



# Te Panonitanga o te Mahere Wai Māori Hukihuki

## The draft Freshwater Plan Change: Consultation Summary Report



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# List of Abbreviations

BAU	Business as usual system
CIA	Cultural Impact Assessment
DFWPC	Draft freshwater plan change
DoC	Department of Conservation
DRP	Dissolved reactive phosphorous
EDS	Environmental Defence Society
F&G	Northland Fish and Game Council
FMU	Freshwater Management Unit
HEL	Highly erodible land
IHEMP	Iwi / Hapū Environmental Management Plan
MfE	Ministry for the Environment
MPI	Ministry for Primary Industries
MWaR	Mana Whakahono a Rohe agreement
NES-CF	National Environmental Standards for Commercial Forestry (2023)
NRC	Northland Regional Council
NPS-FM	National Policy Statement – Freshwater Management (2020)
NPS-IB	National Policy Statement – Indigenous Biodiversity (2023)
NPS-UD	National Policy Statement – Urban Development (2020)
RMA	Resource Management Act (1991)
PSGE	Post Settlement Governance Entity
PSLG	Primary Sector Liaison Group
SoE	State of the Environment
TRAION	Te Rūnanga a Iwi o Ngāpuhi
TTMAC	Te Taitokerau Māori and Council Working Party
TWWAG	Tāngata Whenua Water Advisory Group



# 1. Executive Summary

Written statements and online feedback forms received:  
577 total written responses

## **We received feedback via:**

- Our online feedback form (285 completed forms)
- Written feedback sent by email (76 emails)
- A survey during kapa haka festival (216 respondents)
- Verbally during drop-in events, hui, webinars, and meetings
- Comments left on social media

Over the past few years Northland Regional Council (NRC) has been working towards a plan change to improve freshwater in Northland and implement the formal planning process set out in the Resource Management Act (RMA) and the National Policy Statement for Freshwater Management (NPS-FM).

As part of that work, NRC developed a Draft Freshwater Plan Change (DFWPC) and associated Action Plan and asked for public feedback on the drafts, before notifying a proposed plan change. Halfway through the five-month public consultation phase, the Government amended legislation extending the timeframes councils have to notify their freshwater plan changes by three years to 31 December 2027.

Despite the legislative changes, NRC decided to continue with the consultation campaign so that we could hear from our communities, landowners and businesses about their vision for freshwater and how best to improve the health of freshwater for everyone, to make sure that our communities think we are moving in the right direction.

Using a variety of means to engage with landowners, farmers, businesses and local communities NRC received a huge amount of feedback, with many people having spent a great deal of time, thought and effort in providing their detailed responses. This report summarises the feedback received, which NRC will use to shape the direction of a future freshwater plan change by 31 December 2027.

## Who we received feedback from

### **We heard from:**

- hundreds of landowners, members of the general public, businesses, contractors, NGOs, industry organisations, Māori Committees and Māori land trusts, marae, hapū, iwi and Post Settlement Governance Entities.
- farmers, the forestry, construction, mining, petroleum and water industries.
- passionate conservationists and youth concerned about the future of freshwater.
- landowners struggling financially to make a living from their land and in need of support.
- Te Tiriti partners, from rangatira and kaitiaki.
- generational Northlanders who have seen the changes, have family history in shaping of our region.
- landowners already seeing the benefits of fencing, native planting, retiring of marginal land and restoration of wetlands who have farm plans and are proud to be looking after their lands and seeing improvements in the rivers and streams on their farms, and those who advocate for alternative land uses based on permaculture principles.

## Key messages

There were naturally a wide range of views. Whilst the vast majority expressed their concerns about poor freshwater health and their aspirations to be able to swim in or drink from our waterways, many farmers were concerned about the costs and impacts on the viability of making a living from their land, noting the need for financial and technical support.

One common issue was the degree of improvement needed for freshwater, the costs required for improvements, and who pays for them.

Some believe that landowners should pay given they have benefited from not paying the true costs of doing business up to now and the negative impacts of poor water quality on the public and other industries such as tourism. Others noted the critical importance of farming and the primary sector to Northland's economy and that the proposed plan changes will put farmers and associated services out of business, leading to mass change in land uses to pine plantations and rural depopulation.

Many were in favour of supporting landowners to comply, with technical and financial support (e.g. rates relief / remission, grants, zero / low interest loans) coming from NRC, large industry players and central government to support this and community-led restoration actions on the ground.

There were those who thought NRC should stop all work on the freshwater plan change given the government's intention to reform the freshwater legislation, and those who urged NRC to continue with notification of the plan change without delay, given the urgent need to improve freshwater health in the region.

There were those who objected to any provisions relating to tāngata whenua, stating that all should be treated equally. Conversely, there were those who strongly supported provisions that enable tāngata whenua involvement in freshwater management and decision making as a step towards recognising historic injustices and Treaty breaches and the additional challenges faced by landowners with Māori freehold title compared to those with general title.

Some felt that NRC is over-doing the regulations and that the existing plan is fine when used in conjunction with property-specific farm plans and freshwater management doesn't need changing, whilst others thought regulations should be tightened and targets strengthened, with increased compliance monitoring and enforcement.

The vast majority supported technical and financial support to landowners and community / hapū-led groups to act on the ground, including for fencing, wetland restoration, riparian planting and native tree planting.

Concerns included unintended consequences of the proposed rules, such as stock exclusion pushing livestock farmers into pine plantation forestry or out of business and consequential impacts on the region's economy and farming community, and increased pests and weeds.

The roles and responsibilities of tāngata whenua as rangatira and kaitiaki over their lands and resources (including water), the obligations of NRC as a Treaty Partner to recognise historic injustices and uphold the Treaty and Treaty Settlement agreements, and the importance of He Whakaputanga<sup>1</sup> and the Waitangi Tribunal findings were repeated by almost every Māori trust, marae, hapū and iwi we heard from. Iwi and Hapū Environmental Management Plans (IHEMPs) and Cultural Impact Assessments (CIAs) were cited as being relevant ways for tāngata whenua to share their knowledge and recommendations for consents which they believe will benefit everyone.

Repeated issues were the constraints and challenges faced by Māori landowners in particular, with Māori freehold titles being likely disproportionately impacted by the DFWPC rules (mostly marginal land, small landlocked irregular shaped blocks, with on average over 100 shareholder making decision-making

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<sup>1</sup> He Whakaputanga – Declaration of Independence of the United Tribes of New Zealand

complex, lack of access to third party financing, and incomes (if any) often insufficient to cover base costs such as rates).

The vast majority of tāngata whenua were highly concerned about the impacts of climate change on freshwater health and availability, and the need for more work to be done to identify potential future sources of water, including from seawater desalination in coastal communities, reducing wastage and demand, and increasing water storage, and supported a targeted water allocation given the 'first come first served' approach has been detrimental to Māori.

Support for the tāngata whenua provisions in the DFWPC was broad, noting that their hapū and iwi also have the right to add their own values, attributes and targets for their rohe or takiwā (tribal areas). Strong support for involvement of tāngata whenua in all aspects of freshwater decision making (including monitoring) with requisite funding to support their active participation was universal.

There was strong support for the provisions in the DFWPC relating to the spiritual and genealogical aspects of freshwater, recognising the Māori world view where waterbodies are ancestors, home to taonga species and taniwha, with familial connections and water is a living being not a resource. Most expressed a desire to continue discussing how the concept of legal personhood for all freshwater could work and supported greater recognition of the rights of water to be healthy.

All tāngata whenua described their sorrow and frustration with declining freshwater health and ecosystems over time, and the impacts that this has on their ability to practice and exercise their cultural traditions. They universally expressed their desire to be looking after their waterways and lands using their own tikanga (practices) and mātauranga (knowledge), working alongside NRC to undertake monitoring and freshwater planning at community level and the advantages for all having those with long histories and memories of the waterways and freshwater ecosystems over time being involved in freshwater monitoring and planning.

More detail is provided below on the context (Section 2), how NRC elicited feedback on the DFWPC, Action Plan and discussion documents (Section 3), a more detailed summary and analysis of the feedback received (Section 4), and what NRC plans to do next (Section 5).

Full copies of all written feedback received are available on request.

## 2. Purpose and Background

In 2020 NRC embarked on a programme of work with key stakeholders including the primary sector and tāngata whenua, to develop a proposed freshwater plan change. This included developing and seeking public feedback on a DFWPC and related Action Plan.

This report summarises the feedback received, and the public consultation undertaken by NRC as part of the DFWPC work programme between 1 October 2023 and 31 March 2024. We received 576 written responses online or sent by email, and oral feedback from over 20 hui, meetings and public events. We received 76 large submissions which provided very detailed feedback. Of the written and online feedback received, 80% was from individuals and 20% from organisations or businesses. One hundred and sixty people participated in four online webinars.

We have carefully read all the written and online feedback we received and sincerely thank all those who took the time and effort to provide their views and suggestions. It is greatly appreciated and will be invaluable in steering the direction of NRC's proposed Plan Change.



*Image from the 'Wai it matters' campaign: Chevon Horsford (TWWAG member and Māori farm advisor)*

The NPS-FM requires councils to notify a proposed freshwater plan change, until recently with a deadline for notification of 31 December 2024. In December 2023 the government extended the deadline to 31 December 2027. NRC continued with seeking feedback from the public on the DFWPC, despite the change in deadline, as this provides invaluable community input to the ongoing development of the proposed freshwater plan change in the next few years.

The pending freshwater legislation reforms signalled by the government are anticipated to take 18 to 24 months to enact. Given the length of time and public process that these reforms will take and unknown outcomes of the reforms at this point in time, NRC has decided to delay notification of its proposed plan change until after the revised NPS-FM has been released (likely 2026 at the earliest).

The feedback received on the DFWPC, action plan and related documents will provide the basis for NRC's ongoing work to develop a proposed freshwater plan change.



### 3. Consultation Methods

Consultation was undertaken through organised events as well as through *ad hoc* interactions through hui, phone calls and individual visits to NRC. Written feedback was also received via a dedicated e-mail address ([freshwater@nrc.govt.nz](mailto:freshwater@nrc.govt.nz)), and through an online feedback form on NRC's webpage [Wai-it-matters](https://www.nrc.govt.nz/wai-it-matters).

NRC has been involved in ongoing discussions since 2020 with tāngata whenua as Treaty partners as well as a range of key stakeholders and interest groups, including the primary sector, farmers / rural landowners, district councils, extractive and processing industries, and government agencies. Due to the scope of the DFWPC and associated changes to the *status quo* resulting from implementing the NPS-FM, these groups were considered to have greater interest than the general public.

#### 3.1. Consultation Events

A range of consultation events were held targeting key stakeholders and audiences and providing a variety of ways for people to find out about the DFWPC.



*NRC stand at Field Days*

- **Online webinars:** Four online webinars of approximately 1.5 hours duration: two targeting rural landowners, one focussed on tāngata whenua, and a final general public webinar. Panellists presented various key aspects of the DFWPC and related action plan, followed by Q&A (with webinar participants providing questions in advance or in the chat).

The online hui were promoted on the [wai-it-matters.nz](https://www.wai-it-matters.nz) website and on social media, attracting 524 registrations, with 160 participants.

Recordings of these webinar are available here [wai-it-matters](https://www.wai-it-matters.nz).



- **Drop-in sessions:** Seven drop-in sessions of approximately two hours duration were held in Kaitia, Kāeo, Kaikohe, Kawakawa, Mangakāhia, Maungaturoto, and Dargaville. These were public events that anyone could attend, although the vast majority of attendees were rural landowners, farmers, and from related organisations.

The drop-in sessions were each hosted by a Councillor. NRC staff provided a prepared presentation containing the basis and highlights of the DFWPC while taking questions from attendees.

The drop-in sessions were promoted on social media and by email to local contact networks of host councillors. Staff also displayed posters in prominent locations around target communities.



*NRC staff answering questions at the Kaikohe drop-in session*

- **Events:** NRC stalls at nine public events (A&P shows, Northland Field-days, Waitangi Day and Whangārei regional kapa haka festivals) were used to raise awareness and encourage feedback.



*NRC stand at the Paparoa A & P Show*

- **Hui / Wānanga:** Specific freshwater plan change hui were hosted by Te Runanga o Te Rarawa, Te Runanga Iwi o Ngapuhi, Patuharakeke Te Iwi Trust Board, Porotī Hapū (Maungarongo Marae) and Ngāi Tupoto ki Motukaraka (Tupoto Marae). NRC staff also participated in other hui including freshwater hui (Moria Marae, Whirinaki); Climate change hui (Takou Bay, Ngāti Rēhia); Future Whenua Summit Reconnecting Northland, Ngāwhā Innovation Park, Kaikohe), climate change planning hui (Kaiwaka, Te Uri o Hau).
- **Tāngata Whenua Meetings:** online and in-person meetings and discussions have been ongoing since 2020 with various iwi and hapū representatives including: Ngāti Korokoro, Ngāti Rēhia, Patuharakeke, Ngāpuhi, Ngāti Whatua, Te Rarawa, Te Roroa, and Te Uri O Hau.
- **Primary Sector Meetings:** Meetings, presentations, and discussions were held with primary sector representatives from Dairy NZ, Fonterra, NZ Beef and Lamb, Horticulture NZ, Federated Farmers, MPI (On Farm Support), NZIPIM members, rural banks, forestry companies, and extractive industries. It was common for members from Dairy NZ, Fonterra, and NZ Beef and Lamb to also attend the Councillor drop-in sessions and online webinars.
- **District Council presentations:** NRC staff presented information on the DFWPC to staff and councillors from Far North, Whangārei, and Kaipara District Councils. District Council staff presentations were primarily targeted at their infrastructure planning teams, who are responsible for the ongoing operation and future planning of three-waters (water done well) infrastructure.  
More succinct presentations were given to Councillors from WDC and KDC, followed by questions. Discussion points ranged from Council business and planning to personal interests and expectations. A high-level discussion was also held with policy teams from each of the Councils as part of a regularly scheduled policy group meeting.
- **Other Key Stakeholder Meetings:** NRC has also had one-to-one meetings with Fish & Game (Northland); Forest & Bird, and Department of Conservation (DoC) policy planners and freshwater scientists.

### 3.2. *Ad-Hoc Consultation*

The consultation material encouraged interested parties to call, visit, and/or write to the Freshwater team with any questions or comments relevant to the DFWPC process.

- **Phone calls** - Over the months, a number of phone calls were received from interested parties wanting to speak to NRC staff seeking further information, clarity, and to ask specific questions on how the DFWPC would affect their properties and operations. The majority of these discussions were with rural landowners / farmers.
- **Walk-ins** from rural landowners / farmers also occurred and conversations were either able to be had face-to-face or a call-back was required if staff were not on-site for the conversation.

### 3.3. *Promotional Campaign*

A promotional campaign ran across multiple channels including digital display advertising, web, commercial and iwi radio, social media, Google search words, newspaper advertising and media coverage.

Promotional activity was focused in November and early December, then reduced during the Christmas / New Year period, before ramping up again in February.

Digital display advertising used three layers of targeting to ensure reach across Northland and to address priority audiences:

- Rural landowners/farmers were reached by retargeting people who had visited rural supply store websites, rural news sites, heavy machinery websites, farm insurance websites, and downloaded rural apps.
- Tāngata whenua were qualified based on registration in the Māori Electoral Roll, location targeting of Marae, and cultural festivals, downloads of Māori radio/language apps.
- People across Northland were reached by geo-targeting the region.

A tailored web landing page, [wai-it-matters](#), was an important part of the campaign. This was specifically created with a unique look and feel distinct from council's main website to facilitate engagement with target audiences. The website provided information about the consultation and a facility for giving online feedback.

Advertising on mainstream commercial radio ran for two weeks in early to mid-November across 12 stations. Advertising on iwi radio covered three stations and included bilingual radio adverts, ad libs (sponsored messages read on-air by presenters), and posts on the iwi stations' Facebook pages.

Engagement on social media was high throughout the campaign, with social media proving a key channel for raising awareness of the consultation in general, and for promoting the online hui and drop-in sessions. We used Meta (Facebook and Instagram), YouTube, and Neighbourly. Content included video; event adverts; and static adverts. This was targeted to the key audiences of farmers / landowners, tāngata whenua, and young people.

Where appropriate, comments and questions were answered on social media platforms and/or added to the Frequently Asked Questions page on the [wai-it-matters](#) website.

Google search words ran throughout the campaign, with a keyword listing including relevant phrases to provide a seamless experience for people who were searching for more information.

We ran newspaper advertising across six newspapers which collectively covered the entire region, plus editorial and advertising in Huaki, a new NZME publication aimed at Māori.

Two media releases were issued about the consultation as part of the campaign, and we responded to media enquiries as they came in. The campaign attracted considerable attention in both farming and mainstream media.

The Policy & Planning and Community Engagement teams responded to questions, clarified misinterpretations, and encouraged people to provide feedback on social media as opportunities arose.

### 3.3.1. Campaign reach

Advertising across social media, Google, and targeted digital display ads reached 103,619 people, with 1,452,820 impressions<sup>2</sup>. Google search words achieved 3,935 impressions, with 1,082 clicks.

There were 412 spots on commercial radio and 165 spots on iwi radio. On commercial radio, 62,399 people heard the advert at least once, and 37,879 people heard it at least three times.

Social media advertising on Meta (Facebook and Instagram) generated 340 reactions, 845 comments, and 197 shares.

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<sup>2</sup> Reach is the number of individual users who viewed the ad. Impressions are the number of times the ad has been viewed, including repeated views from individual accounts.



# FRESHWATER IN TE TAITOKERAU



## Changes to freshwater management

**The government has set a new national direction for how we must all look after freshwater.**

It's designed to start making immediate improvements to the health of freshwater so that waterways are restored to a healthy state within a generation. It's a huge task as many of the streams, rivers and lakes in Te Taitokerau are in a poor state. If our wai (water) is unhealthy, then our harbours and estuaries are unhealthy, what happens on the whenau (land) impacts our moana (sea).

As a council, we have to implement the government's plans and as a result we're preparing a new Freshwater Plan. It's basically a set of new targets, policies and rules which will enable us to improve the health of freshwater as directed by government.



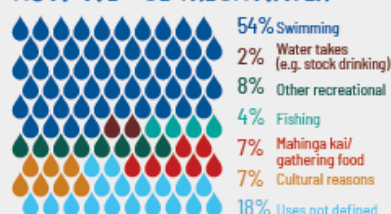
**IT'S IMPORTANT TO UNDERSTAND THAT THIS IS NOT THE SAME KAUPAPA AS THE THREE WATERS REFORMS.**

The Freshwater Plan is focused on improving the health of our rivers, lakes, wetlands and groundwater while Three Waters is about funding and managing water related infrastructure like wastewater treatment plants and drinking water supply pipelines.

### WHAT YOU'VE TOLD US

We asked Northlanders what freshwater spots are important to them and what they use them for. The locations were spread across the region. Here's what you said.

#### HOW WE USE FRESHWATER



### WHAT WE KNOW ABOUT FRESHWATER

We can't measure the improvements we're making to the state of freshwater without knowing where we are starting from and collecting data that gives us this information is one of the key things we do. Here's some of what we know:

- Most rivers (about 95%) are graded poor or very poor for E. coli (a measure of faecal contamination from humans or animals).
- Sediment is impacting fresh waterbodies, harbours and estuaries.
- About 70% of rivers and streams are in poor condition for freshwater insects (macroinvertebrates).
- Most rivers score either excellent or good against measures of nitrogen and ammonia. They also score well on measures of fish diversity and abundance.
- Some lakes have elevated nutrients. This increases the risk of algal blooms which then affects the health of native plants and animals.

**THE MESSAGE IS SIMPLE - IT'S GOING TO TAKE TIME AND LARGE-SCALE CHANGE TO HOW WE CURRENTLY DO MANY THINGS TO ACHIEVE THE IMPROVEMENTS IN FRESHWATER WE NEED TO ACHIEVE.**



### WHAT HAPPENS NEXT?

It's now our job to work with communities to prepare a plan for how we start to improve freshwater. We're already talking with various advisory groups, iwi authorities and hapū representatives to get different views. We'll be asking for feedback on a draft of the freshwater plan mid 2023.



**WE'D LIKE FEEDBACK**

### ... ABOUT WHAT VALUES NORTHLANDERS HOLD FOR FRESHWATER AND WHAT PEOPLE THINK IS IMPACTING THOSE VALUES.

You can use our online mapping tool to tell us what you think needs to be done differently to improve fresh water. This is a really great place to find out more up-to-date detail about everything to do with freshwater in Te Taitokerau.

[www.nrc.govt.nz/freshwaterstory](http://www.nrc.govt.nz/freshwaterstory)

[freshwater@nrc.govt.nz](mailto:freshwater@nrc.govt.nz)

*Example of early campaign material*

### 3.3.2. Targeted Content

Each mode of consultation and the material presented was adjusted slightly to best suit the target audience and be of most relevance. Information provided in each instance was not inconsistent with other modes or target audiences, but certain aspects of the process or of the plan change were highlighted and given more time for discussion depending on the audience.

Tāngata whenua hui and wānanga focused on key draft rule changes such as discharges from WWTPs and setbacks; provisions relating to rangatiratanga, Māori values, and water allocation; use of CIAs and opportunities for tāngata whenua involvement in freshwater management.

Rural landowners / farming industry events focused on provisions and options relating to stock exclusion from water, Highly Erodible Land management, effluent discharges, and water allocation.

District Council meetings with staff and/or Councillors focused on water infrastructure, including wastewater treatment and stormwater provisions.

Forestry meetings focused on vegetation clearance, afforestation, and Highly Erodible Land provisions.

