



Draft Regional Plan for Northland

SUMMARY OF FEEDBACK

October 2016

Putting Northland first

Contents

GENERAL OVERVIEW	4
COASTAL	10
LAND USE AND DISTURBANCE	36
ACTIVITIES IN THE BEDS OF LAKES AND RIVERS AND IN WETLANDS	50
DISCHARGES TO LAND AND WATER	58
TAKING, USING, DAMMING AND DIVERSION OF WATER	74
WATER QUALITY AND QUANTITY POLICIES AND LIMITS	84
AIR DISCHARGES	88
SIGNIFICANT AREAS	96
TANGATA WHENUA VALUES	110
OTHER	114

General overview

This is an updated version of the summary of feedback on the Draft Regional Plan as of 29 November 2016. It includes 5 submissions inadvertently not included in the previous version of this document. These are: Auckland GE Free Coalition, Bobb C, Fonterra, Hall E and Sizer A and I.

The Draft Regional Plan was released for feedback on 8 August 2016 and ran for nearly seven weeks, closing on 23 September. We received feedback after this date and it has been included in this summary.

We received feedback from 288 submitters.

The feedback was categorised and summarised by topic. By far the most popular topic was "Bale wrap burning" with the vast most of the over 90 submitters voicing their concern about it being a permitted activity. The next most popular topics were "Stock exclusion" and "Genetically modified organisms" with 48 and 47 submitters respectively sharing their views. These were followed by "Mangrove removal", "Earthworks", "Water takes", "Other discharges" and 'Water quality and quantity policies and limits' with between 40 and 30 submitters each.

The submitters appear to represent a reasonably wide range of interests, including nearly 200 individual submitters and:

- Councils (Whangarei, Kaipara and Far North district councils, and Auckland Council)
- Agricultural and horticultural (for example Federated Farmers, Beef & Lamb NZ, Horticulture NZ, Irrigation NZ, Fertiliser Association of NZ, NZ Deer Farmers Association and Egg Producers Federation of NZ)
- Fishing and aquaculture (for example Aquaculture NZ, Moana NZ and CRA 1 Rock Lobster Industry Association)
- Forestry (for example Rayonier Matariki Forests and Hancock Forest Management)
- Central government (for example Minister of Conservation, Ministry for Primary Industries, NZ Transport Agency and NZ Defence Force)
- Infrastructure providers (for example Transpower, Top Energy, NZ Geothermal Association, KiwiRail, Meridian)
- Community (for example Mangawhai Harbour Restoration Society, Northland District Healthboard and Tinopai Residents and Ratepayers Improvement Society)
- Recreation (Yachting NZ, Fish and Game NZ, and Russell Boating Club)
- Environment (Forest and Bird, Eastern Bay of Islands Preservation Society, Soil and Health Association of NZ, NZ Fairy Tern Charitable Trust, Bream Bay Coast Care Trust and GE Free Northland)
- Petrochemical industry (Refining NZ and The Oil Companies)
- Mining (Evolution Mining)

Notably there was a lack of feedback from Māori groups. There were four Māori group submitters and they were all from hapu.

Key themes

Coastal

- A high level of support for most general structure rules, especially the suite of permitted activity rules.
- Council received mixed responses from submitters on the draft proposal to increase controls on sewage discharges from vessels.
- Very few submitters commented on the draft Marina Development Zones or the related provisions.
- Many submitters were generally supportive of the aquaculture provisions.
- The mangrove provisions attracted a lot of feedback. There were polarised responses ranging from seeking more permissive mangrove removal rules, to wanting most mangrove removal to be prohibited. However submitters were generally supportive of draft provisions when identifying with an operational need to manage mangroves in connection with maintaining infrastructure, services and business activities e.g. managing road sight lines and clearing blocked stormwater channels.
- Marine Pest provisions were in general supported, however some concerns were raised about the cost of compliance in particular the threshold for in-water cleaning and practicality of the permitted locations. Greater guidance on good vessel hull hygiene was requested.
- A high level of support for the suite of permitted activities for 'minor' disturbance related activities. No other key themes for dredging, disturbance and reclamations.
- That the new plan include specific provisions regulating vehicle use on beaches and sand dunes.

Land use and disturbance activities (stock access to the beds of water bodies, cultivation, earthworks, vegetation clearance, afforestation and planting, and bores)

The draft rules attracted a lot of attention, particularly the controls on the access of livestock to fresh and coastal waters. The key matters raised by people are summarised below.

- Overall, there was support from the community and stakeholders for excluding livestock from the beds of wetlands, rivers, lakes, and from the coastal marine area. However, people expressed concerns about the deadlines for excluding stock, and the practicalities of doing so (e.g. costs of maintaining and repairing fences in flood prone areas, and the potential for weed corridors to form).
- Regarding the other draft rules, the main feedback was on the appropriateness of setbacks from water bodies and wastewater systems and contaminated land (in the rules for bores), areal thresholds, definitions, the appropriateness of referenced good management practice guidelines, and the activity statuses of the rules.

Activities in the beds of lakes and rivers and in wetlands

- Provisions were broadly supported by submissions.
- Regarding activities in rivers and lakes
 - a general theme emerged requesting guidance and clearer rules dealing with appropriate structure design for fish passage, storm flows and erosion control.
 - Other suggestions included: limiting the period 'controlled activity' status is available for applicants to legalise unauthorized structures; lowering the minimum culvert size; improved pest plant and fish controls; refined definitions (intermittently flowing river, temporary works, weir and indigenous vegetation); permitting temporary NZ Defence Force activities, more permissive thresholds for infrastructure and greater protection for habitats of trout and salmon.
- Regarding activities affecting wetlands
 - there was particular interest in improved: wetland mapping, wetland definitions and both encouragement and guidance on good wetland management.
 - Other feedback included: more permissive provisions where there are network utility or infrastructure benefits, greater protection for significant wetlands, better guidance on the application of biodiversity offsetting and the values and function of constructed wetlands.

Discharges to land and water

- Regarding the draft rules for discharges from on-site domestic wastewater systems, Kaipara District Council considers that the plan should be more restrictive by specifying minimum lot sizes and requiring a warrant of fitness type scheme. Several stakeholders requested changes to the setback distances in the rules.
- The draft rules for discharges from wastewater reticulation networks were generally supported, however Whangarei, Kaipara, and Far North district councils expressed concerns about some of the matters that need to be addressed in wastewater network management plans on the grounds that they will impose unnecessary costs. The councils stated similar concerns about the required content in stormwater management plans. Two stakeholders requested more stringent activity statuses for wastewater discharge rules.
- Several stakeholders expressed concerns about the minimum pond storage capacity for dairy effluent and emptying requirements in the draft permitted activity rule for discharges of farm wastewater to land. Specifically, that the minimum pond storage capacity is necessarily stringent (i.e., that the minimum storage is likely to be more than what is required by the Dairy Effluent Storage Calculator), and that the requirement for ponds to be emptied by the 1st of May each year is not practicable for all farmers.
- Four stakeholders strongly expressed concerns about the broad definition of "high risk industrial or trade premises", insofar as it appears to cover most industrial and trade activities. The concerns are based on the rule that would make stormwater discharges from the premises a discretionary activity.
- Feedback received was generally supportive of the proposed approach to managing contaminated land. Where changes are sought the submitters are generally seeking minor to moderate changes to individual clauses within the proposed framework.
- Feedback on the Solid Waste provisions was largely focused on the permitted activity rule for clean fill activities. While the feedback was supportive of the draft permitted activity status for cleanfill submitters would like more clarity around what cleanfill is and what earthworks are.

Taking, using, damming and diversion of water

Unsurprisingly, the council received a lot of feedback on the draft rules for taking and using water. The main feedback was on:

- the inclusion of a rule in the plan for taking water for stock drinking requirements,
- the activity statuses of rules for re-consenting, transferring water permits, and breaching allocation limits,
- metering and water efficiency requirements, and
- the absence of specific rules for taking and using (and discharging) geothermal water.

Regarding the provisions for dams, there was little feedback on this subject from individuals, however submissions from organisations indicated good support for the draft provisions. Specific comments included: better recognition of sites/areas of significance to tangata whenua; a more detailed approach to new dam proposals regarding provision of fish passage, permitting NZ Defense Force temporary damming and diversion activities; additional definitions, clarification and guidance.

Water quality and quantity policies and limits

The main feedback on the policies for water quality and quantity management related to:

- The adequacy of the concentration limits as regards nutrients,
- The provision for water quality concentration limits to be breached under certain circumstances,
- Direction on wastewater discharges, including the requirement for the use of the "best available treatment technology" rather than the "best practicable option", and
- Direction on all discharges, including that the discharge must be free of any toxic contaminants and the need for clarity about the size of the zone of reasonable mixing.

Air discharges

- There was a large amount of feedback (over 90 submitters) on the proposal to permit the burning of agricultural bale wrap. Most of this feedback was opposed to the proposal and sought that it instead be a prohibited activity.
- There was no other dominant theme for air with submissions on burning, dust, abrasive blasting, odour and emissions from trade and industrial premises.

Significant areas

- There were a number of requests to amend the mapping of historic heritage, natural character, outstanding natural features and significant biodiversity at a site specific level.
- A number of submitters felt that policy relating to protecting indigenous biodiversity, natural character and outstanding natural features required more flexibility to allow certain beneficial activities to proceed.

Tangata whenua values

- Of the 27 submitters, most had concerns with the policies in "D.1 Tangata Whenua". The main concern is that the requirements for resource consent applicants to assess effects on tangata whenua and their taonga are too onerous, costly and arguably illegal. Another concern was not being able to assess the implications of the provisions for place significance to tangata whenua given none were mapped in the draft plan. Those that supported the provisions thought they provided more certainty.

Other

- A mix of opinion about the structure and format of the plan - some liked it others didn't. Those that didn't like it generally supported the traditional plan approach of a clear link between objectives, policies and rules.
- Greater clarity on terminology used in the plan was sought.
- Some concern about how council would resource the monitoring of the increased number of permitted activities.
- The lack of a link between the rules and non-regulatory methods (which are not in or referenced in the plan) was raised as a concern.
- Infrastructure providers wanted greater recognition of the role of regionally significant infrastructure in regional wellbeing and greater consideration of its operational constraints.
- An overall high level of support for the natural hazard policies.
- Many submitters want the plan to include provisions for managing genetically modified organisms.

Coastal

Coastal structures

Relevant provisions

- All rules in Section C.1.1 - General Structures
- Section C.1.8 - Coastal works general conditions
- Policy D.5.10 - Appropriateness of non-functional need structures

Submitters

- | | | |
|------------------------------|---|------------------------------|
| • Auckland Council | • Maiki Marks | • Refining NZ |
| • Cooper and Company | • Mangawhai Harbour Restoration society | • Tau Iho I Te Po Trust |
| • David Salter | • Matich Ronald and Kevin | • Top Energy Ltd. |
| • Don Bellingham | • Meridian Energy | • Transpower |
| • Far North District Council | • Michael Matich | • Victoria Moore |
| • Federated Farmers | • Moana NZ | • Warren Daniel |
| • Fonterra | • Myra Larcombe | • Whangarei District Council |
| • Dr Gillian Durham | • Margaret Hicks | |
| • GBC Winstone | • NZ Transport Agency | |
| • IPENZ | • NZ Defence Force | |
| • Kaipara District Council | • Peggy Morrison | |
| • Kiwirail | | |

Summary of feedback

Overall, there was a diverse array of feedback on rules and policies relating to coastal structures. The feedback ranged from high level support of the permissive regime proposed for the placement of structures to detailed feedback on individual rules. The feedback is outlined below and is 'clustered' around responses to definitions, rules and policies.

Definitions - GBC Winstone seeks an amendment to the definition of structure to include pipelines and to include structures that are fixed to other structures that are fixed to land. Federated farmers request the plan include the RMA definition of coastal marine area. Several infrastructure providers (Meridian Energy, NZ Transport Agency and Top Energy) request the plan define 'operational need' as *'The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints'*. Fonterra wish to see a new definition of functional need - *The need for a proposal or activity to traverse, locate or operate in a particular environment because it can only occur in that environment* and a definition of operational need - *The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.*

C.1.1.1 Existing minor structures - Kiwirail, Far North District Council and Mangawhai Harbour Restoration Society support the rule. A number of submitters (KDC, D Salter, R Matich and M Matich) request that jetty structures are included within the existing minor structure rule. GBC Winstone want to see jetties and structures attached to wharves included within permitted rule C.1.1.1(13), which applies to the coastal commercial zone. Refining NZ notes there is no definition of minor structures (for c.1.1.1 and c.1.1.2) and suggests a reference to minor structures is deleted and all existing structures in coastal commercial zone be permitted activities. NZTA request that rule c.1.1.1 is from operative date of plan (not notification). Also propose deleting 'minor' from rule because there is no definition of minor structure and some structures like bridges are unlikely to be minor. WDC - submits that this rule currently does not enable consideration of potential adverse effects of structures on public access and recreation on adjacent land.

C.1.1.2 Minor structures in a Commercial Coastal Zone, Marina Zones and the Whangarei City Centre Marine Zone - WDC requests that there is a need to ensure that any private structures that rely on public land for access do not adversely affect the public use and enjoyment of the esplanade reserve/ coastal interface.

C.1.1.3 Temporary structure - Support from Mangawhai Harbour Restoration Society. GBC Winstone seek an amendment to the rule to exclude structures being used for construction purposes from clauses 2 and 3 (which impose area and size restrictions). Kaipara District Council are concerned that monitoring will be necessary to ensure 'temporary structures' do not become permanent. Moana NZ - seek that the temporary structure rule is amended to include structures used to assess the quality of shellfish or waters. Kiwirail seek a minor amendment to the temporary structure rule to clarify that these structures do not prevent existing public access to and along the CMA.

C.1.1.4 Aids to navigation - Gillian Durham and Victoria Moore are both opposed to permitted activities for navigation aids and signage because they consider that they are an obligation (for navigation safety) and should not be dealt with under the plan.

C.1.1.5 Signs - supported by Kiwirail.

C.1.1.6 Monitoring and sampling equipment - Kaipara District Council questions whether an approved list of organisations who can place monitoring and sampling equipment should be included in the permitted rule - those not on the list would need a controlled activity consent. Mangawhai Harbour Restoration Society request an extension to the time limit for monitoring/sampling equipment from 1 year to 2 years and request additional amendments to clauses 4 and 5 of the rule - '*if the monitoring or sampling equipment comprises (or is contained in) an structure*'. NZTA request a new permitted activity rule for permanent monitoring and sampling equipment <1m² (i.e. not subject to the time limits of condition (4)) is requested to enable activities such as monitoring points for coastal erosion.

C.1.1.7 Replacement of a structure - Supported by Cooper and Company, GBC Winstone, Kiwirail, Refining NZ, Far North District Council

C.1.1.8 Maintenance and repair of structures - Supported by Cooper and Company and Far North District Council. WDC believe the plan needs clarification as to whether 'authorised' structures include minor structures that may not have existing coastal permits. GBC Winstone seek an amendment to rule to include minor upgrading/alterations so long as they do not materially increase the footprint of the structure. Kiwirail request that the requirement to comply with the general conditions in C.1.8 be removed from this rule and that relevant aspects of C.1.8 could be included within the rule.

C.1.1.9 Maintenance, repair or removal of hard protection structures - NZTA request a minor modification to clause 4) to add the following 'to an extent greater than existing'. Far North District Council support this rule and C.1.1.11.

C.1.1.11 Removal of structures - Fonterra, amend to include 'demolition'

C.1.1.17 Structures outside areas with significant values - Mangawhai Harbour Restoration Society - request relaxation of the rule for restoration and reconstruction of historical structures, particularly where the structures are intended for public use and benefit (C.1.1.17 and C.1.1.22). NZTA request an amendment to clause 19) to include 'operational' need. Meridian Energy requests this rule is amended to be more enabling of structures associated with regionally significant infrastructure and to specifically provide for structures associated with regionally significant infrastructure that have a functional or 'operational' need to be located in the coastal marine area. Currently, the plan does not define 'operational need'.

C.1.1.18 and C.1.1.19 Hard protection structures, Hard protection structures in areas with significant values - Margaret Hicks submits that hard protection structures should not be permitted except in exceptional circumstances (such as to protect essential infrastructure). The policy is supported by Auckland Council. In relation to C.1.1.19, WDC are concerned that non complying activity status to both existing (unauthorised) and proposed hard protection structures in an areas of significant value do not enable an effects based consideration of the locational or operational need of a hard protection structure to be utilised, taking into account the function or purpose it will provide in facilitating the protection of infrastructure. They suggest that hard protection structures may be the only practical means to protect public land from erosion, maintain public access and to protect core infrastructure relied on by the community. Far North District Council request an amendment to the rule to enable significant infrastructure to be located here if there are no viable alternatives. NZTA consider that any minor additions/alterations to hard protection structures should be a discretionary activity.

C.1.1.21 Structures with no functional need - Supported by Auckland Council. WDC suggest that some activities may not have a truly functional need to be located in the coastal area but may contribute to the public use and enjoyment of a particular area. Top Energy, Fonterra and NZTA requests that 'operational' need is included within this rule.

C.1.1.22 Structures within areas with significant value - FNDC request an amendment to the rule to enable significant infrastructure to be located here if there are no viable alternatives. Transpower, on the basis of Policy 6 of the NZCPS and the sought policy changes to draft policy D.2.4, seek a new discretionary rule for new National Grid structures with a functional and operational need to be located in areas with significant value in the CMA.

Coastal general conditions - Supported by Top Energy. Peggy Morrison wants to ensure that coastal general condition C.1.8.(7) excludes emergency situations when remedial works have to be undertaken immediately (e.g. after/during a natural hazard event). NZ Defence Force suggest comprehensive changes to the noise conditions of coastal general conditions and have suggested replacement noise standards for temporary military training activities. WDC - recommend that standards set out in the general conditions do not permit structures where there are potential cross boundary implications or obstructions to public reserve areas. GBC Winstone - seek changes to coastal general conditions, including extending the timeframe for restricting public access under 6 and to provide for emergency works to be carried out for a 24 hour period under clause 7. Kiwirail seek that the requirement to comply with coastal works conditions is removed from the following rules: c.1.1.8 - c.1.1.11. They seek amendments to the following coastal conditions: 3 - that councils monitoring manager is only notified before the construction of a new structure or the demolition/removal of an existing structure, deletion of clause 7 and removal of the requirement to notify LINZ, Maritime NZ and local district council from clause 8. Also they want this to only apply to new structures (not additions/alterations).

Policies - Kiwirail supports Policy D.5.10. Auckland Council supports policies for hard protection structures and non functional need structures.

Miscellaneous - D Bellington - would like to see an overall plan for the protection of Houhora Harbour from coastal erosion and that hard protection structures within Houhora Harbour be a permitted activity. M Marks - appears opposed to granting of consent to private jetties and wharves. Myra Larcombe - opposed to illegal foreshore protection structures being granted via retrospective consent. Warren Daniel - would like to see policies/rules for off-shore electricity generating wind farms where policies must ensure that wind farms do not impact on navigation of vessels, visual amenity of coastal residents and tourist activities. IPENZ recommends that where the design of any structure is complex or potentially has significant environment risks, the works should be undertaken by a Chartered Professional Engineer. GBC Winstone seek a new 'controlled activity' rule for additions and alterations to the existing structure rule in coastal commercial zone (currently discretionary). Cooper and Company seek that structures and hard protection structures within historic heritage areas are 'restricted discretionary' (instead of non-complying) if an authority is obtained from Heritage NZ. Top Energy Ltd requests council to provide a more permissive threshold for infrastructure works subject to specific and appropriate standards. They are also concerned that all infrastructure related structures are not captured and want to ensure that permitted rules would include signage erected as cable markers for infrastructure cables on the sea floor. FNDC request a specific rule for structures associated with mineral exploration/extraction. NZTA recommend a new (discretionary) rule for hard protection structures supporting reclamations necessary for regionally significant infrastructure. Fonterra note that as currently drafted, the discharge from the Maungatoroto factory and the placement and maintenance of structures associated with this discharge, to the CMA would be a non-complying activity. Fonterra therefore seeks to enable structures to be located in the coastal marine area (CMA) while recognising that new structures and some existing structures are appropriately provided for by way of a consent process.

Moorings, marinas and anchorage

Relevant provisions

- Rule C.1.2.1 Anchoring - permitted activity
- Rule C.1.2.2 New swing moorings in a Mooring Zone - permitted activity
- Rule C.1.2.3 Existing mooring in a Mooring Zone - permitted activity
- Rule C.1.2.4 Relocation of a mooring by Regional Harbourmaster - permitted activity
- Rule C.1.2.5 Maintenance and repair of moorings - permitted activity
- Rule C.1.2.6 Existing swing mooring outside Mooring Zone - permitted activity
- Rule C.1.2.7. Mooring - discretionary activity
- Rule C.1.2.8 Anchoring - discretionary activity
- Rule C.1.2.9 Mooring within areas with significant values and storm anchorages - non complying activity
- Policies D.5.13 - D.5.19

Submitters

- | | |
|---|---|
| • Auckland Council | • Myra Larcombe |
| • Bryn Jamieson | • NZOC Ltd |
| • Carl Mather | • Paroa Bay Stations Ltd. |
| • Charles Kelly | • Tappenden Holdings Ltd. |
| • Donovan Group Trust | • Perrit Trust & DT Farmer & GRW France |
| • Dr Gillian Durham | • Russell Boating Club |
| • Eastern Bay of Islands Preservation Society | • Victoria Moore |
| • Far North District Council | • Warren Daniel |
| • GBC Winstone | • Whangarei Marina Trust |
| • Graham Chignell | • Yachting NZ |
| • Guy Carnaby | |
| • Jay Howell | |
| • Kaipara District Council | |

Summary of feedback

Moorings Zones

- Several submitters supports the proposal to maintain the existing mooring zone at Jacks Bay in its current state (Paroa Bay Stations Ltd, Tappenden Holdings Ltd, Perrit Trust & DT Farmer & GRW France).
- Some concern has been expressed around the proposal to extend the mooring area outside Matauwhi Bay. The submitter states that the proposed extension is in an area regularly used for sail boat races and youth sailing as well as being a popular anchorage. The submitter would prefer Council to maximize the public utility of existing mooring areas and has some suggestions on how this could be achieved (Russell Boating Club).
- Several submitters raised a lack of land based services for mooring areas in the Bay of Islands as an issue. Waipiro and Te Uenga Bays were identified as areas of particular concern (Eastern Bay of Islands Preservation Society, Jay Howell and Bryn Jamieson).
- There are a number of places that moorings could be placed but Council has a policy of unnecessarily limiting these. (Carl Mather)
- Council has not managed designated mooring areas. In the past the moorings were kept aligned with the moorings plan. (Myra Larcombe)

Moorings Policies and Rules

- Yachting New Zealand have requested that clauses D.5.13 (2) and (3) be deleted because it is not appropriate for a Policy to import a higher standard of assessment that that set out in the Act (in effect that the activity must have no more than minor adverse effects).
- Amendments are required to directly address specific concerns including car and trailer parking, public toilets, boat racks, public access and esplanade reserves, landscaping and urban design treatment. Bryn Jamieson has drafted amendments to the moorings policies and rule C.1.2.2.. (Far North District Council, Eastern Bay of Islands Preservation Society, Jay Howell & Bryn Jamieson)
- Shore based facilities in Waipiro and Te Uenga Bays are limited. Eastern Bay of Islands Preservation Society are advocating for the addition of two new clauses to rule C.1.2.2 to manage this issue:
 - Require that moorings are associated with a property in Waipiro, Te Uenga or Parekura Bays
 - That the mooring holder must be able to prove that he/she has appropriate parking and toilet facilities specifically available.
- Amend Policy D.5.13 to support shore based facility structures in the mooring and general coastal zones (Far North District Council).
- Rules and Policies that encourage the consolidation of moorings into mooring Zones is supported. (Auckland Council)
- The should draft plan should include policy that sets out how moorings in mooring zones should be managed. The submitter has drafted a policy for councils consideration. (Bryn Jamieson)
- Policy should be included in the plan guiding the placement of moorings with mooring zones. The new policy should make it clear that moorings and the vessel must be located within the mooring zone all times. In addition an amendment to rule C.1.2.4 has been suggested to implement this policy. (Bryn Jamieson)
- New moorings in Coastal Commercial Zones should be Controlled Activities (GBC Winstone)

Marina zones

A summary of the submissions received on marina zones can be found in the Coastal Zones section.

Anchorage and Anchoring

- Consideration should be given to any land based effects of moorings and anchorages e.g. traffic, parking. Also the effects on landscape, heritage and amenity values be considered at the CMA/TA interface (Far North District Council).
- New Zealand Oyster Company request that council introduce anchoring areas and put rules in place requiring vessels that wish to anchor overnight to do so within these zones in an attempt to better manage sewage discharges from vessels.
- Several submitters support policies D.5.14 and D.5.15 that set out how identified anchorages should be managed (Auckland Council, Gill Durham and Victoria Moore)
- The submitter supports the proposal to put time limits in place for vessels anchoring in one location (Auckland Council).
- Any rules within the plan that limit the amount of time a vessel can stay in one location should include an exemption for bad weather, damage or mechanical issues (Guy Carnaby), .
- Yachting New Zealand has seeks that amendments to C.1.2.1 to provide for anchoring in one estuary or harbour for up to 60 days and to remove clauses that control sewage discharges.
- A number of submitters have suggested that the plan include all anchorages identified in cruising guides such as the Spot x Cruising guide. Several of these submitters advocate for references to the guides rather than mapping the anchorages in the plan (Yachting New Zealand, Guy Carnaby, Gill Durham and Victoria Moore)
- Warren Daniel has requested that The Nook be added as a Storm Anchorage and the following be added as Significant Anchorages; The Nook, (Parua Bay), Blind Channel (One Tree Point), Munro and McLeods Bay and Taurikura .
- Where Council believes amendments to rules are required to manage boating activities they should be done through the Navigation Safety Bylaw not the Draft Regional Plan (Gill Durham and Victoria Moore).

- The definition of anchoring conflicts with the duties of a skipper and other legislation skippers must adhere to. The word temporarily should be deleted and replaced with a timeframe. The definitions should also provide an exclusion for bad weather, damage or mechanical issues. Detailed justification for this change is provided in the submission (p5, Gill Durham)
- The 5 night rule (C.1.2.1(3)) is clearly a nonsense and should be deleted. The frequency with which a holding tank or portable toilet needs emptying depends on its capacity, the number of people using it, and their health (Gill Durham and Victoria Moore)
- C.1.2.1.(2) and (3) (minus the 5 night rule) state how the outcome can be achieved and can usefully be incorporated in the new rule which needs to have its own heading in the plan and should bring together all references to discharge of untreated sewage from vessels in one place. Including C.1.2.1. (7) in the rule contributes to the efficiency of monitoring compliance with the rule. Subsequently, the essence of the new rule can be included in 'Boating in Northland' (Gill Durham and Victoria Moore).

Sewage Discharges

- Generally submitters were supportive of prohibiting untreated sewage discharges from the inner Bay of Islands.
- One submitter recommended that the proposed sewage controls are replicated in the Navigation Safety Bylaw (Jay Howell).
- Auckland Council supports the proposed approach of using the default areas set out in the Resource Management (Marine Pollution) Regulations 1998 to limit where sewage can be discharges with extensions in some bays and harbours.
- A number of submitters have requested that council provides for sewage discharges within the restricted area during bad weather. One submitter (Guy Carnaby) suggested that this be restricted to the first 3 hours of the ebb tide.
- Yachting New Zealand has seeks that amendments to C.1.2.1 to provide for anchoring in one estuary or harbour for up to 60 days and to remove clauses that control sewage discharges.
- Amend policy D.4.4 to make clear that (as addressed above in the context of objectives) maintenance and where necessary enhancement of water quality must recognise and allow for discharge of sewage from ships in line with the Resource Management (Marine Pollution) Regulations 1998. (Yachting New Zealand)
- Amend policy D.4.7 to make clear that wastewater discharge to coastal water of untreated and treated sewage from vessels is subject to specific provision. (Yachting New Zealand)
- Add an additional Policy to recognise and allow for discharge of sewage from ships in line with the Resource Management (Marine Pollution) Regulations 1998.(Yachting New Zealand)

Aquaculture

Relevant provisions

- Rules C.1.3 Aquaculture
- Policies D.5.1 - D.5.9

Submitters

- | | | |
|--|--|-----------------------------------|
| • Andre and Robin LaBonte | • Kaipara District Council | • Trustee Scrumptious Fruit Trust |
| • Aquaculture NZ | • Mary Woodworth | • Warren Daniel |
| • Auckland Council | • Moana NZ | • Yachting NZ |
| • Carl Savill | • Myra Larcombe | |
| • Carol Jessop | • NZ Defence Force | |
| • Cooper and Company | • NZ Oyster Industry Association | |
| • Department of Conservation on behalf of the Minister of Conservation | • Patuhakeke Te Iwi Trust Board | |
| • Dr John Booth | • Royal Forest and Bird protection Society of New Zealand Incorporated | |
| • Far North District Council | • Tau Iho I Te Po Trust | |
| • Federated Farmers of NZ | • Transpower | |

Summary of feedback

Aquaculture NZ, who represent interests of the aquaculture sector in New Zealand, provided the most detailed feedback. Their feedback highlighted the value of Northland's aquaculture industry (existing and potential) and a number of key issues:

- Providing certainty to existing farmers (this relates particularly to re-consenting)
- Recognising aquaculture as a legitimate use of coastal space
- Clearly identifying the characteristics and values of mapped significant areas and what adverse effects are to be avoided.
- Ensuring water quality and ecosystems are maintained or enhanced, in order to maintain and strengthen the industry's world-class reputation for safe and quality seafood and environmental integrity
- The need to provide for opportunity and growth, in particular providing for small extensions to existing farms and experimental aquaculture.

Aquaculture NZ were generally supportive of the draft rules and policies, except for:

- The prohibited areas (they suggest non-complying as does Federated Farmers)
- Re-consenting of finfish as discretionary (they suggest restricted-discretionary as it is for shellfish aquaculture)
- Minor extensions should be discretionary (currently prohibited if in a significant area)
- Plan should provide reasonable discretion to allow consent up to the statutory maximum of 35 years (not 25 years)
- Bonds should be based on reasonable risk (currently no reference to risk)

Moana NZ and the NZ Oyster Industry Association supported Aquaculture NZ's feedback, except for their position on coastal occupation charging (see that section for further discussion).

A number of other submissions commented on the prohibited areas. Most were supportive (C Savill, Cooper and Company, Minister of Conservation, Forest and Bird, and M Woodworth). Two submitters suggested additional prohibited areas - the balance of the Bay of Islands (J Booth) and nearshore area of Bream Bay. However in contrast A and R La Bonte questioned the justification for the large prohibited areas.

Re-consenting was a popular issue. C Jessop suggested that the existing aquaculture industry needs the certainty of permit duration as it is not viable to invest in future development without it. Kaipara District Council also thought that the list of matters of discretion for the restricted discretionary re-consenting rule (C.1.3.2) was too long. Conversely, Forest and Bird want all re-consenting to be a restricted discretionary activity (not controlled) and it able to be notified (not non-notified by default). Trustee Scrumptious Fruit Trust thought that all re-consenting applications should be notified.

Auckland Council support the aquaculture provisions as being generally consistent with the Auckland Unitary Plan.

Only one submitter raised concerns about existing marine farms - M Larcombe was concerned about the impact the oyster farms were having on siltation in the Waikare Inlet.

Forest and Bird would like to see policy D.5.4 "Aquaculture – avoid adverse effects" recast to require that the adverse effects of aquaculture be recognised and avoided as the balance to D.5.1, and moved to below D.5.1

Patuharakeke Te Iwi Trust Board suggested some changes to the scope and requirements for Marae based aquaculture.

The NZ Defence Force supports policy D.5.4 which states that aquaculture activities should avoid adverse effects on defence exercise areas.

Kaipara District Council suggested that the plan should map aquaculture development areas

The Minister of Conservation was generally supportive of the policies and rules.

The remaining submissions suggested minor changes to the policies and rules.

Mangrove removal

Relevant provisions

- All rules in Section C.1.4 – Mangrove removal
- Section C.1.8 – Coastal general conditions
- Policy D.5.25 - Mangrove removal – purpose
- D.5.26 - Mangrove removal – requirements

Submitters

- | | | |
|------------------------------|---|--|
| • Andre and Robin LaBonte | • KiwiRail | • Royal Forest and Bird Protection Society of New Zealand Incorporated |
| • Auckland Council | • Mangawhai Harbour Restoration Society Inc | • Tau Iho I Te Po Trust |
| • Beryl Wilkinson | • Margaret Hicks | • Tinopai Residents and Ratepayers Improvement Society (2009) INC. |
| • Carl Savill | • Mary Woodworth | • Transpower |
| • Christine Silverster | • Meridian Energy | • Violet Sade |
| • David Baylis | • Myra Larcombe | • Warren Daniel |
| • David Lourie | • NZ Fairy Tern Charitable Trust | • Wayne Parsonson and Yvonne Steinemann |
| • Dr Mere Kepa | • NZ Transport Agency | • Whangarei District Council |
| • Far North District Council | • Oliver Bone | |
| • Federated Farmers of NZ | • Patuharakeke Te Iwi Trust Board | |
| • GBC Winstone | • Peggy Morrison | |
| • Ian Southey | • Ray Jones | |
| • J W Cottier | • Roberta Jones | |
| • Jane Vaughan | • Roy Vaughan | |
| • Kaipara District Council | | |

Summary of feedback

In line with previous experience in Northland and in Auckland, regional plan mangrove provisions have attracted a high level of interest including some particularly in depth submissions.

