I hereby give notice that an ordinary meeting of the Rural Advisory Panel will be held on:

**Date:**  
Friday, 14 February 2020

**Time:**  
12.30pm

**Meeting Room:**  
Room 1, Level 26

**Venue:**  
135 Albert Street  
Auckland

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**Ngā Hui a te Rōpū Kaitohutohu Take ā-Taiwhenua / Rural Advisory Panel**

**OPEN AGENDA**

**MEMBERSHIP**

**Chairperson:**  
Deputy Mayor Cr Bill Cashmore - Auckland Council

**Members:**  
- Brent Bailey - Rodney Local Board, Auckland Council
- Alan Cole - Franklin Local Board, Auckland Council
- Lucy Deverall - Horticulture New Zealand
- Trish Fordyce - New Zealand Forest Owners Association
- Wilma Foster - Dairy New Zealand
- Richard Gardener - Federated Farmers
- Annaliese Goettler - New Zealand Young Farmers
- Fiona Gower - Rural Women New Zealand
- Steve Levet - Rural Contractors New Zealand
- Craig Maxwell - Federated Farmers
- Greg McCracken - Fonterra Shareholders Council
- Andrew McKenzie - Beef and Lamb New Zealand
- Roger Parton - Rural Contractors New Zealand
- Greg Sayers - Auckland Council
- Wayne Scott - Aggregate and Quarry Association
- Geoff Smith - Equine Industry
- Peter Spencer - New Zealand Forest Owners Association
- Ken Turner - Waitākere Ranges Local Board, Auckland Council
- Keith Vallabh - Pukekohe Vegetable Growers
- Glenn Wilcox - Independent Māori Statutory Board

(Quorum 10 members)

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**Note:** The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Terms of Reference

(Excerpt – full terms of reference available as a separate document)


Purpose

As one of council’s engagement mechanisms with the rural sector in Auckland, the Rural Advisory Panel provides advice to the council within the remit of the Auckland Plan on the following areas:

- council policies, plans and strategies relevant to rural issues
- regional and strategic matters relevant to rural issues
- any matter of particular interest or concern to rural communities.

Outcomes

The panel’s advice will contribute to improving the outcomes of the rural sector as set out in the Auckland Plan. The panel will provide advice through its agreed work programme.

Work programme

The panel must develop a work programme for the term. The agendas should be focused and aligned with the Auckland Plan and the long-term plan.

Submissions

The panel cannot make formal submissions to Auckland Council on council strategies, policies and plans, for example, the annual plan. However, the panel may be asked for informal feedback during a consultative process.

In its advisory role to the council, the panel may have input into submissions made by the council to external organisations but does not make independent submissions, except as agreed with the council.

This does not prevent individual members being party to submissions outside their role as panel members.

Review

The form and functioning of the panel may be reviewed prior to or after, the end of the year 2022.
<table>
<thead>
<tr>
<th>ITEM</th>
<th>TABLE OF CONTENTS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Apologies</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>Declaration of Interest</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>Confirmation of Minutes</td>
<td>5</td>
</tr>
<tr>
<td>4</td>
<td>Extraordinary Business</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>Chair’s update</td>
<td>7</td>
</tr>
<tr>
<td>6</td>
<td>Panel member introductions</td>
<td>9</td>
</tr>
<tr>
<td>7</td>
<td>Rural Advisory Panel Terms of Reference 2019-22 term</td>
<td>11</td>
</tr>
<tr>
<td>8</td>
<td>Panel member priorities 2019-22 term</td>
<td>23</td>
</tr>
<tr>
<td>9</td>
<td>Strategic briefing for Rural Advisory Panel</td>
<td>25</td>
</tr>
<tr>
<td>10</td>
<td>Overview of council submissions on key National Policy Statements and National Environmental Standards</td>
<td>67</td>
</tr>
<tr>
<td>11</td>
<td>Council submission on proposed National Policy Statement for Indigenous Biodiversity</td>
<td>271</td>
</tr>
<tr>
<td>12</td>
<td>Consideration of Extraordinary Items</td>
<td></td>
</tr>
</tbody>
</table>
1 Apologies

Apologies from Member AG Goettler, Deputy Mayor BC Cashmore and Member WS Scott have been received.

2 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

3 Confirmation of Minutes

There are no minutes for confirmation.

4 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

(a) The local authority by resolution so decides; and

(b) The presiding member explains at the meeting, at a time when it is open to the public,-

(i) The reason why the item is not on the agenda; and

(ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

(a) That item may be discussed at that meeting if-

(i) That item is a minor matter relating to the general business of the local authority; and

(ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

(b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”
Chair’s update

Purpose of the report

1. To receive an update from the Chairperson, Deputy Mayor Bill Cashmore.

Recommendation/s

That the Rural Advisory Panel:

a) receive the update from the Chairperson, Deputy Mayor Bill Cashmore.

Attachments

There are no attachments for this report.

Signatories

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<td>Warren Maclennan – Lead Officer</td>
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Panel member introductions
File No.: CP2020/00806

Te take mō te pūrongo
Purpose of the report
1. To provide an opportunity for Rural Advisory Panel members to introduce themselves.

Ngā tūtohunga
Recommendation/s
That the Rural Advisory Panel:
 a) receive the introductions from 2019-22 Rural Advisory Panel members.

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
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Te take mō te pūrongo
Purpose of the report
1. To receive an overview of the Rural Advisory Panel's Terms of Reference for the 2019-22 term (Attachment A). Warren Maclellan, the Lead Officer for the panel will provide the overview and highlight the key roles of panel members.

Ngā tūtohunga
Recommendation/s
That the Rural Advisory Panel:

a) receive the Rural Advisory Panel’s Terms of Reference for the 2019-22 term (Attachment A of the agenda report).

Ngā tāpirihanga
Attachments

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<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Rural Advisory Panel Terms of Reference 2019-22 term</td>
<td>13</td>
</tr>
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<td>Warren Maclellan – Lead Officer</td>
</tr>
</tbody>
</table>
Rural Advisory Panel
Terms of Reference
2019-2022
Contents

1. Introduction ................................................................. 3
2. Purpose ............................................................................. 3
3. Outcomes ........................................................................ 3
4. Work programme ............................................................ 3
5. Selection process .............................................................. 3
6. Membership ...................................................................... 3
7. Meetings .......................................................................... 4
8. Quorum ........................................................................... 4
9. Meeting protocols ............................................................ 4
11. Submissions ..................................................................... 5
12. Engagement with the Governing Body ......................... 5
13. Panel resourcing ............................................................. 5
14. Staff support .................................................................. 6
15. Review .......................................................................... 6

Appendix A: Code of Conduct for Members Appointed to Advisory Panels .......... 7
1. Purpose ............................................................................. 7
2. Principles ......................................................................... 7
3. Relationships ................................................................... 8
4. Media .............................................................................. 8
5. Confidential information .................................................. 9
6. Ethics ............................................................................. 9
7. Members’ interests ............................................................ 9
8. Complaints ....................................................................... 9

Appendix B: Qualifications of Members ................................................. 10
1. Introduction

2. Purpose
As one of council’s engagement mechanisms with the rural sector in Auckland, the Rural Advisory Panel provides advice to the council within the remit of the Auckland Plan on the following areas:

- council policies, plans and strategies relevant to rural issues
- regional and strategic matters relevant to rural issues
- any matter of particular interest or concern to rural communities.

3. Outcomes
The panel’s advice will contribute to improving the outcomes of the rural sector as set out in the Auckland Plan. The panel will provide advice through its agreed work programme.

4. Work programme
The panel must develop a work programme for the term. The agendas should be focused and aligned with the Auckland Plan and the long-term plan.

5. Selection process
The Mayor appoints panel members in consultation with the chair of the panel and council staff.

Panel members are selected on the basis of their:

- association with a rural sector group or organisation
- ability to provide expert advice on rural issues
- understanding of the rural sector of Auckland
- understanding of Te Tiriti O Waitangi.

Qualification of members is set out in Appendix B.

6. Membership
The panel will have between 15 and 21 members.
The panel may have up to five elected members to act as conduits to the governing body, local boards and the council’s relevant committees.

The panel must have at least two members with lived experience in Te Ao Māori and knowledge of the contemporary issues facing Māori communities.

If the panel has less than 15 members, the council must appoint additional members to meet the minimum number of members.

The panel’s term ends one month prior to the next local government elections in 2022.

The membership of a panel member will cease if one or more of the disqualifying matters set out in Appendix B applies to the panel member.

If a member attends less than half of the panel meetings, breaches the Code of Conduct or otherwise under-performs in his/her duty as a member, the chair must first raise the issues directly with the member and try and resolve them by mutual agreement. If under-performance continues the chair can recommend to the Mayor that the member be removed from the panel.

7. Meetings
The panel will meet two monthly and have a maximum of six scheduled meetings per year, at a time deemed convenient by the majority of members.

Scheduled meetings are open to the public and any elected members of Auckland Council.

8. Quorum
The quorum required for a panel meeting will be half the members if the number of members is even, and a majority if the number of members is odd.

9. Meeting protocols
The panel does not have any decision-making power. Its role is to advise the governing body and council staff on regional and strategic matters.

The Mayor appoints the chair, who is a councillor. The role of the chair is to lead the panel meetings. The chair is also the spokesperson for the panel when external organisations, including central government or the media, seek the views of the panel on specific matters. The chair can select a deputy chair who supports the chair to run regular meetings.

The panel may invite presentations from external organisations and individuals at their meetings if the topics are relevant to the panel’s work programme. The chair
must approve such external presentations in consultation with the lead support officer.

The resolutions in each meeting should clearly be shown in meeting minutes.

10. **Stakeholder forums**

Stakeholder forums may also be held within an approved budget one to two times a year on topics of wider rural or environmental interest. These would be agreed through the work programme and would aim to better inform the council of broad stakeholder views on topics of key concern to rural communities.

11. **Submissions**

The panel cannot make formal submissions to Auckland Council on council strategies, policies and plans, for example, the annual plan. However, the panel may be asked for informal feedback during a consultative process.

In its advisory role to the council, the panel may have input into submissions made by the council to external organisations but does not make independent submissions, except as agreed with the council.

This does not prevent individual members being party to submissions outside their role as panel members.

12. **Engagement with the Governing Body**

The panel will forward any issues important to rural communities to appropriate council committees.

13. **Panel resourcing**

The council sets an annual budget for the panel.

Panel members are entitled to meeting fees determined by the council on the basis of the Auckland Council Fees Framework and Expenses Policy for Appointed Members, unless:

- they are on the panel as a representative of an organisation or interest group which already pays them and/or
- they are an elected member of Auckland Council or members of the Independent Māori Statutory Board.

The council will reimburse all members for travel costs to attend panel meetings, in line with the Expenses Policy.
14. **Staff support**

The panel is supported by the following council staff:

**Lead Officer Support**
- co-ordinates development of the panel’s work programme
- negotiates and brokers work programme between the panels and the council
- follows up on meeting actions and resolutions
- acts as a conduit with relevant parts of organisation for the panel
- attends pre-meeting briefings with the chair
- highlights potential issues and risks
- sits next to the chair in meetings to provide advice as appropriate
- ensures guidance and advice from the panel is clearly captured
- provides subject matter expertise.

**Deputy Lead Officer Support (if required)**
- updates the panel’s agendas and write necessary reports for panel meetings
- performs delegated tasks from the Lead Officer Support.

**Principal Advisor Panels**
- ensures appropriate processes and policies are in place for the panel
- co-ordinates progress reports on the panel’s work programme with relevant council committees
- arranges the induction of members

**Governance Advisor**
- prepares meeting agendas and schedule of meetings
- arranges panel meetings and workshops
- takes meeting minutes and publishes them online in a timely manner
- acts as a first point of contact for panel issues and refers inquiries or information to relevant council staff.

15. **Review**

The form and functioning of the panel may be reviewed prior to or after, the end of the year 2022.
Appendix A: Code of Conduct for Members Appointed to Advisory Panels

1. Purpose
The Code of Conduct sets out expectations for the general conduct of members of Auckland Council advisory panels.

2. Principles
The principles underlying the expected conduct of members include:

2.1 Honesty and integrity
Members have a duty to act honestly and with integrity at all times.

2.2 Impartiality and accountability
Members should consider issues on their merits, taking into account the views of others. This means co-operating fully and honestly to ensure the best advice is provided to the council.

2.3 Openness
Members should be as open as possible about their actions and advice. This includes having an open mind and a willingness to listen to differing points of view. This means giving reasons for advice given; communicating clearly; not being close-minded and taking personal ownership of comments made publicly.

2.4 Respect
Members should treat others, including staff, with respect at all times. This means not using derogatory terms towards others, or about others, including in public-facing new media; not misrepresenting the statements or actions of others (whether they be other individual members, the governing body, local boards, committees or staff); observing the rights of other people; treating people with courtesy, and recognising the different roles others play in local government decision-making.

2.5 Duty to uphold the law
Members should uphold the law and, on all occasions, act in accordance with the trust the public places in them.

2.6 Stewardship
Members should ensure that they and the council use resources prudently and for lawful purposes.

2.7 Leadership
Members should promote and support these principles by example.
3. Relationships

3.1 Chair
The chair is the presiding member at the meetings and is the spokesperson for the panel. The role of the deputy chair is to support the chair to run panel meetings and perform any delegated tasks from the chair.

3.2 All members
Members will conduct their dealings with each other in ways that:
- maintain public confidence in the office to which they have been appointed
- are open and honest
- focus on issues rather than personalities.

4. Media

4.1 Spokesperson
The chair is the first point of contact for the official view of the panel on any issue. Where the chair is absent, any matters will be referred to the deputy chair when applicable.

No other member may comment on behalf of the panel without having first obtained the approval of the chair.

4.2 Response to media enquiries
In the event that a panel member receives a request for panel comment directly from a journalist or media outlet, the member is required to forward the request immediately to the panel's assigned communications advisor as well as the panel chairs. Panel members must not respond directly to media without prior agreement.

Where a journalist or media outlet seeks an individual panel member's views, the panel member will:
- make clear that the views presented represent the personal views of the individual member
- ensure that information presented is consistent with information provided to the panel
- maintain the integrity of the panels and Auckland Council at all times.

4.3 Personal views
Members are free to express a personal view in public or in the media, at any time. When doing so, they should observe the following:

- comments must make clear that they represent a personal view and must not state or imply that they represent the views of the panel
- where a member is making a statement that is contrary to a panel policy, the member must not state or imply that his or her statements represent a majority view
- comments to the media must observe the other expectations of general conduct, e.g. not disclose confidential information, or compromise the impartiality or integrity of staff.
5. Confidential information

If members receive information that is confidential they must ensure it remains confidential. Confidential information is normally deemed to be such because its public release will cause some harm, either to the council or to other parties.

6. Ethics

Members will:
- claim only for legitimate expenses
- not influence or attempt to influence, any officer or employee to take actions that may benefit the member, or the member’s family or business interests
- not use the resources of the panels for personal business
- not solicit, demand, or request any gift, reward or benefit by virtue of the member’s position.

7. Members’ interests

Members act in the interests of the panels and not in their own interests.

A financial conflict of interest arises when a member stands to benefit financially, either directly or indirectly, from advice given by the panels.

A non-financial conflict may arise from a personal relationship or association with another organisation or from conduct that indicates prejudice or predetermination. In these situations a member may be influenced by interests that conflict with the duty to act in the best interests of the panels.

Members must declare any private interests or personal benefits relating to their public duties and take steps to resolve any conflicts of interest in such a way that protects the public interest. This means fully disclosing actual or potential conflicts of interest; avoiding any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

8. Complaints

A complaint about a member’s conduct will be made to the chair of the panels in the first instance, who will counsel the member concerned. Alternatively, concerns about the conduct of any member or chairperson may be raised with the General Manager Democracy Services, who will give advice on options available to resolve the concerns.
Appendix B: Qualifications of Members

To be a member of the Panel, a person must

a. be a natural person, and
b. consent to being appointed to the board, and
c. not be disqualified under sub clause (2).

The following persons are disqualified from being members:

a. a person who is under 18 years of age
b. a person who is an undischarged bankrupt
c. a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Securities Act 1976, or the Securities Markets Act 1988, or the Takeovers Act 1993
d. a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988
e. a person in respect of whom a personal order has been made under that Act that reflects adversely on the person’s
   i. competence to manage his or her own affairs in relation to his or her property;
   or
   ii. capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare
f. a person who has been convicted of an offence punishable by imprisonment for a term of two years or more, or who has been sentenced to imprisonment for any other offence
g. a current member of Parliament
h. a person who is disqualified under another Act.
Panel member priorities 2019-22 term

File No.: CP2020/00808

Te take mō te pūrongo
Purpose of the report

1. To provide an opportunity for Rural Advisory Panel members to briefly share their three key priorities for the 2019-22 term. These priorities will be recorded by council staff and will help inform the panel’s work programme for the next three years.

Ngā tūtohunga
Recommendation/s

That the Rural Advisory Panel:

a) receive the Rural Advisory Panel member priorities for the 2019-22 term.

Ngā tāpirihanga
Attachments

There are no attachments for this report.

Ngā kaihaina
Signatories

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Te take mō te pūrongo
Purpose of the report
1. To receive a strategic briefing from council staff on the Auckland Plan 2050 and key strategic issues facing Auckland.

Ngā tūtohunga
Recommendation/s
That the Rural Advisory Panel:

a) receive the strategic briefing from council staff.

Ngā tāpirihanga
Attachments

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<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
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<tbody>
<tr>
<td>A</td>
<td>Strategic briefing for elected members</td>
<td>27</td>
</tr>
<tr>
<td>B</td>
<td>Presentation</td>
<td>53</td>
</tr>
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Kupu Whakataki

INTRODUCTION

This briefing provides elected members with an overview of the key strategic issues facing Auckland, where we want to be in 2050, how council is responding to important challenges and upcoming decisions that elected members will need to consider.

It also puts these decisions into a long-term context, as dealing with our key challenges in a complex and changing environment requires a long-term and interconnected perspective to achieve the Auckland we want for the future.

Rārangi Upoko

CONTENTS

PART 1
Te whakatau kaupapa i te Tāmaki Makaurau e whakawhanakehia ana
Decision-making for an Auckland in transition
This section considers the challenge of making decisions today that must endure an uncertain future. It considers what the future might be like and what this might mean for council decisions.

PART 2
Ngā take rautaki matua
Key strategic issues
This section considers key strategic issues facing Auckland and the longer-term trends that may impact the future that elected members will grapple with during their term.
• Climate action
• Transport choices
• Housing, infrastructure and employment
• Our communities
• Māori identity and wellbeing
• Restore our natural environment
• How we pay for it

PART 3
Whakakapinga
Wrap up
All these issues are interconnected. This section acknowledges the complex nature of decision-making and the inter-dependencies across some of the big questions we need to be thinking about today.
PART 1
Te whakatau kaupapa i te Tamaki
Makaurau e whakawhanakehia ana
DECISION-MAKING
FOR AN AUCKLAND IN TRANSITION

DECISION-MAKING

Decision-making at its core is about achieving change. Every decision council makes is an opportunity to drive positive change and to ensure it is fair for all Aucklanders. This requires:

• a clear vision for the future
• taking account of different perspectives; and
• thinking about what changes the future might bring and the impact it could have.

Aligning to Auckland’s vision for the future - the Auckland Plan 2050

The Auckland Plan identifies six outcomes along with three key challenges. The Development Strategy guides how Auckland will physically grow and change over the next 30 years.

Auckland Plan 2050 key challenges

- Reducing environmental degradation
- Sharing prosperity amongst all Aucklanders
- Population growth and its implications

Auckland Plan 2050 Outcomes

- BELONGING AND PARTICIPATION
  All Aucklanders will be part of and contribute to society, access opportunities, and have the chance to develop to their full potential.

- MAORI IDENTITY AND WELLBEING
  A thriving Maori identity is Auckland's point of difference. It enhances prosperity for Maori and benefits all Aucklanders.