It is acknowledged that feedback received by members of the public and industry groups may not be representative of all members that may identify with such groups. It has been noted, for example:

- tāngata whenua are also rural landowners and farmers;
- landowners' commitment to environmental restoration or enhancement vary, for example with some striving to maximise environmental gains and others focused on economic drivers;
- forestry owners range from international corporations with industry best practice standards to individual woodlot owners utilising plantation forestry as a generational investment.

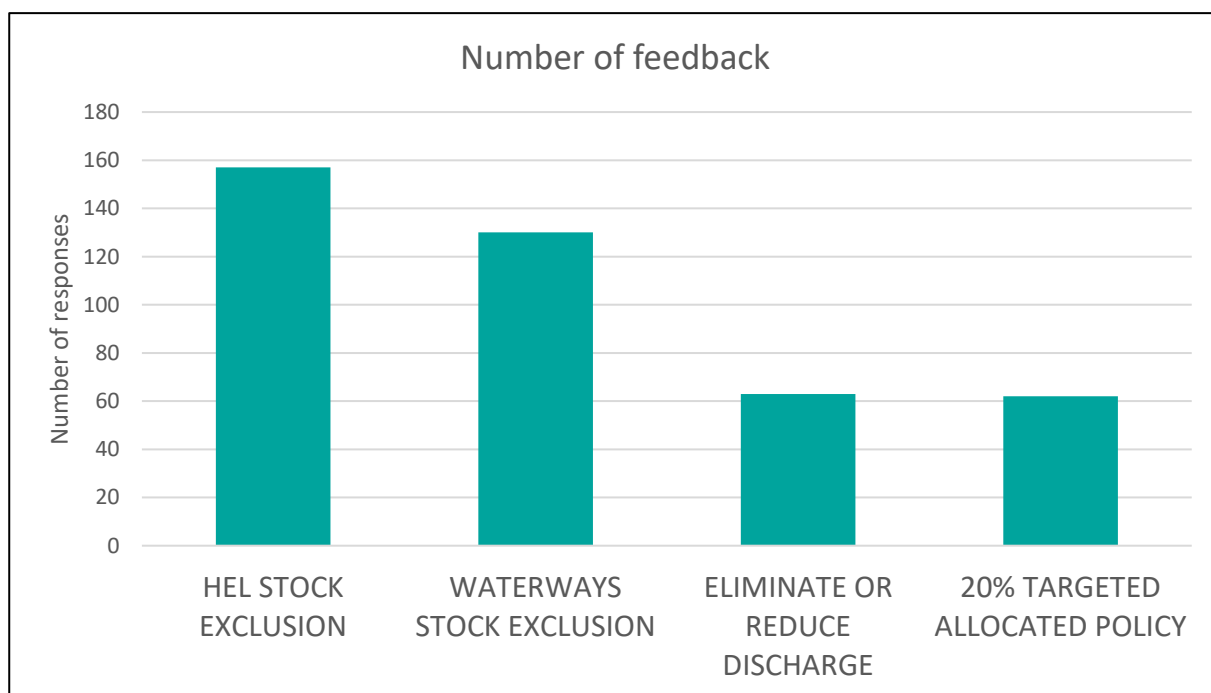
## 4. Feedback Received

This section describes the key themes identified in the feedback received on the DFWPC, draft Action Plan and associated consultation documents from the different forms of engagement.

### 4.1. Online Feedback

Common themes from the online feedback forms submitted via [wai-it-matters](#) are summarised below. A total of 285 responses were received using the online feedback form.

The options<sup>3</sup> for managing stock access to waterbodies/riparian areas and (highly erodible land) HEL gained the most interest in the DFWPC (Figure 1). One common misconception reflected among landowners was that the options for livestock exclusion on Highly Erodible Land (HEL) implied a complete prohibition of stock access to these areas.



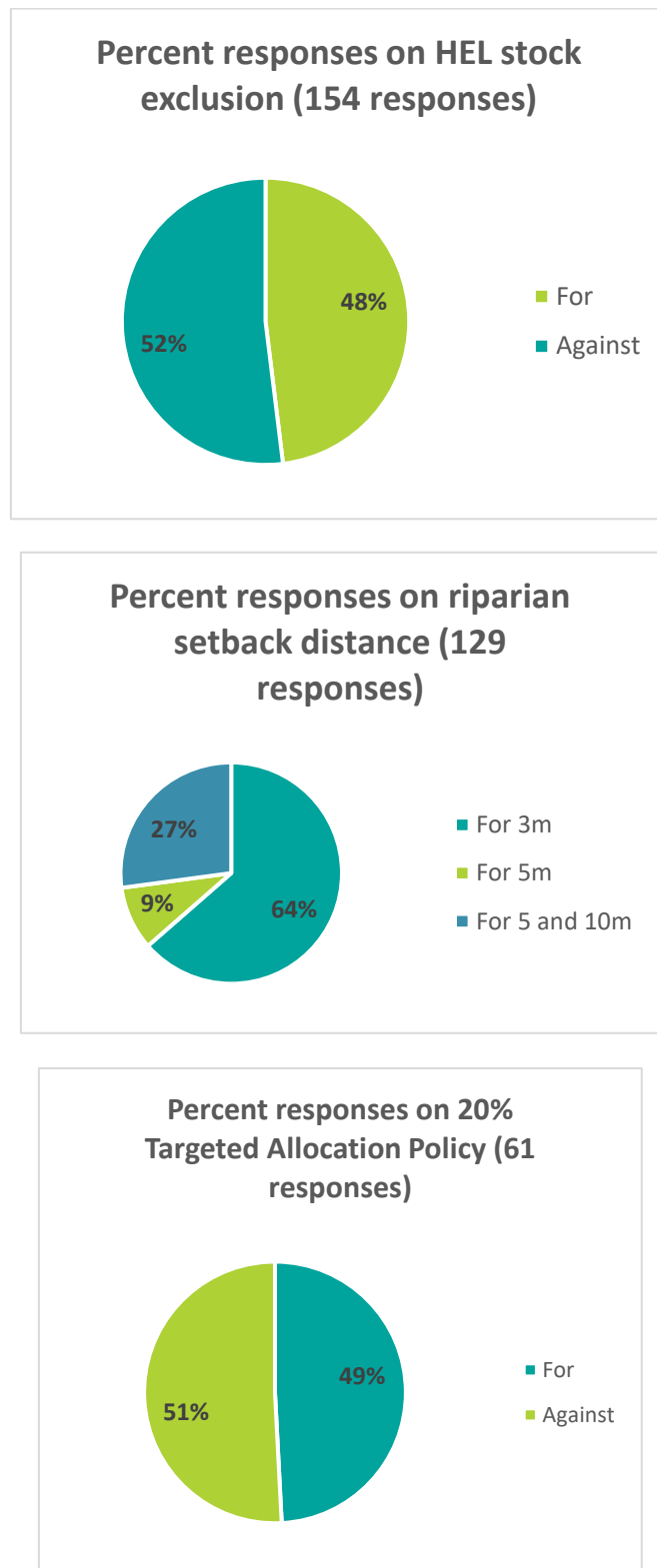
**Figure 1.** Common themes of feedback noted in the online feedback forms

NRC is considering new rules requiring stock to be excluded from areas of both high and severe erosion risk. The feedback forms indicated a similar distribution between responses who support stock exclusion from HEL (For), do not support it (Against), see figure 2. A call for individual freshwater farm plans, catchment by catchment approach and innovative erosion control solutions was also a common theme raised by these responses. See Figure 2 Top.

NRC sought feedback on several options for waterbody setback distances for livestock (3m, 5m or 10m). Of 129 responses that expressed a preference, 64% encouraged NRC to keep the setback at 3m, while 9% supported 5m and 27% supported 10m (Figure 2 - middle). NRC was encouraged to place pest management and native planting plans in place for such setbacks before execution, along with support and funding for the same.

<sup>3</sup> NRC did not propose any draft rules for restricting livestock access to the margins of waterways or HEL – instead it sought feedback on a range of options set out in a stand-alone discussion document.

NRC is also considering a targeted water allocation policy. 51 percent of the 61 responses were in support of the policy (Figure 2- Bottom). Concerns about clarity, process and fairness in water allocation were themes captured from these responses.

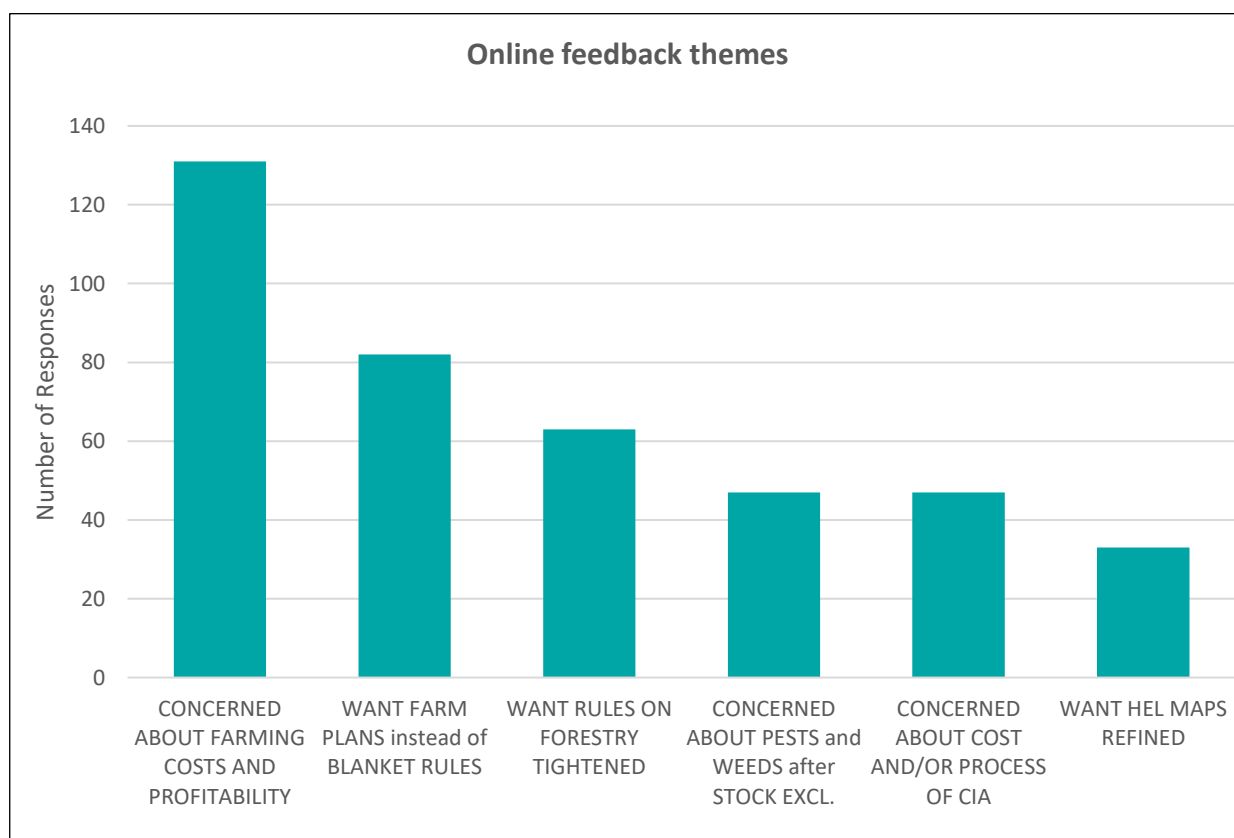


**Figure 2.** Percent of responses that indicated their preference about HEL stock exclusion options (top), riparian setback distance options (middle) and targeted allocation policy (bottom). Total number of respondents = 292 in each case



In addition, the online feedback highlighted the following common concerns and suggestions (figure3):

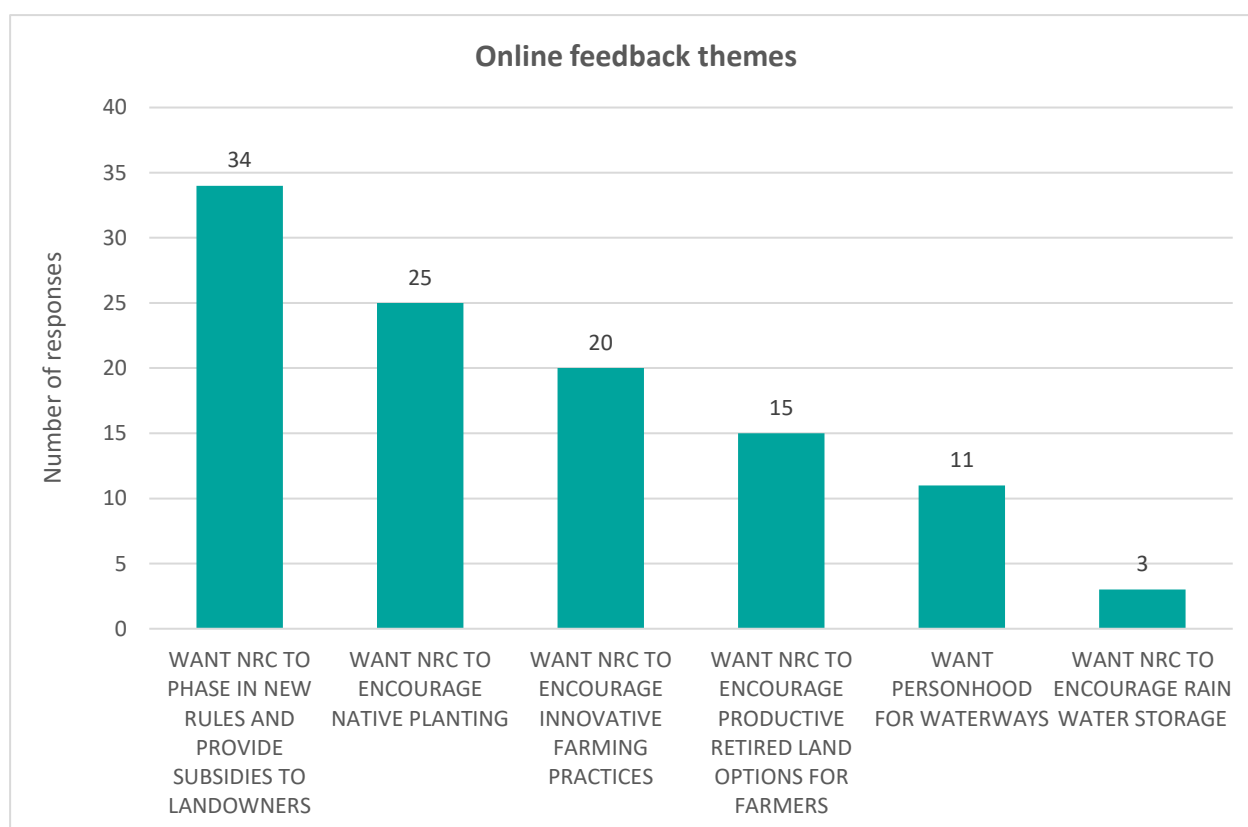
- Concerns were raised regarding the **costs and profitability of farming** under the draft rules/stock exclusion options, which would necessitate new consents, re-installation of fencing, planting, and weed and pest management on excluded productive land.
- The suggestion that NRC rely more on **farm management plans**, similar to Fonterra farm environment plans, to mitigate individual farm risks (instead of rules / the resource consent process).
- It is noted that the online feedback forms mentioned Fonterra farm environment plans as an example for farm management but not the national freshwater farm plan system.
- Concerns were expressed about the use of Te Reo Māori, that tāngata whenua should have additional considerations over and above the general public, and **costs and process of cultural impact assessments**. Uncertainty over which iwi authority to contact, subjectivity of cultural risks and enforcement was reflected in the feedback.
- There are concerns about the stock exclusion options and the increase in weeds and pests in riparian setbacks and Highly Erodible Land (HEL). Feedback mentioned the costs of spraying and the spread of weeds such as gorse, blackberry, tobacco, wattle trees, pampas, ragwort, and thistles. Feedback also expressed concerns about the **costs of pest management**.
- The **need to tighten rules and enforcement on pine slash management** due to downstream effects of exotic forestry, such as clogging water pumps and impacting water clarity.
- Some feedback suggested that **HEL maps should be revised** to better reflect geology, soil or vegetation type (rather than just using slope to identify erosion risk). Some expressed concern about excluding livestock from small areas of land mapped as HEL (land >25° and 35°) due to the probable fencing costs involved. Others suggested HEL maps should be refined, so it is easy to calculate the high and severe erosion risk areas in each property title.



**Figure 3.** Common concerns and suggestions noted in the online feedback forms

Other suggestions captured in the feedback summarised in Figure 4 include the following:

- A few have used innovative strategies to mitigate freshwater risks or cycle nutrients on their farms and encouraged NRC to adopt these innovative approaches. Some of the strategies mentioned were:
  - Use of productive species of trees as potential to reduce erosion and create income for farmers and using a mix of cheaper exotics and relatively expensive native planting to reduce erosion and create feedstock from leaf matter
  - regenerative farming with use of dung beetles to reduce fertiliser costs,
  - flood mitigation using regenerative farming as long grass can also hold soil to prevent erosion
  - sediment trapping at bottom of hills to mitigate erosion and establish wetlands
  - rainwater harvesting to mitigate erosion and drought conditions
- For retired land use, a few respondents urged NRC to encourage native planting through funding, reduction in rates or the New Zealand emissions trading scheme
- To offset setbacks from rivers and stock exclusion from HEL, some submissions suggested NRC to encourage guidance on productive retired land options
- To address water allocation and drought, some submissions encouraged NRC to encourage rainwater storage solutions
- A few submissions suggested adoption of legal personhood for waterways to manage the resource better.



**Figure 4.** Suggestions noted in the online feedback forms

## 4.2. Social Media Feedback

Themes in the social media comments were largely consistent with those identified from online and email feedback.

**Table 1:** Themes from analysis of feedback on social media channels

Theme	Summary	Example
<b>Pollution</b>	There were numerous complaints about pollution in waterways, with many attributing it to farming practices, forestry and runoff chemicals. Some people also mentioned the smell and poor condition of certain areas.	<i>"Clean up the devastating areas first and stop forestry from the toxicity of what it does to our water ways rivers and natural areas. Start with Mangakāhia from Kaikohe to Whangārei and surrounding areas."</i>
	The community acknowledged the pollution problem. Some argued that cities and human activities contribute significantly to pollution as well and responsibility for it should be shared.	<i>"Please don't just blame the farmers. Look around at all the pollutants. Cities and people are the worst offenders. City runoff, rubber from tyres, oils and fuels, all run into our waterways. Farmers are always the easy target."</i>
<b>Farming practices</b>	Several people expressed concern about the environmental impact of farming, particularly regarding livestock and their effect on water quality. There were calls for farmers to improve their practices.	<i>"It is necessary. You give us some info on the effects that actual farmers have on the waterways, they are diabolical, everyone knows farmers have cared a hoot about the environment they destroy! All that matters to them is profit, profit, profit! And no one believes roads do more damage than farmers, except the greedy farmers themselves so keep dreaming!"</i>
	Some people defended farmers, stating that many are responsible and have implemented measures to protect the environment. They argued that farmers are often unfairly blamed for pollution. People also discussed how much land would be unusable.	<i>"We have a farm with lots of variants in slope and many waterways, they want us to not farm on slope over 35 degrees and make it difficult on that over 25, they also want buffers on waterways of 10 meters, we would lose so much land we wouldn't be viable anymore."</i>
<b>Council actions</b>	There was a significant amount of criticism directed at the council. Commenters accused NRC of not doing enough to address pollution and protect waterways. Some also express scepticism about the council's plans and question their effectiveness.  While many criticised the council, some acknowledged the efforts made to involve the community and seek input on plans.	<i>"How about actually taking notice of our inputs? You have already made up your minds about what you are going to do."</i>
<b>Responsibility and action</b>	While many agreed on the importance of individual action, there was also recognition that larger systemic changes are needed. Some people expressed frustration at the lack of action from authorities and called for more stringent regulations and enforcement.	<i>"Currently NRC have granted a consent for someone to tip a huge amount of fill into a perfectly formed native wetland on the edge of the Waikaraka marine reserve do you really care about the future of fresh water in Northland if you did you would stop consents like these immediately... ...Or never grant them in the first place."</i>

Theme	Summary	Example
	<p>Several commenters made suggestions on how to improve the health of waterways. These suggestions included:</p> <ol style="list-style-type: none"> <li>1. <b>Improved farming practices:</b> Some people suggested that farmers should implement better practices to protect waterways. This includes managing runoff more effectively and fencing off waterways to prevent livestock from entering them.</li> <li>2. <b>Individual action:</b> There were calls for individuals to take responsibility for protecting waterways. This could involve picking up litter, not using harmful chemicals near water sources, and being mindful of the impact of their activities on the environment.</li> <li>3. <b>Regulation and enforcement:</b> Some people called for stricter regulations and better enforcement to protect waterways. They believe that authorities should take a more active role in preventing pollution of our waterways, and holding those responsible accountable.</li> <li>4. <b>Planting native vegetation:</b> Planting native trees and plants around waterways was suggested as a way to improve water quality and provide habitat for wildlife.</li> <li>5. <b>Addressing industrial pollution:</b> Some people pointed out the need to manage industrial pollution, including runoff from subdivisions, roads and cities, which can harm waterways.</li> <li>6. <b>Education and awareness:</b> Raising awareness about the importance of clean waterways and how to protect them was also mentioned as a key way to improve freshwater quality.</li> </ol>	

### 4.3. Written and Verbal Feedback

Written documents providing detailed feedback were received from various individuals and organisations, some of which were extensive (30 pages plus), particularly from iwi and hapū, whereas feedback received via the online platform tended to be more succinct. The following sections summarise that feedback.