There was a relatively even spread of submissions between positions that tended to highlight one of the following three viewpoints:

A focus on operational requirements

This is where the submitter identifies with an operational need to manage mangroves in connection with maintaining infrastructure, services and business activities e.g. managing road sight lines and clearing blocked stormwater channels. These submissions were all generally supportive of the draft provisions and consisted mainly of primary industry representative (GBC Winstone, Federated Farmers of NZ) utility operators ⁽¹⁾ and local government ⁽²⁾ although also included individual submission ⁽³⁾.

Mangrove removal advocates

1 Kiwi Rail, Meridian Energy, NZ Transport Agency, Transpower

2 Auckland Council, Kaipara District Council, Whangarei District Council and Far North District Council

3 Violet Sade, Wayne Parsonson and Yvonne Steinemann

Seeking more permissive provisions that provide greater ability to remove mangroves with less regulation than the draft provisions. These parties ⁽⁴⁾, tend to highlight circumstances where mangroves interfere with public use and enjoyment of the CMA. This position also tends to seek landscape, natural character and amenity values associated with a return to sandy conditions, from muddy mangrove habitat.

Mangrove attribute advocates

Seek more restrictive controls on mangrove management than those drafted, in recognition of beneficial mangrove values and functions⁽⁵⁾. The mangrove habitat values referred to includes contributing to significant ecological areas, habitat for threatened species (e.g. NZ Fairy tern, Banded rail and Australasian Bittern) and buffering coastal erosion and tsunami mitigation. Greater recognition of cultural values associated with mangroves was also sought ⁽⁶⁾. Submitters often also sought greater focus on controlling increased sediment and nutrient loads that contribute to mangrove spread and are generally induced by intensified land use. There were also references to recognising the role mangroves can play in locking up carbon, and mitigation of predicted climate change and sea level rise⁽⁷⁾.

Overview of feedback

There was a broad spectrum of submissions ranging from seeking a considerably more permissive approach e.g. "Removal of mangroves should ... not required consent" (Carl Savil), those wishing prohibit much mangrove removal (Margaret Hicks).

Provisions providing for mangrove management where necessary to maintain authorised activities and water flows received the a high level of support.

Mangrove removal in the Whangārei City Centre Marine Zone received no specific feedback.

The mangrove seedling removal rule attracted a lot of interest and general support. However amendments were usually sought in line with the submitters overall position i.e. to tighten or loosen controls.

Larger scale mangrove management attracted the most polarised submissions in opposition.

Overview of submission themes

A recurring theme from submissions in regards to larger scale activities, was reference to areas that are covered by large scale mangrove management resource consents, particularly in Mangawhai Harbour⁽⁸⁾, but also Ruakaka ⁽⁹⁾ and Tinopai (Tinopai Residents and Ratepayers Improvement Society (2009) Inc). These comments often sought a reflection of the resource consent conditions in the rules either locally or applied to other areas.

In 2012 the Environment Court released a decision giving Mangawhai Harbour Restoration Society Inc a 35 year resource consent to manage mangroves in Mangawhai Harbour (Decision Number 2012 NZEnvC232).

The Mangawhai Harbour Restoration Society Inc submission referenced this resource consent extensively in their submission and sought provisions to provide greater flexibility to remove mangroves in the harbour. The submission included a petition seeking a return to habitats, amenity values and water flows associated with the harbour in 1946, and this was signed by more than 2000 local residents. The submission provided a high level of detail focusing on the merits of mangrove removal particularly in the context of returning historical values

- 4 Mangawhai Harbour Restoration Society Inc, Andre and Robin LaBonte, Beryl Wilkinson, Carl Savill, David Baylis, Mary Woodworth, Myra Larcombe, Peggy Morrison, Tinopai Residents and Ratepayers Improvement Society (2009) INC., Warren Daniel
- 5 Christine Silverster, David Lourie, Dr Mere Kepa, Ian Southey, J W Cottier, Jane Vaughan, NZ Fairy Tern Charitable Trust, Oliver Bone, Patuharakeke Te Iwi Trust Board, Ray Jones, Roberta Jones, Roberta Jones, Royal Forest and Bird Protection Society of New Zealand Incorporated, Roy Vaughan, Margaret Hicks
- 6 Dr Mere Kepa, NZ Fairy Tern Charitable Trust, Jane Vaughan, Ian Southey, Roy Vaughan, Christine Silver, and Patuharakeke Te Iwi Trust Board
- 7 Jane Vaughan, Margaret Hicks
- 8 Christine Silverster, Jane Vaughan
- 9 Margaret Hicks, Warren Daniel, David Baylis

to Mangawhai Harbour including historical ecological values, landscape and natural character associated with sandy beaches, accommodating population growth and increased recreational activities and development.

The Kaipara District Council submission provided support for the Mangawhai Harbour Restoration Society Inc harbour restoration activities. Its submission seeks provisions that allow these activities to continue within the context of balance between mangrove removal and potential adverse environmental effects. In regards to potential adverse effects particular reference was made to areas with significant ecological values and the avoidance of effects on the critically endangered Fairy tern.

Several submissions highlighted concerns with mangrove removal activities in Mangawhai Harbour, seeking greater controls in the regional plan ⁽¹⁰⁾. Some submissions also highlighted a perceived lack of mangrove removal activity monitoring and regional plan implementation and future review (J W Cottier) in regards to mangrove rules.

Submissions seeking more restrictive controls expressed concerns over both short and long term adverse environmental effects from mangrove removal activities. These parties placed particular weight to RMA section 6(c) requirement to protect significant vegetation and habitats and New Zealand Coastal Policy Statement Policy 11a and 11b requirements (Royal Forest and Bird Protection Society of New Zealand Inc).

These submissions also highlighted the complexity of issues and potential for unintended consequences associated with mangrove removal in support of taking a precautionary approach. The impacts of Mangrove removal may be as expected for some species that live primarily within mangrove stands (e.g. Banded Rail). Other species may suffer heavily as well because this impact may extend well beyond the footprint of the mangroves removed (e.g. New Zealand Fairy Tern)⁽¹¹⁾.

Several submissions connected a specific period of mangrove removal activities in Mangawhai Harbour with a dramatic decline in Fairy tern breeding success. This position was reinforced with reference to monitoring results showing a reduction in the presence of particular family of fish that is both connected to mangrove habitat and known to be a main food source for Fairy tern⁽¹²⁾.

Some submissions highlighted the objective often sought by mangrove removal proponents of return sandy conditions, when this goal may not be achievable without addressing sediment and nutrient loads. Connected with this position is seeking greater focus on reducing sediment and nutrient sources in order to achieve more sustainable outcomes (Margaret Hicks). There were also suggestions to take a range of approaches that are specific to particular estuaries and their values e.g. Mangawhai Harbour to provide a higher level of protection for NZ Fairy Terns and other areas significant for Banded Rails (Ian Southey).

Feedback on specific provisions

The following summary lists the range of matters being sought by submitters under each respective provision. Please note that this is an overview and not comprehensive.

Rule C.1.4.1 Mangrove seedling removal – permitted activity

Submissions seek to:

- Amend this rule so that mangrove removal not meeting rule C.1.4.2 is prohibited, (Oliver Bone) in order to protect mangrove values including: sediment capture, biodiversity and landscape values.
- Exclude from this rule areas where the mangroves contribute to significant ecological values, meet New Zealand Coastal Policy Statement Policy 11a and 11b (Royal Forest and Bird Protection Society of New Zealand Inc) or where they could provide a coastal erosion buffer or contribute to Outstanding Natural Character or Outstanding Natural Landscape values.

10 The NZ Fairy Tern Charitable Trust (particularly regarding effects on the Fairy tern), Jane Vaughan, Christine Silverster, Roy Vaughan (particularly regarding increased erosion)

11 Ian Southey, Jane Vaughan

12 Christine Silverster, NZ Fairy Tern Charitable Trust, Ian Southey, Margaret Hicks

- Either reduce the bird nesting and breeding season in line with the Mangawhai harbour resource consent (1 September to 28 February) or remove the bird nesting and breeding season limitation altogether. These submissions considered the draft period as too limiting and reference was made to the public already having access to coastal space as of right i.e. it is suggested seedling removal would not result in additional / significant adverse effects on identified significant bird values⁽¹³⁾.
- Amend wording to only refer to the height of the seedling (and not "single-stemmed and unbranched juvenile mangrove plants"⁽¹⁴⁾.
- Restricting mangrove clearance to a particular distance is not needed if clearance is limited to maintaining existing drainage channels present at the date this plan becomes operative and to 'the extent required to create a free-draining channel (GBC Winstone).
- Permit mangrove seedling removal within the margins of mature mangroves (Andre and Robin LaBonte).
- Allow use of powered hand tools either outside the bird nesting and breeding season (Andre and Robin LaBonte) or at any time, including weed eaters, quad bikes, other vehicles, as seedling clearance would otherwise be impractical⁽¹⁵⁾.
- Permit all seedling removal without control (Carl Savill).

Rule C.1.4.2 Minor mangrove removal – permitted activity

Submissions seek to:

- Include allowance for farm fencing (Federated Farmers of NZ)
- Amend provisions to allow stormwater outlet clearance and associated mangrove removal to the 'extent required to create a free-draining channel' rather than limiting clearance to within 10 m of the channel as drafted (David Lourie).
- Amend stormwater outlet mangrove removal limitation from 10m to 3m (David Lourie) within the channel of the receiving water body, in order to maintain some beneficial treatment functions performed by the mangrove root system and limit clearance from the lower tidal limits.
- Amend mangrove removal limitation in artificial water courses from 5 m to:
 - 1 m either side of the channel, (David Lourie)
 - 10 m either side of the channel. (Warren Daniel)
- Restrict mangrove removal to 5m not 1m from 'other structure (Mangawhai Harbour Restoration Society Inc)
- Add text to part 4 'or, works necessary to ensure the safety and protection of infrastructure (NZ Transport Agency)
- Delete rule C.1.4.2 part 4 relating to clearing mangroves where they increase flooding (David Lourie)
- Specifically not allow for public notification of resource consent applications under this rule, including through changing the activity status of this rule to restricted discretionary or controlled.
- Amend to better allow for on-going operation of regionally significant infrastructure (Meridian Energy).

Rule C.1.4.3 Mangrove removal – controlled activity

Submissions seek to:

- Amend this rule so that mangrove removal not meeting rule C.1.4.2 is prohibited, in order to protect mangrove values including: sediment capture, biodiversity and landscape values.
- In regards to reference to freehold land, a variety of submission points were received that sought:
 - removal of reference to freehold land (Oliver Bone) or amend so that the following areas are excluded: areas where mangroves are buffering coastal erosion, or where New Zealand Coastal Policy Statement

¹³ Andre and Robin LaBonte, Mangawhai Harbour Restoration Society Inc

¹⁴ Mangawhai Harbour Restoration Society Inc., Warren Daniel

¹⁵ David Baylis, Warren Daniel

Policy 11a and 11b apply, or outstanding natural character or outstanding landscapes have been mapped ⁽¹⁶⁾.

- Alternative suggested maximum area covered by this rule - 500m² (Beryl Wilkinson)
- incorporating this provision into Rule C.1.4.2 permitted activity table ⁽¹⁷⁾.
- Criteria to assist assessment of effects on natural systems and indigenous biodiversity.
- Limit point 4 of the rule to 'maintain existing drainage channels present at the date this plan becomes operative' (GBC Winstone).
- Expand the reasons for mangrove removal to include: improved public access to and along the CMA, improve use of the CMA for education and cultural purposes, to facilitate scientific research, enabling or re-establishing lawful public access to and along the CMA (Mangawhai Harbour Restoration Society Inc) and establishing waka launching sites (Andre and Robin LaBonte).

Rule C.1.4.4 Mangrove removal in the Whangārei City Centre Marine Zone – restricted discretionary activity

No specific submissions received.

Rule C.1.4.5 Mangrove management to reduce coastal stream bank erosion – restricted discretionary activity

Submissions seek to:

- Delete this rule so that it is a discretionary activity (Ian Southey).
- Amend this activity to 'non-complying' (Oliver Bone) to safeguard mangrove values including: sediment capture, biodiversity and landscape values.
- Limit the maximum area of removal covered by this rule (Royal Forest and Bird Protection Society of New Zealand Inc)
- Include discretion to consider the coastal erosion buffering provided by mangroves (Roberta Jones)
- Amend this activity to 'controlled' (Federated Farmers of NZ)
- Amend so that high natural character areas are not referenced (Mangawhai Harbour Restoration Society Inc)

Rule C.1.4.6 Mangrove removal – discretionary activity

Submissions seek to:

- Amend the activity status to prohibited (Oliver Bone), in order to protect mangrove values including: sediment capture, biodiversity shoreline protection and landscape values.
- Create a new non complying activity for mangrove remove in areas where the mangrove have identified significant values for ecology, where mangroves are buffering coastal erosion or providing natural hazard protection, outstanding natural character or outstanding landscape values (Royal Forest and Bird Protection Society of New Zealand Inc).
- Notify all applications under this rule due to the likelihood of public interest (NZ Fairy Tern Charitable Trust)
- Amend to better allow for on-going operation of regionally significant infrastructure (Meridian Energy).

Suggested new rule

- Mangrove removal in the Mangawhai Harbour Mangrove Management Area – controlled activity (Mangawhai Harbour Restoration Society Inc)

Rule C.1.8 Coastal works general conditions - Mangrove removal and pruning

Submissions seek to:

¹⁶ Royal Forest and Bird Protection Society of New Zealand Inc., NZ Fairy Tern Charitable Trust

¹⁷ Federated Farmers of NZ, Beryl Wilkinson

- Reduce or remove requirement to notify council 20 working days prior to work may. Notification was considered unnecessary or the notification period excessive, particularly for emergency works (GBC Winstone).
- Amend to better allow for on-going operation of regionally significant infrastructure (Meridian Energy).
- For the purpose of clarity, incorporate the general conditions into the C.1.4 Mangrove Removal section (GBC Winstone).
- Amend to allow use and establishment of tracks in order to access the CMA associated with mangrove removal works and avoid 'unnecessary' damage to rush, seagrass and other coastal vegetation⁽¹⁸⁾.
- Amend so that waste vegetation from mangrove removal does not have to be removed from the CMA (Peggy Morrison).

Policy D.5.25 Mangrove removal – purpose

Submissions seek to:

- Amend the text to better reflect the balance between weighing up benefits of mangrove removal against the benefits of not removing mangroves when considering large scale mangrove removal proposals as opposed to just meeting one of the listed matters. Regarding the draft text, 2) and 3) which are weak except perhaps in small areas of very high use, 5) and 10) are already adequately covered (C.1.4.2 – Table 1 and C.1.4.3 – 2)) and 1) is repeated in 8) (Ian Southey).
- Remove reference to an area threshold 500m²⁽¹⁹⁾, or change to 100m² (NZ Fairy Tern Charitable Trust).
- Include 'maintenance of drainage channels' as a recognised purpose (GBC Winstone).
- Include allowance to enable 'resetting' natural character and landscape values to a desired historical point (when there were less mangroves). Some submitters use the Mangawhai Harbour mangrove removal resource consent to justify this position (Mangawhai Harbour Restoration Society Inc).
- Provide for works associated with infrastructure or regionally significant infrastructure⁽²⁰⁾.
- Include recreation, research, tidal flows, return to historic habitats, and acknowledge resetting natural character as purposes for mangrove removal, through reference to restoration and rehabilitation⁽²¹⁾.
- Removal of mandatory requirements⁽²²⁾.

Policy D.5.26 Mangrove removal – requirements

Suggested amendments included:

- Linking the use of an adaptive management approach to something less subjective than 'uncertainty' or delete the policy.
- Removal of mandatory and long term requirements⁽²³⁾ and restriction to the 'scale necessary for the proposed purpose'⁽²⁴⁾.
- Clarify what is meant by "uncertainty" over the extent or duration of adverse effects or delete the policy⁽²⁵⁾.
- Provide direction on impacts of different mangrove management and removal techniques (Ian Southey).

New policy

Submissions suggesting a new policy seek to:

- Recognise mangrove values (coastal erosion buffering, ONL, ONC, biodiversity etc...) in policy so that these can be considered with other policy.

18 Andre and Robin LaBonte, Mangawhai Harbour Restoration Society Inc.

19 Andre and Robin LaBonte, Mangawhai Harbour Restoration Society Inc, Transpower

20 NZ Transport Agency, Transpower

21 Andre and Robin LaBonte, Mangawhai Harbour Restoration Society Inc.

22 Andre and Robin LaBonte, Transpower

23 GBC Winstone, NZ Transport Agency

24 Mangawhai Harbour Restoration Society Inc., NZ Transport Agency

25 Andre and Robin LaBonte, NZ Transport Agency

Marine pests

Relevant provisions

- Rule C.1.7.1 In-water cleaning (deep water) - permitted activity
- Rule C.1.7.2 In-water vessel hull and niche area cleaning (development zones) - permitted activity
- Rule C.1.7.3 In-water vessel hull and niche area cleaning - discretionary activity
- Rule C.1.7.4 Biofouling on vessels - discretionary activity
- Rule C.1.7.5 Introduction of marine pests - non-complying activity
- Policy D.5.27 Marine pests

Submitters

- | | | |
|--|--|---|
| • Alan Dawn | • Horticulture NZ | • Victoria Moore |
| • Andre and Robin LaBonte | • Kaipara District Council | • Wayne Parsonson and Yvonne Steinemann |
| • Auckland Council | • Katrina Upperton | • Yachting NZ |
| • Charles Kelly | • Mangawhai Harbour Restoration Society Inc. | |
| • David Blackburn | • Ministry for Primary Industries | |
| • Department of Conservation on behalf of the Minister of Conservation | • NZ Defence Force | |
| • Dr Gillian Durham | • Royal Forest and Bird protection Society of New Zealand Incorporated | |
| | • Tau Iho I Te Po Trust | |

Summary of feedback

Draft provisions were broadly supported by submissions, however following themes emerged from submissions:

- Concern that the cost of the draft provisions on vessel owners may be overly restrictive and result in a perverse effect of encouraging non-compliance.
- Concern that successful implementation will rely on:
 - Concerted effort by council to educate vessel owners (including provision of practical guidance).
 - Increased monitoring of contaminants in zones where in-water cleaning is permitted, and action should contaminants approach unacceptable levels.
- Recognition that there is a lack of boat maintenance facilities in some locations (including a suggestion that council are proactively involved in making these facilities available).
- To improve availability of vessel cleaning areas, it was suggested that the regional plan identify in-water cleaning locations in addition to mapped mooring zones for example areas where there are clusters of moorings and no in water identified significant ecological values.
- Provision of practical guidance on how to manage vessel hull fouling effectively including what are appropriate records to demonstrate compliance (such as verification of vessel cleaning and anti-foul application).
- The NZ Defence Force seek an additional rule permitting biofouling on vessels that is not captured by rule C.1.7.4 Biofouling on vessels – discretionary activity and C.1.7.5 Introduction of marine pests – non-complying activity.
- Auckland Council suggested taking a less restrictive approach for low risk recreational vessels, otherwise the draft provisions were considered a similar approach to the Auckland Unitary Plan.
- Yachting NZ sought greater alignment with the Auckland Unitary Plan provisions.
- The Department of Conservation seek an additional rule permitting collection of samples.
- The Ministry for Primary Industries suggest:

- provisions take account of the origin of the bio-fouling and are more permissive when the fouling is of local origin.
- the definition of marine pest is broadened to match the New Zealand Coastal Policy Statement definition for 'Harmful Aquatic Organism' (another submitter made this suggestion).

Comments specific to individual rules included:

Rule C.1.7.1 In-water cleaning (deep water) – permitted activity

- The Department of Conservation:
 - expressed concern that this rule incentivises a 'clean here' rather than 'arrive clean' approach; and
 - expressed concern over a lack of evidence to demonstrate acceptable risks associated with discharge of marine pests in water given potential variations in hydrodynamics and larval drift.
 - seek a more flexible approach to in-water cleaning in coastal waters with capture and removal technology and ability to remove small patches.
- Ministry for Primary Industries (MPI) minor the concerns raised by The Department of Conservation and in addition suggest limiting in-water cleaning without capture to slime and barnacle fouling of local origin, requiring capture and disposal outside the CMA of non local fouling, ensure antifoul coating on niche areas does not exceed its service life, MPI notification if a marine pest is found.
- The NZ Defence Force supports this rule however seeks amendment to remove reference to hull anti-fouling being within the life specified by the manufacturer as this does not influence environmental effects associated with hull cleaning.
- Other submitters suggested that it is unsafe and impractical for most vessel owners to clean a vessel in water exceeding 100 m depth and 5 nautical miles from land

Rule C.1.7.2 In-water vessel hull and niche area cleaning (development zones) – permitted activity

- The NZ Defence Force and Department of Conservation support this rule with amendment to remove exclusion of vessels exceeding 25 m in length.
- The Department of Conservation and Ministry for Primary Industries suggest additional amendments to control
 - cleaning methods, so that anti-foul coating is not damaged
 - capture technologies to filter discharge of particles (e.g. down to 50 micrometers in diameter)
 - disposal of collected debris
- in addition the Ministry for Primary Industries suggestion for C.1.7.1 apply to this rule as well as extending provisions to fouling on structures,
- other submitters suggested level of fouling score 2 (LOF2) should be applied to in-water cleaning in order to simplify rules and reduce vessel owner compliance costs.
- concern was also raised over potential increased health and safety risk associated with in-water cleaning to both those carrying out the works and others if it is undertaken where there is congestion.

Rule C.1.7.3 In-water vessel hull and niche area cleaning – discretionary activity.

Rule C.1.7.4 Biofouling on vessels – discretionary activity

- Auckland Council suggest a less restrictive approach for low risk recreational vessels.

Rule C.1.7.5 Introduction of marine pests – non-complying activity

- clarification whether the 'introduction' is intended to apply just to 'deliberate' introduction, or also to passive introduction, such as through the presence of biofouling on hulls.
- several submitters suggested deliberate introduction of marine pests should be 'prohibited' and that excluding pacific oysters from this rule is not appropriate in some estuaries.

Policy D.5.27 Marine pests

- apply the precautionary principle and delete point three (that refers to assuming there are significant and irreversible threats when there is scientific uncertainty).
- require adoption of 'best practical option'.

Reclamations, dredging, disturbance and disposal

Relevant provisions

- Dredging and Disposal rules: C.1.5.1 - C.1.5.11
- Reclamation rules: C.1.6.1 - C.1.6.5
- Policy D.5.20 - Reclamations for regionally significant infrastructure
- Policy D.5.21 - Dredging and disturbance activities
- Policy D.5.22 - Depositing and disposal of dredge spoil material
- Policy D.5.23 - Disturbance and deposition activities within areas with significant values

Submitters

- | | |
|--|--|
| • Alan Dawn | • Mangawhai Harbour Restoration Society Inc. |
| • Andre and Robin LaBonte | • Margaret Hicks |
| • Cooper and Company | • NZ Transport Agency |
| • Department of Conservation on behalf of the Minister of Conservation | • Patuharakeke Te Iwi Trust Board |
| • Far North District Council | • Peggy Morrison |
| • Federated Farmers | • Refining NZ |
| • Fonterra | • Royal Forest and Bird Protection Society of New Zealand Incorporated |
| • GBC Winstone | • Warren Daniel |
| • Kaipara District Council | • Whangarei District Council |
| • KiwiRail | |

Summary of feedback

This section combines the feedback on dredging, disturbance and disposal activities as well as reclamations. The most common theme was a high level of support for the 'permitted' activity status for minor disturbance activities (C.1.5.1 to C.1.5.7). Feedback is elaborated upon below.

Dredging and disturbance rules

Kaipara District Council supports the suite of draft permitted rules for minor clearance activities, as it will make one of the asset-owning functions of the KDC less costly.

C.1.5.2 Removal of nuisance plant debris - Supported by Far North District Council. The Minister of Conservation seeks a more restrictive activity status in significant bird areas during the stated months, with the potential adverse effects on indigenous biodiversity as a matter of control/discretion. Royal Forest and Bird believe that the rule needs to be amended to restrict the circumstances, amount and means by which it is removed. Broad scale removal by mechanical means should require council oversight and approval in all cases.

C.1.5.3 Removal of wrecked vessels - Warren Daniel considers that the requirement to notify the Harbourmaster or other NRC staff before wreck removal has commenced needs to be modified to read 'as soon as is practicable' after any event leading to shipwreck.

C.1.5.4 Clearing of stormwater outlets - Supported by Kiwirail and Far North District Council. The Minister of Conservation seeks a more restrictive activity status in significant bird areas during the stated months, with the potential adverse effects on indigenous biodiversity as a matter of control/discretion. WDC request item 1) "to the sea" be modified "to the sea at mean low water springs". Otherwise there may be ponding and sediment deposition.

C.1.5.5 Clearing of artificial watercourses - Supported by Kiwirail and Far North District Council. Federated farmers supports clearing of artificial land drainage rule but thinks it should be expanded to include modified watercourses.

C.1.5.6 Clearing tidal mouth streams - Federated farmers support in part the clearing of tidal stream mouth rule but consider the requirement to get written approval unnecessary and may in fact be a form of third party approval, which is inappropriate. WDC request item 1) "to the sea" be modified "to the sea at mean low water springs". Otherwise there may be ponding and sediment deposition. In relation to clause 5a) need clarification as to what is satisfactory to regional compliance manager.

C.1.5.8 - Maintenance dredging - Supported by Kiwirail. Patuharakeke note that in relation to maintenance dredging, historic heritage areas/sites are listed as a matter of control but not sites of significance to tangata whenua. When combined with the fact that notification is precluded for these activities there is a danger that cultural impacts will not be adequately considered. As such, sites of significance to tangata whenua should be a matter for control as well. Mangawhai Harbour Restoration Society generally support the maintenance dredging rule but would like to see the disposal of dredge spoil included within this rule (currently discretionary).

C.1.5.9 - Dredging and disturbance activities - Mangawhai Harbour Restoration Society generally support this rule but observe that the maintenance dredging undertaken within the Mangawhai Harbour by the MHRS would not be covered by the rule because the dredge spoil is used to replenish the Mangawhai Spit, which is identified as an Outstanding Natural Feature - it would therefore default to a non-complying activity, when the objective is for the purpose of maintaining and enhancing the relevant ONE. They seek a more enabling activity status to carry out this beneficial work.

C.1.5.10 - Disposal of certain waste in the coastal marine area - Royal Forest and Bird suggest that sewage sludge needs to be defined and be a non-complying activity. Land based disposal should be preferred. Fonterra wish to see treated wastewater, not provided for under any other rule in the Plan included within the scope of this rule.

Reclamation rules

C.1.6.1 Unlawful public road reclamations - WDC seeks that reference to a designated' road reserve is removed and replaced with legal' road reserve. KDC supports the permissive approach to unlawful reclamations but want controlled activity or permitted across the board. NZTA consider this rule could be permitted with conditions. They also want this rule to include any supporting hard protection structures, stormwater outfalls etc associated with the road.

C.1.6.2 New reclamations - Forest and Bird state that Policy 10 of the NZCPS directs that reclamation should be avoided unless specified criteria are met, including no practical alternatives and significant regional or national benefit. To achieve consistency with Policy 10 new reclamations should be a non-complying activity.

C.1.6.4 Reclamations for regionally significant infrastructure - Supported by Kiwirail. FNDC suggest this could be a restricted discretionary activity status. WDC believe that there may be circumstances where reclamation is identified as necessary and appropriate to provide protection to infrastructure that may not be defined as 'regionally significant' but nonetheless provides a core infrastructure or service relied upon by the community. It is requested that the provisions of the plan facilitate a consideration of the locational and functional need of all infrastructure which is required by the community, in order to meet the requirements of the LGA. Fonterra notes that there is only a policy on reclamations for regionally significant infrastructure and suggest that it is necessary to provide a broader policy framework for all reclamations including those required for regional significant infrastructure and regionally significant industry.

Policies - Kiwirail support Policies D.5.20, D.5.21 and D.5.23. The Minister of Conservation notes that there is no policy direction for Rule C.1.6.5 'new reclamations within significant marine areas', which is a Non-Complying activity. The Plan must give direction to this rule consistent with Policy 10 of the NZCPS. This is especially important due to the s104D assessment for non-complying activities. NZ Transport Agency support Policy D.5.20 but request the words 'alternations or extensions to or' are inserted so that the policy doesn't only apply to the provision of new regionally significant infrastructure. Also recommend changes to D.5.22 and D.5.23. WDC notes that Policy D.5.20 seeks to avoid reclamations in significant areas unless the reclamation is directly associated with the provision of 'new regionally significant infrastructure'. They submit that reclamations may be required for the protection of the roading network (particularly due to climate change); however the majority of the roading network is not recognised as 'regionally significant'.

Definitions - multiple submitters request a specific definition for 'maintenance' dredging. The suggested definition is the one from the proposed Bay of Plenty Coastal Environment Plan. NZTA seek a definition for 'minor reclamation' - 'A reclamation created adjoining an existing reclamation as part of maintenance, repair or upgrading a reclamation's seawall. Includes: •the "standing up" of a sloping seawall or bund to a more vertical form; and • the reconstruction of an existing vertical seawall.

Miscellaneous - GBC Winstone noted that they do not dispose of solid waste to the CMA. However, it is unclear if Rule C.1.5.11 applies to discharges of stormwater, cooling water and reclaim water containing contaminants and residual leachate from solid waste disposal site to the CMA. GBCWinstone consider that the rules dealing with Discharges to Land & Water (C4) should also apply to discharges to the CMA. Margaret Hicks considers that dredging should be a prohibited activity within significant ecological areas during wildlife breeding times. Andre LaBonte wants to see a permitted activity rule included for beach grooming. Alan Dawn considers that the collection of beach cast seaweed for personal use should be a permitted activity without reference to the regional council's compliance manager. WDC notes that rule C.1.6.5 refers to 'reclamations in significant marine areas' but this term is not defined. Requests that this is rectified.

Refining NZ considers that the dredging policies are too narrowly focussed on needing to avoid adverse effects and needs to recognise the benefits that dredging can provide. Considers that the scale and complexity of refinery operations warrants a specific set of provisions in the plan - to ensure the refineries requirements are appropriately managed. Recommend an Outline Plan, with maintenance dredging a controlled activity and capital dredging a restricted discretionary or discretionary activity.

Cooper and Company request that dredging activities in a Historic Heritage area is a restricted discretionary activity if an archaeological authority has been granted by Heritage NZ for the proposed activity. Also request a similar rule for reclamations.

NZ Transport Agency want a suite of new rules: Maintenance or repair of a lawful reclamation or drainage system (permitted activity), Minor reclamation for the purpose of maintaining, repairing or upgrading a lawful reclamation (controlled activity) and declamation (discretionary activity).

Coastal zones

Relevant provisions

- Section I.1 - Coastal marine area zone maps

Submitters

- Andrew Cuckney
- Donovan Group Trust
- GBC Winstone
- John Harrison
- NZ Transport Agency
- Straterra
- Whangarei Marina Trust

Summary of feedback

The majority of this feedback related to zoning space in the coastal marine area for the purpose of 'marina zoning'. The specific points are outlined below:

- Andrew Cuckney - Change and extend existing Marine 6 area to cover area from Mangonui fish shop to police station Cliffside. Suggest that this could become a marina zone.
- Donovan Group Trust - Riverside Drive Marina note that their marina is not listed as being within a marina zone in the draft plan. Request that this is update so their marina is zoned as a marina zone.
- GBC Winstone - Request amendment to coastal commercial zone at Portland so that it aligns with extent of Winstones consented infrastructure and the extent of the newly extended berth and turning basin. This area should be included in the Coastal Commercial Zone.
- John Harrison - requests that coastal area at Taiharuru river (near Pataua) be rezoned to a Marina zone.
- NZ Transport Agency - requests the removal of mooring area from under SH 1 Bridge at Taipa.
- Straterra - Thinks that Policy D.5.11 (coastal commercial zone) looks manageable.
- Whangarei Marina Trust - requests that the CMA at the confluence of Limeburners Creek and Hatea River in the Whangarei harbour be re-zoned to a Marina Development Zone.

Coastal occupation charging

Relevant provisions

- Section G.4 - Coastal occupation charging

Submitters

- Aquaculture NZ
- Federated Farmers of NZ
- Moana NZ
- NZ Oyster Industry Association

Summary of feedback

Four submitters provided feedback on whether or not the new plan should implement coastal occupation charging.

Aquaculture NZ supports the implementation of coastal occupation charges if they recognise existing contributions to the sustainable management of the CMA; are fair and reasonable and apply to all users gaining private benefit from occupation of the CMA; are based on actual costs incurred in the sustainable management of the CMA; are open to engagement on their value and nature and provide a framework for collaborative and strategic decision making between those users who are contributing; and are proposed in the context of more certainty.

