



AGENDA

Policy & Planning

Tuesday 12 October 2021, 10.30am

Policy and Planning Committee

12 October 2021 10:30 AM

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Purpose of Policy and Planning Committee meeting

This committee attends to all matters of resource management, biosecurity and related environment policy.

Responsibilities

Prepare and review regional policy statements, plans and strategies and convene as a Hearing Committee as and when required for the hearing of submissions.

Monitor plan and policy implementation.

Develop biosecurity policy.

Advocate, as appropriate, for the Taranaki region.

Other policy initiatives.

Endorse submissions prepared in response to the policy initiatives of organisations.

Membership of Policy and Planning Committee

Councillor C L Littlewood (Chairperson)	Councillor N W Walker (Deputy Chairperson)
Councillor M G Davey	Councillor M J McDonald
Councillor D H McIntyre	Councillor C S Williamson
Councillor E D Van Der Leden	Councillor D N MacLeod (ex officio)
Councillor M P Joyce (ex officio)	

Representative Members

Councillor C Young (STDC)	Councillor S Hitchcock (NPDC)
Councillor G Boyde (SDC)	Mr P Moeahu (Iwi Representative)
Ms B Bigham (Iwi Representative)	Ms L Tester (Iwi Representative)
Mr P Muir (Federated Farmers Representative)	

Health and Safety Message

Emergency Procedure

In the event of an emergency, please exit through the emergency door in the committee room by the kitchen.

If you require assistance to exit please see a staff member.

Once you reach the bottom of the stairs make your way to the assembly point at the birdcage. Staff will guide you to an alternative route if necessary.

Earthquake

If there is an earthquake - drop, cover and hold where possible.

Please remain where you are until further instruction is given.



Date 12 October 2021

Subject: **Confirmation of Minutes - 31 August 2021**

Approved by: A D McLay, Director - Resource Management
S J Ruru, Chief Executive

Document: 2882935

Recommendations

That the Policy and Planning Committee of the Taranaki Regional Council:

- a) takes as read and confirms the minutes and resolutions of the Policy and Planning Committee of the Taranaki Regional Council held in via audio-visual link on Tuesday 31 August 2021 at 10.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 21 September 2021.

Matters arising

Appendices/Attachments

Document 2854344: Minutes Policy and Planning Committee - 31 August 2021



Date 31 August 2021, 10.30am

Venue: Audio-visual link (zoom)

Document: 2854344

Members	Councillor	C L Littlewood	Committee Chairperson
	Councillor	N W Walker	Committee Deputy Chairperson
	Councillor	M G Davey	
	Councillor	M J McDonald	
	Councillor	D H McIntyre	
	Councillor	C S Williamson	
	Councillor	E D Van Der Leden	
	Councillor	M P Joyce	ex officio
	Councillor	D N MacLeod	ex officio

Representative

Members	Councillor	G Boyde	Stratford District Council
	Councillor	S Hitchcock	New Plymouth District Council
	Councillor	C Young	South Taranaki District Council
	Ms	L Tester	Iwi Representative
	Ms	B Bigham	Iwi Representative
	Mr	P Muir	Federated Farmers Representative

Attending	Councillor	D L Lean	
	Mr	S J Ruru	Chief Executive
	Mr	M J Nield	Director – Corporate Services
	Mr	A D McLay	Director - Resource Management
	Ms	A J Matthews	Director – Environment Quality
	Mr	D R Harrison	Director - Operations
	Mr	C Spurdle	Planning Manager
	Mr	R Phipps	Science Manager – Hydrology/Biology
	Ms	V McKay	Science Manager - Chemistry
	Mr	C Wadsworth	Strategy Lead
	Mr	P Ledingham	Communications Officer
	Miss	L Davidson	Committee Administrator
	And three members of the public.		

Apologies An apology was received and sustained from Mr P Moeahu, Iwi Representative.

Notification of Late Items There were no notifications of late items

The Committee expressed their sympathy to Mr P Moeahu for the passing of his wife.

1. Confirmation of Minutes – 20 July 2021

Resolved

That the Policy and Planning Committee of the Taranaki Regional Council:

- a) takes as read and confirms the minutes and resolutions of the Policy and Planning Committee of the Taranaki Regional Council held in the Taranaki Regional Council Chambers, 47 Cloten Road, Stratford on Tuesday 20 July 2021 at 10.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 10 August 2021.
Littlewood/Walker

Matters arising

There were no matters arising.

2. Freshwater Programme Update

- 2.1 Mr C Wadsworth, Strategy Lead, spoke to the memorandum, providing Committee with a Freshwater implementation project update.
- 2.2 It was noted that the schedule will be reviewed to ensure the dates are still appropriate and will be reviewed six-monthly.

Recommended

That the Taranaki Regional Council:

- a) receives the update on Freshwater implementation programme.
Littlewood/Boyde

3. Plan Alignment with the Essential Freshwater Package

- 3.1 Mr C Spurdle, Policy Manager, spoke to the memorandum informing the Committee that consequential amendments have been made to the *Regional Freshwater Plan for Taranaki* (Fresh Water Plan) and *Regional Soil Plan for Taranaki* (Soil Plan) for provisions pursuant to section 44A of the *Resource Management Act 1991* (RMA).
- 3.2 Iwi and Hapu will be advised of the amendments but it is noted that this is not a consultation process.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum entitled *Plan alignment with the Essential Freshwater Package*
- b) notes NES-F and NPS-FM requirements for Council to review and amend any regional rules and policies that duplicate or conflict with the NES-F and NPS-FM as soon as practicable after 3 September 2020
- c) notes amendments to the Fresh Water Plan and Soil Plan have been made to remove the duplication or conflict with the NES-F without using the Schedule 1 RMA process

- d) notes the amendments to the Fresh Water Plan to include transitional policies from the NPS-FM without using the Schedule 1 RMA process
- e) notes that a public notice was published on 1 August 2021 notifying the amendments to the Fresh Water Plan.

Littlewood/Walker

4. Freshwater Farm Plan Regulations Discussion Document

- 4.1 Mr D R Harrison, Director – Operations, spoke to the memorandum advising of the content of the *Freshwater farm plan regulations discussion document*, and to provide Members an opportunity to provide comment on issues which they would like to see addressed in a Council submission.
- 4.2 It was requested, that regular hui be set up with Iwi and Hapu to discuss all work streams at once to ensure a more cohesive, efficient and streamlined approach.

Recommended

That the Taranaki Regional Council:

- a) receives the memorandum *Freshwater farm plan regulations, discussion document*
- b) advises of the issues and comments that the Committee wish to see presented in a formal submission to the Government on the discussion document
- c) determines that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- d) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Littlewood/Joyce

5. Stock Exclusion Regulations: Proposed Changes to the Low Slope Map

- 5.1 Mr D R Harrison, Director – Operations, spoke to the memorandum advising Members of the content of the *Stock exclusion regulations: Proposed changes to the low slope map discussion document*, and to provide Members an opportunity to provide comment on issues with they would like to see addressed in a Council submission.

Recommended

That the Taranaki Regional Council:

- a) receives the memorandum *Stock exclusion regulations: Proposed changes to the low slope map*
- b) notes that Officers are preparing a submission that is due 12 September 2021
- c) determines that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- d) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further

information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Littlewood/MacLeod

6. Submission on MARPOL Annex VI

- 6.1 Mr C Wadsworth, Strategy Lead, spoke to the memorandum informing the Committee of the submission on the proposed *Introduction of Marine Protection Rules Proposed Part 199: Prevention of Air Pollution from Ships and proposed amendments to Schedule 1 of the Marine Protection (Offences) Regulations 1998*.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum
- b) adopts the submission on the Proposed Rules
- c) determines that this decision be recognised as significant or not significant in terms of section 76 of the *Local Government Act 2002*
- d) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Littlewood/Boyde

7. Natural and Built Environments Bill Exposure Draft Submission

- 7.1 Mr C Wadsworth, Strategy Lead, spoke to the memorandum providing the Committee with an opportunity to review the Councils' submission on the Natural and Built Environments Bill Exposure Draft ("the NBA" and "the Exposure Draft") and the submission on the Exposure Draft that was made in the name of the Mayoral Forum.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum
- b) receives the attached submissions
- c) determines that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- d) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Littlewood/Van Der Leden

8. Submission on Ngāti Maru (Taranaki) Claims Settlement Bill

- 8.1 Mr A D McLay, Director – Resource Management, spoke to the memorandum informing the Committee of the submission in support of the Ngāti Maru (Taranaki) Claims Settlement Bill.

Recommended

That the Taranaki Regional Council:

- a) receives this Memorandum
- b) approves the attached submission
- c) determines that this decision be recognised as significant or not significant in terms of section 76 of the *Local Government Act 2002*
- d) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Littlewood/Boyde

There being no further business the Committee Chairman, Councillor C L Littlewood, declared the meeting of the Policy and Planning Committee closed at 11.40am. The meeting closed with a karakia.

Confirmed

Policy and Planning

Chairperson: _____

C L Littlewood

12 October 2021



Date: 12 October 2021

Subject: **Submission on Proposed Regulations to Support the Crown Minerals (Decommissioning and Other Matters) Amendment Bill 2021**

Approved by: A D McLay, Director - Resource Management
S J Ruru, Chief Executive

Document: 2882919

Purpose

1. The purpose of this memorandum is to inform Members of the submission made on the Proposed Regulations to Support the Crown Minerals (Decommissioning and Other Matters) Amendment Bill 2021 ("the Bill").

Executive summary

2. The Crown Minerals Act ("CMA") currently does not provide strongly enough for licence holder obligations and enforcement measures for decommissioned oil and gas wells. Such requirements as there are have evolved case-by-case, with obligations coming from individual permits, rather than as part of an overall regime. With a number of the currently operating fields nearing end of life and factors such as the move to decarbonise New Zealand's energy supply, increased attention has come onto decommissioning issues lately.
3. Government drafted the Bill to make the necessary amendments to the CMA to establish a regime around decommissioning. It is also developing the Proposed Regulations to set and implement the mechanics of what is needed for that regime. The Proposed Regulations include factors such as provision of field and financial information and risk assessments to determine financial security requirements for particular wells. Officers generally supported the Proposed Regulations, but also made a number of specific comments on issues such as clarity between legislation, based on Council's experience in working with the industry for 30 years.
4. The submission was made on 10 September, which prevented the draft being presented to the Committee for consideration and adoption in the usual way. However, the submission was made available to Members for comment prior to its dispatch.

Recommendations

That the Taranaki Regional Council:

- a) receives this memorandum *Submission on Proposed Regulations to Support the Crown Minerals (Decommissioning and Other Matters) Amendments Bill 2021*
- b) adopts the submission on the Proposed Regulations.

Background

5. A number of factors have led to a recent increase in the awareness that end of life issues are – or will become – a more significant issue for the New Zealand oil and gas industry. Those factors include the age and production status of a number of wells, the recently introduced permitting restrictions and the overall push to decarbonising New Zealand’s energy supply. Additionally, the experience with the Umoroa may be high in the minds of some government agencies.
6. Currently, the Crown Minerals Act (“CMA”) does not explicitly provide for licence holders’ decommissioning responsibilities, including factors such as duration of those responsibilities and consequences for breaches of them. Existing requirements for decommissioning under the CMA have largely evolved on a case-by-case basis, and are defined in individual permit conditions. Reliance on permit conditions to establish legal and financial responsibility for decommissioning means that the requirements may not necessarily be worded and applied consistently across permit and licence holders and time.
7. In June 2020, the Government announced proposals to strengthen the petroleum sector’s financial and legal responsibility for decommissioning activities, as part of Tranche Two of the Review of the CMA. In April 2021, Cabinet approved additional proposals to further strengthen the provisions. That review led to the drafting of the Crown Minerals (Decommissioning and Other Matters) Amendment Bill that set the overall framework. The proposed regulations will focus and provide for the specific measures to implement the framework contained in that Bill.
8. Ministry for Business, Innovation and Employment (“MBIE”) released a detailed discussion document (“Discussion Document”) on the Proposed Regulations at the same time that they were consulting on the Bill. Although Officers missed the initial deadline for submissions, conversations with MBIE indicated their desire to work with Council because of our level of experience in working with the oil and gas industry around the Taranaki Region. As a result, we were given an extension to submit on the Proposed Regulations.
9. A general review of the Discussion Document showed that the direction being proposed is sound and largely aligns with what Officers believe would be good practice to encourage and/or require good environmental behaviour and performance from companies who are decommissioning production sites.
10. In addition to this general support, some of the specific comments made in the submission include:
 - 10.1. Concern at the overlap of developing regulations and the passage of the Bill, which implies a sense of rushing that could limit parties’ ability to comment on

the proposed regime. Officers found this haste unnecessary in an environment where there are no known planned decommissioning activities over the next 12 months.

- 10.2. Taking the opportunity to review the overlaps between CMA, the Resource Management Act ("RMA") and marine specific acts and rules. This area has been characterised by issues around this overlap since the enactment of the CMA and RMA in 1991.
- 10.3. Encouraging MBIE to use the ability that it has under the Act to appoint Council officers as "enforcement officers" under the CMA. Officers felt that advantages from being able to tap into our experience and efficiencies that would arise from being able to align with our existing inspection rounds.
- 10.4. For a number of the proposals, making a call for increased levels of information provision from companies around field plans and assets employed.
- 10.5. Supporting the use of irrevocable securities rather than liens and insurances on the grounds of risks of inadequacy of cover with the latter instruments.
- 10.6. Suggesting ways to strengthen the risk assessment matrix that would determine the levels of financial security required – including taking greater account of environmental impacts.
- 10.7. Strongly calling for the Crown, rather than local communities, to be responsible for and damage from and remediation to decommissioned wells where the operating company no longer exists.
- 10.8. Suggesting ways to smooth the process for parties (including Council) who are looking to make a claim against a particular security. Currently the proposed processes are cumbersome and bureaucratic.
- 10.9. Specific suggestions on improving clarity of definitions and particular drafting.
11. The submission, which is attached to this memorandum, was presented on 10 September.

Financial considerations—LTP/Annual Plan

12. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

13. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

14. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-

term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

15. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

16. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 2867372: Submission on Proposed Regulations to Support the Crown Minerals (Decommissioning and Other Matters) Amendment Bill 2021



10 September 2021
Document: 2867372

Resource Markets Policy
Building, Resources and Markets
Ministry of Business, Innovation and Enterprise
P O Box 1743
Wellington 6140

Dear Sir/Madam

Submission on Proposed Regulations to Support the Crown Minerals (Decommissioning and Other Matters) Amendment Bill 2021

Taranaki Regional Council ("TRC") thanks the Ministry for Business Innovation and Employment ("MBIE") for the opportunity to offer this submission on the Proposed Regulations to Support the Crown Minerals (Decommissioning and Other Matters) Amendment Regulations ("the Bill" and "the Regulations", respectively).

TRC would also like to thank MBIE for allowing an extension in the time to prepare this submission and to note the practical limitations that covid-19 level restrictions have imposed on our ability to prepare a comprehensive and detailed response. We would note that, although this submission is consistent with prior comments made by TRC to MBIE on this issue, due to the covid-19 restrictions, this submission has not been reviewed and approved by the Council's Policy & Planning Committee. We therefore reserve a right to make amendments if required to do so by that Committee.

As the primary environmental regulator for the Taranaki region (including for the coastal marine area), TRC has a strong, mutually respectful and positive relationship with New Zealand's oil and gas industry. We have consistently worked with the industry to improve practices and ensure that it meets the environmental bottom lines that the community expects in granting the industry a social licence to operate.

That relation is based on using a broad approach and a combination of tools, including plans/rules, monitoring programmes and, where breaches have occurred, enforcement measures. It has also given TRC a depth of experience and understanding of both the policy requirements (including of course from our own plans) and how to operationalise those requirements successfully. Further, the Council notes regulators need not operate in silos

and cross regulatory engagement and approaches are needed for the best overall outcome for the people they represent.

As part of that experience, we are very aware that, with any form of subordinate regulatory documents (including plans), having sufficient detail to support complete and efficient operationalisation is the key to that regulation's success. The comments that we make below are made on that basis, as well as on the basis of our background and experience of working with the oil and gas sector.

