules for exotic forestry and stock exclusion will create uncertainty for primary producers, stakeholders, and investors as to which type of land use to support or develop within Te Taitokerau.

- e. She **supports** the existing actions identified in the *Draft Freshwater Action Plan* and the intention to implement and fund potential new actions 8 and 10.

### **Specific Submissions**

- 14. The Māori Trustee's responses to the Draft Freshwater Plan questions/topics are set down in the table below.
- 15. The Māori Trustee looks forward to discussing this submission with the Northland Regional Council.
- 16. Please contact Teree Brown to arrange a time for the Māori Trustee to speak to this submission. Teree can be contacted on (04) 474 4661 or by email at [resource.management@tetumupaeroa.co.nz](mailto:resource.management@tetumupaeroa.co.nz).

Ngā manaakitanga,

**Dr Charlotte Severne**  
Māori Trustee



## Specific Submissions

### Submission Table

Draft Freshwater Plan question/topic	Māori Trustee submission
<b>1. How far away from waterways should stock be kept?</b>	<p>The Māori Trustee considers that the current setback requirements under the Resource Management (Stock Exclusion) Regulations 2020 are adequate.</p> <p>The Māori Trustee recognises the potential benefits to water quality through implementing greater setbacks. However, she is unable to support the Council's draft proposal to increase the stock exclusion setback distance, to 5 or 10 metres from a waterway, on Māori freehold land. The unique characteristics, historical barriers, inability to change land use and the economic restrictions experienced by Māori freehold land and its owners, as highlighted in paragraphs 6-11, means that any setback increases will likely have a significant and disproportionate impact on whenua Māori.</p> <p>At present, the projected compliance costs estimated by the Council<sup>5</sup> for the current regulation (3m) setback is unaffordable for most Māori freehold landowners. Therefore, any additional costs associated with the increased setback<sup>6</sup> would further adversely affect the viability of Māori freehold land. This will also likely make marginal Māori freehold land blocks appear uneconomic and unattractive to current or prospective lessees.</p> <p>The Māori Trustee therefore considers that Māori freehold land should only be subject to the current setback requirements under the Resource Management (Stock Exclusion) Regulations 2020.</p>

<sup>5</sup> Refer to Consultation document supplementary report "A costing of the options to support The draft Freshwater Plan Change: Have your say on stock exclusion report". For a non-dairy farm; stock exclusion: \$5,500 – \$8,200 (page 10, Table 8); and riparian planting: \$1,400 – \$2,100 (page 12, Table 9).

<sup>6</sup> fencing, water reticulation, riparian planting, and opportunity cost of lost use. Refer to Consultation document pg. 6 Table, and supplementary report "A costing of the options..." pg. 10, Tables 7 and 8.



	<p>The Māori Trustee considers a FWFP is a more appropriate tool to identify instances where a greater setback is required on Māori freehold land for protecting and enhancing water quality.</p>
<p><b>2. Should stock exclusion rules apply to highly erodible land?</b></p>	<p>While the Māori Trustee can understand the need to reduce sediment runoff into waterways and increase the regions resilience to slips, she does not support a proposal for rules to exclude stock from HE1 and HEL2 on Māori freehold land.</p> <p>The Māori Trustee administers 1,797 hectares of Māori freehold land in Te Taitokerau, of which, 58% is covered in natural forest while only 32% is covered in grassland/cropland. The Māori Trustee is concerned, given the unique characteristics<sup>7</sup> of whenua Māori, that the current mapping of HEL1 and HEL2, will disproportionately result in the reduction, or further reduction, of productive land on whenua Māori.</p> <p>Furthermore, if a practical fencing factor<sup>8</sup> is used when excluding stock, the area that stock need to be excluded from could increase, resulting in additional productive land lost. As a result, this could render a significant number of Māori freehold land blocks unutilised and uneconomic. Currently, 90% of the Māori freehold land blocks administered by the Māori Trustee in Te Taitokerau generate less than \$10,000 per annum and 73% generate less than \$5,000. Approximately 57.5% of these blocks already cannot meet in whole or part trust administration costs.</p> <p>The Māori Trustee is also concerned that applying the HEL1 and HEL2 overlay to Māori freehold land could unintentionally drive inappropriate land use changes from farming livestock towards exotic forestry. This could have a profound impact on the community, particularly if there is a decrease in economic activity and sustainable job opportunities within the rural communities.</p> <p>Additionally, the overlay of HEL1 and HEL2 may also have the effect of further restricting, the already limited, land use opportunities for small Māori freehold land blocks. This may result in further alienation of</p>

<sup>7</sup> Refer to paragraph 7.