Conversely, Moana NZ and NZ Oyster Industry Association supports the councils current position on implementation of coastal occupation charging (not to include them at this stage). Notes that the Northland oyster industry is already carrying considerable financial burdens which constrain available funds including the Virus since 2010 which is still being felt today, and with extra investment needs for Spat, and with the more recent introduction and roll-out of Bonds on oyster farming, Thinks that at most, any COC regime should only seek to be a form of cost recovery for the activity

Federated Farmers - wants the plan to include a plain English explanation of what 'coastal occupation charging' means (the footnote is not particularly useful).

Vehicles on beaches

Relevant provisions

- None - there are currently no provisions in the draft plan explicitly regulating vehicle use on beaches and dunes.

Submitters

- Margaret Hicks
- Mary Woodworth
- NZ Transport Agency
- Patuharakeke Te Iwi Trust Board
- Royal Forest and Bird
- Whangarei District Council

Summary of feedback

All submitters on this topic request that the new plan specifically include provisions that regulate vehicles on beaches and/or dunes in the coastal environment. Outlined below is a summary of those submissions:

- Margaret Hicks - Vehicles (including SUVs, trail and quad bikes) should be excluded from dunes except for emergency situations and for maintenance of infrastructure.
- Mary Woodworth - believes that driving on beaches should be prohibited where coastal dunes are being looked after. Slow-moving tractors used for boat launching should be the only vehicles allowed. ATVs, dirt-bikes and passenger cars and SUVs should be prohibited from driving on the beaches, especially where native birds are known to nest and tuatua beds are becoming re-established.
- NZTA - request additional (permitted) rule in coastal section regarding vehicle use on foreshore and seabed by network utility operators for the construction of new infrastructure as well as for the maintenance, repair and minor upgrading of lawfully established infrastructure.
- Patuharakeke - notes that there does not seem to be any policy or rules around disturbance to sensitive ecological habitats and sites of significance to tangata whenua by vehicles on beaches. This needs to be rectified as it is a major issue.
- Forest and Bird - Need to include rules controlling the use of vehicles on beaches as required by Policy 20 of the NZCPS. This includes identifying locations where vehicle access is required and where vehicle access can be allowed (with or without restrictions) without specified adverse effects occurring.
- WDC - requests that consideration is given to providing rules in the Regional Plan that restrict or prohibit vehicles on dunes and beaches in sensitive areas for environmental concerns, in particular in identified vulnerable and/or significant bird roosting areas and shellfish beds. Generally access should only be granted where people need to launch their boat or fishing gear and that the vehicle and trailer should be removed and parked outside the beach and dune area. Also suggest that no vehicles should be allowed on or within 3m from the toe of the dune measured seawards, i.e. the area within 3m from the toe of a dune measured seawards would not be considered to be a "road".

Coastal - other

- No specific provisions

Submitters

- Angela Stolwerk
- CRA1 Rock Lobster Industry Association Incorporated
- Federated Farmers
- Gary Morris
- Maiki Marks
- Margaret Hicks
- Waipu Cycle and Walkway Trust

Summary of feedback

- Gary Morris - (1) wants to ban bottom trawlers in areas of significance (including the greater Bay of Islands) as trawl nets can disturb the seabed and send a trail of sediment up into the water column, settling to smother benthic species. (2) wants to ban the dumping of fluorocene dye into the sea from tuna vessels. CRA1 Rock Lobster Industry Association Incorporated however disagrees that trawl fishing is disturbing sediment, rather it is being carried down rivers and into estuaries from land use activities. This is adversely affecting biodiversity including fish.
- Federated Farmers - in relation to the Cross-river Coastal Marine Area Boundary (G1), there should be an explanation of why this information in G1 is important and which rules and policies it relates to. This helps to ensure all of the sections of the draft Regional Plan are well integrated.
- Maiki Marks - has concerns that existing rules, especially in relation to coastal activities, are not being enforced.
- Margaret Hicks - Would like to see the new plan ban (prohibit) sand mining in the foredune environment and to ban (prohibit) horses on dunes because their hooves damage the dune environment.
- Waipu Cycle and Walkway Trust and Angela Stolwerk - seek that the plan specifically address how to enable a walkway/cycleway on public land at Waipu where public good values are high. Suggest that a site specific management plan for Waipu Estuary be developed to enable a better understanding of the Estuary's values.

Land use and disturbance

Stock exclusion

Relevant Provisions

- Rule C.2.1.1 Livestock crossing points and droving - permitted activity
- Rule C.2.1.2 Access of livestock to the bed of a water body - permitted activity
- Rule C.2.1.3 Access of livestock to rivers, lakes and wetlands - restricted discretionary activity
- Rule C.2.1.4 Access of livestock to a significant indigenous wetland, an outstanding freshwater body and coastal marine area - non complying activity
- Policies D.4.1 - D.4.4

Submitters

- | | |
|--|--|
| • Alan Agnew | • Kaipara District Council |
| • Alan Dawn | • Margaret Hicks |
| • Auckland Council | • Marilyn Cox |
| • Beef and Lamb NZ | • Matt Long |
| • Kylie Brewer | • Moana NZ |
| • Bill Leonard | • Northland District Health Board |
| • Bob Jones | • Pari Walker |
| • Carl Savill | • Patuharakeke Te Iwi Trust Board |
| • CBEC | • Philip Herbert |
| • Chris Biddles | • Puhipuhi Mining Action Group |
| • CRA1 Rock Lobster Industry Association Incorporated | • Rae Ulrich |
| • Dairy NZ | • Richard Alspach |
| • David Lourie | • Roger Ludbrook |
| • Deer Industry NZ | • Royal Forest and Bird protection Society of New Zealand Incorporated |
| • Department of Conservation on behalf of the Minister of Conservation | • Sam La Hood |
| • Environment River Patrol-Aotearoa | • Roberta Jones |
| • Federated Farmers of NZ | • Stuart Roberts |
| • Fish and Game | • Sue Lunjevich |
| • Fonterra | • Tau Iho I Te Po Trust |
| • Graeme Edwards | • Te Waiariki/Ngati Korora Ngati Takapari Hapu |
| • J L Hayes (Michael Hayes) | • Wayne Pasonson and Yvonne Steinemann |
| • J W Cottier | • William Simpkin |
| • John Garton | • Whangarei District Council |
| | • Zelka Linda Grammer |

Summary of feedback

Unsurprisingly, the draft rules for controlling the access of livestock to fresh and coastal waters drew a lot of attention, and some of it polarized. Several people for example stated that livestock should be excluded from all water bodies including intermittent streams regardless of their location ⁽¹⁾, that is, externalities should be address regardless of cost (Bill Leonard). On the other hand, one person (John Garton) disagreed with the requirement to exclude livestock from water bodies on the basis that they are not a problem.

¹ Alan Dawn, Bill Leonard, CRA1 Rock Lobster Industry Association, David Lourie, Department of Conservation, Marilyn Cox, Patuharakeke Te Iwi Trust Board, Puhipuhi Mining Action Group, Rae Ulrich, Royal Forest and Bird Protection Society of New Zealand, Sue Lunjevich

However overall there was support for excluding the access of beef cattle, dairy cows, deer and pigs from rivers, lakes, wetlands and the coastal marine area given on the grounds that doing improves overall water quality and in-stream physical habitat. The other key matters of contention or concern are:

1. the dates that livestock need to be excluded from water bodies, ⁽²⁾
2. the nature of the monitoring and compliance regime to administer the rules, ⁽³⁾
3. the activity statuses of the rules, ⁽⁴⁾
4. the practicalities of maintaining fences and addressing weeds and pests that will likely occur between fences and water bodies, ⁽⁵⁾
5. the practicalities of fencing paddocks in flood prone areas, ⁽⁶⁾
6. ongoing provision of council subsidies (Kaipara District Council).

Whangarei and Far North District Council requested that intakes for public water supplies should be mapped and the plan require that livestock be excluded from water bodies in the upstream catchments to minimise risks to water supplies. Although Whangarei District Council points out that further work is required to identify the required proximity distances to the intakes.

Philip Herbert stated that there may be times when water reticulation systems fail and consequently there is a need to supply animals with water directly from a water body for a limited period of time. He suggests provision be made for this, e.g. a condition that states a person must notify the regional council.

Fonterra were concerned Rule C.2.1.1 would undermine the higher standard that the dairy industry has set through the Sustainable Dairying: Water Accord (SD:WA) and is inconsistent with the direction in the RPS (Policy 4.2.2). Rule C.2.1.1 will have no practical effect until 2025 as stock do not have to be excluded until 2025 for non-dairy cattle (see C.2.1.2) and dairy cattle have a higher standard to meet already under the SD:WA than this Plan is directed to “reinforce” under the RPS. Fonterra considers the rule is too permissive and will not meet Policy D.4.1 in the plan and therefore should be amended to limit the access of all stock (other than sheep) to the bed and banks of waterbodies wherever that is practicable to do.

Fonterra believe that the permitted activity for stock access to water bodies on C.2.1.2. will undermine the dairy industry water quality gains through allowing any stock other than dairy cows to have full access to water bodies across the region until 2025. In “Hill country management unit” for example there is no method to exclude any stock other than dairy cows, for the life of the Plan. Additionally while Maps are referenced, the information required to understand the divisions of the management units is not available. Condition (1) is not possible to comply with and there is no practical way to monitor or enforce such a rule.

In relation to Rule C.2.1.4, the exception that explicitly allows that stock crossings, even in the most sensitive water bodies, undermines the achievements of the SD:WA and provides inequitable outcomes. Fonterra considers that the rule should be amended by limiting the exception to ensure livestock crossings in the most sensitive areas are not allowed without a crossing structure.

Lastly two people ⁽⁷⁾ suggested that the council should consider using a targeted rate on the whole community (as they will benefit from stock exclusion to assist landowners with clearing weeds).

2 Chris Biddles, DairyNZ, David Lourie, J Cottier, Kylie Brewer, Marilyn Cox, Northland District Health Board, NZ Deer Farmers Association, Fonterra, Patuharakeke Te Iwi Trust Board, Puhipuhi Mining Action Group, Roberta Jones, Royal Forest and Bird Protection Society of New Zealand

3 Environment River Patrol, Kaipara District Council, Patuharakeke Te Iwi Trust Board

4 David Lourie, NZ Deer Farmers Association, Pari Walker, Puhipuhi Mining Action Group, Royal Forest and Bird Protection Society of New Zealand

5 Alan Agnew, Roger Ludbrook

6 Carl Savill, Sue Lunjevich, William Simpkin

7 Kylie Brewer, Roger Ludbrook

Cultivation

Relevant provisions

- Rule C.2.2.1 Cultivation - permitted activity
- Rule C.2.2.2 Cultivation - controlled activity
- Policy D.24 - Land disturbance activities

Submitters

- DairyNZ
- Department of Conservation
- Federated Farmers
- Fonterra
- Horticulture NZ
- Kylie Brewer
- Northland Fish and Game Council
- NZ Deer Farmers Association
- Royal Forest and Bird Protection Society of NZ

Summary of feedback

On the whole the rules of cultivation were supported. However, four submitters questioned the appropriateness of the setback distances from water bodies in the permitted activity rule for the cultivation of land ⁽⁸⁾. Federated Farmers would prefer that the regional plan provides for alternative compliance pathway using a farm management plan, which would enable farmers to take a whole of farm approach and implement good management practices including when they can carry out cultivation activities. Federated Farmers also pointed out that farm management plans provide a degree of bespoke flexibility, which can result in more effective outcomes.

Northland Fish and Game Council considers that the cultivation of land should be a controlled activity (rather than a permitted activity), with the preparation of a cultivation map or plan being a condition of the rule.

Fonterra consider the approach to be appropriate but recommend Council considers matching the appropriate cultivation setback to the contour of the land and suggest that a 3m setback on flat / easy rolling land is appropriate with a 5m setback on land with slopes greater than 15 degrees.

DairyNZ questioned the relevance of the Erosion and Sediment Control Guidelines for Vegetation Production (2014) for informing erosion and sediment control measures on Northland's dairy and drystock farms.

The Royal Forest and Protection Society of NZ stated that the permitted activity rule for cultivation does not specifically permit the discharge of contaminants (in particular sediment) and needs to address the risk of unauthorised discharges by including an upper limit on the area disturbed that is dependent on the slope of the land and the length of overland flows across it.

8 Federated Farmers, Horticulture NZ, Kylie Brewer, NZ Deer Farmers Association, Northland Fish and Game Council

Earthworks

Relevant provisions

- Rule C.2.3.1 Earthworks - permitted activity
- Rule C.2.3.2 Coastal dune restoration - permitted activity
- Rule C.2.3.3 Earthworks - restricted discretionary activity
- Rule C.2.3.4 Earthworks and coastal dune restoration - discretionary activity
- Policy D.24 Land disturbance activities

Submitters

- | | | |
|--|---|--|
| • Andre and Robin LaBonte | • Hancock Forest Management NZ Ltd | • Rayonier Matariki Forests |
| • Auckland Council | • Horticulture NZ | • Refining NZ |
| • Carl Mather | • J W Cottier | • Royal Forest and Bird Protection Society of New Zealand Incorporated |
| • Ballance Agri-Nutrients | • Kaipara District Council | • Russell Landcare Trust |
| • Beef and Land NZ | • KiwiRail | • Tau Iho I Te Po Trust |
| • Broadspectrum | • Margaret Hicks | • Top Energy Ltd |
| • Dairy NZ | • Ministry for Primary Industries New Zealand | • Transpower |
| • David Lourie | • NZ Pork Industry Board | • Warren Daniel |
| • Department of Conservation on behalf of the Minister of Conservation | • NZ Transport Agency | • Whangarei District Council |
| • Evolution Mining NZ | • Patuharakeke Te Iwi Trust Board | • Z Energy, BP Oil NZ and Mobil Oil NZ |
| • Far North District Council | • Peggy Morrison | |
| • Federated Farmers of NZ | | |
| • Fish and Game NZ | | |
| • Fonterra | | |
| • GBCWinstone | | |

Summary of feedback

Please note that the summary of feedback has been divided into two topics: 1. submissions on water quality management, and 2. submissions on natural hazard management.

Natural hazard management

- Auckland Council - notes that the definition of 'coastal hazard management zone' does not relate to a 100 year planning horizon and has a confusing exclusion for land identified in district plans as being in a coastal hazard zone. Suggests that it may be more effective to delete this definition and use a larger area for rules limiting sediment generation and landform modification adjacent to the coast. The permitted activity limit on earthworks should apply in areas that are identified as coastal hazard zones in district plans. The Unitary Plan has a 'sediment control protection area' definition and up to 2,500m² of earthworks are permitted within this area.
- Margaret Hicks believes that earthworks on floodplains that divert floodwaters onto neighbouring properties should be prohibited. She thinks that earthworks in high risk flood hazard areas and within the coastal hazard management zone should be prohibited. If not, then subject to full public notification.
- Warren Daniel - in relation to Map 1.11 (Highly Erodible Areas), considers that it should include coastal areas that are subject to ongoing erosion processes. Soft clay and consolidated sand dune coastlines are unable to resist wave action and hence become eroded. I would like such areas added to the Highly Erodible Areas Map. It should include the soft sandstone cliffs at One Tree Point.
- David Lourie submits that with regards to permitted earthworks rule C.2.3.1 and associated table 4, delete reference to high risk flood hazard area because the placement of earthworks on a floodplain will make

sedimentation problems inevitable. Table 4 also needs to be revised and the horizontal distances replaced with heights above the flood debris line for a 100 year rain event.

- Minister of Conservation - In relation to rule C.2.3.2 (coastal dune restoration), submit that while the restoration of dunes to provide a natural defence against coastal hazards is consistent with Policy 26 NZCPS, allowing this as a permitted activity in all areas with no control over design, extent or the effects on indigenous biodiversity or natural character may not be appropriate. Seek that council include a 'controlled' activity rule if the works are within a Significant Ecological Area or Outstanding Overlay, or exceed a certain distance of works, with controls including effects on indigenous biodiversity, timing, materials used and design but retain standards 1 - 4.
- Far North District Council supports rule C.2.3.2 but would like to see the definition of coastal dune restoration broadened to allow sand "push ups" in accordance with defined criteria.
- Refining NZ - in relation to rule C.2.3.1, are of the view that the standard for earthworks within the coastal hazard management zone is not practical (50m³ in any 12 month period and 200m² of exposed earth). Request that consideration is given to a higher, more appropriate threshold, while retaining the restriction on native dune vegetation clearance as a means of ensuring that the most vulnerable land is protected in its natural form.

Water quality management

Overall there was general support for the draft earthworks rules, but they attracted substantive and constructive feedback. The key points are summarised as follows:

- Four submitters ⁽⁹⁾ requested that the plan defines the term "tracks", which is used in table 4. Similarly, Federated Farmers of New Zealand, Horticulture NZ, and the NZ Pork Industry requested that the council amends the definition of earthworks so that it does not capture normal farming operational activities such as track maintenance, drain and dam clearance, maintenance and construction of facilities, devices and structures typically associated with farming activities, including but not limited to farm tracks, hard stands, driveways and unsealed parking areas, fencing, crop protection, structures, crop support structures and sediment control measures. Horticulture NZ and NZ Pork Industry also consider that the definition should exclude burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993. This would ensure that the disposal can be undertaken rapidly in response to a biosecurity incursion.
- Federated Farmers of New Zealand and Kaipara District Council consider that the different earthworks thresholds in Table 4 of rule C.2.3.1 are too complicated. Federated Farmers do however support the volume versus area size approach as this would seem to be more effects based. They also support the exclusion for farm tracks, but it probably should be clearer that both the establishment and maintenance of farm tracks is not subject to the thresholds in Table 4.
- Fonterra request clarification on how the effects of establishing, maintaining and using tracks fits in to Rule C.2.3.1 relating to earthwork thresholds.
- Peggy Morrison and Refining NZ questioned how the thresholds in table apply per unit area, that is, do they apply per hectare, per title, per property, etc?
- Broadspectrum wants to know what the difference is between the mapped Highly Erodible Land in the draft plan and the Erosion Probe Land in the operative Regional Water and Soil Plan. In particular, they asked:
 - How was the Highly Erodible Land defined /assessed?
 - What is the percentage of Northland that is defined as Highly Erodible Land?
 - What is the percentage of Northland that is currently defined as Erosion Prone Land?
- Six submitters ⁽¹⁰⁾ questioned the appropriateness and practicality of requiring people to notify the council of all earthworks activities prior to them being undertaken (condition 4, permitted activity rule C.2.3.1) They consider that it is a considerable compliance requirement for minor earthworks, and it will result in a significant administrative burden to all parties.

⁹ Andre and Robin LaBonte, Far North District Council, NZ Transport Agency, Rayonier Matariki Forest

¹⁰ Broadspectrum, DairyNZ, Hancock Forest Management, Horticulture NZ, KiwiRail, Refining NZ

- There was mixed thoughts on the requirements in condition 9 of rule C.2.3.1 for (a) vehicle and equipment hygiene procedures to be used when working within 30m of a New Zealand kauri tree, and (b) not transporting soil off-site unless being transported to a landfill or for disposal. The purpose of the condition is to prevent the spread of Kauri dieback disease. Broadspectrum stated that the plan should be clear about what constitutes vehicle and equipment hygiene procedures when working within 30m of a NZ kauri tree, and suggests including a reference or link to the Hygiene Procedures for Kauri Dieback on the Kauri Dieback website. Far North District Council consider that the condition will be difficult to monitor and enforce. Rayonier Matariki Forests requested that the council gives further consideration condition 9 with particular regard to the forestry industry in Northland. The company pointed out that there are instances where forestry activities operate within 30m of a Kauri tree, and soil disturbance and displacement is unavoidable. The Department of Conservation supports the inclusion of a condition on controlling kauri dieback but recommends 3 times the radius of the canopy drip line rather than 30m of tree. The Ministry for Primary Industries also supports the condition on kauri dieback and considers that it should also be added and matter of discretion to rule C.2.3.3.
- GBC Winstone, Fonterra and Top Energy requested that council maps permanently flowing rivers in the lowland freshwater management unit and permanently and intermittently flowing rivers in the hill country management unit so that the rules can be implemented easily.
- Patuharakeke Te Iwi Trust Board pointed out that there is no discretion over cultural values/sites of significant and notification is not required, and this is a concern for tangata whenua.
- Russell Landcare Trust stated that it is disappointed to find that the draft plan required good practice or good management practices to control sediment losses but these in turn seem to be by reference to a set of guidelines prepared by Auckland Council in 1999. This gives them little confidence that the council has analysed any differences between potential Northland situations and Auckland situations or that there may have been any enhancements to such sediment control practices since 1999. Furthermore, Russell Landcare Trust are under the impression that the council is not serious about erosion and sediment control. The Trust would like to see a clear policy statement and a much tighter set of rules about erosion and sediment control, and for them to be advertised, followed, monitored and enforced.

Vegetation clearance

Relevant provisions

- Rule C.2.4.1 Vegetation Clearance - permitted activity
- Rule C.2.4.2 Vegetation clearance within coastal riparian management zone - permitted activity
- Rule C.2.4.3 Vegetation clearance - controlled activity
- Rule C.2.4.4 Vegetation clearance within coastal riparian management zone - discretionary activity
- Policy D.4.24 Land disturbance activities

Submitters

- | | | |
|--|--|------------------------------|
| • Auckland Council | • Margaret Hicks | • Transpower |
| • Beef and Lamb NZ | • Matt Long | • Trevor Bedggod |
| • Department of Conservation on behalf of the Minister of Conservation | • Ministry for Primary Industries NZ | • William Simpkin |
| • Far North District Council | • Geothermal Association | • Whangarei District Council |
| • Federated Farmers of NZ | • NZ Transport Agency | |
| • Fish and Game | • Opus International Consultants | |
| • GBC Winstone | • Patuharakeke Te Iwi Trust Board | |
| • Hancock Forest Management NZ Ltd | • Peggy Morrison | |
| • Horticulture NZ | • Rayonier Matariki Forests | |
| • J W Cottier | • Royal Forest and Bird Protection Society of New Zealand Incorporated | |
| • Kaipara District Council | • Tau Iho I Te Po Trust Top Energy Ltd | |
| • KiwiRail | | |

Summary of feedback

The draft rules for vegetation clearance drew a range of feedback. The key main points are condensed below:

- Beef and Lamb NZ and Federated Farmers of NZ consider that the draft permitted activity rule for vegetation clearance (C.2.4.1) should be split into two rules; one for plantation forestry and another for all other activities. This is because they consider that the scale and nature of harvesting plantation forests is different from other, generally less intensive, clearance activities.
- Regarding condition 1 of permitted activity rule C.2.4.1, several submitters found the maximum areal threshold on vegetation clearance within riparian setbacks unclear. Specifically, Beef and Lamb NZ and Federated Farmers asked if it related to a particular timeframe (e.g. per event, annually, or over an extended period of time); Hancock Forest Management queried if the threshold related to a contiguous area of vegetation within a catchment, harvest area, forest, property or title; and Transpower asked if the condition applied to a site or activity.
- On a related note, GBC Winstone and Far North District Council asked for the vegetation clearance setbacks in condition 1 of permitted activity rule C.2.4.1 to be clarified. That is, do they apply within or from the boundary of water bodies? Federated Farmers of NZ on the other hand questioned the scientific basis for the setback distances and suggested an alternative approach for regulating vegetation clearance for the purposes of minimising adverse effects on water quality. The proposed approach involves the use of compulsory farm management plans, which would require farmers to take a whole of a farm approach and implement good management practices including when they are carrying out vegetation clearance activities.
- Hancock Forest Management and Rayonier Matariki Forests oppose the vegetation clearance setbacks for plantation forestry. They stated that existing forests were established in areas that were considered to be appropriate in the past (often up to three decades ago). These forests need to be harvested and the draft rule, if enacted, will place unnecessary burdens on forestry companies. Moreover, it is accepted best practice to harvest such trees, but leave setbacks when replanting. To leave the trees behind will result in windthrow with potentially greater adverse effects on the environment.

- While not opposed to the requirement in condition 2, permitted activity rule C.2.4.1) to prepare and provide harvest plans to the council in, Hancock Forestry Management requested that the condition be amended to provide for subsequent amendments to harvest plans. . The reason being that a harvest plan is guide for a harvesting contractor to work to which is often completed by a harvest planner who works for or on behalf of a Forest Manager or owner. It is common for a contractor to encounter issues/obstacles once the harvesting operation is underway not foreseen by the planner or it could be a different harvesting method is more practical and will result in better outcomes. At this point representatives from the forest management company/owner will meet to view and discuss the issue and make an amendment to the original plan. Generally, the changes are relatively minor although at times more significant changes are made.
- Far North District Council stated that harvest plans should address erosion and sediment control measures in upstream catchments of potable water sources (i.e. drinking water supplies) and would like to be informed when harvest management plans are received by Northland Regional Council. Furthermore, they consider that the regional plan cross references vegetation clearance rules in district plans. Far North District Council also sought that rule C.2.4.1 should require all people doing vegetation clearance activities to meet standards for any resulting storm water discharges.
- Federated Farmers and Rayanier Matariki Forests consider that the 12 month period for stabilising or replanting cleared areas is often impractical and uneconomic and 24 months is a more achievable timeframe.
- Ministry for Primary Industries consider that a condition requiring vehicle and equipment hygiene procedures be used when working within 30m of a New Zealand kauri tree should be included in the permitted activity rule for vegetation clearance.
- Royal Forest and Bird stated that vegetation clearance that is not permitted by rule C.2.4.1 should be discretionary or a restricted discretionary activity (not a controlled) activity because the council needs to retain discretion to decline applications for in appropriate vegetation removal
- Lastly, three submitters requested additional exceptions in the definition of vegetation clearance, as follows:
 - vegetation clearance along fences, around dams and ponds, and maintenance of amenity planting (GBC Winstone)
 - clearance or modification of vegetation that is part of an understory or immediately adjacent to a plantation forest (Rayonier Matariki Forests), and
 - vegetation clearance for new electricity infrastructure - because of the highly regulated work practices around electricity networks (Top Energy).

Afforestation and planting

Relevant provisions

- Rule C.2.5.1 Planting of forestry trees within setbacks - restricted discretionary activity

Submitters

- | | | |
|--|-----------------------------------|--|
| • Department of Conservation on behalf of the Minister of Conservation | • Kaipara District Council | • Royal Forest and Bird Protection Society of New Zealand Incorporated |
| • Far North District Council | • Matt Long | • Tau Iho I Te Po Trust |
| • Federated Farmers of NZ | • Ministry for Primary Industries | |
| • Fish and Game | • Northpower Ltd and Top Energy | |
| • Hancock Forest Management NZ Ltd | | |

Summary of feedback

Overall there was support for the draft rule for afforestation and planting and the issue to be addressed. One submitter recommended the rule be broader and also address water quantity issues. Other submitters suggested that the rule should also address other matters beyond regional council functions (i.e. kauri dieback, shading, traffic, road maintenance, etc). The rule conditions were generally supported but concerns were raised about the appropriateness of setbacks. One submitter noted that there was no consensus on the appropriateness of setbacks among interested parties or regional councils. The same submitter supported a principle based approach rather than a prescriptive approach but noted that this could provide greater emphasis on what words mean. A brief overview of the submission points is provide below:

- Department of Conservation on behalf of the Minister of Conservation: Supports the requirement for setbacks in rule C.2.5.1.
- Kaipara District Council: Generally supports setbacks but raises concerns about inconsistencies between the matters of discretion (potential effects of vegetation clearance and earthworks on waterbodies) and rules in the Kaipara District Plan.
- Matt Long: Generally supports setbacks but recommends that they should also be from property boundaries to reduce shading, livestock poisoning and windfall.
- Ministry for Primary Industries: Recommends permitted activity standards to address the issue of kauri dieback.
- Northpower Ltd and Top Energy: Generally supports setbacks but recommends that they should also be from power lines.
- Royal Forest and Bird Protection Society of New Zealand Incorporated: Generally supports afforestation setbacks but recommends that matters to be addressed should also extend to the effects on water quantity not just water quality.
- Fish and Game: Generally supports the afforestation setbacks but recommends that they should be 17-30m.
- Federated Farmers of NZ: Generally supports the rule but is unsure if the setbacks are appropriate. It also notes that generally there is no consensus among interested parties or regional councils on appropriate setback distances. It also recommends a principle rather than prescriptive based approach to rule setting.
- Far North District Council: Opposes the rule as currently worded and would like the rule to also address future vegetation clearance effects on traffic, roads, and council water supplies.

Bores

Relevant provisions

- Rule C.2.6.1 Construction, maintenance, alteration, decommissioning and closure of a temporary bore - permitted activity
- Rule C.2.6.2 Maintenance, decommissioning and closure of a bore - permitted activity
- Rule C.2.6.3 Construction and alteration of a bore - controlled activity
- Rule C.2.6.4 Construction, maintenance, alteration, decommissioning and closure of a bore that is not a permitted or controlled activity - restricted discretionary activity.

Submitters

- | | |
|-------------------------------------|-----------------------------------|
| • Environment River Patrol-Aotearoa | • Northland District Health Board |
| • Federated Farmers of NZ | • NZ Geothermal Association |
| • Horticulture NZ | • NZ Transport Agency |
| • Kaipara District Council | • NZ Evolution Mining NZ |
| • KiwiRail | • The Oil Companies NZ |
| • Ministry for Primary Industries | • Tau Iho I Te Po Trust |
| • New Zealand Pork Industry Board | |

Summary of feedback

Overall, there was support for the permitted activity rules for the construction, maintenance, alteration, decommissioning, and closure of bores with many submissions supporting the certainty that permitted and controlled activity statuses provided. Three submissions from industry bodies recommended specific permitted activity rules for bores for geothermal use, mineral exploration and contaminated sites as these have different issues, requirements and standards which are not addressed by the rules. Concerns were raised about (a) how setback distances were arrived at, and (b) and inconsistencies in plan rules in relation to setback distance between wastewater discharge rules and bores was also noted. Some submissions recommended amendments to matters of control and conditions (i.e. location, design, timing etc). There were few submissions on policy, with the main concerns being that (a) there were no policy on geothermal bores and, (b) the confusion between what an objective and a policy was. A brief overview of the submission points is provided below:

- Environment River Patrol Aotearoa: Opposes new and unlawful bores/takes in aquifer feeding the Poroti Springs. The submitter states that Poroti Springs is under pressure from groundwater takes/diversions and needs better management. It also considers that unlawful existing bores (and takes) should be stopped, no new bores (and takes) allowed, and springs/wetlands protected from activities which increase takes/diversions
- Horticulture NZ: Supports a controlled activity for the construction and alteration of a bore as it provides certainty.
- Kaipara District Council: Requests that the matters of control in C.2.6.3 should include distance from wastewater systems and buildings, and depth of a bore in relation to water table. The council also considers that the 50m distance from sources of contamination - referenced in C.2.6.1(4) - needs to be justified.
- KiwiRail: Supports the permitted activity status and conditions for construction and decommissioning of temporary bores.
- New Zealand Pork Industry Board: Supports a controlled activity for the construction and alteration of a bore as it provides certainty.
- Northland District Health Board: Recommends that the minimum setbacks for bores from wastewater systems (in Table 6) be reviewed, and points out that there is inconsistency in using different setback distances 50 m and 20m setback
- NZ Evolution Mining NZ: Generally supports the draft rules but recommends new rules to make specific provision for bores for mineral extraction as the temporary bore conditions are too restrictive to allow mineral prospecting and exploration activities as a permitted activity.

- NZ Geothermal Association: Recommends specific rules be included for geothermal bores and the associated taking & use of water and energy.
- NZ Transport Agency: Recommends amending the last sentence in the definition of a bore by deleting the words "and where adverse effects on groundwater will be avoided", because it considers that the current definition is drafted like a rule.
- The Oil Companies NZ: Supports the enabling nature of rules C.2.6.1 and C.2.6.2 but states that they are enabling enough for activities in and around contaminated sites. Considers that bores in and around contaminated sites should also be a permitted activity.
- Federated Farmers of NZ: Supports the rules generally but considers that rules C.2.6.1-C.2.6.3 should require well head protection, and the inclusion of additional matters of control in C.2.6.3.

Re-building

Relevant provisions

- Rule C.2.7.1. Re-building of materially damaged or destroyed buildings - restricted discretionary activity
- Policy D.6.3 Re-consenting of materially damaged or destroyed buildings in high risk hazard areas.

Submitters

- | | |
|----------------------------|------------------------------|
| • Auckland Council | • Whangarei District Council |
| • Kaipara District Council | • Far North District Council |

Summary of feedback

- Auckland Council - supports a RDA classification and the policy for rebuilding materially damaged/destroyed buildings in high risk hazard areas. Questions why definition of high risk coastal hazard area is limited to a 50 year planning horizon (thinks it should be 100 years). Also considers that rule could go further to include avoiding redevelopment with non-habitable buildings.
- KDC - supports rule and considers this draft rule to be an effective implementation of the NZCPS. There is no current rule for this activity, but given the highly-sensitive environment, and the potential that relying on an existing use right will allow for significant effects on the environment to continue unduly, KDC supports this activity status.
- WDC - consider that re-building of materially damaged/ destroyed buildings should require consideration of the necessary infrastructure necessary to service the building, and whether the hazard event has compromised the infrastructure, or whether it can be reinstated appropriately (e.g. waste water disposal, water supply and access arrangements).
- FNDC - General support for this rule. However Council acknowledges that this may have insurance implications for property owners. Consideration must also be given to the desire of hapu and whanau to develop on ancestral land. Also, there must be a process for ensuring NRC is aware that FNDC has received an application for building consent.