#### 4.3.1. Treaty Settlement Entities, Iwi Authorities and Mana Whakahono a Rohe Agreement Signatories

There are several statutory requirements which direct NRC in terms of engagement on regional policy and plan changes. These include the various Treaty Settlements and Statutory Acknowledgements<sup>4</sup> with Te Uri o Hau, Te Roroa, Ngāti Manuhiri, Ngāi Takoto, Ngāti Kuri, Te Aupōuri, Te Rarawa, Ngāti Pūkenga and Ngātikahu ki Whangaroa. There are also specific provisions in the RMA regarding engagement with iwi authorities on plan changes including the freshwater plan change.

NRC has also signed a Mana Whakahono a Rohe agreement<sup>5</sup> with Te Rūnanga o Ngāti Rēhia and Patuharakeke Te Iwi Trust Board. These agreements set out the relationship between hapū and NRC and include specific requirements for NRC relating to regional policy and plan changes.

These agreements recognise the particular status of the respective iwi and hapū as Treaty Partners and that their interest greater than the general public in the resource management functions of NRC.

Written feedback on the DFWPC from Treaty Partners who have Statutory Acknowledgments, iwi authorities, or those with Mana Whakahono a Rohe Agreements with NRC has been received from:

- Te Kahu o Taonui (Te Tai Tokerau Iwi Chairs Forum)
- Te Rūnanga a Iwi o Ngāpuhi
- Te Rūnanga o Te Rarawa (Te Rarawa / Te Runanga o Te Rarawa Ltd Trust)
- Te Roroa Commercial Development Ltd (Te Roroa Whatu Ora Trust)

<sup>4</sup> [Statutory Acknowledgements in Northland](#)

<sup>5</sup> [Mana Whakahono a Rohe Agreement](#)



- Kahukuraariki Trust (Ngātikahuki Whangaroa)
- Ngāti Rangi
- Te Uri o Hau Settlement Trust (Environs Holdings)
- Te Rūnanga o Whaingaroa (Ngāpuhi / Ngāti Kahu ki Whaingaroa)
- Patuharakeke Te Iwi Trust Board (RMU)
- Te Rūnanga o Ngāti Rēhia

In general, these entities:

- Support the development of the DFWPC in partnership with NRC, which must uphold its Treaty obligations;
- Support Te Mana me te Mauri o te Wai, Te Hurihanga Wai, and the policy hierarchy in the NPS:FM and the DFWPC that priorities the health of water over all else;
- Note that Tāngata whenua must undertake mātauranga Māori not council. Funding for tāngata whenua to undertake mātauranga Māori must be included in the LTP, annual plans and the action plan.
- Note that NRC must uphold existing and future Treaty Settlement legislation and management arrangements over freshwater and adjacent statutory acknowledgement areas, give effect to IHMPs and to involve tāngata whenua in all stages of freshwater decision making (including consents), monitoring and in defining FMUs
- Note capacity constraints faced by tāngata whenua *eg.* resourcing to support engagement with applicants from the outset, to undertake CIAs, respond to resource consents and streamline resource consent processes including use of capacity contract and/or engagement agreements.
- Recommend NRC provide a range of mechanisms to help landowners, including Māori (PSGE and non-settled), who may not have access to finances to comply, including rates relief and contestable funds;
- Support tāngata whenua climate change mitigation and adaptation policy.
- Support more stringent rules and enforcement to increase riparian setbacks, preventing stock access to water and wetlands, with the aim to halt further degradation of water health and increase safety in harvesting food from waterbodies and biodiversity;
- Note increased setbacks come with costs, much of which will be borne by Māori, but recognise long-term benefits to health of water, biodiversity, and taonga species;
- Request that NRC provide rates relief and other mechanisms to support landowners with these expenses, particularly Māori;
- Support 20% targeted water allocation policy, noting historical disparity in water allocation with the 'first-come first-served' model;
- Note that over-allocation is an issue in multiple catchments and the system requires an overhaul to prevent over-allocation and reduce allocation in the long-term to improve environmental health;
- Note that Freshwater Management Units (FMUs) must be developed with tāngata whenua and more input/work is required in this space;
- Support the Māori values and attributes identified in the DFWPC, noting that this is not exhaustive and individual hapū may have additional values depending on the context;
- Support enabling tāngata whenua involvement in freshwater management in decision making, policy development, monitoring;
- Support an integrated approach that takes into account the holistic wellbeing of the environment and involvement of tāngata whenua in determining how this occurs;
- Support for Cultural Impact Assessments (commensurate with effects) for consent applications associated with freshwater;

- Stress the importance of involving tāngata whenua throughout freshwater decision making processes, and the need to take a holistic view that incorporates the interconnectedness of land, water, ecosystems and receiving environments;
- Oppose agrichemical use as a Permitted Activity and multiple submissions requested these rules are reviewed;

**Te Kahu o Taonui (Te Tai Tokerau Iwi Chairs Forum)** – on behalf of Ngāti Kuri Trust Board, Te Rūnanga Nui o Te Aupōuri, Te Rūnanga o Te Rarawa, Te Rūnanga o Ngāi Takoto, Te Iwi o Ngātikahu Trust, Kahukuraariki Trust / Ngātikahu ki Whangaroa, Te Rūnanga o Whaingaroa, Te Runanga-Ā-Iwi-Ō Ngāpuhi, Ngāti Hine Health Trust, Ngātiwai Trust Board, Te Iwi o Te Roroa and Te Rūnanga o Ngāti Whātua. The submission notes that this does not usurp the mana of individual iwi and hapū to provide their own feedback. In addition to the common submission points outlined above, Te Kahu o Taonui also:

- The irrefutable ongoing and intergenerational relationship Māori have with the environment including water
- Never ceded sovereignty over water as found by the Waitangi Tribunal
- Retention of Te Mana o Te Wai is essential to prevent further erosion of Māori customary and proprietary rights. This means including in the plan change provisions that exclude stock from waterways, wetlands and highly erodible lands, including a targeted water allocation policy and legal personhood for all water in Te Taitokerau.
- LTP and Annual Plan budgets are needed to support tāngata whenua input and participation in all stages of freshwater decision making.

**Te Rūnanga a Iwi o Ngāpuhi** describe their mandate to represent some 160,000 people who identify as Ngāpuhi and their area of interest (tribal lands). They confirm guardianship over the natural resources including waters, and that the hapū actively exercise their customary rights and responsibilities as kaitiaki and their traditional cultural practices, noting that they support the DFWPC in principle, noting that any changes must uphold Treaty Settlement arrangements and implement the Treaty of Waitangi. They note pending government freshwater reforms and expect that hapū and iwi are supported and resourced by NRC to participate in future freshwater planning. In addition to the common submission points outlined above, Ngāpuhi also:

- Want the incorporation of freshwater policies and objectives from IHEMPs into DFWP;
- Support water quality standards and guidelines that are used in parallel with Māori freshwater attributes
- Recommend permitted takes are limited to domestic use and minor and temporary activities with all commercial uses, including agricultural and horticultural, requiring consent with robust monitoring;
- Support policy that enables Māori landowners to use remaining water (within limits) and highlight past Treaty grievances, as well as their support for assessment of effects on tāngata whenua values and practices and sites of significance;
- Recommend NRC manage demand for water by including new provisions regarding renewals to align with new provisions, and for all sewage discharges to water (including by water systems) to be phased out over the next 5 years.
- Support hapū-led mātauranga Māori to support NRC's freshwater monitoring, and strongly support grant funding in LTP and Annual Plan for tāngata whenua and mātauranga Māori framework. They note that science and mātauranga Māori can be used to measure mauri, and monitoring of mauri is best done by those with knowledge of what it used to be like before mauri was degraded. They note various tools available but that whatever is used it should be adaptable for hapū and iwi to suit their contexts, and that data and information remains the property of hapū and iwi and protocols for sharing of data on mātauranga Māori are needed.
- Note not all sites of significance such as wai tapu should be listed/shown on maps and recommend provisions to allow sites that are not mapped to be considered during consent processes, and for sites included in IHEMPs to be given same consideration as those in regional and district plans.

- Support policy that acknowledges the living nature and sanctity of water, that water is a living entity and has the right to be healthy and flourish, and acknowledge work is needed and support further investigation, including how hapū and iwi can develop a regulatory framework that best protects and represents water's rights.
- Note the links between climate change and freshwater management and disproportionate impacts faced by hapū and iwi. They support more stringent provisions to determine effects of climate change and natural hazards and enabling hapū and iwi to plan, including identifying and developing new water sources. They support better integration of stormwater, wastewater, erosion and sediment management that align with hapū cultural values, and strongly support landowners to use alternative methods to use erosion prone land, especially areas impacted by severe weather events.
- They acknowledge that NRC is being proactive and continuing with the freshwater plan change, and welcome ongoing involvement.

**Te Rūnanga o Te Rarawa (Te Rarawa/Te Runanga o Te Rarawa Ltd Trust)** set out their mandate and their traditional iwi boundaries and detail their 23 marae and respective hapū. They generally support the DFWPC and Action Plan and express their wish to be involved in all future developments and that their feedback is give the consideration due to recognise and acknowledge the mana and rangatiratanga of Te Rarawa. They support co-design and the work done by TWWAG and encourage further iwi and hapū involvement in finalising the plan change. In addition to the common submission points outlined above, Te Rarawa also:

- Recommend aligning existing consents with new provisions when renewed and limiting consent duration to 10 years subject to regular review;
- Request that Māori social and development initiatives be exempt;
- Support the use of mātauranga Māori led by tāngata whenua not NRC;
- Support funding for a mātauranga Māori framework and funding for tāngata whenua to develop their own freshwater monitoring programmes
- Support mauri as an indicator noting that this needs to be measured by those with intimate knowledge of the place over time, and the various tools already available that can be used;
- Support assessment of effects on sites of significance, but are concerned that it may not be appropriate for all sites to be listed/mapped for various reasons including the length of time and arduous process to be gone through to include sites in plan changes and that some are on private land which requires landowners having to agree, as well as to protect sites from destruction or damage by the public. They recommend NRC also allow for assessment on unmapped sites and those identified in IHEMPs.
- Regarding legal personhood for water, Te Rarawa note that around the world laws have been brought in to protect nature and acknowledge that they are living entities and not a resource to be sold or abused. They note that managing freshwater to maintain ecosystem health and supporting iwi and hapū to thrive is one of the most pressing issues faced and that new mechanisms are needed to change behaviours of individuals and organisations. They point to examples from around the world and encourage further discussion with iwi and hapū on how the rights of water can be best accommodated in Te Taitokerau.
- Note Māori are disproportionately impacted by climate change, they note that freshwater management and climate change are inextricably linked and they strongly support landowners using alternative land uses on erosion prone land to mitigate impacts of increasingly severe weather events. They comment that councils' climate change planning could do more to take into account mātauranga Māori and acknowledge that tāngata whenua do not have equitable access to resources to plan effectively for climate change impacts on freshwater.
- Support new methods and innovative processes that allow tāngata whenua to adapt, including use of the maramataka, use of alternative water sources such as desalination plants for coastal communities and marae and support inclusion of policies and rules that support such options without undue bureaucracy and financial cost. They strongly support tāngata whenua climate change mitigation and adaptation policy.

Te Rarawa also provide detailed comment and suggested amendments to various rules and policies in the DFWPC, including inclusion of inanga spawning sites, mahinga kai, tāngata whenua values and sites of significance as matters of control/discretion, prohibition of treated and untreated domestic wastewater discharges to water, and new thresholds for permitted earthworks within 20m of sites/areas of significance. They support moving tāngata whenua policies to the beginning of the plan to ensure they are not just an afterthought and recommend inclusion of reference to hapū authorities in the policies, and better articulation of the interaction between land use, development and freshwater in the climate change related policies in the DFWPC. They do not support shorter consent durations for activities which are not supported by mana whenua and recommend allocation limits consider tāngata whenua values and methods of monitoring using mātauranga Māori. They support the freshwater objectives and priorities of freshwater management and the Māori freshwater values and attributes states and request iwi and hapū are involved in monitoring of these and other target attribute states.

**Te Roroa Commercial Development Ltd (Te Roroa Whatu Ora Trust)** describe Te Roroa's rohe, their six marae, and the relevant Treaty Settlement legislation. They note that they wish to be included in all future processes relating to the DFWPC and that NRC must uphold and recognise its role as Treaty partner and give significant weighting to their views and treat them as an equal partner in NRC's decision making (not as a stakeholder). They support the work done by TWWAG. They note their concerns including sedimentation and discharges as well as over allocation that are severely impacting biodiversity and ecosystems, and the need for dramatic changes to avoid further impacts that must be done in partnership with the iwi (status quo is not an option). In addition to the common submission points outlined above, Te Roroa also:

- Support mana atua and water as a living being, as water must not be considered a commodity that can be sold, and support one option being affording legal personhood to all wai. They also stress their strong support of the climate change policies and note numerous methods based on mātauranga Māori that can be used to better integrate freshwater management (ki uta ki tai).
- Note capacity constraints (time and resources) for being involved in consenting processes;
- Support the requirement for all applicants to engage and consult with them and resourcing from NRC and applicants to support this, including through use of contracts and training for planners;
- Congratulate NRC on being proactive and support continuation of the plan change as a priority, the need for more integrated planning (eg. for water services under Local Water Done Well) and note that healthy freshwater is essential for future generations.

**Kahukuraariki Trust (Ngātikahuki Whangaroa)** describe their mandate as a PSGE for the iwi of Ngātikahu ki Whangaroa and their area of interest around Mangonui and Whangaroa harbours and describe their Treaty settlement. They acknowledge the efforts NRC has gone to to incorporate a tāngata whenua perspective in the DFWPC and support the recommendations of TWWAG and request to be involved in future freshwater plan development. They request NRC give their feedback the requisite consideration reflecting their mana and rangatiratanga and encourage NRC to involve as many iwi and hapū representatives as possible in finalising the plan change. In addition to the common submission points outlined above, Ngātikahuki Whangaroa also:

- Acknowledge the impacts of climate change and increasingly severe weather events, they support stricter stock exclusion and setback rules and support for riparian and wetland restoration and enhancement as a priority. Noting the benefits of decreased livestock damage, bank stabilisation, flood control, plant nutrient uptake and increased habitat and ecosystems for freshwater species, they prefer wider setbacks and consider the costs are outweighed by the benefits. They recommend NRC introduce a range of measures to lighten the financial burden on landowners, including Māori entities who may not have the means to comply otherwise.
- Recommend NRC develop protocols for data and information sharing and note that intellectual property rights over mātauranga remain with hapū and iwi. They note that as an attribute, mauri can be measured using both western and te ao Māori methodologies and that NRC should leave mātauranga Māori to iwi and hapū.

- With regard to sites of significance and areas, they note that many such sites will not be mapped by tāngata whenua for numerous reasons, but this should not mean they are disregarded. They also point out that IHEMPs also identify and map sites and areas of significance so iwi and hapū should not have to provide the information twice and that those sites/areas in IHEMPs are treated the same as those identified/mapped in the regional plan.
- Support further investigation and discussions as to what legal protection or personhood might look like noting that they support the idea or concept of treating water as a living entity with rights to be healthy and flourish and recommend NRC support hapū and iwi to develop a framework that best represents and protects the rights of water in Te Taitokerau.
- Concerned about the vulnerability of Māori communities to the impacts of climate change, because of the often remote coastal and hazard prone areas where they live, they support land use changes that reduce erosion and flooding through new methods and provisions which support innovative and adaptive approaches to tackling climate change. They note the lack of resourcing and support for tāngata whenua to plan, and the constraints they face, eg. they are not able to retreat or relocate without impacting on their whakapapa and connections to their tribal estates, and that most climate change planning doesn't incorporate mātauranga Māori. They strongly support the climate change policies and integration of climate change planning with freshwater planning in the DFWPC.

The Trust also provides detailed comment and suggested changes to various provisions in the DFWPC including relating to mahinga kai, sites of significance and integrated management (ki uta ki tai), objectives, policies and target attributes.

**Ngāti Rangi Hapū** note their relationship and responsibilities as kaitiaki of their land and water, and that their vision for freshwater aligns with the concept of Te Mana o Te Wai, where freshwater resources are managed sustainably, ensuring mauri is restored and maintained. They stress that it is essential that NRC acknowledge their status as tāngata whenua and kaitiaki, and provide for their active participation in decision-making and restoration of waterbodies under a genuine partnership under the Treaty. They support stringent protection measures against over-allocation, pollution and habitat destruction guided by mātauranga Māori and western science, and NRC support for hapū-led community restoration projects that enhance mauri (eg. riparian planting, wetland restoration, removal of barriers to native fish migration) that respects the cultural, spiritual and ancestral significance of water to the hapū. The submission points raised by Ngāti Rangi Hapū generally align with the common points outlined above, but Ngāti Rangi Hapū also:

- Request targets that achieve measurable improvements in water quality within 5 years, doubling of the freshwater ecosystems protected and enhanced by 2030
- Support implementing monitoring programmes that include cultural indicators and science parameters;
- Request enforceable measures to reduce pollution, regulate water extraction and mitigate the impacts of climate change on freshwater ecosystems, and propose establishing a co-management framework that allows Ngāti Rangi direct involvement and authority in governance of freshwater;
- Request a policy that requires a mandatory comprehensive CIA for all freshwater and land use consents that recognises their deep cultural, spiritual and historic connection to the environment and list matters that should be included in a CIA;
- Underscore the concept of Hapū cultural consent within NRC decision-making as a vital aspect of indigenous rights and participation in local government, and request that Hapū cultural consent be incorporated into NRC's consents processes to foster a collaborative, innovative and inclusive approach that strengthens relationships;
- Note their concerns over erosion which is a significant threat to their cultural heritage and economic wellbeing, and the urgency which is needed to address management of HEL. They advocate for a joint management committee to develop and oversee implementation of a comprehensive land management plan with Ngāti Rangi, NRC and environmental experts;
- Note their concerns with discharges to water and support strengthening of rules, engagement with communities and stakeholders, investment in green infrastructure and nature-based solutions, robust compliance monitoring and public reporting, education and awareness raised.



- Support the strengthened discharge rules, noting the growing recognition of indigenous traditional knowledge. They note the negative impact of pine plantations and support comprehensive impact assessments and adoption of practices that minimise adverse environmental impacts, including integration of indigenous flora and buffer zones around waterways and significant sites. They support partnership models which enable their people to participate more in the forestry sector and establishment of a joint management committee to oversee these partnerships so that economic benefits are shared equitably. They request NRC to recognise and provide for Māori perspectives and values in forestry management.
- Note with concern the increasing development in their rohe that has taken place in recent years, and the negative impacts on their values and practices, and request that NRC establish a formal process for ongoing engagement and consultation with Ngāti Rangi on all projects and activities in their rohe and require CIAs for all major projects. They support measures that protect cultural identity and enhance natural and cultural heritage sites of significance, preservation of native flora and fauna, and raise awareness and understanding of Ngāti Rangi values, history and practices through education and partnerships.
- Detail the degradation caused by lack of control over stock and support stringent stock exclusion rules as a significant step to mitigating the negative impacts of farming. They request implementing 10m setbacks from all waterways, wetlands and springs in their rohe and development and enforcement of a comprehensive management plan in partnership with the hapū, including support for landowners and farmers to transition to sustainable stock management practices to preserve the mauri of waterways for future generations as a matter of urgency.
- Note their concerns regarding erosion of HEL and sedimentation caused downstream and urge NRC to implement policies that reduce erosion risk including afforestation with native species, controlled grazing and establishment of protective ground cover that have biodiversity and carbon sequestration co-benefits.
- Timeframes for stock exclusion should be flexible and phased in over time to enable the community to transition and request a comprehensive support for landowners including technical advice, financial assistance and resources on alternative livestock management practices, allowing more time for smaller landholdings and those with significant barriers to immediate implementation.
- Regarding water allocation, Ngāti Rangi seek sustainable and equitable distribution of water and request NRC consider setting aside a specific allocation for their hapū to support their sustenance and traditional practices including marae-based hui and agricultural activities, to recognise their tino rangatiratanga and their rights and interests under the Treaty. They recommend establishing a joint management committee (of hapū representatives and NRC) to develop a sustainable water management plan focusing on the needs and aspirations of the hapū that respects the rights and responsibilities of all stakeholders.
- Describing water as the lifeblood of the hapū, and increasing pressures of development, pollution and climate change, the hapū request that NRC recognise and formalise their status as kaitiaki, develop and implement policies that acknowledge their traditional knowledge and practices in water management, their involvement in decision-making, and support initiatives that promote the health and sustainability of waterways. They note their experience of water monitoring using various methodologies based over years of being environmental stewards, including mauri monitoring, SHMAK, eDNA and Aquagenx. They also note their deep commitment to guardianship of their natural resources and their proposed initiatives include native riparian planting, monitoring (using traditional and western science), and education programmes. They request NRC funding and resources to support their work.