- HOMES AND PLACES
  Aucklanders live in secure, healthy, and affordable homes, and have access to a range of inclusive public places.

- TRANSPORT AND ACCESS
  Aucklanders will be able to get where they want to go more easily, safely, and sustainably.

- ENVIRONMENT AND CULTURAL HERITAGE
  Aucklanders preserve, protect and care for the natural environment as our shared cultural heritage for its intrinsic value and for the benefit of present and future generations.

- OPPORTUNITY AND PROSPERITY
  Auckland is prosperous with many opportunities and delivers a better standard of living for everyone.

Balancing different perspectives

Integrated

The decisions that are made all interact and can strengthen or dilute the strategic direction council moves in.

Local and regional

Looking at issues from regional and local perspectives makes for decisions which are more strategically effective, but also that balance issues of fairness and equity as issues can impact different communities in different ways. This principle is at the heart of Auckland's governance arrangements.

Mātauranga Māori and te ao Māori

Te Tiriti o Waitangi is central to New Zealand's present and future, as well as its past. It provides the basis for all Aucklanders to belong. The principles guide council’s relationships with Māori in Tamaki Makaurau based on partnership, reciprocity and mutual benefit. Decisions will be more effective for Māori and all Aucklanders if they align with mātauranga Māori and te ao Māori perspectives.
Thinking about the past, present and future

It is difficult to have certainty over what the future might hold. However, it is clear that Auckland, like the rest of the world, is at a point of significant change and transition.

Auckland is facing increasing instability caused by climate change, resource depletion, degradation of the environment, the changing nature of work, widespread inequity, increasing social fragmentation, and new technologies.

There will need to be critical changes to how we live and work if we are to adjust to this new reality, successfully meet our challenges and deliver on our long-term aspirations.

Thinking about the future when making decisions can ensure that they are enduring, take advantage of opportunities and manage risk. This will avoid having to make later changes, which will not always be possible.

Asking key questions can help identify how we should manage, reduce and avoid risk from future uncertainty.

---

**THE FUTURES CONE**

To successfully respond to the issues and drive positive change, we need to know where we want to be, what challenges we need to overcome and also what longer term trends and transitions will shape Auckland’s future.

**Ka mua, ka muri – walking backwards into the future**

Decisions made in the past have shaped the situation we are in today. Understanding this can provide insight into current challenges, assumptions and behaviours.

**What is happening now?**

Issues and challenges in the short-term period are generally well understood and evidenced.

**What might happen?**

Over the long-term, emerging issues and trends will challenge the status quo. Decisions are more effective if they consider how they work in the present and the long-term.

The ‘futures cone’ concept is used throughout this document.
THINKING ABOUT THE FUTURE MAKES FOR BETTER DECISIONS TODAY

Decisions made today have a long-lasting impact. Thinking about the future when making decisions can ensure that they are enduring, take advantage of opportunities, and manage the risk of an uncertain future.

What might the future be like?

The New Zealand Society of Local Government Managers (SloCM) has commissioned work to consider what the future might look like and what implications this might have. Some of the possible changes are covered below. We are starting to see a number of these changes now, and Auckland Council is undertaking work to respond.

Low or no carbon as the default

Our lives are largely reliant on carbon-based technologies and systems. The Auckland of the future will be less reliant on carbon-based industry, transport, and homes. This will affect the economy, transport, and many other aspects of how we live our lives.

Top three sources of carbon emissions in Auckland in 2016:
- 44% Road transport
- 27% Energy
- 20% Industrial uses

Carbon emissions within Auckland are increasing. A 45% reduction in current emissions is required by 2030.

Net 0

Target carbon emissions in Auckland by 2050.

Everyday climate disruption

Climate change means that we will be living in an over-disrupted climate with increased and more severe storm events, flooding, sea level rise, and drought. A more-diseased climate will have impacts on the way we produce and provide food, water, housing, infrastructure and services. This will require all systems to be more flexible and adaptable.

Communities most vulnerable to the detrimental effects of climate change:
- Otara West (Otara-Papatoetoe Local Board)
- Point England (Maungatikiki-Takapuna Local Board)
- Otara North (Otara-Papatoetoe Local Board)
- Mangere Station (Mangere-Ohinewai Local Board)
- Waimate Bay (Otara-Papatoetoe Local Board)

More connected community that makes the most of our differences and strengths

Being connected as a community means finding what we have in common as we navigate diversity in age, ethnicity, country of origin, socio-economic status, gender identity, and sexuality across our communities.

To successfully live in a more-disrupted world, Aucklanders will need to have much more of a sense of connection to each other in the future.

39% Aucklanders born overseas
35 Median age of Aucklanders
24 Median age of Maoris

Lifelong learning and new approaches to learning

In the backdrop of the increasing automation of manual and cognitive work, people will be employed in non-routine creative and soft-skilled roles.

A changing world means that we will need to continuously learn and adapt on the way.

Qualifications of school leavers in 2016:
- Level 2 qualification: 26%
- Level 3 qualification: 35%
- Non-qualification: 19%

Low waste, circular approach to resource use

Our ways of creating and using products are heavily reliant on take-make-waste approaches. This needs to change given the impacts of waste on the finite nature of some resources.

A circular approach reduces materials through different uses over their useful life to reduce or eliminate waste. It will also change how we design and use products and services.

Household waste diverted from landfill: Auckland and three leading cities

<table>
<thead>
<tr>
<th>City</th>
<th>Diversion Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auckland</td>
<td>35%</td>
</tr>
<tr>
<td>San Frac</td>
<td>60%</td>
</tr>
<tr>
<td>Vancouver</td>
<td>70%</td>
</tr>
<tr>
<td>Adelaide</td>
<td>80%</td>
</tr>
</tbody>
</table>

Auckland has lower rates of recycling and reuse of waste compared to world leading cities.

What might these changes mean for council?

- How will these changes affect the way we live, work, and play? And what does this mean for land use, regulations, and the services we provide?
- What impacts will these changes have on the communities we serve? How will these changes impact the way we govern and engage?
- Who will be disadvantaged by these changes and how should we respond to inequality?
- How will these changes impact our Māori communities and Te Tiriti? How is council’s relationship with Māori from a Treaty partnership perspective affected?
- What will be the impacts in Auckland be with other regions and parts of the world going through similar changes?
- What opportunities do these changes offer to align the work of council with mātauranga Māori and te ao Māori?
PART 2

Ngā take rautaki matua
KEY STRATEGIC ISSUES

The decisions we make today will determine how prepared we are for the future and how well we manage through change. Looking ahead to identify future trends and transitions and consider the impact they will have can help to future proof our decisions.

The next section sets out the key strategic issues facing Auckland today:

- Climate action
- Transport choices
- Housing, infrastructure and employment
- Our communities
- Māori identity and wellbeing
- Restore our natural environment
- How we pay for it.

Each issue identifies key challenges, how Council is responding and upcoming decisions. It also considers future trends and transitions that may impact the future.

These issues are inter-connected and cannot be addressed independently of each other.

To successfully respond to the issues and drive positive change, we need to know where we want to be, what challenges we need to overcome and also what longer term trends and transitions will shape Auckland’s future.

HOW TO NAVIGATE

Each strategic issue follows the same format.

PAGE 1

The first page sets the scene – describing the issue, why it is important and the role that Council plays.

PAGE 2

The next page brings through the ‘futures cone’ – recognising that where we are today and our future path is influenced by past decisions, and that the further out we look the more uncertain the environment becomes.

About the cone

Description of the key challenges relevant to the strategic issue. These challenges are well understood and connect to the three key challenges facing Auckland. To the right are the longer term trends and changes we may see in the future.

Below the cone

Council’s response to the key challenges – what we are doing now or have planned in order to respond to the challenges we face today. It also identifies some bigger questions - what should we be thinking about today in response to changes we may see in the future?

Inside the cone

Relevant upcoming council decisions, as well as central government legislation likely to impact Council. Where we want Auckland to be in 2030 is described by the relevant Auckland Plan areas of focus.
Climate change is an issue for all of us and will disproportionately hit our most vulnerable. We're already feeling the effects – like severe storms and flooding events – and they're getting worse. The costs of action, in some cases, may be high but there are distinct and lasting health, environmental and economic opportunities in transforming to a climate-ready and zero carbon society. On the other hand, the costs of inaction are enormous.

Decisions made today will either help or hinder our ability to get to a zero carbon, climate resilient and fair future. To get there, we need to re imagine how we live, as well as what and how we build and develop to thrive in a climate very different to the one we have today.
CLIMATE ACTION

This page sets out key challenges we face and how council is responding. It considers what the future may look like and some big questions we should think about now to manage this.

NGÅ WERO | CHALLENGES

Our environment is degraded
- 70% of our forests, riparian and plants are under threat. Climate change increases the threat.
- Access to green space is not equal across the region. Tree cover differs significantly across Auckland. It is important for air and water quality, as well as physical and mental health.

Our communities need to build resilience
- Carbon footprint of the average Aucklander is 6.7 tonnes. This reflects everyday choices on how we live and travel and what we buy.
- Many communities do not have the skills, knowledge and capacity to respond to climate change. They often feel disconnected from the issue and decision-makers.
- Rangatira will be disproportionally impacted by climate change, but do not feel empowered to influence decisions.
- Māori connection to the natural environment through whakapapa will be significantly affected by climate change.

Past decisions have not positioned us well
- Land-use and planning decisions have often led to co-dependent travel patterns.
- Much of our existing infrastructure was not designed to cope with climate change impacts and is not resilient to sea level rise and increased flooding.
- Minimum building regulations and design standards do not account for increased heat, higher energy costs and poor health outcomes.

We need better low-carbon travel options
- Transport emissions account for 44% of Auckland’s total emissions. 56% of these are to travel by road. Air quality across key regional centres exceeds the annual safe limit for human health. Strategic solutions are still unaffordable for most people.
- Traffic congestion affects our economy, environment and quality of life. People want access to frequent, affordable and sustainable transport choices.
- Water Supply will become an increasing issue as Auckland’s population increases.

Impacts are wide-ranging
- Businesses will be directly affected by climate events, disrupted operations and supply chain insecurity. They will need to adapt to changing consumer behaviours.
- Our food system accounts for 10% of emissions. Longer droughts, more intense storms, flooding as well as more pests and diseases will impact availability and affordability of local and imported food.
- Energy: 25% of Auckland’s electricity generation comes from fossil fuel like coal, oil and gas creating a “dirtier” than the current national grid.

COUNCIL RESPONSE

2050 — WHERE WE WANT TO BE

- A reduced carbon footprint
- Healthy, low impact and multi-functional buildings and spaces
- More clean, safe and equitable transport options
- A healthy and connected natural environment
- Lead in climate-smart innovation

Enabling communities
- Work with communities to build resilience, prepare for risk, and reduce emissions.
- Enabling businesses
- Address opportunities to increase resilience and shift transition to a zero-emissions economy
- Future approach
- Establish a policy position for how council will respond to advance climate change policies and their impacts, including flooding.

Nga Patai Matua | THE BIG QUESTIONS

- How will we fare impacted by climate change? How will we adapt and create greater opportunities?
- How can we afford the action we need? Can we afford to not act?

Attachment A

Item 9

Page 35 of 38
for Auckland to be successful, it must be a city people can easily move around, get to where they want to go and have choices about how they do that. While we have made impressive progress with our public transport system, we still have significant transport challenges to overcome. Aucklanders want and need reliable, sustainable and affordable travel choices.

High population growth and concentration of job growth in a few locations has put our car-focused transport system under significant strain. The resulting congestion has led to delays and highly variable travel times that add costs and undermine our quality of life. Sadly, we also have unacceptable levels of death and serious injury on our roads.

Our continued prosperity is dependent on the convenient, affordable, safe and sustainable movement of people, goods and services within Auckland, nationally and globally. It requires a transport system that provides quality travel choices for all, minimises harmful health and environmental impacts; enables and supports growth and helps create attractive and vibrant communities.

While much attention is given to the productivity loss caused by congestion, the social costs of road harm and transport-related air pollution are equally significant and highlight the need for safer and healthier streets in Auckland.
TRANSPORT CHOICES

CHALLENGES

Deaths and serious injuries are increasing
Deaths and serious injuries (DSIs) on our transport network have increased in recent years, reversing a decade-long trend of decline. The social cost is estimated at $11.8 billion per year.

Vulnerable users (motorcyclists, cyclists and pedestrians) account for 45% of DSIs in Auckland, compared with 33% for the rest of New Zealand.

Most important – 25% of road tolls, higher among Māori, Pacific Islander, and people living in more socio-economically deprived neighborhoods. Central Auckland, South Auckland and rural areas tend to have higher traffic injury rates.

Increasing demand for travel and logistics
Access to opportunities – such as employment and education – is warranted for many Aucklanders, particularly those in poorer areas, as travel congestion has grown.

Efficient use of infrastructure – Most road space is allocated to private vehicles, compounding pressure on our transport networks and making it difficult to use for growing demand.

Freight movement is projected to increase by 76% over the next 15 years, increasing pressure on our transport network.

 Auckland's existing port could reach capacity by current footprint by around 2025.

Increasing public transport patronage brings higher operational costs.

Poor travel choice for many Aucklanders
Travel choice – Most Aucklanders have access to some form of public transport, or could walk or cycle, but these options are often too slow, too uncomfortable, or unreliable. Travel choice is often polarized, and travel costs are high, in parts of Auckland with high socio-economic deprivation, where walkable options have to rely on public vehicle.

Car dependency – It will be challenging to provide the infrastructure necessary to support high levels of private car use.

Physical inactivity – Reduced walking, sedentary impacts negatively on health leading to opportunities for physical activity.

COUNCIL RESPONSE

A Value Zero approach
Avoids waste, with death and serious injury through innovative and safe street design.

Prioritize public transport, walking and cycling
Reduce our dependency by providing affordable, equitable, high-quality public transport and attractive cycling travel options.

Support quality compact urban form by encouraging intensification and public realm improvements along key transit routes.

City Rail Link (CRL)
Will more than double the capacity of the rail network and improve journey times.

Implement ATAP, identify and target new funding mechanisms, and monitor progress to support investment in our most significant transport challenge.

Significantly reduce greenhouse gas emissions from the transport system with Auckland’s cross sector climate action plan.

Ensure our planning processes support growth based around public transport networks.

Strategic briefing for Rural Advisory Panel
14 February 2020

Ngā Patai Matua: The Big Questions

How can we best support an equitable shift to more sustainable transport modes?

What impact will new mobility technologies have on how we get around?

How will we fund transport projects in the future?
This Development Strategy within the Auckland Plan 2050 outlines our approach to managing growth to enable more housing and job opportunities in the right locations at the right time.

By 2050 Auckland could grow by another 700,000 people to a city of 2.4 million. This will require 320,000 new dwellings and increase demand for jobs, infrastructure, and services.

Our aim is to achieve a quality, compact Auckland with managed expansion into future urban areas. One of the biggest challenges is how to prioritise, sequence, and fund growth-related infrastructure to achieve this. This includes physical infrastructure such as transport and water as well as social infrastructure such as parks and community facilities. Infrastructure investment needs to be coordinated with growth to minimise the costs of under-used assets or the problems that come from over-stressed, congested networks.

Providing the infrastructure and facilities to service this growth comes with a tremendous price tag – much of which is not currently funded.

Central government has outlined its own approach to enabling more housing through the Urban Growth Agenda. The council and central government have a joint work programme to deliver on shared goals such as improving the availability of healthy, affordable homes, finding new ways to fund and finance infrastructure and managing urban development in a way that benefits communities.

**KEY STRATEGIC ISSUE**

Pāanga ā-whare, ā-kaupapa whakahaere, ā-mahi hoki

**HOUSING, INFRASTRUCTURE & EMPLOYMENT**
Auckland’s rapid growth and social change will continue. We have a diverse population that brings many differences in values and lifestyles, demands for goods and services, and expectations of civic engagement and democracy.

We need to be open to learning about and appreciating differences, and to understanding our shared and different histories. This is important for living together with greater acceptance, trust and mutual respect, and creating a shared future.

For Auckland to be a place where people want to live and work, all Aucklanders must have the opportunity to succeed. This means we need to create an environment where everyone can belong and participate in society.

We need to continue our efforts to recognize and realize the value of public spaces as places to connect people from all backgrounds, cultivate trust and create more resilient communities.

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**Strategic Briefing Elected Members 2019**

**Auckland now**

1/3 children and young people

12% over 65 years old

**Auckland in 2036**

Maori, Asian and Pacific ethnic populations are increasing at a higher than average rate, which means that their share of the total population will increase in most areas.

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**Quality of Life 2018**

**Importance of sense of community**

- 60%

**Experienced a sense of community**

- 30%

**Impact of greater cultural diversity**

- 47%

**Trust in others**

- 50%
This page sets out key challenges we face and how council is responding. It considers what the future may look like and some big questions we should think about now to manage this.

**NGĀ WERO | CHALLENGES**

**Rural Advisory Panel**

14 February 2020

**Social connection and participation**

A rapidly growing population and increasing social and cultural diversity can create behaviors that are unsustainable for future generations. The impact will be more visible and harder to change.

Our services and facilities need to evolve to meet increasing complex community needs and enable positive social connection and emotional wellbeing.

Our service assets are aged and failing which will impact customer experience. After $380m is allocated to 2028 to refresh current facilities, or an additional $750m is needed to maintain all facilities to acceptable standards.

**Inequality**

As successive generations of Aucklanders with experiences economics deprivation, the impact will be more visible and harder to change.

We have significant levels of socio-economic deprivation in distinct geographic areas and populations. Disparities in income, employment, health and education outcomes exist.

**Community resilience**

The pace and scale of change from technology, social and cultural diversity, population growth and rate of change will disrupt the lives of individuals and test community resilience.

Vulnerable populations and those least able to adapt will be most affected first.

Community resilience to disruption relies on strong social connections built on trust, collaboration and reciprocity.

There are opportunities to empower and support local initiatives that help individuals and communities adapt and respond to daily changes to personal, social, cultural, economic and environmental drivers.

**Attachment A**

Item 9

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**Strategic briefing for Rural Advisory Panel**

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**THE FUTURE**

**City of Auckland**

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**2050 - WHERE WE WANT TO BE**

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**Nga Patai Matua | THE BIG QUESTIONS**

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Māori culture and identity is celebrated by Aucklanders and is our point of difference in the world. It brings visitors to our shores, attracts investment, and builds a sense of belonging and pride. We need to do more to make our unique Māori identity more visible.

Auckland embraces its uniqueness founded on Te Tiriti o Waitangi and is shaped by its Māori history and presence. Te Tiriti recognises the rangatiratanga of Auckland’s hapū and iwi, and the inseparable bond between Tamaki Makaurau the people and Tamaki Makaurau the place.

Māori continue to be important to Auckland’s success. We need to get better at creating opportunities for:

- Māori self-determination and expression
- shared efforts between mana whenua/Māori, council, and others
- the integration of Māori values/Te Ao Māori into planning, decision-making and delivery.

This strengths and contributions Māori bring to Auckland will fuel growth and advance Māori social, cultural, economic, and environmental wellbeing. However, a significant proportion of Māori are not benefitting from Auckland’s success and we will need to do more.
This page sets out key challenges we face and how council is responding. It considers what the future may look like and some big questions we should think about now to manage this.

**NGĀ WERO | CHALLENGES**

### Māori housing and papakāinga
- Māori social wellbeing is disproportionately affected by rising housing costs, overcrowding and homelessness.
- Uniquely Māori housing options are needed to provide greater choice and access to affordable, good quality homes.
- Māori who aspirations to build papakāinga on their land have still to be realised.
- Renters to papakāinga and Māori housing development do not enable Māori to invest in housing for their people in Auckland.

### Māori economic development
- The Māori economy represents 5% of the Auckland economy but has significant potential for growth.
- The potential for Māori whānua to leverage initial settlements to deliver intergenerational change has not been realised.
- There is need to ensure that Māori can transition to the changing nature of work, with a specific focus on integrators.