Activities in the beds of lakes and rivers and in wetlands

Activities in rivers and lakes

Relevant provisions

- Rule C.3.1.1 - Introduction or planting of plants in rivers and lakes - permitted activity
- Rule C.3.1.2 - Extraction of material from rivers - permitted activity
- Rule C.3.1.3 - Maintenance of the free flow of water in rivers - permitted activity
- Rule C.3.1.4 - Existing lawfully established structures – permitted activity
- Rule C.3.1.5 - Maintenance or repair of authorised flood defence - permitted activity
- Rule C.3.1.6 - Existing vessel launching, retrieval and mooring structures – permitted activity
- Rule C.3.1.7 - Fish passage – permitted activity
- Rule C.3.1.8 - Demolition and removal of existing structures – permitted activity
- Rule C.3.1.9 - New minor structures – permitted activity
- Rule C.3.1.10 - Minor river bank protection works - permitted activity
- Rule C.3.1.11 - Existing vessel launching, retrieval and mooring structures – controlled activity
- Rule C.3.1.12 - Culvert crossings and bridges – controlled activity
- Rule C.3.1.13 - Structures – discretionary activity
- Rule C.3.1.14 - New flood defence - discretionary activity
- Rule C.3.1.15 - Introduction of a plant to a lake or river - discretionary activity
- Rule C.3.1.16 - Structures in a significant area – non-complying activity
- Rule C.3.1.17 - Removal, demolition or replacement of a Category A historic heritage site or part of a Category A historic heritage site - non complying activity
- Rule C.3.1.18 - New flood defence in significant areas - non complying activity
- Rule C.3.1.19 - Fresh water structures general conditions
- Policy D.4.22 - Requirements for structures in freshwater
- Policy D.4.23 - Benefits of freshwater structures

Submitters

- | | | |
|--|--|------------------------------|
| • Bob Jones | • Kaipara District Council | • Trevor Bedggood |
| • Bream Bay Coastal Care Trust | • KiwiRail | - |
| • Broadspectrum | • Matt Long | • Top Energy Ltd |
| • Dairy NZ | • NZ Defence Force | • Transpower |
| • Department of Conservation on behalf of the Minister of Conservation | • NZ Transport Agency | • Whangarei District Council |
| • Far North District Council | • Opus International Consultants | |
| • Federated Farmers of NZ | • Peggy Morrison | |
| • Fish and Game | • Rayonier Matariki Forests | |
| • GBC Winstone | • Roger Ludbrook | |
| • Graeme Edwards | • Royal Forest and Bird Protection Society of New Zealand Incorporated | |
| • Hikurangi Flood Management Scheme Working Group | • Sam and Alison Wake Kuha | |
| • Horticulture NZ | • Tau Iho I Te Po Trust | |

Summary of feedback

Provisions were broadly supported by submissions, however a general theme emerged requesting guidance on appropriate structure design for fish passage, storm flows and erosion control. Also several submitters suggested alternatives to the 450 mm minimum permitted culvert diameter dimension. Suggestions included reducing the figure to 300 mm; introducing minimum catchment size or gauging to culvert size based on existing bed width. The following points detail addition matters raised by specific submitters:

- Bream Bay Coastal Care Trust have a general concern with a lack of monitoring and enforcement around Bream Bay and specifically at the Ruakaka Dunelake (discharges into the lake and surrounding land use in particular). NRC needs to work together with DOC better in this regard.
- Dairy NZ - seek clarification that wetland enhancement planting is permitted (subject to the wetland specific rules in section C.3.2).
- Department of Conservation on behalf of the Minister of Conservation - seek
 - additional direction to consider circumstances where it is appropriate to limit pest fish passage
 - clarification over what constitutes 'temporary works'
 - an alternative definition for 'intermittently flowing river'; and
 - clarification on appropriate plant species permitted to be introduced.
- Graeme Edwards - seeks a length greater than 25m a a permitted culvert threshold.
- KiwiRail - seek amendments to two rules: i) removal of reference to mapped Category A historic heritage sites; and ii) substituting 'authorised' with 'existing' in order to permit all existing structures under rule C.3.1.4 Existing lawfully established structures – permitted activity. The draft plan only permits ongoing use, repair and reconstruction of existing 'authorised' structures.
- NZ Transport Agency - seek inclusion of three new rules: i) permitted activity to permit works in ephemeral and intermittently flowing river and streams; permitted deposition of a substance for the purpose of providing fish passage for lawfully existing culverts; and ii) discretionary permanent river diversion. There are also suggested amendments to further provide for works that improve fish passage and provide erosion control structures. This submitted objected to the mandatory language of policy D.4.22 Structures and seeks substitution of 'should' instead of 'must' in relation to the policy direction.
- Royal Forest and Bird Protection Society of New Zealand Incorporated - suggest including a timeframe that limits the period 'controlled activity' status is available for applicants to legalise unauthorized vessel launching, retrieval and mooring structures (rule C.3.1.11 Existing vessel launching, retrieval and mooring structures – controlled activity). After this period the activity would be discretionary, therefore creating a greater incentive for early compliance.
- Top Energy Ltd - seek a more permissive threshold for infrastructure in rule C.3.1.13 Structures – discretionary activity and less regulation by rule C.3.1.19 Fresh water structures general conditions, in particular regarding duration of permitted sediment discharge (12 hours); notifying council prior to works in larger catchments and the extent and duration of 'temporary damming and diversions.
- Transpower - seek permitted activity status for all new structures passing over rivers and lakes by amendment to rule C.3.1.9 New minor structures – permitted activity, to remove exceptions where the structure is over an: Outstanding water body, Outstanding natural character area, Outstanding natural feature, Historic heritage area, Site or Area of Significance to Tangata Whenua.
- Whangarei District Council - raise concern that permitting existing freshwater structures may affect council land and infrastructure and seek general conditions that consider effects of public land.
- NZ Defence Force - seek a permitted bed disturbance and temporary bridge activities for military training purposes.
- Fish and Game - query the ability of draft provisions to protect habitats of trout and salmon as required by RMA section 7(h).
- Federated Farmers of NZ - Support rule C.3.1.16 Structures in a significant area - non-complying activity in relation to new activities but not where it applies to repair, maintenance or replacement of structures in mapped outstanding and high natural character areas. Definitions for weir and indigenous vegetation are requested. It was suggested that rule C.1.19 Fresh water structures general conditions, is too long There was strong support of the freshwater pest provisions.

- Far North District Council - seek better recognition for council infrastructure.
- Sam and Alison Wake-Kuha - are concerned about the lack of mention of Lake Omapere and the fact regulations are not being enforced. Other concerns (1) there is no drainage around the lake which could reduce the pollutant load, (2) concern about farming activities alongside lake (3) feasibility of a weir at the lake outlet to reduce pollution load (4) wetlands - see wetland topic.

Activities affecting wetlands

Relevant provisions

- Rule C.3.2.1 Weed control, planting and fencing in wetlands - permitted activity
- Rule C.3.2.2 Wetland construction, alteration or extension - permitted activity
- Rule C.3.2.3 Man-made wetland deconstruction - permitted activity
- Rule C.3.2.4 Wetland construction, alteration or extension - restricted discretionary activity
- Rule C.3.2.5 Activities in wetlands - discretionary activity
- Rule C.3.2.6 Activities in significant wetlands - non complying activities
- Policy D.4.20 Wetlands - requirements
- Policy D.4.21 Wetlands - recognise

Submitters

- | | |
|--|--|
| • Bob Jones | • Kaipara District Council |
| • Dairy NZ | • Mangawhai Harbour Restoration Society Inc. |
| • Department of Conservation on behalf of the Minister of Conservation | • NZ Transport Agency |
| • Dr John Booth | • Royal Forest and Bird Protection Society of New Zealand Incorporated |
| • Eastern Bay of Islands Preservation Society | • Sam and Alison Wake-Kuha |
| • Environment River Patrol-Aotearoa | • Straterra |
| • Federated Farmers | • Tau Iho I Te Po Trust |
| • Fish and Game | • Top Energy Ltd |
| • Fonterra | • Transpower |
| • GBC Winstone | • Wayne Parsonson and Yvonne Steinemann |
| • Hikurangi Flood Management Scheme Working Group | • William Simpkin |
| • Horticulture NZ | |

Summary of feedback

Draft provisions were broadly supported by submissions, however the following themes emerged from submissions:

- Definitions:
 - Man-made wetland: greater clarity is sought to distinguish between constructed and natural wetlands ⁽¹⁾. Rename 'Man-made' wetlands as 'constructed' wetlands ⁽²⁾ and to list examples such as sediment, wastewater and stormwater treatment devices ⁽³⁾.
 - Reverted and induced wetland: clarify the period that excludes a wetland from being treated as a reverted wetland and induced, between being drained (not being a wetland) and reverting ⁽⁴⁾.
 - Additional definitions have been requested for 'ecological site' as referenced in the Regional Policy Statement, Appendix 5 - 'Areas of significant indigenous vegetation and significant habitats of indigenous fauna ...'; and clarification as to what constitutes 'indigenous vegetation' particularly regarding scrub and bush regeneration ⁽⁵⁾.

1 Dr John Booth, Eastern Bay of Islands Preservation Society, Fish and Game

2 Dairy NZ, Fish and Game

3 Federated Farmers, Horticulture NZ

4 Federated Farmers, Horticulture NZ

5 Federated Farmers, GBC Winstone

- Natural wetland: amend so that it is clear induced and reverted wetlands are included within the natural wetland definition ⁽⁶⁾.
- Wetland: amend definition to exclude "wet pasture, damp gully heads, or where water temporarily ponds after rain or pasture containing patches of rushes. (Federated Farmers).
- Man-made wetlands:
 - Exclude constructed wetlands from all rules (GBC Winstone).
 - Fonterra are concerned that constructed wetlands may be considered as 'natural' wetlands over time. Rules should specifically allow for maintenance, alteration, disturbance or extension of man-made wetlands or wetlands constructed to treat stormwater or wastewater.
 - Greater flexibility to manage constructed wetlands and introduce structures such as boardwalks and signs. There was concern that if a constructed wetland over time developed significant values that were then controlled by regional rules. that it might put people off from building the wetland in the first place⁽⁷⁾. There was also some concern over the lack of control over the deconstruction of these wetlands (Dr John Booth).
 - Provide more detail on activities controlled in these intentionally constructed wetlands.
 - Take a more permissive approach to activities involving network utility or infrastructure benefits.
- Provide mapping to identify regionally significant wetlands⁽⁸⁾ including saltmarsh and seagrass (NZ Transport Agency).
- Rationalise the wetland definitions and consolidate permitted activity standards in rules C.3.2.1 and C.3.2.2. (NZ Transport Agency)
- Concern that resource consent fees discourage beneficial activities in wetlands.
- Provide a more permissive approach to infrastructure projects, particularly overhead utilities with minimal effects of wetlands (Top Energy Ltd).
- The Poroti Springs is under pressure from groundwater takes/diversions and needs improved managements. Springs/wetlands should be protected from activities which increase takes/diversion (Environment River Patrol-Aotearoa).
- Rule by rule feedback:
 1. Exclude man-made wetlands constructed to treat wastewater and stormwater, from this rule (GBC Winstone).
- Rule C.3.2.1 Weed control, planting and fencing in wetlands – permitted activity
 1. amend to ensure appropriate species are planted (Department of Conservation on behalf of the Minister of Conservation).
 2. exclude the planting of exotic plants under this rule
 3. with the exception of boundary fences, exclusion of significant wetlands from this rule
 4. expansion of beneficial activities covered by this rule to include boardwalks, bird watching hides and interpretive signs.
 5. Exclude man-made wetlands constructed to treat wastewater and stormwater, from this rule (GBC Winstone).
- Rule C.3.2.2 Wetland construction, alteration or extension – permitted activity
 1. amend to clarify that wetland maintenance is to avoid: degradation of the wetland functioning and reduction in indigenous vegetation (Dairy NZ)
 2. amend to include provision to maintain permitted activity status if affected parties to approve works (Dairy NZ)
 3. amend to shorten the 20 working day NRC notification period. (Dairy NZ)
 4. amend to introduce thresholds, exclude sensitive wetlands, require council notification with a plan from a suitably qualified person prior to works,

6 Federated Farmers, Horticulture NZ, NZ Transport Agency

7 Dr John Booth, Eastern Bay of Islands Preservation Society

8 Federated Farmers, GBC Winstone, Kaipara District Council, Transpower NZ Ltd., William Simpkin

5. Exclude man-made wetlands constructed to treat wastewater and stormwater from this rule (GBC Winstone).
- Rule C.3.2.3 Man-made wetland deconstruction – permitted activity
 1. permit structures in man-made wetlands.
 2. Exclude man-made wetlands constructed to treat wastewater and stormwater, from this rule (GBC Winstone).
 - Rule C.3.2.4 Wetland construction, alteration or extension – restricted-discretionary activity
 1. Exclude significant wetlands from this activity (Department of Conservation on behalf of the Minister of Conservation).
 2. Exclude man-made wetlands constructed to treat wastewater and stormwater, from this rule. (GBC Winstone)
 - Rule C.3.2.5 Activities in wetlands – discretionary activity
 - Rule C.3.2.6 Activities in significant wetlands – non-complying activities
 1. Exclude man-made wetlands constructed to treat wastewater and stormwater, from this rule (GBC Winstone).
 2. Incorporate the term significant wetlands into the rule text (NZ Transport Agency).
 3. change the activity status from non-complying to discretionary (Transpower NZ Ltd).
 - Policy feedback:
 1. Policy D.4.20 Wetlands – requirements:
 1. amend to clarify these requirements do not apply to man-made wetlands⁽⁹⁾
 2. amend or include a new policy on applying biodiversity offsetting⁽¹⁰⁾ and reflecting the mitigation hierarchy⁽¹¹⁾.
 3. removal of the absolute nature of Policy D.4.20 Wetlands – requirements, to enable some flexibility for work involving regionally significant infrastructure when the wetland is not 'significant' (Transpower)
 4. distinguish between the values of freshwater and tidal wetlands (Mangawhai Harbour Restoration Society Inc)
 5. limiting this policy to significant wetlands (Federated Farmers)
 2. Policy D.4.21 Wetlands – recognise,
 1. amend to clarify that the value of indigenous vegetation is reliant on the intactness and extent of the indigenous wetland vegetation (Dairy NZ).
 2. amend to recognise the benefits of wetlands through reference to the summary set out in policy D.4.20 (1) (Royal Forest and Bird Protection Society of New Zealand Incorporated)
 3. better policy recognition for the values of constructed wetlands⁽¹²⁾.
 4. provide for the proactive restoration and rehabilitation of the coastal environment (Mangawhai Harbour Restoration Society Inc).
 3. Add a new policy to reflect the National Policy Statement for Freshwater Management direction regarding wetlands (Department of Conservation on behalf of the Minister of Conservation).

9 Dairy NZ, GBC Winstone

10 GBC Winstone, Mangawhai Harbour Restoration Society Inc, NZ Transport Agency

11 Department of Conservation on behalf of the Minister of Conservation, NZ Transport Agency

12 Fish and Game, Sam and Alison Wake-Kuha

Discharges to land and water

On - site domestic wastewater

Relevant provisions

- Rule C.4.1.1 Existing treated domestic wastewater discharge - permitted activity
- Rule C.4.1.2 Pit toilet - permitted activity
- Rule C.4.1.3 Other treated domestic wastewater discharge - permitted activity
- Rule C.4.1.4 Other domestic wastewater discharges - discretionary activity
- Policies D.4.1 - D.4.7

Submitters

- Far North District Council
- Federated Farmers of NZ
- GBC Winstone
- Kaipara District Council
- Northland District Health Board
- Tau Iho I Te Po Trust
- Whangarei District Council

Summary of feedback

The main submission points are summarised as follows:

- Whangarei District Council recommended that wastewater be defined in order to differentiate it from treated wastewater and untreated wastewater. GBC Winstone also requested that the term "wastewater" be defined.
- Federated Farmers of NZ does not support the minimum 10m separation distance (condition 2, C.4.12) between pit toilets and surface water. It states that it is difficult to see why human waste should be treated differently to farm waste. In their view, it is appropriate and fair for distances of at least 20 m from surface water bodies to apply to pit toilets.
- Far North District Council pointed out that, in tables 5 and 6, the "1% Annual Exceedance Probability" (AEP) is used to describe a horizontal or vertical setback. Far North District Council considers that the description could be improved as it does not explicitly state that the feature has to be outside of the flow path in a storm categorised as having a 1% AEP.
- Kaipara District Council stated that on-site domestic wastewater discharges are a large area of concern for the council, particularly because local communities spend a large amount of money on on-site systems and when they fail, have to repair them, and install or connect to a reticulated wastewater network. The failure of on-site systems have the potential to cause significant adverse effects on the environment and Kaipara District Council would like a restrictive approach to on-site systems, in order to ensure they are functioning without failure. Kaipara District Council is concerned that by adopting the approach in the draft Regional Plan, NRC has not recognised the significance of cumulative effects of these failures. The council submitted that the importance of ensuring connection to reticulated networks, especially in areas of high density or high growth, is essential for regional development, and should therefore be encouraged through the Regional Plan. Kaipara District Council would like to see the inclusion of minimum lot sizes as a performance standard, to ensure on-site systems are not overloaded and subsequently fail. Kaipara District Council would prefer for the warrant of fitness scheme to be adopted, or per the designers specifications, rather than the manufacturer.
- Northland District Health Board stated that many of Northland's coastal communities rely on on-site domestic wastewater systems while sourcing their drinking water from relatively shallow bores. The specified horizontal and vertical setback distances for domestic wastewater discharges (Table 6) may not provide sufficient protection of public health risk to drinking water supplies, or adjacent waterways. The set-back distances should be reviewed and modified based on the latest scientific knowledge, taking into account soil structures, wastewater treatment technology, and sensitivity of the adjacent environment with respect to drinking water, kaimoana collection, and recreational use.
- Whangarei District Council expressed concerns about the lack of a requirements in rule C.4.1.3 to notify Northland Regional Council of an on-site system being installed, or for Northland Regional Council to approve the system, or for the purposes of ongoing monitoring. This rule will not enable NRC to record where on-site

treatments systems are installed or to monitor their performance on an ongoing basis. Where contamination is identified, the lack of records may make it difficult to pin point the source.

Network wastewater

Relevant provisions

- Rule C.4.2.1 Wet weather wastewater discharge from a pump station or pipe network - controlled activity
- Rule C.4.2.2 Wet weather discharge from a pump station or pipe network - discretionary activity
- Rule C.4.2.3 Wastewater treatment plant discharge - discretionary activity
- Rule C.4.2.4 Untreated wastewater discharge - prohibited activity
- Policies D.4.1 - D.4.7

Submitters

- Bob Jones
- Dorothy Mackinnon
- Far North District Council
- Kaipara District Council
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Silver Fern Farms
- Tau Iho I Te Po Trust
- Whangarei District Council

Summary of feedback

The main submission points are summarised as follows:

- Far North District Council stated that rule C.4.2.1 requires the council to have a standby pump for each pump station in wet weather, which relates to a third pump in each pump station. A third pump will require additional power and controls, and is unlikely to fit in many of the existing wet wells. The cost of stand-by pump in wet weather will be prohibitively expensive and impractical to implement. The Council supports the reduction in storage capacity requirements (from 12 hours to 4 hours) but would like to see the benefits of alternative power supply acknowledged in the rules by not requiring storage on pump stations where generators are permanently installed. Storage requirements are a condition of wet weather discharges; many of which are a result of storms causing power cuts. When a power cut is experienced no amount of standby pumps will prevent a discharge from the network. An alternative power supply ensures discharges only occur in an extreme inflow event or a major mechanical pump failure. The conditions in rule C.4.2.1 should not apply to pump stations collecting wastewater from an individual property such as domestic pump stations as part of a pressure sewer system. The cost of standby pumps and telemetry in each individual onsite pump station will be prohibitive.
- Far North District Council pointed out that unplanned (dry weather) discharges of untreated wastewater occur, which are not the result of wet weather, i.e. blockages, pump station failures (loss of power or pump failure), pipe bridge failure, rising main damage. These situations occur rarely, but they do occur. Far North District Council considers that this should be reflected in rule C.4.2.1.
- Far North, Kaipara, and Whangarei District Councils are concerned about some of the requirements of wastewater network management plans (a condition of rule C.4.2.1), particularly having to characterise the current and predicted performance of their wastewater networks (it typically involves costly hydraulic modelling), and describing the frequency, magnitude, and duration of the overflow points. They are concerned that the requirements will come at an unnecessary cost.
- Whangarei District Council recommends that wastewater be defined in order to differentiate it from treated wastewater and untreated wastewater.
- The Royal Forest and Bird Protection Society of NZ support the process (provided for by rule C.4.2.1) to address existing wet discharge issues. However it considers that such discharges should be avoided where possible and discretionary activity status is more appropriate in that context. Furthermore, where there is an identified risk of discharge of untreated wastewater, the relevant authority or operator should be required to undertake necessary upgrade works to reduce that risk. Discharge of untreated wastewater from a network to water should be assessed as a non-complying activity (rather than a discretionary activity).

Farm wastewater

Relevant provisions

- Rule C.4.3.1 Farm wastewater discharges to land - permitted activity
- Rule C.4.3.2 Farm wastewater discharges to land - discretionary activity
- Rule C.4.3.3 Treated farm wastewater discharges to water - discretionary activity
- Rule C.4.3.4 Farm wastewater discharges - prohibited activity
- Policies D.4.1 - D.4.7

Submitters

- | | |
|--|--|
| • Ballance Agri-Nutrients | • IPENZ |
| • Dairy NZ | • Kaipara District Council |
| • Department of Conservation on behalf of the Minister of Conservation | • Kylie Brewer |
| • Dorothy McKinnon | • Matt Long |
| • Egg Producers Federation of New Zealand | • New Zealand Pork Industry Board |
| • Environment River Patrol-Aotearoa | • Opus International Consultants |
| • Federated Farmers of NZ | • Patuharakeke Te Iwi Trust Board |
| • Fish and Game Council of Northland | • Ravensdown |
| • Fonterra | • Royal Forest and Bird Protection Society of New Zealand Incorporated |
| • Horticulture NZ | |

Summary of feedback

Key submission points are summarised as follows:

- Balance Agri-Nutrients supports the draft provisions for farm wastewater discharges. The provisions represent, in the Company's experience throughout the country, recognised good management practices. The provisions were also supported by the Egg Producers Federation of NZ. However, other submitters expressed concerns about the draft rules for farm wastewater discharges.
- Condition 6(a) of permitted activity rule C.4.3.1A is key concern of several submitters ⁽¹⁾. The condition requires that "farm wastewater storage facilities are used on dairy farms and are designed in accordance with the Dairy Effluent Storage Calculator (DESC) and have sufficient contingency storage so that the discharge of farm wastewater to land can be avoided during the months of May to September (inclusive)...". DairyNZ articulated the concerns by stating that this condition appears to negate the purpose of the DESC which is to ensure that sufficient contingency storage is available, and that storage which is designed in accordance with the DESC should be sufficient for regional planning purposes. DairyNZ also consider that provision is somewhat ambiguous, particularly in relation to whether the proposed storage should be available for the entire period from 1 May, or simply that storage should be sufficiently available during the period to avoid discharge. Federated Farmers of NZ added that the requirement for 5 months contingency storage is not supported by evidence e.g. NRC is: "...uncertain about the extent to which upgrading effluent storage and disposal systems will improve water quality." It is unclear where the estimates in the s 32 report come from but feedback from our members suggests that compliance costs for C4.3.1(6)(a) could blow out to as much as \$200,000. Federated Farmers also considers that the condition will have the effect of forcing dairy farmers to get consents for farm waste systems and have the perverse outcome of incentivising farmers to discharge to water. Matt Long commented that "three months storage is more than enough in the overwhelming majority of cases in Northland. The rule does not take into account differing soils types, topography and rain patterns and to propose that all permitted Farms be required to more or less double their storage facilities is ludicrous."

1 DairyNZ, Federated Farmers, Fonterra, Kylie Brewer, and Matt Long

- Fonterra has a number of concerns in relation to this. To overlay a widely accepted science tool (DESC) with a blanket 5 month no effluent irrigation requirement in a region where plant growth in autumn and spring means nutrient uptake can be high, makes little sense. As Matt Long states, this rule applies to all soil types and contours so even properties on flat sand country with very little risk of effluent runoff would have to build very large, sealed effluent ponds. In 6) (a) (contingency volume) it would appear that a condition in the permitted activity rule is indicating that the discretionary consent pathway requires a lesser standard to comply. Fonterra would recommend removing the arbitrary "5 month" requirement and properly applying the DESC with the added requirement of ensuring ponds are emptied at some point in May. The rule should be modified to allow a sensible timeframe for all farms operating under the permitted activity rule to meet the DESC storage recommendation. . Requiring that storage is available in the high risk months of the year is a sensible standard however setting a single day that this must occur is simply not practical and the contingency condition (b) should be reworded to allow for this to occur during an identified period of time. (e.g. during May). Condition (e) presumably can only be applied to evidence of appropriate storage volume for existing systems but could be applied to the broader consideration of design and sealing standards in systems installed after the date of notification. Clarification of the scope and application of condition (e) would be helpful for farmers.
- Opus International Consultants stated that "it is not clear as to how much contingency storage should be available on 1 May each year. Is it intended for example that in the five months May to September that there be sufficient storage available for all this period during which effluent will still be entering the facility, but if unsuitable soil conditions are present there might be no discharge and this must be allowed for?"
- Concerns were also expressed about condition 6(b) of rule C.4.3.1, which requires that contingency storage is available on 1 May each year. DairyNZ pointed out that the condition is potentially arbitrary and unworkable. While it support the general intent of this clause (i.e. to ensure that ponds are emptied before May), DairyNZ suggests that this particular rule will benefit from a further round of consultation with dairy farmers.
- Kylie Brewer supports the use of stormwater diversion in each dairy shed regardless of the shed size as this helps to minimise the amount of effluent entering the effluent pond. Particularly during periods of high rainfall. However, Kylie Brewer does not support the ability of dairy farmers to apply for resource consent to discharge discharge treated effluent to a waterway. The reason being that it is an old fashioned and unacceptable practice and has been phased out by regional councils throughout New Zealand, with the exception of Northland. In addition, Kylie Brewer considers that the plan should specify that all farmers must discharge effluent to land by 2020, as discharging effluent to a waterway will have become a prohibited activity in the Northland Region. A similar sentiment was expressed by Patuharakeke Te Iwi Trust Board, which considers that farm wastewater discharges to water should be a prohibited activity. The Trust also consider that any untreated farm wastewater to a mapped site of significance to tangata whenua, particularly mahinga kai, should be a prohibited activity.
- There was some disagreement about the appropriateness of the setback distances from water bodies for farm wastewater discharges to land. Northland Fish and Game Council would like to see more conservative setbacks in plan for discharges to land from any river, lake, or wetland depending on the topography. On the other hand, DairyNZ stated that setback distances outlined in condition (f) of rule C.4.3.1(2) will unnecessarily limit the amount of land available for the disposal of effluent on farms surrounding by rural, rarely used roads. This concern was echoed by Matt Long and Fonterra. Fonterra would like to see condition (2f) amended to 10m and condition (3) amended to manage spray drift.
- Environment River Patrol Aotearoa considers that discharges of farm wastewater to land should require resource consent, rather than being a permitted activity subject to conditions.
- Lastly, the Royal Forest and Bird Protection Society of NZ considers that animal effluent from grazing animals should be included in the definition of farm wastewater. It points out that non-point source discharges of animal effluent are a major contributor to declining water quality which need to be managed via this plan.

Stormwater

Relevant provisions

- Rule C.4.4.1 Stormwater discharges from a public stormwater network - permitted activity
- Rule C.4.4.2 Other stormwater discharges - permitted activity
- Rule C.4.4.3 Stormwater discharges from a public stormwater network - controlled activity

- Rule C.4.4.4 Stormwater discharge - discretionary activity
- Policies D.4.1 - D.4.4, D.4.6 - D.4.7.

Submitters

- | | | |
|------------------------------|-----------------------------------|------------------------------|
| • Ballance Agri-Nutrients | • KiwiRail | • The Oil Companies NZ |
| • Dairy NZ | • New Zealand Pork Industry Board | • Top Energy Ltd |
| • David Lourie | • NZ Transport Agency | • Trustpower Limited |
| • Far North District Council | • Patuharakeke Te Iwi Trust Board | • Whangarei District Council |
| • Fertiliser Association | • Ravensdown | |
| • Fonterra | • Rayonier Matariki Forests | |
| • GBC Winstone | • Refining NZ | |
| • Horticulture NZ | • Rory Howell | |
| • Kaipara District Council | | |

Summary of feedback

The draft stormwater rules attracted a range of feedback. Summarised below are the key submission points. Note that they are not exhaustive:

- Balance Agri-Nutrients considers that the broad applicability of [condition 1(b) of rule C.4.4.2] will result in its implementation being impractical for both the Council and landowners/operators. Further to this, it is the company's view that such a rule will result in a considerable cost in the commissioning of site investigation works in order to prove compliance with the permitted activity standards. The company does not believe that this cost can be justified or aligned to addressing an actual environmental effect. As such, the company requests that the definition of HRITA be amended to specifically exclude fertiliser bulk storage facilities, providing these facilities comply with relevant Fertiliser Group Standards, which are cited in the company's submission. The Fertiliser Association of New Zealand submitted along the same lines.
- GBC Winstone, Ravensdown, and the Oil Companies, also expressed concerns about the activities listed as High Risk Industrial Activities, particularly "as they seem to cover most industrial and trade premise activities." Ravensdown suggested that the council should specifically identify what the risk is (human health, environmental, cultural etc.) and if the risk relates to discharges or the activities themselves. Additionally Fonterra note that although the definition does not include dairy manufacturing sites, it does refer to the storage of bulk chemicals and to waste treatment, which are both activities undertaken on Fonterra's manufacturing sites. If the intention is for dairy manufacturing sites to be 'high risk industrial premises' then this should be made explicit in the definition.
- Far North and Kaipara District Council's support the draft stormwater rules but concerned about the cost implications of the network management plans, particularly for small communities. Whangarei District Council. Whangarei District Council stated that condition 4 of rule C.4.4.1 would require a major change to Whangarei District Council's level of service for stormwater. Overland flow paths through properties that are currently protected by easements would require consents, or the minor (piped) system would have to be upgraded to provide 10% AEP capacity. Discharges to creeks, channels and drains would have to either be attenuated or secure consent to ensure the 10% AEP discharge does not encroach on property boundaries.
- Whangarei District Council also considers that there is a need to provide a mechanism to evaluate contribution from other upstream discharges over which WDC has no control (e.g. farm discharges) when considering the effects of stormwater discharges on water quality limits (refer to condition 7, rule C.4.4.1).
- The Oil Companies asked of the requirement to prevent any hazardous substance entering the systems in condition 3(1) of rule C.4.4.2 is intended to be a zero tolerance threshold.
- Lastly, Rayonier Matariki Forests and Whangarei District Council sought new or amended conditions on the zone of reasonable mixing.

Agrichemicals

Relevant Provisions

- Rule C.4.5.1 - Application of agrichemicals - permitted activity
- Rule C.4.5.2 - Application of agrichemicals into water - permitted activity
- Rule C.4.5.5 - Application of agrichemicals and vertebrate control chemicals - discretionary activity
- Policy D.3.4 - Spray generating activities

Submitters

- | | | |
|--|---|--|
| • Colin Drinnan | • NZ Agricultural Assn and NZ Helicopter Assn | • Miss Holly Christie |
| • Dairy NZ | • NZ Transport Agency | • Trustpower Limited |
| • Department of Conservation on behalf of the Minister of Conservation | • Rayonier Matariki Forests | • Wayne Pasonson and Yvonne Steinemann |
| • Federated Farmers of NZ | • Richard Alspach | • Whangarei District Council |
| • Horticulture NZ | • Roy Shackleton | |
| • Jane Johnston | • RT Woodridge | |
| • Kaipara District Council | • Matt Long | |
| • LMD Planning Consultancy | | |

Summary of feedback

Qualification requirements

- Dairy NZ would like to see qualification requirements amended so that farmers do not require contractor level qualifications for low risk application.
- The Department of Conservation would like to see reference to the HSNO Approved Handler Status where required by the EPA but other qualification requirements deleted.
- Horticulture NZ and NZ Agricultural Assn and NZ Helicopter Assn both believe that reference to NZ Standards Management of Agrichemicals should only reference relative parts of standards. In addition NZ Agricultural Assn and NZ Helicopter Assn state that pilots should be subject to an independently audited quality management system and recommend a new rule to that effect.

Notification

- Colin Drinnan felt spraying should be a notifiable activity when over 1ha. Rules should protect against cross boundary effects.
- Horticulture NZ believe that an explanation for the 30m notification distance should be given.
- Kaipara District Council would like to see the acknowledgement of notification as a performance standard to avoid instances of notification not being seen by the intended recipient.
- NZ Agricultural Assn and NZ Helicopter Assn would like growers rather than applicators to carry out notification,
- NZ Transport Agency would like to see the road reserve excluded from a requirement for notification of spraying.
- Rayonier Matariki Forests would like the notification period for intent to spray increased from 18hrs - 2wks to 24hrs - 4wks to allow greater flexibility.
- Roy Shackleton believes that lifestyle blocks typically have sensitive activities which could be located anywhere on these properties and potentially be contaminated by spray and, therefore, spray notification should be sent to all neighbouring properties. Notification should also specify the day spraying is to take place and not

a 'window' and should be delivered in person or via phone. Public spraying should include detailed information on the nature of the spraying on signage, 24hrs before spraying.