**Te Uri o Hau Settlement Trust (Environs Holdings)** note their mandate as a hapū of Ngāti Whātua serving over 8,000 beneficiaries, and as an Iwi Authority under Te Uri o Hau Settlement Claims Act 2002, and set out their area of statutory interest, including Mangawhai and Kaipara harbours. They note that NRC must uphold and recognise their role as Treaty Partner, must give effect to Te Mana o Te Wai in

forming an opinion on adverse effects on their statutory acknowledgements<sup>6</sup> and take into account the principles of the MoU NRC has with the Trust<sup>7</sup>. They also note that NRC must uphold the policies and objectives of their IHEMP<sup>8</sup> and support the work done by TWWAG as this enables the outcomes sought in the KMR MoU. The Trust notes that NRC must strengthen its partnership with the Trust. They also:

- Support Te Mana o Te Wai and placing health and wellbeing of water over all other consideration throughout the future freshwater planning process and implementing this as tāngata whenua see fit in their rohe and takiwā.
- Support provisions which align with their tikanga to work alongside other iwi and hapū, and the Transfer of Powers, Functions or Duties (as per existing s.33 RMA and provisions in the RPS) and more weight being given to tikanga and mātauranga Māori through involving their hapū in freshwater decision-making.
- Support inclusion of Te Hurihanga Wai and provisions that enhance recognition of whakapapa of water noting that multiple activities are impacting on and severing their values associated with freshwater and diminishing the mana and mauri of water, and that this can continue no longer.
- Request stronger provisions to enable hapū to uphold mana and rangatiratanga, noting their dissatisfaction over how their concerns have been treated by NRC<sup>9</sup>, but supporting requirement for CIAs for all controlled activities and the Māori attributes in the DFWPC, and requesting NRC support for them to determine their own attributes for their waterbodies.
- Request appropriate budgets be included in the LTP to implement the draft freshwater Action Plan, support tāngata whenua involvement in decision-making, and request support for Māori landowners to comply with new rules (from NRC and central government or other Crown agencies).
- Oppose 'first-come-first-served' approach to water allocation and support 20% targeted water allocation policy, noting future and current Treaty settlement arrangements over freshwater must be upheld in the freshwater plan change. They note that current regulations are insufficient and that NRC must provide more support to iwi and hapū, particularly in terms of water allocation and availability for future development opportunities for Post Settlement entities.
- Support legal personhood for all water to reinforce that water is not a commodity or resource that can be sold, abused and neglected.
- Strongly support climate change policies proposed and recognition of Ki uta kia tai. Note that integrating all water related planning (including 'Local water done well') to achieve consistent and well-planned water services systems and planning.
- Note the time and resources needed for hapū and iwi to participate in the RMA process, request that NRC resource pre-Treaty Settlement entities. Also request NRC to support iwi, hapū and applicants to implement the new provisions that increase level of engagement with tāngata whenua in consents processes, as well as training on CIAs and cultural values recommendations.
- Congratulate NRC for being proactive in preparing DFWPC and welcome NRC's continued engagement with the hapū on all future freshwater plan change work.

**Te Rūnanga o Whaingaroa (Ngāpuhi / Ngāti Kahu ki Whaingaroa)** outline their mandate as an Iwi Organisation and Authority, and describe their rohe boundaries, including Oruaiti River, Takou River, Mangonui and Whaingaroa Harbours, and the areas where the hapū of their marae exercise mana whenua and mana moana. They confirm they are kaitiaki over resources including freshwater, harbours and coastal

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<sup>6</sup> Section 60 of the Te Uri o Hau Claims Settlement Act 2022.

<sup>7</sup> Memorandum of Understanding between Northland Regional Council and Te Uri o Hau Settlement Trust dated 22 September 2016.

<sup>8</sup> Te Uri o Hau [Kaitiakitanga o te Taiao Environmental Plan](#) – in particular s. 29 on freshwater policies, objectives and methods.

<sup>9</sup> Under Te Uri o Hau Claims Settlement (Resource Consent Notification) Regulations 2003, the Trust notes over 20 years' experience providing NRC with cultural conditions, and times where their recommendations to mitigate impacts or protect their wai during consent applications have been ignored or not made condition of consent.

areas including the foreshore and seabed and point to ongoing debate over ownership and management of these, and that they actively exercise their customary rights and responsibilities. They would like the opportunity to hui with NRC on the DFWPC. They detail:

- Various issues and outcomes from their Iwi Environmental Management Plan which they seek including: restoration of mauri and life supporting capacity in the springs, rivers, streams and estuaries/harbours in Whangaroa; nil, or significantly reduced, direct discharges to freshwater; acceptable level of access to good quality freshwater for domestic use and reasonable access to good quality freshwater for recreational purposes; confidence that there is good water quality guaranteed for future generations; prohibition of any water take for farming, business, industrial, commercial or domestic purposes if it impacts negatively on the environment; no new bores and no new extraction from aquifers that isn't sustainable; improved understanding of kaitiakitanga; a well-resourced and trained iwi biosecurity team and kaitiaki monitoring team.
- Strategic objectives including review of existing water take consents, encouraging capture and use of rainwater, and to better mitigate negative impacts of stormwater.
- Regarding HEL they support fencing with minimum 5m riparian buffer and 10m in areas of significant natural character, sensitivity and outstanding landscapes. They support in principle stock exclusion from HEL 1 and 2 introduced over 4yrs but are concerned about this being a fair and just transition for farmers currently farming HEL and need for support to landowners to replant natives.
- They support protection of wetlands and beef, dairy support cattle and deer being excluded noting their concerns with the damage done to wetlands and the need to restore them to properly function as sediment traps. They support keeping all stock out of waterways, focusing on commercial operations first and implementing roll-out in stages; and a 10yr timeframe for compliance but request the rules to apply to more stock types and widen setbacks around waterways.
- They support eliminating and reducing discharges noting that they have consistently raised concerns of discharges to freshwater including from the WWTP into Kaeo River and failure of the District Council to provide sufficient infrastructure or alternatives.
- They support stricter controls on exotic forests and larger setbacks from waterways for exotic carbon and plantation forests and consents for these forests in high-value dune lake catchments. They note the impacts from forestry they have observed and request that notified resource consents be required for exotic forestry so that requirements can be put in place eg. buffer of indigenous species and long-term plans for restoration. The Runanga expect timely consultation well in advance of any forestry development, supports indigenous forestry and creation of job opportunities for locals and expect NRC's policies to reflect these expectations.
- Support consent applications to assess potential impact on tāngata whenua values for freshwater, noting NRC will need to support and resource hapū and iwi to respond and ensure that NRC follow consultation processes and provide sufficient time.
- Support in principle a targeted water allocation policy, however request that it be re-drafted to provide for each waterway to have its own unique set limit and 50% of water allocation set aside for tāngata whenua. They note concern that whilst the proposed 20% be set aside for kaitiaki or environmental enhancement uses the remaining 80% of the allocable water could be exploited for commercial use going against their IHEMP strategic objectives and obligations as kaitiaki. They request that no caveats be placed on what the water allocation to tāngata whenua be used for, noting that limiting its use is contrary to Article 2 of Te Tiriti.
- They note that both pakeha and Māori have obligations under the Treaty regarding sustainable and healthy water and to the taiao. They have observed over-allocation and expect climate change to increase pressures on rivers and aquifers that are already under significant stress.

**Patuharakeke Te Iwi Trust Board (RMU)** describe their relationship to the water in their rohe, and note the Ruakaka river and its streams historically and currently are important sources of fish, shellfish, plants and Rongoa, the importance of mahinga kai and mahinga mātaimai, and the special sites where

cultural activities took place or are practised still, as well as being tribal boundary and wayfinding features and a means of transport and communication historically. In terms of the DFWPC they:

- Consider that NRC should progress with notification of a proposed freshwater plan change and not to delay doing so until after RMA and NPSFM amendments are made, to uphold the mana and integrity of the lengthy process that mana whenua have engaged in with NRC to date (as other councils such as Otago Regional Council have also decided to do).
- Applaud NRC's approach to developing a DFWPC and fully support the provisions recommended by TWWAG and endorsed by TTMAC.
- Acknowledge the future growth demand that will affect their rohe and community significantly including water supply.
- Note that the draft freshwater plan change tāngata whenua provisions are much better aligned with their IHEMP than the operative regional plan and assist NRC in meeting its obligations under s.66 of the RMA.
- Agree with Te Hurihanga Wai and support Te Mana me te Mauri o te Wai and the long-term vision in the RPS, and support hierarchy of obligations which prioritises health and wellbeing of water and the provisions which NRC has included that give effect to this.
- Highlight the WAI 1040 Waitangi Tribunal findings that confirm independence of hapū and role of hapū to practice rangatiratanga and who have mana and can practice kaitiakitanga.
- Note the loss of mauri negatively affects whanau and critical need to avoid and reduce pollution to waterways so that taonga species aren't depleted and the hapū's ability to gather food and look after guests.
- Support the inclusion of tāngata whenua values noting the hapū may wish to develop their own values in the future.
- Support the concept of legal personhood with an appropriately elected ambassador to speak on behalf of water – this concept upholds the mana of the wai itself and request NRC to commit to pursuing this concept.
- Support Māori freshwater attributes and target attribute states which enable the hapū and kaitiaki to monitor environmental outcomes and their cultural values (should not preclude the hapū defining their own attributes).
- Support LTP and Annual Plan funding for hapū to undertake kaitiaki role and freshwater monitoring. Support tāngata whenua involvement in freshwater management and decision-making outlined in the Action Plan – concerned that delaying notification of the proposed freshwater plan change will mean there is inadequate funding to implement actions for another 3 years – unless the LTP which is currently out for submissions includes funding to implement freshwater actions.
- NRC staff do not need to monitor tāngata whenua attributes – rather work alongside hapū and kaitiaki to understand their concerns in reciprocal arrangement exchanging knowledge from Te Ao Māori and western science perspectives. Patuharakeke have capacity to undertake water monitoring in their rohe alongside NRC (as well as in other domains).
- Mātauranga Māori in relation to freshwater cannot be used by NRC without prior permission of the hapū – data information protocols need to be developed with the hapū.
- Support provisions which uphold tāngata whenua environmental outcomes and more stringent rules. This needs to be matched with financial support (*eg.* rates relief/remission, new grants) and further engagement with Māori landowners to support them being able to comply with new fencing on HEL and planting native species around waterways.
- Support the requirement for CIAs on all controlled activities, more stringent rules for setbacks around waterways, and advocate for a 10ry limit on all consents that involve water, with consideration for longer term if mana whenua support.
- Welcome further engagement to define appropriate FMU using a process based on their mātauranga in their takiwā with support from a NRC non-contestable grant.

- Opportunity to review existing and develop new catchment management plans for freshwater including review of existing strategies around water use, infrastructure and development and aligning with hapū aspirations at rohe level.
- Support stronger policies that integrated management that factors in stormwater management, erosion and sediment control and wastewater treatment compliance and appropriate environmental and engineering standards in accordance with hapū values.
- Support more stringent provisions to determine effects of climate change and natural hazards in relation to freshwater management and enable tāngata whenua to plan for climate change (including developing new water sources in areas of need eg. for coastal and rural marae).

**Te Rūnanga o Ngāti Rēhia** describe their mandate as hapū authority and ahi kā of their rohe, and their responsibility as kaitiaki for maintaining and protecting the mauri of their whenua and resources. They note their common interests with other hapū and their affiliation with Ngāpuhi, and their kaupapa to build a sustainable economic, social and cultural base for the continued growth of the hapū, Kerikeri and wider area. They note their strong support for the ahu whenua trusts (Tapuaetahi Incorporates and Takou Trust) and their rights as mana whenua over their lands, taonga and resources. Ngāti Rēhia:

- Support reviewing the freshwater plan and TWWAG's recommendations, thank NRC for the opportunity to provide feedback, noting the time and effort taken to respond.
- Note that having healthy freshwater is essential for them and their businesses, and their strong opposition to any removal or reframing of Te Mana me te Mauri o Te Wai, regardless of pending reforms. Stress that is having healthy clean water means changing how we do business then NRC should focus on supporting that transition not continuing land uses that pollute and degrade freshwater.
- Expect NRC to give their feedback due respect and careful consideration given Treaty Partner and Mana Whakahono a Rohe agreement signatory relationship. They request NRC work with them urgently to get work done on the ground to improve their wai and want to know what NRC's intentions are with the freshwater plan change and the work done to date given pending reforms. They want to know what NRC will do with their feedback and follow through on what they have to say, as they do not want to have wasted their time.
- Note that Te Mana o Te Wai and associated 6 principles must be upheld by NRC throughout future freshwater plan stages, including hierarchy of obligations that puts water first and support the DFWPC provisions that give effect to this.
- Reiterate the importance of He Whakaputanga and Te Tiriti o Waitangi establishing the partnership between hapū, iwi and the Crown for shared decision-making and affirmation of mana and rangatiratanga of hapū. Note Waitangi Tribunal findings that confirm they did not cede sovereignty but agreed to a partnership framed by mutual influence and negotiation. Support inclusion in DFWPC of references to He Whakaputanga as well as Te Tiriti and relevant Waitangi reports (eg. WAI 2358 and WAI 262).
- Note NRC's responsibility to uphold the rights and priorities of Ngāti Rēhia as kaitiaki of their rohe to employ rāhui and other tikanga to ensure environmental and communal wellbeing.
- Support policies, methods and associated attributes and target states which enable and support kaitiakitanga and tino rangatiratanga and recognise whakapapa and atuātanga.
- Urge NRC to do further work on existing and future water demand, based on population projections and industry demand in light of climate change impacts for Northland, including establishing demand for water for next 50 years at least (preferably 100 years) to enable proper water use and allocation planning. Need to consider alternative sources of water (eg. desalination plants for coastal communities) as well as reducing wastage and demand (eg. crop choices) so more water can be left in the rivers, lakes and aquifers. Request that future water takes should be only a 'last resort' where there are no viable alternatives and policies included to direct applicants and decision-makers to view water takes as a privilege not a right. Support 20% targeted water allocation policy, community-based water storage schemes and other 'high flow' take approaches to store water for droughts and wildfires and focus on recycling and reusing water wherever possible so aquifers can recharge. Support for driving



down demand for water including research, advice, education and financial incentives as well as limits on takes, noting revenue from targeted water allocation could be used to support installation of water saving devices and approaches and for desalination and storage dams.

- Note the resilience of water to climate change means we need to improve freshwater health and CIAs and their HEMP are key ways that Ngāti Rēhia contribute their local knowledge to decision-making processes that can help make better decisions for everyone.
- Whilst they support the DFWPC rules they believe there needs to be much greater emphasis on incentives for landowners to treat water with respect, eg. provision of information and advice on more sustainable long-term economically viable farming options, free native tree seedlings, financial support for setting aside or restoring wetland and riparian habitats.
- Suggest that NRC approach agri-banks and other financial institutions to negotiate better lending rates for landowners who 'go the extra mile'.
- Support focus on education and knowledge sharing and request support to set up hapū/iwi model demonstration farms, scholarships and support for career pathways in sustainable farming in LTP and annual plan budgets.
- Support NRC recognition of different land holdings and what that means, particularly for Māori land in terms of obligations and constraints that do not apply to General Title, and request specific recognition for Te Ture Whenua, returned Treaty Settlement assets, marae and papakāinga, and their sovereignty within a standalone chapter in the plan change.
- Note their wish to return the mauri of their waterways and desire to see water leaving their lands in a better state than when it entered and expectation that other landowners will do the same. Having fenced off much of their land, they encourage others to fence off waterways and also consider fencing off the coastal as well as freshwater margins. They are also wanting to develop their surface and underground waters for their people and are investigating low-energy desalination and water storage options.
- Support for provisions relating to tāngata whenua use of mātauranga Māori including attributes, target states that enable their hapū and kaitiaki and note that this support doesn't preclude them submitting their own attributes etc in future. They support budgets in the LTP and annual plans to support mātauranga Māori monitoring programmes, noting that it is not NRC's role to monitor Māori attributes and NRC need to work alongside kaitiaki and hapū and the need for permission from the hapū before NRC uses any mātauranga Māori.
- Welcome the opportunity to discuss with NRC how FMUs might be defined with whanau and hapū, including interactions with harbours and estuaries and adjoining hapū boundaries, and how this might better reflect their riu (tribal territories). Support grants to enable hapū to determine how freshwater is monitored based on their mātauranga, whakapapa, taonga and mahinga kai.
- Support better integration of farming systems that are fully sustainable where all land is managed in a way that results in improvements and supporting landowners to switch how they farm eg. riparian areas can be used for bee hives and plant/tree species that are important for food or cultural uses. They support planting of native forests and removal of pines and other exotics over time on erosion prone land and request rules and policies that enable landowners to plant native trees on land that should not be in pine or grazed pasture.
- Note that they expect NRC's plans to uphold their water sovereignty, noting that their development plans depend on having access to clean water, which costs \$500/truck to be delivered to their communities in Tapuaetahi, Takou, Matoi and Te Tii.
- Support innovative community-based WWTP that incorporate native species to ensure effluent is of the cleanest possible and greywater is recirculated and request NRC rules and policies that enable environmentally sustainable and innovative wastewater treatment.
- Note the vulnerability of their rohe to droughts and wildfire which threaten water security, and need to address flooding issues, and that climate change is the key driver for future use and allocation of water.

They note they need to relocate marae and kāinga which has water supply implications and the provisions in their HEMP regarding planning for infrastructure to cope with climate change impacts.

- Note that NRC's DFWPC must enable the commercial development of whenua Māori and recognise that papakāinga aspirations depend on sufficient water allocation and that their ability to develop housing, tourism or host events is constrained by lack of access to water.
- Support legal personhood for water and further development of the 20% targeted water allocation policy and suggest that the cost of tankering in water be used as basis for setting contribution of applicant wishing to use the additional 20%.
- Request that their HEMP policies and methods on restoring waterway health, preserving atuātanga links and CIAs be integrated into NRC's plans (NRC's plans should enable IHEMPs not contradict them – including in freshwater farm plans).
- Reiterate that a transformative shift in land and water uses is needed and incentivizing behaviour change, eg. through rates relief, free native plants, and research into alternative land uses.
- Note use of GIS in better planning and protection of sites and taonga including for identification of specific sites used for cultural practices along and in rivers, lakes and wetlands and that NRC needs to ensure protection of such sites is built in to its freshwater planning including plan implementation.
- Reiterate NRC's responsibilities and the Crown's duties regarding active protection of hapū interests and authority of waters within their rohe, noting the need for early engagement, defined pathways and adequate resourcing, including funding in LTP and annual plans.

#### 4.3.2. Other Tāngata Whenua Groups and Individuals

The following hapū, marae or Māori trusts and committees provided written feedback:

**Ngāi Tūpoto Marae Trust (Ngāi Tūpoto ki Motukaraka hapū)** describe how their land at Motukaraka, waters and the Hokianga Harbour are taonga of the utmost importance and have sustained their hapū for hundreds of years. They describe their rohe and links to other hapū. The hapū refer to He Whakaputanga and Waitangi Tribunal reports confirming the mana of hapū. In addition, the hapū:

- Note that NRC must uphold their mana and give significant weight to their views as an equal partner in decision-making and not as just a 'stakeholder'.
- Note with concern the numerous water quality and over-allocation issues that require major change (status quo is not an option). Must be done in active and meaningful partnership with iwi and hapū. Stress the importance of upholding Te Mana o te Wai, Te Hurihanga Wai and whakapapa o te wai throughout the freshwater plan development.
- State that tikanga and localised mātauranga must be given more weight in NRC's decision-making and support for the provisions in the DFWPC that enable their hapū to uphold their mana and rangatiratanga over their wai and taonga species.
- Support CIAs for all controlled activities in relation to wai (as only the hapū can determine the cultural effects), and the Māori attributes in the DFWPC and a bespoke process for hapū to determine their own attributes.
- Support the draft Action Plan but are disappointed that the allocation of funding is still to go through LTP consultation process. Sufficient funding is needed to support tāngata whenua involvement in freshwater decision making and management. Support rates remission or funding for Māori landowners who may struggle to comply and suggest additional financing be requested of central government.
- Highlight their own land management practices based on maramataka and other mātauranga that effectively manages erosion and advocate for setbacks to be determined based on local knowledge and common sense (planting gullies and restoring wetlands, controlling stocking rates depending on the weather etc) rather than blanket fencing rules.
- Support 20% water allocation policy and change to first come first served allocation, noting NRC must uphold current and future Treaty Settlement arrangements and give more weight and support to hapū

in decisions over water allocation (and availability of water for future Treaty settlement and development opportunities).

- Consider water to be a living being not a commodity and support policy D.4.33 which reflects mana atua and legal personhood for all water.
- Strongly support the tāngata whenua climate change mitigation and adaption policy aligning with integrated catchment management and point to Māori methodologies that can be used to better integrate climate change into NRC's freshwater management, with.
- Identify capacity constraints (time and resources) on hapū to participate, and costs associated with consents and the RMA system and suggest NRC contract hapū to provide input to and streamline RMA processes. NRC should also work with hapū to develop guidance for applicants and planners and consider training including on IHEMPs.
- Note the need for strong relationships and collaboration with councils, iwi Taumata Arowai and other Crown agencies to ensure consistency and well-planned water systems are implemented and rules and regulations are not inconsistent and subject to personal interpretation. Hapū must be involved in all decision-making processes and better aligned work programmes are needed to reduce the burden on hapū.
- Stress that the health and wellbeing of our water will be critical for future generations to live healthy and prosperous lives.

**Nga Uri o Tiopira Hapū ki Pananawe** describe their relationship with the rivers, streams and lakes in their rohe (Whenuahou, Waipoua) for over 700 years as sources of food and water. The hapū support the tāngata whenua provisions in the DFWPC and request their retention. In addition, the hapū:

- Agree with the concept of Te Hurihanga Wai and the long-term vision in the RPS as drafted with 2040 timeframe.
- Urge NRC to continue to include Te Mana o Te Wai concept and related overarching principles (as per NPS-FM) and prioritising the health and wellbeing of freshwater and ecosystems as the number one priority in future states of the freshwater plan change.
- Confirm that He Whakaputanga and Waitangi Tribunal findings are relevant as these confirm that hapū did not cede sovereignty and that it is their role to practice rangatiratanga and uphold mana.
- Note that the hapū suffers where there is loss of mauri, impacting their ability to gather food and perform their cultural practices including ability to manaaki visitors.
- Stress the importance of avoiding and reducing pollution of waterways to enhance the mauri and protect freshwater biodiversity and ecosystems.
- Support the tāngata whenua values in the DFWPC noting the hapū may wish to include their own in the future. Also support the Māori freshwater attributes and target attribute states that enable the hapū and kaitiaki to monitor outcomes using their own mātauranga and inclusion of LTP/Annual Plan funding to support hapū to undertake freshwater monitoring using their own tikanga. Stress that it is not for NRC staff to monitor Māori values, rather this can only be done by hapū and kaitiaki. No mātauranga can be used by NRC without prior consent of hapū and data information protocols.
- Support more stringent rules for freshwater management in combination with support for Māori landowners/farmers who might not otherwise be able to afford to comply (funding to support fencing of waterways and HEL and riparian planting; rates relief).
- Support requirement for CIAs for all consents (including controlled) for activities relating to / impacting on freshwater.
- Request NRC to reconsider the FMU boundaries to better reflect takiwā using process that involves tāngata whenua.