<sup>8</sup> Refer to Consultation document supplementary report “A costing of the options to support The draft Freshwater Plan Change: Have your say on stock exclusion report” pg.13.



	<p>Māori freehold land, as it is forced into a reverting state, deriving no income for its current owners or future generations.</p> <p>The Māori Trustee therefore considers the following matters should be addressed before stock exclusion rules for highly erodible land are included in any Plan that is publicly notified:</p> <ul style="list-style-type: none"> <li>• Mapping data should be refined to focus on identifying larger clusters of HEL1 or HEL2 within areas that are predominantly grass rather than forest to create more cohesive areas for stock exclusion.</li> <li>• Investigate the use of FWFP to temporarily exclude stock from HEL 1 or HEL2 land during winter months, rather than completely excluding stock all year around.</li> <li>• Māori freehold land is excluded from any rules relating to stock exclusion from HEL1 and HEL2.</li> </ul>
<b>3. What should the rules be for excluding stock from wetlands?</b>	<p>The Māori Trustee considers that the unique characteristics, historical barriers, and the economic restrictions experienced by Māori freehold land and its owners needs to be accounted for when developing stock exclusion rules for wetlands in the hill country. Due to these challenges, the development of Māori freehold land has been constrained resulting in a disproportionate number of wetlands now being located on whenua Māori in comparison to general land.</p> <p>The Māori Trustee is not opposed to protecting these wetlands; however, a greater level of financial support will be required to acknowledge the disproportionate impact stock exclusion rules may have on whenua Māori and its owners.</p> <p>The Council should consider the following matters when developing stock exclusion rules for wetlands in the hill country:</p> <ul style="list-style-type: none"> <li>• Identifying and establishing regional wetland protection priorities.</li> <li>• Identifying and providing for effective livestock management approaches that are not solely focused on the use of permanent fencing<sup>9</sup>.</li> <li>• Ensuring that the alignment of fencing around a wetland does not unintentionally exclude considerable areas of productive land.</li> </ul>

<sup>9</sup> Refer to the Otago Regional Council website [Alternative approach to protect unique Taieri River scroll plains - ORC | Otago Regional Council](#)





	<ul style="list-style-type: none"> <li>• Providing a definition for 'Hill country' within the Plan<sup>10</sup>.</li> <li>• Undertaking case studies to test the workability of the policy on small Māori freehold land blocks.</li> </ul>
<b>4. Should stock exclusion be extended to apply to other animals?</b>	<p>The Māori Trustee does not support an extension of stock exclusion regulations from waterways to apply to sheep on Māori freehold land. This is because, in Te Taitokerau, the comparative livestock density of sheep to dairy cattle and beef cattle is low<sup>11</sup>. In general sheep are more profitable as livestock than beef cattle therefore the financial implications for Māori landowners are high. The cost of conventional fencing (post and batten 8-wire) to exclude sheep from waterways is significant<sup>12</sup> and will disproportionately affect small, fragmented Māori land blocks, given they are often forced into passive leases to neighbouring owners for minimal yields<sup>13</sup>. Therefore, extending the rules to include sheep will likely make it cost prohibitive to farm sheep in the region, particularly on whenua Māori, and could result in land use changes.</p> <p>Consequently, the ability for Māori freehold land blocks to pivot land use is limited and could, in many cases, result in the land reverting where pest and weed management issues will arise while the land remains unproductive.</p> <p>The Māori Trustee considers that more information about the farming of sheep in Northland is needed before stock exclusion rules are broadened to include them. However, it may be appropriate to manage the stock exclusion of sheep from waterways through FWFP, particularly where there is clear evidence to suggest that sheep are having a significant impact on the waterway, rather than having an all-encompassing rule applied to the entire region.</p>

<sup>10</sup> Refer to D. Cameron "Sustaining the productivity of New Zealand's hill country – A land manager's view" in Hill Country – Grassland Research and Practice Series 16: 151-156 (2016)

<sup>11</sup> Refer Figure 4 of Turnball J. New Zealand *Number and density of livestock in New Zealand* (Factsheet 2023) Massey University / Environmental Health Intelligence [Livestock-numbers-and-density-merged.pdf \(ehinz.ac.nz\)](https://ehinz.ac.nz/Livestock-numbers-and-density-merged.pdf).

