

24 July 2025

Ministry for the Environment  
PO Box 10362  
**WELLINGTON 6143**

via email: [freshwaterND@mfe.govt.nz](mailto:freshwaterND@mfe.govt.nz)

## **RE: National Direction Reforms (Package 3 Freshwater)**

Northland Regional Council (NRC) welcomes the opportunity to provide feedback on the proposed amendments to existing National Policy Statements (NPS) and National Environmental Standards (NES) that make up Package 3 of the national direction reforms covering Freshwater.

It is noted that this feedback relates to issues from a Te Taitokerau Northland perspective. Matters of particular importance to the regional sector will be lodged separately by Te Uru Kahika. We also endorse that submission.

In general terms, NRC:

- notes the importance of ensuring that changes are integrated and coherent across all reforms, and that they are enduring. One of the biggest challenges local government and our communities faces is uncertainty and delays to acting when national policy is constantly being rewritten;
- supports review and continuous improvement to increase efficiency and reduce costs while achieving freshwater outcomes, building on the work already done;
- highlights that economic sustainability requires healthy freshwater and a focus on long-term economic viability, to ensure a balance between short-term gain and the long-term costs borne by future generations;
- stresses the need to consider all activities subject to the proposal collectively without prioritising some activities over others
- highlights the existing strategic intent and commitments NRC has made to partner with tāngata whenua on freshwater management (see para 5 below); and notes the importance of recognising and providing for iwi/hapū mana and tino rangatiratanga, and partnership with iwi and hapū, in freshwater decision-making;
- supports an approach which enables a regional voice and variation where appropriate — a ‘one-size-fits-all’ approach is not always the most appropriate solution;
- is concerned about the implementation costs that will be borne by ratepayers, hapū and iwi;<sup>1</sup> implementation timeframes; and restrictions on councils having more stringent rules to address regional issues; and
- notes that there is a real risk of ‘engagement fatigue’, with our communities, particularly tāngata whenua, disengaging with planning processes because of continued changes in national direction.

We set out more detailed responses to the key topics raised in the Package 3 discussion document below.

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<sup>1</sup> We note that hapū and iwi representatives often have to volunteer their input to RMA processes including consents. Lack of resourcing for hapū and iwi to be involved in resource management is an ongoing barrier.

## Implementation Options

1. NRC's position is that any freshwater national direction changes should be incorporated into or made under the upcoming replacement resource management legislation, at a future date. This will provide councils with the greatest certainty and allow us to focus on implementing our existing policies and rules at least cost to ratepayers and partners. It will also enable clear alignment and integration across the new legislation.
2. Implementing changes earlier under the Resource Management Act (RMA) would result in additional costs to ratepayers and partners and the likely need for further plan changes (again with cost implications).

## Key Issues for Te Taitokerau Northland & Feedback on Proposals

3. The Regional Plan for Northland became operative in 2023, with many freshwater provisions yet to be fully implemented; therefore, we have not seen the full impacts of our existing regional plan provisions in terms of improving freshwater quality in Te Taitokerau Northland.
4. NRC recognises that it will take time to see the results of these goals, policies and rules on the ground, and notes that improving freshwater health remains a key priority for landowners and communities in the region.
5. NRC's Te Tiriti Strategy and Implementation Plan Tāiki ē is our regional strategy for implementing our commitments and honouring our relationships with tāngata whenua. Tāiki ē articulates the commitments NRC has made to partner with tāngata whenua and the importance of giving effect to Te Tiriti o Waitangi/Treaty of Waitangi obligations as part of resource management decision-making. Central goals (whāinga) relating to freshwater include that the mauri of water is protected, restored and improved and the NRC partner with tāngata whenua to give effect to Te Mana o Te Wai. A related goal is ensuring that economic growth is compatible with the protection and enhancement of ecological, spiritual and cultural values of tāngata whenua.<sup>2</sup>
6. NRC sees it as vital that the changes proposed through the National Direction package do not undermine its commitments through Tāiki ē, especially as they relate to changes to Te Mana o Te Wai.
7. The long-term economic viability of existing activities, and the development of economic potential in the region, are linked with having access to healthy water. It is important that short-term economic gains do not compromise long-term sustainability, including for future generations.
8. We have continued to see declining freshwater quality<sup>3</sup> and wetland loss<sup>4</sup> and face major challenges from erosion and discharges resulting in high concentrations of sedimentation and *E.*