- Support better integrated planning to address climate change crisis and land use planning, and support better consideration of stormwater management, erosion and sediment control plans and wastewater treatment plants and aligning these with hapū values.
- Note impact of climate change with droughts and floods and support stronger provisions to determine what the effects of climate change mean for freshwater management in Northland and support for hapū to plan for how they adapt to climate change using their own mātauranga including identifying future water sources for marae.
- Support involvement of tāngata whenua in decision-making processes for freshwater and the funding to enable that (Action Plan actions 10 (a) – (g)).

**Ngāti Koroko Hapū (Ngāti Korokoro Hapū Trust)** note the time taken to read all the documentation and provide feedback (as volunteers who are already working fulltime). The hapū support the DFWPC as a basis for effectively addressing the water quality issues in Northland and represents their aspirations to ensure their tamariki, mokopuna, whanau, hapū and future generations can swim in their rivers, access safe drinking water, accessing kai. They stress the importance of this plan change to them. In addition, the hapū:

- Value the health of their rivers, streams, wetlands and groundwater and the coastal areas they flow into and note the interlinkages between ecosystem health and the mana of the waterbodies and the value they place on natural and wildlife values.
- Assert their rights under unextinguished native title to make decisions and have power of veto in their rohe including water, and that NRC is managing freshwater under assumed mandate which is unconstitutional (refer to Wai 2358 and several High Court appeals relating to un-extinguished native title and invalid pre 1840 land sales).
- Request establishment of an independent body to govern plantation forestry and clear felling and a working party with hapū and selected industry experts to work with the logging industry and put in place a plan to stop all future clear felling.
- Caution that riparian planting needs to be maintained if it is not to become a corridor for spreading pests and weeds, need to be sure that plants are free from pests, and use species such as harakeke that can withstand floods. Riparian planting needs to be prioritised and suitable species planted to provide shade for the rivers and streams.
- Note the improvement in water quality with the decline in number of operational dairy farms in the Waimamaku valley and the improvements driven by Fonterra with the remaining dairy farms now being significantly better than in the past, but huge concerns over ongoing issues with wastewater treatment entering the harbour.
- Note the need to better understand the impact of mining on water quality and NRC's freshwater plan change needs to consider the impacts of historic mining and contaminated sites (NRC's latest maps do not record all these sites) – the hapū maintains this knowledge even if NRC has lost the corporate knowledge.
- Note that legal personhood for water does not usurp the hapū, this needs to be clarified.
- Support financial and technical assistance for farmers – time and money are both in short supply.
- Oppose changes proposed by central government that prioritise monetary gain.
- Request that compensation be provided for increased setbacks that result in reduced private usage of land.
- Urge NRC to recognise that the hapū of Hokianga do not have resources to participate in all of NRC's processes and planning and that funding should prioritise supporting hapū and whanau who whakapapa to the whenua.
- Note concerns over climate change and the need for hapū to be involved in enforcement and compliance monitoring to police water management – especially with increased droughts and increasing temperatures.

- Support strong regulatory methods in the DFWPC to address issues of *E. coli*, sediment, algae growth, potential toxic waste from mining, and ecosystem health as well as to protect and improve amenity and natural character values, drinking water and contact recreation.
- Request clear attribute states for nitrogen, phosphorous and heavy metals (from mining) that protect ecosystem health – this is a gap in the DFWPC.
- Request target attribute state for groundwater for nitrate-nitrogen with target of <1mg/L to protect the health of groundwater for human drinking and ecosystems.
- Request new rules limiting vegetation clearance, land preparation and earthworks in areas of high erosions risk and tighter controls where that risk is severe, and stock exclusion from both high and severe erosion risk areas.
- Support stock being kept out of waterways with rules for streams in steeper areas and setbacks wide enough (>10m) for riparian planting so that rivers and streams have space to naturally adjust over time and dissipate floodwaters (nature-based river/flood management instead of engineering) and include policy to ensure existing wetlands and native forests are protected to enable rivers and floodplains to naturally mitigate extreme weather events.
- Support FDE requiring consents to discharge to land and prohibition of any new FDE discharge to water, and stricter requirements for renewals of existing FDE discharges.
- Support prohibition of discharges to water from existing and new WWTP discharges to water and stricter conditions for renewals, domestic wastewater, mining (to water above or below ground), of fluoride into waterways or drinking water supplies, any use or disposal of 1080.
- Support protecting wetlands by prohibiting draining or clearance of wetlands, excluding stock, including policies encouraging wetland restoration, mapping and monitoring wetland extent and condition with informed consent of the hapū.
- Request more control over exotic forestry (including carbon farming) including larger setbacks (>100m), requiring consents for plantings in high-value dune lake catchments, and prohibiting clear felling.
- Support CIAs for all water related consent applications, and limit term of water takes to <10yrs unless for hapū/papakāinga/marae/municipal supply. Re-align consent expiration dates to align across a catchment and set aside portion of unallocated water (above environmental flows) for environmental enhancement.
- Support NRC establishing a system to manage nutrient runoff (eg. limit fertiliser use or reduce stocking rates in degraded catchments and support for riparian planting and hapū nurseries).
- Support improving natural character and habitats in rivers by increasing regulation of activities in the beds (eg. gravel extraction), monitoring and including target states for natural character and physical habitats of rivers.
- Support protecting and restoring upstream catchments to improve estuaries and coastal areas as receiving environments, and support for a hapū driven working group for Lake Ōmāpere restoration.

**Whatitiri Māori Reserves Trust, and hapū of Te Urioroi, Te Parawhau, Te Mahurehure of Porotī, Maungarongo Marae** describe their ongoing battles to protect and look after their Whatitiri maunga aquifer and Porotī Springs, they cite numerous instances of poor decision making and lack of enforcement and monitoring by NRC over many years and refer to various court and Ombudsman proceedings. The hapū support the recommendations of TWWAG, noting that where the hapū have a different view this takes precedence. In addition, the hapū:

- Detail the ongoing pressures placed on their river and aquifer and past requests to NRC to map, monitor and manage water takes and discharges and the negligence of NRC in protecting and looking after the Porotī Springs as a vital source of water for Whangārei, increasingly critical given climate change. The hapū request that all permitted bores be capped and sealed to stop illegal water takes.
- Detail concerns over many years over resource consenting processes relating to water takes from Porotī Springs and Waipao Stream, Wairua and Purua Falls power generation and Hikurangi drainage scheme including current applications and the disregard NRC demonstrates to hapū concerns.



- Express concerns about over-allocation and notes that it is incumbent on all to limit the amount of water taken and reserved for environmental enhancement and that the 20% allocation for Māori policy should not be used as a 'de facto' water conservation order.
- Identify that NRC has to do much more work on 'un-used' allocations which are maintained to ensure proprietary rights to water even when it's not needed, stopping access to that water by others (examples given of WDC using less than half consented take for more than 30yrs and actively opposing hapū applications to access water and having consent to take from Wairua river for past 30 years but not having ever done so, and new consents being issued by NRC for Kauritutahi Stream despite it being 'over allocated').
- Point to over 1,330 reports to NRC of damage / pollution to rivers and request independent assessment and review of NRC and WDC water management.
- Notes concern over statements made in the media by NRC Chair and what may be an undemocratic process if personal interests are not curtailed, stressing that there is no room for bias or conflicted judgements from NRC. Describes the robust and fair process that involved farming sector representatives when MfE developed the NPS-FM and that Te Mana o Te Wai is fit for purpose.
- Support empowering iwi and hapū to be active kaitiaki to patrol and issue infringements for all waterways and harbours in Northland with relevant NZQA training and qualifications and equipment through NRC funding.
- Provide a comprehensive stock exclusion fencing assessment tool/code which the kaitiaki have been using to grade compliances with fencing requirements for years. Note that NRC does not have an effective way of monitoring and enforcement of stock exclusion/fencing.
- Request an independent review overseen by MfE that includes iwi and hapū, of the data which NRC provides to LAWA, including water sample test locations and re-establish the Mangakāhia Bridge site on the Wairua River.
- Note flaws in how NRC monitors point source discharges from farms, pointing to illegal discharges after dark or during heavy rain, and requesting that effluent ponds should all have 150 days storage minimum set by stock units. Also request changes to NRC water testing methodology.
- Note that NRC should focus on its core mandated duties to the environment and communities and not focus on economic/business investments. Note that in the hapū's view, civil defence emergency planning and emergency services are of relevance to the freshwater plan change.

**Ngāti Kopaki Hapū Korowai Inc** describe their hapū rohe and mandate as kaitiaki and mana whenua including under customary fisheries legislation and refer NRC to their gazetted notice relating to food gathering from waterways and rohe moana, the lakes on Ngāti Kopaki and Ngāti Te Ara Manawhenua lands, and their active involvement in Taumarere flood mitigation projects.

They outline their tikanga-based plans which include monitoring flood waters, documenting species and actions such as replanting and clearing to reduce erosion in the following rivers in particular with neighbouring hapū: Taikirau, Waiherowhero, Waihurikuaru, Waiharakeke and Taumarere. They express gratitude to NRC and hapū members who have worked with NRC for providing their advice and recommendations to council, as it is encouraging for their hapū to see NRC taking onboard their values of healing and maintaining active relationships with their rivers and waterways is reflected in NRC policy. The hapū stress the importance of talking together and strong relationships for the benefit of future generations and provide a whakataukī (proverb) that describes that with unity and togetherness we can achieve the insurmountable and invite NRC to traverse the insurmountable with them.

**Lake Ōmāpere Trust** provide a copy of their relationship agreement with NRC and note their support for the vision, targets and objectives in the DFWPC as they align with the aspirations of the Trust for the management and restoration of Lake Ōmāpere. The Trust supports managing HEL and exotic forests, eliminating discharges to water, managing impacts on tāngata whenua values, stock exclusion and water allocation. They support enabling tāngata whenua to practice kaitiakitanga within the lake's catchment and for the Trust to be represented on both TWWAG and the PSLG and being kept informed of ongoing DFWPC

development. They also support allocation of funding to support implementation of their plans to improve water quality of the lake and support the targeted water allocation policy noting the interconnections between various aquifers and the lake.

**Ngāti Whakamau Hapū** describe their rohe and connections to the Mangakāhia River, their grave concerns over the poor health of freshwater and urgent need to treat water with respect as a taonga and support urgent and prioritised funding and plan provisions that uphold te mana me mauri o te wai. They support locally based freshwater planning and support hau kāinga and communities take practical on the ground actions that result in long-term environmental gains, as well as support for kaitiaki (not creating barriers) as a more efficient and effective way of service delivery.

They support adaptive approaches to land use decisions which result in improvements to wai Māori given it is unsustainable to continue land uses that result in declining freshwater health. Noting that NRC must provide support to landowners to transition to alternative livelihoods that generate measurable environmental improvements they support setbacks and stock exclusion policies.

They consider the plan change and action plan should focus on transgenerational environmental gains through local community empowerment and prioritisation of freshwater health. They support managing water demand through reducing wastage rather than allowing more takes on a first come first served basis.

The hapū reminds NRC of its Treaty partnership responsibilities and the need to recognise He Whakaputanga and the Waitangi Tribunal findings relating to freshwater.

**Te Tumu Paeroa (Office of the Māori Trustee)** set out their mandate nationally and including administration of 1,797 ha of Māori freehold land for 2,375 Māori landowners in Te Taitokerau, noting that given the number of landowners there is bound to be divergent views, and that this feedback is from the Māori Trustee who does not speak for individual landowners, hapū or iwi.

The Māori Trustee describes the particular constraints and challenges associated with Māori freehold land and that often there are no or limited economic returns<sup>10</sup> due to a range of factors (most are <50ha and are in irregular shapes, is often marginal land, physically or legally landlocked, lack of occupation / improvements on the land, complex decision-making with more than 100 owners per parcel) or often forced into passive lease to neighbours where returns are insufficient to cover costs such as rates and regulatory compliance. Access to third party capital is highly constrained and is particularly vulnerable to increasing impacts of climate change due to often being located on the coast or along waterways. In particular, the Māori Trustee:

- Does not support increased setbacks, stock exclusion on HEL or extension of stock exclusion from wetlands and waterways for sheep on Māori freehold land due to its unique characteristics (including disproportionate number of wetlands – noting protection is not opposed but support is needed), historic barriers, inability to change land use and economic restrictions and considers freshwater farm plans a more appropriate tool for deciding where greater setbacks are required. Noting more information about sheep farming is needed before rules are broadened, freshwater farm plans provide tool to address sheep as rules as proposed will likely make it cost prohibitive to farm sheep on Māori freehold land<sup>11</sup>. Timeframes for compliance will also be difficult given most Māori land trusts already struggle to meet base costs.
- Strongly supports 20% targeted water allocation policy as a minimum as a step towards a more equitable and enabling system for development of whenua Māori and preserving wai.
- Strongly supports requirement to assess effects on tāngata whenua values and practices.
- Strongly supports elimination/reduction in discharges (treated or untreated) to water, FDE should be phased out, with actions taken to ensure no further discharges after the expiry of consent and no renewals.

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<sup>10</sup> Of the Māori freehold land blocks administered by the Māori Trustee in Te Taitokerau 90% generate less than \$10k/yr. and 73% generate less than \$5k/yr.

<sup>11</sup> In general sheep farming is more profitable on Māori freehold land than other livestock, and if fencing costs make it prohibitive, then land is likely to revert leading to pest and weed management issues.

- Supports management of commercial forestry recommending that the notified plan implements rules relating to exotic forestry and stock exclusion at the same time to avoid large scale plantation forestry inadvertently resulting from stock exclusion rules.
- Support the existing actions in the draft Action Plan and new actions to support stock exclusion, riparian planting and restoring wetlands and recommends that specific funding should target owners of Māori freehold land blocks <50ha to meet stock exclusion rules.
- Provides more detailed feedback on setbacks and the potential implications for Māori freehold landowners.

**Matauri Trustee Ltd (Matauri Trust)** note their opposition to some parts of the DFWPC, in particular stock exclusion from HEL. They provide details of how they have managed erosion on their property, through low stocking rates and note that it is better to retire marginal land that is unproductive into native bush or production forestry. They do not believe that the database using LiDAR is an effective tool to implement blanket policy and that a site-specific flexible approach using farm plans is needed that builds on existing mitigation practices. The Trust highlights the work that they have done to establish wetlands, swamps and a lake on their property where stock excluded that provide valuable habitat for birdlife and other species as well trapping sediment. They note that requiring resource consents to farm HEL will result in significant economic losses and point to research done in the Kaipara that stock exclusion would reduce sediment loads by 13%, and that farm plans are a more cost-effective tool.

**Taiamai ki te Takutai Moana (RMU)** outline their interests in the Waipapa, Kerikeri, Wiroa, Waitangi catchments (including aquifers) and using catchment management plans to address HEL, eliminating discharges, managing exotic forests, excluding stock, impacts on their ability to practice kaitiakitanga and water allocation. They support restoration projects, voluntary landowner actions, partnerships, freshwater farm plans, Landcare groups and bottom lines being set within catchment plans. They request NRC discuss the targeted water allocation policy with them for the Waipapa, Kerikeri, Wiroa, Waitangi catchments.

**Tapuwae Incorporation (Ngāi Tūpoto / Ngāti Here hapū)** describe their customary land and farming operations (Tapuwae Farms Ltd) as a 2000ha farm-forestry-honey-conservation which also leases an adjoining 650ha iwi block, where each activity complements the other based on their four pou approach which focuses on holistic, intergenerational and long-term outcomes consistent with their values as mana whenua. They note He Whakaputanga and Waitangi Tribunal (Wai 1040) which confirm independence and mana motuhake of hapū must be the foundation for freshwater policy development. They:

- Support policies that recognise their roles and responsibilities as kaitiaki of the land, protecting whole ecosystems, including wetlands, harbours and estuaries, not just waterways, noting that everything has mauri and is interconnected. They note that their whakapapa to the land enables them to ensure that the mauri, wairua and mana of the environment is protected and sustained for future generations, and use of mātauranga. The importance of assessing cultural impacts before development is approved because water quality impacts on their taonga species and cultural landscapes.
- Refer to the Tapuwae Environment Management Plan (2020) which sets out their values, principles, and their pathway for protecting, restoring and enhancing their land, ecosystems, habitats and biodiversity to sustain their people.
- Oppose the use of land slope to define HEL, describe how they have planted gullies, not overstocking and being mindful of class / weight of stock on their land that is vulnerable, and expectation to be involved in any land classification proposal that will have huge impact on their ability to provide benefits to the hapū, noting that fencing off productive land will be cost prohibitive. They note that they have fenced off and planted waterways and wetlands but note that common sense should determine the setback distance, and that costs of fencing materials, labour and maintenance of areas setback are challenges, and noting that they will require financial support from NRC to comply (rates relief/remission or grants).
- Support catchment-wide monitoring based on cultural indicators (not just compliance monitoring) and support the concept of Te Hurihanga Wai and he whakapapa of wai as described in the DFWPC and the provisions which give effect to Te Mana me te Mauri o te Wai. They expect flexible solutions that are

designed for local situations that acknowledge plans already in place and work undertaken by Māori landowners and farmers and recognises their rangatiratanga.

**Pokapu Incorporation (Te Kau e Mua Hapū)** outline the challenges they face as Māori land block owners with 700ha of farm between two rivers with multiple tributaries and describe how they are already in the process of retiring HEL with a mix of exotic and native hardwoods and their support for farm-specific regulations rather than use of blanket mapping of HEL.

- They agree with tighter controls on HEL (assuming it is actually erodible) for earthworks, vegetation clearance and stock grazing, noting that it is unsafe to farm some of the steeper slopes and its uneconomic anyway. They note the HEL maps are not user friendly. They support requiring consents for discharges to land to ensure the systems are appropriate and used correctly, and already have discharge to land system set up on their farm. They support stock exclusion being worked out on a property-specific basis as part of a 'consent to farm',
- They always have tāngata whenua values as their priority and take a 100-year planning horizon in their decision-making. They acknowledge Ngāti Hine's IHEMP and their respected elders.
- They note concerns over setbacks and planting being barriers and constraining flood flows resulting in flooding of adjacent paddocks causing pugging. They note they could not meet a 30m setback as this would result in 70% loss of their farm and advocate for planting trees along north banks of waterways to provide shade. They have fenced some of the drains on their property (with 4m setbacks on north/east or uphill and no setback on other side to enable digger access).
- Describing how they use water pumped from a creek for their stock and a dam for the- cowshed they note their plans for being more self-sufficient in water (costs \$60k - \$100k) and note that if NRC want to take 20% of allocable water they would be requiring financial compensation, noting NRC has a responsibility to ensure that water allocation is fair and equitable.
- They urge all to take all efforts to preserve and improve water quality and consider themselves kaitiaki and doing the best they can to protect the water and would be interested in funding to support greater water storage opportunities.

**Korokota Marae** are concerned about the vision and objectives/targets for freshwater, managing HEL and exotic forests, eliminating discharges to water, managing impacts on tāngata whenua values, stock exclusion and timeframes, and support and funding for freshwater improvements and want to be involved in freshwater plan change development.

**Mahimaru Marae** note the financial hardships and challenges that landowners in Awanui and Ngāi Takoto will likely face with to comply with the fencing, native planting and pest/weed control with the added loss of productive land. They note that NRC should provide financial assistance (grants or subsidies) for fencing and vegetation, and targeted support for erosion mitigation assistance including technical support, resources, funding and on-farm infrastructure and capacity building programmes to raise awareness of erosion risks. They request that NRC use the delay in notification of the plan change to consult further.

**Ōmāpere Opononi Waimamaku Māori Committee** note their particular interest in the vision and objectives/targets for freshwater, managing HEL and exotic forests, eliminating discharges to water, managing impacts on tāngata whenua values, stock exclusion and timeframes, and support and funding for freshwater improvements and mining on conservation estate. They also note that iwi chairs and PSGE do not have the authority to speak on behalf of hapū.

**Te Taitokerau District Māori Council** notes that NRC must recognise Māori Committees and provides details on the 14 Tribal Executives and 88 Māori Committees in Northland established under the Māori Community Development Act 1962 and note the importance of feedback on the DFWPC when NRC determines what it will do next in regards the freshwater plan change.