<sup>12</sup> Refer Consultation document supplementary report "A costing of the options to support: The draft Freshwater Plan Change: Have your say on stock exclusion report" states on Page 4 "Notably, the material cost for a non-electric 8-wire fence is nearly twice as high as the material cost for an electric 4-wire".

<sup>13</sup> 90% of blocks administered by the Māori Trustee's in Te Taitokerau generate less than \$10,000 per annum and 73% generate less than \$5,000. For approximately 57.5% of these entities, meeting base trustee and administration costs is already entirely or partially unachievable and this number will only increase to meet compliance costs for new local government regulations.



<p><b>5. What timeframes are feasible for any new stock exclusion rules?</b></p>	<p>The Māori Trustee considers that due to the unique characteristics, historical barriers, inability to change land use and the economic restrictions experienced by Māori land and its owners, small Māori land blocks will likely struggle to adhere to any timeframe requirements set in the Plan. As highlighted in paragraphs 6-11, majority of our land trusts are already unable, or find it difficult, to meet base administration costs. Therefore, it is unlikely that our owners will be able to achieve the expected stock exclusion requirements within a timeframe that would be acceptable to the Council or an economic unit.</p> <p>The Māori Trustee expects that additional financial support will need to be made available to Māori freehold landowners once timeframes are established.</p>
<p><b>6. Managing water allocation</b></p>	<p>The Māori Trustee strongly supports a policy to set aside 20% of allocatable water<sup>14</sup>, as a minimum, to be used for environmental enhancement, marae and papakāinga, the use of water provided it contributes to a Te Mana me te Mauri o te Wai fund, or Māori land development.</p> <p>The ‘first-in, first served’ principle currently used for allocating water has historically disadvantaged Māori freehold landowners, particularly given that access to third party capital is highly constrained and by the time owners have accrued enough funds, the allocation is exhausted. This proposed policy is a step towards a more equitable and enabling system for the development of whenua Māori and providing an avenue for the preservation of the wai.</p>
<p><b>7. Enabling tāngata whenua to practice as kaitiaki for wai</b></p>	<p>The Māori Trustee strongly supports the proposal that an assessment of effects on tāngata whenua values and practices is provided in relation to certain resource consent activities and their effects on Māori freshwater values.</p> <p>However, adequate funding for the implementation of the proposed Draft Action Plan<sup>15</sup> is key to meeting NRC’s obligation under the National Policy Statement for Freshwater Management (NPS-FM) 2020 to involve tāngata whenua in freshwater management.</p>

<sup>14</sup> Refer Consultation document report “Targeted Water allocation policy”, pg. 4.

<sup>15</sup> Potential action 10: Supporting tāngata whenua involvement in freshwater management and decision-making.



<p><b>8. Eliminate or reduce discharges</b></p>	<p>The Māori Trustee strongly supports the Council’s direction to eliminate or reduce discharges to freshwater to promote the restoration and health of waterways.</p> <p>The discharge of dairy effluent to freshwater, whether treated in holding facilities or not, is a practice that appears to be phased out by other regional councils, including the Waikato Regional Council and Horizons Regional Council. Therefore, the Northland Regional Council should undertake measures to completely avoid the activity at the expiry of the consent and forgo granting a renewal to existing consents, including those for a term that ends before 1 January 2030.</p>
<p><b>9. Managing exotic forests</b></p>	<p>The Māori Trustee supports measures to manage the potential for adverse effects from commercial forestry on waterways and indigenous biodiversity.</p> <p>However, the Māori Trustee considers it is imperative that any publicly notified Plan implements standards or rules relating to exotic forests and stock exclusion at the same time. This is because the unintended consequences of the proposed stock exclusion regulations could result in large scale land use changes from farming to exotic forestry (production and permanent). Therefore, not synchronising the introduction of standards or rules for exotic forestry and stock exclusion will create uncertainty for primary producers, stakeholders, and investors as to which type of land use to support or develop within Te Taitokerau.</p>
<p><b>10. Draft action plan</b></p>	<p>The Māori Trustee supports the requirement under the NPS-FM 2020 that NRC has a Freshwater Action Plan.</p> <p>The Māori Trustee supports the existing actions identified in the Action Plan and the intention to implement and fund potential new actions, particularly Potential actions 8 and 10.</p> <p>The Māori Trustee considers that Council needs to provide further analysis and discussion in relation to <i>“Potential action 8: Funding to support stock exclusion, riparian planting and restoring wetlands”</i>. The potential action should include specific targeted funding to support the owners of small (less than 50 Ha) Māori freehold land blocks to meet stock exclusion requirements.</p>