<sup>2</sup> Tāiki ē also includes specific actions e.g. "continue to support the active involvement of tāngata whenua in the Freshwater Planning Instrument for Te Taitokerau under the National Policy Statement for Freshwater Management by a) acknowledging the special relationship tāngata whenua have with wai, and te mana me te mauri o te wai; b) ensuring that NRC exercise its role and functions to give effect to this special relationship; and c) giving effect to the recommendations in Ngā Roimata on Ngā Atua Report"

<sup>3</sup> Over 75% of Northland river sites are in D or E state for *E. coli* (n=35, 2020-2024) with a declining *E. coli* trend observed in 80% of sites analysed (n=20, 2015-2024). Source tracking points to bovine as a predominant source. A declining trend in turbidity (proxy for sediment) at 70% of river sites has been observed (n = 22, 2015-2024).

<sup>4</sup> Since 2020, NRC has undertaken dozens of investigations into wetland disturbance, drainage and destruction involving negative impacts on and loss of many hectares of wetland habitat. Predicted

*coli* in all catchments, which is exacerbated by climate change. A recent report<sup>5</sup> estimates suspended sediment loads in Northland could increase by as much as 113% by 2040 and 233% by 2090 (under a high emissions climate change scenario). We have also seen landowners and communities put in considerable effort to fence freshwater bodies and to undertake riparian planting and pest control projects, some of which were recognised at our recent regional [Environmental Awards](#).

9. The key freshwater contaminants in our region are sediment and *E. coli* – sediment accumulation rates in harbours and estuaries are elevated and *E. coli* in most rivers is in the D or E band in terms of the NPS-FM measures<sup>3</sup>. In terms of water quantity, there are significant areas that are fully allocated, putting more importance on water storage and high-flow takes.
10. NRC also notes the considerable time and effort that the primary sector, tāngata whenua and our communities have put into working with us on how to implement the NPS-FM 2020, and the strengthening of relationships that has occurred. It is critical to maintain and continue to enhance these relationships and shared understandings of the freshwater challenges faced in the region. It is extremely hard to motivate participation and maintain the progress on freshwater management when the national direction changes regularly – not to mention the significant costs for all involved. We urge the government to obtain cross-party support for any revision of national direction for freshwater.
11. We also note that a significant portion of our region (around 11%) is Māori land (whenua Māori), and that Māori make up a higher proportion of the population (39.9%)<sup>6</sup> than in other regions. This poses both challenges and opportunities for freshwater management, and makes Te Mana o Te Wai a fundamentally important concept for our region.

## Rebalancing Te Mana o Te Wai

### Single objective v. multiple objectives

12. NRC notes that the hierarchy of obligations in the existing single objective has not been interpreted to mean that freshwater bodies must be pristine before other water uses can be allowed, nor that the pace of change, costs and where those costs fall are not being considered.
13. NRC also notes that we have been working with representatives from the primary sector and tāngata whenua since 2020 to define what Te Mana o Te Wai means for Te Taitokerau Northland, focusing on improving the mauri (life force) of water over time. We submit that it is not necessary to clarify in the NPS-FM that it will take time to achieve freshwater outcomes, as this is something that we already factor into our freshwater planning, and is covered in NPS-FM 2020.<sup>7</sup>
14. NRC's strong preference is to keep the one objective. However, if the government decides to progress with multiple objectives, we support inclusion of the following proposed objectives:

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increased drought, higher temperatures and strong winds increase the risk of wildfires, which have already significantly impacted wetland habitat over this period. As an example, in 2022 a 2800ha fire in Kaimaumau produced 515,000 tonnes of CO<sub>2</sub> emissions ([Radio NZ \(2022\) Massive fire in Kaimaumau accidental - cost \\$7m to fight](#); [NZ Herald \(2024\) Massive Far North wetland](#))

<sup>5</sup> [Neverman, A. et al \(2023\) Climate change impacts on erosion and suspended sediment loads in New Zealand](#)

<sup>6</sup> [Stats NZ 2023 census data \(usually resident population\)](#).