The following marae committees and Māori committees have provided similar feedback: Pakotai Parakao Māori Committee, Waitangi Pouerua ki Rakaumangamanga Māori Committee (Te Tii Marae, Waitangi),

Whananaki Māori Committee, Ngāti Hau Rangatahi Group, Mahurangi Hapū, Ngāti Tu o Whangārei Hapū, Rawhiti ki Rakaumangamanga Māori Committee, Ngāti Hau Environmental Management Group, Ngararatunua Kamo Māori Committee, Akerama Ruapekapeka Māori Committee, Pukepoto Māori Committee, Te Rarawa Māori Committee, Whakapara Puhipuhi Waiotu Māori Committee, Te Patunga Marae:

- Congratulate NRC on the DFWPC as a solid base to effectively address water quality issues, not just give effect to Te Mana o Te Wai, and to help them meet their aspirations for safe and clean water for their children, grandchildren and future generations. They each describe their respective interests in various waterbodies of particular significance to them. In addition, they:
- Strongly support keeping Te Mana o Te Wai/Te Mana me te Mauri o Te Wai in the plan.
- Value the health of their waterways, including the banks and beds and coastal receiving environments, and all the springs, streams, rivers, lakes, aquifers, wetlands and estuaries.
- Stress the importance of their waterways for contact recreation and ecosystem health, and as places to commune with nature as holy or spiritual places, and the importance of biodiversity health and wellbeing and their deep intrinsic values. Noting that the Waitangi's rating as 'Fair' is unacceptable, the committee detail issues experienced including *E. coli* contamination, sedimentation, toxic algal blooms, invasive pest species etc that negatively impact on their cultural practices.
- Request NRC to do as much as it can to protect and restore Te Mana o Te Wai and achieve and maintain optimum ecosystem health, including strong regulatory measures (including target states for nitrogen and phosphorous, groundwater target of <1mg/L nitrate-nitrogen, limits on vegetation clearance, land preparation and earthworks and stock exclusion in areas of high and severe erosion risk. Also request rules for keeping stock out of streams in steeper area, setbacks of >10m sufficient to allow rivers and streams to adjust naturally, requiring consents for FDE discharges to land, prohibit new FDE to water and include stricter requirements on renewals, prohibit WWTP to water and stricter requirements on renewals, prohibit domestic wastewater to water and any toxic waste from mining to surface or underground water.
- Request that NRC map and monitor wetland extent and condition, prohibit wetland drainage and clearance, require stock exclusion from wetlands and support policies that encourage wetland restoration.
- Support requiring larger setbacks from waterways for exotic carbon and plantation forestry and requiring consent for exotic carbon and plantation forestry in high value dune lake catchments and prohibiting clear-felling of forestry in high-risk or steep areas.
- Support CIAs for all applications relating to freshwater, and want all water takes to have consent terms of <10 years unless for municipal, papakāinga or marae supply. They support phasing out and preventing over-allocation of water by also ensuring consent expiry dates align within a catchment and setting aside a portion of unallocated water for environmental enhancement.
- Suggest NRC have a system to monitor and manage nutrient leaching *eg.* by limiting fertiliser use or stocking rates to manage nutrient pollution from agriculture.
- Support inclusion of policies which protect wetlands and native forests to naturally function as part of catchments/floodplains and prioritise nature-based over engineering solutions. Request increased regulation of activities in beds of rivers *eg.* gravel extraction and require regular monitoring and reporting on natural character and physical habitat in rivers and associated target attribute states.
- Support protecting and restoring upper catchments and inclusion of target attribute states for water quality in estuaries and coastal areas, ensuring water in waterways is maintained to drinkable standards with NRC to publish monthly reports online.

[Tāngata Whenua Water Advisory Group](#) has provided detailed feedback (see [Te Taitokerau Draft Freshwater Plan Change – Tāngata Whenua Water Advisory Group Feedback](#)) which compares their original advice on the content of the DFWPC with what NRC put out for public consultation. This was endorsed by the hapū and iwi representatives of TTMAC on 28 March. They provide comments on each individual provision in the DFWPC noting whether they support its retention or amendment.



In summary, the TWWAG feedback requests strengthening wording beyond what the RMA uses (eg. where the RMA language uses ‘take into account’ TWWAG recommends the wording be ‘have particular regard to’<sup>12</sup>) arguing that the RMA wording is not a ceiling but a minimum legal requirement (unless specifically stated otherwise in the RMA).

Caveating their feedback pending future legislative reforms, TWWAG point out that the principles of Te Mana o Te Wai will remain and are enduring regardless of future reforms. In response to concerns raised by NRC staff that some of the policies proposed by TWWAG were too high-level, TWWAG note that TWWAG’s recommended policies were deliberately focused on human behaviour and relationships with water, which is a significant shift in policy direction. The more philosophical approach taken by TWWAG focuses first on the needs of the water, rather than on what activities it is that humans want to use water or do to waterbodies, which leads to policies that do not necessarily meld well with the other policies in the DFWPC which are more directive.

TWWAG also note that not all Te Reo words used need to be defined by NRC in the DFWPC, pointing out that it is the role of mana I te whenua to define what words mean in their rohe and according to their tikanga. They reiterate their advice to NRC that a ‘bottom-up’ approach working at local community level to provide local context is essential for FMU specific and directive policy.

Suggesting some minor amendments to some provisions in the DFWPC, TWWAG also provide further justification for their original proposed wording where NRC did not adopt it, or suggested alternatives. They strongly urge NRC to reinstate their proposed policies on water sovereignty backing this with Waitangi Tribunal findings (WAI 2358 and WAI 1040) and the 20% targeted allocation policy. They also request NRC include all their proposed provisions that were not incorporated into the DFWPC, particularly regarding legal personhood for water, resourcing for hapū and iwi participation in resource consents processes, and discharge of contaminants.

TWWAG also point out inconsistencies in the policies with industrial and trade waste discharges to water take into account cultural impacts and generally won’t be granted unless there are no viable options for discharges to land, whereas municipal, domestic, horticultural or farm wastewater discharges to water policies do not explicitly mention cultural impacts.

Supportive of the draft Action Plan which includes most of the recommendations made by TWWAG, they note the critical need for well-defined guidelines so that these resources are used effectively and the need for robust financial oversight and implementation strategies to ensure transparency and accountability.

TWWAG reiterate their advice that it is not sufficient for NRC to simply ‘investigate’ s.33 or s.36B of the RMA but actually follow through and transfer powers and functions, joint management with tāngata whenua.

They also provide detailed suggestions in relation to [Targeted water allocation policy consultation document](#), and reiterate their concerns that some catchments are currently fully allocated, or close to, and recommend NRC undertake further work to determine how many catchments have 20% remaining unallocated, and how many catchments the proposed targeted water allocation policy wouldn’t work for as the water is already allocated. They also note further work needs to be done on the contribution to a fund and what that revenue should be spent on, suggesting one option being that any revenue raised in a rohe by the targeted water allocation policy being spent within that rohe.

They also provide feedback on the [Stock exclusion consultation document](#) supporting 10m setbacks but noting that a one-size fits all approach doesn’t work, and suggesting that if farmers want to be exempt from the 10m setback rule then they should apply for resource consent.

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<sup>12</sup> “Have (particular) regard to” means to ...give the matter genuine attention and thought, but it remains open to the decisionmaker to conclude that the matter is not of sufficient significance to outweigh other contrary considerations. “Take into account” requires decisionmakers to consider the provision, to weight those up with other relevant factors and to give them the weight that is appropriate in the circumstances. “Give effect to” means to implement, ie. the provision has to be met regardless of other contrary considerations.

## Tāngata Whenua Individuals

The following sets out key messages received in written feedback from tāngata whenua speaking as individuals and that NRC staff heard during various meetings and hui held with iwi and hapū<sup>13</sup> during the consultation phase. Feedback included in-depth discussions relating to unresolved Waitangi claims over water, rangatiratanga, whakapapa to wai, empowerment of kaitiaki, urgent need to improve the mauri of wai in light of the deepening climate emergency, degradation of wai over time, failure of councils to look after wai and the desire for tāngata whenua to be more actively involved in freshwater decision-making, monitoring and management.

- He Whakaputanga and Te Tiriti o Waitangi – tāngata whenua have never ceded sovereignty, including over wai (Waitangi Tribunal findings are relevant as well as He Whakaputanga). Statutory Acknowledgements also need to be given proper consideration. He Whakaputanga confirms hapū sovereignty and rights and obligations associated with mana motuhake, rangatiratanga and kaitiakitanga responsibilities.
- Tāngata whenua whakapapa to Taiao and have deep connections that can provide important knowledge to consent applicants and councils (including of past flood / drought events). Those connections are at risk when access to waterways is restricted, waterways are degraded (degraded mauri effects hauora and wairua of people) – it is important to not lose those connections eg. use of te reo, whakataukī and waiata. Waterbody's names are one key way in which tāngata whenua demonstrate those connections and relationships with water, through pepeha, waiata and whakataukī.
- Support concepts and provisions for Te Mana me Te Mauri o Te Wai and recognition of Te Hurihanga Wai. Hierarchy putting health of water first is essential for healthy lives and livelihoods and plan change notification should be progressed as a priority and not delayed. Water is essential for life yet taken for granted, the health of freshwater ecosystems including rivers, lakes and wetlands is crucial for human well-being.
- Frustrated and saddened by continuing degradation and mistreatment of wai and the creatures that depend on it – memories of abundant kai (plants, fish and shellfish) and rongoa that could be harvested from awa and estuaries and that is no longer there (loss in numbers and species diversity). Remain an important source of mahinga kai and mahinga mataitai.
- Access for tāngata whenua to their waterways is often restricted. This leads to loss of connection for tāngata whenua with their rivers, lakes and wetlands and sacred sites and affects their ability to practice kaitiakitanga. In some instances, public access to waterways should be restricted in order to protect sites of significance or water and habitat quality where it is pristine. Waterways used to provide both transport and communication links and provide important boundary and wayfinding landmarks associated with hapū and iwi identify. UN human rights include human right to water, and international indigenous peoples' rights are pertinent, and NRC is opening itself to potential legal liability by not meeting its international legal obligations.
- NRC has not demonstrated it is able to effectively manage and monitor freshwater – examples of where tāngata whenua have had to step in and respond as NRC has been unable to do so. Opportunities to better collaborate to improve efficiency and effectiveness and build on local knowledge and expertise of kaitiaki, and to protect atua and recognise whakapapa with wai. Budget allocation must consider how best to deliver functions and services and not assume it is NRC who are best placed to make decisions and monitor freshwater. NRC and the Crown have been responsible for degradation of freshwater ecosystems and consequential negative impact on Māori health – it is not for Māori to fix up the Crown's mess, Māori are not the problem.
- NRC runs reputational risk by not taking sufficient enforcement and compliance action – as evidenced by past incidents involving prominent and well-connected individuals. NRC must prioritise its mandate to protect and support a healthy environment for all not protect the interests of a select group and safeguarding our water must take precedence over economic growth. Focus needs to be on freshwater

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<sup>13</sup> This includes hui hosted by Te Rūnanga o Te Rarawa, Te Rūnanga a Iwi o Ngāpuhi, Te Rūnanga o Ngāti Rēhia, Ngāti Tupoto ki Motukaraka and Porotī Hapū.

needs of our children and grandchildren not on the short-term economic gain of a few. Businesses have legal responsibilities.

- As kaitiaki tāngata whenua remember the past and focus on the future. Monitoring of freshwater is a key opportunity for better collaboration or Transfer of Powers and Functions to tāngata whenua, including use of eDNA (taking whakapapa of awa) and for pests, and council's SoE and compliance monitoring as well as mātauranga Māori and maramataka. NRC should be supporting kaitiaki not getting in the way of rangatiratanga.
- Supporting on the ground actions by tāngata whenua and communities that promote sustainable livelihoods (such as permaculture principled designs and cultural-based models) and long-term environmental gains should be NRC's focus. NRC's role is to support landowners use their lands in ways that improve water first and foremost – improving mauri is a pre-requisite to sustainable livelihoods. Support flexible and adaptable approaches to support communities working together at local level and nature-based solutions which give rivers room to move.
- Support legal personhood for water as a living entity, respect the whakapapa and mana atua. Listening to the needs of the waterways can help future proof our freshwater resources and protect its intrinsic values.
- Cultural Impact Assessments – these should be done by mana whenua or ahi kā but also need to recognise that these are usually very site specific and in response to a particular application for consent – which leads to challenges assessing cumulative impacts and desire to see freshwater improvements – CIAs need to cover impacts on future generations. It should be iwi and hapū who determine when a CIA is required not councils. CIAs do provide opportunity for ahi kā/hapū/iwi to suggest consent conditions and to share knowledge of benefit to applicants and NRC alike. Some recommend that CIAs should not be required if the applicant is ahi kā/mana whenua.
- Climate change and resilience – much greater consideration needs to be given to impact that climate change has, including future demand for water (need to reduce wastage and demand by desalination, cropping and other choices), alternatives to freshwater takes, need for new water supplies as communities shift to higher ground, impact of increasing temperatures on freshwater. Climate change is already impacting on profitability of farming, and we need to recognise that farming will have to respond to changing climate and cannot continue with BAU. Climate change should be the key consideration. Need to move marae and papakāinga as well as ensure that freshwater is healthy and look after marae to be able to withstand impacts of stronger storms, flooding, droughts, wildfires. NRC is opening itself to legal liability if it doesn't take climate action.
- Water allocation – first come first served is unfair and concerns that waterbodies are already over allocated, support for 20% targeted water allocation policy with revenues to be spent on community-based and hapū led freshwater improvements in Te Taitokerau. More and more developments are being allowed without proper consideration of where they will get drinking water from or discharge their waste. Discharges of wastewater (treated or untreated) must not be discharged to water – culturally abhorrent. Water allocation should be done as a co-governance agreement with tāngata whenua. Many marae don't have access to clean water which is essential for good hygiene and human health, managing water allocation (and quality) to ensure access for marae to healthy clean water is essential and a human right (UN international human rights and indigenous peoples rights apply). Consents for water takes should be less than 10yrs (unless for municipal or marae use) and expiry dates coordinated within catchments, and an allocation should be set aside for environmental enhancement.
- Need a holistic view of freshwater and integrate planning of drinking water supplies for future populations as well as issues such as eradication/control of pest species (including plants, fish and mammals), carbon sequestration opportunities *eg.* eel.
- Kotahitanga – Tāngata whenua already working with neighbouring landowners – need to work constructively at local catchment level and recognise that farmers need differing levels of support and for advice and information to be easily accessible and understood. Needs to be a collective effort and building and strengthening of relationships and focus on rangatahi and future generations who are most

impacted by decisions we make today. Education and collaboration are key and enlivening living history and more support for educational programmes that support kaupapa wai is needed.

- Need to recognise that tāngata whenua are in a different position to other landowners (differences between Māori freehold and general title) and need different support to others who are able to access mortgages / loans and sell their lands. Need support for more sustainable alternative livelihoods such as eco-tourism and plant nurseries, and alternatives uses of riparian margins and HEL that result in environmental enhancement and negotiate with financing institutions for incentives, eg. low / zero interest loans to support fencing of wider setbacks and permanent native forestry, wetland and riparian enhancement. NRC should consider benefits of improved water health to all not just costs of fencing for farmers.
- Mātauranga Māori is something which should remain with tāngata whenua and NRC should not be responsible for assessing or holding such knowledge. Tāngata whenua should not be further subjected to colonisation and appropriation of mātauranga. This relates to intellectual property rights and data sovereignty which NRC needs to consider and address. Some of these challenges can be addressed if NRC were to transfer its powers and functions to tāngata whenua.
- Support for IHEMPs as key means for tāngata whenua to share information with others on their own terms and to set out their thinking/aspirations for freshwater.
- As landowners and farmers tāngata whenua are trying to do what they can to improve freshwater, including fencing, riparian planting, and planting native species (rākau Māori). Memories of when life was much more abundant (eg. fish, birds) and changes over time provide valuable insights to what is needed moving forwards.
- Māori farmers are disproportionately affected by the DFWPC because Māori land is typically lower quality and value and more likely to be HEL. Somewhere between 580,000 - 730,000 ha is farmed by Te Ture Whenua Māori entities plus approximately 200,000 ha of PSGE/GT owned by Māori approximately 10% of land in agricultural production. Thirty-eight percent of Māori land is in indigenous vegetation.
- The DFWPC would likely cripple Māori farming businesses or pine plantations who are unable to diversify (because of upfront costs, lack of access to borrowing). Encouraging permanent woody vegetation would mean whenua Māori would not be able to generate income for whanau and shareholders. NRC needs to engage with Māori farmers on their farms to properly understand the challenges.
- Support additional targets for nitrogen and phosphorous to protect ecosystem health, nitrate-nitrogen targets for groundwater, and for coastal/estuarine receiving environments, and stricter controls on steep land, stronger protection for wetlands (and use of wetland condition index or similar tool), and system for managing nutrient leaching.
- TPK Tipu website and other farming platforms (eg. HawkEye, FarmIQ/Farmax) are much better than NRC ArcGIS maps which are hard to navigate and are difficult for Māori farmers to use.
- Māori farmers are also dairy farmers – some will need help to adapt their infrastructure and consents need to be appropriate and understand the needs of Māori farmers if they are required. Some will need help with fencing (current setbacks work and shouldn't be increased – do not support 10m and 30m setbacks). Some Māori will have 50-70% of their whenua impacted by HEL stock exclusion rules – they will need financial support to be able to comply, and existing timeframes for compliance are a challenge.
- Some whenua Māori and Māori farmers are using water from creeks and rivers, and investment in water storage will be needed. NRC should be encouraging water storage ponds to capture rainfall to address water security challenges given increased risks of drought and wildfires – most whenua Māori land blocks are neighbouring forestry or native scrub and increased risk of fire.
- Māori farmers and whenua Māori should not have to contribute to a fund for using the 20% in the targeted water allocation policy – they should be treated the same as marae, papakāinga, PSGE entities.
- Fencing requirements should be staged, so that those who have already fenced to 3m have five years to comply with a 5m setback (or 10 years for 10m) and funding support if they are small businesses or landowners have little / no income. Given freshwater is in the national interest government needs to












invest and help landowners and large companies that source their raw products from farms should also contribute.

- Māori farmers understand their values and are also part of their marae, hapū and iwi, they have IHEMPs and kaitiaki responsibilities which they know and understand. Whenua Māori and Māori farmers already have existing relationships with local kaitiaki which needs to be recognised.
- Accessing funding, even KMR, is ongoing challenge due to inability to raise remaining funds. More discussion and better assessment to support whenua Māori and Māori farmers is needed.
- NRC needs to engage with whenua Māori, Māori farmers and their advisors including Māori sector partners, and engage properly (eg. on farm) to improve the relationship with landowners and want a process for ongoing discussions between NRC and whenua Māori and Māori farmers.

In addition, there was specific feedback relating to individual waterbodies and the particular circumstances leading to their degradation and actions needed to see the improvements sought.

A survey of people attending the Whangārei Kapa Haka Festival on 23 March found that for most people the highest priority was improving freshwater, followed by support for community-led action on the ground. The table below shows what percentage of the 216 respondents thought was most important and should be prioritised.

**Table 2:** Themes from analysis of tāngata whenua survey

Priority	Percentage
 Te Mana Me Te Mauri o Te Wai is fundamental and central to improving water quality in Te Tai Tokerau – we all need healthy water for healthy lives and livelihoods.	88%
 Tangata whenua have been managing their wai and whenua, based on tikanga, kawa and mātauranga – NRC should be supporting kaitiaki and not standing in the way of rangatiratanga.	83%
 Supporting tangata whenua and communities to undertake actions on the ground – NRC's focus has to be on enabling community-based action that results in long-term environmental gains and promotes sustainable livelihoods.	86%
 The council needs to demonstrate it is taking its Te Tiriti partnership roles and responsibilities seriously and recognise He Whakaputanga and the findings of the Waitangi Tribunal relating to freshwater.	78%
 Mana whenua involvement vital in freshwater plan & Long Term Plan. Allocate budget for tangata whenua input from development to implementation. Prioritise community-level action for Te Tai Tokerau freshwater improvement.	73%
 Prioritise long-term well-being over short-term gains. Focus on climate change, freshwater health, and community empowerment. Consider future water demand and climate resilience in planning.	75%
 Reconsider our treatment of water—listening to rivers, wetlands, and lakes is crucial. NRC should aid landowners in prioritising freshwater health. Advocate for water's legal rights.	79%
 NRC budget should prioritise efficient service delivery (e.g., resource consents, monitoring). Support Māori empowerment through power transfer, relationship agreements, and direct involvement in freshwater management.	69%
 For freshwater health, enact flexible local solutions: setbacks, stock exclusion, and NRC-backed landowner support. Offer incentives for wider setbacks, native reforestation, and riparian restoration. Consider broader gains beyond landowners' costs.	69%
 I prioritise aligning spending with Climate Action and reducing water wastage. I endorse allocating 20% of water for specific purposes like marae and environmental enhancement, with funds supporting community-led freshwater improvement.	79%
 I value involvement in broader NRC decisions, not just in freshwater plans. I want to be informed on NRC's proposals regarding freshwater, Te Tiriti, climate change, budget, and LTP decisions.	82%



### 4.3.3. Rural Sector / Farming

NRC engaged with the rural sector and farmers through numerous channels. Drop-in sessions, scheduled meetings/presentations, online hui, and feedback from A&P Shows enabled staff to discuss the draft Plan Change with many in these communities. Individuals, farming groups, and professional rural service providers, such as contractors, accountants, and bankers, are included in this section.