General support

1. TRC is generally supportive of the content and intention of the Regulations.
2. The Council has experience in dealing with wellsite environmental clean-ups and well integrity failures. District councils in the region would also have experience under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. Where there are current operators on the site there is a responsible party. Problems arise where the well site has been abandoned and there is no liable party. The old wells in the "Moturoa" field are an early example. There are other more recent wells. So the Council is aware of potential risk that they can present and the importance of a clear set of minimum requirements to minimise those risks and identification of a liable party.
3. In making this statement, TRC recognises that the majority of oil and gas companies are good corporate citizens and will strive to close their operations professionally and to a high standard. However, the experience with Tamarind and Umuroa shows that gaps can still arise and supports the need for a cautious approach.
4. As a number of fields in Taranaki begin to approach end of life and as New Zealand moves on its path to decarbonising the energy supply, decommissioning is likely to become a more common activity. Introducing measures such as are proposed in the Regulations to strengthen the required rigour of these practices, before any increase in the decommissioning of such wells, is prudent and is strongly supported by TRC.

Timing of the Consultation and Regulation Drafting

5. TRC understands that a number of parties have submitted on the Bill and that those submissions are currently before the Select Committee. We are therefore somewhat concerned that the consultation on the Regulations is taking place in parallel with the consultation and submission consideration on the Bill. After all, the Regulations can only be promulgated subject to and consistent with the Bill – so need that legislation to be both finalised before they can be properly made.
6. TRC appreciates the need for efficiency in timing of the drafting of regulations such as this. However, to the best of our knowledge, no decommissioning works are planned across the next 12 months. We therefore question the need for haste in the drafting.
7. Accordingly, TRC submits that MBIE should take the time to wait for the Bill's passage and to carefully consider options, rather than proceeding with undue haste.

Clarification of the boundaries between key legislation

8. Managing the decommissioning and any subsequent post-decommissioning activities and effects of infrastructure, including wells, sits at the cross-roads of a number of key pieces of legislation. As well as the Crown Minerals Act ("CMA"), the Resource Management Act ("RMA") and Exclusive Economic Zone Act also apply. In the event of a spill from a deep-water well, the Maritime Pollution Rules would also apply.
9. The result of this overlap of such key pieces of legislation is that it is very easy for inefficiencies and regulatory deficiencies to arise. They could be the result of gaps between the legislation – or could in fact be due to the exact opposite situation where multiple applicable Acts create confusion.
10. The different regimes create different standards that may not always align. For example, if a structure is to remain in the Coastal Marine Area, under the RMA, there must be a responsible party. However, as currently drafted, the other applicable legislation (especially the CMA), there is no similar requirement.
11. TRC submits that this current review should be used as an opportunity to review and align these key pieces of legislation. Particular attention should be given to ensuring that there are no gaps and any overlaps are addressed to ensure appropriate action takes place in the most appropriate legal framework.

Enforcement Provisions

12. Subject to the comments below, TRC generally supports the intent and wording of the enforcement provisions, which provide a greater level of authority and strength to regulating decommissioning activities than currently applies.
13. We note that the provisions relating to enforcement allow "enforcement officers" to issue compliance notices and otherwise enforce compliance. While the provisions of s 99A enable local authority officers to be appointed to that role, TRC would note that, in Taranaki at least, none of our officers have been appointed. We would encourage MBIE to consider broadening the appointment of enforcement officers and working with TRC to appoint suitable candidates from our staff as Enforcement Officers within the Taranaki region.

Specific comments on proposed content or approach for the Regulations

14. TRC would offer the following specific comments on the discussion points raised relating to the proposed Regulations:
15. TRC supports the greater level of detail required in Field Development Plans (FDP) and Asset Registers (para 77 – 86). However, we are concerned that the reference to "summaries" of key elements of the FDP content could encourage permit/licence holders to provide less, rather than more detail. We would therefore urge caution with this approach and for the Regulations to contain greater guidance on the exact level of detail required.

16. TRC supports Option 2 for updating FDPs and Asset registers (paras 87 – 99).
We believe that this report provides greater regulatory certainty, more effective control and is an efficient process. We note the concern about costs for permit/licence holders, but would suggest that a simple form (e.g. per the type used for Companies Act annual returns) could help to address those concerns.
We also note the concern about permit/licence holders meeting the obligations by declaring no change – and would suggest that an offence of filing a false declaration be added to the offences under the Regulations or CMA.
17. TRC notes in general that accurate financial estimates are critical to the functioning of the proposed regulatory regime, especially so if the community or the Crown are not to be put in a position where they are held liable for any issues with decommissioned facilities. We therefore make a general submission favouring stricter and more detailed levels of financial information and financial security to be provided.
18. Following from the previous point, TRC submits that Option 2, as the stricter and more detailed option for providing offshore decommissioning cost estimates, is preferred (paras 121 – 132).
We would also urge similar independent collaboration of costs be required for onshore wells. Although the potential impacts (financial and environmental) may be less for any given on-shore well, the simple fact that most of oil and gas activity in New Zealand is on-shore means that the cumulative risk from this category of operations is greater.
19. TRC prefers Option 2 for financial information provision – specifying the categories of information to be provided. We believe that this option provides greater definition and surety to all parties. It also ensures that the “right information” is provided to MBIE to enable sound decisions to be made on the viability of the permit/licence holder and the sufficiency of the securities.
20. For Part 3: Financial Securities, TRC submits that we:
 - 20.1. Support for the requirement for financial securities to be irrevocable and enforceable in New Zealand (para 155).
 - 20.2. Support for the proposal in para 159 to not be prescriptive about the classes of security that are acceptable.
 - 20.3. Oppose the use of securities over assets (paras 175 – 180) on the grounds that assets are likely already encumbered, that the asset value will likely decrease over the term post decommissioning (so that the security value will decrease) and that any attempt to recover against the asset makes MBIE a dealer in petroleum infrastructure assets.
 - 20.4. Oppose the use of insurance on the grounds of the need to renew the policy each year and the lack of available products at present in New Zealand.
21. On the issue of notifying intended production cessation, TRC submits that the Regulations should require notification as part of the report on FDP’s or if the field life expectation changes.
22. For Section Four, TRC submits:
 - 22.1. General support for the three stage test proposed.

- 22.2. Notes the support for making permit holders responsible for any required remediation on plugged and abandoned wells. TRC notes that some of the older wells in the Taranaki region have shown signs of leakage many years after they were capped. TRC believes that, if the permit/licence holder is no longer available to hold liable, the Crown, rather than local communities, should be the responsible party. In this regard, TRC supports measures that retain some portion of post-decommissioning funds as a security in case this situation arises. In reviewing the examples cited in the Discussion Document, TRC notes issues that Canada and Alberta are currently having with the sufficiency of funds to cover orphaned wells – and would encourage MBIE to take care to avoid that issue.
- 22.3. Concern at the criteria used for component 2 and component 3 of the post-decommissioning payments. The categorisations in each are based on the nature of the activity, which could very easily lead to a situation where an activity that is deemed to be medium or low risk could have high impacts on external factors. For example, there is no mention of the proximity to critical natural areas in the environmental risk column in component 2 or in component 3. The columns and criteria should be reviewed with operationally focused agencies, such as TRC, to ensure that all potential risk factors are appropriately included in the tables.
23. For the discussion on granting exemptions, the criteria listed in para 230 should be cumulative, not alternative factors.
24. While TRC appreciates the need for controls on the agencies listed in para 234 to access the post-decommissioning fund, we are concerned that the process proposed in para 235 is bureaucratic and, as described, could lead to significant delays in accessing the fund. TRC would therefore submit that the process should specify the information that the agency must provide MBIE and a requirement for MBIE to respond within a set time (ideally 20 working days). Further, there should be a presumption, unless MBIE can demonstrate reason otherwise, that the agency who submits the claim (with the required information, which will effectively validate their claim) is the agency given the funds and the requirement to oversee/conduct the remediation activities.

Specific comments on proposed definitions in the Bill

25. TRC would offer the following specific comments on definitions contained in the Bill that we assume will also carry over to the Regulations:
26. Section 89F(b)(iii) should clarify that mobile drilling equipment is not considered a “vehicle”.
27. Section 89F(b)(iv) is too broad and could, when read with the relatively specific lists in ss (a) create the unintended consequence of enabling ancillary equipment to be left on site. For example, generators and other utility equipment could be deemed to not be “petroleum infrastructure”, yet should be removed as part of the well capping. TRC therefore recommends either that:
- 27.1. s 89F(a) is broadened to specifically include ancillary utility and support equipment; or
- 27.2. s 89F(b)(iv) is narrowed or deleted.

28. Section 89Q(b) defines sealing and plugging in terms of the state of a well once plugged and abandoned. TRC submits that the definition would be more useful if it was recast in terms of the specific actions that make up sealing and plugging, with a note that plugged and abandoned refers to the state of a well once those activities are completed. As well as being more in keeping with the use of those terms in the following sections, this revised definition gets away from the possible interpretation in the current definition that only works of a certain quality standard meet the definition.

Conclusion

TRC supports MBIE's work in looking to strengthen the regulatory regime applying to decommissioning of petroleum operations.

While our experience is that the majority of oil and gas companies are good corporate citizens, there are still very legitimate and potentially long-lasting nature of the risks associated with capped wells. The nature of these risks makes closing the current gaps in this area a significant positive step.

However, as MBIE knows, the greatest challenge is often not in crafting the regime, but in operationalising it. As noted above, TRC has extensive experience in working with oil and gas companies on all aspects of exploration and production in New Zealand's premier petroleum region. We would therefore make the offer that, if any of our experience is useful to MBIE, we would be very prepared to work with MBIE on any part of the operationalisation of this regime (including developing any rules or regulations).

For final post decommissioning liability assessment there is a need to bring together three critical elements associated with: the well integrity, the infrastructure and ensuring adequate environmental clean-up and health and safety impacts of any failures. Communities should not have to meet these costs and a regime that clearly and reasonably assigns this liability going forward is required.

Yours faithfully
S J Ruru
Chief Executive



per: A D McLay
Director - Resource Management



Date 12 October 2021

Subject: **Submission on Managing Intensive Winter Grazing**

Approved by: A D McLay, Director - Resource Management
S J Ruru, Chief Executive

Document: 2883777

Purpose

1. The purpose of this memorandum is to inform Members about the submission made on the Managing Intensive Winter Grazing discussion document ("Discussion Document").

Executive summary

2. The regulations on intensive winter grazing ("IWG") were due to initially come into force on 1 May 2021. Following feedback from farming and regional council stakeholders, government deferred the coming into force until May 2022 and set up a working group to review the proposed regulations. That group reported back in December 2020 with a number of recommendations that were reviewed and included in the Discussion Document that underpins the current consultation. Those changes to the default conditions in the original regulations make the IWG regulations more practical to comply with. They also propose a further deferral in coming into force until November 2022.
3. Officers supported the recommendations in the Discussion Document in the submission that they prepared. The submission was presented by the due date of 7 October, which prevented it being provided to the Committee for consideration and adoption in the usual way.

Recommendations

That the Taranaki Regional Council:

- a) receives this memorandum *Submission on Managing Intensive Winter Grazing*
- b) adopts (alternatively amends) the submission on the Discussion Document.

Background

4. The *Essential Freshwater* reforms introduced the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ("NES-F"), which are

directed at making early changes to those freshwater related activities that were deemed to be high-risk. One group of activities that the NES applied to was IWG.

5. As part of the NES implementation, Ministry for the Environment (“MfE”) and Ministry for Primary Industries (“MPI”) engaged with sector stakeholders, including regional councils, to identify and address issues in the effective implementation of the NES-F.
6. MfE and MPI received feedback from various stakeholders that aspects of the IWG regulations in the NES-F needed modification to support effective implementation and to achieve the intended environmental outcomes. As a result, the Southland Intensive Winter Grazing NES Advisory Group (“SAG”) was established to provide recommendations to the Government on addressing implementation issues with the IWG regulations. It produced a report in December 2020 identifying practical implementation issues.
7. As a result of that feedback, implementation of the intensive winter grazing regulations was deferred for one year (to 1 May 2022). That deferral gave MfE and MPI time for further consultation with sector stakeholders to address the issues raised and to improve IWG practices. Part of that process was the release of the Discussion Document for consultation in late August.
8. Some of the proposals raised in the Discussion Document included:
 - 8.1. No change to the maximum IWG area requirement (50 ha or 10% of the farm) for permitted access status, as it was felt that the existence of consenting options for greater area balanced practicality and environmental protection.
 - 8.2. Changing the slope requirement to average slope, as a more practical measure.
 - 8.3. Changing the pugging requirements to taking “reasonably practicable steps”, as pugging was seen to be less of an environmental risk than previously thought.
 - 8.4. Relaxing the resowing date requirements, to reflect practical issues and the vagaries of year on year weather patterns.
 - 8.5. In most cases, further guidance will be developed on these topics, in conjunction with regional councils.
9. The Discussion Document also proposed deferring the commencement of the IWG regulations again, until 1 November 2022. This deferral effectively means that the regulations would come into force in May/June 2023 – two years after the originally proposed date. The deferral was proposed to give farmers greater certainty and greater opportunity to be ready to comply with regulations.
10. Officers were very supportive of both the content of the Discussion Document and the process that had been used to develop that content. The general impression was that MfE and MPI had listened very carefully to the concerns raised by the SAG and others. The proposed regime in the Discussion Document addressed the issues raised in a way that made the implementation of IWG regulations both more effective and more efficient/simpler.
11. The submission was made by the required date of 7 October.

Financial considerations—LTP/Annual Plan

12. This memorandum and the associated recommendations are consistent with the Council’s adopted Long-Term Plan and estimates. Any financial information included

in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

13. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

14. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

15. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

16. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 2877512: Submission on Managing Intensive Winter Grazing



30 September 2021
Document: 2877512

Intensive Winter Grazing
Ministry for the Environment
P O Box 10362
Wellington

Submission on Managing Intensive Winter Grazing

Taranaki Regional Council ("TRC") thanks Ministry for the Environment ("MfE") for the opportunity to comment on the Managing Intensive Winter Grazing ("IWG") discussion document.

Taranaki's unique geography (in particular the more than 280 watercourses that cross the province), combined with being one of the most intensive dairying regions in the country mean that managing the environmental impacts of farming is a priority issue in the region. As the principal environmental regulator for the region, TRC has always had a focus on working with the sector to improve practices and to find positive ways to encourage behaviours.

To that end, TRC are very pleased to see the way that MfE have taken on board the feedback from the regional sector on the original IWG proposals. TRC believe that the changes and measures proposed in the Discussion Document are positive. Our specific submissions on the questions asked are contained in the table below.

TRC would again like to thank MfE for this opportunity to comment and look forward to continuing the more positive relationship that is demonstrated, as we work together to enhance both IWG and the operability of the Essential Freshwater programme.

Yours faithfully
S J Ruru
Chief Executive

per: A D McLay
Director - Resource Management



Question	Yes/No Support/Oppose	Comments
Do you agree with our framing of the issue?	Yes	N/A
What other information should we consider?		See comment on R 26(4)(c), below.
Are there any other implementation issues with the current default conditions that have not been discussed above?		From a Taranaki perspective, there are no additional implementation issues.
Do you think that proposed changes are right way to manage IWG? If not, why not?	Yes	See below for specific comments
R 26(4)(a) – no change to 50h or 10% total farm area	Support	The area given is sufficient to cover the majority of the IWG in Taranaki.
R 26(4)(b) – max allowable slope of 10 degrees	Support	In particular, TRC support this issue with the use of the revised slope maps to use as a baseline.
R 26(4)(c) – reasonably practicable steps to manage effects on FW from pugging	Support – with a further change	The IWG rules should be expanded to ensure that the effects of sacrifice paddocks (and especially sacrifice paddocks close to waterways) are managed.
R 26(4)(d) – drains excludes sub-surface drains	Support	Sub-surface drains are very common in some regions, so should be considered in the Regulations.
R 26(4)(e) – resowing “as soon as practicable”	Support	As well as the practicality of working to prevailing weather in any given year, the use of a “practicable” standard reflects the reality of annual resowing. In Taranaki for example, not every farm has their own cultivation equipment, so many farmers must engage contractors, who must in turn balance farmer demand against weather and equipment availability.
New condition for “critical source areas”	Support	Critical source areas should be protected so that they are not grazed and/or cultivated in the first place. Including them in plans will make monitoring of these areas easier.

Question	Yes/No Support/Oppose	Comments
Do you think these proposed changes would improve the workability of the permitted activity standards? If not, why not?	Yes	In particular, TRC supports the fact that the proposed changes will encourage farmers to use land with a slope of less than 10 degrees for IWG. Doing so will encourage practices that reduce sediment loss.
Do you think these proposed changes would manage adverse environmental effects of IWG effectively? If not, why not?	Yes	TRC believes that the overall impact of the proposed changes will be to improve the management of adverse environmental effects of IWG. We are particularly supportive of the proposal to add the new condition for critical source areas. Leaving these areas un-grazed and/or un-cultivated will have a positive environmental effect.
Do you have any comments on implementation timeframes and whether a further deferral would be necessary?		TRC supports the proposal to defer the implementation of the IWG regulations until 1 November 2022. We believe that, if this deferral is granted, no further deferrals should be needed. Another year should be sufficient to provide more education and information, as well as to find out who is actually undertaking IWG so we can measure the actual area and any increase if it occurs. A really strong push should be made for national coverage using satellite imagery to identify baseline cropping areas as is being done in Southland and Hawkes Bay.