- Whangarei District Council are concerned that with agrichemicals there should be a link to water quality standards as well as specifying an application area and rate thresholds. The notification areas in rule 4.5.2 appears arbitrary.

Definitions

- Federated Farmers of NZ would like to see the definition of spray sensitive area amended to include water for stock drinking. They are generally comfortable with the rules proposed.
- Horticulture NZ would like reference be made to 'Commercial vegetable growing areas' in relation to spray sensitive areas,
- Jane Johnston - has a concern with the "definition" for "Urban Area" (used in relation to spraying rules) which she feels is not a definition, but a limited list of place names that in contain some urban form and function - but not necessarily in its entirety, or indeed the entire "urban" economic system of that place.
- NZ Agricultural Assn and NZ Helicopter Assn would like reference to adverse effects rather than offensive or objectionable to determine cross boundary effects,

Cross Boundary effects

- Ms Holly Christie does not support the use of agrichemicals near sensitive areas. She believes that there needs to be a lot more research into what agrichemicals are allowed to be applied as a permitted activity.
- Horticulture NZ - reference should be made to significant adverse effects rather than offensive or objectionable to determine cross boundary effects.
- Roy Shackleton states that with more lifestyle development there is a greater risk of exposure to spraydrift. The current rules do not provide adequate protection and additional mandatory requirements are necessary including shelterbelts and buffer zones particularly between orchards and surrounding properties.
- RT Woodridge is concerned about cross boundary effects of spray and would like a much stricter approach to enforcement including more frequent issuing of abatement notices.
- Wayne Parsonson and Yvonne Steinemann - general concern with the toxic effects of certain chemicals and cross boundary impacts on sensitive areas.

Miscellaneous

- Horticulture NZ would like restricted discretionary rather than discretionary status where non compliant with permitted rule.
- Matt Long supports the rules as proposed.
- Richard Alspach is concerned about effects of spraying on bee population and would like to see rules reinstated that prevent 24D being sprayed outside of winter. The NZ Standards for the Management of Agrichemicals should also be made publically available.
- Trustpower Limited would like to see rule 4.5.1 (application of agrichemicals) retained

Solid waste

Relevant provisions

- Rule C.4.6.1 Cleanfill material disposal - permitted activity
- Rule C.4.6.2 Discharges to land or water from closed landfills - permitted activity
- Rule C.4.6.3 On site refuse disposal - permitted activity
- Rule C.4.6.4 Composting operations less than 10m³ - permitted activity
- Rule C.4.6.5 Composting operations greater than 10m³ - permitted activity
- Rule C.4.6.6 Waste transfer stations - controlled activity
- Rule C.4.6.7 Other solid waste discharges - discretionary activity
- Policy 4.9 Discharges from landfills

Submitters

- GBC Winstone
- Fonterra
- Federated Farmers of NZ
- NZ Pork Industry Board
- Horticulture NZ
- Royal Forest and Bird Protection Society of New Zealand

Summary of feedback

- "Cleanfill material" and "onsite refuse" to be defined in the draft plan e.g. similar to "compost" and "landfill". Clarity is also sought on the difference between domestic refuse" in rule C.4.6.3 and "domestic waste" in air quality rule C6.1.9 (15) (Federated Farmers of NZ) .
- Federated Farmers of New Zealand do not believe the requirements in rule C4.6.1(10) relating to clean fill are reasonable in a farming context . A farmer may use the front end loader to pick up materials in the course of carrying out other farming activities. Condition (10) in particular places an unnecessary administrative burden on farmers. They strongly support the Permitted Activity status of C4.6.3 (On site refuse disposal) but question the 12 cubic metre volume restriction given that farmers dispose of , on average, 37 tonnes of waste per year. This threshold seems too low .
- Fonterra composts dairy waste at its Kauri site and would like to see 'dairy' waste included within the scope of the permitted rule for composting.
- Horticulture New Zealand supports the draft clean fill provisions but seeks greater clarity around when an activity is considered to be a cleanfill activity and when it is an earthworks activity. They also state that cleanfill associated with building platform and foundation establishment is typically required to be certified by an engineer as part of the Building Consent process. There is no need to duplicate engineering information requirements or set erroneous resource consent requirements or conditions for matters than could be covered in appropriate permitted activity controls.
- GBCWinstone does not dispose of solid waste to the CMA. However, it is unclear if Rule C.1.5.11 applies to discharges of stormwater, cooling water and reclaim water containing contaminants and residual leachate from solid waste disposal site to the CMA. GBCWinstone consider that the rules dealing with Discharges to Land & Water (C4) should also apply to discharges to the CMA. GBCWinstone also seek amendments to provisions controlling cleanfill and overburden disposal associated with quarrying to provide for this activity as a Restricted Discretionary activity.
- Add a clause to C.4.6.1 requiring sediment control measures are in place where there is a risk of discharge to a water body or wetland (Royal Forest and Bird Protection Society of New Zealand).
- C.4.6.3- On site refuse disposal – permitted activity. This rule is too permissive. Components of domestic and agricultural refuse additional to those specified are more appropriately disposed of via a managed refuse networks. Disposal of organic materials could be permitted but disposal of in-organics should be subject to more stringent controls (Royal Forest and Bird Protection Society of New Zealand).

- NZ Pork oppose C.4.6.3(7) as they consider monitoring the state of the environment is a statutory responsibility of the Council and it is not reasonable to include an unfettered provision as a permitted activity performance standard for Council cost recovery.
- C.4.6.4 Composting operations less than 10m³ – permitted activity, amend to require that all reasonable steps have been taken to minimise the risk of leachate entering a surface water body (Royal Forest and Bird Protection Society of New Zealand). NZ Pork also seek a provision in the plan to address animal carcass composting, which is the preferred disposal method for dead pigs.

Biosolids

Relevant provisions

- Rule C.4.7.1 Discharge of grade Aa biosolids to land - permitted activity
- Rule C.4.7.2 Discharge of biosolids (other) - discretionary activity
- Policy D.4.10 Application of biosolids to land

Submitters

- Auckland Council
- Dairy NZ
- Far North District Council
- Federated Farmers of NZ
- Kaipara District Council
- Northland District Health Board
- Whangarei District Council

Summary of feedback

Overall the submissions received on the draft provisions controlling the application of biosolids to land were supportive. Some suggestions were made to improve the draft provisions:

- Controls be put in place to avoid the discharge of Aa grade Bio-solids to land used for food production and residential land (Auckland Council).
- Auckland Council also suggest that the nature and extent of Biosolids application be recorded in line with the Guidelines for the Safe Application of Biosolids to Land in New Zealand, August 2003. Also that Council should monitor the buildup of contaminants in soil.
- Amendments to make it clear that the biosolids provisions do not apply to farm dairy effluent (Dairy NZ)
- Northland District Health Board would like to see a more cautious approach taken to managing the application of biosolids to land. While the submitter supports the use of the Guidelines for the Safe Application of Biosolids in New Zealand, 2003 and New Zealand Standard 1121:2005. They believe there is still some public health concerns that would be better managed through the resource consent process.
- Whangarei District Council welcomes further discussion on the framework for managing the application of biosolids to land
- Better acknowledge the benefits of applying biosolids to land (Far North District Council).

Contaminated land

Relevant provisions

- Rule C.4.8.1 Investigating contaminated land - permitted activity
- Rule C.4.8.2 Contaminated land - permitted activity
- Rule C.4.8.3 Contaminated land - discretionary activity
- Policy D.4.8 Discharge of hazardous substances to land or water

Submitters

- | | | |
|---------------------------|--------------------------------|---------------------|
| • Ballance Agri-Nutrients | • Kaipara District Council | • Refining NZ |
| • Dairy NZ | • NZ Transport Agency | • The Oil Companies |
| • Fertiliser Association | • Puhipuhi Mining Action Group | • Top Energy Ltd |
| • GBC Winstone | • Ravensdown | |

Summary of feedback

- Several submitters have questioned the use of Drinking-Water Standards as a permitted activity threshold in rule C.4.8.2. The general theme of the submission is that this standard is unnecessarily onerous and that a lower standard should be applied where ground water is not being abstracted for human consumption.
- One submission has stated the requirements of clauses 4 and 5 of rule C.4.8.2 will be difficult for landowners to comply with. The submitter has suggested that these clauses are deleted and replaced with provisions that focus on water quality at the property boundary. (Ravensdown)
- Amendment to conditions for C.4.8.2 Contaminated land as permitted activity to avoid onerous detailed site inspections on all "potentially" contaminated land as condition of permitted activity (Fertilizer Association of New Zealand).
- There is general support for Council adopting the RMA definition of 'Contaminated Land'.
- The definition of 'potentially contaminated land' should refer to soil guideline values for sensitive land use. (Fertilizer Association)
- The feedback received on the definition of 'passive discharge' was mixed with some submitters supporting the draft definition and others suggesting it be replaced with the term 'non-point source discharge'.
- The Oil Companies would like to see new provisions for providing for resource consents to be surrendered so that there is not ongoing or pointless monitoring once specified close out criteria have been met; and that Council adopt a Controlled Activity provision for any passive discharge not meeting permitted activity conditions.
- Refining NZ advocated for a more streamlined process for managing contaminated land. In the first instance they would like to see contaminated land managed by one authority. It was suggested that this can be achieved utilising section 33 of the Resource Management Act. As a second priority the submitter requests that the draft provisions are reworded to better align with the NES for Assessing and Managing Contaminants in Soil to Protect Human Health.
- The Plan defines 'contaminated land' and all references to 'contaminated sites' in the rules should be to 'contaminated land' (The Oil Companies)
- Add a policy to have a contingency management plan for any potential discharge or leakage of any hazardous substance to land or water (Puhipuhi Mining Action Group)
- Include the mercury mine at Puhipuhi as a potentially contaminated site (Puhipuhi Mining Action Group)
- Add a policy – That the NRC liaise with the Department of Conservation to thoroughly investigate the possibility as to whether the old Mercury mine at Puhipuhi has contaminated, and is continuing to contaminate, the waters and sediment of nearby waterways, and to seek remedial work at the old mine site to ensure it is safe (Puhipuhi Mining Action Group)

Other discharges

Relevant provisions

- Rule C.4.9.1 Discharge of dust suppressants - permitted activity
- Rule C.4.9.2 Discharge of tracers - permitted activity
- Rule C.4.9.3 Discharge of fertiliser - permitted activity
- Rule C.4.9.4 Discharges associated with the storage of silage, or the disposal of dead stock or offal - permitted activity
- Rule C.4.9.5 Other discharges - permitted activity
- Rule C.4.9.6 Other discharges - discretionary activity
- Rule C.4.9.7 Discharges of untreated sewage from a ship or offshore installation - prohibited activity
- Policies D.4.1 - D.4.9

Submitters

- | | | |
|---------------------------|---|--|
| • Andre and Robin LaBonte | • Kaipara District Council | • Pari Walker |
| • Ballance Agri-Nutrients | • KiwiRail | • Ravensdown |
| • Dairy NZ | • Matt Long | • Royal Forest and Bird Protection Society of New Zealand Incorporated |
| • Federated Farmers of NZ | • NZ Agricultural Assn and NZ Helicopter Assn | • Silver Fern Farms |
| • Fertiliser Association | • New Zealand Pork Industry Board | • Tau Iho I Te Po Trust |
| • Fonterra | • NZ Geothermal Association | • Whangarei District Council |
| • GBC Winstone | • NZ Transport Agency | • Yachting NZ |
| • Horticulture NZ | | |

Summary of feedback

Overall there was support for the "enabling" permitted activity rules. Some submitters raised concerns that certain activities were not permitted by the plan. Concerns were also raised that rule C.4.9.6 was not a "catch-all" rule for all non-permitted activities not just C.4.9.5. Concerns were expressed about the performance standards for separation distances. Inconsistencies were noted between rules in other parts of the plan for, e.g. cultivation (5m setback) and fertiliser application (10m setback). Other concerns raised were in relation to the 1.2m separation from groundwater table.

A brief summary of each submission is provided below.

- Andre and Robin LaBonte: Recommend amending the provisions to enable existing discharges to continue, and considers that the provisions should also specifically mention discharges of seawater to seawater.
- Ballance Agri-Nutrients: Generally supports the rules, and recommends that the council should define "offensive and objectionable". The company notes that rule C.4.9.6 should also apply to rule C.4.9.3.
- Dairy NZ: Generally supports the rule for fertiliser but should insert a requirement to follow fertiliser association good management practices. Recommends the separation of the silage and offal rule. Generally supports the rule for silage but recommends amending the rule by: allowing for a compacted base layer to prevent leachates entering groundwater instead of a separation distance from the water table. Further information needs to be provided to justify the rationale for having a 20m public domain setback if the offensive and objectionable requirement exists. Generally supports the rules for offal but the 1.2m separation distance from the water table is impractical. Supports the retention of the provision for 'other discharges'. Supports Policy D.4.3 to maintain water quality but recommends amendment to clarify what is important development and the removal of the word 'beneficial' as it is unnecessary
- Fertiliser Association: Generally supports the rules, but recommends that the council should define offensive and 'objectionable'. Notes that rule C.4.9.6 should apply to all other non-permitted activities. The Association also considers that the definitions should reference good management practice guidelines, e.g. Code of Practice for Nutrient Management.

- Fonterra are concerned that their existing discharge to the CMA would now be treated as a non-complying activity however, sewage sludge is included in the list of discharges provided for as a discretionary activity. Given this, Fonterra seeks Rule C.1.5.10 is amended to specifically provide for the discharge of treated industrial and trade premise wastewater in the CMA as a discretionary activity. In relation to fertiliser (Rule C.4.9.3) , the rule may have the unintended consequence of requiring resource consent for any aerial application of fertiliser.
- Fonterra also recommend council considers appropriate aerial topdressing standards that would give confidence that all practicable steps are taken to avoid contact with water. In relation to disposal of silage and dead stock (Rule C.4.9.4), there may be some situations where it would not be possible to meet the requirements in Condition 2) however the risk could also be managed through placing silage stacks on a properly compacted base. Amend Condition 2) so the storage site must be either 1.2m above the groundwater table or the silage is stored on a compacted base that prevents contaminants associated with silage storage entering groundwater.
- Fonterra would like to see a rule to allow the emergency discharge of milk onto or into land but not directly into water as a permitted activity provided and suggest wording to that effect.
- GBC Winstone: Generally supports the rule for dust suppressant but recommends amending condition C.4.9.1(1) (a) to provide an exception where run-off cannot enter the water body. It opposes current rules which have changed the controlled activity status for cooling water discharges. Request a specific rule for the discharge of Portland's cooling water - controlled activity. States that it is unclear if Rule C.1.5.11 applies to discharges of stormwater, cooling water and reclaim water containing contaminants and residual leachate from solid waste disposal site to the CMA. GBCWinstone seeks that the Council clarifies that discharges to the CMA are managed under Rules C4.
- Horticulture NZ: Identifies inconsistencies between the distances from a waterbody that cultivation can occur (5m setback) and that fertiliser application can occur (10m setback) and recommends a 5m setback for fertiliser application. Recommends inclusion of the Code of Practice for Nutrient Management as a condition. Recommends the NRC should define "offensive and objectionable". It notes that rule 4.9.6 only applies to 4.9.5 and it should apply other non-permitted activities.
- Kaipara District Council: Identifies inconsistencies between the distances from a waterbody that cultivation can occur (5m setback) and that fertiliser application can occur (10m setback) and recommends a 5m setback for fertiliser application.
- Matt Long: Recommends that rule C.4.9.3 requires Good Industry Practice for aerial application of fertiliser.
- New Zealand Pork Industry Board: Generally supports the permitted activity status of C.4.9.4 but would like to vary the groundwater separation distance based on the soil type.
- NZ Transport Agency: Supports rule C4.9.1 but suggests that condition 1(a) should be amended to clarify that it applies to natural water bodies or drainage channels.
- Pari Walker: Recommends that rule C.4.9.2 be amended by adding the requirement for public notification of the discharge.
- Ravensdown: Supports a permitted activity status for fertiliser application but recommends the inclusion of definitions for "fertiliser" and "wastewater", and allow fertiliser application within for riparian setbacks for riparian plantings but prevent direct discharges to the waterway itself. It also considers that a restricted discretionary rule should be included to provide for activities that cannot meet the permitted activity status.
- Royal Forest and Bird Protection Society of New Zealand Incorporated: Supports the inclusion of a permitted activity rule for fertiliser application but recommends a condition that requires application to be restricted to periods of calm weather, in order to avoid discharges to water.
- Silver Fern Farms: Supports a catch all discretionary activity rule in 4.9.6 for discharges from industrial and trade premises.
- Whangarei District Council: Supports permitted activity status for other discharges but rules for fertiliser (C.4.9.3) should have concentration limits and rule for other discharges (C4.9.5) should make provision for discharges of water from water treatment plants as a permitted activity. Policy D4.1 should make reference to the NPS-FM
- Yachting NZ: Opposes prohibition status for rule C.4.9.7 as it is inconsistent with RMA Marine Pollution Regs 1998 without justification. Recommends specific policies for discharges to coastal waters recognising the existing RMA Marine Pollution Regs 1998.

Taking, using, damming and diversion of water

Water takes

Relevant Provisions

- Rule C 5.1.1 Water for stock drinking and reasonable domestic needs - permitted activity
- Rule C.5.1.2 Minor takes - permitted activity
- Rule C.5.1.3 Water take from an off-stream dam - permitted activity
- Rule C.5.1.4 Water take from an artificial water course - permitted activity
- Rule C.5.1.5 Water take associated with bore development, bore testing or dewatering - permitted activity
- Rule C.5.1.6 Existing dairy shed use - controlled activity
- Rule C.5.1.7 Re-consenting water takes - controlled activity
- Rule C.5.1.8 Transfer of a water permit - restricted discretionary activity
- Rule C.5.1.9 Other water takes - discretionary activity
- Rule C.5.1.10 Water take that will exceed a water quantity limit - non complying activity
- Rule C.5.1.11 General permitted activity conditions for taking and using freshwater
- Policies D.4.11 - D.4.17

Submitters

- | | | |
|--|-----------------------------------|--|
| • Andre and Robin LaBonte | • Far North District Council | • Northland District Healthboard |
| • Beef and Lamb NZ | • Federated Farmers of NZ | • NZ Defence Force |
| • Broadspectrum | • Fonterra | • NZ Geothermal Association |
| • Colin Drinnan | • GBC Winstone | • NZ Transport Agency |
| • Dairy NZ | • Horticulture NZ | • Peter Ferguson |
| • David Lourie | • Irrigation New Zealand | • Refining NZ |
| • Department of Conservation on behalf of the Minister of Conservation | • Kaipara District Council | • Robert Blagrove |
| • Dorothy Mackinnon | • KiwiRail | • Royal Forest and Bird Protection Society of New Zealand Incorporated |
| • Egg Producers Federation of New Zealand | • Kylie Brewer | • Sam and Alison Wake-Kuha |
| • Environment River Patrol-Aotearoa | • Lister Farm (2012) Ltd | • Top Energy Ltd |
| • Evolution Mining NZ | • Margaret Hicks | • Whangarei District Council |
| | • Matt Long | |
| | • New Zealand Pork Industry Board | |

Summary of feedback

Not surprisingly the draft rules for the taking and use of water attracted a lot of attention. The following summary provides an overview of the key matters raised in the feedback. Note however that it is not exhaustive. The submission points have been grouped by them to assist the reader .

Stock drinking water

There was differences of opinion on the inclusion of a permitted activity rule in the plan to regulate the taking and use of water for the reasonable needs of a persons animals for drinking water. For example, DairyNZ supports the rule while the Egg Producers Association of NZ, Fonterra and Federated Farmers strongly opposed it. Federated Farmers stated that "section 14 (3)(b) of the RMA gives people the right to take freshwater for their reasonable domestic needs and the reasonable needs of their animals for drinking water. And that right cannot be interfered with in any way in a local authority plan (including by the imposition of permitted activity conditions), unless the taking has, or is likely to have, an adverse effect on the environment. NRC has not demonstrated any existing or foreseeable takes for stock drinking water are problematic in that they are having, or are likely to have, adverse effects on the environment. The s 32 report states: "At a regional level water taken for stock drinking, dairy shed use, and other minor uses is small relative to the amount of water taken for

irrigation [42%] and municipal supplies [39%].⁷ Given this, we believe it is inappropriate for NRC to include rule C 5.1.1 in the draft Regional Plan." Fonterra note that Condition 2) references compliance with C.5.1.11 but some of these conditions are not directly related to environmental effects. It should be clarified that the general conditions do not always apply to section 14(3)(b) water.

Dairy shed takes

Dairy NZ expressed concerns about the requirement that all existing unauthorised dairy shed takes need to apply for a water permit within 2 years of the notification date of the plan (refer rule C.5.1.6). Matt Long and Federated Farmers of NZ raised similar concerns. DairyNZ would prefer to see a staged approach to consenting with an initial focus on highly allocated catchments in the first two years followed by other catchments within 5 years of notification.

Horticulture New Zealand supports the controlled activity status of rule C.5.1.6 for the taking and use of water for existing dairy sheds that does not meet rule C.5.1.2 is supported. However Horticulture New Zealand is concerned that rule C.5.1.6. establishes a priority for dairy shed use over other uses of water. Therefore Horticulture New Zealand seeks a level playing field by inclusion of a controlled activity rule for other existing uses that do not meet Rule C.5.1.2. Horticulture New Zealand considers there is a need for provision for existing irrigation and frost protection to provide an opportunity for existing historical users to be authorised and have priority over new users. Horticulture NZ stated that there is no environmental or economic justification for a priority to dairy sheds (wash down and milk cooling purposes) over irrigation and the production of food through horticultural activities.

Irrigation NZ stated that there is a general feeling that there are other unauthorised takes operating within Northland (i.e. in addition to unauthorised dairy shed takes), and that this perception needs to be either confirmed or proven wrong. Irrigation NZ stated that if it is true and to avoid future issues, it would be beneficial to 'flush any unauthorised takes out'. This could be done through including policies and rules within the plan that encourage unauthorised takes to become legitimised within a given timeframe.

Fonterra supports the rule but suggests increasing the PA thresholds in C.5.1.2 where appropriate in order to reduce the costs to council associated with processing large numbers of consents and to reduce the cost associated with resource consent to small farming operations.

Other minor takes

The Department of Conservation supports the permitted activity rule for minor takes (C.5.1.2), in particular to the reference to ensuring that any new take does not cause an allocation limit to be exceeded. Support was also given by Horticulture NZ.

However, several other submitters stated concerns about the volume limits referenced in condition (3) of rule C.5.1.2. The Egg Producers Federation of NZ considers that the volume limits are too restrictive and suggests that a higher limit is required, i.e 15 m3 per day. It also suggests amending condition 2 to clarify that only one minor take is permitted per property.

Fonterra also feel the permitted takes are too low, particularly as a controlled activity rule that protects existing takes and there is a water take low flow restriction provision in the permitted activity rule. The result of the low permitted activity threshold will be a large number of resource consents that will add cost without any significant change to the way the resource is managed.

Fonterra considers clarification of the intent of condition 6) to describe the circumstances where the council would invoke the water metering and reporting requirement would be helpful. . Also is 2) referring to one "allowance" of the volumes in the table or is it referring to a single abstraction point on a property? In relation to Table 8 and the absence of definitions for some of the water body types, it is unreasonable to expect the person carrying out the activity to understand in all situations how much water they can take and at what rate. Simplifying the PA take table if possible would be helpful for water users. Clarification also that the Table 8 volumes do not restrict the reasonable take right considered in C.5.1.1 would be helpful.

Lister Farm Ltd questioned the volumetric limit of 10m³ per day in rule C.5.1.2, "particularly given that other regions may be allowing between 15 and 50m³ per day." The company pointed out that water used in dairy sheds is normally recycled by passing through a FDE system and either discharged to land or approved water bodies (i.e. not wasted), and it considers that the dairy sector is being unreasonably targeted by a controlled activity rule.

Matt Long also considers that the maximum daily permitted volume in rule C.5.1.2 of 10m³ per day seems an unreasonably low threshold and will capture most farm dairies. He suggested that a less arduous approach from both a council and land owner's perspective would be to set this level at 25m³ and would allow for capturing high water users except where there are issues of over allocation in catchment and in this case should be a controlled activity. Robert Blagrove stated that the 5m³ permitted daily volume from mapped aquifers should be increased to 10 m³.

Evolution Mining stated that condition 2 of Rule 5.1.2 is loosely defined and potentially too restrictive. It also questioned if the term "property" refers to a single land title unit, or as typically associated with farmland a combination of titles under one ownership and management. Furthermore, Evolution Mining asked if, in terms of resultant effects on surface water flows, is there any difference between multiple off take points with a total combined take within prescribed limits and a single off take point? For a temporary take this would appear to be unnecessarily restrictive.

NZ Transport Agency considers that the definition of property in the context of the minor water takes rules is overly limiting relative to road networks where the entire network may fall within one property, and it seeks clarification on whether the definition of a property includes a road.

Federated Farmers stated that the 'one take per property' requirement in 5.1.2(2) needs clarifying. They questioned if it refers to one take of up to the volumes set out in table 8, or only one of those volumes but it may be sourced from different locations or sites?

Re-consenting

There was also a difference of opinions on providing for the re-consenting of water takes as a controlled activity. The Egg Producers Association of NZ supports re-consenting water takes as a controlled activity as it provides certainty to consent holders, whose operations require large capital expenditure and continued operating costs. Horticulture NZ and the NZ Pork Industry also support a controlled activity status for re-consenting of water takes, subject to an appropriate review of the efficiency of use and allocation.

Conversely, the Royal Forest and Bird Protection Society of NZ considers that the controlled activity status for re-consenting water takes is problematic, as it is foreseeable that a water take may need to cease altogether (potentially indefinitely) to retain ecological flows, avoid adverse effects on tangata whenua and their toanga, etc. It stated that a restricted discretionary activity status is more appropriate.

Transfer of water takes

Horticulture NZ does not support a restricted discretionary activity status for the transfer of water permits is not supported. They state that transferring water can be an effective method for the efficient use of water and should be encouraged (with suitable performance standards).

Irrigation NZ considers that rule C.5.1.8 should be split into two parts (temporary transfers (no more than one year) and all other transfers. Temporary transfers should be controlled. Other transfers should be a restricted discretionary activity and the reasonable use test should be a matter of discretion.

Whangarei District Council expressed concerns that a transfer of a water permit under C.5.8 may result in potential over allocation of supply, where a transfer results in maximum takes which have not been anticipated and provided for under the allocations. The transfer should not result in a net increase of the current take which may result in over allocation.

Breaching limits

Irrigation NZ submitted that it understands the challenges ahead for the setting of water quantity limits in Northland, i.e. dealing with multiple small catchments with very limited or no monitoring data. Due to this it understands that the council has set default limits (minimum flows and allocations) and provided a non-complying activity status rule for water take and use consent applications that exceed the defaults. This allows applicants to undertake detailed investigations to demonstrate there is more water available than the default allocation, and if successful be granted a water take and use consent. However, on the flipside - as has occurred in other regions, there is the potential for this scenario to be gamed. This ultimately impacts upon the reliability of supply for any incumbent water users. Irrigation NZ has considered two options for overcoming this challenge (Option a) is the preferred option):

(a) Requiring limited notification of any non-complying consent application (an application that exceeds the default limit). This would provide existing water takes with an ability to challenge any new takes that may impact upon them. A notification addition to the noncomplying rule would likely be the best way to provide the certainty required for this.

(b) Providing a non-complying rule (as per the status quo) that allows for default limits to be refined, but accompany this with an upper threshold rule beyond which any application would become prohibited. This would then trigger the need for a plan change process to further refine the limit and provide some surety for both existing users and the environment.

Metering

Kylie Brewer stated that all dairy shed takes should be metered and information provided to council as per a condition of consent. Another submitter, Colin Drinnan, considers that all water taken during dry periods and low-flow from high-allocated rivers and catchments should be measured (volume and rate of volume (l/s) and the period of time water is taken). Whangarei District Council considers that all water takes should be metered to ensure that water is used accurately and accounted for.

On the other hand, Federated Farmers is unclear why the council would want to meter such small takes (refer condition 6, C.5.1.2). They understood that when the water metering regulations were crafted, it was deemed impracticable and too expensive for the benefit gained to require small takes (<5L/s) to be metered.

Efficiency of water use

Irrigation NZ considers that more detail is required in the policy on efficient water use. This is best done through the addition of an appendix. The appendix should include reliability of supply and technical efficiency expectations as part of the reasonable use test. Suggested criteria for inclusion in an appendix is set out in Irrigation NZ submission.

Allocation

DairyNZ considers that a policy stipulating primary and secondary allocation flows for the purposes of protecting minimum flows should be included in the plan. Primary allocable flows should be subject to a staked reduction, and that abstractions for dairy shed use should be specifically provided for as a primary allocable flow.

DairyNZ points out that a key issue is the equity of allocation per property, regardless of size. Under this rule, a 4 ha horticulture block can take 10 m³/day as a permitted activity, the same as a 100ha dairy farm. They consider that it would be more equitable for permitted takes to be on a per ha basis.

David Lourie does not support the transfer of water permits. Is concerned that aggregation may occur. Water permits must be surrendered to NRC where they will be held for reallocation. ()

Other

NZ Geothermal Association considers that specific rules should be included in the plan that provide for taking, use and discharge of geothermal energy and or water providing both for domestic scale energy extraction via subsurface heat exchangers (as a permitted activity) and larger scale energy extraction operations and the take and use of geothermal water (as a discretionary activity).

Regarding rules C.5.1.7 and C.5.1.9, Whangarei District Council expressed concerns that the Draft Regional Plan does not recognise and provide for drinking water allocation for the public supply as a priority. The Indicative Surface Water Allocation maps identify that many catchments within Whangarei are fully allocated or approaching full allocation. It is essential that the provision of water supply for the critical needs of the community be recognised and prioritised under the provisions of the Regional Plan.

Dams

Relevant provisions

- C.5.2.1 Off stream dams - permitted activity
- C.5.2.2 Dam maintenance - permitted activity
- C.5.2.3 Minor existing in-stream dams - permitted activity
- C.5.2.4 Large existing dams - controlled activity
- C.5.2.5 New dam (intermittently flowing) - restricted discretionary activity
- C.5.2.6 New dam or realignment (permanently flowing) - discretionary activity
- C.5.2.7 New structures within one percent AEP floodplains and overland flow paths that divert flood-flow - discretionary activity
- C.5.2.8 Damming and diversion of significant indigenous wetland, outstanding natural feature or outstanding water body - non-complying activity
- C.5.2.9 General conditions for damming and diversion.
- Policy 4.22 Requirement for structures in freshwater
- Policy 4.23 Benefits of freshwater structures

Submitters

- Dairy NZ
- Department of Conservation on behalf of the Minister of Conservation
- Far North District Council
- Federated Farmers of NZ
- Horticulture NZ
- Kaipara District Council
- NZ Defence Force
- NZ Transport Agency
- Patuharakeke Te Iwi Trust Board
- Royal Forest and Bird Protection Society of New Zealand Incorporated

Summary of feedback

While there was little feedback on this subject from individuals, however submissions from organisations indicated some detailed consideration has been given to the Dam provisions. There was a large degree of support for the provisions. In addition to support, specific comments included:

- Dairy NZ- remove general condition exempting wetland enhancement, maintenance or restoration from resulting in loss, degradation or permanent flooding of any natural wetland.
- Department of Conservation on behalf of the Minister of Conservation - support with minor amendment to refer to 'design minimum flow, and regarding provision of fish passage, more detailed matters for consideration.
- Horticulture NZ - matters of discretion should include support for rural production activities.
- Patuharakeke Te Iwi Trust Board - sought recognition of sites/areas of significance to tangata whenua in permitted activity general conditions
- Royal Forest and Bird Protection Society of New Zealand Incorporated - sought a stricter approach to new dam proposals on permanently flowing rivers and regarding provision of fish passage, more detailed matters for consideration.
- NZ Defense Force - removal of 'water diversion' from the definition of dam to exclude structures such as coffer dams and a new 'temporary dam' activity, for military training purposes.
- Federated Farmers of NZ - inclusion of water take activity for permitted off-stream dams, additional definitions, clarification and guidance.

Land drainage

Relevant Provisions

- Rules C.5.3.1 - C.5.3.8
- Land drainage and flood control general conditions - C.5.3.9
- Policy D.4.18 - Activities affecting flood control schemes
- Policy D.4.19 - New land drainage

Submitters

- | | |
|--|--|
| • Dairy NZ | • NZ Transport Agency |
| • Department of Conservation on behalf of the Minister of Conservation | • Patuharakeke Te Iwi Trust Board |
| • Far North District Council | • Peggy Morrison |
| • Federated Farmers of NZ | • Royal Forest and Bird Protection Society of New Zealand Incorporated |
| • Fiona King | • Sam and Alison Wake-Kuha |
| • Hikurangi Flood Management Scheme | • Whangarei District Council |
| • Horticulture NZ | |
| • Kaipara District Council | |
| • KiwiRail | |

Summary of feedback

With regards to definitions, the Minister of Conservation noted that neither 'drain' nor 'drainage channel' is defined in the plan, which makes application of land drainage rules unclear. NZTA noted that 'Existing drainage area' is not defined.