**COUNCIL RESPONSE**

#### Advance Māori prosperity and wellbeing
- We must be seen, heard and spoken across a wide array of council activities (e.g., Māori health; Māori language; Māori economic development; Māori identity and culture).
- Māori language (Te Reo) – we actively enable for Māori participation in council activities (e.g., Auckland’s Māori Strategic Plan).
- Māori economic development – we provide opportunities for Māori through supporting local Māori businesses and enterprises (e.g., Māori economic development: Māori enterprise).
- We advance Māori whānau’s opportunities through improving governance (e.g., Māori Economic Development: Māori Economic Development).

#### Enabling effective Māori participation
- Supporting the Māori Whānau: Kaumātua’s welfare.
- Enabling Maori to participate in governance (e.g., Auckland’s Māori Strategic Plan).
Auckland’s natural environment is integral to our identity, wellbeing and prosperity. Nature and people are inseparable. We are connected to nature through whakapapa and have a unique kaitiaki role. Council has a stewardship role with statutory responsibilities to protect and restore our natural environment, preparing it for current and future generations.

Past decisions and our lifestyle behaviours have had a negative impact on the mauri (life force) of the natural environment. Growth and development are adding further pressures. But there are opportunities to restore and enhance nature as we grow and develop, such as embracing nature-based solutions like green infrastructure. It can also help with climate adaptation.

We have a lot of work ahead to make significant improvements to degraded environments, mitigate ongoing impacts, enhance nature and build resilience to cope with the challenges of climate change. A healthy, flourishing natural environment will make us more resilient into the future.

**Nature at risk**

Successive State of the Environment reports have documented an ongoing decline across most environmental domains or that at best we are holding the line.

- Forest ecosystems are affected by weeds in urban areas. Soils are degraded by compaction, chemical fertiliser and erosion.
- Urban streams are in poor health. Sheltered marine areas receive high levels of contaminants and sediment from adjoining catchments.
- Air quality is generally within guidelines, but still being breached from time to time, particularly along major transport corridors and in busy urban centres.
This page sets out key challenges we face and how council is responding. It considers what the future may look like and some big questions we should think about now to manage this.

**NGĀ WERO | CHALLENGES**

- **Restoring mauri of the natural environment**
  - Increased investment and effort are required to restore degraded environments and to ensure renewal of natural infrastructure, including freshwater catchments, estuaries, and marine reserves.
- **Impacts of climate change provide ongoing investment and infrastructure to help us adapt across the region.**

**Our impact on nature**
- Poor individual decisions and behaviors continue to harm the environment. This requires more education, and the right incentives to drive change.
- **We need to think nature first**
  - The mauri (life force) is precious, and we need our help to be sustainable and healthy.
- **Ensure the future**
  - Foster systems thinking and tino pai Matua in our changes and behaviors.

**Minimise negative impacts of growth and development**
- **Trade-offs**
  - Pressure to provide for growth continues to prompt development over environmental outcomes, rather than being an essential part of development.
- **Gaps still exist**
  - Between desirable environmental and social development on the ground, such as small-scale development and large areas from setbacks. The gap is caused by enabling rules, limited mitigation of effects, or failure to invest in generic infrastructure.

**Environmental degradation and resilience to climate change**
- Implementing central government reforms that aim to strengthen protection and restoration of natural resources is complex and interconnected.
- The requirements of various National Policy Statements will need additional measures.
- Potential restoration of degraded environments as part of Treaty settlements provides significant environmental benefits. It may also compete with other priorities for funding and restoration.

**COUNCIL RESPONSE**

- **Restoring environments**
  - Urban biodiversity restoration and more tree planting to increase our urban greenspace.
- **Water Quality Targeted Rate (WQTR)**
  - To accelerate improvements including: new compliance programmes ensuring regular inspection and maintenance of sewerage systems.
- **Natural Environment Targeted Rate (NETR)**
  - Around $40 million per annum to improve environmental outcomes, including: reducing the risk of coastal flooding, pests, and plant control on parks, more community and conservation, ecological restoration and pest control on islands, marine and freshwater ecosystems.
- **Account for impacts of growth**
  - Strategic approach to sediment, drainage, and solid waste management and reducing environmental outcomes, including: reducing the risk of fresh water spreading, pest and plant control on parks, more community and conservation, ecological restoration and pest control on islands, marine and freshwater ecosystems.
- **Encouraging local leaders to make sustainable choices**
  - Communication and education programmes.
  - Grant funds for waste minimisation, waterways protection, biodiversity.
  - Support homeowners to make energy-efficient retrofits.
  - Community projects to support waste minimisation.
  - Food scrapable collection.

**THE FUTURE?**

- **Degraded land, soil quality, and weather patterns requiring changes to the way we produce food.**
- **Nature-based solutions to help manage everyday climate disruption.**
- **Global shift in environmental consciousness demanding more sustainable approaches.**
- **Creating new types of environmental incentives and funding tools.**

**2050 – WHERE WE WANT TO BE**

- **Restored mauri of natural environment supports success of Māori.**
- **Compact urban forms with a thriving urban forest connected to surrounding farmlands, coastal forests, and rural areas.**
- **A sustainable resilient transport system.**
- **Aucklanders are connected to a healthy thriving natural environment and live sustainably.**

**Nga Patai Matua | THE BIG QUESTIONS**

- How can we get better environmental outcomes with limited funding and competing priorities?
- How do we embed sustainable approaches in development and infrastructure?
- How do we ensure localization and engagement of future Māori and Environmental Aucklanders?
Our current plan: Annual Budget 2019/2020

Supporting Auckland’s rapid growth and tackling challenges such as environmental impact requires investment. However, this must be balanced against maintaining an acceptable level of costs to ratepayers and the wider community, both now and in the future.

Council funds its services and investments from a range of sources, including rates, debt, user charges, development contributions and grants from central government.

As part of our 2018-2028 We have committed to delivering $26 billion of capital investment, while limiting rates increases to 3.5 per cent and keeping our debt-to-revenue ratio, our key borrowing metric, to 270 per cent.

Looking Ahead

Auckland’s growth continues to exceed expectations and new challenges continue to emerge, such as the climate emergency. This puts additional pressure on our finances as we are at our limit.

We must find new sources of financing to address this. So far, our efforts have been focused on exploring further partnering with central government, the use of special purpose vehicles (SPVs) and delivering savings through value for money programmes. But what else could we do?

Sustainable financial management

Historic rates increases

Planned rates increases

2.5% 2018/19
2.5% 2019/20
3.5% remaining years of the 10-year budget
HOW WE PAY FOR IT

NGÅ WERO | CHALLENGES

Financing the required investment
We need to invest in support population growth, create a low carbon city, new infrastructure and tackle emerging challenges.

Prudent financial management

We must balance the need for investment with keeping the costs of our service and projects affordable.

Transparency
We need to improve how we communicate our decision making and financial information.

Keeping debt to sustainable levels - debt is not the only way to funding new services and projects. We need to balance the need for investment with keeping the costs of our service and projects affordable.

Performance reporting needs to be relevant and understandable to enable Aucklanders to hold us accountable.

As Auckland grows, so does our environmental footprint. Investment is required to mitigate the impacts on our natural environment, water quality and air quality.

COUNCIL RESPONSE

Additional investment and financing
Partnering with central government to look at new ways of financing that will help reduce costs to Aucklanders. This has included planning for the City Rail Link, Urban Development Partnerships (UDP) and the Housing Infrastructure Fund (HIF).

Prudent financial management
Ensure that debt to revenue ratio remains less than 25% per cent. Auckland is anticipated to be in the 2020-2021 Budget with additional benefits identified through value for money reviews, implementing new tools, such as automation, and a culture of questioning and challenging all expenditure.

Nga Patai Matua | THE BIG QUESTIONS

How do we maintain an acceptable level of service to the community while also delivering an efficient and sustainable service?

How do we ensure the affordability of Auckland’s future?

How will we fund the action needed to address climate change and ensure the funding approach is fair and equitable?
Part 3

Whakakapinga WRAP UP

Auckland faces significant challenges and opportunities. The Auckland Plan sets out a clear vision for where we want to get to, but to achieve this we will need to manage high population growth, reduce environmental degradation, address inequity and prepare for a changing climate.

It is a complex system and every decision requires consideration of trade-offs and inter-dependencies. For example, growth is increasing demand for housing creating pressure to sprawl. But sprawl comes with a high cost - not only expensive infrastructure, but also other negative impacts on health, travel times, the environment and access to employment and education.

Some of the big questions we need to think about are on the next page, demonstrating the importance of considering different perspectives and inter-dependencies when developing a response to a strategic issue or opportunity.

Across everything sits the big question of how we pay for it. We are reaching our debt limit, growth will continue and increases in rates are challenging. Moving forward we need to consider new funding sources, new activities or functions that may require resourcing, and we also need to consider what impact future changes will have on the decisions we make today. The most affordable options today could be costly over the long term. We need to consider who will be impacted, how this can be managed and how best to future proof for a changing climate and a changing society.
- Can we afford the action we need to take to respond to a changing climate? Can we afford not to act?
- What is the best way to fund transport, taking fairness and efficiency into consideration?
- How can we get better environmental outcomes with limited funding and competing priorities?
- We are at our debt capacity. What other new and innovative funding sources are available?

- Do our infrastructure priorities today provide for future needs? Are we planning for the right locations?
  Will it still be fit for purpose in 50 years time? What wider outcomes does it deliver?
- How can we reduce the environmental impact of the transport network and improve its resilience?
- Who will be most impacted by climate change? How will we avoid creating greater inequity?
- How do we embed sustainable approaches in development and infrastructure?
- How do we help communities cope with the scale of future social, economic and environmental stressors?

- What can we do to ensure that all Aucklanders are valued, can participate, connect and feel they belong?
- How do we support rangatahi into education, training and career pathways that lead to high-value and sustainable employment?

- How do we provide transport infrastructure that supports quality growth and improves access to employment, education and other opportunities?
- What impacts will the changing employment market have on jobs available, the skills needed to help grow our economy, and where jobs are located?

- How do we ensure restoration and enhancement of nature is inclusive for all Aucklanders?
- How do we enable Māori leadership in the management of natural resources?
Strategic briefing
Whakarāpopototanga rautaki
Alignment to Auckland’s vision for the future - the Auckland Plan 2050

Decision making

Attachment B
Decision making

Balancing different perspectives

- Integrated
- Local and regional
- Mātauranga Māori and te ao Māori
Attachment B

Item 9

Thinking about the future

- What might the future be like?
  - Low or no carbon as the default
  - Everyday climate disruption
  - More connected community that makes the most of our differences
  - Lifelong learning and new approaches to learning

- What might these changes mean for council?

- How might these relate to the decisions council will make?
Key strategic issue: climate action

- The impact of climate change is here and getting worse.
- It has wide ranging impacts, particularly on the most vulnerable.
- Tackling climate change gives us new opportunities to make other positive change.
Key strategic issue: transport choices

- Transport decisions influence every aspect of Auckland
- Current challenges are generally well known and responses are being implemented
- Future will be shaped by technology, demographic changes, and climate change

Attachment B
Key strategic issue: housing, infrastructure and employment

Healthy, affordable housing is fundamental to wellbeing. Preferences and lifestyles are increasingly diverse.

- Key focus areas:
  - Housing supply and affordability
  - Where, when, and how we fund new infrastructure
  - Ensuring existing infrastructure meets future needs
  - Changing nature of work
Key strategic issue: our communities

Auckland is growing in population, age, and diversity

Key focus areas:

- Services that meet increasing diversity
- Making older assets meet current and future needs
- Inequality
- Community resilience
- Belonging
Key strategic issue: Māori identity and wellbeing

Māori culture and identity is our point of difference in Tāmaki Makaurau

Key focus areas:
- Māori culture, identity and language
- Māori housing and papakāinga
- Māori economic development
<table>
<thead>
<tr>
<th>Key strategic issue:</th>
<th>Restore our natural environment</th>
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<tbody>
<tr>
<td>One of the Auckland plan key challenges</td>
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<td>Key focus areas:</td>
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Attachment B

Item 9
Key strategic issue: how we pay for it

Sits as an issue across all the other strategic issues

Key focus areas:
- Addressing historic underinvestment, increased demand and new challenges
- Keeping debt affordable
- Keeping rates affordable
- Encouraging participation in consultation and relevant reporting
Wrap up

- The big questions facing us today cut across multiple strategic issues
- Every decision requires consideration of different perspectives, inter-dependencies and trade-offs
- Across everything sits the question of how we pay for it
- Considering the impact future changes will have on decisions we make today can help future proof for a changing climate and a changing society
Further information

The 2019 strategic briefing for elected members
Overview of council submissions on key National Policy Statements and National Environmental Standards

File No.: CP2020/01118

Te take mō te pūrongo
Purpose of the report

1. To receive an overview of council’s submissions on the following:
   - Proposed National Policy Statement (NPS) on Highly Productive Land (Attachment A)
   - Essential Freshwater – Action for healthy waterways discussion document (Attachment B)
   - Proposed National Policy Statement on Urban Development (Attachment C)

Whakarāpopototanga matua
Executive summary

2. Towards the end of 2019 the Government issued a number of discussion documents and draft National Policy Statements, which were discussed by the Rural Advisory Panel. Copies of the final submissions are attached and presentations will be made by relevant council staff.

Proposed National Policy Statement on Highly Productive Land

3. Summary of council submission
   - The council generally supports the direction of the NPS
   - The council seeks that the NPS be strengthened in a number of areas
   - The council seeks various amendments to the NPS for clarification
   - The council seeks that the government provide more guidance and funding for the mapping exercise.

4. Council officers are continuing to work with the Ministry for Primary Industries and the Ministry for the Environment as they finalise the NPS wording.

5. The final NPS is anticipated to be finalised by the government by mid-2020.

6. The NPS will require the council to amend the Auckland Unitary Plan through a Plan Change process and likely undertake a mapping exercise of the Auckland region.

Essential Freshwater – Action for healthy waterways discussion document

7. Summary of council submission:
   - Council supports the intent in the discussion document however identifies significant issues:
     - the extent of actual work that will be required from councils lacks clarity.
   - There are several implementation issues requiring consideration, including:
     - the need to balance a prescriptive regulatory approach and more flexible non-regulatory arrangements that best enable the outcomes sought, recognising regional differences in prioritisation
     - ambitious implementation timeframes combined with capacity and capability limitations across the agricultural, water infrastructure and regional council sectors
o how Māori can most effectively and efficiently participate in the context of their relationship with relevant councils, and the capacity and capability available to them
o potential impacts on existing collaborative risk-based catchment approaches and work programmes underway
o proposed regulatory instruments that are unclear and inconsistent both within the proposals and between proposals, making implementation ineffective and inefficient; and

Proposed National Policy Statement on Urban Development

8. Summary of council submission:
   • Council supports the intention but not all the content of the proposed NPS
   • The council considers that there are four main issues which require a fundamental rethink in the final NPS:
     o Complementary national and local roles
     o Balancing competing responsibilities
     o Responding to the needs of a growing region
     o Workable solutions.

9. A technical advisory panel will independently peer review advice from central government officials.

10. A report containing recommendations to Ministers is expected in March 2020 with the final NPS released by June 2020.

Ngā tūtohunga

Recommendation/s

That the Rural Advisory Panel:

a) receive the overview of council submissions on key national policy statements and national environmental standards.

Ngā tāpirihanga

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Council submission on Proposed National Policy Statement on Highly Productive Land</td>
<td>71</td>
</tr>
<tr>
<td>B</td>
<td>Council submission on Essential Freshwater - Action for healthy waterways discussion document</td>
<td>149</td>
</tr>
<tr>
<td>C</td>
<td>Council submission on Proposed National Policy Statement on Urban Development</td>
<td>227</td>
</tr>
<tr>
<td>D</td>
<td>Proposed National Policy Statement on Urban Development presentation</td>
<td>267</td>
</tr>
</tbody>
</table>
Ngā kaihaina  
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Kalinda Gopal - Kaitohutohu Mana Whakahaere Matua / Senior Governance Advisor</th>
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<tr>
<td>Authoriser</td>
<td>Warren Maclennan – Lead Officer</td>
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</table>
Summary of submission

The main points of the Auckland Council submission are summarised below. While the council generally supports the National Policy Statement on Highly Productive Land, there are a number of matters where the council that seeks the National Policy Statement to be more directive to give more certainty for the Highly Productive Land areas.

The Auckland Council:

- Supports the introduction of national direction to protect Highly Productive Land through the proposed National Policy Statement (NPS) on Highly Productive Land. This is in light of the threats to Highly Productive Land in Auckland, the alignment of the NPS Highly Productive Land with council plans and policies, the benefits of national direction, and the importance of local food production.

- Supports the definition of Highly Productive Land to exclude urban areas and Future Urban zoned areas. This is because the urban areas are already compromised for primary production and significant planning and investment is already occurring in the Future Urban zoned area for future urban uses.

- Supports the definition of Highly Productive Land to include the Countryside Living zone as parts of this zone may not be yet be compromised for primary production.

- Requests the strengthening of Policy 4 to essentially preclude rural lifestyle development or zoning on Highly Productive Land as it impacts negatively on primary production and is an inefficient form of development.

- Requests that the tests for urban expansion onto Highly Productive Land be significantly strengthened to recognise the value of this finite resource.

- Requests that stronger links are made between the NPS Highly Productive Land, the NPS Urban Development, and NPS Freshwater to recognise the inter-relationships between these national directions.

- Requests that the government actively consider a nationally coordinated approach to ensure that the Highly Productive Land identification exercise is carried out consistently across the country.

- Supports the first list of criteria to identify Highly Productive Land as these relate to the physical land resource itself.
- Opposes the second list of criteria to identify Highly Productive Land that relate to temporal matters that are subject to change over time (e.g. water availability, transport routes). The council also requests that additional criteria for identifying Highly Productive Land are added around Maori land and existing Countryside Living zones.

- Requests further clarification of what is meant by ‘inappropriate’ use and development on Highly Productive Land and the provision of clear direction on the issue of soil harvesting.

- Requests that further national direction be provided on the types of primary production activities and effects that should be anticipated and tolerated in rural areas and also in relation to methods to avoid reverse sensitivity effects.

- Request that a ‘buffer area’ be included in the Highly Productive Land identification exercise to protect Highly Productive Land from reverse sensitivity issues around its edges.

- Requests that the NPS contain wording to clarify that all rural land has value and potential for different types of rural production activities to prevent rural land outside Highly Productive Land areas being seen as only having low value.

- Requests that Policies 6 and 7 be reviewed to provide a consistent approach as to how the NPS Highly Productive Land applies to resource consents and private plan changes.

- Requests that as much of the NPS content as is reasonable be directed by the NPS to bypass the First Schedule process.

- Requests that the definition of primary production be amended so that Highly Productive Land is protected only for primary production that relies on the soil resource.

Further explanation and detail of the Auckland Council's submission is outlined in the sections below and additional supporting information is included in the appendices.