Date 12 October 2021

Subject: **Te Kāhui o Taranaki Trust Taiao Briefing**

Approved by: S J Ruru, Chief Executive

Document: 2884765

Purpose

1. The purpose of this memorandum is to enable the Policy and Planning Committee to receive a briefing from the Te Kāhui o Taranaki Trust on the work of their taiao team.

Executive summary

2. Committee member Peter Moeahu has asked that Taipuni Ruakere be given the opportunity to brief the committee on the work undertaken by the Te Kāhui o Taranaki Trust taiao team.
3. A copy of the presentation can be viewed by following this link <https://storymaps.arcgis.com/stories/792ed68215de4df2be6a11800fc30909>.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum Te Kahui o Taranaki Trust Taiao Briefing.
- b) notes that Taipuni Ruakere will provide a verbal briefing on the work undertaken by the Taranaki Iwi taiao team.

Background

4. Each of the different iwi of Taranaki have staff who undertake a range of environmental work, including advocacy and policy development on behalf of their Iwi.
5. Committee member Moeahu has asked that the Taipuni Ruakere be given an opportunity to brief the committee on the work of the Te Kāhui o Taranaki Trust taiao team.

Discussion

6. It is envisaged that the briefing will provide the committee with an understanding of the range of work currently undertaken by Iwi environmental staff and the extent to which this might align with the work that the Policy and Planning Committee is managing on behalf of Council. To the extent that the presentation covers issues that are beyond

the scope of the Policy and Planning Committee delegations it would be appropriate that the information be forwarded to the relevant committee or Council itself.

7. The committee should also note, that in response to discussion on issues relating to the processing of resource consents (and the proposed Mana Whakaho a Rohe agreements) the Consents and Regulatory Committee has asked for a briefing on opportunities for Council to provide support to Maori to meet its obligations under section 81 of the Local Government Act 2002. Some of the issues covered by this request fall within the scope of the Policy and Planning committee.
8. Section 81, is part of the generic decision-making provisions in Part 6 of the Local Government Act 2002. As such these provisions apply to decisions that are made under the Local Government Act 2002 and are subservient to the subject matter specific provisions included in the Resource Management Act 1991.

Financial considerations—LTP/Annual Plan

9. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

10. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

11. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

12. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

13. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.



Date 12 October 2021

Submission: **Freshwater Farm Plan Regulations Discussion Document**

Approved by: D R Harrison, Director - Operations
S J Ruru, Chief Executive

Document: 2876053

Purpose

1. The purpose of this memorandum is to present for Members' consideration the submission for the Ministry for the Environment's (MfE) *Freshwater Farm Plan Regulations Discussion Document* (Discussion Document).
2. The deadline for submissions was 7 October 2021, which precluded a draft being presented to this meeting. However, the submission incorporates issues and discussions had at the previous Policy and Planning Committee meeting.

Executive summary

3. As part of the Government's *Essential Freshwater* package, amendments were made to the *Resource Management Act 1991* (the RMA) to require the implementation of freshwater farm plans (FW-FP).
4. The Government views certified FW-FPs as an integral part of New Zealand's efforts to enhance the protection and restoration of its waterways. They are therefore seeking to establish regulations to give effect to Part 9A of the RMA before rolling out FW-FP requirements throughout the country (starting in the first half of 2022).
5. The main elements of FW-FPs are laid out in Part 9A of the RMA and, at a property level, identify measures and actions for managing any adverse effects of farm activities on the freshwater and freshwater ecosystems.
6. In July 2021, the Government released its Discussion Document for consultation on FW-FPs.
7. Officers reviewed the Discussion Document and at the Policy and Planning Committee of 31 August presented an item summarising the key elements and issues outlined in the document and invited Members to provide comment on issues they would like addressed in a Council submission. Subsequently officers have prepared the attached submission, which was forwarded to MfE on 1 October 2021.

8. In brief, the submission is generally supportive of the FW-FP proposals but seeks a number of reliefs to support the successful implementation of the scheme. Relief sought cover the following themes:
 - integration of the FW-FP system within regional council planning processes;
 - system agility and flexibility to respond to on-farm needs and context;
 - integration of existing farm plan initiatives into the FW-FP system;
 - transition to a fully implemented FW-FP system and timeframes;
 - freshwater farm plan content;
 - accreditation and role of certification;
 - role of the auditor;
 - dispute and conflict resolution approach;
 - FW-FP enforcement by regional councils;
 - implementation and phasing; and
 - data collection, reporting requirements and privacy protection.
9. The deadline for feedback on the discussion document was 7 October 2021. Once submissions are considered, Government will consider a proposal for Ministers to approve.
10. Councils have been advised that elements of the freshwater farm plan system will be field tested before regulations are finalised and published in the New Zealand Gazette in the first half of 2022.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum *Submission on Freshwater Farm Plan Regulations Discussion Document* and the submission appended to this item
- b) endorses the submission appended to this item.

Background

11. As Members are aware, the Government released its *Essential Freshwater* package (the Package) on 5 August 2020 with it taking effect from 3 September. The package contains several elements, one of these being the implementation of FW-FP under Part 9A of the RMA.
12. The Government views certified FW-FP as an integral part of New Zealand's efforts to enhance the protection and restoration of its waterways. They are therefore seeking to establish regulations to give effect to Part 9A of the RMA before rolling out FW-FP requirements throughout the country (starting in the first half of 2022).
13. FW-FPs are intended to work with existing farm planning initiatives, and to allow development of solutions tailored to each farm and its surrounding area. Government estimates 75% of farmers and growers already have some sort of an environmental plan in place.
14. The main elements of FW-FPs are laid out in Part 9A of the RMA. The RMA requires that FW-FPs, at a property level, to:

- identify any adverse effects of farm activities on the freshwater and freshwater ecosystems;
 - specify clear and measureable requirements to avoid, remedy and mitigate the adverse effects of those activities;
 - demonstrate how outcomes prescribed in regulations are to be achieved; and
 - comply with the most stringent rule and requirements in effect. If a council plan or rule, a resource consent or a national regulation is more stringent than what would otherwise be in a freshwater farm plan, then the more stringent provision applies. If a freshwater farm plan is more stringent, then it will remain applicable.
15. The Government is currently considering RMA reform, which will impact the freshwater regulatory context. The FW-FPs process will likely be incorporated into the new *Natural and Built Environments Act*.
16. Underpinning the FW-FP system will be a system of approved certifiers and auditors that will ensure the design and accurate implementation of robust farm plans embodying the goals of the relevant regional freshwater plan as developed by regional councils.
17. The aforementioned concepts and approaches are outlined in the *Freshwater Farm Plan Regulations Discussion Document*. The FW-FP discussion document was released by the MfE for consultation in July 2021 with the deadline for feedback being 12 September 2021.

Overview of the discussion document

18. The discussion document sets out Government proposals for the FW-FP framework. It has seven sections posing 52 questions as a guide to providing feedback. Questions are broadly grouped around the following themes/proposals:
- how the FW-FP system fits within regional council planning processes;
 - role of industry assurance programmes and other farm plan initiatives in delivering FW-FPs;
 - transition to a fully implemented FW-FP system;
 - FW-FP content;
 - certification and role of certifiers;
 - auditing;
 - quality assurance of FW-FPs;
 - enforcement mechanisms;
 - implementation options; and
 - reporting and review.
19. A copy of the discussion document can be found on the MfE website ([click here](#)).
20. Members will recall considering and providing comment on an item on the Discussion Document and at the Policy and Planning Committee of 31 August. Subsequently, officers have prepared the attached submission, which was forwarded to MfE on 1 October 2021.

Submission on the discussion document

21. In brief, the submission is generally supportive subject to comments in the following sections. In particular, the submission notes Council for support the establishment of a planning regime that addresses adverse effects from farming activities on fresh water, arising at a farm level. It is suggested that this is a preferable and more effective alternative to setting crude national limits irrespective of local opportunities or constraints.

22. Set out below are the key points and comments made in the submission:

- **How the Freshwater Farm system will operate within regional council planning processes**

The submission strongly supports FW-FPs complying with council plans, rules and resource consent conditions should they be more stringent than what a FW-FP would otherwise contain. The submission warns against FW-FPs adopting terminology that has a different meaning from that already adopted in the RMA or the wider resource management system.

- **Role of industry assurance programmes and other farm plan initiatives in delivering FW-FPs**

The submission seeks that the FW-FP system, as far as practicable, be built on existing farm planning initiatives, including that FW-FPs be able to integrate and align with pre-existing fit-for-purpose farm plans. A comprehensive reassessment of each pre-existing farm plan programme as it transitions into the FW-FP system was recommended.

- **Transition to a fully implemented FW-FP system**

A deadline of 2025 for full implementation of FW-FPs is currently proposed. The submission sought that the Government conduct a longer phased timeline for full implementation (i.e. to occur by late 2028 or within two years of a new freshwater plan becoming operative if earlier).

- **FW-FP Content**

Base Information

FW-FPs will contain prescribed minimum content (base information). The submission seeks permission for regional councils to add additional base information requirements that suit their regional context. The submission further sought an accurate and realistic cost estimate for implementing the FW-FP system.

Risk / impact assessment

Before a plan of action is developed, a plan holder must identify key risks of their farming activities. The submission supports the adoption of a flexible approach to risk and impact assessments, championing on-farm tailored assessments. Notwithstanding support for flexibility, the merits of national guidance frameworks are acknowledged.

Identifying actions to manage risks and impacts

The submission supports the proposed approach for identifying risk management actions – a hybrid of regulatory and discretionary approaches. However, the submission urged MfE to work with regional councils when drafting activity regulations.

Determining timeframes for implementation of actions identified in the FW-FP

Farmers will need to implement mitigating actions within a reasonable period. A certifier and farmer must collaborate to create a schedule of actions, so clear national guidance is essential. In some unforeseen circumstances, extensions may be required. The submission recommends regional councils or certifiers manage this process. It was reiterated that regional provisions must have the capacity to enforce earlier action than otherwise required by a FW-FP.

- **Certification**

Process for accrediting and appointing certifiers in the FW-FP system

The submission supports certifier accreditation through a national body and appointment through regional councils. However, the submission seeks that appointment criteria be at the discretion of each regional council.

Role of the certifier

The exact role of certifiers requires further consideration. The submission seeks that certifiers act as both planner and certifier on a FW-FP. Furthermore, the submission seeks that certifiers be allowed to act as auditors for FW-FPs, excluding a FW-FP they prepared themselves. Flexibility for farmers to select a certifier who best understands their farm context was also sought.

The submission reiterated the need for high system capacity when supplying adequate numbers of certifiers and auditors.

Dispute resolution and complaints process

MfE proposed a three-staged disputes resolution process managed by the national certification body. The submission seeks that the system allow simple disputes to be initially taken up at a regional level. Disputes and Complaints that remained unresolved could be elevated to the national body.

- **Auditing**

Role of the auditor

The submission sought clearer definition and delineation between the compliance role of auditors from the enforcement role of regional councils. It is suggested that auditors work as information gatherers, reporting to regional councils who can then take enforcement action. The submission opposes the Government's proposal that auditors not assess FW-FP content and recommends auditors monitor the robustness of FW-FP designs.

Audit frequency

The submission seeks that the determination of audit frequency be based on both risk-based and performance-based assessments. This includes audit frequency being extended to five years for farms within existing farm plan initiatives.

- **Enforcement mechanisms**

The submission seeks clarification on what constitutes 'significant' and 'serious' non-compliance. It is suggested that levels of non-compliance could be identified during the risk assessment process and subsequent prioritisation of actions when designing FW-FPs. The submission notes that the proposed fines for non-compliance sit between \$1000 - \$1500 but seek that the fee range be increased to \$10,000 to serve as a better deterrence.

- **Implementation**

Implementation of the FW-FP system will require a phased rollout with two potential options. One being a collective catchment-by-catchment approach and, the other, an individual farm-by-farm approach, which targets farms posing the highest risk first. The submission seeks system agility so that FW-FP implementation can adopt any or both rollout options. The submission further seeks that regional councils have the discretion to determine roll out prioritisation within their own region.

The FW-FP system will depend upon regional councils providing the catchment context to guide FW-FP content. The submission supports incorporating community lead catchment objectives into FW-FPs based upon regional plans.

- **Reporting and review**

The submission highlights concerns for the privacy of farmer information. It encouraged the development of strict parameters for information privacy and recommended only a select subset of reported information be made publicly available.

23. A copy of the submission, including other matters raised, is appended to this item.

Where to from here

24. The deadline for feedback on the discussion document was 7 October 2021. Once submissions are considered, Government will consider a proposal for Ministers to approve.
25. The Council has been advised that elements of the FW-FP system will be field tested before regulations are finalised and published in the New Zealand Gazette in the first half of 2022.

Financial considerations—LTP/Annual Plan

26. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

27. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

28. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

29. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

30. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 2874515: Submission on Freshwater Farm Plan regulations



1 October 2021
Document: 2874515

Freshwater Farm Plan regulations consultation
Ministry for the Environment
PO Box 10362
Wellington 6143

Submission on Freshwater Farm Plan regulations

The Taranaki Regional Council (the Council) thanks the Ministry for the Environment (MfE) for the opportunity to submit on the freshwater farm plan regulations (FW-FP) as outlined in the Ministry's discussion document under the same name.

The Council makes this submission in recognition of its:

- functions and responsibilities under the *Resource Management Act 1991* (RMA) and under the *Local Government Act 2002*;
- the responsibilities and costs to be incurred by the Council to implement the FW-FP scheme;
- regional advocacy responsibilities whereby it represents the Taranaki region on matters of regional significance or concern; and
- experience having successfully implemented water quality improvements within Taranaki.

The Council has also been guided by its Mission Statement 'To work for a thriving and prosperous Taranaki' across all of its various functions, roles and responsibilities, in making this submission.

The Council notes that Government's goal of maintaining and enhancing freshwater quality is consistent with the Councils' own Mission Statement.

General Comments

Subject to the comments in the following sections, the Council supports the establishment of the FW-FP framework. In particular, the Council supports the establishment of a planning regime that addresses adverse effects on freshwater arising from farming activities at a farm level. This is a preferable and more effective alternative to setting crude national limits irrespective of local opportunities or constraints.

How the FW-FP system fits within regional council planning processes

The Council notes and supports that the content of a FW-FP must “...comply with a rule that, in effect, means if something in a council plan or rule, a resource consent or in national regulation is more stringent than what would otherwise be in a freshwater farm plan, then the more stringent provision applies. The same is true in reverse – if an action in a freshwater farm plan is more stringent than would otherwise apply in a consent, rule or regulation, it is the farm plan action that applies” (page 12 of the discussion paper).

The Council suggests that on occasion local freshwater aspirations might exceed national requirements. Where this is the case, it is appropriate that the FW-FPs align with more stringent local regulations as reflected in Council plans, rules and resource consent conditions.

The Council holds concerns over some terminology adopted in the discussion document regarding regulated outcomes. In particular, the Council is concerned terminology commonly found within regional plans and the RMA is being adopted in a FW-FP context with different associations or meanings (e.g. ‘catchments’ and ‘objectives’). Misaligned terminology may confuse many farmers and certifiers in the field particularly when FW-FP’s are intended as a single point of reference for farmers. It is important to not duplicate requirements and/or confuse terminology across the plethora of planning requirements and instruments farmers must give effect to.

SUBMISSION:

1. Support FW-FPs needing to give effect to council plans, rules and resource consent conditions that are more stringent.
2. Terminology adopted within FW-FPs must avoid duplicating terminology already adopted in RMA instruments where they have a different meaning or context.

Role of tangata whenua in the FW-FP system

The Council strongly supports enabling tangata whenua to participate in freshwater management. However, it is not appropriate to unnecessarily duplicate requirements at the FW-FP level if relevant matters are already addressed in the RMA plans that FW-FPs must give effect to.

The Council notes that the NPS-FM already sets out and provides for the role of tangata whenua in regional council freshwater planning, which in turn will inform catchment context and objectives of interest to tangata whenua. Regional council RMA planning involves extensive engagement with tangata whenua. The Council is therefore pleased with and supports the statement on page 14 of the discussion document that “...We do not propose a system where individual farmers and growers would be required to identify and engage relevant tangata whenua about their freshwater farm plan. That would risk placing an unreasonable burden on both tangata whenua and farmers. “

SUBMISSION:

3. Individual farmers and growers must not be required to identify and engage relevant tangata whenua about their FW-FPs.