<sup>7</sup> We note that the NPS-FM 2020 clause 3.3 already requires councils to develop “long-term” visions and objectives, as well as requiring councils to identify timeframes for achieving goals (with an example being provided of 30 years after commencement).

- a. That direct councils to safeguard the life-supporting capacity of freshwater and the health of people and communities, while enabling communities to provide for their social, cultural and economic well-being.
  - b. Providing for vegetable growing for domestic supply and water security (see also below).
  - c. Requiring maintenance or improvement in water quality – this should also include freshwater ecosystem health, which should be considered as a main outcome of freshwater management.
  - d. An objective that supports integrated catchment management (ki uta ki tai).
15. While we are not opposed to a new objective requiring councils, when setting targets and controls on resource use, to consider the anticipated costs or to inform our communities about these costs, we see it as unnecessary, because this is something we already have been doing and continue to do, and moreover, under s32 RMA, a cost/benefit analysis is required to support any plan change. We have also considered the pace of change and have not previously interpreted the existing one objective in NPS-FM 2020 to require that bottom lines must be achieved or complied with immediately. So again, while we are not opposed to a new objective requiring councils to consider the pace of change, we do not see it as necessary (we note that the existing NPS-FM clause 3.3(2) explicitly addresses long-term visions and Clause 3.11(6) also allows targets to be long-term, therefore it already recognises that improvements will take time).
16. Whilst on the matter of timeframes, we note that two key challenges we faced in implementing the NPS-FM 2020 were the detailed NOF process and the time taken to do this properly across the region and the timeframe by which we had to notify our freshwater plan change.

### Te Mana o Te Wai

17. NRC notes the considerable time and effort put in by members of our community, in particular by tāngata whenua and primary sector representatives over the past five years, to define what Te Mana o Te Wai looks like for Te Taitokerau Northland and to implement the NPS-FM 2020.
18. NRC agrees with the government's assessment that frequent change to the NPS-FM is inefficient, and that national policy must be enduring.
19. NRC is committed to working with tangata whenua to give effect to Te Mana o Te Wai. Partnering with tangata whenua to give effect to Te Mana o te Wai is a key goal in Council's *Tāiki ē: NRC Te Tiriti Strategy and Implementation Plan*, which sets out the strategic intent reached between NRC and iwi and hapū representatives for Te Taitokerau Northland.
20. NRC's preference is, therefore, to build on work that has already been done in a positive and constructive manner, and to avoid invalidating the considerable amount of time and effort already expended by tāngata whenua, landowners, the public and the primary sector.
21. We highly value maintaining our ability to express a 'regional voice' and to develop and implement freshwater policy that is appropriate and relevant to Te Taitokerau Northland.
22. Should the government decide to rebalance how Te Mana o Te Wai is expressed in the NPS FM, of the three options proposed in the discussion document,<sup>8</sup> NRC's preference is for Option 1: to remove the hierarchy of obligations and clarify the purposes of the NPS-FM and retain process steps for councils to apply Te Mana o Te Wai for their region. We support the retention of the six principles of Te Mana o Te Wai (NPS-FM 2020).

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<sup>8</sup> Option 2: Reinstate Te Mana o Te Wai provisions from NPS-FM 2017; Option 3: Remove Te Mana o Te Wai provisions completely.

23. We note that our iwi and hapū partners in Northland wish to keep Te Mana o Te Wai 2020, and to focus efforts on implementation rather than on restarting the regional freshwater planning process all over again.
24. We support the retention of clause 3.4 (tāngata whenua involvement) which is a key requirement that provides opportunity for tāngata whenua involvement in the development of regional freshwater provisions, and in decision-making on freshwater management.

### **National Objectives Framework (values, attributes, targets, bottom lines and monitoring)**

25. NRC supports an increase in flexibility in the NOF process for regional councils to determine values and attributes, and associated targets at regional level through consultation with tāngata whenua and communities.