Councillor Bill Cashmore  
(Deputy Mayor of Auckland)  
Date: 10 October 2019

Councillor Chris Darby  
(Chair of the Planning Committee)  
Date: 10 October 2019
Contents of submission

Summary of submission .............................................................................................................................................. 1
Introduction ................................................................................................................................................................. 4
About Auckland ............................................................................................................................................................ 4
About the Auckland Council ........................................................................................................................................... 4
Auckland’s Highly Productive Land .............................................................................................................................. 5
Submission overview ...................................................................................................................................................... 5
1. General support for the National Policy Statement ................................................................................................. 6
2. Implications for Urban, Future Urban, and Countryside Living zoned land .............................................................. 10
3. Rural lifestyle development and fragmentation of Highly Productive Land ................................................................. 16
4. Urban expansion onto Highly Productive Land ........................................................................................................... 18
5. Exercise to identify Highly Productive Land ................................................................................................................ 22
6. Criteria to identify Highly Productive Land .................................................................................................................. 24
7. Inappropriate use and development on Highly Productive Land .................................................................................... 27
8. Reverse sensitivity .......................................................................................................................................................... 31
9. The value of rural land outside identified areas of Highly Productive Land ................................................................. 33
10. Application of the IIPS to resource consents and private plan changes ................................................................. 33
11. Implementing the IIPS into the Auckland Unitary Plan ............................................................................................... 34
12. Definitions ................................................................................................................................................................. 35
13. Integration with other national direction ..................................................................................................................... 36

Appendix 1 – Acronyms and shortenings used in this submission ............................................................................... 38
Appendix 2 – Map of Auckland’s Highly Productive Land .............................................................................................. 39
Appendix 3 – New Zealand Land Resource Inventory and Auckland’s FARMCLC ......................................................... 40
Appendix 4 – Auckland Council’s current approach to protecting Highly Productive Land .............................................. 41
Appendix 5 – Relevant objectives and policies from the Auckland Unitary Plan ............................................................... 50
Appendix 6 – Map showing current land uses in the Countryside Living zone ................................................................ 55
Appendix 7 – Diagrams illustrating the sequential test for urban expansion onto Highly Productive Land ....................... 56
Appendix 8 – Auckland Unitary Plan objectives and policies on the value of rural land that is outside LUC 1-3. ............... 59
Appendix 9 – Feedback from the Franklin Local Board, Aotea Great Barrier Local Board, Manukauwa Local Board, Maungakiekie-Tamaki Local Board, Papakura Local Board, Puketapapa Local Board, Waitakere Local Board, and the council’s Rural Advisory Panel .......................................................... 60
Introduction

This is Auckland Council’s submission in response to the Ministry for the Environment and Ministry for Primary Industry’s discussion document entitled “Valuing Highly Productive Land” and the Proposed National Policy Statement on Highly Productive Land (‘HPL’) contained within that document.

This submission has been approved by the Deputy Mayor of Auckland and the Chair of the Planning Committee.

About Auckland

Auckland is New Zealand’s most populous region with a current population of 1.57 million people (2018 Census), an increase of 11 per cent since 2013. Auckland accounted for 34 per cent of New Zealand’s population increase between 2013 and 2018, according to latest Census data. Auckland is estimated to grow to around 2.4 million residents by 2050.

Auckland’s urban area covers approximately 20 per cent of Auckland’s land mass. It is home to over 90 per cent of its residents, many of whom live along a narrow axis stretching from Ōtara in the north to Drury in the south. The urban area is surrounded by extensive rural areas, containing numerous towns and villages.

About the Auckland Council

Auckland Council is a unitary authority, and largest local government organisation in Australasia. The council has a governing body, which consists of the Mayor and 20 councillors, and 21 local boards. Auckland Council also has several council-controlled organisations, which it gives direction to through its statement of intent.

Comments on the NPS from the Franklin Local Board, Aotea Great Barrier Local Board, Manurewa Local Board, Maungakiekie-Tamaki Local Board, Papakura Local Board, Pukekohe Local Board, Waiuku Local Board, and the council’s Rural Advisory Panel are appended to the end of this submission (Appendix 9).
Auckland’s Highly Productive Land

The Auckland region contains around 126,000ha of Land Use Capability (‘LUC’) 1-3 land which covers around a quarter of Auckland’s land area. LUC 1 (21,500ha) is defined as ‘elite’ land in the Auckland Unitary Plan while LUC 2-3 (104,500ha) is defined as ‘prime’ land. The elite and prime land definitions in the Auckland Unitary Plan reflect the interim definition of HPL in the NPS which is for all LUC 1-3 land. A map showing all the mapped LUC1-3 land in Auckland is shown in Appendix 2.

The Auckland Council currently seeks to protect HPL from urban expansion, fragmentation, reverse sensitivity, and inappropriate uses through various methods. Further detail on these is included in Appendix 4.

Submission overview

Auckland Council welcomes the opportunity to submit on the proposed NPS-HPL. The Council generally supports the proposed NPS-HPL but has feedback on a number of detailed aspects of the proposal. The key issues for the Auckland Council are listed below and each is expanded further in the following sections of this submission.

1. General support for the National Policy Statement
2. Implications for Urban, Future Urban, and Countryside Living zoned land
3. Rural lifestyle development and fragmentation of Highly Productive Land
4. Urban expansion onto Highly Productive Land
5. Exercise to identify Highly Productive Land
6. Criteria to identify Highly Productive Land
7. Inappropriate use and development on Highly Productive Land
8. Reverse sensitivity
9. The value of rural land outside identified areas of Highly Productive Land
10. Application of the NPS to resource consents and private plan changes
11. Implementing the NPS into the Auckland Unitary Plan
12. Definitions
13. Integration with other national direction

1 Based on the FARMLUC dataset – see Appendix 3 for further information on FARMLUC.
1. General support for the National Policy Statement

The Council generally supports the introduction of national direction to protect HPL through the proposed NPS-HPL. The council considers there is a need for the NPS-HPL based on the reasons under the below headings.

1.1 Threats to Highly Productive Land in Auckland

There are a number of ongoing threats to HPL in the Auckland area including urban expansion, lifestyle development, ad-hoc development, and climate change.

Urban expansion onto Auckland’s HPL was set in train under previous land use planning regimes and also through the Auckland Unitary Plan. Using the New Zealand Land Resource Inventory (NZLRI) as a baseline, 14% of LUC 1 land has been or will be encroached upon for various forms of urban development, as well as 31% of LUC 2 and 18% of LUC 3 land. While Auckland represents only 2% of New Zealand’s land area, it has a disproportionate amount of HPL. Auckland has a highly productive outdoor vegetable sector, contributing over 20% of the nation’s outdoor potato, onion, lettuce, broccoli, cabbage and cauliflower production primarily as a result of highly productive land and frost-free climate\(^2\).

Development pressures not only exist in terms of urban expansion, but also through the subdivision of rural land for lifestyle properties. Small parcels of land occupy a significant proportion of the remaining versatile land in Auckland\(^3\) with the average site size being 10.2ha\(^4\). In Auckland 21% of all the lifestyle blocks are located on HPL. These lifestyle blocks cover 35% of all HPL in the region\(^5\).

In addition to urban expansion and lifestyle development, the HPL in Auckland is also under threat from ad-hoc, non-rural type developments such as self-storage sheds, industrial activities, schools, and churches. These developments take the HPL

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\(^1\) Fiona Curnan-Cournane, Nancy Golubewski & Laura Buckthought (2018): *The odds appear stacked against versatile land: can we change this?*, New Zealand Journal of Agricultural Research, DOI 10.1080/00288233.2018.1430590

\(^2\) Ibid

\(^3\) Based on sites within Auckland in the five main Auckland Unitary Plan rural zones (119) that fall within the definition of HFL in the NPS-HFL.

resource out of productive use and in some cases create the potential for reverse sensitivity.

Another threat to the availability of HPL for primary production is climate change with some HPL areas being substantially exposed to sea level rise. LUC 1-3 land is disproportionately affected; it is more exposed to sea level rise than non-arable soils (LUCs 5-7) in terms of both total area and proportion. Under various scenarios approximately 5% of Auckland’s HPL is exposed to sea level rise by mid-century, more than 6% by end of the century, and more than 8% next century. This is an important consideration in the context of the other threats to HPL as identified above and places further value on the remaining HPL in Auckland.

1.2 Alignment with council plans and policies

The intent of the NPS is aligned with the Auckland Council’s position on protecting HPL. As outlined in some detail in Appendix 4, Auckland Council has a number of plans and policies that recognise the value of HPL – seeking to protect it and retain it for productive uses. The council has developed several planning tools such as the Rural Urban Boundary and subdivision rules/incentives to safeguard HPL and prevent urban and lifestyle development on it.

1.3 Need for national direction

The NPS-HPL will elevate the importance of protecting HPL and it will bring the issue to the front of mind for RMA decision makers. The proposed NPS should result in more consistent decision making around development, use and subdivision proposals on HPL.

Auckland Council’s recent experience is that despite the range of strong objectives and policies in the Auckland Unitary Plan seeking to protect HPL (outlined in Appendix 5), the issue of protecting HPL is generally just one of many issues an RMA decision maker considers – and it often is down the list of priorities. A range of resource consents have been granted on HPL in Auckland recent years and most

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resource consent decision reports do not specifically discuss HPL. Those that do demonstrate how the loss of HPL is balanced against other factors such as:

- the area of HPL being relatively small (in the context of the site or the wider area);
- the area of HPL being deemed unsuitable for primary production for various reasons including a ‘lifestyle’ size;
- offsetting the loss of HPL through improvements to primary production logistics (e.g. transport);
- mitigating the loss of HPL by using soil harvesting to transfer the soil to another area or site;
- the benefits of the proposed development on HPL to the rural community;
- the soils being only prime (LUC 2-3) and not elite (LUC 1);
- the land being able to be built on anyway as a permitted activity by a dwelling or accessory buildings; and
- the HPL not making a significant contribution to productive rural activities.

The creation of national direction on identifying and protecting HPL will give greater certainty to farmers, developers, and the general public as to areas of land that are specifically set aside for primary production.

The direction at the national level will assist councils by reducing the number of higher level debates around the value of HPL during resource consent, private plan change, and plan making processes (with an associated saving in compiling and presenting evidence in each case).

1.4 The importance of local food production
Taking a precautionary approach, the protection of Auckland’s food supply areas is in the long term regional and national interests. New Zealand is currently a net exporter of locally produced food so there is no current food security issue. However, the world’s population is growing and the demand for primary produce will significantly increase in the future.

“By 2050 a global population of 10 billion will demand 70% more food than is consumed today. With the focus moving toward a plant based protein economy, the focus is going to be squarely on vegetables and crops to meet this need. Feeding this expanded population nutritiously and sustainably will
require substantial improvements to the global food system – one that
provides livelihoods for farmers as well as nutritious products for
consumers."7

A later section of this submission will raise issues with the economic cost-benefit
approach. However, it is still relevant to acknowledge that Auckland’s rural
production sector has economic value to the region and nation. Just the Pukekohe
area (while only 3.8% of New Zealand’s land in vegetable and fruit production)
contributes 26% of the country’s vegetable production by revenue. It is estimated that
in 2043 the demand for fruit and vegetables in Auckland will be about 33% higher
than today.8

While HPL areas can have a range of primary production activities it is noted that
horticulture is often located on HPL and in 2017 the New Zealand horticulture
industry generated $5.68 billion in value. Export revenue has grown nearly 50% in
five years, illustrating the trust the world places in New Zealand-grown food, and the
country’s ability to meet that demand9.

A general trend in food consumption is that locally grown food is becoming more
desirable for environmental and social reasons. In addition, the growing influence of
food as a significant part of the tourism experience means that culinary tourism could
provide increased tourism spending in Auckland. One of Auckland’s unique selling
points for culinary tourism is the food grown locally around the fringes of the city10.

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7 Eskesen, Alison. Abstract of Grow Asia: a multi-stakeholder approach to food security. The business of food
security: profitability, sustainability and risk. The Crawford Fund, 2015 Annual Parliamentary Conference,
Canberra (2015).
(August 2019).
(August 2018).
While the Auckland Council generally supports the proposed NPS-HPL, it is noted that further tools are necessary to achieve the desired outcome of successful primary production activities occurring on HPL.

The Auckland Council would support amendments to the RMA to include the protection of HPL as a matter of national importance to work in conjunction with the NPS-HPL. The council would also support investigations into possible ‘right to farm’ legislation to protect farmers from nearby landowners who try to stop or reduce farming operations that they perceive as a nuisance.

2. Implications for Urban, Future Urban, and Countryside Living zoned land

The Auckland Council supports the definition of HPL to exclude urban areas and Future Urban zoned areas, and to include Countryside Living zoned areas.

The definition of HPL specifically states that HPL excludes both urban areas and areas that have been identified as future urban zones in district plans. Countryside Living zones are not specifically excluded (and are therefore included within the definition).

It is noted that excluding the urban and Future Urban zones from the definition of HPL would remove around 18 per cent of the mapped LUC 1-3 areas of Auckland from receiving the protections under the NPS-HPL. Excluding these ‘compromised’ areas still leaves 82 per cent (around 103,000ha) of HPL in Auckland that is generally available for primary production and would be protected by the NPS-HPL.

2.1 Urban areas

As New Zealand’s original NZLRI LUC mapping was carried out in the 1970s, around 13 per cent of the mapped LUC 1-3 land in Auckland (around 16,000ha) has since been consumed by urban expansion. Suburbs such as Albany, Mangere, Hobsonville, and Dannemora now sit on this land.

It is clear that urbanisation has now removed any potential for rural production activities to occur on this land through intensively fragmented land parcels, high capital investment in dwellings and commercial premises, and a large proportion of impermeable surfaces such as roads, driveways and buildings.
2.2 Future Urban zones

Auckland Council has identified around 15,000ha of land for future growth areas. Around 10,500ha of this is zoned Future Urban with the rest being ‘live’ zoned (and therefore covered under ‘urban areas’ in section 2.1 of this submission).

The submission of Auckland Council to support the exclusion of Future Urban zones from the definition of HPL has not been arrived at without serious debate and it is acknowledged that a significant amount of HPL (around 6,750ha) will be permanently lost as this land is urbanised. This decision flows through to the rest of the council’s submission where generally more directive and tighter wording is sought to prevent further loss of the HPL resource.

Background to Future Urban zone

During the Proposed Auckland Unitary Plan process, the Independent Hearings Panel recommended that the Rural Urban Boundary be defined to avoid prime soils where they are significant for food production, but only to avoid where practicable prime soils\(^1\).

In light of this, the Future Urban zone within the Rural Urban Boundary includes large areas of prime soils (e.g. Pukekoka-Paerata, Whenuapai, Kumeu-Huapai, Opaheke-Drury, Takanini) as shown on the map in Appendix 2.

It is noted that the process to establish the Future Urban zone went through a statutory process that included extensive public consultation and enabled challenges to the zoning through submissions, further submissions, and hearings.

The HPL within the Future Urban zone makes up around five per cent of Auckland’s mapped HPL. Within the Future Urban zone itself, close to two-thirds of it sits on HPL.

While the Future Urban zone is not yet urbanised (which would completely preclude rural production activities), there are significant implications for Auckland of including the Future Urban zoned areas within the definition of HPL.

The reasons why the Auckland Council supports the Future Urban zone being excluded from the definition of HPL are outlined under the headings below.

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\(^1\) Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council Hearing topic 11 Rural environment July 2016
Auckland's housing capacity

As currently drafted, the NPS-HPL does not have any impact on Auckland’s planned long term housing capacity. Auckland’s future housing capacity is created through both urban intensification and planned greenfield expansion into identified Future Urban zones. As the definition of HPL excludes the Future Urban zone, the NPS will not have any impact on Auckland’s planned long term housing capacity.

If the HPL definition did include the Future Urban zone then in the order of 62,000 future dwellings could potentially be removed from Auckland’s long term planned capacity. This would have significant implications for the Auckland Council’s obligations under the NPS – Urban Development Capacity.

Public planning and investment in the Future Urban zone

Planning and investment for the urbanisation of the Future Urban zoned areas is already well advanced. The council has completed structure planning for Whenuapai, Drury-Opaheke, Warkworth, Pukekohe-Paeraeta, and a structure plan is underway for Silverdale West.

The structure planning process is the first step in the urbanisation of the Future Urban zone and the structure plans establish the pattern of land use and supporting infrastructure networks for the area. The structure planning process for each of these areas has taken around 18-24 months of work including technical studies and a number of phases of public consultation.

Infrastructure providers are also well into planning for and investing in the Future Urban zone areas. For example:

- Te Tupu Ngātahi (the Supporting Growth Alliance) is a collaboration between the NZ Transport Agency and Auckland Transport. The alliance is around halfway into a five year project to identify and route protect the preferred transport networks required in the Future Urban zones across Auckland. The indicative strategic transport networks for these areas has been completed and the alliance is now preparing detailed business cases for the transport projects. It will then seek route protection for the transport network in a staged manner across all growth areas.

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12 Based on 04% of the Future Urban zone which was in total anticipated to accommodate 97,000 dwellings in the Future Urban Land Supply Strategy (Future Urban zone totals calculated by excluding the ‘live’ zoned “Actuals, contracted or planned’ areas in the Future Urban Land Supply Strategy).
- Watercare has been involved in the council’s Future Urban Land Supply Strategy and structure planning and the timing of their funding (via the Asset Management Plan) is aligned with these planning initiatives. Based on this Watercare has invested in various projects to service the Future Urban zone with water and wastewater such as:
  o Implementing the Warkworth-Snells Beach Conveyance Network which will enable the growth of Warkworth including the Future Urban zoned area (to be completed by 2022).
  o Bringing forward (under the Housing Infrastructure Fund) funding for the Northern Interceptor Phase 2 and the Brigham Creek Pump Station to cater for growth in the Whenuapai Future Urban zone and the Redhills area (which is ‘live’ zoned but relies on the infrastructure through the Whenuapai Future Urban zoned land) (to be completed by 2023).
  o Planning for a new transmission wastewater pump station to cater for growth in Pupekehe including the Future Urban zone area.
  o Investing to get bulk servicing into Silverdale West including upsizing the wastewater infrastructure in Mildale to cater for the Silverdale West Future Urban zone.

- The Ministry of Education is actively acquiring sites in the Future Urban zone for new schools.

If the Future Urban zone was included in the definition of HPL then the areas of Future Urban zoning may need to be revised and some of the above infrastructure projects would need to be reviewed and possibly stopped.

Land in the Future Urban zone

The Proposed Auckland Unitary Plan identified the proposed Future Urban zone in 2013 and the final area of the zone (some 10,500ha) was made operative in 2016. As noted above, there was extensive public consultation through the development of the Auckland Unitary Plan. Over 250 meetings and 21,000 pieces of written feedback were received on the draft Auckland Unitary Plan. 9,500 submissions were received through formal consultation on the Proposed Auckland Unitary Plan and 3,800 further
submissions were received. There were 249 days of hearings in front of an
independent Hearings Panel over a 20-month period.

The council also produced a Future Urban Land Supply Strategy (2015 and 2017
editions) showing the sequencing of the different areas of Future Urban zone. That
is, when each Future Urban zoned area would be ‘development ready’ (structure
planned, rezoned, and serviced by bulk infrastructure).

The purpose of the Rural Urban Boundary (and the associated Future Urban zone)
was to provide certainty for landowners on both sides of the urban boundary, as well
as to infrastructure providers and the wider public. The Future Urban Land Supply
Strategy was to give further certainty around the sequencing of this land. Many
investors and developers have made decisions to purchase land in the Future Urban
zone during this time.

If the Future Urban zone was included in the definition of HPL, then a wide-scale
review of the Future Urban zone could have immediate implications for the
development of the areas of the Future Urban zone sequenced first. Plan Changes to
rezone the Future Urban zone to ‘live’ zones are currently underway in Whenuapai
and Warkworth North. If the NPS-HPL applies to this land it could add uncertainty,
complexity, delay, and cost to these processes.

2.3 **Countryside Living zones**

The Auckland Council supports the Countryside Living zone being included in the
definition of HPL.

**Background to the Countryside Living zone**

Due to the Independent Hearings Panel’s recommended wording in the Auckland
Unitary Plan to avoid Countryside Living zones on prime land only ‘where
practicable’, some large areas of Auckland’s prime land were rezoned to the
Countryside Living zone during the Auckland Unitary Plan process (e.g. Taupaki,
Riverhead, Coatesville).

The Countryside Living zone in Auckland includes many areas that are already highly
fragmented (making it more difficult to use productively) and built on (taking land out
of productive uses and creating reverse sensitivity impacts). However, there are also
other areas in the Countryside Living zone that have not yet been overly fragmented
or developed and where productive rural activities are still occurring. Around 22% of the Countryside Living zone is being used for primary production purposes\(^3\).

**Land not already compromised**

In Auckland, some HPL in the Countryside Living zone may not be yet be compromised for primary production and most of the issues identified for the Future Urban zone in the above section are not applicable to the Countryside Living zone.