Role of industry assurance programmes and other farm plan initiatives in delivering FW-FPs

The Council welcomes all opportunities to incorporate the regional expertise of council officers into the FW-FP system.

The farm planning concept is well established in the farming environment. Regional council and industry farm plans have delivered positive environmental outcomes for decades. The FW-FP system, as far as practicable, should build on existing farm planning initiatives. It should not duplicate or exclude current farm plan initiatives, such as the Council's highly successful riparian management and hill country sustainable management programmes.

The Council has comprehensive sustainable land management programmes already addressing and delivering significant soil conservation and water quality improvements in the region. For example, 456 comprehensive farm plans and agroforestry plans cover 70% of privately owned land and address soil conservation issues in the eastern hill country. Over 90% of plan holders are voluntarily implementing their plans in whole or in part. Similarly, the Council's riparian management programme involves 2,900 plans addressing water quality issues on intensively farmed land (including 99% of all dairy farms) on the ring plain and coastal terraces. Over the last 25 years, 5,665 km of fencing and 3,914 km of planting has resulted in 89% of waterways being protected by fencing and 77% vegetated where recommended.

Existing Council-prepared farm plans provide the highest level of integrity possible for both soil conservation and stock exclusion recommendations. When compulsory FW-FPs are prepared in the future they must incorporate council farm plan recommendations.

When industry assurance (and Council) programmes are amended to comply with FW-FP regulations, the Government will need to undertake a comprehensive reassessment as the competency of the planners who initially prepared these farm plans, is difficult to ascertain. A mere desktop assessment of each existing farm plan would be insufficient.

SUBMISSION:

4. Support flexibility in the FW-FP system for integrating and aligning pre-existing fit-for-purpose farm plans into the new system.
5. Design a transitional pathway for existing industry and council assurance programmes in consultation with industry and regional councils.
6. Ensure FW-FPs incorporate Council farm plan recommendations.
7. Require comprehensive reassessment of each industry and council approved farm plan before amendments are considered sufficient for FW-FP content.

Transition to a fully implemented FW-FP system

The Council supports a phased introduction of FW-FPs. However, the Council notes its reservations as to whether the 2025 timeframe to fully implement FW-FPs is achievable. The Council believes a fully implemented FW-FP system can only be established once councils have developed new regional plans giving effect to the NPS-FM.

All regional councils are reviewing their freshwater plans to give effect to the NPS-FM and NES-F, with most councils not expecting to publicly notify their freshwater plans until late 2024. These plans will likely include new limits and targets for freshwater and will incorporate the outcomes of tangata whenua (and other stakeholders') engagement on freshwater. Further noting that the publicly notified freshwater plan is subject to change and amendment via a public process that runs until late 2026, the Council is concerned that FW-FP's may be considered as fully implemented although potentially misaligned with relevant RMA plans.

Given the above, the Council seek full implementation of FW-FPs occur by late 2028 (or within two years of a new freshwater plan becoming operative if earlier) to allow FW-FPs to be prepared to align with the new RMA freshwater plans. In the meantime, farmers should be encouraged to use existing farm plan initiatives. This will provide regional councils with flexibility to rollout FW-FP's in a fair and reasonable timeframe that best suits their regional context.

SUBMISSION:

8. Seek that the Government conduct a longer phased timeline for the full implementation of FW-FPs (i.e. to occur by late 2028 or within two years of a new freshwater plan becoming operative if earlier).
9. Seek that the Government enable farmers to use existing farm plans until FW-FP's are rolled out.

Farm planning

Base Information

The Council supports setting minimum content and generally agrees with the proposed base information. Base information should guide farmers, planners and certifiers when identifying risks and mitigating actions. Regional councils should have the ability to add additional base information requirements based on regional context. Information requirements should be justified within the farm planning context to avoid unnecessary cost.

The Council recommends the inclusion of additional base information, namely mapped culverts and an assessment of their suitability for fish habitats. Culverting and associated fish passage information gives effect to key components of the *National Environment Standards for Freshwater* (NES-FW) and ensures FW-FPs better identify mitigation for freshwater biodiversity risks.

Whilst the inclusion of base information is necessary, the Council questions the Governments cost-benefit estimates and believes them a gross under-representation of the 'real' costs. Regional councils and farmers must be given fair and realistic cost expectations before implementation of FW-FPs.

The Council further notes its reservations regarding the limitations on current data availability and note this should be addressed as a priority. Available mapping scales will also need to be considered.

SUBMISSION:

10. Develop and confirm regulated base information with a council-industry working group and provide regional councils with the ability to require extra base information from farmers within their region.
11. Seek the inclusion of mapped culverts and an assessment of their suitability for fish habitats as additional base information.
12. Seek that the Government provide an accurate and realistic estimate of the 'real' costs of implementing the FW-FP system.

Risk / impact assessment

The Council supports option 1 whereby the Government specifies the minimum general requirements for a risk / impact assessment. This option provides flexibility for farmers to identify on-farm tailored solutions to achieve regulated outcomes, and will consequently improve farmer buy-in. Maintaining flexibility within the FW-FP system is important when considering the wider regulatory context.

As previously noted, the Council holds concerns over terminology in the discussion document regarding regulated outcomes. It is important to avoid duplication and confusion of provisions in regional plans.

Notwithstanding Council support for option 1, elements in option 2 do have merit but not in a regulatory/prescriptive framework. For example, a National Freshwater Farm Risk Assessment could become valuable **guidance**. The Council further proposes that the land use capacity system (LUC) be included as guidance for risk / impact assessments.

The Council seek that MfE continues to involve regional councils in the next phase of developing FW-FP guidance details.

SUBMISSION:

13. Support option 1 whereby the Government specifies minimum general requirements for a risk/impact assessment.
14. Adopt aspects of option 2 as guidance for risk and impact assessments, including National Freshwater Farm Risk Assessment and LUC.
15. Involve regional councils during the next phase of guidance mapping for risk and impact assessments.

Identifying actions to manage risks and impacts

The Council supports option 3 and the adoption of a hybrid approach for identifying actions to manage risks and impacts, provided FW-FPs adopt recommendations of the certifier and the Council.

Setting prescribed standards for specific high risk activities, while relying on certifier and land management officer (LMO) judgement for lower-risk activities creates a balance between national consistency and on-farm targeted action. A hybrid approach will have greater cost-efficiency for farmers. Farmers will be able to achieve catchment and regional

objectives in a way which best suits the natural resources of their farmland and their financial position.

High-risk activities which may be subject to prescribed methodologies are not yet specified. The Council recommend consultation with regional councils to identify which risks require greater prescription and what action will be prescribed to that risk.

SUBMISSION:

16. Support option 3 and the adoption of a hybrid approach.
17. Involve regional councils during the development of prescribed methodologies to identify actions.

Determining timeframes for implementation of actions identified in the FW-FP

The Council supports a schedule of actions to determine timeframes for implementation. However, clear guidance for certifiers approving the reasonableness of scheduling is necessary.

An extension for unforeseen events is needed. Regional councils or certifiers could manage this process so that each situation is conducted with the receptiveness required. Conversely, the regulations must uphold deadlines set within regional rules and plans in circumstances where action is required faster than FW-FPs require.

SUBMISSION:

18. Provision of guidance for certifiers when planning or approving a schedule of actions.
19. Allow regional councils or certifiers to grant extensions due to unforeseen circumstances, and ensure regional provisions have the capacity to enforce action if it is required sooner than provided in the FW-FP.

Certification

Process for accrediting and appointing certifiers in the FW-FP system

Council supports the establishment of a new accreditation body to ensure certifier competency throughout the country followed by regional council appointment. However, the Council warns against blanket application of appointment criteria throughout all regions. The Council believes it is important for each region to maintain a level of control over the appointment of certifiers. The Council suggests regional councils manage the appointment of accredited certifiers. Mechanisms such as a regional criteria, might ensure each certifier holds an understanding of regional rules and catchment context settings.

SUBMISSION:

20. Provide regional councils with the capacity to appoint accredited certifiers to work within a region and the specifics of a regional appointment criteria remain at the discretion of each regional council.

Role of certifiers

The FW-FP system is dependent upon appropriately skilled planners, certifiers and auditors that should also be required to consult with external experts such as regional council LMOs to use existing knowledge of land use capability and soil erosion. If expert consultation is required, the certifier should make the farmer aware as soon as possible. Consequential costs incurred by the farmer must be justifiable.

Each certifier will have a unique skill set making them more specialised in some horticultural and farming activities over others. Farmers must be given the freedom to select a certifier who is qualified and capable of advising based on the circumstances of their farm.

The FW-FP system will rely upon the availability of trained certifiers and auditors throughout New Zealand. The pool of individuals capable of filling these positions is finite. Although the workforce will grow in response to this need, the Council questions whether the new workforce will have the same level of advisory skill as the Council's LMOs. This has been communicated to and acknowledged by MfE in other engagement processes.

The Council notes the need for industry to respond as certifiers to build sufficient workforce capacity. The accreditation process must address and mitigate conflicts of interest, particularly when an industry representative applies for certifier accreditation. The Council believes not all conflicts of interest should preclude an applicant from accreditation. As a minimum, the Council recommends certifiers be required to declare any conflicts of interest so that regional councils can determine if an applicant will be a suitable certifier in a their region.

The Council strongly supports permitting certifiers to develop and certify the same FW-FP, due to the efficiency and cost-effectiveness this would provide.

The Council also recommends certifiers have the capacity to act as auditors, excluding for FW-FPs which they have prepared or certified themselves.

The Council believes planners and certifiers will need to do a walk-over of a farm when developing a FW-FP. The only circumstances where this may not be necessary is if a farm has no wetlands or waterways.

SUBMISSION:

21. Ensure there is capacity in the system in relation to the number of appropriately trained and qualified certifiers and auditors for FW-FPs.
22. Allow farmers the freedom to select a certifier who best understands their farm context and requirements.
23. Require certifier applicants to declare conflicts of interest before regional appointment.
24. Allow certifiers to act as both planner and certifier on a FW-FP.
25. Give certifiers the opportunity to work as auditors on FW-FP's that they have not developed.

Engaging and paying for a certifier

The Council strongly supports a 'user pays' approach. Although costs will be market driven, there is very little alternative to this.

SUBMISSION:

26. Adopt preferred approach.

Review and recertification and new FW-FPs

The Council recommends a five yearly review and re-certification of FW-FPs with the ability to shorten review periods to three years based on performance, risk or major regulatory changes. The Council notes many first generation FW-FPs may require a shorter review period as drafted regional plans become effective within the coming years.

The Council agrees with the proposed circumstances in which a new FW-FP would be required. In addition the Council seek major natural events be identified as a potential trigger for new or reviewed FW-FPs. After a natural event, reassessment might occur slowly, however it would be required.

To reduce the risk of client capture, the Government has proposed a limit on the number of times a certifier can re-certify a FW-FP. The Council disagrees with this proposal. Notwithstanding the Councils reservations about the finite pool of certifiers available, there is a practical need for certifiers to build a client base. It is the role of the regulator to monitor the stringency of each FW-FPs.

SUBMISSION:

27. Develop flexible recertification periods based on activity risk and mitigation performance.
28. Include natural disasters and major weather events as a potential trigger to review FW-FPs.
29. Impose no limit on the number of times a certifier can re-certify a FW-FP.

Dispute resolution and complaints process

The Council supports the three-staged dispute resolution process. However, the Council recommends the use of alternative bodies be investigated, e.g. some disputes could be initially examined by regional councils.

The Council supports a complaints process run by a national body, with the qualification that complaints that are easily resolved or regionally specific be raised with the relevant regional council. These complaints could then be referred to the national body if unable to be resolved at a regional level.

SUBMISSION:

30. Allow simple disputes be initially taken up at a regional level.
31. Adopt the proposed complaints process with additional scope for some complaints to be resolved at a regional level.

Auditing

Accreditation and appointment of auditors

The Council supports option 1 which allows regional councils to appoint accredited auditors within their region. Auditors must hold relevant auditing abilities alongside a reasonable knowledge of farming systems.

SUBMISSION:

32. Adopt proposed approach.

Role of the auditor

The Council stresses the importance of separating the compliance role of auditors from the enforcement role of regional councils. Section 217H of the RMA currently gives auditors a level of authority that strays into enforcement responsibilities. This is a cause of great concern that potentially duplicates and confuses responsibilities. Resulting confusion may limit the efficiency of the FW-FP system and undermine a legal capacity to hold plan holders accountable in a case of non-compliance. Asking auditors to work within an enforcement capacity could limit the number available to work within a compliance role. Time and finances spent on legal proceedings and / or conflict resolution may distract auditors from their primary role. The Council recommends auditors work as information gatherers, reporting to regional councils who can then take necessary enforcement action.

Auditors must have legal standing to enter a property so that information gathered can be legally upheld if needed. Requiring an auditor to gain informed consent allows farmers acting in non-compliance to refuse an auditors visit, therefore a clear mandate of authority will prove most effective.

The Government suggests auditors make no assessment of FW-FP content. The Council disagrees and recommends auditors monitor the robustness of FW-FP designs ensuring they remain fit for purpose (and if not auditors, regulators, or councils may have to fill this need).

Auditors should to be required to inform councils of auditing results in a timely manner, and almost immediately if non-compliance is significant. Evidence such as discharge has the potential to disappear extremely fast.

SUBMISSION

- 33. Clearly define the role of auditors so that they do not stray into enforcement.
- 34. Provide auditors with a clear mandate of authority to enter farms and audit compliance.
- 35. Seek auditors monitor the robustness of FW-FP designs to act as an additional check and balance for FW-FP design.
- 36. Require auditors to provide regional council with auditing results in a timely manner.

Audit frequency

The Government proposes a risk-based approach to audit frequency. Initially, all farms will be deemed 'high risk' receiving an audit within 18 months of their FW-FP certification. If passed, a farm will receive its next audit within three years. The Council believes aspects of a FW-FP could be audited up to 5 years. In some circumstances, farms within an existing farm plan initiative may already be considered low risk, thus recommendations could be relevant for 5 years, reducing the need of re-certification and associated costs.

There is an opportunity to reward farmers willing to comply with FW-FPs by adopting a performance-based audit frequency, however the Council recommend this must only be used in conjunction with a risk-based approach. No matter the compliance of a plan holder, the significance of risk must remain a material factor when determining audit frequency.

SUBMISSION:

37. Develop audit extensions for those farmers already participating in regular monitoring through existing farm management programmes.
38. Determine audit frequency through both risk-based and performance based assessments.

Quality assurance of FW-FPs

The Council supports national coordination of quality assurance, followed by regional operations. Regional councils could use existing farm management infrastructure by conducting some checks through regional programmes. The Council supports allowing regional councils to trigger the quality assurance process if concerns are held regarding the standard of a FW-FP in their region.

SUBMISSION:

39. Use existing farm management infrastructure to conduct quality assurance checks.
40. Allow regional councils to trigger an assessment if concerns regarding FW-FP quality appear.

Enforcement mechanisms

Proposed offences

FW-FPs will be enforced by regional councils with a focus on 'significant' and 'serious' non-compliance. The Council therefore seeks clarification on what is 'significant' and 'serious' non-compliance. The Council suggests levels of non-compliance could be identified during the risk assessment process and subsequent prioritisation of actions when designing FW-FPs.

The Government has listed proposed fines for non-compliance, with most sitting between \$1000-\$1500. The Council seeks the Government increase the fee range to \$10,000, which will serve as a better deterrence. The proposed fees are too low, and in some circumstances will be cheaper than compliance.

SUBMISSION:

41. Develop clarification for 'significant' and 'serious' non-compliance.
42. Increase non-compliance fee range to \$10,000.

Implementation

Phasing and staging

Implementation of the FW-FP system will require a phased rollout with two potential options. One being a collective catchment by catchment approach and the other an individual farm by farm approach in which those farms posing the highest risk are targeted first. The Council recommends system agility whereby FW-FP implementation can adopt any or both roll out options. For example, the Taranaki ring plain supports a collective approach as farms within a catchment largely share similar freshwater issues best mitigated through collaborative action. Conversely, Taranaki hill country farms may require an individual approach. Similar sediment issues occur consistently throughout the entire area. The worst sources of sediment discharge should be targeted on a per farm basis.

In navigating implementation, regional councils should be involved in rollout prioritisation. The Council recommends providing regional councils with the ability to design a regionally specific approach that recognises progress already made by farmers in these regions.

SUBMISSION:

43. Develop an agile approach to the FW-FP rollout dependent on catchment context and the existence of individual farms requiring urgent mitigation management.
44. Provide regional councils with discretion to determine rollout prioritisation within their own region.