With regards to the land drainage policies (D.4.18 and D.4.19), these were supported by Dairy NZ. They also supported rule C.5.3.7.

Overall, there was a high level of support for the permitted activity rules in the land drainage section - C.5.3.1 to C.5.3.4 (Far North District Council, Hikurangi Flood Management Scheme and Dairy NZ). Kiwirail supported rule C.5.3.1 and Horticulture NZ supported rules C.5.3.1 and C.5.3.3.

C.5.3.2 - NZTA consider that neither the rule nor provisions within H.4 specify who is responsible for preparing the management plan. Suggest new rule C.5.3.2, which would conjointly require regional and district councils to complete drainage management plans within a set date from operative date of the new plan.

C.5.3.3 - Kaipara District Council are concerned with the significant effort and burden (including financial) that will be faced by communities in needing to create drainage management plans (in order to be a permitted activity under C.5.3.3). Submit that the majority of these schemes have been operating for well over a century, and their environmental effects are already well established. FNDC request that clause 4 (the activity does not occur within the Waiharara Drainage District) of rule C.5.3.3 be deleted. Royal Forest and Bird supports intent of condition 7 ('that there be no more than minor adverse effect on indigenous freshwater fish, in particular on eels') however believe that as currently drafted, this condition is not appropriate in a permitted activity rule. Determining the extent of potential effects on indigenous fish requires expert judgement and assessment. Either redraft to set out clearer standards and/or thresholds to achieve this objective, or include a requirement for a report from a suitably qualified expert. NZTA seek the following changes to C.5.3.3: change clause 2 by deleting the within one year of notified provision and inserting 'where' there is an approved management plan in place, all works are undertaken in accordance with the 'approved' plan. Suggest that a road controlling authority be included within the list of agencies who may carry out works under this rule. Also suggest that clause 7 is potentially too vague to be a permitted activity standard.

C.5.3.4 - Peggy Morrison questions whether giving written advice to the NRC monitoring manager at least 10 working days before undertaking maintenance works on stopbanks is necessary. The WDC want to ensure that 'repair' and 'maintenance' under rule c.5.3.4 cannot be construed as authorising removal of stopbanks.

C.5.3.6 - NZTA wants road controlling authorities included within list of agencies who carry out the works (listed between clauses 3 and 4).

C.5.3.8 - Dairy NZ considers that it may be difficult for farmers to know whether good practice actions are likely to impede the functional integrity of a regional council flood control scheme, particularly in the case of planting and fencing. NZTA suggest that this provision contains a number of phrases which are subjective and may not provide sufficient certainty to be included as rule provisions (such as clause 3). Suggest amending to be more specific and quantitative (e.g. clauses 2 and 5). Forest and Bird believe that the plan should provide for planting of specified low growing native plants that are unlikely to impede flood water flow as a permitted activity.

C.5.3.9 - there was quite a bit of feedback on the land drainage conditions. Federated Farmers believe that clauses 3 and 11 appear to contradict each other. Believe that clause 5) should only apply to significant natural wetlands that have been mapped. Patuharakeke consider that the general conditions for these rules to be permitted need to include reference to no adverse effects on sites/areas of significance to tangata whenua – not just category A historic heritage (see clause 4). Dairy NZ seek the following: amend clause 2 to refer only to natural waterways (ephemeral and perennial), to ensure artificial waterways can be maintained in their original profile for artificial drainage (e.g. by re-alignment as necessary). Believe that clause (3) is currently poorly defined with uncertainty as to what "direct" drainage refers to and whether it is feasible to prevent any existing or new drain discharging to an outstanding freshwater body. That clause (8) should permit short-term disruption of fish passage as preventing any negative impact on latter would be impossible during drainage maintenance. That clause (10) should clarify that this occurs after reasonable mixing and for natural waterways only (e.g., permit attenuation of contaminant losses in artificial waterways including drains and constructed wetlands. The Minister of Conservation would like the following added to the general conditions: avoiding activities during peak spawning and migration times for native freshwater species present in the waterway; avoiding spawning times for inanga and galaxids, returning stranded fish to the waterway upstream of the affected area, limit disturbance of the banks to one side of the waterway. NZTA query the basis for the 50m setback from wetlands in clause 5.

Miscellaneous points - KDC wants to discuss with NRC the option of the regional council assuming control of drainage districts within Kaipara. Fiona King - Supports drainage district management plans in the Far North. The Hikurangi Flood Management Scheme supports the land drainage section in its entirety. There was a view that that is a need for designed drainage around lake Omapere. Believes this would reduce the amount of farm pollutants from entering into the lake. NZTA suggest a new provision be included within H.4 (content of drainage district management plans). Words to the effect of 'evidence of consultation with the New Zealand Transport Agency where a State highway or associated infrastructure is located within the area covered by the Drainage District Management Plan'. Federated Farmers consider that C.5.3.1 and C.5.3.2 should be combined.

Water quality and quantity policies and limits

Water quality and quantity policies and limits

Relevant provisions

- All policies D.4.1 to D.4.17

Submitters

- Auckland Council
- Beef and Lamb NZ
- Bob Jones
- Dairy NZ
- Department of Conservation on behalf of the Minister of Conservation
- Egg Producers Federation of New Zealand
- Environment River Patrol-Aotearoa
- Federated Farmers of NZ
- Far North District Council
- Fertiliser Association
- Fish and Game
- Fonterra
- GBC Winstone
- Horticulture NZ
- Irrigation New Zealand
- J L Hayes (Michael Hayes)
- Kaipara District Council
- KiwiRail
- Margaret Hicks
- Ministry for Primary Industries
- New Zealand Defence Force
- New Zealand Pork Industry Board
- Northland District Healthboard
- NZ Geothermal Association
- Patuharakeke Te Iwi Trust Board
- Puhipuhi Mining Action Group
- Refining NZ
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Sam and Alison Wake-Kuha
- Straterra
- Tau Iho I Te Po Trust
- The Oil Companies NZ
- Whangarei District Council
- Yachting NZ

Summary of feedback

Set out below is a summary of the main submission points. Note however that it is not exhaustive. The submission points have been grouped by them to assist the reader.

Water quality and quantity objectives and limits

Auckland Council supports the policies in section D.4 which seek to improve the integrated management of fresh water and the use and development of land. They consider that the policies will provide a foundation in the future implementation of the National Policy Statement for Freshwater Management.

Several submitters queried if it is appropriate, in a planning context, include freshwater objectives as policies. For example, the Department of Conservation asked if Policy D.4.1 is intended as an objective, policy or a 'freshwater objective' (and, in the latter case, clarify how it applies to each freshwater management unit). The Department of Conservation also stated that it is unclear (with respect to policies D.4.11 and D.4.12) whether the consideration of whether the freshwater objectives are met is in relation to the water body in question, or to the whole freshwater management unit overall.

Beef and Lamb NZ support the Plan's approach to setting water quality and quantity attributes (limits) and managing to these. In particular, Beef and Lamb NZ support the setting of limits at current state. It considers that the approach is consistent with the purpose of the Act, the councils obligations under section 30 RMA, and the requirements of the NPS-FM. It also considers that the approach adopted by the council takes into account the economic benefits of the consumptive use of freshwater resources and balances these with environmental, cultural, and social values.

Beef and Lamb NZ support the approach taken by the Regional Council in establishing water quality attributes/limits which are based on in-stream desired outcomes including concentrations. They requested that this approach be retained, although it did express concerns about the lack of nutrient concentration limits (see below). Beef and Lamb NZ point out that approaches adopted by other councils that involve setting limits

based on discharges from the land is fraught, and is not proving successful with respect to desired environmental outcomes. However it does not support Policy D.4.3, which provides for further degradation under certain circumstances. Beef and Lamb NZ considers that this is inconsistent with the RMA and the National Policy Statement for Freshwater Management (NPS-FM). Several other submitters including the Department of Conservation, the Royal Forest and Bird Protection Society of NZ, Patuharakeke Te Iwi Trust Board, also disagree with the provision in Policy D.4.3 for lowering of water quality.

On the other hand, Dairy NZ supports the provision for a lowering of water quality below in-stream concentration limits. That is, where it is necessary for important economic or social development activities and provided: (i) the water body is not an outstanding freshwater body and (ii) existing water quality dependent values are protected.). However DairyNZ considers that the council should clarify if the intent of the policy is to protect specified values or specified attributes. For example, on first reading, Dairy NZ understood the policy would protect a value by ensuring no degradation to limiting attributes, while permitting changes in non-limiting attributes.

Beef and Lamb NZ and the Royal Forest and Bird Protection Society of NZ expressed concerns about the adequacy of the nutrient management provisions, particularly with respect to the requirements of the NPS-FM. Beef and Lamb NZ stated that it is desirable to adopt a proactive approach to managing both point and diffuse sources of nutrient pollution at an early stage prior to the onset of severe degradation to water quality and ecosystem health. Undertaking a science-based and cautious approach to setting in stream limits on nutrients is essential for safeguarding ecosystem health in New Zealand's freshwaters.

Dairy NZ however supported the council's commitment to developing evidence-based policy, particularly its intention to await delivery of robust science on the effects of in-stream nutrient availability on periphyton and macrophyte growth, and to collate lengthier monitoring data on the abundance or scale of problems with both plant types, before determining if in-stream nutrient limits are needed.

Several submitters including GBC Winstone, Refining NZ and The Oil Companies expressed concerns about the appropriateness of some of the water quality limits in Appendix H.7.

Fonterra are concerned the plan does not give effect to the NPS Freshwater Management. Specifically: (1) The NPS requires that the values associated with each FMU are identified along with the relevant attributes and attribute state for each FMU, (2) FMUs are defined in the Draft Plan by waterbody type rather than by catchment or river system, and not all of the FMUs are mapped (3) Some of the attribute values in Tables 22 and 24 of Appendix H.7 in the Draft Plan appear to overlap two attribute states, and the references to some of the attribute state bands are incorrect. Fonterra considers that it is not clear what the current state of water quality in each of the FMUs is and therefore whether the proposed attribute states can feasibly be achieved. It is recommended that the approach be re-evaluated.

Fonterra are concerned Map I.10 does not identify coastal rivers, large rivers or small inland rivers and the indicative surface water allocation map is not located in Section I: Maps. They suggest that Council complete the mapping exercise necessary to identify the relevant water bodies listed in Table 8 and include these in the Proposed Regional Plan.

Additionally the policy on water shortage direction does not make reference to non-consumptive takes. As a result, such takes are afforded the lowest priority during times of water shortage. Non-consumptive takes do not have an effect on the water volume available for allocation so should be able to continue during times of water shortage. Amend D.4.17 as follows: *Takes for domestic or municipal supply, and the maintenance of animal health and non-consumptive takes*, and.

Additionally support is given for the controlled activity status proposed to apply to the re-consenting of existing lawful water takes.

Outstanding freshwater bodies

Dairy NZ and Whangarei District Council considers that policy D.4.2 should list the outstanding freshwater bodies and their values.

Policy on discharges

Dairy NZ, GBC Winstone, The Oil Companies, and Whangarei District Council expressed concerns about policies D.4.4 and D.4.5, which require discharges to be free of any toxic contaminants. It was pointed out that the water quality limits in Appendix H.7 include maximum concentration standards for a range of toxicants and the policies should reference them, rather than have a zero tolerance for toxicants. The reason given was that it is bordering impossible to keep all discharges free of toxicants, particularly at benign levels, and that it is better to manage the quality of discharges to appropriate standards.

Concerns were also expressed by several submitters about the requirement in Policy D.4.7 for wastewater to be treated using the best available treatment technology. Far North District Council and Whangarei District Council pointed out that local communities may not be in a position to afford best available treatment technology. Fonterra also had concerns with this term. The submitters consider that the term should be replaced with "best practicable option", which is consistent with the RMA and direction in the Local Government Act 2002.

Federated Farmers generally supported policy D.4.6, but consider that it should explain both what is deemed to be reasonable mixing and how reasonable mixing is determined. They do not consider that the current wording, in particular "smallest zone necessary", provides sufficient policy direction to achieve its purpose of reducing zones by upgrading facilities, especially around point source discharges from townships. Dairy NZ recommended using Greater Wellington Regional Council's definition of a zone of reasonable mixing (i.e., "Zone of reasonable mixing is for (a) rivers, whichever is the least of [i] a distance 200 m downstream of the point of discharge if the width of the wetted channel is greater than 30 m at the point of discharge; or [ii] a distance equal to seven times the width of the wetted channel but which shall not be less than 50m; or [iii] the distance downstream at which mixing of contaminants has occurred across the full width of the wetted channel of the surface water body, but which shall not be less than 50 m; or for (b) lakes, a distance of 15 m from the point of discharge").

Other

Northland Fish and Game considers that the council should be more aspirational in providing for water quality improvement, particularly for swimming. Dairy suggested that further work should be done to identify where primary contact recreation values are held and should apply, for which reporting should shift to 95th% and risks be assessed the MfE/MoH (2003) guidelines incorporated by the NPS-FM. Similarly, the Northland District Health Board would like a more ambitious target for microbiological water quality to support primary contact recreation.

Horticulture NZ supports Policy D.4.13 but considers that it must provide clarity on how supplementary allocation is to be determined, and points out that there is currently no corresponding method to give effect to this policy and a method should be included with a defined criteria for assessment.

Air discharges

Bale wrap burning

Relevant Provisions

- C.6.1.1 Outdoor burning outside the Whangarei airshed - permitted activity
- C.6.1.2 Outdoor burning inside the Whangarei airshed on properties less than 10,000m² (1ha) - permitted activity
- C.6.1.3 Outdoor burning inside the Whangarei airshed on properties greater than 1ha - permitted activity
- C.6.1.9 Outdoor burning - prohibited activity
- Policy D.3.2 Burning and smoke generation activities

Submitters

- | | | |
|--|-----------------------------------|---|
| • Alan Dawn | • Jon Morgan | • Sally Platt |
| • Andrew Paul | • Jonathan and Viktoria Hay | • Samara Edgecombe |
| • Anne Parkinson | • Justine Gamble | • Sarah Allcock |
| • Annette Kampen | • Kaipara District Council | • Sarah Bultema |
| • Asta Wistrand | • Katharina Quinlan | • Sarah Jane Murray |
| • Bill Leonard | • Katrina Upperton | • Sean Vincent |
| • Bonny Faulkner-Alexander | • Kayanne Jane King | • Stephanie Barnes |
| • Bruce Ferguson | • Keith and Brenda Coleman | • Steve Marsden |
| • Carl Savill | • Kerikeri Organic | • Sue Wallis |
| • Chris Hartshorne | • Korey Atama | • Sue Wooldridge |
| • Community Business and Environment Centre (CBEC) | • Liana Stupples | • Talia Mana |
| • Darlene Baldwin | • Lizzy Petera | • Tamara Wikitera |
| • Daryl Way | • Louise Deane | • Tina Aitchison |
| • David Lourie | • Love Kaipara Ltd | • Tony Flay |
| • David Williams | • Maara Foster | • Warren Snow |
| • Denise Lyon | • Madison Nelson | • Wayne Parsonson and Yvonne Steinemann |
| • Dorte Wray | • Margaret Briasco | • Whangarei District Council |
| • Eddie Giesen | • Marty Hoffart | • Rob Roche |
| • Elias Hall | • Matt Long | • Roger Ludbrook |
| • Far North District Council | • Mercia Smith | • Sa'e Makavo |
| • Federated Farmers of NZ | • Michael Maahs | • Rick Brown |
| • Fiona King | • Myles Green | |
| • Gina Peterson | • Nancy Gregory | |
| • Hikoi Rankin-Smith | • Nanya Chapman | |
| • Janet Cole | • Nerissa Henry | |
| • Jessie Hageman | • Nolene Osbaldiston | |
| • Jo Shanks | • Oliver Bone | |
| • Joanne Duncan | • Pat Davis | |
| • Jocelyn Kennedy | • Patrick Mason | |
| • John Clarke | • Patuharakeke Te Iwi Trust Board | |
| • John Harrington | • Paul Quinlan | |
| • Fraser Smith | • Peter Ferguson | |
| • Gary Little | • Petrina Hodgson | |
| • Gayle McCartain | • Pippa Reid | |
| | • Ross Clark | |

- Georgia Halliday
- John Kenderdine
- Renee Rewi
- Richard Miller
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Rebecca Ranum

Summary of feedback

There was strong opposition to the proposal to permit the burning of agricultural bale wrap. Over 90 submitters commented on this proposal with many favouring a prohibited activity status with only a handful in favour of the rule. Most of the submissions were from individual submitters who raised issues such as pollution, health issues and perception (i.e that it appears to represent a 'backward step'). It was also noted that NRC was helping to fund Plasback's efforts (the farm waste recovery scheme) in the region through the NRC Annual Plan (a contribution in 2016/17 of \$4000). Submissions in favour of the proposed rule supported the change on the basis that they believed it was a more practical means of disposing of the waste.

Of particular note were two submissions:

Chris Hartshorne, national coordinator of the Plasback farm waste recovery scheme raised the following points:

1. An accredited Product Stewardship scheme is available for farmers and growers and materials covered by PS schemes should not be allowed to be burnt or buried on farms.
2. Farmers do not separate materials for burning, rather all materials are burnt together, and this causes issues of contaminants to be discharged to air.
3. The Plasback scheme provides rural employment opportunities for collectors and balers. We have a collector based in Kaiwaka and a baler at Ruawai. Collection and baling fees are paid direct to these contractors.
4. The costs of collections from farms has not increased in 10 years and remains at \$40 per plus gst liner. It remains an affordable option to recycle agricultural bale wrap because, as more farmers take part we can maintain the collection costs for longer without increasing the cost.
5. The Plasback scheme has witnessed 10 years of consecutive growth and has collected over 7200 tonnes since inception in 2006. The scheme collects a wide range of plastics from farmers and growers.
6. The Rural Waste Minimisation Project, on behalf of Environment Canterbury, is seeking to provide better waste management options for farmers and growers with the view to increasing the volume of waste collected from rural properties and to identify alternatives to the current options of burning, burying and storing waste on farms. Allowing the burning of agricultural plastic in Northland will run counter to the aims of this project.
7. Evidence from the growth of the Plasback scheme in New Zealand highlights that, in areas where the burning of agricultural plastics is banned, we see a far greater uptake of the recycling scheme.
8. Permitting burning of plastics is counter to the efforts to develop Product Stewardship in New Zealand.

Bruce Ferguson, the collector for the Plasback farm plastics recycling scheme in Northland also submitted and raised the following points:

1. For best results, the plastic needs to be vapourised at high temperature. Evidence suggest that burning LDP is less harmful than high-density polyethylene plastics, however a fire needs to be at relatively high temperature 900 to 1100°C. This would be hard to achieve as it can get wet and muddy.
2. If burning is permitted, there would be nothing stopping anyone bringing large quantities of plastic from outside of Northland to dispose of here.
3. If on-farm burning is allowed to proceed it will have a negative effect on my business, as it will reduce the number of farms I will collect from. Burning will become a much cheaper option for farmers – to the detriment of air quality. Northland is a geographically difficult area in which to operate and, therefore, it is important to gain a critical mass of farmers using the Plasback collection scheme. The recycling scheme has taken time to gather momentum, but since its inception the amounts collected increase each year.

Burning

Relevant Provisions

- C.6.1.1 Outdoor burning outside the Whangarei airshed - permitted activity
- C.6.1.2 Outdoor burning inside the Whangarei airshed on properties less than 10,000m² (1ha) - permitted activity
- C.6.1.3 Outdoor burning inside the Whangarei airshed on properties greater than 1ha - permitted activity
- C.6.1.4 Outdoor burning for fire training - permitted activity
- C.6.1.5 Outdoor burning for biosecurity purposes - permitted activity
- C.6.1.6 Small-scale burning for energy generation - permitted activity
- C.6.1.7 Large-scale burning for energy generation - permitted activity
- C.6.1.8 Burning not a permitted or prohibited activity - discretionary activity
- C.6.1.9 Outdoor burning - prohibited activity
- Policy D.3.2 Burning and smoke generation activities

Submitters

- | | | |
|---|---|------------------|
| • Far North District Council | • New Zealand Defence Force | • Trustpower Ltd |
| • Federated Farmers of NZ | • New Zealand Pork Industry Board | • Warren Daniel |
| • GBC Winstone | • Royal Forest and Bird Protection Society of NZ Incorporated | |
| • Horticulture NZ | • Silver Fern Farms | |
| • Mangawhai Harbour Restoration Society | | |

Summary of feedback

Burning waste

- Far North District Council - queries the exclusion of Kaitaia, Kaikohe and Kerikeri in Policy D.3.2 and Whangarei is the only urban residential centre where the granting of consents for outdoor burning is to be avoided.
- Federated Farmers of NZ - supports PA rule C6.1.5. as the ability to burn unwanted organisms as part of a biosecurity management or eradication response is essential to protecting NZ's agricultural industry and native biodiversity. Support the prohibition of burning materials that are prohibited in the NES Air Quality Standards. FFNZ believe however that the burning of domestic waste, where there are no other practical options, should be permitted in the regional plan and seek greater collaboration with NRC to manage non-natural farm waste. Additionally, the different kinds of waste specified in C.6.1.9(15) are not defined and need to be.
- Horticulture New Zealand generally supports the framework, particularly Rule C.6.1.5 outdoor burning for biosecurity purposes. Hort NZ would be concerned however if rules applying to the Whangarei Airshed also apply to other airsheds as this would be too onerous.
- Mangawhai Harbour Restoration Society - state that the burning of organic matter, such as felled mangroves, as part of clearance activities should be classified as a permitted activity. It is the most cost-effective and time-saving option for disposing of cleared mangroves, and avoids/reduces the need for vehicular access to/within the CMA.
- New Zealand Defence Force - would like rule C.6.1.4 in relation to burning for fire training purposes retained.
- New Zealand Pork Industry Board - support rule C.6.1.5 on burning for biosecurity purposes.
- Silver Fern Farms - generally support rules and would like them retained.
- Warren Daniel - believes that rule C.6.1.5 cannot possibly avoid the release of objectionable smoke given the scale of burnoffs that may be required. He believes that there needs to be an urgent investigation to find sites with the suitable geology to establish the huge burial sites that may be required.

Burning for Energy Generation

- Federated Farmers of NZ - query the meaning of a 'burning device' in rules C.6.1.6 (small-scale burning for energy generation) and C.6.1.7 (large-scale burning for energy generation)? It would be better to use plain English terms. Also query if the 40KW heat capacity in C.6.1.6(1) sufficient to cover central heating as this would be overkill.
- GBCWinstone notes that the Requirement for Chimney Heights (Appendix H.5) uses methods from the 1956 Clean Air Act, and that modern computer modelling such as 'Ausplume' is more commonly used and appropriate for stack design. They seek to include provision for more modern methods to be used to account for all possible contaminants.
- Royal Forest and Bird Protection Society of NZ Incorporated - large scale energy generators should be required to gain consent as a discretionary activity for these activities. Northland, like the rest of NZ, should be aiming towards 100% renewable energy generation and to phase out burning non-renewable energy.
- Trustpower Ltd - (1) Supports the provision for large-scale burning for energy generation as a permitted activity, however, considers that clarification is required as to the rate of heat release/generation capacity parameters. Recommend amending Rule C.6.1.7 to provide clarification that where there is more than one burning device on one property, the total generating capacity of the site must be less than the specifications for the relevant fuel as listed in clauses 1(a), (b) and (c). (2) Trustpower opposes the classification of all non-permitted and non-prohibited burning as a discretionary activity. Trustpower considers that discharges of contaminants to air from large-scale burning for the purpose of electricity generation should be provided for as a restricted discretionary activity. (3) Retain Policy D.3.2 as drafted.

Other air discharges

Relevant provisions

- C.6.2.1 Wet abrasive blasting - permitted activity
- C.6.2.2 Dry-abrasive blasting within an enclosed booth - permitted activity
- C.6.2.3 Discharges to air from an enclosed landfill - permitted activity
- C.6.2.4 Discharges to air from industrial and trade activities - permitted activity
- C.6.2.5 Discharges to air not specifically regulated in the plan - permitted activity
- C.6.2.6 Discharge into air not permitted, controlled, restricted discretionary, non-complying or prohibited - discretionary activity
- D.3.1 General approach to managing air quality
- D.3.3 Dust and odour generating activities
- D.3.4 Spray generating activities
- D.3.5 Activities in the Marsden Point airshed

Submitters

- | | | |
|---|-----------------------------------|-------------------------|
| • Ballance Agri-Nutrients | • Kaipara District Council | • Refining NZ |
| • Egg Producers Federation of New Zealand | • Kelly Stratford | • Silver Fern Farms |
| • Federated Farmers of NZ | • Maiki Marks | • Tau Iho I Te Po Trust |
| • Fertiliser Association | • New Zealand Pork Industry Board | • Top Energy Ltd |
| • Fonterra | • NZ Transport Agency | • Transpower |
| • GBC Winstone | • Ravensdown | • Trustpower Limited |
| • Horticulture NZ | | |

Summary of feedback

Dust

- Kaipara District Council - KDC supports not regulating dust from unsealed roads and believes that a more restrictive approach would have a large financial burden on territorial authorities and work is already progressing on sealing the worst affected roads.
- Kelly Stratford - Discusses the health effects of road dust. States that at present there is nothing in the regional plan for the control of dust particles. Requests a dust management policy to ensure action and responsibility for management.
- Horticulture NZ - Market gardening is an outdated term. It is appropriate that orchards and commercial vegetable crops are recognised as dust sensitive as the quality of product can be adversely affected by dust, especially just prior to harvest. Horticulture New Zealand also seeks that there is clarity as to how offensive and objectionable thresholds and assessments will be implemented through the plan.
- NZTA - Rule 6.2.5(2) may capture dust generated from unsealed roads. It is unclear if this is the intention of the rule. Clarification is sought in this regard.

Abrasive Blasting

- Federated Farmers of NZ state that wet and dry “abrasive blasting” in rules C6.2.1 and C6.2.2 are not commonly used terms and believe to avoid doubt, the terms should be defined in the draft Plan so there is certainty. It may be appropriate to provide more explicitly for heavy metals in stormwater entering the CMA in the rules C6.2.1 and C6.2.2 i.e. by referring to wastewater systems not just the coastal environment.
- Transpower - Rule C.6.2.1 provides for wet abrasive blasting as a permitted activity and this is supported. However, the relationship between Rule C.6.2.1, C.6.2.4, C.6.2.5 and the default discretionary Rule C.6.2.6 needs to be clarified as it could be interpreted that as a substation can be considered an “industrial and

trade premise”, the default discretionary rule trumps all other rules. Additionally an advice note or exemption to the relevant rules in Section C.6. Air Quality is sought by Transpower to provide certainty that the rules would not apply for the National Grid lines existing at 14 January 2010 (which are covered by the NES Electricity Transmission. Transpower’s substations and any towers for new transmission lines would not be covered by the NESETA, therefore abrasive blasting would need to comply with Rule C.6.2.1.

- Trustpower Limited - support the provision of wet abrasive blasting as a permitted activity and support the provision for industrial or trade premises undertaking minor/incidental activities such as spray coating or storage and dispensing of fuel subject to suitable conditions to manage any potential effects on the environment. They oppose the classification of discharges to air from mobile dry abrasive blasting activities outside of an enclosed booth as a discretionary activity as too onerous. They note that other regional air plans provide for mobile dry abrasive blasting outside of an enclosed booth as a permitted activity subject to conditions. A new permitted rule is proposed with performance standards.

Spray (non-agricultural)

- Maiki Marks - states that spray drift from the painting of boats is spreading to neighbouring households (at Paihia).
- NZTA - Rule proposed to cater for road making and maintenance of structures - *Spray application of surface coatings containing diisocyanates or organic plasticisers for maintenance of infrastructure is permitted subject to these conditions: Spray application of surface coatings containing diisocyanates or organic plasticisers for maintenance of infrastructure (1) There must be no activities sensitive to air discharges within 30m of the activity. (2) There must be an exclusion zone that prevents public access within 15m of the activity. (3) The quantity of paint containing diisocyanates or organic plasticisers applied in a continuous application at a single location must not exceed 18 litres per day.*

Trade and Industrial Premises (C.6.2.4)

- Ballance Agri-Nutrients - believes that the inclusion of fertiliser storage and distribution sites, including the manufacturing of prilled sulphur, should be included on the permitted activity list (rule C.6.2.4).
- Fed Farmers of NZ believe C6.2.4 is long and hard to read and it would be simpler to define what an industrial or trade activity is (and avoiding accidentally capturing farming activities). They also have concern with the catch-all rule C6.2.5 believing many of the intermittent smells associated with primary production activities are already managed through setback rules in other sections of the draft Regional Plan.
- Fertiliser Association - Fertiliser bulk storage and distribution centres are classed as industrial and trade activities, however they are not specifically provided for in Rule C.6.2.4. These centres do not typically generate any significant discharges to air and for clarity, along with the other activities listed, should be explicitly provided for as a permitted activity, rather than rely on the ‘catch all’ provision. Retain Rule C.6.2.4 but include an additional activity; “premises for bulk storage and distribution of fertiliser”.
- GBC Winstone - notes that discharges to air from the Portland cement plant are not listed as a Permitted Activity. Discharges to air from the factory site would require consent as a discretionary activity. Given the established nature of the site and that effects are likely to be known, it considers that a restricted discretionary activity status is more appropriate.
- Silver Fern Farms - Rule 6.2.4 is supported as it provides for the various discharges from Silver Fern Farms operations as a manufacturer of food for human consumption; including the operation of refrigeration systems, yards to hold stock for processing and discharges of water vapour and steam.

Catch-all rules (C.6.2.5 and C.6.2.6)

- Egg Producers Federation of New Zealand - seek a restricted discretionary activity status for activities that can't comply with Rule 6.2.5 to recognise that some odour and dust effects are generally appropriate in a rural environment and all possible odour and dust effects can be identified. The plan contains a definition of odour sensitive activities however this is not used in the plan. The use of the term 'surrounds' in the definitions of sensitive activities needs to be defined and measurable. The submitter suggests that setbacks from sensitive receivers (including reciprocal setbacks) may be more appropriate. Policies and objectives should be included that give effect to this.
- NZ Transport Agency - Proposes a rule which specifically provides for mobile source discharges. This reflects that mobile source emissions are a matter controlled by central rather than local government - *Discharges*

to air from motor vehicles, aircraft, trains, vessels (including boats) and mobile sources not otherwise specified (such as lawnmowers), including those on industrial or trade premises (excluding tunnels). Permitted activity.

- NZ Pork Industry Board - Support for Rule 6.2.5 and Rule 6.2.6 is given

Policies (D.3.1 - D.3.5)

- Fonterra - references to Good Practice Guides need to include the correct title when finalised by MfE. Consideration of natural character effects from air discharge is burdensome and better dealt with as a land use matter under district plans. The policy should also be extended to recognise the economic and social benefits of regionally significant industry that discharge to air.
- Ravensdown - General support for Policy D.3.1, particularly the requirement to apply the best practicable option when managing the discharge of contaminants.
- Refining NZ - The Marsden Point Air Quality Strategy is out of step with newly introduced technology and information. There should be recognition of this in Policy D3.5. The air quality policy does not recognise reverse sensitivity effects or the ability of cumulative air discharge effects to constrain the operation of the NZ Refinery. NZ Refining support policy criteria in D3.1 that recognise these effects in the context of the operation of regionally significant infrastructure.
- Top Energy Ltd - State that in Policy D.3.1, It is noted that the Ministry for the Environment is updating all the national guidance listed under 8. Once the documents have been updated, they need to be clearly referenced. The policy also does not recognise the economic and social benefits of infrastructure that discharge to air. In Policy D 3.3, in relation to infrastructure it may be more appropriate to use "managed" rather than "minimised" in clause c) as minimising is not always feasible or practical on a large project.
- Trustpower support Policy D.3.1 however consider that clause (5) should be more explicit in that it is only natural character of the coastal environment, wetlands, lakes and rivers that is to be protected.. Amend policy D.3.1 as follows: When considering resource consent applications for discharges to air: ... 5) recognise that discharges to air can have adverse effects on the natural character of the coastal environment, wetlands and lakes and rivers and their margins. They support Policy D.3.2 and clause 3 of that policy in particular, as it gives effect to Objective 3.9 of the Northland RPS.
- New Zealand Pork Industry Board - request that there is recognition in Policy D 3.1 that the rural environment can generate discharge of odour. They also support clear policy to assess discharges to air in particular the consideration of the rural production environment as an environment within which discharges to air from a range of sources is typical.

Miscellaneous

- Tau Iho I Te Po Trust - Wish to speak on air quality matters.