#### **Values**

26. In terms of the values and whether these should be compulsory or optional, NRC supports retaining the compulsory and optional values in the NPS-FM 2020, with the exception of making drinking water supply a compulsory value — given the issues experienced across New Zealand.
27. We emphasise that any proposed changes to Māori values should only be made with the involvement and support of Māori.

#### **Attributes & Bottom Lines**

28. NRC supports retaining attributes and national bottom lines for the four key contaminants (sediment, *E. coli*, N and P), but wants government to allow councils the flexibility to adjust them (with justification) where they are inappropriate in specific locations.
29. National bottom lines must include an assessment of costs and benefits so that they do not have to be ‘relitigated’ at a regional level.
30. We support more discretion being given to councils to prioritise the attributes of most relevance to our communities to address the most significant issues and locations in our region.
31. We also support a simplified suite of attributes for lakes and rivers — 22 attributes is too complex.
32. We do not see a need for action plans for every attribute in Appendix 2B; one option could be to only require action plans for Appendix 2B attributes, where a target or national bottom line is not being met, or in response to degrading trends.
33. We understand that a review of recreational water quality guidelines is underway, and recommend that this inform a simpler approach for *E. coli* metrics.
34. We suggest further consultation on potential attributes for managing drinking water in source water risk-management areas (SWRMA), if drinking water supply is added as a compulsory value (water availability seems an obvious candidate).
35. We support more flexibility in the NOF process, whereby it directs councils to work with tāngata whenua and community, but it does not prescribe the level of detail that is currently required at Freshwater Management Units (FMU) level.
36. We question the need to identify FMUs within a region at all, as this can cause unnecessary complexity and debate, and we note that there are alternatives (e.g. hapori wai) which may provide more appropriate freshwater management boundaries. We recommend that identification of FMUs be optional, allowing for the use of other freshwater management approaches (e.g. hapori wai) where appropriate, and that such identification should only be required when needed to implement different management approaches within a region.



### Commercial vegetable production for domestic supply

37. Should the government proceed with making commercial vegetable production a permitted activity, NRC supports the use of an NES for addressing commercial vegetable growing for domestic supply<sup>9</sup> (this will be faster and more cost-effective than using an NPS mechanism).
38. We note that permitted activities should be those with no or only minor adverse effects, and that s.70 of the RMA also applies to permitted activity rules for discharges in regional plans. Therefore, if the government proceeds with an NES permitting commercial vegetable growing, the NES will need to clarify how discharges will meet s.70 RMA requirements. Cost recovery provisions will also be needed for monitoring, compliance and enforcement of permitted activities.
39. An NES could also be withdrawn (expire) once freshwater plan changes are in place, enabling regional freshwater planning processes to provide for commercial vegetable growing for the domestic market that recognises the niche local environments that exist (such as Waimate North, Kerikeri, Ruawai, and our region's sub-tropical climate).
40. NRC also notes that for commercial vegetable growing to be viable, water supply of sufficient quality and quantity is required, in addition to various other factors (such as access). We therefore support councils having the ability to address commercial vegetable production at a regional level through regional plans and spatial planning.
41. We note the link with the identification of Special Agricultural Areas and the proposal to remove LUC3 from Highly Productive Land (Package 2 Primary Sector). Both these proposals may result in reduced protections for land that is suitable for future commercial vegetable production, due to inappropriate subdivision and development.

### Water security and off-stream storage

42. NRC supports explicitly linking water security and climate change resilience, and supports the inclusion of national direction around the importance of water security and storage as part of climate change resilience.
43. We note that while the proposal is focused on the primary sector, water security is also important for other uses — such as those of communities, marae and papakāinga — and for cultural purposes.
44. We are concerned that water allocation is not considered in this package of national direction reforms, despite its link to water security.
45. In principle, we also support off-stream water storage, however we are of the view that rules should be set at a regional level, due to variable hydrology and potential environmental impacts. We are not convinced of the need for, or benefit of, national standards for off-stream storage — as we understand it, most regional rules enable this and many also provide for high-flow harvest. For example, the Regional Plan for Northland enables damming and diversion of water for off-stream storage as a permitted activity, subject to conditions (Rules C.3.1.1 and C.3.1.2), including standards and terms to protect downstream water users. We also consider that small-scale and large-scale water storage need to be treated differently, again managed by rules at the regional level.
46. Cumulative impacts of multiple off-stream storage structures that intercept rainfall run-off can potentially impact the natural hydrological regime of the catchment. These cumulative impacts