Understanding catchment values and context

Collating information regarding a catchment context is best done at a regional council level where continued partnership with tangata whenua, industry and stakeholder groups is best fostered.

Collating regionally approved catchment information will not preclude catchment groups from defining their own goals, nor will the FW-FP system prevent community groups from creating their own plans. However we should avoid formalising community lead objectives and plans within the FW-FP system. The FW-FP system will reflect community objectives through the use of regional plans. Catchment objectives can be incorporated into individual FW-FPs as the certifier and farmer see fit.

SUBMISSION:

45. Develop information on catchment context at a regional council level.
46. Incorporate community lead catchment objectives into the FW-FP system through regional plans, but prevent their duplication through other means, for instance catchment group FW-FPs.

Reporting and review

Collection of data from FW-FPs

The Council supports the digital collection of regular data from FW-FPs. A user friendly web-portal is highly effective for those who have internet access. Clear and consistent reporting guidance is needed to reduce mounting burdens on farmers.

The Council holds concerns for the privacy of farmer information. Although the Council supports data collection, it is unclear how the Government will ensure and protect anonymity. There are various loop holes in the FW-FP regime risking the privacy of farmer information. For example, as FW-FPs are certified or audited and information is reported back to regional councils, it is unclear if that information will remain the property of the farmer, or if it will become the property of the council and therefore subject to an official information request. The Ministry must continue to work with regional councils, farmers and industry groups to identify an acceptable level of information disclosure.

Once the parameters of information privacy are defined, clear guidance must be provided to all regional councils or national bodies in possession of FW-FP data so that privacy provisions are applied consistently throughout the country.

Within the discussion document, erodible land treated is a possible priority area for regulated reporting. The Council notes that erodible land treated, being an action that will contribute to what we want to achieve, is an output rather than an outcome. The Council recommends reporting areas focus on outcomes (to gather a picture of what remains unachieved at specific sites within the wider scope of what is required on a whole farm). However, the Council accepts that initially a focus on reported outputs is necessary given that outcomes that show a long-term connection between interventions and monitored science generally take some years to collect.

SUBMISSION:

47. Provide clear reporting guidance for farmers.
48. Create stringent parameters for information privacy so that only a select subset of reported information can be made publicly available.
49. Initially require reporting on outputs and progress of actions until outcome monitoring science is developed in time.

Conclusions

The Council again thanks MfE for the opportunity to comment on FW-FPs. The Council is generally supportive of the FW-FP regulatory framework to complement and underpin best practice at the farm level. Notwithstanding the aforementioned support, the Council has raised a number of issues and seeks relief that it believes will support and enhance the FW-FP scheme.

The Council looks forward to continuing to work with MfE and the government to successfully implement the FW-FP system.

Yours faithfully
S J Ruru
Chief Executive

A handwritten signature in blue ink, appearing to be 'D Harrison', with a long horizontal stroke extending to the right.

per: D Harrison
Director - Operations



Date 12 October 2021

Submission: **Stock Exclusion Regulations: Proposed Changes to the Low Slope Map Discussion Document**

Approved by: D R Harrison, Director - Operations
S J Ruru, Chief Executive

Document: 2876050

Purpose

1. The purpose of this memorandum is to present for Members' endorsement the submission to the Ministry for the Environment's (MfE) discussion document *Stock Exclusion Regulations: Proposed Changes to the Low Slope Map*.
2. The deadline for submissions was 26 September 2021, which precluded a draft being presented to this meeting. However, the submission incorporates issues and discussions had at the previous Policy and Planning Committee meeting.

Executive summary

3. The *Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations)* contain requirements for stock exclusion from freshwater bodies on low slope land.
4. The *Low Slope Map* referenced in the *Stock Exclusion Regulations* is used to identify low and high slope land. However, the current mapping includes many inaccuracies that the Government has been working to address.
5. In July 2021, MfE released a discussion document for consultation on proposed changes to the Low Slope Map.
6. In brief, proposed changes include adopting a mapping approach based on local terrain averaging, and the introduction of an altitude threshold of 500 metres. Through freshwater farm plans the Government is seeking to address the risks of stock access to waterways in areas between 5 and 10 degrees slope.
7. It is hoped that the new approach along with the improved mapping methodology will address the inaccuracy issues with the current mapping and, in doing so, ensure stock exclusion requirements better reflect local conditions.
8. Officers reviewed the discussion document and at the Policy and Planning Committee of 31 August presented an item outlining the key elements and issues outlined in the document in order for Members to provide comment on what they would like to see addressed in a Council submission.

9. Subsequently, officers have prepared the attached submission, which was forwarded to MfE on 15 September 2021. In brief, the submission is generally supportive of the changes to the low slope map through the use of local terrain averaging methodology. However, only anecdotal evidence supports the efficacy of the new mapping regime. The map is not yet tested in Taranaki and out in the field.
10. The deadline for feedback on the discussion document was 26 September 2021. Once feedback is considered, Government will make final changes to the low slope map.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum *Stock Exclusion Regulations: Proposed Changes to the Low Slope Map* and submission appended to this item
- b) endorses the *Submission on Stock Exclusion Regulations: Proposed Changes to the Low Slope Map*.

Background

11. As Members are aware, the Government released its *Essential Freshwater* package (the Package) on 5 August 2020 with it taking effect from 3 September. The package contains several elements, one of these being the *Stock Exclusion Regulations*.
12. The *Stock Exclusion Regulations* require the exclusion of beef and deer cattle from lakes and wide rivers on low slope land, and all stock on low slope land from any natural wetlands.
13. As additional context, the *Stock Exclusion Regulations* stipulate pigs, dairy cattle, dairy support cattle, intensively grazed beef and intensively grazed deer on any terrain must be excluded from lakes and wide rivers, unless crossing provisions apply. All stock are excluded from natural wetlands on any terrain if the wetland is identified in a regional or district plan, or if the wetland supports threatened species described in the *National Policy Statement for Freshwater Management 2020*.
14. Stock that are required by the *Stock Exclusion Regulations* to be excluded from a waterbody must not be allowed closer than 3 meters to the edge of the bed of a lake or wide river.
15. The *Stock Exclusion Regulations* are supported by mapping developed that purportedly identifies low slope land across New Zealand. However, the regional sector has long argued that current low slope mapping is inaccurate and therefore misleading. The Government is now proposing a new mapping approach.
16. In July 2021, MfE released a discussion document for consultation on proposed changes to its low slope mapping.

The discussion document

17. The discussion document sets out proposed changes to the Government's low slope mapping.
18. The proposed changes seek to address some of the problems arising from the adoption of inaccurate mapping methodologies inherent in the current low slope map. Currently, 11.5% of land captured by the low slope map has a slope greater than 10 degrees. The current map also fails to capture some areas of low-slope land. Due to these inaccuracies,

the *Stock Exclusion Regulations* fail to achieve their full environmental purpose by often capturing the wrong land. Another concern is that the mapping captures extensive farming operations in the high country. Stocked at lower rates, the high cost of stock exclusion management in these areas is inefficient.

19. To mitigate inaccuracies of the low slope map, the discussion document presents the following proposals:
 - New map using advanced mapping methodology called 'local terrain averaging' to identify low slope land with an average slope of up to 5 degrees and for which stock exclusion requirements apply.
 - Instead of averaging slope across land parcels, the 'local terrain averaging' method calculates the average slope of an aggregated 4.5-hectare area comprising 15 metre by 15 metre cells. Each cell with an average of 5 degrees or less is selected. The edges of the resulting layer are smoothed to give the map its boundary.
 - In addition, the following areas will be excluded from the map to further reduce the capture of high slope land:
 - a. Land with an average slope of 5-10 degrees.
 - b. The land above 500 metres in altitude.
 - c. Depleted grassland and tall tussock areas.
 - Any stock exclusion requirements on land not captured by the proposed map will be managed by freshwater farm plans, which are risk-based and allow for more discretion. The revised mapping captures an area of 5.2 million hectares (compared to 8.2 million hectares inaccurately captured under the current mapping). The total area with a slope greater than 10 degrees will decrease to an estimated 0.07 percent in the proposed map.
20. A copy of the discussion document can be found on the MfE website ([click here](#)).
21. Members will recall considering and providing comment on an item on the Discussion Document and at the Policy and Planning Committee of 31 August. Subsequently officers have prepared the attached submission, which was forwarded to MfE on 15 September 2021.

The submission

22. The Council is supportive of Government efforts to achieve an appropriate balance between nationwide regulatory requirements and on-farm tailored responses such as the impending freshwater farm plan framework. However, the success of *Stock Exclusion Regulations*, in terms of achieving freshwater outcomes and not imposing unnecessary compliance costs, is dependent upon the accuracy of the Government's low slope mapping.
23. Accordingly, the submission notes Council support for a review of the low slope mapping approach and the use of 'local terrain averaging', which will address many mapping inaccuracies in field conditions. The submission notes that such changes are essential for the *Stock Exclusion Regulations* to work.
24. The submission further notes the Council supports management of land with a slope between 5 and 10 degrees through freshwater farm plans. The use of freshwater farm plans, underpinned by accurate mapping, should empower farmers to mitigate the adverse effects of their activities in a way best suited to their land.

25. Notwithstanding support for the proposed mapping regime, the submission seeks further field testing to confirm the realities of its use, including Taranaki conditions. The realities of implementing the *Stock Exclusion Regulations* through the application of the low slope map, need to be adaptive to take on board learnings from the field.

Where to from here

26. The deadline for feedback on the discussion document was 26 September 2021. Once feedback is considered, Government will make final changes to the low slope maps.

Financial considerations—LTP/Annual Plan

27. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

28. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

29. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

30. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

31. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 2868941: Submission on stock exclusion regulations: Proposed changes to the low slope map



15 September 2021
Document: 2868941

Stock Exclusion Regulations: proposed changes to the low slope map
Ministry for the Environment
PO Box 10362
Wellington 6143

Submission on Stock exclusion regulations: Proposed changes to the low slope map

The Taranaki Regional Council (the Council) thanks the Ministry for the Environment (MfE) for the opportunity to make a submission on the *Stock exclusion regulations: Proposed changes to the low slope map* as outlined in the Ministry's discussion document under the same name.

The Council makes this submission in recognition of its:

- functions and responsibilities under the *Resource Management Act 1991* (RMA) and the *Local Government Act 2002*;
- the responsibilities and costs to be incurred by the Council to implement the Stock Exclusion Regulations;
- regional advocacy responsibilities whereby the Council represents the Taranaki region on matters of regional significance or concern; and
- experience having successfully implemented stock exclusion initiatives and achieved freshwater quality improvements within Taranaki.

The Council has also been guided by its Mission Statement '*To work for a thriving and prosperous Taranaki*' across all of its various functions, roles, and responsibilities, in making this submission.

The Council notes that the Government's goal of maintaining and enhancing freshwater quality is consistent with Council's own Mission Statement.

General Comments

The Council acknowledges efforts made by MfE to address concerns raised by the regional sector relating to the inaccuracies of the current low slope map. The Council believe such action (and future ongoing improvements) is essential to give effect to the intent of the Stock Exclusion Regulations.

The Council supports the aims of the Stock Exclusion Regulations. The Regulations provide a national standard for excluding livestock exclusion from New Zealand's rivers, lakes and wetlands to improve freshwater quality. However, the inflexibilities inherent in the Regulations have been problematic for their implementation. The inaccurate mapping methodology of the current low slope map has made this inflexibility more apparent.

The Low Slope Map

The Council supports Government efforts to achieve an appropriate balance between nationwide regulatory requirements and on-farm tailored responses such as the impending freshwater farm plan framework. However, the success of the Stock Exclusion Regulations, in terms of achieving freshwater outcomes and not imposing unnecessary compliance costs, is dependent upon the accuracy of the Government's low slope mapping.

The Council supports the Government's review of its low slope mapping approach. As highlighted by the regional sector, significant changes to the current low slope map and the local terrain averaging mapping methodology were required to address inaccuracies in field conditions. Such changes are essential for the Stock Exclusion Regulations to work.

Notwithstanding support for the proposed mapping regime, the Council notes there is only anecdotal evidence to support its efficacy. The Council seeks further field testing to confirm the realities of its use, including in Taranaki conditions. The realities of implementing the Stock Exclusion Regulations, including the implementation of freshwater farm plans and the application of the low slope map, need to be adaptive to take on board learnings from the field.

The Council further supports the proposal that land with a slope between 5 and 10 degrees be managed through freshwater farm plans. The use of freshwater farm plans, underpinned by accurate mapping, empowers farmers to mitigate the adverse effects of their activities in a way best suited to their land.

Recommendations:

- To engage in further field testing of the proposed mapping methodology and to allow for adaptation once the realities of its use are confirmed.

Conclusions

The Council again thanks MfE for the opportunity to comment.

The Council generally supports the proposed changes to the low slope map. The improved mapping methodology will mitigate many issues previously raised by regional councils regarding the application of the Stock Exclusion Regulations. Notwithstanding that support, the Council notes that conclusive support will only follow once practical evidence of these

mapping methods throughout the vast and varied landscape of the Taranaki region is collected.

The Council looks forward to continuing to work with MfE and the government to successfully implement the Stock Exclusion Regulations and ongoing improvements to the low slope map.

Yours faithfully
S J Ruru
Chief Executive

A handwritten signature in blue ink, appearing to read 'DH', with a long horizontal stroke extending to the right.

per: Daniel Harrison
Director - Operations



Date: 12 October 2021

Subject: **Draft Submission on the Proposed Changes to Wetland Regulations**

Approved by: D R Harrison, Director - Operations
S J Ruru, Chief Executive

Document: 2876849

Purpose

1. The purpose of this memorandum is to present for Members' consideration a draft submission to the Ministry for the Environment (MfE) on the '*Managing our wetlands: A discussion document on proposed changes to the wetland regulations*' (Discussion Document).
2. The draft submission is appended to this item.

Executive summary

3. The *National Policy Statement for Freshwater Management 2020* (NPS-FM) and *National Environmental Standards for Freshwater 2020* (NES-F) was released on 5 August 2020 with it taking effect on the 3 September 2020.
4. Immediately after promulgation of the NES-F wetland regulations it became apparent that there were significant issues with their interpretation and implementation. In response to the feedback from councils, environment non-government organisations, the Department of Conservation, and community groups, MfE released a discussion document setting out proposed changes to the NES-F regulations relating to wetlands.
5. The Discussion Document, which was released on 1 September 2021, includes significant changes relating to the wetland definition, consenting pathways, making it easier to undertake maintenance and restoration actions, and regulatory provision for biosecurity activities.
6. A draft submission has been prepared for Members' consideration. It is largely supportive of the proposed changes. However, the draft submission seeks a number of minor changes and poses a number of questions to ensure revised NES-F wetland regulations are robust, practicable and avoid perverse environmental outcomes.
7. The deadline for submissions on the Discussion Document is 27 October 2021. See the attachment for the full copy of the draft submission.

Recommendations

That the Taranaki Regional Council:

- a) receives this Memorandum *Draft Submission on the proposed changes to the wetland regulation* and the attached draft submission
- b) adopts (alternatively amends) the draft submission.

Background

8. As Members are aware, wetlands have an important role in maintaining the health of New Zealand's waters as a natural filter. New Zealand's wetlands have been at risk with over 90 percent of wetlands being lost since human settlement. Wetlands further support a diverse range of plant and animals some of which are rare or threatened.
9. Protecting the water quality and biodiversity values of Taranaki wetlands has long been a priority for the Council. The Council has long established and significant riparian and biodiversity programmes involving Council working alongside landowners to protect and enhance wetlands in the region. Over recent years, the Council has made progress in reducing the loss of wetlands and improving the condition of existing wetlands.
10. The *Essential Freshwater* package was released on 5 August 2020 with it taking effect from 3 September 2020. The package included a new NPS-FM and NES-F that set out national directions under the *Resource Management Act 1991* (RMA) relating to fresh water, including wetlands.
11. The NES-F imposes strict rules regarding what you can do in or near 'natural wetlands'. The NES-F covers, vegetation clearance, earthworks, the taking, use, damming, diversion and discharge of water, sphagnum moss harvesting and intensive winter grazing.
12. Since the promulgation of the NES-F, it became immediately apparent that there were significant issues with the interpretation and implementation of the wetland provisions in the NES-F. In response to the feedback from councils, environment non-government organisations, the Department of Conservation, and community groups, MfE released a discussion document setting out proposed changes to the NES-F regulations relating to wetlands. The issues and challenges of implementation were unanticipated by MfE and proposed changes do not seek to undermine the fundamental intent of the NES-F to, amongst other things, protect remaining wetlands.
13. On 1 September 2021 MfE released for consultation the Discussion Document and regulatory impact statement setting out proposed changes to NES-F provisions relating to wetlands. The deadline for the submission is 27 October 2021.
14. Set out below is an overview of the Discussion Document and draft Council submission.