The council’s HPL identification exercise should enable compromised areas of the Countryside Living zone to be excluded from the HPL areas and those still with the potential for primary production to be included (see section 6.4 of this submission). Those areas that are included in the HPL areas would then logically require a rezoning from Countryside Living to a productive rural zoning (e.g. Rural Production, Mixed Rural).

**Potential consenting issues for Countryside Living zones**

It is noted that the interim definition will create consenting uncertainty for Countryside Living landowners on HPL. If a landowner on HPL in the Countryside Living zone wishes to subdivide/develop their land for lifestyle purposes, then there will be some tension between the Auckland Unitary Plan zoning and the NPS-HPL. This is because the Countryside Living zone enables lifestyle block development whereas the NPS-HPL directs lifestyle blocks away from HPL.

This submission offers no solution to this issue but simply seeks to make the Ministry for the Environment aware of it. There is no easy solution as the interim definition is required to prevent a ‘gold-rush’ effect and the council supports the interim definition applying to the Countryside Living zone to enable the council’s HPL identification exercise to consider areas of the zone suitable to be covered by the protections of the NPS-HPL.

**Clustering of rural lifestyle development on Highly Productive Land**

For Countryside Living areas that are on HPL but are determined through the council’s HPL identification exercise to be already compromised, the NPS could consider some further guidance to require any further rural lifestyle subdivision in the

\(^3\) 21% in the entire Future Urban zone and 22% on the HPL in the Future Urban zone based on rates assessment data (combining Dairying, Forestry, Horticulture, and Pastoral uses) – See Appendix 6.
Countryside Living zone to be designed in such a way as to keep as much of the HPL out of development as possible (i.e. clustering of built development).

3. Rural lifestyle development and fragmentation of Highly Productive Land

The Auckland Council requests the strengthening of Policy 4 in the NPS-HPL to essentially preclude rural lifestyle development or zoning on HPL.

While the Auckland Council accepts that urban expansion onto HPL can be considered in some cases (see section 4 of this submission), the council does not support rural lifestyle blocks being developed on HPL.

3.1 Issues with rural lifestyle development

It is acknowledged that there is a generally high demand for lifestyle living around the fringes of Auckland, including on areas of HPL. However, lifestyle development is an inefficient growth pattern and has negative outcomes for HPL including taking land out of commercial production (for consumptive purposes at best), increasing land prices (making primary production activities less economically viable), and creating potential reverse sensitivity issues.

Assuming sensitive activities can be impacted by rural production activities to a distance of around 250m\(^4\), then just one lifestyle block of 1ha could have reverse sensitivity impacts on farm operations covering an area of 35ha. This is illustrated in Figure 1 below.

\[^4\] This distance needs to be refined and justified based on further evidence. The 250m distance is based on half of the minimum separation distance of 500m recommended for intensive farming from sensitive activities (Emission Impossible Ltd (2012a). Separation Distances for Industry, A discussion document prepared for Auckland Council, 9 July 2012, Auckland).
Figure 1: Area of potential impacts from a lifestyle block on surrounding farmland

Even using a buffer of just 100m could impact 8ha of neighbouring farmland. Nation-wide, rural lifestyle development has been reported to be a bigger threat to HPL than urban expansion. 15

Any argument seeking to enable further fragmentation of HPL to accommodate families and workers needed for agriculture operations on HPL is weak considering that most district plans (including the Auckland Unitary Plan) already enable a level of development to accommodate farm workers. 16

It is also noted that rural lifestyle development is a poor precursor to any possible future urbanisation as it highly fragments the land, raises land prices, and makes efficient infrastructure and good urban design outcomes difficult to achieve.


16 The Auckland Unitary Plan enables workers’ accommodation and minor household units in the productive rural zones. A second and third dwelling are also permitted on large sites (over 40 and over 100ha respectively).
The Auckland Council seeks that Policy 4 of the NPS should include very directive wording to essentially exclude the possibility of new rural lifestyle development or zoning being located on HPL.

The wording for Objective 3 should be amended as below (new text underlined) or to wording that achieves the same effect:

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...  
  - Avoiding new rural lifestyle subdivision, use and development and rural lifestyle zoning on or adjacent to highly productive land,
  - avoiding other subdivision and land fragmentation that compromises the use of highly productive land for primary production.
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The wording for Policy 4(c) should be amended as below (new text underlined) or to wording that achieves the same effect:

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...Directing new rural lifestyle development and zonings away from areas of highly productive land to avoid any new rural lifestyle development on or adjacent to highly productive land.
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4. Urban expansion onto Highly Productive Land

The Auckland Council supports the intent of Policy 3 that urban expansion onto HPL should be able to be considered if certain tests are met. However, as HPL is a finite resource and Auckland has already lost (and will lose through zoning) a significant amount of this resource, the council considers that the tests for urban expansion onto HPL should be significantly strengthened.

It is noted that the Auckland Council currently has no plans to identify additional greenfield areas for urban expansion as there is still sufficient capacity in the Future Urban zone to provide for Auckland’s long-term growth (out to 2050). Therefore, Policy 3 does not hinder the current growth plans of Auckland Council. However, despite this there are still significant development pressures for resource consents and private plan changes to expand Auckland’s urban area onto rural land (beyond the Future Urban zone).

Comments on each of the 'tests' under Policy 3 are provided below.
4.1 Shortage of capacity
The council considers that the first test in Policy 3(a) around demonstrating a shortage of development capacity is appropriate. However, clarification is sought as to what timeframe this is referring to (e.g., a short-term shortage would seem to be most appropriate).

4.2 Cost-benefit analysis
Is it the right tool?

While a cost-benefit analysis generally provides a good framework for decision-making, it has shortcomings which mean it may not be suitable for this type of decision relating to a finite resource. These shortcomings include the challenges associated with irreversibility, the comparison of long- and short-term costs and benefits, and the non-substitutability of resources by providing a quantitative comparison in a common metric\(^\text{17}\). It is the recurring costs that highlight the real loss of the broader array of ecosystem services and the option value of this land where decisions are irreversible. Arguably it is these costs that should drive development decisions, not one-time costs, especially where decisions are irreversible.

The Auckland Council requests that the government investigate what other decision-making tools could be used for the analysis of urbanising HPL.

The NPS-HPL discussion document states that “marginal analysis based on comparison of land-use outcomes in financial terms at a single parcel level is heavily weighted toward favouring change away from primary production activities. This is because the financial returns from residential and business uses are, in almost all instances, greater than those from primary production activities using highly productive land. Similarly, the value of land for rural lifestyle development is usually several times that of land used for primary production activities\(^\text{18},\)\(^\text{,}\)"

The Auckland Council’s experience supports this finding. During the Auckland Unitary Plan process many rural landowners sought rezonings of their land to

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\(^{18}\) Page 23 of Valuing highly productive land – a discussion document on a proposed national policy statement for highly productive land, MPI and MFE, 2019.
Countryside Living and provided evidence to demonstrate that the land was unviable for continued productive use and/or that a greater economic benefit could be achieved through lifestyle blocks.

Amendments if retaining the cost-benefit approach

If a cost-benefit analysis is to be retained in the NPS it should also provide further clarification in the text to overcome the common criticism of cost-benefit analyses – that they do not try to quantify, proxy or even describe harder to measure benefits or costs (e.g. intangibles), and therefore do not fairly represent the true costs and benefits of different policies or decisions.

For example, in the case of protecting HPL one of the key arguments is retaining the option to use the HPL land for different purposes; once it is developed it is effectively never again going to be possible to undertake agricultural activity there at scale. This option value, as well as other factors such as changing preferences of people to retain agricultural landscapes and eat locally grown food, and the cultural and social values people place on connection to agricultural land, are all valid components of the benefits side of land being used for agriculture. These factors must be given adequate consideration and a fair weighting in any decision on whether to develop HPL.

Lifting an economic assessment to a macro level (as mentioned in the discussion document) can also assist in providing a fairer assessment of the trade-offs. The time period of any economic assessment should also be very long term (i.e. 100 years) so that short term benefits do not out-weigh the long term/permanent costs of losing HPL.

4.3 Environmental, economic, social and cultural benefits

It is not clear how the second bullet point of Policy 3(b) relates to the cost-benefit analysis. Based on the above discussion in section 4.2 of this submission, if a cost-benefit analysis is retained in the wording of the NPS, the types of matters mentioned in this second bullet point should be considered in such an assessment. Therefore, the Auckland Council requests that these two bullet points be under Policy be merged into one.
4.4 Feasibility of alternative locations

While the Auckland Council supports the intention of this test, the wording is relatively light and a more robust test around alternatives is considered necessary before urban expansion occurs on HPL. The Auckland Council seeks that strong direction is provided in the NPS wording to ensure that the full range of alternative options are considered.

This could be through a sequential test that guides urban development towards intensification locations first, then urban expansion into areas without HPL, and only when neither of these are feasible can urban expansion onto HPL be considered.

The wording of Objective 3 should be amended as below (new text underlined, deleted text struck-through) or to wording that achieves the same effect:

"...avoiding uncoordinated urban expansion on highly productive land where alternative options are feasible that has not been subject to a strategic planning process; and..."

The wording of Policy 3(b) should be amended as below (new text underlined, deleted text struck-through) or to wording that achieves the same effect:

"b. its is demonstrated that this is the most appropriate option based on a consideration of:

..."

• The feasibility of alternative locations and options to provide for the required demand, including intensification of existing urban areas shortage of development capacity as assessed through a sequential test as follows:
  ○ Urban intensification within the existing urban zoned area; then
  ○ Urban intensification within the existing urban zoned area of one or more other settlements within the region; then
  ○ Urban expansion outside HPL around the zoned urban area; then
  ○ Urban expansion outside HPL around one or more of the other settlements within the region; then
  ○ Development of new urban settlement(s) outside of HPL within the region.
Only after these alternatives are fully considered can urban expansion onto HPL within the region be considered."

Diagrams that further illustrate the sequential test for urban expansion onto Highly Productive Land are included in Appendix 7.

5. Exercise to identify Highly Productive Land

The Auckland Council generally supports the exercise of identifying HPL. However, the council requests that the government actively consider a nationally coordinated approach to ensure that the Highly Productive Land identification exercise is carried out consistently across the country.

5.1 Areas of support

The Auckland Council supports the approach in Policy 1 of the NPS to enable regional councils to undertake an exercise to identify HPL for their regions. While this exercise is being carried out, the Auckland Council supports the interim approach of defining HPL as the LUC 1-3 areas. This interim approach will avoid the ‘gold-rush’ effect for rural subdivision etc which is a high likelihood in Auckland based on previous experience with changes to rural subdivision provisions.

The Auckland Council supports the interim approach in the NPS of classifying all LUC 1-3 land as HPL, rather than the Auckland Unitary Plan approach of differentiating between LUC 1 and LUC 2-3 with lesser protection of the latter. There is very little physical difference between LUC 1 and LUC 2 land which is also realised where farm profitability is considered. It is also noted that ‘cohesive’ areas of HPL

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19 There was a spike in rural subdivision applications in Auckland in August/September 2013 from an average of twelve per month over the previous year to 32 in August and 64 in September. This spike was likely related to the Auckland Unitary Plan being notified on 30 September 2013 and landowners being concerned about tighter subdivision controls in the Auckland Unitary Plan that had been signalled in the draft version of the plan earlier that year. There was another spike in rural subdivision applications from May to August 2016 where the monthly totals were 30, 36, 67 and 55. This spike was likely related to the impending council decisions on the Auckland Unitary Plan in August 2016 and landowners being concerned that the final plan would result in tighter rural subdivision rules (as the council’s evidence to the Independent Hearings Panel sought).

will need to contain a range of LUC classes (as the soil types can vary within a few metres).

The Auckland Council supports the identification of HPL areas to be mapped in the Regional Policy Statement where it will not be subject to private plan changes.

5.2 Undertaking the exercise to identify Highly Productive Land

The Auckland Council requests that the government actively consider a nationally coordinated exercise to map the HPL areas across the country. This will ensure consistency across the different councils and assist smaller councils where the costs would be prohibitive. It is noted that the Land Monitoring Forum Special Interest Group would be well placed to help establish a national framework for the consistent application of the criteria and mapping of HPL at appropriate scales.

While the costs to the government of a national exercise are acknowledged\(^2\), the aggregate costs to each council of undertaking this exercise along with the challenges by landowners to it would be very significant.

If a national exercise is not carried out the Auckland Council requests that further detailed guidance (scale of mapping and ground-truthing), assistance (expertise from government departments), and funding be provided to councils for this exercise. An extended timeframe of 5 years is requested to carry out this exercise. The 3 year timeframe would be insufficient for councils to do a mapping exercise at scales in and around 1:10,000 (if this is what is required).

It is also noted that through the NFS Essential Freshwater there are requirements to produce Farm Plans and submit these to the council. The Auckland Council requests that the government investigate whether it would be fair, reasonable, and efficient for a LUC assessment to be part of each Farm Plan and the outcome of this assessment given to the council for peer review and approval. This would supply a detailed source of data to the council on LUC in the region and would assist in a HPL identification exercise.

\(^2\) In 2006, Manderson and Palmer reported that a stratified programme at scales of 1:10,000 for versatile land; 1:25,000 for other agricultural land etc. would cost $280 million

If the identification exercise is done at a regional level, it is requested that wording be included in Policy 1 to require neighbouring regional councils to work together in determining the HPL close to the regional boundaries (to ensure a consistent approach across regional borders).

6. Criteria to identify Highly Productive Land

The Auckland Council supports the criteria to identify HPL that relate to the physical land resource in Policy 1 Appendix A ((a) and (b)). The council seeks clarification as to the intent of criteria (c) around the size and cohesiveness of the area.

The council opposes the second list of criteria that relate to temporal matters that are subject to change over time (e.g. water availability, transport routes). The council requests that additional criteria are added around Maori land and existing Countryside Living zones.

6.1 Size and cohesiveness

The third criterion under Policy 1(c) is interpreted by the Auckland Council as relating not to the specific site sizes of parcels, but rather the higher-level size of the HPL area. This criterion is assumed to encourage larger areas of HPL to be identified rather than small, remote areas of LUC 1-3 being identified as HPL. It is also assumed to enable the boundaries of a HPL area to be taken to logical geographic boundaries (i.e. the coast, roads, topographical features). This could thereby include some areas of lower quality land in exchange for the benefits of identifying cohesive areas of HPL. The Auckland Council supports this approach and requests that the wording of criterion (c) be amended to make this interpretation more explicit. It is noted that developers seeking to rezone HPL areas in Auckland have recently contacted the council and have interpreted this criterion differently to council – they have interpreted it as being related to the parcel size.

The wording of Policy 1(c) should be amended as below (new text underlined) or to wording that achieves the same effect:

"c. the size and cohesiveness of the area of land to support primary production (using logical geographic boundaries that may result in some lower classes of land being included within the wider area of highly productive land)...."
6.2 Temporal factors
The Auckland Council does not support the second list of criteria to identify HPL under Policy 1. This list contains temporal factors that have the ability to change through further investigation, technology, new infrastructure etc. over a 50-100-year timescale. The land itself is the finite resource and the NPS is intended to enable its long-term protection. The NPS should be recognising the potential of this resource, even if it is not currently able to be used to its full potential.

It is acknowledged that this second list of criteria is not a requirement as it is headed with the words “may consider”. However, the Auckland Council sees a high risk in landowners and developers using the second list of criteria to attempt to exclude areas of land from HPL during the council’s HPL identification exercise.

As an example, at the publication of the NPS-HPL the council was contacted by the proponent of a potential private plan change (to rezone areas of LUC 1-3 to Countryside Living) highlighting the criterion on water availability (currently limited in the locality) and seeking to push forward with the Countryside Living rezoning based on the current lack of water availability.

The wording of these criteria is also likely to create issues with phrases such as “access to appropriate labour markets” in criterion (c). In an area with HPL and high incomes such as Omaha Flats in the Rodney Local Board area, arguments are likely to be put forward that this area does not have an ‘appropriate’ labour market as the wages for agricultural workers are significantly lower\(^\text{22}\) than the average in the wider area\(^\text{23}\).

Criterion (e) is broad and not entirely clear while criterion (f) could potentially disqualify significant areas of HPL based on the standards in the Proposed NPS Essential Freshwater.

The Auckland Council would prefer that the second set of criteria either be removed entirely or changed to relate the list only to the assessment of lower classes of land. If retained, the wording of Policy 1 Appendix A should be amended as below (new text underlined) or to wording that achieves the same effect:

\(^{22}\) $34,000 based on median personal income in the Agriculture, Forestry and Fishing industry in Auckland (Census 2013).

\(^{23}\) $51,700 based on median personal income in the Rodney Local Board for full-time employees (Census 2013).
"...When identifying areas of highly productive land, local authorities may also consider the following factors for lower classes of land not in LUC 1.3:..."

6.3 Maori land
The NPS-HPL discussion document mentions the constraints related to Maori land but the wording of the NPS does not pick up on these issues. The Auckland Council supports additional wording in Policy 1 that enables the constraints on Maori land to be considered when identifying HPL.

The wording of Policy 1 Appendix A should be amended as below to add text to the first list of criteria (new text underlined) or to wording that achieves the same effect:

"...d. the constraints that already apply to Maori land in multiple ownership."

6.4 Existing Countryside Living zoned land
The council exercise to identify HPL will look at existing Countryside Living zones (as they are not excluded from the HPL definition). As discussed in section 3 of this submission, there are some areas of Auckland’s Countryside Living zones that are still being productively used and could be identified as HPL (with likely rezoning following). However, there are also significant areas of Auckland’s Countryside Living zones that have already been largely compromised for primary production through fragmentation down to small lots, significant built development, and high land values.

Policy 1 Appendix A requires the addition of a criterion to be able to specifically exclude these compromised Countryside Living zoned areas during the identification exercise, while not enabling this criterion to be used in rural areas outside the Countryside Living zone. It is critical that this criterion is not able to be applied to the wider rural areas as it would create a very broad avenue to argue for much of the HPL in Auckland to be excluded.

The wording of Policy 1 Appendix A should be amended as below to add text to the first list of criteria (new text underlined) or amended to wording that achieves the same effect:

"...e. the current land use, level of fragmentation, and amount of built residential development and other sensitive uses within rural lifestyle zones only."
6.5 The potential of Highly Productive Land
The Auckland Council considers that HPL should not only apply to land that is highly productive at present, but also to land that has the potential to be highly productive in the future.

The wording of Policy 1 Appendix A should be amended as below to add text to the first list of criteria (new text underlined) or to wording that achieves the same effect:

"...a. the capability, and versatility, and future potential of the land to support primary production based on the Land Use Capability classification system;..."

7. Inappropriate use and development on Highly Productive Land

The Auckland Council requests further clarification in the NPS-HPL of what is meant by ‘inappropriate’ use and development on HPL. The council specifically seeks that additional wording be added to Policy 2 to identify examples of inappropriate use and development, address the issue of rural industries and services, and provide clear direction on soil harvesting. The council also seeks that Policy 2(b) provides clearer direction to protect HPL.

7.1 Identifying inappropriate use and development
Policy 2(c) of the NPS requires councils to identify inappropriate subdivision, use and development of HPL and (d) requires HPL to be protected from this. The Auckland Council requests that the NPS contains further wording to explain what is meant by inappropriate use and development in Policy 2(c) (noting that subdivision is specifically covered in Policy 4).

While there may be some regional differences in determining what is inappropriate on HPL, there are also a range of activities that would not be appropriate on HPL anywhere in New Zealand. Having specific and directive wording on this in the NPS gives greater weight for councils to be able to exclude such activities from HPL through their district plans.
There is pressure in the rural zones around Auckland for ad-hoc rural sites to be converted into urban activities such as industrial and yard activities, trucking depots, contractors’ yards, trade supply depots, commercial storage facilities, retail plant nurseries, churches, and schools. These activities remove HPL production on a site by site basis and can potentially create reverse sensitivity issues. Such developments would be difficult to define as ‘urban expansion’ so would not come under Policy 3 and most do not involve subdivision so are not covered by Policy 4. Therefore, they need to be covered under Policy 2.