Significant areas

Significant marine ecological areas and freshwater biodiversity

Relevant Provisions

- Significant marine ecological area maps
- Policy D.2.3 Managing adverse effects on indigenous biodiversity
- Does not include activity specific rules (covered under 'Coastal')

Submitters

- | | | |
|--|--|--|
| • Andre and Robin LaBonte | • Dr John Booth | • NZ Fairy Tern Charitable Trust |
| • Aquaculture NZ | • Fish and Game | • NZ Transport Agency |
| • Auckland Council | • Federated Farmers of NZ | • Refining NZ |
| • Beryl Wilkinson | • Fonterra | • Royal Forest and Bird Protection Society of New Zealand Incorporated |
| • B Primrose | • GBC Winstone | • Waipu Cycle and Walkway Trust |
| • Carl Savill | • Ian Southey | |
| • David Lourie | • Mangawhai Harbour Restoration Society Inc. | |
| • Department of Conservation on behalf of the Minister of Conservation | • Margaret Hicks | |
| | • Meridian Energy | |

Summary of feedback

Maps

- Andre and Robin LaBonte - The combined map shows Significant Ecological Areas, but the legend indicates it being a Significant Bird Area. It should be noted that this designation is shown in the CMA and landward of the CMA. Again, no further information was available from the map regarding this designation and its locations, and the technical report does not have specific information relating to the Waipu Cove – Langs Beach shoreline.
- Auckland Council - supports the mapping as it relates to Kaipara Harbour.
- Beryl Wilkinson - The maps of significant ecological areas include land and private property in the CMA adjoining 79 Beach Road, Onerahi (Allot. 451 Town of Grahamtown). The map also includes an area of what appears to be road reserve. Allot 451 includes an area of the coastal marine area in private title. This area has been modified by activity in the past and should not be identified as a significant ecological area.
- B Primrose - Requests that the mapping of the SBA seaward of 26 Princes Road, Ruakaka be reviewed for the following reasons: (1) While the area contains some saltmarsh, it is now largely occupied by small mangroves, (2) None of the species listed in the relevant assessment worksheet, with the possible exception of the Australasian Bittern, are likely to use the small mapped area. (3) The area immediately adjoins existing dwellings, the use of which will create some localised noise and light disturbance meaning that the site is unlikely to be used by secretive bird species such as the Bittern (or the unlisted NZ Banded Rail).
- Carl Savill - objects to the mapping of significant areas on private land.
- David Lourie - Ruakaka Dune Lake should be recognised as ecologically significant.
- Dr John Booth - in relation to the Bay of Islands comments that: (1) the coastline west from Tikitiki to the mouth of Te Puna Inlet, and including Te Pahi islands should be afforded the same status as equivalent areas in the southeast of the Bay of Islands and (2) Waikino Creek mangrove estuary should be afforded the same status as the Waitangi or 'Tangatapu'.
- Fonterra holds consent to excavate sand and shingle associated with testing and geotechnical investigations. Any future disturbance of the foreshore or seabed could be a non-complying activity. However, whilst the Significant Ecological Area Map identifies the area of the reclamation as a Significant Bird Area, it is unclear if a Significant Bird Area is a Significant Ecological Area. This requires clarification.

- Ian Southey - has concerns that although the technical reports for SEA's in Mangawhai Harbour are clear and accurate, the information has not been translated onto the maps and therefore the critical importance of the harbour for Fairy Tern's is not effectively recognised.
- Margaret Hicks - queries how given Ruakaka estuary is identified as an SEA in the draft plan, consent was granted to remove mangroves in the estuary.
- NZ Fairy Tern Charitable Trust - general concern with mangrove removal at Mangawhai Harbour and effects on the Fairy Tern given it is mapped as an SBA and SEA.
- NZ Transport Agency - Kawakawa Inlet Saltmarsh, remove the SEA from the SH11 road corridor
- Refining NZ - believes that the SBA map near the refinery is incorrect. Most of the significant areas do not include the channel at the entrance to Whangarei Harbour with the exception of the SBA area. The submitter seeks it be removed from the entrance consistent with other significant layers.

Policy D.2.3 - more flexible approach

Some submitters believe that a more flexible approach towards activities and managing effects should be embedded in the policy.

- Aquaculture NZ - support the mapping of significant value overlays with corresponding provisions to protect those values as appropriate. It is important however to articulate in the significant value overlays the particular characteristics and values that are being sought to protect. It is also important to acknowledge the existence of current marine farms, that are both within and adjacent to the overlays, in the descriptions of the overlays and confirm that the significant values continue to exist in harmony with those marine farms.
- Federated Farmers of NZ - Policy D.2.3 needs further clarification as 6(c) of the RMA only relates to significant indigenous vegetation, not to indigenous vegetation or biodiversity per se. It is also unclear what is meant by "indigenous biodiversity" as this is not defined in the plan.
- GBC Winstone, Federated Farmers of NZ and NZ Transport Agency believe that Policy D.2.3 should be modified to allow more options to remedy and mitigate.
- GBC Winstone, Fonterra and Meridian Energy suggest that the Plan should specifically include consideration of 'biodiversity offsetting and environmental compensation' as a method of avoiding, remedying or mitigating adverse effects. Fonterra wish to see definitions of both terms included.
- GBC Winstone are also concerned that in relation to Clause 3(a), (b) and (c) and Clause 4(a), (b) and (c): the listed areas are not mapped or defined and this creates uncertainty. Additionally Clause (5) is formulated as a definition of adverse effects (or possibly as assessment criteria) and recommend relocation to the definitions chapter. They also state that Clauses (6) and (7) are more akin to assessment criteria rather than policies and recommend relocating as assessment criteria or deleting.
- Mangawhai Harbour Restoration Society Inc - believes that Policy D.2.3 fails to give effect to the New Zealand Coastal Policy Statement, and Part 2 RMA. The plan needs to give greater focus on the restoration of the coastal environment to reverse the effects of anthropogenic influences to better give effect to the requirements of NZCPS Policy 14 (Restoration of Natural Character). MHRS also state that Draft Policy D.2.3 fails to give effect to NZCPS Policy 11 (Indigenous Biodiversity). MHRS notes that mangroves are regarded as indigenous, even though the existing species of mangrove has not always been present in New Zealand, nor is it unique to New Zealand. Therefore the Policies in the draft plan should positively enable the restoration of pre-anthropogenic (pre-mangrove) natural environments which contain high indigenous biodiversity and not prevent or inhibit environmental restoration activities. They request a revision of Policy D.2.3 as well as the addition of several other policies and objectives to this end.
- NZ Transport Agency believe that Clause 4) needs to be reworded for clarity as the intent is unclear. They query that in Clause 6b) - if an activity does not impact on an ecological area, whether it would be subject to consideration under this policy? In relation to Clause 6c) they consider that transitory means short term, not permanent and therefore the second part of the policy is not required.

Policy D.2.3 - enhanced protection

Some submitters believe that the policy could be amended to greater emphasis protection of indigenous biodiversity.

- David Lourie - suggests that more work needs to be done on defining adverse effects and that 'irreversible or long-term damage, disturbance or loss' are catastrophic effects. Requests a number of amendments to policy D.2.3 by (1) inserting the words activities and land uses known to have (adverse effects). (2) deleting references to 'no more than minor' effects 3) delete the word 'significant' in clause 3 and clause 4 and delete the option to remedy or mitigate in clause 4.
- Department of Conservation on behalf of the Minister of Conservation - support the policy subject to amendments including: (1) reference to 'characteristics and qualities' is inappropriate for indigenous biodiversity, as this wording is used in Objective 2 NZCPS specifically for natural character, natural features and landscape values. (2) In D.2.2 (2), the direction to avoid adverse effects 'so that they are no more than minor' is confusing. Either adverse effects are avoided or they are not. It would be more appropriate to state that adverse effects (other than those effects that are no more than minor) are avoided, or to include policy consistent with Policy 4.4.1(4)(a) of the RPS. (3) Policy D.2.3 (3) should be amended to refer to the management of other (non-significant) adverse effects.
- Fish and Game - state that there is no recognition of introduced and valued species that are protected under the conservation and wildlife acts which provide recreational values for sport.
- Royal Forest and Bird Protection Society of New Zealand Incorporated - support the general approach but would like the deletion of 'irreversible and long term' as seemingly short term and reversible effects can lead to cumulative impacts on fragile systems over time.

Policy D.2.3 - general support

- Waipu Cycle and Walkway Trust - gives general support for plan approach to protect significant areas.

Surfbreaks

Relevant Provisions

- Nationally and Regionally Significant Surfbreak Maps
- Policy D.5.28 Significant surfbreaks

Submitters

- Andre and Robin LaBonte
- Auckland Council

Summary of feedback

- A submission from Mr and Mrs LaBonte requests that the mapping of a Regionally Significant Surfbreak at Waipu Cove needs to be adjusted much closer to the public beach because the zone as drafted includes part of the coast that is not surfed.
- Auckland Council supports the identification of Nationally and Regionally Significant Surfbreaks and resource consent requirements for activities in the coastal marine area that could impact on them.

Natural character

Relevant Provisions

- Natural character maps
- Policy D.2.4 Managing adverse effects on outstanding natural landscapes, outstanding natural features, outstanding natural character and high natural character.
- Does not include activity specific rules (covered under 'Coastal' and 'Activities in the beds of lakes and rivers and in wetlands'.)

Submitters

- | | | |
|--|--|---------------------------------|
| • Andre and Robin LaBonte | • Federated Farmers of NZ | • Straterra |
| • Aquaculture NZ | • Ian Southey | • Top Energy Ltd |
| • Auckland Council | • Mangawhai Harbour Restoration Society Inc. | • Transpower |
| • Carl Savill | • Marilyn Cox | • Waipu Cycle and Walkway Trust |
| • Cooper and Company | • Meridian Energy | |
| • David Lourie | • NZ Transport Agency | |
| • Department of Conservation on behalf of the Minister of Conservation | • Patuharakeke Te Iwi Trust Board | |

Summary of feedback

There was a variety of comments on natural character maps and natural character policy (D.2.4). Submissions on rules relating to natural character protection are dealt with in the activity areas above.

Maps

- A and R LaBonte - Natural character information for McKenzie's Cove does not accurately represent this part of the shoreline along their property and five adjacent properties to the northwest. Any natural character boundary should follow the main limestone formations along the shoreline. Submitter does agree that the area shown on the north-western boundary is of High Natural Character. However, Draft Regional Plan Map I.5 and the Combined Map do not show the shoreline of our property (referred to as part of McKenzie's Cove) as High Natural Character.
- Aquaculture NZ - support the mapping of significant value overlays with corresponding provisions to protect those values as appropriate. It is important however to articulate in the significant value overlays the particular characteristics and values that are being sought to protect. It is also important to acknowledge the existence of current marine farms, that are both within and adjacent to the overlays, in the descriptions of the overlays and confirm that the significant values continue to exist in harmony with those marine farms.
- Auckland Council - support recognition of natural character in Kaipara Harbour.
- Carl Savill - Opposes identification of areas of significant value on private land.
- David Lourie - The mapping omits areas. Recommends that council looks at existing information and gets assistance from the Department of Conservation, Fish and Game, and NIWA to assist in providing publicly available information such as *Natural areas of Ecological Districts Reconnaissance Survey Reports* for the Protected Natural Areas Programme published by the Department of Conservation.
- Ian Southey - Mangawhai Harbour is mapped as a "Natural Character Area", with two areas ranked as "H" although there is no mention of the birds that depend on these areas.
- Mangawhai Harbour Restoration Society Inc - objects to various descriptions of natural character at Mangawhai. The objections are highlighted in the full submission. The MHRS notes generally that: (a) The overwhelming Mangawhai community support for mangrove removal evidences the local community's landscape preferences; (b) The historical state of the Harbour support restoration activities which seek to restore the Harbour back to its historical naturally mangrove free state and therefore enhance the natural character and processes of the Harbour; and (c) These factors represent the "context" within which the natural character of the Mangawhai Harbour is to be assessed.

- Marilyn Cox - concerned that while the dunes north of the Ruakaka River have a high natural character rating, there is no such rating for the duneland to the south between the Ruakaka and Waipu Rivers.
- NZTA - at SH 12 Natural Character Areas Upper Arapaoa Catchment (46/13), remove natural character from road corridor. Map terminology (natural character high and outstanding) would benefit from alignment with NZCPS.
- Top Energy Ltd - Support for layer only affecting water and not land. Amend plan to make express provision for infrastructure in natural character. Linear networks may need to cross these areas such as watercourses in order to serve the people of the Region.

Policy D.2.4 - more flexible approach

Some submitters believed that a more flexible approach should be embedded in the policy.

- Cooper and Company - Include a clause within this policy which recognises existing sites and their development potential, essentially acknowledging vacant lots, established for residential purposes, and anticipating that these will be developed over time.
- Federated Farmers of NZ - S 6 of the RMA only requires NRC to recognise and provide for the protection of outstanding natural features and landscapes. Reference to 'high natural character' should be removed. Fed Farmers are also concerned with use of avoid in Policy D.2.4. In light of the King Salmon case, avoid should be used carefully because it needs to be followed though with prohibited activity status and it might be better to use 'avoid, remedy or mitigate'.
- Mangawhai Harbour Restoration Society Inc. - believes that Policy D.2.4 is unbalanced, fails to give effect to the NZCPS and fails to achieve sustainable management of natural and physical resources as required by Part 2 RMA. It: (1) fails to adequately enable and provide for the proactive restoration and rehabilitation of the natural character of the coastal environment (NZCPS Policy 14 - Restoration of Natural Character), (2) adopts language which differs from NZCPS Policies 13 and 14, and therefore does not "give effect to" the Policy. (3) includes policies which do not appear to have valid resource management purpose and/or are unjustified or inappropriate. The MHRS considers that the extent of a restoration activity might 'impact on' a substantial portion of a landscape but that in itself does not mean that the outcome of the activity leads to a reduction in natural character of the area affected. To this end, the Plan should recognise and enable activities that allow for the restoration of original natural environments and landscapes (e.g. the mangrove removal at Mangawhai).
- Meridian Energy - Policy D.2.4 recognise that in providing for regionally significant infrastructure, avoidance of any adverse effects on natural character may not always be appropriate. Policy D.2.4 Clause 5 should be amended to recognise that avoiding, remedying or mitigating adverse effects on natural character may be appropriate in the case of development of regionally significant infrastructure including renewable electricity generation.
- NZTA - Wishes to see Policy D.2.4 aligned with NZCPS Policy 13 and 15 and include *'avoid, remedy, or mitigate other adverse effects'*
- Straterra - Mining projects would be manageable in terms of meeting the outcomes of the policy however a legal dispute could arise over a potential conflict between the "avoid" parts of Policy D.2.4, and the more enabling provisions. Recommend as redraft of the policy.
- Transpower - amendment is sought to clause 5 to refer to "inappropriate subdivision use and development" in context of avoidance as this would reflect Section 6 of the RMA, policies 13 and 15 of the NZCPS, and reflect that it is not all adverse effects which are to be avoided but rather those adverse effects from inappropriate activities. Such recognition would also give effect to the NPSET. An amendment is also sought to the policy to reflect policy 6 of the NZCPS in terms of recognising that some activities have a functional need to locate in the coastal marine area.

Policy D.2.4 - enhanced protection

One submitter believed that the policy could be amended to greater emphasis protection of natural character.

- Department of Conservation on behalf of the Minister of Conservation - The policy direction relating to high natural character should not be any different to other areas of natural character within the coastal environment (refer Policy 13 NZCPS, and Policy 4.6.1(1)(b) of the RPS). Reword Policy D.2.4 - manage adverse effects of activities requiring resource consent: 1) Outstanding natural landscapes, or 2) Outstanding natural features,

or 3) Outstanding natural character, or 4) ~~High~~ natural character, natural features and natural landscapes in the coastal environment 5) Avoiding: a. Adverse effects on the characteristics and qualities that make up outstanding natural character, outstanding natural landscapes and outstanding natural features in the coastal environment, and b. Significant adverse effects on the characteristics and qualities that make up high natural character, natural features and natural landscapes in the coastal environment, and c. ~~(i)~~ Significant adverse effects on the characteristics and qualities that make up outstanding natural landscapes and outstanding natural features outside of the coastal environment, and 6) Where (5) does not apply, avoid, remedy or mitigate adverse effects on the characteristics and qualities that make up natural character, and natural landscapes and natural features in the coastal environment.

General comments on Policy D.2.4

- Patuharakeke Te Iwi Trust Board - It is not easy to see how Policy D.2.4 ties into the rules.
- Waipu Cycle and Walkway Trust - support protection of natural character areas.

Outstanding natural features

Relevant Provisions

- Outstanding natural feature maps
- Policy D.2.4 Managing adverse effects on outstanding natural landscapes, outstanding natural features, outstanding natural character and high natural character.
- Does not include activity specific rules (covered under 'Coastal' and 'Activities in the beds of lakes and rivers and in wetlands'.)

Submitters

- | | | |
|----------------------------|--|------------------------------|
| • Alec Jack - Ngawhitu Ltd | • Department of Conservation on behalf of the Minister of Conservation | • Straterra |
| • Andre and Robin LaBonte | • Federated Farmers of NZ | • Top Energy Ltd |
| • Aquaculture NZ | • Mangawhai Harbour Restoration Society Inc. | • Transpower |
| • Auckland Council | • Max Oxborrow | • Whangarei District Council |
| • Carl Savill | • Meridian Energy | |
| • Carol Jessop | • NZ Transport Agency | |
| • David Lourie | • Patuharakeke Te Iwi Trust Board | |

Summary of feedback

There was a variety of comments on outstanding natural feature maps and outstanding natural feature policy (D.2.4). Submissions on rules relating to outstanding natural feature protection are dealt with in the activity areas above.

Maps

- Alec Jack - Ngawhitu Ltd - is concerned that the draft Plan has identified a portion of inundated land – known locally as “Jack’s Lagoon” or “Jack’s Lake” (the legal descriptions of the property on which most of Jack’s Lake is located on is Pt Ngawhitu A3B held in CT NA288/20) as an ONF. The submitter seeks that the entire area of “Jack’s Lake” be deleted from the ONF. The draft Regional Plan has also identified Pouerua (Pakaraka Mountain) scoria cone, lava flow field and lava dammed lakes. It appears that the drafted maps have been extended further south than existing mapping in the Far North District Plan. Submitter considers the boundary should be Ngawhitu Ltd land title boundary with the lake bed title owned by the Lake Owhareiti Trust.
- Andre and Robin LaBonte - believes the landward boundary of the Outstanding Natural Feature at McKenzie Cove, Waipu should follow the main limestone formations along the shoreline, rather than extending into kikuyu pasture. The submitter also believe that the line designating MHWS on the Draft Regional Plan Map I.4 (Figure 3) is at best a guess and is not properly, or able to be accurately identified on Map I.4. The summary description and contributing values appear to be a broad brush summary which is not fully representative of the shoreline along the property and adjacent properties nor is it representative of the ONF in water because it includes descriptions of landward features such as forest etc. The “layered rock columns” (pancake limestone) are representative of the wet areas of the Outstanding Natural Feature,
- Aquaculture NZ - supports the mapping of significant value overlays with corresponding provisions to protect those values as appropriate. Also support the intent of the mapping to recognise that existing aquaculture in or adjacent to outstanding natural landscape or character areas or significant ecological areas does not unduly impact the values of those areas.
- Auckland Council - supports the approach to ONF's and the inclusion of relevant areas in Kaipara Harbour.
- Carl Savill - opposes the identification of significant sites on private land.
- Carol Jessop - disagrees that the area marked in yellow on the Eastern side of Parua Bay is an ONF.
- David Lourie - the Ruakaka Racecourse Dune Lake needs to be included as it is the only dune lake on the east coast between Tomarata and Karekare Peninsular making the dune lake regionally significant.

- Mangawhai Harbour Restoration Society Inc - Most of the area shown as the yellow Outstanding Natural Feature is the portion of the Mangawhai sand spit/breach which was restored by the MHRS. In addition, the MHRS presently operates under a consent which permits maintenance dredging of the river channel and disposal of dredge spoil onto the spit in the area possibly shown as yellow, but difficult to determine accurately. This has the potential to inhibit or prevent the MHRS undertaking its existing dredging and restoration activities, including on-going (necessary) revegetation and stabilisation of the sand spit. Remove the ONF classification for the "wet areas" of the spit and /or provide for a separate Rule to be included in the Regional Plan to enable the MHRS to undertake its existing dredging and restoration activities, including ongoing revegetation and stabilisation of the sand spit.
- Max Oxborrow - thinks the ONF in Parua Bay is not accurate. Also object to the ONF at the Nook in Whangarei Harbour at Lot 2 DP58446 as submitter has riparian rights.
- Whangarei District Council - has commissioned an independent review of the proposed ONF boundaries over the One Tree Point cliffs. The report suggests that no part of the feature should extend into the beach or intertidal area, and it is requested that the NRC considers this matter to ensure the ONF is accurate.

Policy D.2.4 - more flexible approach

Some submitters believed that a more flexible approach should be embedded in the policy.

- Federated Farmers of NZ - Policy D2.4 contains a number of "avoids". In light of the King Salmon case, avoid should be used carefully because it needs to be followed though with prohibited activity status. For greater management flexibility, it might be better to use 'avoid, remedy or mitigate' rather than avoid.
- Meridian Energy - Policy D2.4 recognise that in providing for regionally significant infrastructure, avoidance of any adverse effects on outstanding natural features may not always be appropriate. Policy D2.4 Clause 5 should be amended to recognise that avoiding, remedying or mitigating adverse effects on outstanding natural features may be appropriate in the case of development of regionally significant infrastructure including renewable electricity generation.
- NZ Transport Agency - Wishes to see Policy D.2.4 aligned with NZCPS Policy 13 and 15 and include 'avoid, remedy, or mitigate other adverse effects'
- Straterra - Mining projects would be manageable in terms of meeting the outcomes of the policy however a legal dispute could arise over a potential conflict between the "avoid" parts of Policy D.2.4, and the more enabling provisions. Recommend as redraft of the policy.
- Top Energy Ltd - Support for layer only affecting water and not land. Amend plan to make express provision for infrastructure in ONF. Linear networks may need to cross these areas such as watercourses in order to serve the people of the Region.
- Transpower - amendment is sought to clause 5 to refer to "inappropriate subdivision use and development" in context of avoidance as this would reflect Section 6 of the RMA, policies 13 and 15 of the NZCPS, and reflect that it is not all adverse effects which are to be avoided but rather those adverse effects from inappropriate activities. Such recognition would also give effect to the NPSET. An amendment is also sought to the policy to reflect policy 6 of the NZCPS in terms of recognising that some activities have a functional need to locate in the coastal marine area.
- Whangarei District Council - recommend that D.2.4.6(6) be expanded as follows: "recognising that discrete, localised or otherwise minor effects not impacting on the whole landscapes, features or areas of natural character may be acceptable especially where the scale of effect is insignificant in relation to the scale of the feature or landscape".

Policy D.2.4 - enhanced protection

One submitter believed that the policy could be amended to greater emphasis protection of indigenous biodiversity.

- Department of Conservation on behalf of the Minister of Conservation - Reword Policy D.2.4 - manage adverse effects of activities requiring resource consent on: 1) Outstanding natural landscapes, or 2) Outstanding natural features, or 3) Outstanding natural character, or 4) High natural character, natural features and natural landscapes in the coastal environment 5) Avoiding: a. Adverse effects on the characteristics and qualities that make up outstanding natural character, outstanding natural landscapes and outstanding natural features in the coastal environment, and b. Significant adverse effects on the characteristics and qualities that make

up high natural character, natural features and natural landscapes in the coastal environment, and c.(i) Significant adverse effects on the characteristics and qualities that make up outstanding natural landscapes and outstanding natural features outside of the coastal environment, and 6) Where (5) does not apply, avoid, remedy or mitigate adverse effects on the characteristics and qualities that make up natural character, and natural landscapes and natural features in the coastal environment.

Policy D.2.4 - general comments

- 'Patuharakeke Te Iwi Trust Board - not easy to see how Policy D.2.4 ties into the rules.

Historic heritage

Relevant provisions

- Historic heritage maps
- Policy D.2.2 Managing adverse effects on Category A (significant) historic heritage and historic heritage areas.
- Does not include activity specific rules (covered under 'Coastal' and 'Activities in the beds of lakes and rivers and in wetlands'.)

Submitters

- | | | |
|---------------------------|--------------------|--------------|
| • Cooper and Company | • KiwiRail | • Transpower |
| • GBC Winstone | • Ms Aranne Donald | |
| • Kirsty and Craig Joiner | • Straterra | |

Summary of feedback

Sites

- Ms Aranne Donald - (1) supports the identification and protection of historic heritage buildings and structures located over the water in Rawene and other locations in the region and supports the approach to research Category B buildings to determine whether they warrant the same level of protection as Category A buildings.
- Cooper and Company - opposes the inclusion of Historic Heritage Map I.9. The rules attached to sites identified on this map result in unnecessary duplication of consenting requirements, and these rules are more restrictive than the requirements of the Heritage NZ Pouhere Taonga Act 2014. Redraft relevant rules works proposed within areas recorded as archaeological sites, or by Heritage NZ as heritage sites, as permitted or restricted discretionary activities, if an Archaeological Authority from Heritage NZ is obtained, and provided to NRC. Including a link within the Regional Plan to the above mentioned heritage agency websites would be a simple task, and it would link the Regional Plan to dynamic heritage databases which will likely be kept up to date at a faster pace than the Regional Plan can be updated. The non-complying status associated with certain activities in the CMA, where those activities are proposed in sites identified on map I.9, will unnecessarily restrict certain proposals within the CMA, which can be more appropriately managed via the requirements of the Heritage NZ Pouhere Taonga Act.
- GBC Winstone - does not agree with the classification of the Portland wharf and causeway as a Category A Historic Heritage item. The wharf has been disused, but managed for many years under a management plan and consent issued by NRC. The Portland site was visited earlier this year by Heritage New Zealand who did not wish to list the wharf as an item of significance. If it was included it would be necessary to make consequential amendments to a number of provisions to allow a permitted activity for the ongoing management of the structure and removal of elements as they present a risk to health and safety or to navigation. Submitter seeks that Portland wharf and causeway are removed from the list of Category A historic heritage sites.
- Kirsty and Craig Joiner - As the owners of the Rawene Boatshed, the submitter's are in support of it being listed as having significant historic heritage values and request that similar rules and policy apply to the buildings in the Category B list as to the buildings in Category A historic heritage. Also as past owners of the Butcher's Shop on the Rawene Foreshore the submitter's are in support of the listing of this structure in Category A Historic Heritage and it is important that this historic building is protected in some form even before the finalising of the new Regional Plan, as it is no longer under the jurisdiction of the FNDC.

Policy (D.2.2)

- KiwiRail - Having a definition of Category A (Significant) Historic Heritage is supported, however the practical ability to use Policy 4.5.3 of the RPS to determine what is Historic Heritage is questioned and a link needs to be made to the map. For certainty amend Policy D.2.2: Historic heritage that has been assessed as being significant under criteria in Policy 4.5.3 of the Regional Policy Statement for Northland and is shown on I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'. A similar change is requested in rule C.1.1.20 referencing the maps. KiwiRail also state that in C.3.1.19 –Fresh water

structures general condition - Clause 2 appears to replicate standards already proposed for permitted activities, and that C.3.1.17 already specifically provides for the removal, demolition or replacements of a site or part of a site as a non-complying activity.

- Ms Aranne Donald - (1) Does not support there not being rules to protect Category B buildings particularly where they are part of a collection of buildings which contribute to the townscape character of a place. (2) Requests incentives available to support owners who will be constrained by the protection of these resources. (3) Supports the policies for historic heritage as outlined in section D.2.2 but wants to see Heritage New Zealand considered an affected party for all applications relating to changes to these resources. (4) Concerned about Policy D.2.2. 3(a)(ii) regarding the ability to destroy a resource where there are significant public health and safety issues. (5) Would like to work with Council on developing this section of the plan.
- Straterra - D.2.2 duplicates and conflicts with the Heritage New Zealand Pouhere Taonga Act 2014.
- Transpower - The use of the word 'significant' within Policy D.2.2 Category A historic heritage and historic heritage areas is supported.

Tangata whenua values

Tangata whenua values

Relevant provisions

- Policies D.1 Tangata whenua

The parts of the following rules that refer to "effects tangata whenua and their taonga" as a matter of control or discretion

- C.1.6.1 Unlawful public road reclamations – controlled activity
- C.4.2.1 Wet weather wastewater discharge from a pump station or pipe network – controlled activity
- C.5.1.6 Existing dairy shed use – controlled activity
- C.5.1.7 Application for a new water permit where a consent is due to expire – controlled activity
- C.5.3.5 Re-consenting flood control schemes – controlled activity
- C.5.3.6 Land drainage schemes for which there is no approved management plan – controlled activity
- C.2.6.4 Construction, maintenance, alteration, decommissioning and closure of a bore that is not a permitted or controlled activity – restricted discretionary activity
- C.3.2.4 Wetland construction, alteration or extension – restricted-discretionary activity
- C.5.2.5 New dam (intermittently flowing) – restricted discretionary activity

Submitters

- | | | |
|-------------------------------------|--|---|
| • Bob Jones | • Kaipara District Council | • Top Energy Ltd |
| • Carl Savill | • Meridian Energy | • Transpower |
| • Dairy NZ | • NZ Defence Force | • Trustpower Limited |
| • Environment River Patrol-Aotearoa | • NZ Transport Agency | • Wai 2003, Te Wahapu o Hokianga |
| • Fiona King | • Pari Walker | • WAI 2027 - Kaikorero |
| • GBC Winstone | • Pacific Indigenous & Local Knowledge Centre of Distinction | • Wayne Parsonson and Yvonne Steinemann |
| • Hone Tiatoa | • Patuharakeke Te Iwi Trust Board | • Whangarei District Council |
| • Far North District Council | • Roger Ludbrook | • Yachting NZ |
| • Federated Farmers of NZ | • Tau Iho I Te Po Trust | |
| | • The Oil Companies NZ | |

Summary of feedback

General comments

- A number of submitters supported the tangata whenua policies (B Jones, Pacific Indigenous & Local Knowledge Centre of Distinction, Far North District Council and Kaipara District Council).
- NZ Transport Agency suggest a distinction between policies and rules within this chapter would help to clarify the approach to managing effects on tangata whenua and their taonga. For example, the provisions which are processing (D.1.1 and D.1.4) or informational requirements (D.1.2 and D.1.3) may be best suited within a General Rules section of the Plan.
- P Walker seeks slight change to the definition of "Tikanga", and changes to numerous rules to better recognise impacts on matters of significance to tangata whenua.
- WAI 2027 - Kaikorero - opposes further development in their rohe, until biodiversity within nga awatapu o Ngati Manu including te awatapu o Taumarere and te Moanatapu o Pikopiko i Whiti is restored and protected to become once again the rich and thriving biodiversity as it was in the 1930's.

- C Savill considers that Maori perspectives important but proposed policies promote separatism.
- The Oil Companies are of the view that the draft policies essentially require applicants to include a cultural impact assessment for all applications and that this is onerous and inefficient. They make a number of suggested changes to the policies (see submission for details).

Policy D.1.1 - When an analysis of effects on tangata whenua and their taonga is required.

- Dairy NZ and GBCWinstone would like more certainty about where the waterways are that are being used for untreated drinking water and mahinga kai.
- GBCWinstone, Tustpower and Top Energy question the inclusion of Policy D 1.1 (f) "potential climate change impacts ..." Climate change impacts are not required to be considered under the RMA and this item should be deleted. Top Energy also question inclusion of genetic engineering and suggest that non-regulatory methods may be more appropriate.
- GBCWinstone, Top Energy and Meridian thought that Policy D.1.2 "Determining whether effects on tangata whenua and their taonga are likely" was not necessary and could be incorporated into policy D.1.1.
- Environment River Patrol are concerned the policy is not clear in regard to who does the analysis of effects on tangata whenua. The submission talks about their experience with the consent applications for water takes from Poroti Springs and the concerns about using consultants to do assessments of effects on tangata whenua. They suggest that the council should do the assessment and that where the council assessment concludes that tangata whenua be consulted, then they should be considered an affected party for the purposes of notification.
- Tiatoa - wanted some confirmation about what happens to taonga not covered by the policy and how they would be protected.
- NZ Transport Agency supports this policy but for clarity, Taiāpure or Mataitai should be defined in the definitions.
- The Oil Companies and Federated Farmers are of the view that the draft policies essentially require applicants to include a cultural impact assessment for all applications and that this is onerous, inefficient and unduly increases costs unnecessarily for applicants. The Oil Companies make a number of suggested changes to the policies (see submission for details) to make the requirements for analysis of effects on tangata whenua less onerous.
- Federated Farmers would like definitions for all Maori words and questioned whether it was intentional to use "Maori" and "tangata whenua" appear to be used interchangeably. They also thought that the policies in D.1.1(2) appear to duplicate the policies in D.1.1(1).

Policy D.1.3 - Requirements of an analysis of effects on tangata whenua and their taonga

- GBC Winstone and the Oil Companies are concerned that the requirements for a cultural impact assessment (CIA) for resource consent applications are arguably ultra vires, too onerous, costly and unreasonable. GBCWinstone suggest that CIA's be reserved for matters which are likely to have a significant impact, and council should consider other methods of assessing effects. The Oil Companies make a number of suggested changes (see submission for details). GBC Winstone suggest the relevant method of assessment of effects should be determined having regard to the likely scale of effects, the specific circumstances of an individual application and the willingness of tangata whenua to be involved in consultation and assessment.
- Top Energy - In effect requiring a cultural impact assessment which could have a substantial cost to resource users – further information should be provided via the section 32 on the costs and benefits. If widespread cultural impact assessment is going to be required by applicants then the council will need to provide a facilitation service.
- NZ Transport Agency - In principle, an assessment of effects on tangata whenua and their taonga is supported. However, there is concern that this policy does not clearly articulate the practicality of undertaking an assessment (or outline a process), and the implications of requiring prior endorsement and consent by tangata whenua.
- Patuharakeke Te Iwi Trust Board suggest the definition of (2) "best practice" needs to be clarified.
- Trustpower supports this policy as it provides certainty for applicants.