Overview of the discussion document

15. The Discussion Document sets out how the wetland definition could be amended, how to better provide for restoration, biosecurity and maintenance, and potential consenting pathways for certain activities. It has six sections posing 17 questions as a guide to providing feedback. Questions are broadly grouped around the following themes/proposals:
 - Amend part (c) of the NES-F 'natural inland wetland' definition, which reads as follows:

~~(c) any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) has more than 50 percent ground cover comprising exotic pasture species or exotic species associated with pasture and is subject to temporary rain derived water pooling;~~

- Ease restrictions on restoration and maintenance activities in and around wetlands by providing for 'maintenance' of wetlands in the regulations alongside restoration activities;
- Provide for biosecurity activities (removal of exotic species) in and around wetlands that might otherwise impede the maintenance or restoration of wetlands. In particular, it is proposed to permit any removal of exotic species, regardless of the size of the area treated, provided the conditions in regulation 55 of the NES-F are met;
- Allow activities that are necessary to implement regional or pest management plans and those carried out by a biosecurity agency for biosecurity purposes;
- Amend regulations to make restoration and maintenance of a 'natural wetland' a permitted activity (if undertaken in accordance with a council-approved wetland management strategy);
- Amend regulations to permit weed clearance using hand-held tools; and
- Create a consenting pathway for quarrying, landfills, cleanfills and managed fill, mining, and urban development as a discretionary activity.

16. A full copy of the Discussion Document can be found on the MfE website [here](#).

Key submission points

17. Officers have reviewed the Discussion Document for the proposed amendments and have prepared a draft submission for Members' consideration.
18. In brief, the draft submission is generally supportive of the changes subject to some minor concerns and requests for further clarification. Set out below are the key themes and comments on the Discussion Document that have been incorporated in a Council Draft submission:
 - The Council is supportive of the new wetland definition and suggests it will better reflect the policy intent of the NES-F. In the draft submission, the Council seeks that MfE provide a national list of exotic species and exotic species associated with pasture.
 - The Council supports maintenance being included in the regulations alongside restoration and are supportive of the proposal to include the removal of exotic species from a wetland as a permitted activity.
 - The Council is supportive of restoration and maintenance of a 'natural wetland' becoming a permitted activity. However, the Council seeks further clarification on the purpose, scope, form and content of a "council-approved wetland management strategy".
 - The Council supports the proposal to enable biosecurity activities for wetland maintenance and restoration purposes. However, the Council seeks that the scope of the proposal be broadened to address all invasive species and not just those declared to be pests in pest management plans.

- The Council supports the discretionary status for quarrying activities subject to the activity going through the 'gateway test' and for any adverse effects to be managed through the effects management hierarchy.
- The Council opposes a consenting pathway for landfills, cleanfill and managed fills. The Council suggests that these activities are not geographically constrained and therefore have the option to be located away from natural wetlands.
- The Council supports providing a consenting pathway for mining as a discretionary status, based upon the premise that mining goes through the 'gateway test' and for any adverse effects to be managed through the effects management hierarchy. The Council supports the Government specifying what qualifying minerals can be mined from or near natural wetlands.

19. Please see Appendix I for the full copy of the draft submission.

Financial considerations—LTP/Annual Plan

20. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

21. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

22. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

23. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

24. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 2862162: Submission on the Proposed Amendments to Wetland Regulations



12 October 2021
Document: 2862162

Ministry for the Environment
PO Box 10362
Wellington 6143

Attention: Feedback Analysis Team

Feedback on the discussion document 'Managing our wetlands'

The Taranaki Regional Council (the Council) thanks the Ministry for the Environment (MfE) for the opportunity to provide feedback on the *Managing our wetlands: A discussion document on proposed changes to the wetland regulations* (the Discussion Document).

The Council makes this submission in recognition of its:

- functions and responsibilities under the *Resource Management Act 1991* (RMA) and under the *Local Government Act 2002*;
- the responsibilities and costs to be incurred by the Council to implement the FW-FP scheme;
- regional advocacy responsibilities whereby it represents the Taranaki region on matters of regional significance or concern; and
- experience having successfully protected wetlands within Taranaki.

The Council has also been guided by its Mission Statement 'To work for a thriving and prosperous Taranaki across all of its various functions, roles and responsibilities, in making this submission.

The Council notes that Government's goal of maintaining and enhancing freshwater quality is consistent with the Councils' own Mission Statement.

General comments

The Council strongly supports changes to wetland provisions currently set out in the *National Policy Statement for Freshwater Management 2020* (NPS-FM) and *National Environmental Standards for Freshwater 2020* (NES-F).

As has been previously noted by this Council and others, wetland provisions in the current NES-F and NPS-FM posed significant issues and difficulties in relation to their interpretation and application. Indeed, in their current form, NES-F wetland regulations risked perverse environmental outcomes plus unintended onerous compliance costs.

The Council therefore appreciates the opportunity to provide feedback on the Discussion Document. Specific comments on key areas of particular interest to the Council are set out below.

Definition of a 'natural wetland'

The Council supports a change to the definition of a 'natural wetland' to provide for improved clarification and appropriate application of the NES-F and NPS-FM. The Council notes that the current definition of a 'natural wetland' set out in the NES-F raised uncertainties in relation to the interpretation and field application of NES-F provisions. The current definition has already created significant angst in the community due to the definition (unintentionally) capturing areas of damp pasture with far-reaching consequences for Taranaki farmland. The Council understands this was never the Government's intention.

The proposed definition set out on page 6 of the discussion document better recognises that wet pasture areas are highly modified environments and should be able to continue their current use while still ensuring the strong protection to natural wetlands. In particular, the Council is supportive of the amendment to clause (c) of the natural wetland definition for the following reasons:

- deleting 'commencement date' removes the need for back-casting which could be an unnecessary and problematic form of assessment;
- deleting 'improved' pasture will remove misinterpretation and confusion over the definition of 'improved pasture' and creates more clarity to the overall definition of a natural wetland;
- the Council supports the 'temporary rain derived water pooling' qualifier having limited use and not being included in the natural wetland definition now that the hydrology module is in place;
- it will ensure that wet heavily modified pasture for grazing is not captured and subject to the NES-F wetland regulations.

Notwithstanding its support above, the Council questions how 'other' wetlands with regionally significant biodiversity values will be adequately addressed given the confined scope of the proposed definition for 'natural wetlands'. Under the proposed definition, wetland's comprising of less than 50 percent *exotic species associated with pasture* are no longer protected via the NES-F regulations. In Taranaki there are many degraded wetlands (including some wetlands with clear soil and hydrological components and even some protected wetlands) dominated by these species. While the Council notes that it will be addressing this issue by capturing degraded wetlands through its regional planning processes, it has concerns that in other regions, due to different community priorities and values, planning processes may not adequately protect degraded but nevertheless important wetlands.

To support the implementation of the definition the Council is seeking that the Government provide educational tools and information to support the implementation of NES-F wetland regulations, including:

- a national list of exotic pasture species and exotic species associated with pasture to be developed and prepared by the Government for consultation through a feedback or submission process;
- revised wetland guidance that aligns with the outcomes of this consultative process; and
- national advice and guidance to support the identification and local protection of degraded but regionally important wetlands.

Maintenance and restoration of wetlands

The Council supports maintenance being provided for in the NES-F wetland regulations, alongside restoration. The Council suggests that wetland maintenance activities are a necessary and beneficial activity that are essential for protecting the ecology of a natural wetland. Including 'maintenance' in the regulations would also align with the NPS-FM objectives as it prioritised the health and well-being of waterbodies and freshwater ecosystems. The Council notes regulation 55 of the NES-F and agrees that notification of permitted wetland activities will be essential to ensure that no permanent adverse effects are occurring on native species and habitats.

The Council further supports amending regulations to permit any removal of exotic species regardless of size of the area treated (providing the conditions in regulation 55 of the NES-F are met). The proposed change will facilitate the restoration and continued protection of degraded and/or natural wetlands. The Council notes that the removal should be carried out in the most appropriate way for that specific wetland site as the removal of an exotic species such as willows could potentially change the habitat of a wetland and cause harm to native flora/fauna.

The Council further supports the restoration and maintenance of a 'natural wetland' becoming a permitted activity subject to a wetland site-specific management plan. Permitting restoration and maintenance activities will give the Council more flexibility to work with landowners and communities to promote wetland protection while avoiding undue compliance costs. However, the Council seeks clarification on the purpose, scope, form and content of the "*council-approved wetland management strategy*" referred to on page 9 of the discussion document. In particular:

- Is this a site-specific operational plan or a regional strategy?
- What is the purpose, scope, form and mandatory baseline content of a council-approved wetland management strategy?
- What is the spatial area encompassed by the strategy, e.g. regional, site specific, or other?
- Is there any relationship between council-approved wetland management strategies prepared under the NES-F and regional biodiversity strategies to be prepared under the proposed NPS-IB?
- What are the transitional provisions for permitting such activities while awaiting a new freshwater plan?

Biosecurity activities in wetlands

The Council supports the proposal to enable biosecurity activities for wetland maintenance and restoration purposes but questions why allowing such activities should be confined to those activities “...that are necessary to implement regional or pest management plans and activities carried out by biosecurity agency for biosecurity purposes.” The Council seeks broadening the scope of this proposal to also allow the management of the thousands of invasive species that have not been declared as pests in regional pest management plans that nevertheless can have significant impacts on the ecological functioning and biodiversity values of wetlands (e.g. willows in the Taranaki region) and also allow non-biosecurity agencies to carry out the work. The Council notes that the vast majority of biosecurity activities, associated with the maintenance and restoration of wetlands, is actually undertaken by individuals and community groups (i.e. non-government groups).

The Council supports the proposal to make weed clearance with hand-held tools a permitted activity. Again, this proposed change will enable weed control that contributes to the restoration, protection and enhancement of Taranaki wetlands.

Consenting pathway for quarrying

The Council notes the Government’s intention for expanding their gateway test for activities that provide a significant national or regional benefit, have a functional need to be in that area, and requires adverse effects to be managed through the effects management hierarchy. Based upon that premise, the Council supports providing a consented pathway for quarrying as a discretionary activity.

Consenting pathway for landfills, cleanfill and managed fills

The Council opposes a consenting pathway for landfills, cleanfill and managed fills.

Unlike quarrying, it is Council’s view that landfill, cleanfill and managed fill are not geographically constrained and there is the option to locate them away from natural wetlands (i.e. there is not a functional need). A consenting pathway for these activities may lead to using fill to fill in wetland areas in gullies and could lead to the destruction of wetland habitats. The Council is aware that is quite common for cleanfill on farms or roads to be used to re-counter agricultural land, where this occurs the fill can be pushed into the wetland and smother the wetlands habitat. The Council sees a consenting pathway for these activities as extraordinarily risky and not consistent with the objectives of the NPS-FM relating to the protection of natural wetlands.

Consenting pathway for mining

The Council notes the Government’s intention for expanding their gateway test for activities that provide a significant national or regional benefit, have a functional need to be in that area, and requires adverse effects to be managed through the effects management hierarchy. Based upon that premise, the NES-F will require mining to go through the ‘gateway test’ to demonstrate that they provide a significant national or regional benefit, have a functional need to be in that area, and that adverse effects will be managed through the effects management hierarchy, then the Council supports providing a consented pathway for mining as a discretionary activity.

The Council further supports the Government specifying what qualifying minerals can be mined from or near a natural wetland. Based upon the gateway test, readily available minerals should not be subject to a consenting pathway.

Consenting pathway for plan-enabled development

The Council notes that urban wetlands are more diminished, degraded and have suffered higher rates of loss than other areas in Taranaki. Urban wetlands provide important water filtering properties that are critical in urban environments where the contamination rates are higher. Wetlands in urban areas also provide critical links and corridors and habitat for certain species.

The Council appreciates the importance of urban development but believes differentiation in activity status for activities occurring within and adjacent to natural wetlands is appropriate. It is likely that activities occurring outside a wetland probably have more opportunities to adopt measures to mitigate their impacts (hence an easier consenting pathway) than if they were to occur in the wetland itself. If a consenting pathway were to occur for plan-enabled urban developments the following needs to be considered by MfE to tightly regulate such activities:

- Careful consideration would need to be taken in regard to storm water discharge to wetlands and how these systems are to be installed within a wetland. For example the appropriate level of disturbance to vegetation that can occur;
- What the long term alterations to water ways that feed in to a wetland area are before the development proceeds; and
- Consideration of the status of the particular wetland that the activity were to occur within or adjacent to.

The Council seeks further clarification on what conditions are to be considered beyond those set out in the gateway test and why these cannot be included in the gateway test.

Conclusion

The Council again thanks MfE for the opportunity to comment on the Discussion Document. It is noted that the Council supports the NPS-FM and NES-F objectives seeking to better protect wetlands and has considerable experience, expertise and success in doing so in the Taranaki context.

The Council appreciates and supports the efforts of MfE to recognise the interpretation and operational issues Councils and other organisations are facing. As noted earlier the Council is generally supportive of the proposed changes set out in the Discussion Document and look forward to putting the proposed changes in to action.

The Council looks forward to continuing to work with MfE and the government to successfully implement the NES-F and NPS-FM.

Yours faithfully
S J Ruru

Chief Executive

A handwritten signature in blue ink, appearing to be 'DRH', with a long horizontal flourish extending to the right.

per: D R Harrison
Director - Operations



Date 12 October 2021

Subject: **Freshwater Management Unit Review**

Approved by: A D McLay, Director - Resource Management
S J Ruru, Chief Executive

Document: 2884950

Purpose

1. The purpose of this memorandum is to present for Members' information the findings of an internal review of Freshwater Management Units (FMUs).

Executive summary

2. FMUs are an essential component of the National Objectives Framework (NOF).
3. The internal review of FMUs was undertaken after reviewing the requirements of the *Essential Freshwater package* and addresses some reservations highlighted by tangata whenua through the Wai Māori Working Group relating to the Council's earlier basis for identifying FMUs.
4. The internal review of FMUs recommends the following approach:
 - a) FMUs for the Taranaki region are established based upon:
 - a freshwater accounting focus rather than a regulatory land use focus.
 - catchments in their entirety from their 'source to the sea'.
 - b) Given (a) above, that Maunga and urban FMUs not be established but nevertheless, could be monitored at a sub-FMU level.
 - c) Given (a) above, Outstanding Water Bodies will no longer be identified as an FMU noting their values and elevated regulatory 'protection' status will be achieved through targeted rules and policies.
 - d) Given (a) above, that six FMU are established, these being: volcanic ring plain sourced waterbodies, coastal terrace source waterbodies, northern hill country sourced waterbodies, southern hill country sourced waterbodies, the Patea catchment, and the Waitara catchment.

Recommendations

That the Taranaki Regional Council:

- a) receives this memo *Freshwater Management Unit Review*

- b) notes the internal recommendations for an FMU approach and that work will soon commence to liaise with Council's tangata whenua partners and establish Proposed FMUs for Taranaki.

Background

5. As Members are aware, the *National Policy Statement for Freshwater Management 2020* (NPS-FM), amongst other things, requires councils to give effect to the NOF. This requires councils to identify FMUs. FMUs are defined as:
- "...all or any part of a water body or water bodies, and their related catchments, that a regional council determines under clause 3.8 is an appropriate unit for freshwater management and accounting purposes; and part of an FMU means any part of an FMU including, but not limited to, a specific site, river reach, water body, or part of a water body."*
6. The purpose of FMUs is to:
- encourage a pragmatic approach to freshwater management by allowing water bodies to be grouped together where appropriate;
 - allow a single objective to apply to freshwater bodies that are not connected; and
 - establish a spatial scale at which management activities are undertaken, including freshwater accounting and setting freshwater objectives and limits.
7. The Council can decide for itself how it sets FMUs, while recognising the requirements of clause 3.8 of the NPS-FM. In 2014, the Council first developed its current FMUs (under previous versions of the NPS-FM). These were consulted on through the draft *Freshwater and Land Management Plan for Taranaki* in 2015. The four draft FMUs were:
- Outstanding freshwater bodies
 - Volcanic ring plain
 - Coastal terraces
 - Eastern hill country.
8. The aforementioned FMUs were based upon differing land use patterns and regulatory management requirements – an approach similar in kind to that adopted for coastal management areas in the *Regional Coastal Plan for Taranaki*. Consultation on the draft Plan showed general support for the draft FMUs and comfort with a small number of broad spatial FMUs.
9. Since that time, and following the promulgation of different iterations of the NPS-FM, Council undertook to review the practicalities and workability of the current FMU design in relation to the identification of NOF limits and water accounting systems.
10. A further reason for undertaking a review, were expressions of discomfort by some tangata whenua (in a number of settings but including the Wai Maori Group) to having FMUs where waterbodies may be divided into more than one FMU.¹
11. It should be noted that while the Council is required to have representative monitoring for each FMU, the Council's monitoring is not limited to NOF and or based on FMUs.