Even with the strong objective and policy framework for elite and prime land in the Auckland Unitary Plan, resource consents have been granted on HPL land in Auckland recently (see section 1.3 of this submission) for activities including self-storage units, transport depots, vehicle storage facilities, a church and school, and a large childcare centre. Therefore, the Auckland Council seeks that the NPS is more specific and directive on what is ‘inappropriate’ use and development.

The wording of Policy 2(c) should be amended as below to include specific examples of inappropriate use and development (new text underlined) or to wording that achieves the same effect:

“...c. identify inappropriate subdivision, use and development of highly productive land (including but not limited to rural lifestyle development, activities sensitive to agriculture, and activities that would normally locate in urban zones (e.g. industrial activities); and...”

7.2 Rural industries and services

The Auckland Unitary Plan recognises that some ‘industrial’ or ‘commercial’ type activities can be located in the rural zones where their principal function is to provide services to rural production activities. These are defined as Rural Industries and Rural Commercial Services in the Auckland Unitary Plan and include activities such as freight or transportation services, meat processing, dairy factories, servicing of farm machinery, and fencing contractors. Many district plans across New Zealand will have similar definitions and the National Planning Standards also includes a definition of Rural Industry. It is noted that the definition in the National Planning

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24 Through the definitions of Rural Industries and Rural Commercial Services.
25 Rural industry means an industry or business undertaken in a rural environment that directly supports services, or is dependent on primary production.
Standards is likely to enable a wider range of activities than the Auckland Unitary Plan definitions.

These activities in the Auckland Unitary Plan can be used as an avenue to locate commercial or industrial activities in the rural zones when the activities are in fact far better suited to an urban zone. Examples of recent resource consent applications in Auckland seeking that industrial activities be classified as ‘Rural industries’ or ‘Rural commercial services’ include a concrete batching plant and a directional drilling service\textsuperscript{[29]}. There is often no compelling reason why these activities need to be located in the rural area (except that the land is cheaper for the business owner and the sites can be large enough to manage effects onsite). Due to the size of Auckland’s metropolitan area and the number of towns and villages throughout the district there are very few places in Auckland that are not close to urban zones.

The Auckland Council requests that the NPS gives strong direction that general industrial, commercial activities (as noted in section 7.1 above) cannot locate in HPL areas and that Rural Industries and Rural Commercial Services must go through a sequential test before they can locate on HPL.

The wording of Policy 2 should be amended as below to include specific examples of inappropriate use and development (new text underlined) or to wording that achieves the same effect:

“…e. Require any new Rural Industry on highly productive land to firstly assess the feasibility of alternative locations and options through a sequential test as follows:

- An urban zone in the vicinity; then
- An urban zone further away; then
- A rural zone outside an HPL area.

Only after these alternatives are fully considered can a Rural Industry be considered on HPL.”

\textsuperscript{[29]} LUC00066560, 63 Richards Rd and LUC06339009, 41 Eden Road
7.3 Soil harvesting

Soil harvesting is where a landowner acknowledges their land is HPL but seeks to mitigate the effects of a development by scraping the topsoil off the site and transporting it to another site – and thereby ‘saving’ the resource.

This approach has been seen in resource consent applications to the Auckland Council\textsuperscript{27}. The soil harvesting approach is not scientifically supported as a mitigation method because the site characteristics (e.g. easy contour, good drainage, favourable climate) cannot be scraped up and transported to another site. Additionally, the soil ecosystem services at the site where the soil is to be redeposited are unknown and uncertain so not only is the soil at the excavated site being destroyed but the destruction of the soil at the receiving site will also ensue resulting in the net loss of soil ecosystem services of HPL\textsuperscript{28}.

To prevent the soil harvesting approach being used in HPL areas the Auckland Council seeks that the NPS include some specific wording that sends down a national direction on this matter.

The wording of Policy 2 should be amended as below (new text underlined) or to wording that achieves the same effect:

“...d. protect highly productive land from the identified inappropriate subdivision, use and development (soil harvesting is precluded from being a protection method under this policy).”

7.4 Direction to protect Highly Productive Land

Policy 2(b) provides a high level of discretion as to whether councils should give greater protection to areas of HPL. Firstly, greater protection must only be “considered” and only then for the “land that makes a greater contribution to the economy and community.”

The Auckland Council is concerned that such wording will enable landowners and developers to successfully argue against protection of HPL areas if they are currently under-utilised for primary production. The council considers that it is the productive potential of HPL that should be protected, not just any current productive use.

\textsuperscript{27} BUN0026889, 160 Waitakere Road and LUC00307744, 167 Riverhead Road
The wording of Policy 2(b) should be amended as below (new text underlined) or to wording that achieves the same effect:

"...b. consider giving greater protection to areas of highly productive land that make a greater contribution to the economy and community."

8. Reverse sensitivity

The Auckland Council requests that further national direction be provided on the types of primary production activities and effects that should be anticipated and tolerated in rural areas. The council also requests that more directive wording be included in Policy 5 around new sensitive activities on HPL. Further national direction is also sought in relation to methods to avoid reverse sensitivity effects. The council also request that a ‘buffer area’ be included in the HPL identification exercise.

8.1 Types of activities sensitive to primary production

Policy 5(a) tasks local councils with determining the typical activities and effects associated with primary production. While there may be some regional variation, there is generally a commonly accepted list of effects that are associated with primary production including odour, noise, truck movements, etc. The council requests that the NPS include further details on these so that more directive guidance is given to councils. The alternative is that each council determines these activities and effects which can then be challenged through the plan making process across the country.

8.2 New sensitive activities on Highly Productive Land

Policy 5(b) requires councils to only “restrict” new sensitive uses and incompatible activities on HPL. It is not clear why the NPS-HPL would be developed to still anticipate allowing sensitive activities on HPL that may compromise the efficient operation of primary production activities. The council requests that the wording should be made more directive (i.e., “avoid”).

The wording of Policy 5(b) should be amended as below (deleted text struck through, new text underlined) or to wording that achieves the same effect:
“...b. restrict avoid new sensitive and potentially incompatible activities on or adjacent to highly productive land to ensure these do not compromise the efficient operation of primary production activities;”

8.3 Methods to avoid reverse sensitivity effects
Further national direction is sought under Policy 5 (c) and (d) around appropriate setback distances between sensitive uses and primary production. The council also requests that the onus on the setback should generally be on the land that is not part of the HPL area. Clear direction is also sought that avoiding sensitive uses locating on or adjacent to HPL in the first and best tool to address potential reverse sensitivity.

8.4 Buffer areas around Highly Productive Land
The Auckland Council requests that Policy 1 include some wording to require that a buffer area (e.g. around 250m29) be included around the landwards edge of each HPL area. Some text should then be added to state what the purpose of the buffer area is (e.g. to avoid reverse sensitivity effects around the edge of HPL) and what the NPS controls in the buffer areas (i.e. setbacks and the establishment of new sensitive activities).

The wording of Policy 1 should be amended as below (new text underlined, deleted text struck-through) or to wording that achieves the same effect:

“...map each area of highly productive land and also map a XXXm buffer around each area; and...”

Consequential changes should be made to Policy 5 so that the reverse sensitivity matters are also applied to the buffer areas.

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29 This distance needs to be refined and justified based on further evidence. The 250m distance is based on half of the minimum separation distance of 500m recommended for intensive farming from sensitive activities (Emission Impossible Ltd (2012a). Separation Distances for Industry, A discussion document prepared for Auckland Council. 9 July 2012, Auckland).
9. The value of rural land outside identified areas of Highly Productive Land

The Auckland Council requests that the NPS contain wording to clarify that all rural land has value and potential for different types of rural production activities.

While the Auckland Council generally supports the NPS-HPL, there is a concern that it may inadvertently promote a ‘two-tiered’ approach to the rural area. That is, the HPL land is given such special status that it casts a shadow over the remaining rural areas and they are subtly viewed as ‘second-rate’ and not being useful for rural production. They could then be viewed as an appropriate location for lifestyle subdivision and/or urban type activities that are restricted from being located on HPL.

This would likely be evidenced in applications to councils for lifestyle subdivision and urban type activities where applicants will state that they ‘tick the box’ of avoiding HPL and therefore have satisfied the issue the government and council are seemingly focussed on.

The Auckland Council requests that wording be added to the NPS to state that all rural land has value and potential for different types of rural production activities. This could be done in a similar way that the Auckland Unitary Plan addresses this issue in the sections around protecting elite and prime land. While these sections obviously include objectives and policies around elite and prime land, they also include some objectives and policies relating to other rural land. These policies are included in Appendix 8.

The wording of the NPS-HPL should be amended to include an additional objective and policy as below (new text underlined) or to wording that achieves the same effect:

“...Objective 4: To recognise the productive potential of rural land that is not identified as highly productive land.”

“Policy X: Territorial authorities must recognise the productive potential of rural land that is not identified as highly productive land through appropriate methods.”

10. Application of the NPS to resource consents and private plan changes

The Auckland Council requests that Policies 6 and 7 be reviewed to provide a consistent approach as to how the NPS-HPL applies to resource consents and private plan changes.
Policies 6 and 7 appear to be inconsistent in their wording and criteria. However, it is not clear why the NPS-HPL should be applied differently to resource consents and private plan changes.

Policies 6 and 7 only mention requests or applications for subdivision and urban expansion. This means that the array of other ‘inappropriate’ use and development activities in Policy 2 would not be captured. Policy 7 for private plan changes uses the wording “have regard to” whereas s55 of the RMA requires council plans to ‘give effect’ to national policy statements. Policy 7 requires a LUC assessment while Policy 6 does not.

Overall, the Auckland Council requests that these two sections be reviewed with a view to potentially combining them and simplifying the text to relate back consistently to the other sections of the NPS-HPL.

11. **Implementing the NPS into the Auckland Unitary Plan**

The Auckland Council requests that the NPS give clear direction as to what parts of the NPS-HPL can be inserted into the Auckland Unitary Plan without using the First Schedule of the RMA.

The Auckland Council considers that the council exercise to identify HPL in the region should go through the First Schedule to enable public feedback and submissions as to the location of the HPL areas.

However, aside from this the Auckland Council seeks that as much of the NPS content as is reasonable be directed by the NPS to bypass the First Schedule process (e.g. Policy 1.2, Policy 2, Policy 4, Policy 5). This is due to the ability for the public to be involved through this NPS consultation, the ability for the public to be involved in the HPL area identification exercise, the national importance of this matter, and the mandate\(^{36}\) that the government has on this issue to take action.

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12. Definitions

The Auckland Council requests that the definition of primary production be amended so that HPL is protected only for primary production that relies on the soil resource. The council requests that the definition of Highly Productive Land be amended to enable Auckland Council to utilise the FARMUC system. The council also supports the exclusion of urban areas and the Future Urban zone from the definition of HPL as outlined in section 2 of this submission.

12.1 Primary production relying on the soil resource

The purpose of the NPS-HPL is to protect HPL from urban expansion, lifestyle development and other inappropriate uses so that it can be used for primary production. The definition of primary production used in the NPS-HPL is nearly the same as that in the National Planning Standards (but excludes mining and quarrying activities).

The NPS does not use the term 'intensive indoor primary production' from the National Planning Standards so it can be assumed that the NPS-HPL does not anticipate activities such as intensive pig, chicken, or mushroom farms being suitable in HPL areas. Clarification on this matter would be useful.

However, it is not entirely clear which definition would cover an activity such as a glasshouse that grows plants without using the soil of the site. The definition of primary production does not specifically exclude activities that do not rely on the productive capacity of the underlying soil (e.g. growing in soilless media). It is therefore assumed that a horticulture operation not utilising the soil of the site would fall under the definition of primary production.

It does not seem logical to protect the HPL soil resource from being paved over from urban expansion, but then allow it to be paved over for a horticulture operation that uses soilless media. Such an activity does not rely on the productive capacity of the soil and therefore does not need to be located on HPL. The NPS-HPL should be protecting the full HPL resource including the soil. The purpose of the NPS-HPL is not to protect areas of flat land for large scale, industrial-type growing, but rather to protect the land resource which includes the soil.
As the NPS-HPL has already slightly altered the definition of primary production from the one used in the National Planning Standards, it is appropriate to further refine this definition for the purposes of the NPS-HPL.

The wording of the definition of primary production should be amended to exclude activities that do not rely on the underlying soil resource (new text underlined) or to wording that achieves the same effect:

"Primary production means:

a. any agricultural, pastoral, horticultural, or forestry activities that rely on the productive capacity of the soil of the site; and...”

12.2 NZLRI and FARMLUC

The definition of highly productive land specifically refers to the NZLRI whereas the Auckland Council now uses the FARMLUC database (see Appendix 3). It is requested that the definition be amended to enable the FARMLUC database to be used in determining LUC 1-3 land in Auckland. There are other councils (e.g. Tasman District Council) that also have their own, more refined systems.

The wording of the definition of Highly Productive Land should be amended to enable Auckland Council’s FARMLUC database to be used (new text underlined) or to wording that achieves the same effect:

“...b. where a local authority has not identified highly productive land...as mapped by the New Zealand Land Resource Inventory, a more refined regional or district database, or by more detailed site mapping; but...”

13. Integration with other national direction

The Auckland Council requests that stronger links are made between the NPS-HPL, the NPS Urban Development, and NPS Freshwater to recognise the inter-relationships between these national directions.
13.1 NPS Urban Development

The key link between the NPS-HPL and NPS Urban Development is through the NPS Urban Development’s requirement for councils to prepare a Future Development Strategy and through that process identify “areas where evidence shows that urban development must be avoided” (P1D(a)).

However, it is suggested that this linkage should be made more explicit and the NPS Urban Development policy should provide examples of the types of land to be avoided for greenfield development including HPL. This matter is covered in further detail in the Auckland Council’s submission on the NPS Urban Development.

Notwithstanding Auckland Council’s request to amend Objective 3 (see section 4 of this submission), another more direct linkage could be provided to the NPS Urban Development by referring specifically to a Future Development Strategy rather than a generic ‘strategic planning process’ in the second bullet point under Objective 3.

There is some tension between the NPS-HPL and the NPS Urban Development regarding the price differential of urban and rural land. The NPS Urban Development seeks that this differential must be reduced. However, it needs to be recognised that in identifying HPL and placing appropriate restrictions on its use outside of primary production, the value of this land will be significantly lower than urban land. This is because the value of this land for speculative future urban or lifestyle development will be significantly reduced. This tension should be resolved in the two NPS’s.

13.2 NPS Essential Freshwater

There are clear tensions between the NPS-HPL and the NPS Essential Freshwater. On one hand the NPS-HPL directs that areas of HPL must be maintained for their productive potential now and for future generations by protecting them from inappropriate land use, subdivision and development.

On the other hand, the NPS Essential Freshwater requires current and future land managers to meet significantly higher standards for sediment and nutrient run-off. Achieving these standards could restrict the ability/viability for primary production activities to occur on this land.

The Auckland Council suggests recognising these inherent conflicts with the NPS Essential Freshwater and that flexibility and support is provided in how the higher standards are achieved and in the timeframes.
Appendix 1 - Acronyms and shortenings used in this submission

LUC – Land Use Capability


NPS – (Proposed) National Policy Statement

HPL – Highly Productive Land

NPS-HPL – The proposed National Policy Statement on Highly Productive Land

NZLRI – New Zealand Land Resource Inventory

Auckland Unitary Plan – Auckland Unitary Plan Operative in Part (2016)
Appendix 2 – Map of Auckland’s Highly Productive Land
Appendix 3 - New Zealand Land Resource Inventory and Auckland’s FARMLUC

The land use capability (‘LUC’) classification system describes eight classes of land across New Zealand. The versatility of the land decreases as you move from LUC class 1 through the scale towards class 8. LUC class 1 land is defined as being highly versatile with negligible physical limitations for arable or rural farming use, whereas LUC class 8 is classified as land which has very severe to extreme physical limitations making it unsuited to agricultural, horticultrual or plantation forestry use.

The New Zealand Land Resource Inventory (‘NZLRI’) system represents the national LUC unit coverage and comprises mapping from between 1973 and 1979. A new LUC classification for Auckland has been developed known as FARMLUC and provides a regionally consistent, robust and more detailed LUC classification for the region than the NZLRI system.

Auckland’s new FARMLUC classification system has revealed that some classes of land are not as they initially appeared to be at the NZLRI regional scale with large increases of LUC 1 and LUC 5 land and corresponding decreases in LUC 2 and LUC 6 land.

Further information on the FARMLUC system can be found at http://www.knowledgeauckland.org.nz/assets/publications/ARPB-004-05May-21-2018-FARMLUC-classification.pdf
Appendix 4 – Auckland Council’s current approach to protecting Highly Productive Land

Auckland Plan 2050 (2018):

The Auckland Plan is the long-term spatial plan for Auckland that looks ahead to 2050. It considers how to address Auckland’s key challenges of high population growth, shared prosperity, and environmental degradation.

Rural Auckland

The Auckland Plan recognises that Auckland’s rural areas are a mix of cultivated, natural and built environments that contribute significantly to Auckland’s identity and character. Rural Auckland is home to a diverse range of economic activities including agriculture, forestry, horticulture, quarrying and the services that support them.

Auckland’s rural area has a unique combination of temperate climate and frost-free fertile land. The southern rural area has natural fertile land which enables a wider range of vegetables to be grown for longer periods than other areas of the country. This makes a significant contribution to Auckland’s and New Zealand’s food supply. The north and northwest have an increasing focus on rural tourism, vineyards and niche food production.

The challenges in rural Auckland include population growth, increased demand for rural living, stressed natural systems, and changing land values create pressures and tensions between different activities. Conversely, the commercial production of locally-grown food, as well as tourism, recreation and productive activities are made possible by the proximity of urban Auckland.

Population growth has resulted in a decrease in the number of commercial rural production properties, and an increase in the number of lifestyle properties across rural Auckland. For example, from 1996 to 2016, the number of rural production properties decreased by around 40 per cent, which represents a 25 per cent loss in area, while the number of lifestyle properties increased by around 50 per cent (35 per cent in area).
Auckland’s horticultural production

Over 7,000 hectares of land in Auckland is used for horticultural production. Auckland’s main horticultural produce includes onions, potatoes, kiwifruit, lettuce, broccoli, wine grapes, cabbage, olives, cauliflower, pumpkin, carrots, avocados and strawberries. Horticultural production relies on access to fresh water, versatile land, labour, and other supporting services (i.e. packhouses).

Franklin in the south has a large proportion of Auckland’s HPL and a significant proportion of Auckland’s horticultural produce is grown here. Vineyards are becoming a feature of Auckland horticulture – there are now over 100 vineyards in Auckland, including notable activity in Matakana, Kumeū, Clevedon and Waiheke Island. Due to the nature of the crop they tend to locate on less versatile land.

Technological change, such as enhanced harvesting efficiency, packaging and sorting, has resulted in productivity gains in the horticultural industry. In the medium to long-term, more technological change is expected. This will impact on how food is grown and processed, and will meet a growing demand for safe, fresh and healthy foods. It will also enable the production of larger volumes of food at a lower price.

Quality compact city

Direction 1 of the Auckland Plan is to ‘Develop a quality compact urban form to accommodate Auckland’s growth’. A compact Auckland means future development will be focused in existing and new urban areas within Auckland’s urban footprint.

Around 62 per cent of development over the next 30 years is anticipated to be within the existing urban area. The remaining development is anticipated to occur largely within future urban areas (32 per cent) with a small amount allocated to rural areas – including towns and villages (6 per cent).

One of the key benefits of the quality compact city approach is that it helps to maintain Auckland’s rural productivity by limiting urban sprawl. Encouraging growth within urban areas helps to protect rural environments from urban encroachment and maintains the productive capability of the land and its rural character.
Growth in rural Auckland

The Auckland Plan’s approach to rural growth is to focus residential growth mainly in the towns which provide services for the wider rural area, particularly the rural nodes of Pukekohe and Warkworth. Less residential growth is anticipated in the smaller towns and villages.