Policy D.1.4 - Affected parties

- GBC Winstone, Top Energy, Yachting NZ and Meridian questioned this policy and considered that identification of affected parties should be left to the statutory tests under s.95 RMA. GBC Winstone suggested solution was to delete Policy D.1.4 while Meridian suggested softening the policy as - "*The following persons ~~must~~ may be considered an affected person...*". Top Energy suggest that such information may be best held under Section 35A to assist applicants in seeking approvals from the right parties.
- NZ Transport Agency suggested that the relevant entities considered affected parties should be listed by name and with contact details to help streamline the process.
- Whangarei District Council - Who will be determined as being the appropriate tangata whenua entity to consult with where issues of conflicting mana whenua status arise between iwi and hapu? How will the NRC navigate these issues where multiple iwi/hapu groups claim mana whenua over a particular area, with differing viewpoints. Guidance and direction on a sensitive issue is required.

Policy D.1.5 Managing effects on Places of Significance to Tangata Whenua

- NZ Transport Agency was concerned that this policy essentially creates a prohibited activity for those activities that cannot reduce the adverse effects to minor or less. They suggested considering rewording as a rule and/or to provide more clarity on how to determine adverse effects. They also make the point that it is difficult to determine impact of the policy when the Places of Significance haven't been mapped.

Policy D.1.6 - Places of significance to tangata whenua

- GBC Winstone, Meridian, Transpower, F King the Oil Companies and R Ludbrook want to see the Places of Significance to tangata whenua mapped in the plan, and Meridian would like supporting information of the specific values of the Places of Significance to tangata whenua made publicly available. R Ludbrook would prefer "Sites of cultural significance" as "places" are too broad.
- Federated Farmers are generally supportive of Policy D.1.6 but would prefer the title to use consistent terminology and refer to "sites or areas of significance" not "places".
- NZ Transport Agency and Top Energy want to know as early as possible where the Places of significance to tangata whenua are located, in order to understand the implications this may have on the existing network and provision of possible future infrastructure.
- The NZ Defence Force suggest some minor changes to the placement of 'and' and 'or' in Policy D.1.6 to make it clearer.
- C Savill is opposed to mapping of cultural sites of significance where they are on private property as it erodes private property rights.
- Patuharakeke Te Iwi Trust Board supports the mapping of places of significance but noted that it will require adequate resourcing as it is a complex exercise.

Other

Plan structure and approach

Relevant Provisions

No specific provisions

Submitters

- Andre and Robin LaBonte
- Ballance Agri-Nutrients
- Beef and Lamb NZ
- Dairy NZ
- Dr Gillian Durham
- Far North District Council
- Federated Farmers of NZ
- Fertiliser Association
- Fonterra
- Horticulture NZ
- Irrigation NZ
- Jane Johnston
- Kaipara District Council
- KiwiRail
- Kylie Brewer
- LMD Planning Consultancy
- M and L Dissanayake (LMD Planning Consultancy)
- Mangawhai Harbour Restoration Society Inc.
- Margaret Hicks
- Minister of Conservation
- Northland District Health Board
- NZ Defence Force
- NZ Transport Agency
- Patuharakeke Te Iwi Trust Board
- Refining NZ
- RIchard Alspach
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- The Oil Companies Ltd
- Top Energy Ltd
- Transpower
- Whangarei District Council
- Yachting NZ

Summary of feedback

General

There was a mix of opinion about the overall structure and format of the document. Those who support it are Refining NZ, Whangarei District Council, Kaipara District Council, Ballance Agri-nutrients, Dairy NZ, M and L Dissanayake and Top Energy. There were positive comments on its conciseness, ease of use, simplified format and that it addresses the statutory requirements in a straightforward manner and efficient way.

Beef & Lamb NZ and Horticulture NZ support the structure and 'lean' format but would like the reasons for the approach and the intended environmental outcomes clearly articulated in the plan (rather than relying on the s32) to aid with interpretation and understanding. They suggested that this be done through objectives and policies. Similarly, Federated Farmers would like explanatory information throughout the plan to help people navigate their way around it.

On the other hand there are those that don't support the overall structure and format. The Fertiliser Association and J Johnston thought it was difficult to follow the structure of the plan and the relationship between rules and policies are not always clear (they, like Yachting NZ and G Durham, advocate the traditional objectives, policies then rules format). J Johnston suggest an outline of how the rules contained in the plan relate back to the objectives, policies and methods (as used in the RPS) would also be useful.

The Northland District Healthboard don't like the 'rule book' approach. They think the rules should be clearly show how they achieve the strategic intent (e.g. as set out in the Regional Policy Statement). They also suggest the rules should link to objectives so the prescribed management approach (including rules) can be evaluated to determine whether they achieve the desired outcome. Lastly they would like to see more recognition and response to the impacts of climate change and biological human health risks and benefits.

R Alspach suggests the rules and the policies (the former more than the later) are very subjective and therefore may be unenforceable. He suggests adding an explanation on how the plan will be administered and interpreted.

Top Energy would like the plan to clearly identify the regional coastal plan provisions given the different requirements under the RMA (as in the Auckland Unitary Plan).

Federated Farmers strongly encourage a plain English review prior to formal notification of the plan.

NZ Transport Agency suggest a general/plan administration chapter in the plan may be of use in terms of providing for matters such as special information requirements, notification, cross zone issues. They suggest the Auckland Unitary Plan (Decisions Version) Chapter C is a useful reference (as it is relatively brief).

Margaret Hicks rejects the plan as it does not go far enough towards environmental protection and is too permissive.

Combined regional plan

Those that commented on the topic of a combined regional plan were supportive of a single regional plan (Top Energy, Horticulture NZ, and Whangarei District Council). However Horticulture NZ noted that the coastal portion of the plan is significant and suggested it may best be a stand-alone Coastal Plan

Introduction

Some submitters suggest an expanded introduction. J Johnston and Far North District Council would like to see reference to the Regional Policy Statement, s35 Monitoring Reports and s32 Assessment of Alternative (methods). Federated Farmers suggest the introduction should draw all of the regulatory and non-regulatory threads together.

Objective(s)

The NZ Defence Force supports the objective as being consistent with Part 2 of the RMA. Horticulture NZ suggest that as long as the policies are clear and reflect the outcomes sought for Northland then Horticulture New Zealand provisionally supports having only one objective.

However of a number of submitters are of a contrary view, and suggest the single objective is:

- too general to be of any real guidance,
- doesn't address all the matters the plan grapples with,
- doesn't give meaning and context to policies, and
- doesn't give effect to higher level documents (Forest and Bird, Transpower, Mangawhai Harbour Restoration Society, Yachting NZ and Minister of Conservation).

Furthermore, Yachting NZ suggest the objective is not achievable as not all future environmental, cultural, social and economic values can be maximised for all use and development. As a minimum the single objective needs to be significantly reworked by reference to the core purpose of the Act.

Northland District Healthboard and G Durham would like the objective(s) amended to address the health and safety of the Northland community - which is explicit in the purpose of the RMA.

Forest and Bird suggested that if the intention is for the RPS to provide the fundamental framework of objectives and policies, then this framework should be restated in the plan.

Policies

The following concerns were raised about the general approach to the policies:

- The approach of not repeating policy in higher order documents does not enable the Plan to give effect to these documents as required by Section 67(3) and it creates gaps for the proper assessment of non-complying activities by Section 104D (Minister of Conservation and Transpower)
- The policies are more in the nature of methods which clarify how rules are to be applied as opposed to setting the structure within which the rules have been developed (Forest and Bird)
- Some policies read more like rules or methods using wording such as "may only be granted" or "do not allow" or "avoid" and should be re-framed e.g. as rules (Fertiliser Association, NZ Transport Agency and Transpower).
- References to "rules" within the policies should be removed (Transpower)

- There is no overall policy directive to recognise positive benefits (e.g. regionally significant infrastructure) (Transpower)
- If policies are intended to be used as matters of discretion/assessment criteria, an explicit statement to this extent should be included in the Plan and cross referencing to relevant policies made for each rule. Also a number of policies may be better placed as matters of discretion, definitions, information requirements or assessment criteria (NZ Transport Agency)

Federated Farmers agree that restating policies already covered in the Regional Policy Statement or National Policy Statement doesn't make a lot of sense. However, they suggest the plan does need to explain the relevance of those policies and where readers should go for more information (i.e. rather than just including links). This is because rural broadband in Northland is often poor and many people are not comfortable operating in the online environment.

Fonterra sought a general policy to better recognise the importance of large scale industry - *'When considering resource consent applications for discharges to air, land and/or water, recognise and provide for the long term national, regional and local economic and social benefits of industrial activities'*.

Oil companies are of the view that Policy D.2.1 is a 'process' policy drafted as a method, rather than a policy itself. Policies should be able to be used when assessing and determining resource consents. A good litmus test for a policy is whether or not it will fulfill that purpose.

Rules

It would be more useful to have the general conditions at the start of the specific rule section rather than the back (Beef and Lamb).

G Durham suggests that the structure of the rules should set out the outcome, how to achieve the outcome, and how to comply with the rule. Also suggests that the plan shouldn't include rules that are already covered elsewhere and should use language consistent with the language of other rules boatsies have to comply with.

Federated Farmers support the informative RMA section references at the conclusion of each rule but would like it expanded to include the relevant policies and schedules.

Permitted activities

Kaipara District Council and Patuharakeke Te Iwi Trust Board are concerned about how the increased number of permitted activities will be monitored and policed. They suggest that these activities will be to be actively monitored (not just by complaint) to ensure compliance and to have information of resource use. Kaipara District Council suggest a high-level monitoring framework should be adopted.

Beef and Lamb NZ had concerns over the performance standards of some of the permitted activity rules. They were concerned that some were not comprehensible to a reasonably informed person, not discernible or certain enough to farmers and may not meet the requirements of s70 RMA.

Comments were made about the requirement of many of the permitted activities to notify the council's compliance manager. Kaipara District Council and Patuharakeke Te Iwi Trust Board would like the regional council to forward notification to the district council and tangata whenua. KiwiRail, Federated Farmers of NZ and Kylie Brewer were concerned that this requirement is overly onerous, will create administrative issues for the council and the rationale for it unclear.

Non-regulatory methods

A few submissions questioned how the non-regulatory methods that sit alongside the rules in the plan will be articulated (Irrigation NZ, Federated Farmers and Horticulture NZ). A concern is that if the non-regulatory methods are not clear, then other stakeholders may request the insertion of ill-informed rules through the hearing or subsequent environment court processes. This would likely result in a plan that was not practical when it came to its implementation (Irrigation NZ). Non-regulatory methods are also an important tool for fostering strong relationships between Council and the rural production sector and achieving win-win economic and environmental outcomes (Horticulture NZ).

One suggestion is for an explanation to be included in the plan of the significance of non-regulatory methods, how they dovetail with regulations and where residents can go for more information about those initiatives (Federated Farmers). Horticulture NZ suggest the council needs to clarify where these other methods sit and their commitment to them, and at the very least there should be a reference as to where non-regulatory methods can be found outside the Plan.

Kaipara District Council note that a large number of the draft rules will require an education programme to inform residents of changes to activity standards or new requirements.

Maps

Andre and Robin LaBonte and Federated Farmers of NZ have concerns over the general accuracy of maps (specific examples provided under SEA, ONF, natural character, aquaculture and surfbreak topics). Federated Farmers of NZ want the maps to be of higher quality and accessible offline.

Financial Contributions

Federated Farmers of NZ has some concerns about how financial contributions would work in practice, particularly as they relate to "wetlands", and would like to discuss these provisions further with NRC. If these provisions are to remain,

Fonterra is concerned that there is little guidance given within this section as to the likely quantum of a financial contribution imposed as a condition of consent. It would be helpful for the provisions to provide some better guidance as to the likely quantum. While there are well understood legal restrictions, it would also be helpful for the financial contributions section to expressly acknowledge that: (1) Financial contributions cannot be sought where the effect is addressed through another mechanism (e.g. development contribution); (2) Financial contributions will be reduced where the effect of concern is proposed to be addressed in another way by an applicant for consent (e.g. through offsetting). (3) The quantum of any financial contribution will not be affected by the ability of any consent to pay (or to not pay) any such contribution. The matters for which Council is seeking a financial contribution should be limited to those matters over which the regional council has responsibility - the 'General Works' category in Table 14 is very broad and could be applied to a large range of activities for which financial contributions are not appropriate.

Statutory Acknowledgements

Federated Farmers of NZ believe that the plan should explain what statutory acknowledgements are so people can assess the importance of seeking out the information.

Natural hazards

Relevant Provisions

- Definitions relating to natural hazards
- One percent AEP flood plain maps
- Policies D.6.1 - D.6.5 - Natural hazards

Submitters

- | | | |
|--|----------------------------|--|
| • Auckland Council | • Kaipara District Council | • Royal Forest and Bird Protection Society of New Zealand Incorporated |
| • Beef and Lamb NZ | • KiwiRail | • Ted Breach |
| • David Clarkson | • Margaret Hicks | • The Oil Companies NZ |
| • Department of Conservation on behalf of the Minister of Conservation | • Myra Larcombe | • Top Energy Ltd |
| • Far North District Council | • NZ Transport Agency | • Whangarei District Council |
| • Fonterra | • Refining NZ | |
| • GBC Winstone | | |
| • Graeme Darroch | | |

Summary of feedback

The vast majority of those that provided feedback on the natural hazards policies indicated support for the proposed policies. The Whangarei and Far North District Councils noted that Policy D.6.2 refers to 'regionally significant' infrastructure but that much of their infrastructure, although not classed as regionally significant, still needs to be protected against natural hazard events. They stress the policy framework should enable this. With regards to the hazard maps, those that provided feedback noted that it was difficult to navigate through the regional councils website to the maps. They therefore requested that hazard maps are inserted into the new plan, both to provide greater certainty as to what parts of the region and covered by natural hazards overlays but also to provide better access to the maps. The specific feedback is elaborated upon below:

Definitions - Auckland Council is unsure why the definition of 'high risk coastal hazard area' has a 50 year planning horizon when the NZCPS requires the use of a 100 year timeframe for coastal hazards. The Northland Draft Coastal Hazard Maps (2016) show the potential extent of coastal erosion and flood hazard from storm surge over 50 and 100 years. The plan should therefore use the 100 year areas rather than the 50 year areas.

Hazard mapping - Beef and Lamb NZ seek that the one percent annual exceedance probability floodplain maps are included within the plan as maps I.1 to I.14 are. Notes that it is very difficult to navigate through the regional councils website to locate the flood hazard maps since they are not included in the plan. "One percent Annual Exceedance Probability floodplains" is referred to as a standard in rule C.2.3.1, and requires that no more than 100m³ of earthworks is placed in areas mapped as at risk of flooding. However, working out exactly what this means as a farmer is complicated. The maps are not included in the dRPN. The rule as proposed requires that someone looking at the plan has to find the maps and work out the extent of the flood risk, before they can determine whether or not their activity is compliant with the rule. GBC Winstone also note that the flood hazard maps are difficult to find and seek that they be readily available in Section I of the Plan and not just as a link in the definition. Top Energy - In relation to high risk flood hazard areas and 1% AEP floodplains, notes that the flooding maps are difficult to find and that it is unclear where the associated rules are applied. Also need to ensure that maps take into account works undertaken - for example, Top Energy has established rock armouring of the river bank for its Puketona Depot (1254 Black Bridge Road, Oromahoe) which alters flood patterns.

Fonterra consider that the RPS seems to create an overlap between the functions of District and Regional plan provisions and that consideration should be given to addressing flood risk at the district plan level as this enables specific consideration of land use. As with the submitters above, Fonterra believe if the flood maps are intended to form part of the Plan they should be included in Appendix I: Maps.

Policies - Kaipara District Council note that in relation to natural hazard policies, they are drawn from the new RPS. KDC is therefore supportive of these protective measures. KiwiRail supports Policy D.6.2 and the recognition at (1)(b)(ii) for regionally significant infrastructure and the protection of this through hard engineering structures is provided for where this the only practical means of protecting the infrastructure. Royal Forest and Bird believe that the new plan needs to include a policy on climate change. This policy should recognise likely impacts for the Northland Region and set out at a broad level the approach to be adopted in assessing and managing actual and potential effects of climate change. Also need a new policy recognising the role of ecosystems / natural features / habitat in mitigating the effects of natural hazards, including the capacity of wetlands to mitigate flood hazard and the capacity of coastal vegetation to mitigate coastal hazards. Margaret Hicks in relation to Policy D.6.4, submits that the regional council needs to recognise that natural defences are invariably the most effective protection against natural hazards and therefore as stated in Policy D.6.1, modification to natural defences should be avoided. With this in mind, it is particularly important to preserve the structural integrity of dunes and retain mangroves because they are two of the most effective defences against erosion and flooding. The Minister of Conservation submits that in relation to natural hazard policies, they support Policies D.6.1 and D.6.3 as they are consistent with NZCPS provisions. Support the criteria within Policy D.6.2 but seek that it is amended to implement Policy 27(4) NZCPS, and direct that where hard protection structures are considered necessary to protect private assets, they should not be located on public land if there is no significant public or environmental benefit for doing so.

Far North District Council note that in relation to natural hazard policies, the policies in D.6 are in accordance with the RPS which provided strong guidance to Regional and District Councils. With specific reference to Policy D.6.2, the FNDC may need to create new hard protection structures to protect roads, treatment plants or other infrastructure. The policy framework should be interpreted as enabling this. Whangarei District Council, in relation to Policy D.6.2, are also concerned that the policy does not provide any protection to the ability of WDC to utilise hard protection structures to protect core infrastructure such as the coastal road reserve network (and the network infrastructure within it) or the parks and reserve network along the coast. Reference to 'regionally significant' infrastructure functions excludes the majority of the District's road reserve network, and the network of parks and reserves along the District's coastline which facilitate public access and enjoyment of the coastal marine area. Additionally, in relation to clause b(iii) please confirm what a concentration of 'existing vulnerable development' is. This is not defined. Clause (2) refers to 'beach' but 'coast' may be more appropriate.

The New Zealand Transport Agency seek a new policy specifically relating to critical infrastructure - 'Where critical infrastructure has a functional or operational need to locate in a natural hazard area, the risk of adverse effects to other people, property, and the environment shall be assessed and significant adverse effects are sought first to be avoided or, if avoidance is not able to be totally achieved, the residual effects are otherwise mitigated to the extent practicable'. Additionally, request changes to policy D.6.2 to include reference to best practicable option (in clause 1b) as sometimes there may be other options (ie retreat of road) however providing a new hard protection structure is the best practical option. Later part of sentence in clause 2 does not seem to fit and suggest removing it. Change references of 'must' to 'should'.

Miscellaneous - David Clarkson believes that the new plan should have a full section dealing with the effects of climate change. This should include plans developed to minimise the effects of sea level rise along with the damage caused by increased high intensity rain events and flooding. Graeme Darroch believes that rules should allow for stopbanks to be raised as of right to a certain height e.g. 1 in 25 year event. Myra Larcombe states there is a build-up of metal at the bend in the Kawakawa River (just downstream of Piano bridge). This blocks the flow of water and flood waters can't recede. Ted Breach wants sand blowouts (affecting reserve, properties and road) and Taupo Bay to be addressed.

Refining NZ - stated that they have completed a comprehensive coastal erosion strategy for the coastal area around the refinery. They want the strategy recognised within the policy and rule sections of the Plan, including a corresponding enabling activity status for coastal protection works within the hard protection structures and earthworks sections. Policy D.6.2 of the plan recognises that hard protection structures may be necessary for the protection of infrastructure but there is nothing that specifically enables the protection of such infrastructure within the rule framework. They seek the introduction of a controlled activity rule (to give effect to Policy D.6.2) for construction and maintenance of hard protection structures (irrespective of zone or overlay) to protect nationally significant infrastructure. Especially when the works have been identified within a council authorised coastal erosion strategy. Also consider that there is duplication between works under coastal structures section and the earthworks section. Seek that earthworks associated with hard protection structures should be exempt from earthworks rules under section C.2.3.1.

The Oil Companies NZ - In relation to high risk flood hazard areas, the Oil Companies consider that the rules should only apply to mapped areas. No unmapped areas should be regulated. To do so would be too uncertain, and it would be inappropriate to be able to change the areas subject to the flooding rules, without going through the proper Plan Change process. They therefore want the definition amended to state ~~Note: Where the~~ The spatial extent of these areas have been mapped by the regional council ~~they and these~~ are referred to as mapped 10 year flood hazard areas. – These locations can be viewed on the council's GIS (map) viewer. They also want to ensure that all references to these areas in the rules are to 'mapped 10 year flood hazard areas'.

Regionally significant infrastructure

Relevant provisions

Non specifically

Submitters

- Horticulture NZ
- KiwiRail
- Meridian Energy
- Northpower Ltd
- Northpower Ltd and Top Energy Group
- NZ Defence Force
- NZ Geothermal Association
- Refining NZ
- Transpower
- Top Energy Ltd

Summary of feedback

- Horticulture NZ - wants irrigation infrastructure defined as regionally significant infrastructure.
- KiwiRail - support the definition for regionally significant infrastructure and reference to rail corridors in the RPS. Also support policy for specific activities (e.g. reclamations).
- Meridian Energy - (1) supports the inclusion of the definition of regionally significant infrastructure however the Plan should set out in full, the definition of 'regionally significant infrastructure' (that is in the RPS). (2) Seeks that the Plan specifically recognises and provides for renewable electricity generation including policy and rules. (3) Recognise operational and locational constraints in relation to significant areas.
- Northpower Ltd - would like to see a higher profile for regionally significant infrastructure in the Plan.
- Northpower Ltd and Top Energy Group - specifically concerned with afforestation in relation to regionally significant infrastructure (addressed in the 'afforestation' topic (see above).
- NZ Defence Force - The definition for regionally significant infrastructure should include defence facilities.
- NZ Geothermal Association - would like a definition of geothermal energy included in the plan.
- Refining NZ - would like a discretionary activity status (rather than non-complying) where activities associated with regionally significant infrastructure fall within significant or outstanding natural areas.
- Top Energy Ltd - are concerned with: (1) the apparent lack of provisions in the Plan to deal with geothermal matters. (2) the lack of provisions in the plan specific to infrastructure activities (and does not give effect to the strategic policy direction set for infrastructure in the Regional Policy Statement).
- Transpower - recommends a number of changes to the introduction, objectives and policies to expand recognition of regionally significant infrastructure generally and the national grid specifically. Some rule based changes are proposed as well and these are covered under the relevant topics above.

Good management practice / guidelines

Relevant provisions

Definition of "good management guidelines" and reference to good management practices in Policy D.2.1
Note - feedback on specific guidelines are covered in the respective topic areas. This section is limited to general comments about good management practices.

Submitters

- Beef and Lamb NZ
- Dairy NZ
- Federated Farmers of NZ
- GBC Winstone
- Ravensdown
- The Oil Companies NZ
- Top Energy Ltd

Summary of feedback

The general theme from all the submitters is that the term "good management guidelines" should be changed to "good management practices", and the definition be broadened to not be so prescriptive leave room for future relevant guidelines (GBC Winstone are the exception - they like the definition but suggest additional good practice guidelines). Suggested amended definitions are:

- *Good Management Practice: Practices, procedures or use of tools which are effective at achieving the desired performance while providing for environmental responsibility. Good management practice evolves through time and results in continuous improvement as new information, technology and awareness of particular issues are developed and disseminate. Support is given to identifying these as: "Industry Agreed Good Management Practices" being the practices described in the document entitled 'Industry-agreed Good Management Practices relating to water quality' - dated September 2015. (Ravensdown - an industry accepted definition)*
- *Good management practice refers to the evolving suite of tools or practical measures that could be put in place at a land user, sector and industry level to assist in achieving community agreed outcomes (in this case for water quality). (Federated Farmers - Land and Water Forum 2015 definition)*

Also the point is made that Policy D.2.1 refers to "good management practices" (which isn't currently defined) and that it's not clear how this relates to the definition of "good management guidelines" (Ravensdown and The Oil Companies).

Beef and Lamb are concerned that the guidelines referred to in the definition may not be relevant in all circumstances and that a long list of guidelines just adds to the plethora of regulatory requirements that (in this case) farmers would need to understand and adhere to. Their suggestion (for farming) is to move to a farm environment plan approach (see below for discussion) or the good management guidelines to be streamlined and improved so that they are consistent across industries and council and are relevant to the activity which is being undertaken, and the environmental risk associated with it.

If the prescriptive definition for "good management guidelines" is retained, the some submitters want additional industry good practice guidelines added (The Oil Companies and Top Energy).

Farm environment plans

Relevant Provisions

There are no relevant provisions.

Submitters

- Beef and Lamb NZ
- Federated Farmers

Summary of feedback

Both submitters strongly encouraged council to consider the use of voluntary development of farm environment plans as an alternative to a number of the rules applying to farming activities (stock exclusion, cultivation and vegetation clearance). They suggest it's a preferred approach because:

- It's a targeted approach to identify and manage environmental risks associated with their specific farms and operations
- It works proactively and positively with farmers to build their capability and understanding, while incentivising ownership of the solutions
- It's more enduring and will be far more effective in addressing environmental issues than blanket and blunt regulatory methods
- Stock exclusion is not a silver bullet as it has unintended consequences, which are costly to manage.

Mining

Relevant provisions

Non specifically

Submitters

- Evolution Mining NZ
- Far North District Council
- Korey Atama NZ
- Mark Schreurs
- Puhipuhi Mining Action Group
- Straterra

Summary of feedback

- Evolution Mining NZ - believes that the plan would benefit from having specific recognition of mineral exploration and mineral extraction and processing including definitions of an 'exploration permit' and 'mineral extraction and processing permit'. The draft plan is silent on the activity status of exploration. and it is recommended that mineral exploration by the holder of an Exploration Permit be made a permitted activity, subject to the mining company submitting its plan of activity to the regional council's compliance manager for exploration at least 10 working days in advance of any mineral exploration activity involving construction and decommissioning of temporary exploration bores and / or extraction of bulk samples in excess of 10 m³
- Far North District Council - in the CMA, structures associated with mineral exploration and extraction could be addressed separately from structures generally.
- Korey Atama NZ - wants a ban on mining.
- Mark Schreurs - would like a more permissive approach towards mining as practices are now more environmentally friendly.
- Puhipuhi Mining Action Group - mining activities (other than quarrying) need to be defined, and that they should be controlled activities. Add provisions to: (a) Define mineral exploration (b) To have all applications for mineral exploration to be a controlled activity.
- Straterra - general comment that there is typically duplication between mining activities under the RMA and other acts (e.g. HSNO) although this is primarily outside the control of councils.

Definitions - general

Relevant provisions

Non specifically

Submitters

- Beef and Lamb NZ
- Far North District Council
- Federated Farmers of NZ
- Fonterra
- Horticulture NZ
- NZ Defence Force
- NZ Transport Agency
- Ravensdown
- Royal Forest and Bird Protection Society of New Zealand Incorporated

Summary of feedback

- Beef and Lamb NZ - is concerned as a general point that there are a number of terms used in the plan which are not defined, such as 'zone of reasonable mixing', 'toxicant', 'lowland river', 'Hill country river', 'outstanding waterbody', 'river classes', 'small river', 'large river', 'farm plan' etc...(covered in topic areas above)
- Far North District Council - as a general point some operative definitions are not stated in the draft and FNDC request that they be included - examples include primary and secondary wastewater, contaminants, dune restoration etc...(covered in topic areas above)
- Federated Farmers of NZ - do not support replication in the draft Regional Plan of definitions in other laws and regulations. However, where words or terms such as "Coastal Marine Environment" feature prominently in planning documents, the Definitions section should include those words or terms and refer readers to the relevant law or regulation.
- Fonterra would like a definition of 'best practicable option' in the plan and suggest wording.
- Horticulture NZ - have some concerns about specific definitions (covered in topic areas above). As a non-topic specific point however the definition of 'authorised' gives the example of having a resource consent. An authorised activity could also be permitted activity so it is important to recognise that such activities are 'authorised'.
- NZ Defence Force - wish the plan to clearly identify all words and terms that are defined such as by underlining, the use of italics or similar at each appearance.
- NZ Transport Agency - have some concerns about specific definitions (covered in topic areas above). A number of policies may be better placed as matters of discretion, definitions, information requirements or assessment criteria.
- Ravensdown and Royal Forest and Bird Protection Society of New Zealand Incorporated - have some concerns about a large number of specific definitions (covered in topic areas above).

Genetic engineering / genetically modified organisms

Relevant Provisions

There are no relevant provisions

Submitters

- Anna Hamilton
- Anna and Ian Sizer
- Asha Anderson
- Asta Wistrand
- Auckland GE Free Coalition
- Barbara Belger
- Ben and Felice Tombs
- Benjamin Pittman
- Bob Jones
- Carol Bobb
- Christine Machanek
- Elke Liebe and Aiden Spiers
- Far North District Council
- Fiona Robinson
- GE Free Northland
- Iain Whitaker
- Inge Bremmer and Rolf Mueller-Glodde
- Joachim Kupiec
- Joanne Sharp
- Johnson Davis
- Jonathan and Viktoria Hay
- Katrina Upperton
- Ken Ross and Sandy Sievers
- Keri Molloy
- Kerikeri Organic
- Leone Cooper
- Lesley Jones
- Liz Russell
- Margaret Hicks
- Mark Schreurs
- Mary McDonald
- Mary Wilson
- Meredith Wyness
- Mike and Clare McGlynn
- Neil Thomas
- Nicole Jellard
- Oliver Autet
- P Allen
- Pamela Sokach
- Paul Quinlan
- Puhipuhi Mining Action Group
- Richard Alspach
- Ross Clark
- Simon and Bronwyn Gregory Hunt
- Steve Goldthorpe
- The Soil & Health Association of New Zealand
- Tony Achtzehner and Theodora Clarke
- Trish Puharich
- Tui Shortland
- Whangarei District Council
- Zelka Linda Grammer

Summary of feedback

All the submissions were either opposed to genetically modified organisms (GMOS) or want the plan to include provisions for managing GMOs which reflect the precautionary provisions in the Regional Policy Statement and are consistent with the Auckland Unitary Plan. In particular many of the submissions requested the following:

- Include GMO provisions in the Coastal Marine Area section of the Draft Plan that are the same as in the Auckland Unitary Plan, that being to adopt a precautionary approach to the management of GMOs by prohibiting the outdoor release of a GMO and making outdoor field-testing a discretionary activity, in the Coastal Marine Area.
- Include GMO provisions in the Soil & Water section of the Draft Plan that avoids toxic discharges to soils & waters from GMOs, thereby avoiding transgenic contamination of soils & waterways.
- Adopt a resource management framework for the management of GMOs that is Regional specific taking into account environmental, economic, cultural and social well-being considerations.

Miscellaneous

Relevant provisions

Non specifically

Submitters

- A & G Greenhalgh Farms Ltd
- Alan Agnew
- Far North District Council
- J L Hayes (Michael Hayes)
- John Harrison
- Richard Alspach

Summary of feedback

- Several submitters discussed ONL which is not being mapped in the draft regional plan, being more a land based value (ONL is mapped in district plans however.) A & G Greenhalgh Farms Ltd had concern over ONL mapped at 1447 Patua North Road and effect on private property rights. John Harrison wishes to be consulted about ONL mapped on his land at Patua South. Far North District Council is concerned that outstanding natural landscapes have been excluded and are thus not afforded the same protection as other matters in s.6 of the RMA. As they have land and seas components in every instance in the Draft Plan where additional protection is afforded to outstanding natural character areas and outstanding natural features, outstanding natural landscapes needs to be included.
- Alan Agnew - wishes to amend daylight saving hours.
- J L Hayes (Michael Hayes) - (1) Culling of wild birds should be encouraged, (2) Monitoring of E.coli in urban and small settlement areas is important - contamination of faecal pathogens can be found in pristine bush creeks caused by humans and possums.
- Richard Alspach- concerned about the willow tree aphid, which has the potential to undermine erosion control planting and is a major threat to the bee industry, both because of the loss of early season pollen source, and the way that honey dew collected crystallises in the hive.



Contact us:

Main Office

36 Water Street, Whangārei.
Private Bag 9021, Whangārei
Mail Centre, Whangārei 0148.

Ōpua Office

Unit 10, Ōpua Marine Park,
Ōpua 0200.
T: 09 402 7516 | F: 09 402 7510

Kaitiāia Office

192 Commerce Street,
Kaitiāia 0410.
T: 09 408 6600 | F: 09 408 6601

Dargaville Office

42 Hokianga Road,
Dargaville 0310.
T: 09 439 3300 | F: 09 439 3301

Telephone: 09 470 1200 **Facsimile:** 09 470 1202

Email: mailroom@nrc.govt.nz

Freephone: 0800 002 004

24/7 Environmental Hotline: 0800 504 639

Website: www.nrc.govt.nz

Facebook: www.facebook.com/NorthlandRegionalCouncil

Twitter: www.twitter.com/NRCExpress