¹ Some tangata whenua also indicated a desire for FMUs to align with hapū boundaries. It is understood this is to ensure the individual hapū have water quality monitoring within their rohe. However, such monitoring can be addressed by other means.

The Council can, and will, choose to monitor additional sites for other reasons and at a finer spatial scale.

New approach for Taranaki FMUs

12. Given the above, Council officers prepared a report (see internal memorandum attached) outlining key principles and recommended amendments to its current FMU framework.
13. In brief, it is recommended that the current draft FMU framework largely be retained. The new framework is still based on the grouping of similar catchments and having a small number of FMUs per region (which is recommended best practice). However, important changes to the FMU are highlighted:

- **Change from a land management/regulatory approach to a freshwater accounting approach:** In the draft Plan (2015), the FMUs were designed to give effect to regional rules based upon land use / management. It is subsequently considered more appropriate to base FMU design on freshwater accounting requirements and in particular freshwater limit and target setting. This approach allows for better alignment with NOF attributes throughout the length of a river.

Of note, the Policy Team will adapt their Plan policies and rules to target activities rather than FMUs.

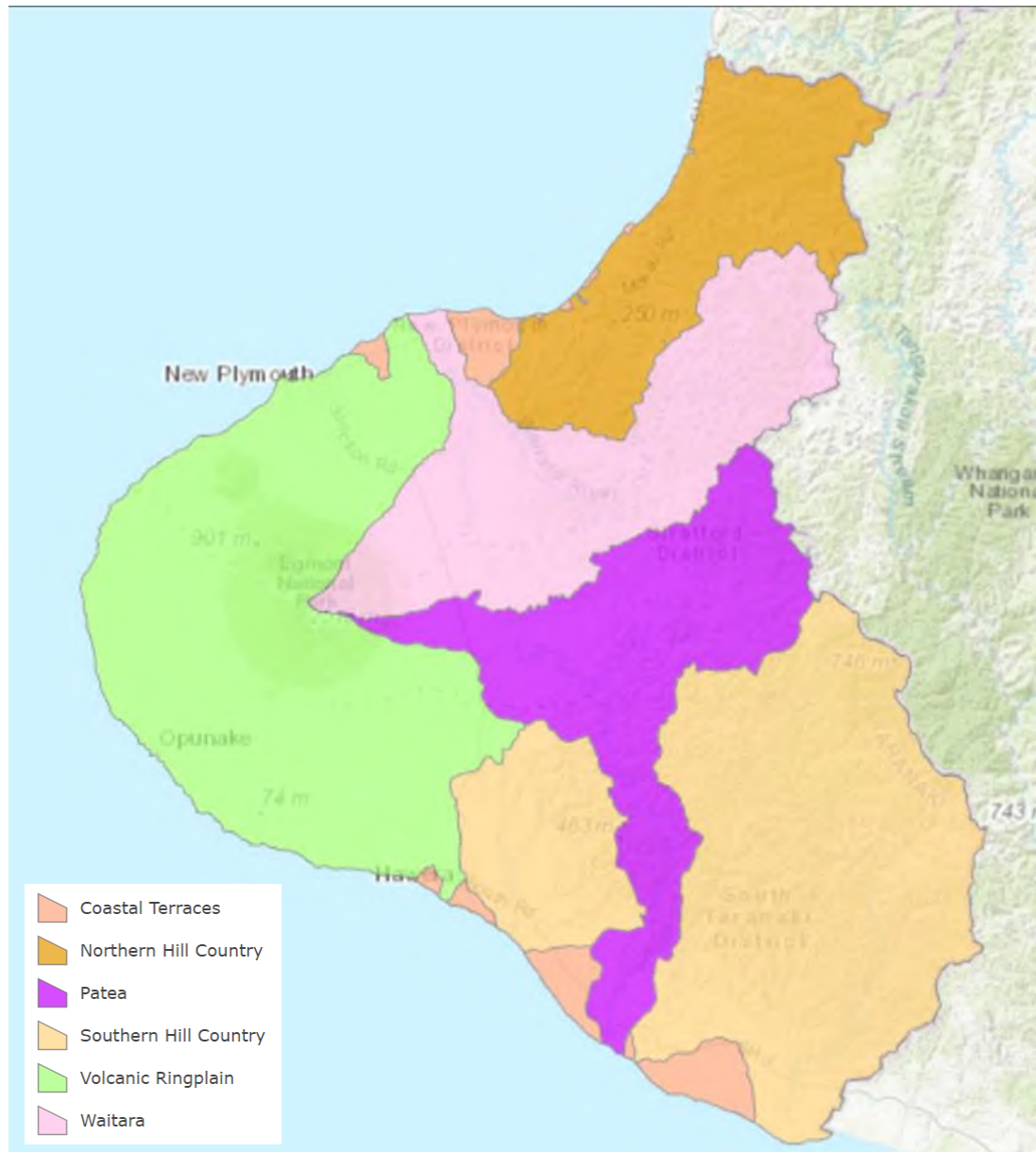
- **Adopt a 'source to sea' approach for setting FMU:** Tangata whenua and Science Services have long indicated their desire for FMU boundaries to not divide waterbodies. A 'source to sea' approach better reflects the ki uta ki tai (interconnectiveness) approach and better allows for monitoring of issues along the length of a river and across multiple land uses. This approach would be useful for setting action plans for managing NOF attributes and would assist in providing for 'catchment context' information in the new Freshwater Farm Plan regime.
- **Use catchment boundaries rather than rivers as FMU boundaries:** There have been practical issues for NOF monitoring, where property boundaries are used as FMU boundaries. This mainly arises in instances where property boundaries align with rivers causing confusion regarding which FMU a river sits in. Using catchment boundaries rectifies this issue. This is also more consistent with the 'source to sea' approach as it will ensure that entire catchments reside within one FMU.
- **Create new FMUs for the Patea and Waitara catchments:** The Patea and Waitara catchments are unique in terms of their significant size and that they are fed from both the Eastern Hill Country and the Volcanic Ring Plain (and therefore both catchments have pressures from sediment and nutrients). Both catchments are large and cover significant portions of the Taranaki region. Creating an FMU for each of these catchments aligns with the 'source to sea' approach being applied to the other FMUs.
- **Amendments to Eastern Hill Country FMU:** Based upon the 'source to the sea' concept, and the Patea and Waitara catchments having their own FMUs, the eastern hill country FMU will be amended as follows:
 - catchments originating in the hill country extend into the coastal terraces. In addition to this supporting a 'source to sea' approach, this recognizes that sediment is likely to be the largest contaminant issue. That is, sediment limits will be set higher within hill country sourced rivers compared to coastal terrace sourced waterbodies that do not have the same erosion concerns; and

- hill country sourced waterbodies (excluding the Waitara and Patea catchments) will be divided into northern and southern hill country FMUs. With the removal of the Waitara and Patea catchments, there is now significant geographic separation between the two hill country zones and differences in values including potential differences in the values of tangata whenua. In addition, the northern hill country area has 'at risk' estuaries and the catchments are much shorter than those in the southern hill country. Separate FMUs would also ensure more representative monitoring of catchments at both ends of the region.
- **Removal of Outstanding Freshwater Bodies FMU:** Outstanding Freshwater Bodies will no longer be identified as FMU design is no longer based upon the regulatory approach nor does it always align with a 'source to sea' approach. Notwithstanding that, identifying and protecting the values of outstanding waterbodies will still be undertaken through Natural Resources Plan provisions.
- **Amendment of Coastal Terraces FMU Boundaries:** Minor amendment are required to the existing Coastal Terraces FMU boundaries to include additional catchments within the coastal terraces geological unit.

Revised FMU framework

14. Set out on the following page, is a map of the FMU boundaries to implement the NOF framework, noting that confirmation is still subject to the outcomes of engagement and consultative planning processes associated with the development of a *Proposed Natural Resources Plan*.
15. Of note, each new potential FMU includes the following number of catchments. This is important to consider when reviewing the representativeness of monitoring and grouping of catchments for FMUs:
 - Coastal Terraces – 57 catchments
 - Northern Hill Country – 31 catchments
 - Patea – 1 catchment
 - Southern Hill Country – 4 catchments
 - Volcanic Ring Plain – 124 catchments
 - Waitara – 1 catchment.

Revised FMU Boundaries



Financial considerations—LTP/Annual Plan

16. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

17. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks

including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

18. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.
19. Tangata whenua initially raised issues with the current FMUs through the Wai Māori Working Group and in other forums. Discussion regarding the review of FMUs has not yet occurred with the Council's tangata whenua partners. This is the next step in establishing proposed FMUs for Taranaki.

Community considerations

20. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

21. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 2831471: *Internal review of Freshwater Management Units for Taranaki*

Memorandum

To Steve Ruru, Chief Executive
Mike Nield, Acting Chief Executive
Fred McLay, Director - Resource Management
Daniel Harrison, Director - Operations
Abby Matthews, Director - Environment Quality
From Kelly Langton, Senior Policy Analyst
Document 2831471
Date 17 September 2021

Internal review of Freshwater Management Units for Taranaki

Purpose

The purpose of this memorandum is to report back on an internal review and confirm the Taranaki Regional Council's (Council) approach to the establishment of Freshwater Management Units (FMU) as part of the implementation of the National Objectives Framework (NOF) in the Taranaki region.

Recommendation

That it is agreed that:

- a) The internal position for the establishment of FMUs for the Taranaki region is based upon:
 - a freshwater accounting focus rather than a regulatory land use focus.
 - catchments in their entirety from their 'source to the sea'.
- b) Given (a) above, that Maunga and urban FMUs not be established but nevertheless, could be monitored at a sub-FMU level.
- c) Given (a) above, Outstanding Water Bodies will no longer be identified as an FMU noting their values and elevated regulatory 'protection' status will be achieved through targeted rules and policies.
- d) Given (a) above, that six FMU are established, these being: volcanic ring plain sourced waterbodies, coastal terrace sourced waterbodies, northern hill country sourced waterbodies, southern hill country sourced waterbodies, the Patea catchment, and the Waitara catchment.

Background

The *National Policy Statement for Freshwater Management 2020* (NPS-FM) defines FMUs as:

"...all or any part of a water body or water bodies, and their related catchments, that a regional council determines under clause 3.8 is an appropriate unit for freshwater management and accounting purposes; and part of an FMU means any part of an FMU including, but not limited to, a specific site, river reach, water body, or part of a water body."

The Council can decide for itself how it sets FMUs, while recognising the requirements of clause 3.8 of the NPS-FM (see **Appendix 1**).

The current draft FMUs were developed in 2014 (under previous versions of the NPS-FM) and were consulted on through the draft *Freshwater and Land Management Plan for Taranaki* in 2015. The four proposed FMUs were:

- Outstanding freshwater bodies
- Volcanic ring plain
- Coastal terraces
- Eastern hill country.

Further information about these draft FMU can be found in **Appendix 2**.

The draft FMUs were based upon differing land use patterns and regulatory management requirements – an approach similar in kind to that adopted for coastal management areas in the *Regional Coastal Plan for Taranaki*.

Consultation on the draft Plan showed general support for the draft FMUs and comfort with a small number of broad spatial FMUs. However, internal reservations were raised by in relation to their practicality for limit setting for the National Objective Framework (NOF) in the NPS-FM. Through the Wai Maori group and other forums, some hapū and Iwi have also indicated discomfort with the concept of waterbodies being divided across FMUs.

On 14 July 2021, an internal workshop was held with attendees from Policy, Consenting, Science Services, Inspectorate, Environment Services and Land Management to review and discuss the merits (or otherwise) of the current FMUs, including options for amending the current draft FMUs. The views, issues and recommendations expressed at that workshop, alongside further discussions and political considerations, have been considered in forming this memorandum and its recommendations.

At the internal workshop (and subsequent conversations), there is general agreement to having a limited number of FMUs covering a wide spatial area – noting that Council may still choose to undertake additional planning and monitoring at a finer spatial scale if it wishes. This is consistent with sector advice. Christina Robbs, regional sector freshwater advisor, has strongly recommended simplicity with fewer FMUs and many councils have indicated they are taking this approach. With this in mind, the following broad observations and themes are noted:

- Different FMUs should relate to differing freshwater ‘management’. This could mean differing rules or limits between FMUs in regional plans, or other management approaches, because of:
 - differing land uses and therefore management approaches and/or interventions, including rules, e.g. managing nutrient run off in dairy farming areas v stormwater run off in urban areas;
 - differing expectations of water quality and therefore different management requirements e.g. an expectation of being able to swim in water near urban areas;
 - differing pressures on water quality from natural processes e.g. sediment in hill country and phosphorus from Taranaki Maunga; and/or

- a combination of all of these.
- Fewer FMUs means fewer mandatory monitoring and reporting requirements under NOF.
- Council monitoring is not limited to NOF and or based on FMUs and the Council can choose to monitor additional sites for other reasons and at a finer spatial scale.
- Science Services are investigating an approach to assessing the representativeness of freshwater data using River Environment Classifications (REC) which, if successful, would limit the need to consider monitoring sites when deciding FMUs.
- Some tangata whenua have indicated in a number of settings that they are uncomfortable with waterbodies being divided into more than one FMU. Some tangata whenua have also indicated a desire for FMUs to align with hapū boundaries. It is understood this is to ensure the individual hapū have water quality monitoring within their rohe.
- Consultation on the draft Plan in 2015 confirmed community comfort for a small number of broad spatial FMUs and the protection of 'outstanding' freshwater bodies.

Questions were raised in relation to the identification of the proposed outstanding freshwater bodies. However, it was noted that the removal of the outstanding freshwater bodies was likely to be challenged if they were removed without other adequate protection of their values.

Given the above, it is recommended that Council amend its current FMU framework. The proposed changes largely retain the current draft FMU framework but with some significant changes to the underlying principles and consequential changes to FMU boundaries. Set out below is a discussion of recommended design principles and consequential amendments to Taranaki FMUs.

Proposed new approach for Taranaki FMUs

Following recent internal consultation to date, it is recommended to largely retain the current draft FMU framework subject to the following design principles and consequential amendments:

- **Change from a land management/regulatory approach to a freshwater accounting approach** : In the draft Plan, the FMUs were designed to give effect to regional rules based upon land use / management. It is subsequently considered more appropriate to base FMU design on freshwater accounting requirements and in particular freshwater limit and target setting. This approach allows for better alignment with NOF attributes throughout the length of a river.

Of note, the Policy Team will adapt their Plan policies and rules to target activities rather than FMUs.
- **Adopt a 'source to sea' approach for setting FMUs**: Tangata whenua and Science Services have long indicated their desire for FMU boundaries to not divide waterbodies. A 'source to sea' approach better reflects the ki uta ki tai (interconnectedness) approach and better allows for monitoring of issues along the length of a river and across multiple land uses. This approach would be useful for setting action plans for managing NOF attributes and would assist in providing for 'catchment context' information in the new Freshwater Farm Plan regime.