Rural lifestyle growth will be focused into those areas already zoned as ‘Countryside Living’, and only a small amount of growth is anticipated in the wider rural area. This growth is likely to relate to incentive based subdivision for environmental enhancement and/or the amalgamation of existing vacant lots.

To ensure that rural production can continue and develop, land fragmentation and reverse sensitivity must be minimised to safeguard Auckland’s land and soil resources, particularly elite soils and prime soils.

Draft Auckland Climate Action Framework (2019):

The draft Auckland Climate Action Framework sets a pathway to net zero emissions by 2050 and to build resilience across the region to the ongoing impacts of climate change.

Core to the framework are 11 Key Moves that in addition to driving climate action will deliver a range of important benefits including healthier people and environment, and stronger communities and economy.

The framework prioritises the protection and health of soils through land use planning and land management practices to: ensure food security for future generations; support a local, low carbon food system for Auckland; protect and enhance the natural environment; and protect and enhance the carbon sequestering potential of the land.

- Key Move 2 – Enhance, restore and connect our natural environments
- Action 5. Apply circular economic principles to land use and land use changes
- Action 8. Change to a land management approach that creates, preserves and enhances healthy, viable soils
- Key Move 11 – Grow a low-carbon and resilient food system
- Action 2. Protect our productive soils and use regenerative management to increase food security and carbon sequestration.
Franklin Local Board Plan (2017)

The Franklin Local Board Plan is a strategic document reflecting community priorities and preferences. It guides the local board activity, funding and investment decisions and influences local board input into regional strategies and plans.

A common theme during feedback on the draft plan was support for the protection of productive soils. This is reflected in the final plan through ‘Outcome 4: Growth is dealt with effectively’. It states that “protecting our fertile soils used for local horticulture and agriculture is a key priority” and a key initiative in the plan is to “Plan for growth in the right places, centred on local and town centres, to protect productive soils used for local agriculture and horticulture.”

Auckland Unitary Plan Operative in Part (2016):

The Auckland Unitary Plan will help implement the Auckland Plan 2050 by determining what can be built and where, how to create a higher quality and more compact Auckland, how to provide for rural activities, and how to maintain the marine environment.

Most of the Auckland region’s land is rural and contains extensive, productive and valuable areas used for farming (agriculture, horticulture and grazing), rural service industries, forestry and rural recreation. HPL is addressed in the Unitary Plan through the following definitions:

‘Land containing elite soil’ – “Land classified as Land Use Capability Class 1…”

‘Land containing prime soil’ – “Land identified as land use capability classes two and three…”

The Regional Policy Statement (RPS) within the Auckland Unitary Plan recognises that specific issues in the Auckland region are:

- protecting the finite resource of elite quality soils from urban expansion;
- managing subdivision to prevent undue fragmentation of large sites in ways that restrict rural production activities;
- addressing reverse sensitivity effects which rural-residential development can have on rural production activities; and
- managing the opportunities for countryside living in rural areas in ways that provide for rural-residential development in close proximity to urban areas and the larger rural and coastal towns and villages while minimising the loss of rural production land.
The Auckland Unitary Plan seeks to protect HPL from urban expansion, fragmentation, reverse sensitivity, inappropriate uses, and also seeks to enable increased rural production in HPL areas through incentivised title amalgamation subdivision.

Protecting Highly Productive Land from urban expansion

The Auckland Unitary Plan tool of the Rural Urban Boundary provides protection of HPL by containing urban expansion into identified areas of Future Urban zoned land. The Rural Urban Boundary provides certainty as to the long term urban expansion areas of Auckland so that rural landowners can invest in their farming operations in the knowledge that they are not in the pathway of urban expansion.

However, it is noted that the Rural Urban Boundary is a district plan level provision and therefore subject to potential shifts through private plan changes. The Regional Policy Statement section of the Auckland Unitary Plan contains a number of objectives and policies that seek to protect HPL when the Rural Urban Boundary is relocated, rural and coastal settlements are expanded, or new settlements are created.

The wording of the provisions is to “avoid elite soils and avoid where practicable prime soils which are significant for their ability to sustain food production”. The council had interpreted this to mean ‘avoid’ for elite soils and ‘avoid where practicable for prime soils which are significant’. However, this provision has been challenged in the High Court and the court’s interpretation is weaker than council’s with both elite and prime soils needing to be ‘significant for their ability to sustain food production’. The council has accepted the court’s interpretation and the matter is to go back to the Environment Court for further hearings to determine whether the elite and prime land subject to the appeal (Pukaki Peninsula) is ‘significant’.

The wording ‘significant for their ability to sustain food production’ is problematic as it is not clear what ‘significant’ means; significant to whom (locally, regionally, nationally) and based on what (size, output, location, other factors, or a combination)? In any case, relatively small areas of land (such as that subject to the appeal) will likely put up an argument that they are

31 B2.2.3(2)(j), B2.8.1(1)(b), B2.6.2(1)(d), B9.2.1(2)
32 CIV2018-404-866 Joe Cook & Anor v Auckland Council
not significant when viewed against all the HPL across Auckland and New Zealand and this could result in an incremental loss of the resource.

Protecting Highly Productive Land from fragmentation

The Auckland Unitary Plan contains a number of objectives and policies that seek to avoid the fragmentation of HPL, particularly in relation to lifestyle blocks. There is a two-tiered approach with the term ‘avoid’ being used for elite land and ‘avoid where practicable’ used for prime land.

The rural zones also direct smaller lots to be established in the Countryside Living zone rather than the productive rural zones. The average minimum site size in the Countryside Living zone is generally 2ha with the ability to subdivide down to 8,000m² if transferable rural site subdivision is used to bring in titles from other rural zones.

The standard subdivision rules in the Rural Subdivision section (E39) of the plan specify large minimum average site sizes for the productive rural zones (Rural Production 100ha, Mixed Rural and Rural Coastal 50ha). This is not specifically related to HPL but applies across the zones irrespective of their LUC class. The large minimum site size is intended to prevent standard subdivision from fragmenting the productive rural areas.

It is noted that there are environmental enhancement subdivision provisions in the Auckland Unitary Plan that do enable small (1-2ha) lifestyle blocks to be created in the rural production areas. In these cases, the plan relies on the objectives and policies to direct those new lots away from HPL.

Protecting Highly Productive Land from reverse sensitivity

There are no provisions in the Auckland Unitary Plan on reverse sensitivity that are specific to HPL. However, there are a number of objectives and policies throughout the plan around preventing or managing reverse sensitivity in the rural area generally.

The plan also seeks to separate out potential sensitive land uses from rural production areas through the use of the Countryside Living zone. The Countryside Living zone incorporates

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33 B9.2.1(2), B9.3.2(1), B9.4.1(2), B9.4.2(4):c) and (d), E39.2(10)(a) and (b), E39.3(8)
34 B9.2.1(2), B9.2.2(2)(a) and (b), H19.2.4(2)(a), (b) and (d), H19.4.3(2), E39.2(11), E39.2(13), E39.2(18)(f)
35 Although note that the Countryside Living also contains areas of HPL (LUC 1-3)
a range of rural lifestyle developments characterised as low density residential development on rural land. The zone is intended as the main location for lifestyle block development in the rural area and is the only 'receiver' area for transferable rural site subdivision from other rural zones.

The plan also contains a minimum yard setback requirement\(^{36}\) and a minimum separation distance for buildings housing animals\(^{37}\). The purpose of these standards is to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise the opportunities for reverse sensitivity effects to arise.

**Protecting Highly Productive Land from inappropriate uses**

The Auckland Unitary Plan contains a number of objectives and policies\(^ {38}\) that seek to protect HPL from inappropriate uses. These mostly relate to encouraging activities that do not depend on the HPL to locate outside these areas so that it is retained for rural production activities. Rural enterprises that are not dependent on the soil can locate on HPL where there are economic and operational benefits from being in specific rural localities.

The plan relies on these objectives and policies being considered during resource consent applications as the rural activity tables (H19.8) do not differentiate any activity status based on HPL locations.

**Enabling increased rural production in Highly Productive Land areas through incentives**

The Auckland Unitary Plan contains a subdivision incentive\(^ {39}\) targeting latent titles (existing vacant titles that can have a house as a permitted activity) on HPL to specifically encourage HPL land to be preserved for rural production. This tool is intended to prevent new lifestyle development and create larger, more economically viable sites for agriculture. This subdivision incentive is important as there are hundreds of latent titles around the region where development (e.g. dwellings) are permitted to occur on HPL due to historical land subdivision.

\(^{36}\) H19.10.3
\(^{37}\) H19.10.4
\(^{38}\) B9.2.1(2), B9.3.1(1) and (2), B9.3.2(2) and (4), H10.2.1(3), H10.2.2(3)
\(^{39}\) E30.6.4.7
The subdivision incentive works by allowing landowners on HPL with latent titles to amalgamate their vacant title with a neighbouring title. Both titles must be between 1ha and 20ha and contain at least 90% HPL.

The landowner can then sell their forgone development rights from the extinguished site to a landowner in the Countryside Living zone. These rights are sold on the open market and are attractive for Countryside Living zone landowners as it allows them to subdivide down smaller than the standard minimum site size (2ha down to 1ha average or 8,000m² minimum), resulting in a greater financial return for them.

The importance of the Pukekohe area for rural production is recognised through a ‘Land Amalgamation Incentivised Area’ (see Figure 2) where landowners get a bonus title when they amalgamate sites within this area. This means if they extinguish one title on HPL within the incentive area, they receive two transferable titles to sell.

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40 Appendix 14 of the Auckland Unitary Plan
Figure 2 - Land amalgamation incentivised area
Appendix 5 – Relevant objectives and policies from the Auckland Unitary Plan

Protecting Highly Productive Land from urban expansion

B2.2.2. Policies

Development capacity and supply of land for urban development

(2) Ensure the location or any relocation of the Rural Urban Boundary identifies land suitable for urbanisation in locations that:

... while:

(j) avoiding elite soils and avoiding where practicable prime soils which are significant for their ability to sustain food production;

B2.6. Rural and coastal towns and villages

B2.6.1. Objectives

(1) Growth and development of existing or new rural and coastal towns and villages is enabled in ways that:

(b) avoid elite soils and avoid where practicable prime soils which are significant for their ability to sustain food production; and

B2.6.2. Policies

(1) Require the establishment of new or expansion of existing rural and coastal towns and villages to be undertaken in a manner that does all of the following:

(d) avoids elite soils and avoids where practicable prime soils which are significant for their ability to sustain food production;
Protecting Highly Productive Land from fragmentation

9.3.2. Policies

(1) Avoid new countryside living subdivision, use and development on land containing elite soil and discourage them on land containing prime soil.

9.4. Rural subdivision

9.4.1. Objectives

(2) Subdivision does not undermine the productive potential of land containing elite soils.

9.4.2. Policies

(4) Provide for new rural lifestyle subdivision in locations and at scales and densities so as to:

... 

(c) avoid land containing elite soil;

(d) avoid where practicable land containing prime soil;...

E39.2. Objectives

(10) Fragmentation of rural production land by:

(a) subdivision of land containing elite soil is avoided;

(b) subdivision of land containing prime soil is avoided where practicable;

E39.3. Policies

(8) Avoid the fragmentation by subdivision of land containing elite soil and avoid where practicable fragmentation by subdivision of land containing prime soil
Protecting Highly Productive Land from reverse sensitivity

99.2.2. Policies

(2) Minimise the potential for reverse sensitivity effects by:

(a) preventing sensitive activities (such as countryside living) from establishing in areas where rural production activities could be adversely affected; or

(b) requiring sensitive activities (such as new countryside living) to adopt onsite methods to avoid reverse sensitivity effects on rural production activities; and...

H19.2.4. Policies – rural character, amenity and biodiversity values

(2) Recognise the following are typical features of the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone and will generally not give rise to issues of reverse sensitivity in these zones:

(a) the presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops, plantation forests and farm forests;

(b) noise, odour, dust, traffic and visual effects associated with use of the land for farming, horticulture, forestry, mineral extraction and cleanfills;

...

(d) accessory buildings dot the landscape, particularly where farming activities are the dominant activity; and...

H19.4.3. Policies

(2) Manage reverse sensitivity effects by:

(a) limiting the size, scale and type of non-rural production activities;

(b) retaining the larger site sizes within this zone;

(c) limiting further subdivision for new rural lifestyle sites; and
(d) acknowledging a level of amenity that reflects the presence of:

(i) rural production and processing activities that generate rural odours, noise from stock and the use of machinery, and the movement of commercial vehicles on the local road network; and

E39.2. Objectives

(11) Subdivision avoids or minimises the opportunity for reverse sensitivity effects between agriculture, horticulture, mineral extraction activities, rural industry, infrastructure and rural lifestyle living opportunities.

E39.3. Policies

(10) Require any proposal for rural lifestyle subdivision to demonstrate that any development will avoid or mitigate potential reverse sensitivity effects between it and any rural production activities, mineral extraction activities, rural industries and infrastructure.

(13) Manage reverse sensitivity conflicts between rural lifestyle living and countryside living and rural production activities by the design and layout of subdivisions and locations of identified building areas and house sites.

(18) Provide limited opportunities for in-situ subdivision in rural areas while ensuring that:

(f) reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.
Protecting Highly Productive Land from inappropriate uses

B9.2. Rural activities

B9.2.1. Objectives

(2) Areas of land containing elite soil are protected for the purpose of food supply from inappropriate subdivision, urban use and development.

B9.3. Land with high productive potential

B9.3.1. Objectives

(1) Land containing elite soils is protected through land management practices to maintain its capability, flexibility and accessibility for primary production.

(2) Land containing prime soil is managed to enable its capability, flexibility and accessibility for primary production.

B9.3.2. Policies

(2) Encourage activities that do not depend on using land containing elite and prime soil to locate outside these areas.

(4) Provide for non-soil dependent rural enterprises (including post-harvest facilities) on land containing elite or prime soil where there are economic and operational benefits associated with concentrating such enterprises in specific rural localities.

H19.2 Objectives and policies – all rural zones

H19.2.1. Objectives – general rural

(3) Elite soil is protected, and prime soil is managed, for potential rural production.

H19.2.2. Policies – general rural

(3) Enable rural production activities on elite and prime soil and avoid land-use activities and development not based on, or related to, rural production from locating on elite soil and avoid where practicable such activities and development from locating on prime soil.
Appended 5 – Map showing current land uses in the Countryside Living zone

<table>
<thead>
<tr>
<th>Land Details LUC13</th>
<th>Current Property Use (Elite &amp; Prime Soils) (Countryside Living Zone)</th>
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<tr>
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<td>Post-hoc analysis</td>
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<td>Dairy</td>
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<td>Pastoral</td>
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<td>Forestry</td>
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<td>Livestock (Dense and Improved)</td>
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<td>Multi Use</td>
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<td></td>
<td>Holm &amp; Rural Use in Rural Zone</td>
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<td>Plant Urban Boundary</td>
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</tbody>
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Overview of council submissions on key National Policy Statements and National Environmental Standards

Page 125

Attachment A

Item 10
Appendix 7 – Diagrams illustrating the sequential test for urban expansion onto Highly Productive Land

![Diagram of urban expansion onto Highly Productive Land](image-url)
1. Urban intensification within the existing urban zoned area

2. Urban intensification within the existing urban zoned area of one or more other settlements within the region

3. Urban expansion outside HFL around the zoned urban area
4. Urban expansion outside HFL around one or more of the other settlements within the region

5. Development of new urban settlement(s) outside of HFL within the region

6. Only after these alternatives are fully considered can urban expansion onto HFL within the region be considered
Appendix 8 – Auckland Unitary Plan objectives and policies on the value of rural land that is outside LUC 1-3

B9.3. Land with high productive potential

B9.3.1. Objectives

(3) The productive potential of land that does not contain elite or prime soil is recognised

B9.3.2. Policies

(3) Recognise the productive potential of land that does not contain elite or prime soil and encourage the continued use of this land for rural production.

H19.2.2. Policies – general rural

(4) Enable and maintain the productive potential of land that is not elite or prime soil but which has productive potential for rural production purposes, and avoid its use for other activities including rural lifestyle living except where these are provided for or enabled by Policy H19.2.2(5).
Appendix 9 – Feedback from the Franklin Local Board, Aotea Great Barrier
Local Board, Manurewa Local Board, Maungakiekie-Tamaki Local Board,
Papakura Local Board, Puketapapa Local Board, Waiheke Local Board, and the
council’s Rural Advisory Panel
Franklin Local Board urgent decision on feedback for inclusion in the Auckland Council submission on the Proposed National Policy Statement on Highly Productive Land

Te take mō te pūrongo
Purpose
1. To assist as urgent decision from the chair and deputy chair to provide formal local board feedback for inclusion in the Auckland Council submission on the Proposed National Policy Statement on Highly Productive Land (Proposed NPS).

Te tikanga whakatau-kaupapa wawe
Urgent decision-making process
2. At its meeting on 22 November 2018 the Franklin Local Board resolved (FR/20/1/1) the following in relation to urgent decision-making:
   That the Franklin Local Board:
   a) delegate authority to the Chair and Deputy Chair or any person acting in these roles to make an urgent decision on behalf of the local board.
   b) adopt the following urgent decision process for matters that require a decision where it is not practical to call the full board together and meet the requirements of a quorum:
      • Confirmation that the local board has the delegation to make the decision.
      • Consideration of advice provided that meets the quality advice standards, including the significance of the decision and whether the urgent decision process is appropriate.
      • Authorisation by the Relationship Manager to commence the process.
      • Joint approval of the decision by the Chair and Deputy Chair, or any person acting in these roles.
      • The urgent decision is reported to the next ordinary meeting of the local board for information.

3. The relationship manager has signed off the authorisation memo, authorising the use of the urgent decision-making process on this matter on Thursday 20 August 2019.

Te take me whakawawe
Reason for urgency
4. The board has expressed interest at its workshop on 27 August 2019 to provide formal local board feedback for inclusion in the Auckland Council submission on the Proposed NPS.
5. The deadline for providing feedback is Thursday 12 September 2019.
6. The board’s next scheduled business meeting is Tuesday 17 September 2019.
7. An urgent decision is required because the deadline for providing feedback to be considered for inclusion in the Auckland Council submission is prior to the next scheduled business meeting.

Te horopaki
Context
8. The Ministry for Primary Industries (MPI) and the Ministry for the Environment have released a discussion document on national direction for protecting Highly Productive Land including proposed wording for a National Policy Statement (NPS). The need for the national direction
6. On 21 August 2019 all local boards were notified that Auckland Council is proposing to make a submission on the Proposed NPS.

10. The Franklin Local Board subsequently requested a workshop from staff developing the submission on the basis that protection of elite soils in the Pukekohe area is of significant local interest, noting that a number of communities are experiencing and anticipating significant local development.

11. The board support the protection of elite soils and have advocated for national direction on this issue, which is aligned with current local board plan outcomes developed in consultation with communities within the Franklin Local Board area;

   **Outcome 4: Growth is dealt with effectively**

   **Objective:** Well-planned growth areas

   **Initiative:** Plan for growth in the right places, centred on local and town centres, to protect productive soil used for local agriculture and horticulture.

12. Local boards are invited to provide feedback to be considered for the Auckland Council submission.

13. The proposed council submission, including local board feedback, will be considered and workshopped by the Planning Committee in mid-September. The final submission will be signed off by delegated councillors (resolution GB/2019/75) by 7 October 2019.


**Tātaritanga me nga tohutohu**

**Analysis and advice**

15. The government has identified the loss of New Zealand’s elite soils through urban encroachment and rural lifestyle development as a matter of national importance, and is most notably an issue in Pukekohe where highly productive land has been, and is being, urbanised.

16. The proposed NPS will direct councils to protect Highly Productive Land from inappropriate subdivision use and development and maintain their availability for primary production.