Key themes common across the rural sector are below, followed by specific group feedback summary:

#### Legitimacy of NRC Science and Analysis

- Slope-based classification of highly erodible land (HEL1 and HEL2) needs to be linked to soil type, climate, and land use;
- The negative effects of decreasing land use intensity on property values have not been addressed in our economics assessment;
- Monitoring of sediment and *E. coli* runoff from individual farms is required to demonstrate that individual properties are contributing to the issues;
- *E. coli* contamination is from introduced game birds and is anecdotally far more of an issue;
- Sedimentation has increased drastically where new forestry has gone in;
- Sediment coming from unsealed roads is an issue that has not been managed or investigated;
- *E. coli* is not an issue – people are able to drink from streams on their land without getting sick and have done so since the 1950s;
- Poplars and willows planted along riparian margins and streambanks have grown too big and have fallen into rivers, creating new erosion sources;
- Much more economic analysis needs to be undertaken to justify associated costs to farming industry;
- Social impacts on mental health and wellbeing of rural communities will be significant, and the consultation process has already shown anxiety in these communities;
- Social well-being already quite low due to contemporary weather extremes, government regulations (3-Waters, SNAs, and COVID Lockdowns), and economic forces;

#### Over Regulation

- Farmers are inherently inclined to look after their land as it is their livelihood and do not require this to be regulated;
- Increased regulations will result in significant uncertainty and costs and will eat into revenue to the point that farming will no longer be a viable business, resulting in selling off to forestry;
- Riparian and floodplain pastures are the most productive, particularly where these are relatively flat or low slope;
- Over-the-top regulations will reduce the number of farms and farmers, which will have knock-on effects on supporting agricultural services including dairy factories, meat works, technicians, suppliers, etc;

#### Practicality of Implementation / Enforcement

- Fencing off floodplains and HEL slopes is not practical or financially feasible, particularly as the HEL maps are shown now (ie. without filtering or associated rule thresholds);
- NRC cannot resource (staff and time) the resource consent processing and/or enforcement of conditions of so many consents;
- Rules and enforcement seem to target farmers despite most being good stewards – not enough attention on lifestyle blocks which have less management and more impacts;



*NRC stand at Field Days*

## Unworkable for Farmers

- The financial burden and capital investment required is impossible for some – primarily those operating beef and lamb farms;
- Management and enforcement of production land discharges punishes many individuals and is unfair when municipal wastewater treatment plants are able to discharge without enforcement of breached consent conditions;
- Management of riparian strips with stock exclusion will lead to invasive weed proliferation – not enough time or resources for farmers to manage this on top of obligations;
- Appears to be a “land grab” akin to the Significant Natural Areas legislation;
- General feeling of mistrust with Government (central, regional, and local);
- Landowner rights are being taken away by NRC and/or tāngata whenua;
- Global forces (eg. United Nations Sustainable Development Goals) and overseas corporations are driving up land value due to demand for permanent carbon forests, pushing out farmers, reducing ability to compete for land acquisition, and associated effects on mortgage rates.

## Te Mana o te Wai

- Concerns around Cultural Impact Assessments: who, how, why;
- Why is food production third tier but cultural food harvesting (mahinga kai) second tier?

## Dairy NZ and Fonterra (on-farm)

Fonterra and Dairy NZ provided detailed feedback and this has been summarised below.

- Support for extension of deadline for the proposed freshwater plan from 2024 to 2027 and recommend that the new changes in NPSFM are given effect to in the plan.
- Role of tāngata whenua in freshwater management – Fonterra and Dairy NZ support and encourage tāngata whenua involvement in freshwater management and support enabling tāngata whenua as kaitiaki for wai. However, Dairy NZ is concerned around clarity and costs of the consent applications and believe that decisions on consents should be made by NRC and not be delegated. Dairy NZ has indicated their concern over clarity, timeframes and consequence of a few draft policies related to tāngata whenua values and have provided reasoning and suggested amends for the same. Fonterra showed interest in understanding these policies better to understand how they will be implemented.
- Eliminate / reduce discharge to water – Fonterra and Dairy NZ support phasing out direct discharges to water.

- Both Fonterra and Dairy NZ strongly oppose requiring a controlled activity consent for discharge to land (permitted in the current operative plan).
- DairyNZ recommend that NRC consider the effects of extreme weather events on discharge activity rules and support farmers, so they don't become non-compliant.
- Fonterra recommend the fertiliser application setback standard for "permanently flowing rivers" to 3m from 10m on low slope land.
- Stock exclusion from waterways – Dairy NZ support 3m setback from rivers 1m wide. Fonterra suggest a 3m minimum buffer (all cattle and deer on lower slope land, all intensive cattle and deer on other land) on all permanent and intermittent waterways with exceptions for existing. Dairy NZ do not support that stock exclusion rules need to be extended to sheep. Both Fonterra and Dairy NZ recorded their concern over tighter draft rules for land preparation 10m from waterways, especially in low slope land and have suggested reverting to original rules.
- Dairy NZ and Fonterra support protection of wetlands and encourage NRC to map and prioritise wetlands of importance in collaboration with the community to help with easing the costs of fencing.
- Stock exclusion from highly erodible land – Dairy NZ is not supportive of a blanket approach which would require the same interventions everywhere. Dairy NZ support tighter controls on earthworks, land preparation and vegetation clearance as proposed for HEL 1 and 2 land.
- Refine HEL map – Dairy NZ recommend using an average elevation limit (instead of two at 25 and 35 degrees) for controls on land disturbance activities.
- Concern for costs of stock exclusion options – Dairy NZ expresses concern over full extent of the costs that might be unfeasible for dairy farmers to comply with the drafted options for stock exclusion from HEL and setbacks from waterways. Dairy NZ recommends more holistic cost analysis in collaboration with farmer representatives.
- 20% water allocation policy – Dairy NZ supports the objective of the policy in the discussion document but recommends NRC get legal opinion on and explore other options to achieve the same objective. Fonterra – manufacturing hold a neutral stand and are keen to work closely on this policy to understand its implementation better.
- Support for freshwater farm plans in managing environmental as well as cultural risks has been strongly indicated by Dairy NZ and Fonterra, instead of requiring consents due to blanket rules. They suggest setback distances, exclusion from highly erodible land, riparian planting and effects on tāngata whenua values should be addressed through freshwater farm plans.
- Support for action plan- Dairy NZ supports the funding for planting riparian buffers from NRC and recommends creating catchment-based plans for the same. Fonterra encouraged education and awareness programmes for wetland protection.
- **Specific Dairy NZ feedback**
  - Of the view that Te Mana me te Mauri o te Wai proposed objective is unnecessary and the timeframe to achieve it by – 2040 - is not reasonable or justified enough.
  - Recommend using Northland MCI scores to determine target states.
  - Recommend encouraging stream water storage.
  - Recommend revising definitions to align with national legislation, especially of wetlands.
- **Fonterra - manufacturing feedback**
  - Eliminate / reduce discharge – oppose change of industrial or trade discharge to water discretionary activity to non-complying.
  - Policy to manage consent duration – oppose influence of third party on duration of a consent.
  - Recommend minor word clarifications in policy around target attribute states
  - In accordance with hierarchy of obligations in the NPSFM, NRC should be amended to reflect the wellbeing of people due to water allocated to industries like Fonterra.

## Sheep and Beef Industry Representatives and Farmers

- Stock exclusion from waterways will require significant costs for water reticulation, as stock will use rivers for drinking, particularly during summer months;
- Fencing along certain rivers is not possible where large floods are common;
- Concern over which waterways need to be fenced (what is permanent/intermittent and what are artificial/modified natural);
- Stock exclusion from HEL is not financially or practically feasible in many areas;
- Tunnel gullies and similar landscapes may not be fenced but have established bush on many of the farms brought up on the GIS maps;
- Not enough money to fund fencing and water reticulation;

## Beef + Lamb New Zealand Limited (B+LNZ)

- Support for extension of deadline for the proposed freshwater plan from 2024 to 2027 and recommend that the new changes in NPSFM are given effect to in the plan.
- Over Regulation - highlighted farmer's concerns over over-regulation discussed above.
- Believe consultation over drafting the vision, objectives and values for the DFWPC was not adequate.
- Urge council to incorporate feedback in the PSLG report into the DFPC, especially in respect to the vision statement and time-frames.
- Te Mana o te Mauri o te Wai – highlighted their concern over uncertainty of implementation of the Northland specific concept and recommend that NRC shift it back to original Te Mana o te Wai under the NPSFM 2020. The time frame of 2040 is also not supported. They recommend at least 30 years or more for outcomes to be achieved and urge NRC to provide clarity around what needs be achieved in certain time-frames.
- Stock exclusion – warn against use of blanket rules that might result in high costs for beef and lamb farmers. They recommend the national regulation of 3m from waterways for consistency, with the averaging approach. They also recommend using soil type, farm type along with slope to define risk of sediment loss from ELHHEL. They also recommend using freshwater farm plans to manage farm risks and time-frames. Sheep should not be included in stock exclusion rules. Unintended consequences of stock exclusion were also highlighted, eg. fire risk, biosecurity risk.
- Wetlands – recommend that farmer input into defining outlines of wetland maps should be considered and stock exclusion should be managed through farm plans. Construction of wetlands should be encouraged, and stock exclusion may deter this.
- Recommend that NRC work closely with community and catchment groups to achieve environment outcomes in the DFPC.
- 20% targeted allocation policy - support the reasoning behind the policy but are concerned about the uncertainty around its implementation.

## Horticulture / Cropping

Horticulture New Zealand's feedback on the Draft Northland Freshwater Plan focuses on several key themes related to the horticulture industry in the region. Overall, Horticulture New Zealand's submission emphasizes the importance of supporting domestic food production, ensuring water allocation for horticulture, and addressing climate resilience in the freshwater plan for Northland. Here's a summary highlighting major themes and specific rule changes they mention:

- Water Allocation: HortNZ highlights the importance of water for horticultural production, particularly on highly productive land. They seek provisions in the plan to ensure sufficient water allocation for domestic food production, emphasizing food security for New Zealanders.
- Concerns about costs and process of CIA: HortNZ supports the consideration of Māori values in the consenting process but seeks clarity on how these values will be implemented. They express concern

over the lack of guidance on how growers can demonstrate adherence to Māori values in the consenting process.

- Climate resilience: HortNZ recommends including land use change to horticulture as a mitigation measure for climate change adaptation. They highlight the importance of ensuring that the freshwater plan supports activities that contribute to lower emissions, such as horticulture.
- Specific Rule Changes: HortNZ proposes specific rule changes to support domestic food supply, including the introduction of a new rule for water take for domestic food supply as a restricted discretionary activity. They oppose changes that could disadvantage growers, such as shorter consent durations for activities not supported by mana whenua.
- HortNZ partly opposed earthworks rules C.8.3 and proposed variation for the same citing reasons such as communication times and biosecurity.
- HortNZ supports vegetation clearance rules but wants an added exclusion for biosecurity.
- Clarifications and Amendments: HortNZ seeks clarification on various rules and policies, including those related to land preparation, earthworks, water allocation and vegetation clearance. They recommend amendments to elevate the priority of water quality and quantity for irrigation for domestic food supply in the plan.
- Set back requirements for forage crops have been raised as an issue in a number of submissions from livestock farmers as well, noting that riparian flats have soil more suitable for growing corn and other forage crops.

## Other Livestock

We know that Northland has a small amount of goat and deer farming, as well as chicken farms, but minimal feedback specific to these other livestock has been received. We noted much less engagement from lifestyle farmers and smaller landholders than commercial farmers. This may be due to these communities and networks being less cohesive and centralised. Some common themes heard through in-person consultation events included:

- Improving education of lifestyle block owners, especially new ones, who may not be aware of existing regulations;
- Ensuring that any rules apply to all regardless of the size of a block or number of livestock; and
- Enforcing the rules fairly across all landowners.

**Maungatapere Water Company** is a cooperative irrigation scheme extracting water from three locations (downstream of Porotī Springs, Wairua River, and a dam at Maunu) for horticultural and agricultural uses. Their primary concerns include:

- Ability of NRC to monitor flows and water use based on the ongoing lack of a comprehensive record of bore takes in the Waipoa catchment;
- Compliance and enforcement action (listed as 7 on the Draft Action Plan) should be prioritised;
- TWWAG funding should not come from the NRC ratepayers;
- Oppose implementation of a Māori freshwater values / attributes monitoring programme at an annual cost of \$1 million;
- Insufficient clarity on what Te Mana o te Wai means or how Māori values will be identified and considered in the resource consenting process;
- Oppose shorter consent durations for activities not supported by mana whenua, citing that food production and associated economic and social benefits should be taken into account;



- Oppose requirements under Policies D.1.1 and D.1.2 to determine and analyse effects on tāngata whenua values and practices<sup>14</sup>, instead requesting that iwi or hapū should submit on an application under the notification process;
- Oppose Policy D.4.13<sup>15</sup> requiring reasonable and efficient use of water irrigation, noting that the required water balance model is not required where there is available water allocation;
- Rules in C.8.2 regarding land preparation are an overreach and not required;
- Oppose references to cultural values or non-physical values in rules and policies regarding land preparation, earthworks, and vegetation clearance;
- Recognise impacts of climate change but oppose inclusion of tāngata whenua specific provisions for climate change mitigation and adaptation as well as NRC's role in managing farm operations.

#### 4.3.4. Representative Groups

**Federated Farmers** is an advocacy group that represents member farmers, advocating for rural / farming interests. The organisation, through representative individuals, has provided feedback on the DFWPC at multiple stages by:

- sitting on the Primary Sector Liaison Group (PSLG) since its inception;
- attending drop-in sessions and online hui;
- publishing written articles in print media and online; and
- through letters addressed to NRC and written feedback.

The key messages from the organisation were very much aligned with those of individuals and other primary sector groups outlined in Section 4.3.3 above. The letter sought five things from NRC:

1. A pause in the pre-consultation process due to the pending change in government direction, noting concern around everyone's best use of time and not wanting to be held to things said in the existing context of the plan change;
2. Support from NRC to request a delay in the Freshwater Plan Change process;
3. An extension of the feedback timeframe to the end of March 2024;
4. Further input from the PSLG on any proposed plan; and
5. Any further progress with the draft plan to include a s32 analysis as required under the RMA.

It is worthwhile noting that NRC was already aligned with points 2 – 4, and that a s32 analysis is a requirement of a proposed plan, but not of a draft plan. There was a considerable push from Federated Farmers at multiple events for NRC to include a much stronger economic analysis of the rules and policies prior to a proposed plan being released for public consultation.

Other feedback from Federated Farmers is summarised below.

- Concern for Costs of Farming – Federated Farmers highlighted the pressure that farmers will feel due to consent processes/ implementation of rules and urged council to keep costs low.
- They recommend NRC re-consider the PSLG report funded by NRC. They urged NRC to especially include tailored approaches for primary production, reliable water access, essential for dairy and horticulture, that can be addressed with water storage; and community consultation and clear information on mitigations and costs that are vital, acknowledging the interconnection between land uses into the DFPC. The report also highlights importance of actions mitigating climate resilience that federated farmers want included in the DFPC.

<sup>14</sup> This provision has been amended in the DFWPC to provide clarity and consistency with other provisions, but the intent has not been changed from the existing Regional Plan.

<sup>15</sup> This provision has not been amended in the DFWPC and is currently operative.

- Discharge to water – Federated Farmers oppose requiring a controlled activity consent for discharge to land (permitted in the current operative plan).
- Te Mana o te Wai – Federated Farmers recommend not expanding this concept in the NPSFM for clarity and deem the draft concept unnecessary.
- Stock exclusion – Federated farmers seek adoption of 3m setback distance from waterways, highlighting costs as concerns for larger setbacks. They do not support blanket rule of stock exclusion from HEL and seek a collective approach from other industries as well as farming. A time frame of 10 years was preferred for implementation of any stock exclusion rules.
- A phased approach to protect and restore wetlands.
- 20% targeted allocation policy – Federated farmers have highlighted the need for clarity on this policy, especially around the environment fund. They highlighted their concern of over-allocated catchments. In its current form, the federated farmers do not support this draft policy.
- Draft action plan – Federated farmers support multiple actions related to enabling and helping farmers achieve environmental outcomes but raise concern over where the funds to achieve these actions would come from.

**Groundswell NZ** formed this group around concerns of the unworkability of RMA, NPS-FM, NPS-IB and freshwater farm plans. The group:

- Request a pause in the development of the DFWPC;
- Reject Government's one-size-fits-all approaches to resource management;
- Support need for some change and improved responsibility in managing the natural environment;
- Oppose a regulatory approach to this, oppose a region-wide approach, preferring FMU level planning and community-led solutions – citing success of landcare and catchment groups that operate independently of NRC;
- Use ECAN's approach as an example of how complex regulation could lead to inability to administer rules and monitor compliance;
- Recommend NRC focuses on priority and at-risk catchments/waterbodies;
- Note potential unintended consequences of fencing riparian margins (increased weeds and pests, reduced management and control);
- Oppose Freshwater Farm Plans (with boycott) and support the use of Farm Environment Plans;
- Recommend giving community-led initiatives ability to attempt to address catchment issues in a timely manner and regulate only if issues are not addressed;
- Request that NRC works with Northland communities in pushing back against Central Government regulations and champion locally-led solutions.

#### **4.3.5. Forestry Industry**

Targeted meetings with forestry industry representatives were held during the consultation period. This industry was represented by the Northland Wood Council and included targeted presentations from:

- Manulife Investment Management Forest Management Ltd (formerly Hancock Forest Management NZ);
- Rayonier Matariki Forests;
- PF Olsen Forest Management; and
- Summit Forests.

A separate meeting was held members from Te Uru Rakau – the New Zealand Forestry Service within the Ministry for Primary Industries. Feedback heard during these meetings has been echoed through the written submissions provided by the above companies, whose representative members also sit on the Northland Wood Council.

**Hydrology Effects** - The rules in the draft FWPC recognise the potential impacts on the natural hydrology of Northland. Feedback from forestry industry representatives on this issue included:

- Hydrology characteristics in plantation forestry catchments would be closer to pre-human settlement hydrology than farmed catchments;
- Plantation forestry reduces peak flood risks due to rain interception and mitigating risks around water saturated soils;
- Forests can increase rates of infiltration that can replenish aquifers;

### Water Quality Effects

- Plantation forestry reduces flood risks and subsequent streambank erosion during within established plantations;
- Trees older than 5 years provides soil stability
- Plantation forestry provides shade, improving water temperature and providing habitat for aquatic fauna;
- Trees are not fertilised, do not produce pathogens, and have limited timeframes where erosion and sedimentation risks are elevated;
- Recognition that when new forestry blocks are set up (roading, pads, etc) and during harvests, there is potential for erosion and sedimentation effects, but these are managed through either Harvest Management Plans and/or resource consent conditions;

### Clear-cut Forestry Practices

- Restricting harvest 'coop' sizes on Highly Erodible Land (ie. permitted activity thresholds for area of vegetation cleared at one time) to encourage continuous forest cover has significant consequences to economic viability and forestry logistics;
- Restricted coop size also restricts ability to resource the appropriate equipment for the necessary environmental management and mitigations during planting, harvesting, and earthworks;
- Forestry industry in NZ is set up (cradle to grave) for clear-cut harvesting;
- Harvest of large holdings are planned decades in advance in terms of when blocks are planted, maintained, and harvested;
- Logging crews, machinery, plant, and trucking/logistics have all adapted to clear-cut forestry on 25-year cycles;
- Logging trucks and timber mills are not capable of transporting logs older than 25 years at an economic scale;
- Harvesting set-up costs time and money, and the economic pay-off comes when the harvested blocks are larger;
- Also noted forestry typically has high % of its operations on steeper land (ie. >25 degrees).
- Also queried justification for restriction on plantation forestry in high value dune lake catchments.

### Wording and intent of draft rules

- Concern raised regarding wording and intent behind rules to limit earthworks and clear-cut forestry:
- Draft rules seek to retain 75% forest cover on property subject to vegetation clearance;
- Forest canopy can be retained with significant clearance, and current wording could lead to perverse outcome (more trees removed as PA, including native vegetation);
- Issues regarding disparity between forestry and farming rules – current perception that the forestry rules are much more stringent than farming rules;

## Justification for more stringent rules over NES-CF

- The National Environmental Standard for Commercial Forestry has been developed by the Ministry for Primary Industries with significant input from the forestry industry. While the NES-CF does enable regional councils to be more restrictive than the NES-CF, these representatives have questioned the rationale behind more restrictive measures when the existing harvest management, afforestation management, and general management conditions within the NES-CF are already prescriptive.
- What benefit would a resource consent have that is not already provided by the NES-CF (in terms of mitigation/management, enforcement abilities, etc)?
- What evidence is there to demonstrate more restrictive rules over and above the NES-CF?
- What justification is there for 10m setbacks from inanga spawning sites, sites of significance to tāngata whenua, dune lakes, rivers, etc?

## Defining Highly Erodible Land

- There is general consensus that NRC's existing 'Erosion Prone Land' layers in our GIS maps are not accurate or useful, but there is also consensus from the Forestry Industry groups that the draft Highly Erodible Land maps and associated rules (earthworks and vegetation removal) are not fit for purpose.
- A hypothetical case study was undertaken using Pipiwai Forest as an example of how harvesting under the Permitted Activity Rules could occur, and the potential flow-on implications for harvest operations. The study concluded that:
- Restricting harvest 'coop' sizes to meet Permitted Activity criteria would extend the harvest of Pipiwai forest from a ~10-year period to ~30 years;
- Trees during this extended timeframe would continue to grow, resulting in oversized trees and logistical issues in transport and processing;
- Labour planning, harvest infrastructure establishment, and operating cashflow for industries would be adversely impacted;
- Overall reduction in areas to be replanted due to loss of economic viability.
- It is noted that this case study did not consider the potential to obtain resource consents under the relevant rules.
- Written feedback was received from Northland Wood Council and Rayonier Matariki Forests.

### 4.3.6. Extractive Industries and High-Risk Industries

#### Extractive Industries

NRC staff met with representatives from extractive industries in Northland, which included employees and independent contractors affiliated with quarries and limestone extraction. Key concerns raised during this meeting included:

- How the draft Plan Change would alter ability to undertake currently consented activities;
- How rules regarding earthworks on sloped land would affect operations – for example, quarries extract aggregates from sheer faces and create new landforms;
- How much additional uncertainty and risk there could be for reconsenting and renewing permits as a result of the new rules;
- Concerns regarding 'broad stroke' rules, similar to the issues caused by the Significant Natural Area rules that were proposed in Far North;
- Constraints for existing and future quarry sites to the point of feasibility via ambiguous wetland definitions (every gully is a wetland);
- Quarry and mineral extraction definitions need to be clear and should include overburden sites; and

- Need for local quarry sources to service local markets – *eg.*, a quarry may be mothballed for years until a local project needs its resources; industry needs certainty that it can start right up with the conditioned mitigation and management measures in place – rather than trucking in material from a far distance.