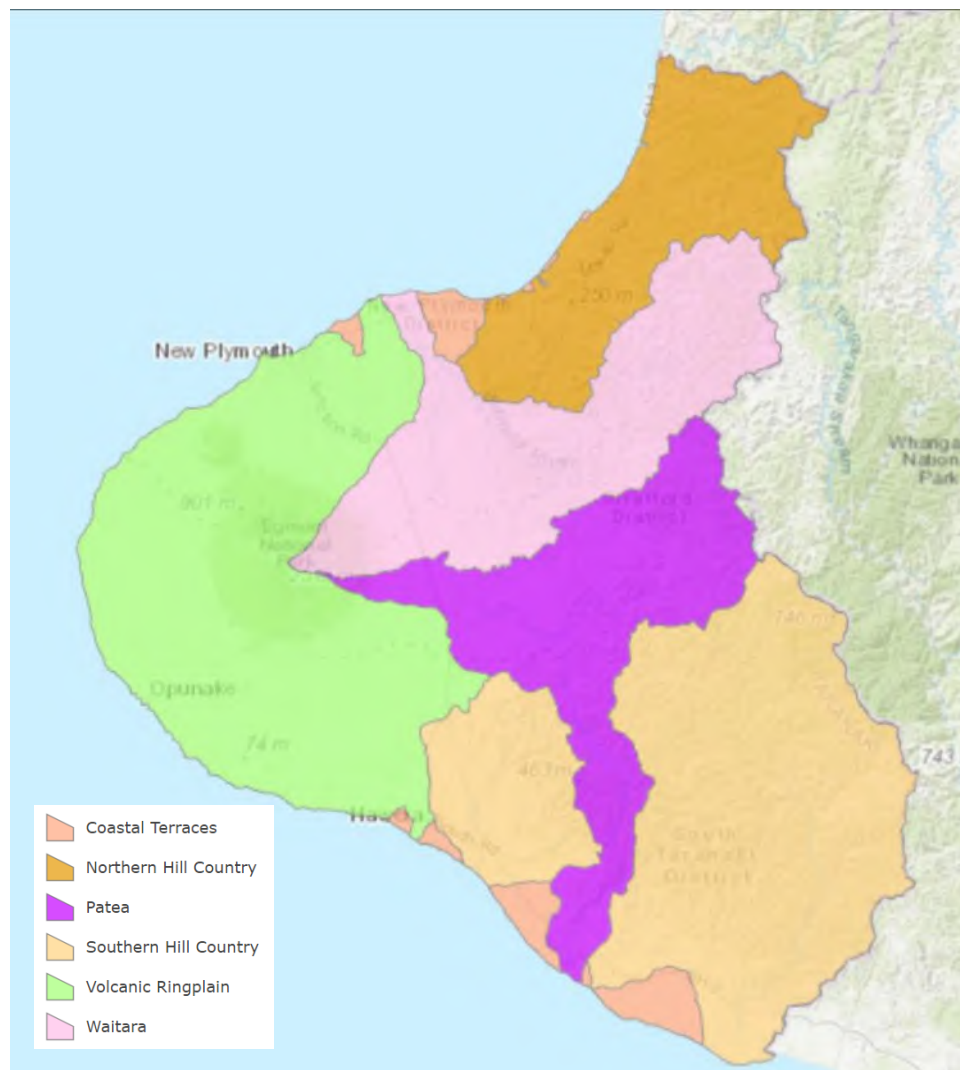
- **Use catchment boundaries rather than rivers as FMU boundaries:** There have been practical issues, particularly regarding monitoring, where property boundaries are used as FMU boundaries. This mainly arises from property boundaries sometimes aligning with rivers and therefore confusion in some localities regarding which FMU a river sits in. Using catchment boundaries rectifies this issue. This is also more consistent with the 'source to sea' approach as it will ensure that entire catchments reside within one FMU.
- **Create new FMUs for the Patea and Waitara catchments:** The Patea and Waitara catchments are unique in terms of their significant size and that they are fed from both the Eastern Hill Country and the Volcanic Ring Plain (and therefore both catchments have pressures from sediment and nutrients). Both catchments are large and cover significant portions of the Taranaki region. Creating an FMU for each of these catchments aligns with the 'source to sea' approach being applied to the other FMUs.
- **Amendments to the Eastern Hill Country FMU:** Given the approach of FMUs covering entire catchments from the source to the sea, and the Patea and Waitara catchments having their own FMUs, it is recommended that:
 - catchments originating in the hill country remain in their source FMU (and not change to the Coastal Terraces FMU). In addition to this supporting a 'source to sea' approach, it recognizes that sediment is likely to be the largest contaminant issue within hill country FMUs. That is, sediment limits will be set higher within hill country sourced rivers compared to coastal terrace waterbodies that do not have the same erosion concerns; and
 - the hill country sourced waterbodies (excluding the Waitara and Patea catchments) are divided into northern and southern hill country FMUs. With the removal of the Waitara and Patea catchments, there is now significant geographic separation between the two hill country zones and differences in values including potential differences in the values of tangata whenua. In addition, the northern hill country area has 'at risk' estuaries and the catchments are much shorter than those in the southern hill country. Separate FMUs would also ensure representative monitoring of catchments at both ends of the region.
- **Removal of Outstanding Freshwater Bodies FMU:** Identifying Outstanding Freshwater Bodies as an FMU is not recommended as it does not align with a 'source to sea' approach. Notwithstanding that, identifying and protecting the values of outstanding waterbodies will still be undertaken through Natural Resources Plan provisions.
- **Amendment of Coastal Terraces FMU Boundaries:** Minor amendment are required to the existing Coastal Terraces FMU boundaries to include additional catchments within the coastal terraces geological unit.

A map of the proposed new FMU boundaries is included with this report. Further detail, including catchment boundaries can be found here <https://trcnz.maps.arcgis.com/home/webmap/viewer.html?webmap=8b8c57b5a9384c359c6a1549ef6be040>

Revised FMU Framework

1. Set out below, is a map of the potential proposed FMU boundaries for the Proposed Natural Resources Plan and to implement the NOF framework (should the internal review recommendations be agreed by Council's tangata whenua partners and adopted by the Council).
2. Of note, each new potential FMU includes the following number of catchments. This is important to consider when reviewing the representativeness of monitoring and grouping of catchments for FMUs but is not clear from the attached map:
 - Coastal Terraces – 57 catchments
 - Northern Hill Country – 31 catchments
 - Patea – 1 catchment
 - Southern Hill Country – 4 catchments
 - Volcanic Ringplain – 124 catchments
 - Waitara – 1 catchment

Revised FMU Boundaries



Options considered but not recommended

Other options relating to identifying and designing FMUs have also been considered but are not recommended for adoption. A discussion of alternative options for FMU design, including the rationale for not adopting them is briefly discussed below.

Urban FMU

The establishment of an urban FMU was considered but is not recommended. The reasons for establishing an Urban FMU would be based upon the previous regulatory approach and does not align with a 'source to sea' FMU approach. Targeting urban areas for rules or additional monitoring is not dependant upon being identified as an FMU and may be addressed outside the NOF process, i.e. through targeted monitoring and Plan provisions for urban activities.

Notwithstanding the above, it may still be appropriate for Science Services to establish an urban monitoring and reporting regime – particularly for New Plymouth where the urban water quality monitoring may skew reporting across the wider Volcanic Ring Plain FMU.

Taranaki Maunga FMU

The establishment of a Taranaki Maunga FMU was considered but not recommended as it does not align with a 'source to sea' FMU approach. It was also considered that having a Taranaki Maunga FMU would be financially costly in terms of establishing NOF monitoring sites but of little environmental or planning value as we generally do not manage the activities on Taranaki Maunga and there are very few water quality issues.

Amalgamation of Coastal Terraces FMU with Ring Plain FMU

The removal of the Coastal Terraces FMU was considered if all rivers originating in the Eastern Hill Country were to be incorporated into that FMU rather than changing to Coastal Terraces FMU. However, it is deemed appropriate to retain the Coastal Terraces FMU as the attributes of rivers originating in this FMU are sufficiently different to those in the Ring Plain FMU and it is consistent with the 'source to sea' approach.

Coastal Terraces streams are more susceptible to small scale development and include unique habitat types and coastal influences. They have different characteristics to streams in other FMUs; the hydrology is different, the climate is drier, and geologically the substrate is a younger type of sedimentary than the hill country and distinct from the volcanic in the Ring Plain. In addition, the only two State of the Environment Monitoring macroinvertebrate soft bottom streams (based on NPS-FM criteria) occur in the southern Coastal Terrace. Natural, lake fed streams are also uncommon in Taranaki and the southern Coastal Terrace has the majority of the dune lakes. Spatial water quality modelling work also indicates that water quality state in the coastal terrace areas differs from that in surrounding hill country and ring plain FMU areas.

The Coastal Terraces FMU, while spatially small, represents 57 (over a quarter) of Taranaki's named catchments.

Appendix 1: NPS-FM requirements for setting FMU

Clause 3.8 of the NPS-FM reads:

- (1) Every regional council must identify FMUs for its region.*
- (2) Every water body in the region must be located within at least one FMU.*
- (3) Every regional council must also identify the following (if present) within each FMU:*
 - (a) sites to be used for monitoring*
 - (b) primary contact sites*
 - (c) the location of habitats of threatened species*
 - (d) outstanding water bodies*
 - (e) natural inland wetlands.*
- (4) Monitoring sites for an FMU must be located at sites that are either or both of the following:*
 - (a) representative of the FMU or relevant part of the FMU*
 - (b) representative of one or more primary contact sites in the FMU.*
- (5) Monitoring sites relating to Māori freshwater values:*
 - (a) need not comply with subclause (4), but may instead reflect one or more Māori freshwater values; and*
 - (b) must be determined in collaboration with tangata whenua.*

Once FMUs are identified, clause 3.7 (2) of the NPS-FM also requires that regional councils:

- (b) identify values for each FMU (clause 3.9)*
- (c) set environmental outcomes for each value and include them as objectives in regional plans (clause 3.9)*
- (d) identify attributes for each value and set baseline states for those attributes (clause 3.10)*
- (e) set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes (clauses 3.11, 3.13, 3.16)*
- (f) set limits as rules and prepare action plans (as appropriate) to achieve environmental outcomes (clauses 3.12, 3.15, 3.17).*

Appendix 2: Current FMU (as set out in Draft Plan)

- *Freshwater Management Unit A: Outstanding freshwater bodies* - three freshwater bodies are identified as having values and characteristics exceptional in their physical form, diversity and composition of aquatic and riparian habitat, natural flow characteristics and hydraulic processes, or the pattern and range of natural water level fluctuations and which will be managed to strongly protect their high natural state.

Freshwater Management Unit A comprises of:

- the Hangatahua (Stony) catchment
 - the Maketawa catchment
 - Lake Rotokare Scenic Reserve.
- *Freshwater Management Unit B: Volcanic ring plain* – rivers, reaches, lakes, wetlands and underlying aquifers on the volcanic ring plain (excluding the Hangatahua and Maketawa catchments).

Freshwater Management Unit B comprises of a rivers with short, steep and relatively small catchments in which water levels rise and fall rapidly in response to rainfall. The unit has both shallow unconfined low-yielding aquifers and confined higher yielding aquifers at depth. The unit includes New Plymouth and other urban areas and most of the land use (outside the Te Papakura o Taranaki) is predominately intensive pastoral farming. The use of surface water supports a wide range of consumptive activities including agriculture, industry, community water supplies, and hydro-electric power generation. Surface water is subjected to higher consumptive and waste assimilation pressures comparative to the eastern hill country (Freshwater Management Unit D).

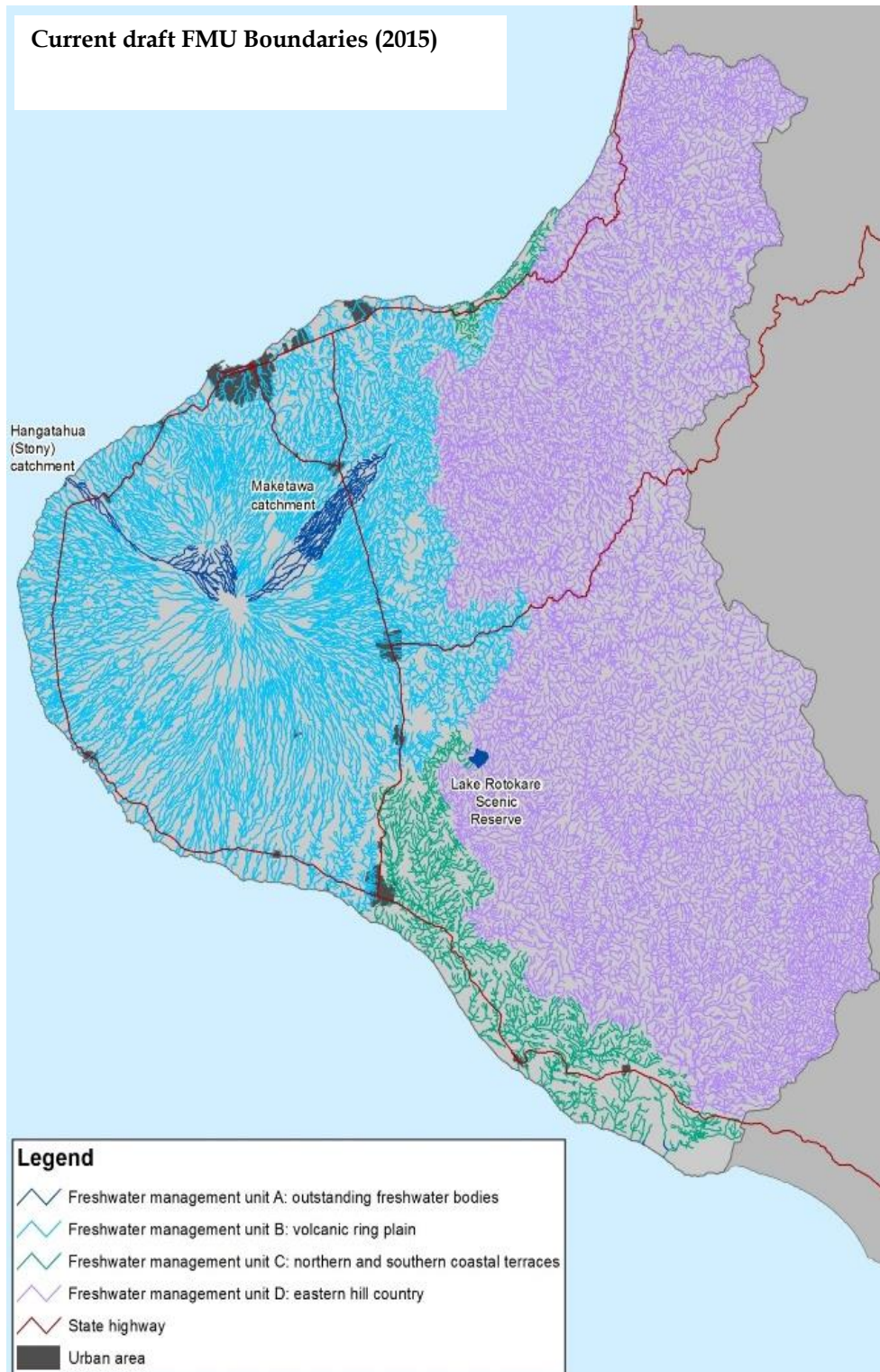
- *Freshwater Management Unit C: Coastal terraces* – rivers, reaches, lakes, wetlands and underlying aquifers on the southern and northern coastal terraces.

Between the Tangahoe and Patea rivers, Freshwater Management Unit C predominately contains short small streams that originate within the coastal terraces and discharge over the coastal cliff face as waterfalls. In other areas, the unit contains low lying reaches of rivers that originate within the eastern hill country (with the exception of the Patea River) and which are subject to large tidal ranges and naturally high sediment loads. The unit has both shallow unconfined low-yielding aquifers and confined higher yielding aquifers at depth. Soils within the coastal sand country are generally free-draining and easily erodible. Land use is predominately intensive pastoral farming and surface water is subjected to higher consumptive and waste assimilation pressures comparative to the eastern hill country (Freshwater Management Unit D). Aquatic species present in coastal terrace rivers and reaches generally tolerate lower river flows in contrast to ring plain rivers.

- *Freshwater Management Unit D: Eastern hill country* – rivers, reaches, lakes, wetlands and underlying aquifers in the eastern hill country (excluding outstanding freshwater bodies).

Freshwater Management Unit D comprises of deeply incised rivers fed by short, steep tributaries that comprise a branchlike drainage pattern. Rivers generally carry a naturally high sediment load as a result of the steep easily erodible geology. The unit contains both shallow unconfined low-yielding aquifers and confined higher yielding aquifers at depth. The land use is predominately dry stock farming and exotic plantation forestry, with a large proportion of the area in natural land cover.

Aquatic species present in coastal terrace rivers and reaches generally tolerate lower river flows in contrast to ring plain rivers.





Whakataka te hau

Karakia to open and close meetings

Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
Kia hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air
He tio, he huka, he hauhu	A touch of frost, a promise of glorious day
Tūturu o whiti whakamaua kia tina.	Let there be certainty
Tina!	Secure it!
Hui ē! Tāiki ē!	Draw together! Affirm!

Nau mai e ngā hua

Karakia for kai

Nau mai e ngā hua	Welcome the gifts of food
o te wao	from the sacred forests
o te ngakina	from the cultivated gardens
o te wai tai	from the sea
o te wai Māori	from the fresh waters
Nā Tāne	The food of Tāne
Nā Rongo	of Rongo
Nā Tangaroa	of Tangaroa
Nā Maru	of Maru
Ko Ranginui e tū iho nei	I acknowledge Ranginui above and
Ko Papatūānuku e takoto ake nei	Papatūānuku below
Tūturu o whiti whakamaua kia	Let there be certainty
tina	Secure it!
Tina! Hui e! Taiki e!	Draw together! Affirm!