## Appendix A

### Who We Are

The Māori Trustee is appointed by the Minister for Māori Development under the Māori Trustee Act 1953. One of the principal roles of the Māori Trustee is to administer as trustee or agent whenua Māori and other client assets in accordance with the principles and obligations of trusteeship and agency, and relevant legislation including the Māori Trustee Act 1953, Trusts Act 2019 and Te Ture Whenua Māori Act 1993. The current Māori Trustee, Dr Charlotte Severne, was appointed for a three-year term in September 2018 and was re-appointed for a five-year term in October 2021.

Te Tumu Paeroa, the Office of the Māori Trustee, is the organisation that supports the Māori Trustee to undertake her statutory and other legal functions, duties and responsibilities.

The Māori Trustee administers approximately 82,000 hectares of Māori freehold land, as well as general land and other interests and investments, on behalf of over 100,000 Māori landowners.

A primary objective of The Māori Trustee, is to protect, utilise and grow the assets of our Māori landowners. The organisation provides land administration and professional trustee services to one third of all Māori land trusts (over 1700 trusts), as well as targeted development and sector-specific expertise. The organisation is involved in the management of a number of Māori enterprises and development projects.

The Māori Trustee currently employs approximately 166 staff across five offices throughout New Zealand, with the Māori Trustee based in Te Whanganui-a-Tara.

Te Tumu Paeroa is unique, in that it is the only nation-wide organisation that manages significant tranches of Māori land and assets on behalf of Māori landowners.

### Our Vision and Priorities

Our vision is: Ko Te Tumu Paeroa tēnei, te tauawhi nei, te taunaki nei, te tiaki nei ngā whenua Māori mō naianei, mō āpōpō hoki. Ensuring Māori land is protected and enhanced, now and for generations to come.

Our vision requires a careful balance between protection of the whenua and taiao and enhancement of the whenua through a range of pathways, including commercial development.

Our purpose is to be a dedicated professional trustee service for Māori.

Our strategic priorities assist us to deliver on our vision and purpose:

- Enhancing operational excellence.
- Growing an inclusive culturally competent organisation committed to a greater understanding of Te Ao Māori.
- Contributing to growth, development and future leadership in whenua Māori administration and governance.
- Increasing the resilience and sustainability of the assets and whenua we administer.



## Our Portfolio

Our portfolio currently<sup>16</sup> consists of the following:

- Number of trusts and other entities under administration – 1746.
- Total hectares administered by Māori Trustee – 82,161.
- Number of owner accounts maintained – 104,049.
- Number of ownership interests – 263,233.
- Number of leases under management – 1,704.
- Client funds held (market value) - \$ 133 million.
- Māori Trustee equity - \$ 165 million.

## Our Mahi

The Māori Trustee has the responsibility to ensure that the best interests and outcomes for Māori landowners are advanced by Te Tumu Paeroa's mahi.

Our core services are:

- Administration of trusts where the Māori Trustee is the responsible trustee.
- Agreed trustee services where the Māori trustee is an agent or custodian trustee.
- Keeping records for trusts we administer.
- Managing finances and preparing financial statements.
- Consulting with and convening meetings for advisory trustees.
- Consulting with and convening meetings for beneficial owners.
- Reporting to responsible trustees, advisory trustees and beneficial owners.
- Administering trust distributions.
- Filing applications with the Māori Land Court and attending associated hearings.
- Property management, including leases and asset maintenance.
- Reviewing land use and considering, where appropriate, alternative land use options.
- Developing and enhancing land and assets; including the production and maintenance of Asset Management Plans and Farm Environment Plans.
- Responding to requests for information.
- Managing and investing cash assets in the Common Fund.
- Managing and providing support services for the General Purposes Fund.

**- End of Document -**

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<sup>16</sup> [The Māori Trustee Annual Report 2023.](#)