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<sup>9</sup> We are unclear as to how it will be ensured that vegetable crops grown as permitted activities will be only for domestic supply and not export.

can include effects on instream values and existing authorised water users, especially in areas of high or full allocation. These cumulative impacts need to be considered at a regional level, considering the local values.

47. The effectiveness of any national rules intended to enable off-stream water storage will be highly dependent on access to water, and would ideally be designed in conjunction with enabling provisions for high-flow harvesting (i.e. ability to fill water storage structures during high flow events) – this would be challenging at a national level and is more appropriately designed at the regional scale.
48. We note that there are already several major off-stream water storage initiatives in the Northland region, as well as smaller water storage schemes that are filled during high-flow events. These high-flow takes, and storage initiatives, are a direct result of limited water being available during low-flow events, and the need to improve water security.
49. If a national approach is to be adopted, we recommend strengthening standards, particularly proposed standards 1-3, to better align with the rationale of avoiding impacts on wetlands resulting from changes to water levels. Standard 1 should also preclude construction of water storage within a river (as defined in the RMA). Standard 3, regarding protected archaeological sites, should also be expanded to include Sites or Areas of Significance to tāngata whenua identified in regional and district plans. In addition, standard 11 requires notification of council no less than two weeks prior to construction. It is important for the council to be aware of the locations of these structures (especially if dam safety and Building Act thresholds are triggered), however, the rationale for this notification is that it provides the council with the opportunity to assess any risks. It is not clear whether the intention is for councils to undertake a risk assessment for each off-stream storage dam. If so, it would make more sense for the new clauses in the new NES to require a risk assessment which would inform the activity status (e.g. permitted activity if risks are low with resource consent required for moderate - high risk).

## Wetlands

### Mapping of Natural Inland Wetlands

50. NRC has made considerable progress in mapping natural inland wetlands and we consider mapping is essential to monitor changes in wetland extent and condition. The proposal to remove the requirement to map these is therefore of little benefit to NRC, given the extensive work already undertaken.
51. We note that the mapping of wetlands is highly useful in reducing uncertainties for plan users and landowners (one of the key challenges faced and which the mapping requirement was intended to address). By removing the requirement for councils to map natural inland wetlands, it is not clear to us what alternatives the government is considering to provide more certainty for landowners as to where natural inland wetlands are located?
52. If the government does not intend to map natural inland wetlands, then we recommend that the requirement for councils to map natural inland wetlands be retained as this mapping will improve certainty to landowners/consent applicants.

### Wetland Definitions

53. NRC supports the clarification to the natural wetland definition to exclude some induced wetlands and the removal of the pasture exemption, on the proviso that regional councils retain the ability to identify and include provisions to protect nationally and regionally significant wetlands regardless of whether they are induced or not.

54. We also note that the proposal for induced wetlands refers to wetlands created where there were none previously. It is unclear what point in time is meant by “previously” – as much of Northland was covered by wetlands prior to human settlement<sup>10</sup>.

### Permitted farming activities in and around wetlands

55. NRC is unclear as to exactly which farming activities would be permitted in or around wetlands. Whilst the discussion document mentions fencing and irrigation these are provided simply as examples and there is no exhaustive list of what farming activities are considered to have no adverse effects on wetlands and therefore to be permitted.
56. We note that fencing is already provided for in relation to wetlands (e.g. the NES-F definitions of earthworks and vegetation clearance already specifically exempt disturbance associated with fencing). The Regional Plan for Northland also enables fencing wetlands as a permitted activity (Rule C.2.2.2 1).
57. We request that it be made clear exactly which farming activities are to be considered as permitted activities which are not already covered by existing legislation or plans.
58. We recommend the term irrigation be defined to refer to water for irrigating crops or pasture (not application of farm dairy effluent).
59. We also note that there may be difficulties in permitting activities in wetlands, such as vegetation clearance or earthworks for farming purposes, when the same activities for a different purpose would not be permitted although their effects might be the same.