Staff presented the key changes that the mineral and extraction industry would need to be aware of. Many of the issues / concerns raised above are not necessarily unique to the draft Freshwater Plan Change, but are symptomatic of the resource management process in general.

**Fuel Companies (BP, Mobil and Z Energy)** - In combined feedback, these fuel companies describe their interests in fuel retail infrastructure and Marsden Point truck loading facility. Specific concerns include:

- Stormwater provisions in Chapter C.6.4 do not provide a separate discharge consents pathway for industrial trade activities that are also connected to the public stormwater networks;
- This results in an operator's dependency on District Council's ability to receive and manage discharges to their network that would comply with a Network Discharge Consent;
- This is not consistent with other regional plans in New Zealand.

**Golden Bay Cement** feedback expressed a desire to ensure that the DFPC does not affect activities at their three sites (Portland cement works, Portland quarry and Wilsonville quarry);

- Concerns regarding the non-complying activity rule (C.6.6.7) for industrial or trade waste discharges to water and controlled activity rule for alteration of existing bores;
- DFPC must align with national policy direction including the NPS-UD and generally support the rule changes to protect HEL;
- Generally supports aims to eliminate or reduce discharges and to better manage impacts on tāngata whenua and controls on exotic forests; and
- Generally supports exclusion of livestock from waterways and wetlands and increased controls on exotic forests.

#### 4.3.7. NGOs and Community Groups

Multiple not-for-profit organisations, societies, resident and landcare groups registered written feedback, summarised below. Feedback from [Environmental Defence Society \(EDS\)](#), [Royal Forest & Bird Protection Society \(F&B\)](#), [Hokianga Harbour Care Inc](#), [Bay of Islands Maritime Park Inc](#), [Dargaville Venture Scouts](#), [Vision Kerikeri](#) and [Carbon Neutral Trust \(Kerikeri Branch\)](#), [Bream Bay Farmers Group](#), [Mataka Residents Association Inc](#), [Honeymoon Valley Landcare Trust](#), and [Lake Ora Landcare Group](#) are included.

- **Support for the DFPC**

Most groups generally support the draft rule changes in principle to elevate freshwater quality and habitats in Northland. EDS acknowledged that the DFPC will fulfil NRC's legal obligations to NPSFM. F&B urged NRC to not delay in giving effect to NPSFM.

- **HEL stock exclusion**

Support for tighter vegetation clearance, earthworks and use of native planting for reducing erosion from HEL was expressed. It is noted that Mataka Residents Association recommend exemptions for stock exclusion (*eg.* for cattle <1yr) and use of farm plans as a means of addressing property specific issues. Honeymoon Valley Landcare Trust also support provisions that encourage permanent native forests on slopes >18 degrees and prohibit clear felling on HEL. Bream Bay Farmers Group supported only 35 degrees slope stock exclusion.

- **Riparian setback distances**

Support for the 5m and 10m setback options was expressed. Most groups suggested larger setbacks for forestry. Honeymoon Valley Landcare Trust encouraged larger than 10m setbacks. An average approach with a minimum of 3m was suggested. Bream Bay Farmers Group highlighted concern that keeping



stock out of drains will be costly and time-consuming and affect profitability and, they urged council to fund planting of riparian strips.

- **Eliminating / reducing discharge to water**

Support for the draft rule changes was expressed. Specifically, F&B urged council to tighten rules on effects on mining.

- **Targeted allocation policy**

Support for the policy was expressed for environment enhancement and marae use.

- **FMU based management**

EDS and F&B expressed concern that NRC lacks an FMU-based approach. FMUs must be included in the DFWPC to ensure that the provisions are at an appropriate scale.

- **Wetland protection**

Recommend mapping, monitoring, and incentivising restoration of wetlands to prevent further drainage. Mataka Residents Association Inc and Bream Bay Farmers Group note concerns with the definition of wetlands, considering that aspects such as the value (eg. percentage of native species) and size of wetland should be factored in.

- **Water allocation**

F&B and Honeymoon Valley Landcare Trust recommend the use of short-term consents for water takes, prohibiting water takes above environmental flows, aligning consent expiration dates, and setting aside unallocated water for environmental enhancement.

EDS generally support water allocation provisions, but consider that minimum flows, levels and limits must be set. EDS recommends that all future takes when flows are below minimum levels and limits are prohibited and that over-allocation be avoided, and that NRC introduce a mechanism to phase-out existing over-allocation.

- **Tāngata whenua involvement in freshwater management**

Hokianga Harbour Care Inc, Lake Ora Landcare Group and Honeymoon Valley Landcare Trust support assessment of effects on values of tāngata whenua as a condition of consents and support empowering tāngata whenua involvement in freshwater management. Honeymoon Valley Landcare Trust and Lake Ora Landcare Group strongly encourage retention of Te Mana o Te Wai in the draft plan.

- **Specific feedback**

Gaps in DFPC – EDS and F&B encourage NRC to ‘fill in the knowledge gaps relating to attribute baselines and target states. EDS and F&B recommend that winter grazing should be prohibited near critical water sources and that controls be included elsewhere; Recommend that mapping of degraded waterbodies and target attribute states will assist landowners and provide more certainty as well as making monitoring and enforcement easier and more transparent. Along with Lake Ora Landcare Group and Honeymoon Valley Trust, they support including targets for phosphorous, nitrogen and nitrate-nitrogen, groundwater quality, wetland condition and deposited sediment.

F&B propose including measures for natural character and habitat, such as the Natural Character Index and Habitat Quality Index.

F&B and Honeymoon Valley Landcare Trust encouraged Climate resilience through nature base ‘making room for rivers’ approach.

Hokianga Harbour Care Inc suggested encouraging native planting and more outreach and awareness to promote clarity around native reforestation carbon. They also highlighted importance of biosecurity – pest management on stock excluded land.

Draft Action Plan - Vision Kerikeri and Carbon Neutral Trust (Kerikeri Branch) support greater compliance and enforcement and suggest increased penalties, and NRC working with the district councils to investigate and stop sediment and E. coli discharges to water (from whatever source

whether that is septic tanks or livestock). They also support NRC support to landowners for fencing and planting.

Vision Kerikeri and Carbon Neutral Trust (Kerikeri Branch) urged council to work closer with FNDC for wastewater management.

Noting the need to avoid unintended consequences, the Mataka Residents Association Inc prefers a more nuanced approach that enables active management, use of fenceless technologies, etc. planting and ongoing pest and weed control whilst generating income from marginal land from livestock.

Hokianga Harbour Care Inc suggested that stock exclusion also be extended to sheep and goats. Mataka Residents Association oppose addition of sheep to stock exclusion rules due to cost and technology constraints. Along with Bream Bay Farmers group, they believe a 10-year implementation timeframe is appropriate.



*Online webinar 7 March 2024*

#### **4.3.8. Infrastructure Providers and Government Departments / Agencies**

##### **District Councils**

NRC Staff presented the Draft Freshwater Plan Change to staff from the three District Councils in Northland, as well as at council meetings for Whangārei and Kaipara Districts. No formal Council meeting was held with Far North District Council, though it is noted that individual councillors did speak with us at drop-in sessions and at A&P events.

**Whangārei District Council** - The WDC Infrastructure Department Infrastructure Department provided written feedback with a detailed summary of their responses to provisions in the DFWPC, most often noting that they have no current comment. Their key concerns include:

- Amendments to specific provisions including definitions consistent with National Planning Standards, the WDC District Plan, and throughout the DFWPC) and rules.
- Permitted activity rules for activities pursuant to s13 of the RMA should specifically provide for public infrastructure providers, network utility operators, and Regionally Significant Infrastructure;
- Inanga spawning sites should be clearly defined and identified;
- Oppose prohibited activity rules for discharges of treated wastewater (on-site domestic and wastewater treatment plants), requesting a consents pathway;

- Concerns regarding discharges to stormwater networks from high-risk industrial/trade premises, request a new rule that requires high-risk properties to get consent to discharge to the stormwater network as a more appropriate way to manage the discharge from high-risk sites rather than requiring WDC to get consent for stormwater discharges that may contain discharges from high-risk sites.
- Concerns over prohibition of scattering of human ashes noting that this may restrict some cultural practices.
- Query the enforceability of permitted land preparation rules that rely on farm plans and the process for certifying farm plans.
- Note that they are proposing to introduce mapping of areas susceptibility to land instability and rules for vegetation clearance in those areas and consider it prudent to ensure there is no overlap/conflict with proposed HEL rules.
- Question what some of the provisions mean, *eg.* recognised industry best practice, and 'listen to and respect' Te Hurihanga Wai, and are generally supportive of the targeted water allocation policy but want to understand more about the background and context before providing a more comprehensive response.

**Water NZ** emphasise several key themes:

- Support for the DFWPC rules designed to protect waterways for future generations;
- Support prioritising tāngata whenua in decision-making and monitoring, acknowledging their role as kaitiaki and rangatira;
- Support Action Plan, which complements the DFWPC in improving freshwater management.
- Highlights the need for funding, particularly for actions supporting tāngata whenua involvement and improved compliance, monitoring, and enforcement;
- Support rules regarding obstructions that divert water and re-consenting flood control schemes, emphasizing future-proofed decision-making and allowing for the retreat of flood defences where appropriate. They recommend prioritizing nature-based solutions, such as "making room for rivers," in flood defence rules;
- Support sediment discharge rules but highlight the need for better management of flood protection stop banks under Building (Dam Safety) Regulations 2022;
- Suggests improvements to regulations and monitoring for on-site wastewater systems to address environmental and health risks in design, construction, inspection, maintenance, and compliance;
- Support comprehensive stormwater rules but suggest stronger policy signalling for catchment management plans, especially that swimming and spa pool water should discharge to wastewater system and not stormwater; and
- Recommends further engagement with end-users and ensuring consistency with national standards and direction in the DFWPC.

**Department of Conservation** feedback was generally in support of the DFWPC, especially stock exclusion from HEL and waterways. DoC acknowledged the uncertainty around pending freshwater government reform.

In discussions in the lead up to receiving written feedback, DoC indicated a desire to share information and technical resources with respect to freshwater fish monitoring and wetland mapping.

**Northland Fish and Game Council** feedback emphasises the importance of protecting trout and salmon habitat in New Zealand due to their ecological, cultural, and recreational significance, highlighting the need to address human activities and land use practices that degrade habitat quality.

- Suggest setting visions, objectives and bottom lines that capture waterbodies individually, or at a minimum at catchment or **Freshwater Management Unit** instead of regional blanket approach. Focus on degraded FMUs was suggested as better management practice.

- The feedback emphasises the need for **clear, consistent, and specific language** in the Draft Plan to ensure that environmental limits are understood and adhered to, and that the long-term vision provides clear outcomes with set timeframes. Phrases like ‘more resilient’, ‘used sustainably’, and ‘at most sites’ are considered unclear by them and undermine the effectiveness of the vision. They suggest including actual values alongside target bands, aligning compulsory attributes with NPSFM appendices, and adding targets for nitrate levels, groundwater quality, wetland condition and extent, sediment deposition, heavy metals, and DRP concentrations, similar to Forest and Bird feedback.
- F&G noted differences in described bands for a couple of attributes that are not in line with the NPS-FM Appendix 3 targets.
- The feedback indicates a need for **stronger and more specific water quality standards** in the Draft Plan to ensure that water quality improves, particularly in areas where it is currently below national bottom lines. Suggest providing **clear reasoning behind target state, baseline state and timeframes** in DFWPC to achieve freshwater outcomes.
- The feedback highlights the importance of **avoiding the Unders and Overs approach**, setting individual bottom lines for each waterbody, and ensuring compliance with the NPS-FM to effectively manage and improve water quality.
- F&G generally supports the draft action plan. The feedback indicates a need for the **Draft Action Plan** to provide **more detailed** and specific actions to achieve the environmental outcomes of the Freshwater Plan Change, including a focus on **catchment-based action plans** and adequate funding mechanisms.
- **Riparian setback distance** – F&G supports 10m riparian setback with riparian planting along with individual farm risk management plans. Concerns about costs to landowners from this setback was expressed. **Concern about NRC’s funding and ability to additionally monitor the new stock exclusion options.**
- **Eliminate or reduce discharges** – supports permitted activity rules but urges council to make stricter rules.
- **Water allocation** and over allocation is of concern to F&G and they urged council for strict rules and enforcement to prevent it.
- F&G would like to provide NRC with mapping of habitat of fish and game prior to notification of the proposed plan.

#### 4.3.9. Unaffiliated Individuals

Many individuals, instead of completing a feedback form, provided detailed written feedback on the DFWPC. Given the diverse background and experiences, there were a range of views expressed by individuals. The following provides a summary of key themes raised:

- **Relationship with water** – water is essential for all life and as humans we have a responsibility to protect and nurture water not to exploit and degrade it. Water is a sacred resource to be given the highest level of protection.
- **Loss of water quality, biodiversity and freshwater ecosystem health** – various examples are provided of the significant/catastrophic decline in water quality, biodiversity and ecosystem health and the impacts this has had on ability of people to harvest/collect food, undertake cultural practices and recreational activities.
- **Opportunities for environmental gain** – examples are provided of various initiatives underway regarding restoration of wetlands, retirement of unproductive farmland, and alternative land uses which provide environmental gains and social benefits.
- **Support for Te Mana me te Mauri o te Wai** and prioritising freshwater health over other considerations and recognition of the spiritual / sacred aspects of freshwater, and support for the long-term vision for freshwater in the DFWPC and related aspirational objectives proposed by TWWAG, with recommendations to strengthen the NRC-generated objectives to set clear direction that BAU is no longer tolerated.



- **Support for Draft Action Plan** – in particular support for funding to support fencing, riparian planting and restoring wetlands, and to support tāngata whenua involvement in freshwater decision-making.
- **Compliance and Enforcement** – Compliance and enforcement of current rules has been strongly suggested.
- **Timeframes** – Urged council to phase in proposed rules and to give landowners reasonable time to be able to comply with new rules and consent conditions.
- **Concern about costs and profitability of farming** – A few farmers provided case studies of their individual farm with self-estimated calculations of loss of annual profits highlighting their economic concerns. They have urged council to provide practical help and **work in partnership** to remedy effects of farming. Concern that the DFWPC is a 'land grab', with NRC deliberately aiming to take land away from landowners by making it unprofitable to farm, contrary to legislation which controls when private land can be taken.

Feedback recognises that there is a financial cost to farmers but also a **cost of not taking action** (and unsustainability of current farming practices that have longer term negative economic impacts due to lost soils, increased costs of climate change impacts, etc) and the need to proactively manage costs and recognise recovery is more costly than prevention (ie. the wider Northland community is picking up the costs of having poor water quality and degraded environment currently not the agricultural sector).

- **Farmers' concern about losing land to alternative land uses**– Concerned about the profitability of honey production and environmental negative effects of pine forestry as alternatives, and about unintended consequences such as farms being sold to overseas investors and put into large scale pine plantations (and negative impacts of pines on our environment including impacts on soil chemistry/structure, wilding pine spread, wind-blown trees blocking waterways, damage resulting from clear-felling/harvest).
- **Tāngata whenua involvement in freshwater management** – A few farmers have encouraged clear communication and consultation around aligning the DFWPC and rules with the principles of Te Tiriti o Waitangi. Certainty, costs, authorities, processes, and implications for end-users would make it less stressful to work with.
- Suggestion to add '**meat**' as a value under domestic food supply under objectives in the DFWPC.
- **Feasibility of wider setbacks and retired land** – Pest and weed management plans be put in place before setbacks are executed.
- **Structure of Plan Change** – suggestions as to how the DFWPC can be improved by clearly linking logic and flow from freshwater issues to objectives, policies, targets and methods (including rules) and better integrate Te Ao Māori and Western European worldviews of resource management (to remove conflict and duplication), noting the legislative / planning hierarchy which means regional policy has to give effect to national policy.
- **Concerns about pending changes to freshwater legislation** - concerned about potential impact of legislative changes signalled by central government some prefer NRC to wait until the NPSFM and RMA are amended before any more work is done on the plan change, others noting that the urgency to take action is not diminished and that NRC should continue as a priority.
- **Integrated catchment management** – recognising the interconnections and the need for better consideration of cumulative negative effects and impacts of increasingly severe weather events, catchment-based freshwater planning methods are supported that take a 'whole of ecosystem' approach and that recognise cross-boundary jurisdictions and the current poor state of receiving environments and the species that depend on coastal / estuarine health for survival (eg. kororā / penguins).
- **Support for new objectives** – including relating to soft-bottom rivers and streams impacted by sedimentation to be returned to their natural hard-bottom state, important role of wetlands and coastal habitats as carbon sinks, limitations on coastal aquifer use to address saltwater intrusion risks.



- **Support for nature-based solutions** – to provide for more sustainable ways of reducing flood risk and managing stormwater, including giving rivers “room to move” and move away from hard/engineered approaches to river management, encourage silviculture.
- **Support to exclude all stock from streams** – pointing to NZ-based research that showed the majority of sediment (77%) comes from small, unfenced streams, support for extending stock exclusion rules to include small streams in upper catchments as vital for water quality improvement, and not treat them as farm drains. Support for averaging setbacks (with minimum 10m setback and ideally 30m setbacks) from all permanent and intermittently flowing rivers and streams and HEL to improve mauri and increase climate change resilience. Support all types of livestock to be excluded including cattle, pigs, sheep and deer.
- **Support for setbacks for dune lakes** – with recommendations for setbacks of 30m combined with native species planting and pest and weed control to provide buffers for dune lakes. Individuals
- **Support for mandatory farm-specific sediment/contaminant reduction plans** – citing examples from elsewhere, the benefits of property-specific plans to reduce run-off, chemical use and stocking rates to limit contaminants are espoused in preference to a blanket approach.
- **Support for more controls on HEL** – including support for increased restrictions on earthworks, land preparation and vegetation clearance on HEL.
- **Support for prohibition of discharges to water** – including FDE and new and existing WWTP discharges with no renewals for existing consented discharges.
- **Support for reducing permitted activities** – noting that the vast majority of rules permit activities, support a review of impacts of permitted activities, reducing the number of activities which are permitted, including as means of raising awareness of the impacts of activities with landowners by requiring consent (even if controlled/restricted discretionary) and to achieve incremental environmental gains such as improved fish passage and improved input from tāngata whenua, and require a financial bond.
- **Support for advocacy** – *eg.* to call for changes to ETS to allow riparian planting and other wetland/lake restoration activities on farms to qualify for carbon credits, and use of QE II covenants.
- **Support for education and awareness raising** – to increase the level of community awareness and understanding of the importance of wetlands and other freshwater ecosystems and their positive benefits.
- **Oppose ‘first come first served’ approach to water allocation** and request much greater monitoring, reporting and enforcement for permitted and consented water allocations and limit duration of water takes to 10 years maximum.
- **Oppose granting of retrospective consents** – and greater enforcement of consents and unauthorised activities to send clear message to landowners that BAU is not acceptable.
- **Support for enabling tāngata whenua input to decision-making** – including investigating mechanisms such as RMA s.33 transfer of powers and functions, s.36B joint management and MWaR agreements in collaboration with tāngata whenua.
- **Lack of proper consultation** - Lack of sufficient time provided to the public and landowners to provide feedback and lack of appropriate documentation to support NRC’s DFWPC leave the process flawed.
- **Need for alignment with other legislation and international law** – support for greater consideration of NRC’s responsibilities under other legislation (eg. LGA) and international law (eg. human rights) to ensure that the plan change meets other legal obligations and does not open NRC up to legal liability. Individuals used this argument to support both no change and major change to the regional freshwater planning regime depending on whether their focus was on human rights to access clean water or to enjoy private property rights.
- **Oppose use of Māori cultural values** – concern that ‘religious’ values have no place in natural resource management in a secular society, opposition to references to Māori spiritual values in the DFWPC.

- **Blame game** – some individuals felt that livestock farmers are being blamed for water quality issues that are a result of historic actions or a result of other land uses (eg. plantation forestry, unsealed roads) and that farmers are being unfairly targeted and other land uses should be subject to greater controls not livestock farmers (examples of damage caused from slash and sediment runoff during recent storm events are provided).
- **Support mixed farming on HEL** – noting that there are opportunities to combine livestock with native trees on HEL, eg. beef cattle under-grazing regenerating totara, benefit of kikuyu grass for erosion control, and use of sediment traps (eg. farm dams) rather than blanket prohibition of livestock farming on HEL.
- **Concern over time / financial resources spent** – concerned about the time spent developing the DFWPC by NRC staff, and on reviewing and providing feedback on the DFWPC by landowners and the public.

## 5. What happens next

With the extension of timeframes for NRC to notify its proposed freshwater planning instrument (changes to the Regional Policy Statement and Regional Plan) from December 2024 to December 2027, NRC has more time to develop the freshwater plan change.

The feedback received on the DFWPC will be used to inform the work to be done over the next few years. It is apparent from the feedback received that further work is needed on key aspects such as stock exclusion and options to manage sediment, *E. coli* and instream health; HEL maps and options for integrating freshwater farm plans.

NRC will need to assess the revised NPS-FM once released before developing the proposed plan change. It will also need to develop a s.32 analysis<sup>16</sup> to support the proposed freshwater plan change.

NRC will continue to work with the PSLG and tāngata whenua representatives moving forwards and provide regular updates and more information on our website as we respond the legislative reforms that impact upon the freshwater plan change.

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<sup>16</sup> [S.32](#) of the RMA requires NRC to prepare and publish an evaluation of proposed plan changes including a cost benefit analysis and consideration of alternatives.

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