### Fish passage

60. NRC supports removal of unnecessary information requirements and specifically removing (1), (2), and (3)(a) & (b) from s.63 – 67 and adding to s.62 of the NES-F. In our experience the current information requirements are not laborious<sup>11</sup>. NRC, however, has found difficulty in obtaining the information from some landowners/land users where they are not familiar with freshwater ecology/fisheries science.
61. In regard to the proposed changes to permitted activity conditions:
- NES-F s.70(2)(e)** - Box culverts should be allowed for as the minimum 25% embedment condition is impractical in some situations, particularly with very large box culverts. However, there should be a minimum embedment requirement of the greater of 300mm or twice the median substrate size as recommended in the New Zealand Fish Passage Guidelines V2 (Franklin et al, 2024).
  - NES-F s.70** - Section 70's purpose is to ensure fish passage is provided for and each condition is relevant to different factors that impact on fish passage. This specificity is important for applicants to ensure they are installing structures that comply with 70(2)(a). 70(2)(a) on its own is vague as wider understanding of specific factors that can impact fish passage at culverts are limited. Conditions (b) – (g) each address a factor that is a known risk to fish

<sup>10</sup> See for example <https://data.mfe.govt.nz/layer/52677-prediction-of-wetlands-before-humans-arrived/>

<sup>11</sup> Collecting information on a structure takes an average of 20 minutes which is a fraction of the total planning, preparation, construction, and clean up time. Minimum tools required are a measuring tape and an item that floats. There is a free and dedicated app (NIWA FPAT) which anyone may use to satisfy s.62 & 63 of the NES-F.



passage at culverts. Removal of any condition risks the installation of structures that do not meet 70(2)(a)<sup>12</sup>.

62. NRC therefore opposes removing any condition from s.70. Removing conditions has the potential to result in a laborious process for councils and landowners/users as a result of the increased potential for breaches of 70(2)(a) and associated reconstruction or retrospective resource consenting which leads to increased costs and delays to projects.
63. NRC particularly opposes removal of the water velocity conditions for culverts. It would negatively impact an ability to adequately provide for fish passage under permitted activity rules. The condition is broad yet if met, it is likely that fish passage can be achieved without a scientific or technical understanding of fish movement which varies by species, age and area. Fish passage is complex, and removing water velocity would very likely reduce the potential to achieve the intent of the rule.
64. NRC supports temporary structures being treated differently to permanent, similar to the NES-CF, but would encourage a clearly defined timeframe.

### **Nitrogen cap and reporting (farmer facing regulations)**

65. NRC supports aligning reporting dates with the farming calendar, noting that nitrogen loss is not a key issue for Te Taitokerau, although we do have 'hot spots' such as Maungakaramaea and Taipa where nitrogen application has been managed using non-regulatory methods. We also note that some freshwater bodies, such as Dune Lakes, are particularly sensitive to nutrients such as nitrogen.
66. The proposal to remove the 190 kg/ha/yr cap is not supported, as this provides a national standard that can be used where non-regulatory methods fail/are ineffective.

### **Drinking water source area mapping**

67. NRC notes that the requirement to map source water risk management areas within 5 years could be a costly exercise, especially where knowledge of groundwater resources is limited (we have yet to assess it fully though).
68. It is not clear how the maps will be used and what the implications are for landowners. Without a clear understanding of how the maps will be used (e.g. whether rules are to be applied to each SWRMA in national direction) NRC finds it hard to comment whether such mapping will result in reduced risk of contamination of drinking water sources, because clearly mapping alone will not bring about any change.
69. NRC is unsure of the implications of reducing the thresholds from 500-persons to 100-persons but is concerned that without assessment at national level as to how many water supplies would be captured by the reduction in threshold, the costs and benefits of the proposal are difficult to understand. We are concerned that there could be many local facilities (e.g. schools, marae, papakāinga) that may be captured by the change in the threshold and what the implications

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<sup>12</sup> For example, condition (c) is important as due to the uniform nature of culvert surfaces providing less friction and complexity than adjacent reaches, water velocities can increase to an extent that significantly impact fish passage. High velocities across uniform surfaces can impede fish passage, particularly with sloped sites and longer culverts. Even when compliant with other conditions in s.70, increased velocities alone could impact the ability of fish to pass the structure leading to non-compliance with s.70(2)(a) Having this condition informs applicants and enables them to take measures from the outset to provide for velocities congruent with adjacent reaches (e.g. incorporating appropriate baffling into the design), and ensuring compliance with s.70(2)(a), thus avoiding potential enforcement action, retrospective remediation, and work delays.

might be on marae and papakāinga. For example, reducing the threshold to 100 persons or more could result in a significant percentage of Northland being managed for source water protection especially given that SWRMA 3 is essentially the entire catchment. We are also dubious about the merits of requiring mapping of SWRMA 3 given the extent and it is unclear what the management purpose and approaches would be in SWRMA 3. We recommend this be subject of a case study or pilot in a few regions before confirming any national direction on this mapping requirement.

### Freshwater Farm Plans

70. Council supports the Freshwater Farm Plan regime as a means to improve the state of freshwater and complement other freshwater planning initiatives. We support a simpler more cost-effective system.
71. Council also sees a good case for FWFP acting as an alternative to resource consents for some farming activities (such as stock exclusion), provided councils have discretion to include provisions in regional plans to ensure FWFP robustly assess risks and address the most critical contaminants in a region or catchment and bring about meaningful improvements.
72. Council also notes that it is important to understand the effectiveness of FWFPs as a tool before deciding when this will be the preferred mechanism for addressing other freshwater management issues (e.g. commercial vegetable growing).

### Māori Rights and Interests and Treaty Settlements

73. We note that the discussion document seeks specific feedback on the potential for the proposed freshwater reforms to impact on Māori rights and interests in freshwater and on Treaty Settlements.
74. We note the Crown's reiteration of its position that no-one owns water, with Māori Treaty claims over freshwater (e.g. WAI 2358 and WAI 1040<sup>13</sup>) remaining unresolved. We further note that in Northland we do have waterbodies where the ownership lies with Māori (e.g. Porotī Springs, Lake Ōmāpere) and Statutory Acknowledgements that identify specific waterbodies of interest to tāngata whenua (e.g. Lake Humuhumu and Awanui River). There is clearly the potential for the proposed reforms to impact negatively on these rights and interests given the more permissive and enabling approach proposed for certain activities that have potential to impact on freshwater bodies (e.g. certain farming activities and mining and quarrying in wetlands).
75. We also note that there are freshwater bodies and receiving environments (coastal/estuarine waters) which are identified in our Regional Plan as Sites or Areas of Significance to Tāngata Whenua. The proposed reforms that would override the specific protections of those Sites and Areas of Significance (e.g. policies that provide for mining and quarrying in particular environments and locations) could result in adverse effects on the values, qualities and characteristics of these freshwater Sites of Significance.
76. As noted above, any proposal to either remove or limit the consideration of Te Mana o Te Wai will be viewed negatively by tāngata whenua and will impact on their freshwater rights and interests. NRC also notes that Te Tiriti o Waitangi/The Treaty of Waitangi guarantees that Māori can perform their responsibilities as kaitiaki according to tikanga; therefore, there is potential for the proposed freshwater reforms to negatively impact on those rights.

NRC wishes to be heard.

For further information, please contact Tami Woods, Policy & Planning Manager, [tamiw@nrc.govt.nz](mailto:tamiw@nrc.govt.nz)

<sup>13</sup> The Te Paparahi o Te Raki (Northland) inquiry includes claims over freshwater.

phone: 09 470 1200.

A handwritten signature in black ink, appearing to read 'G. Crawford', with a horizontal line underneath.

**Geoff Crawford**  
**Chair**  
**Northland Regional Council**