17. Highly Productive Land will need to be defined by councils for their regions. In the interim, the NPS will use the Land Use Classification (LUC) system classes 1-3 as a ‘placeholder’ for Highly Productive Land.

18. The proposed wording of the NPS states that Highly Productive Land does not include existing urban areas or areas zoned Future Urban in a District Plan.

19. In Auckland, the Future Urban Zone is already excluded highly productive land for the next 30 years of planned urban expansion (into the Future Urban zone).

20. The NPS direction will not therefore generate changes to the existing framework, however will inform any challenges to the the planning framework eg. plan change applications.
21. The board considered the advice at a workshop on 27 August 2019 and provided their feedback to ensure the rural perspective was adequately represented, and agreed that they would formalise their position through this urgent decision.

Ngā mahi ā-muri

Next steps

22. If the recommendations are adopted the next steps are:
   a) for the recommendations to be forwarded as feedback to Ryan Bradley, Principal Planner for incorporation into or attachment to the Auckland Council submission.
   b) to report to the next business meeting for information the associated authorisation memo and this urgent decision.

Ngā tūtohunga

Recommendation/s

That the Franklin Local Board:

a) support a NPG on Highly Productive Land as the best tool to protect highly productive land
b) establish a review mechanism for activities that may change over time
c) recognise the NPS is solely focused on protecting primary production in soil; and suggest a complimentary legislation that acknowledges the ‘right to farm’, which is similar to recent legislation passed in New South Wales, Australia.

Ohiatanga

Approval

The chair and deputy chair acting under delegated authority (FR/2018/2) confirm they have made this urgent decision on behalf of the Franklin Local Board.

Authorised for release:

[Signature]

Signed by Nina Siers
Relationship Manager, Franklin Local Board

Date

Signatories

[Signature]

Angela Fulljames
Chair, Franklin Local Board

Date
Attachment A

Item 10

Andrew Baker
Deputy Chair, Franklin Local Board

Date

<Enter the title here>
Aotea / Great Barrier Local Board feedback on the proposed National Policy Statement on Highly Productive Land

Context

- Aotea Great Barrier Island lies 90km east of Auckland City in the Hauraki Gulf and is Auckland Council’s most remote and isolated area.
- Over 50% of the island is Department of Conservation (DoC) estate; 43% of which is the Aotea Conservation Park.
- The Island has a permanent population of 950 residents (2013 Census).
- Almost half (44%) of households are one-person households (2013 Census).
- The island has no reticulated power nor water.
- Transport and freight to and from the island is by either plane, a 35-minute flight one way, or by ferry a four-and-a-half-hour trip one way.

Feedback

1. Aotea / Great Barrier Local Board supports the intent of the proposed National Policy Statement to protect Highly Productive Land from inappropriate subdivision, use and development and maintain their availability for primary production.

2. Aotea is a resilient island community. We need to safeguard our highly productive land to ensure food production is produced on the island so we don’t rely on freight from the mainland. This assists in meeting our biosecurity and low carbon initiatives.

3. We are currently working on an Area Plan for the island to assist in its transition from the Hauraki Gulf Island District Plan to the Unitary Plan. Seeking ideas for what could be determined as highly productive land for Aotea / Great Barrier Island will be part of this process.

4. There is potential that much of our highly productive land will be low lying and affected by climate change. We support the priority and protection of highly productive land, not just from subdivision and infrastructure, but from climate change impacts as well.

5. While we support the intent to protect highly productive land, we note that landowners may not consider it worthwhile to produce food on their land. We request that central government and council look into ways that food producers can be incentivised to continue to produce food on our highly productive land.
Resolution number MT/2019/1

MOVED by Chairperson A Dalton, seconded by Member J Allan:

That the Manurewa Local Board:

a) provide the following feedback on the discussion document on the proposed National Policy Statement on Highly Productive Land:
   i) support the view that protection for highly productive land and soil is a matter of national significance;
   ii) support a National Policy Statement on Highly Productive Land as the best option to protect highly productive land and soil and maintain its availability for future generations;
   iii) support the using soil capability, climate, and the size and cohesiveness of the area as criteria for councils to identify highly productive land;
   iv) support the requirement to restrict new urban development on highly productive land unless it can be shown to be the most appropriate option;
   v) recommend that the restriction on urban development on highly productive land be strengthened by requiring a sequential test to show that no other options is available;
   vi) support restrictions on rural subdivision to prevent fragmentation of highly productive land;
   vii) support encouraging the creation of setback and buffers between areas of highly productive land and adjacent residential and rural residential areas to manage reverse sensitivity issues.

CARRIED
Feedback on:
The Ministry for Primary Industries and the Ministry for the Environment proposed National Policy Statement on Highly Productive Land
10 September 2019

For clarifications and questions, please contact:

Mai Anhu
Local Board Advisor – Maungakiekie-Tāmaki Local Board

Context
1. The Ministry for Primary Industries (MPI) and the Ministry for the Environment have released a discussion document on national direction for protecting Highly Productive Land, including proposed wording for a National Policy Statement (NPS).
2. The need for the national direction has arisen from concerns over the loss of New Zealand’s elite soils through urban encroachment and rural lifestyle development.
3. The proposed NPS will direct councils to protect Highly Productive Land from inappropriate subdivision, use and development and maintain their availability for primary production. Highly Productive Land will need to be defined by councils for their regions. In the interim, the NPS will use the Land Use Classification (LUC) system classes 1-3 as a placeholder for Highly Productive Land. A map of the Auckland region showing the areas of ‘Elite’ and ‘Prime’ land as defined by the Unitary Plan (Land Use Capability classes 1-3)
4. The proposed wording of the NPS states that Highly Productive Land does not include existing urban areas or areas zoned Future Urban in a District Plan. This means that for Auckland, the next 30 years of planned urban expansion (into the Future Urban zone) is not impacted by this NPS.
5. At the Maungakiekie-Tāmaki Local Board’s 27 August 2019 business meeting, it delegated authority to Chairperson, Chris Maicone and Deputy Chairperson, Debbie buttress to input into Auckland Council’s submission on the Ministry for Primary Industries and the Ministry for the Environment proposed National Policy Statement on Highly Productive Land (resolution: MT/2019/134).
6. Local board feedback is due on 12 September 2019.

Relevance to the local board
7. Local boards are responsible for decision-making on local issues, activities and services and providing input into regional strategies, policies and plans. Local boards also have a role in representing the views of their communities on issues of local importance.
8. Every three years local boards set their strategic direction through a local board plan. The proposed National Policy Statement on Highly Productive Land has relevance to the following outcomes and objectives the 2017 Maungakiekie-Tāmaki Local Board Plan:

<table>
<thead>
<tr>
<th>Outcomes</th>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maungakiekie-Tāmaki is a community that cares about its environment</td>
<td>Demonstrate environmental leadership and support community sustainability initiatives</td>
</tr>
<tr>
<td></td>
<td>Clean, beautiful waters and waterways areas</td>
</tr>
</tbody>
</table>
Maungakiekie-Tāmaki Local Board feedback on the Ministry for Primary Industries and the Ministry for the Environment proposed National Policy Statement on Highly Productive Land.

The Maungakiekie-Tāmaki Local Board provides the following input:

a) note that the Maungakiekie-Tāmaki Local Board area is home to five volcanic cones covering the local board area in fertile soil, that was historically used to grow fresh produce;

b) note that the Ignition Pass does not overly any highly productive land identified in the Maungakiekie-Tāmaki Local Board area;

c) endorse in principle the national direction on highly productive land as it will strengthen local governments ability to protect highly productive land from inappropriate use and development.


Chris Makara
Chair
Maungakiekie-Tāmaki Local Board

Debbie Burrows
Deputy Chair
Maungakiekie-Tāmaki Local Board

End.
Papakura Local Board Feedback on the Proposed National Policy Statement on Highly Productive Land

Background

The Ministry for Primary Industries (MPI) and the Ministry for the Environment have released a discussion document on national direction for protecting Highly Productive Land, including proposed wording for a National Policy Statement (NPS). The need for the national direction has arisen from concerns over the loss of New Zealand’s elite soils through urban encroachment and rural lifestyle development.

The proposed NPS will direct councils to protect highly productive land from inappropriate subdivision, use and development and maintain their availability for primary production. Highly productive land will need to be defined by councils for their regions. In the interim, the NPS will use the Land Use Classification (LUC) system classes 1-3 as a ‘placeholder’ for highly productive land.

The proposed wording of the NPS states that highly productive land does not include existing urban areas or areas zoned Future Urban in a District Plan. This means that for Auckland, the next 30 years of planned urban expansion (into the Future Urban zone) is not impacted by this NPS.

Public submissions are open from 14 August to 10 October 2016. Local Board input is required by 12 September 2016 to be included with the Auckland Council submission that will be signed off by delegated councillors (resolution GB/2019/75).

Papakura Local Board feedback

1. The board support a National Policy Statement on Highly Productive Land as the best tool to protect highly productive land and soil.

2. The board believe the National Policy Statement should not apply to land already zoned for development.

3. The board believe the productivity of the land and soil should be taken into account when planning for lifestyle block subdivisions.

4. The board suggest a review mechanism is established, as farming and land use may change over time.

5. The board support a tiered approach to identifying and protecting highly productive land based on land use classification (e.g.: higher levels of protection to Land Use Classification (LUC) 1 and 2 land compared to LUC 3 land). This would give a clear indication of expectations in terms of land use and potentially allow for different types of development on different types of land.

S	Cllr Descoel, Papakura | Private Bag 92090, Auckland 1142 | PapakuraLocalBoard@aucklandcouncil.govt.nz | Ph 09 208 1378
6. The board recognises the NPS is solely focused on protecting primary production in soil, and suggests a complimentary legislative that acknowledges the ‘right to farm’, similar to the recently developed New South Wales, Australia ‘right to farm policy’ which brings together a collection of actions including:
   - reinforcing rights and responsibilities
   - establishing a baseline and ongoing monitoring and evaluation of land use conflicts
   - strengthening land use planning
   - ensuring ongoing reviews of relevant environmental planning instruments include consideration of options to ensure best land use outcomes and to minimise conflicts
   - improving education and awareness on management of land use conflicts
   - considering potential future legislative options, should additional Government intervention be required.

7. The board believe that green space buffers should be required between urban development and productive land to minimise reverse sensitivity conflicts.

Signed:
Brent Catchpole
Chairperson
Papakura Local Board

Signed:
Peltro Auwa’a
Deputy Chairperson
Papakura Local Board

Date: 11 Sept 2019
23 Feedback on Proposed National Policy Statement on Highly Productive Land

Ben Moimoi – Local Board Advisor was in attendance to speak to the report
Resolution number HTPP/2013/020

MOVED by Councillor H Doig, seconded by Member S Karihalou:

That the Puketapu Local Board:

a) support the need for a national policy statement for highly productive land,
   noting that highly productive land:
   i) is a valuable and limited resource
   ii) should be maintained for future generations
   iii) needs protection from inappropriate subdivision, use and development.

b) note that highly productive land allows New Zealand to grow its own food,
   which is important in reducing ‘food miles.’

c) request that councils be required to review their designations of highly
   productive land at set times in response to changes due to climate change and
   technology, both of which may change what is considered highly productive
   land in the future.

d) note that a national policy statement on highly productive land must be
   considered along with current and future policy and legislation that aims to
   protect fresh water. Riparian planting and waterway margins are important ways
   of protecting water and intercepting run off which may carry agricultural
   chemicals and waste from highly productive land.

e) note that highly productive land should be utilised for the production of
   essential produce rather than for luxury products.

f) support a process for Auckland Council to identify highly productive land for
   Auckland (based on criteria), rather than making the interim Land Use
   Capability 1-2 (LUC 1-2) method permanent, recognising that there are other
   factors which are not considered under the LUC system, including:
   i. the size of the property
   ii. water availability
   iii. access to transport routes and appropriate labour markets.

g) support a degree of development on highly productive land if it has negligible effect on the
   ability (size and cohesiveness) of that land to support primary production or where such
   development increases the productivity of the land.

h) note 2) potentially provides loopholes that will need to be carefully managed

i) support retaining the countryside living zone in the definition of highly productive land

j) thank Ben Moimoi for his attendance.

CARRED
Waitehe Local Board Feedback on a proposed national policy statement (NPS) on highly productive land

The proposed NPS is focused on maintaining highly productive land for “primary production” into the future to ensure that the NPS does not favour a particular primary sector at the expense of others. It is primarily directed at regional policy statements (NPS) and district plans and sets out the considerations and requirements to be included in these policies to manage urban development and subdivision on highly productive land. The issue is relevant to Waitehe as there are a number of highly productive lots on the rural side of the Rural Urban Boundary which in particular support the island’s half country farms and world-renowned wine industry.

According to the 2017 Local Board Plan (p.15), the board recognises “Essentially Waitehe as our community voice and as a guide for future planning and development. We expect it to be at the forefront of decision-making for our islands, and we are committed to ensuring its values and principles are considered and centred in the Hauraki Gulf Islands District Plan and succeeding planning documents.”

Adopted in 2000, and refreshed in 2016, the Essentially Waitehe strategy sets out a community-approved framework for achieving sustainable development and environmental outcomes.

The Essentially Waitehe 2010 Refresh states the Waitehe community wishes to maintain the existing land use pattern of discrete villages surrounded by areas of rural land and a clear distinction between urban and rural environments. Activities aimed at protecting the environment and reducing the impact of development are encouraged including sustainable farming, local crop production systems which will improve island food security.

The previous Essentially Waitehe 2000/2005 documents included a goal to maintain minimum lot sizes for subdivision to preserve rural character.

Themes for feedback

Is there support in principle for national direction on highly productive land?

Agreed, the Waitehe Local Board supports the principle of preserving highly productive land for primary production, which is consistent with community feedback through progressive Essentially Waitehe consultations. Highly productive land needs to be protected for the future food security of the island and to ensure the ongoing sustainability of the wine industry and other land-based activities with economic potential.

The protection of productive land on Waitehe will result in the retention of jobs in primary production, additional prosperity in associated support industries and spin-off effects for tourism through brand recognition internationally.
Is a National Policy Statement the best tool?

Agreed. The NPS is the best overarching tool as it can provide clear direction on preservation of productive land whilst giving council the flexibility to respond to local conditions.

However, this must be followed up with changes to the Resource Management Act in due course, which should introduce stronger protections for productive land. Wine grape production should be specifically mentioned in a national policy statement to recognise that the wine industry, and certain other primary industries such as olives, do not require the most fertile land.

Should any National Policy Statement apply to existing urban zoned land / Future Urban zoned land / Countrywide Living zoned land?

No comment on this question.

Is there support for some scope for the council to enable urban and/or lifestyle development on highly productive land or do you prefer an absolute protection of #?

No comment on this question.

Is there support for the process of Auckland Council identifying highly productive land for Auckland (based on criteria) or do you prefer the approach of using the interim LUC1-3 method being made permanent?

The board believes that Auckland Council should identify highly productive land using the Land Use Classification System as one input but should include other regionally relevant criteria such as lot size, availability of water, soil type, access to transport routes and labour, and any special environmental attributes which require protection. Note that Waipukei Island vineyard soils are not classified as LUC 1, 2, or 3 and as the classification system does not recognise the unique considerations of quality soils when related to wine grape production.

What other areas outside LUC1-3 would you consider might be worthy of being covered by the National Policy Statement (i.e. what criteria would you use to define highly productive land)?

For Waipu, the board would define highly productive land as any land which has the potential to grow crops which would improve the food security of the island and land which has soil and fertility profiles which make it suitable for other types of primary production.

What sort of buffers might be necessary around identified highly productive land?

In order to mitigate the effects of spraying and other agricultural impacts, the board recommends that buffer zones be required which will be made up of fast-growing native species to support reforestation.

Waipukei Winegrowers Association Feedback

The Waipukei Winegrowers Association offered the attached feedback on the NPS which the board supports.

20 September 2019
Auckland Council’s Rural Advisory Panel feedback

Item 10

Attachment A
Rural Advisory Panel
14 February 2020

Attachment A

Item 10
Item 10

Attachment A
Attachment A

Item 10

Summary Comments

Revenue vulnerability is a key threat to rural production and especially to areas of high-quality soils. Buffers with suitable size and diameter would be advantageous in minimizing revenue sensitivity effects on productivity.
Auckland Council’s submission to the Ministry for the Environment

Essential Freshwater – Action for healthy waterways discussion document

21 October 2019
Mihimihi

Ka mihi ake ai ki ngā maunga here kōrero,
ki ngā pari whakarongo tai,
ki ngā awa tuku kiri o ōna manawhenua,
ōna mana ā-hwi taketake mai, tauivi atu.
Tāmaki – makau a te rau, murau a te tini,
wenerau a te mano.
Kāhore tō rite i te ao.

I greet the mountains, repository of all that
has been said of this place,
there I greet the cliffs that have heard the
ebb and flow of the tides of time,
and the rivers that cleansed the forebears
of all who came those born of this land
and the newcomers among us all.
Auckland – beloved of hundreds, famed
among the multitude, envy of thousands.

You are unique in the world.
Contents

1. Introduction
2. High level response to the proposals
3. Background
4. The Tamaki Makaurau Story
5. Overview – health of our nation depends on the health of our freshwater
6. Setting and clarifying policy direction
7. Raising the bar on ecosystem health
8. Supporting the delivery of safe drinking water
9. Better managing stormwater and wastewater
10. Improving Farm Practices
11. Support for improvement in catchments and on farms
12. Impact of proposals
13. Aligning RMA national direction

Appendix 1. Input from Local Boards, Watercare Services Ltd
Appendix 2. Case Study: Wai Ora Monitoring Framework
Appendix 3. Case Study: Freshwater Management Tool
Appendix 4. Case Study: Kaipara Moana Remediation – Proposed Programme
Appendix 5. Case Study: Creation of the National Green Infrastructure Certification Programme for Water Sensitive Design
Appendix 6. Case Study: Assessing Drinking Water Risks for Waitakere Area Plan
Ko te tāpae tanga o te Kaunihera o Tāmaki Makaurau

Auckland Council Submission 21 October 2019

Auckland Council Submission on Essential Freshwater – Action for healthy waterways: A discussion document on national direction for our essential freshwater

Submission to the Ministry for the Environment

1. **Introduction**

1. Auckland Council thanks the Minister for the Environment and the Ministry for the Environment for the opportunity to provide feedback on Action for healthy waterways: A discussion document on national direction for our essential freshwater.

2. Auckland Council’s submission has been approved by the Deputy Mayor and Chair of the Planning Committee under delegated authority from its Governing Body.

3. Local Board feedback is integrated into the submission and is appended.

4. The input from Watercare Services Ltd and Auckland Transport, two of Auckland Council’s council-controlled organisations, is incorporated into the submission. Watercare Services Ltd has also provided an assessment of the reform proposals on their operations (see Appendix 1).

5. The Independent Māori Statutory Board (IMSB) also provided input into this submission. The IMSB is established under the Local Government (Auckland Council) Amendment Act 2010. The purpose of the IMSB is to assist Auckland Council when the latter makes decisions, perform functions, and exercises its powers. The Board promotes issues of significance to mana whenua groups and mataawaka of Tāmaki Makaurau; and ensures that the council acts in accordance with statutory provisions referring to Te Tiriti o Waitangi / the Treaty of Waitangi.

6. The council’s submission consists of high-level themes, followed by comments on the specific proposals it considers most relevant. Comments respond to the questions asked in the discussion document and specific responses to provisions in the proposed National Policy Statement for Freshwater (NPS-FM), National Environmental Standards for Freshwater (NES-FW) and the draft Section 360 stock exclusion regulations (s360). The appendices include case studies to illustrate a broader approach to addressing water outcomes in the Auckland region.

2. **High level response to the proposals**

7. The council supports central government’s objective to improve freshwater management in New Zealand to enable immediate improvements in water quality and a more refined framework for on-going management and high level direction. The intent of the proposals is broadly consistent with the approach to management of freshwater in Auckland.

8. The council is however not confident the proposals adequately address the water issues in an Auckland context or provides the support needed for change in the timeframes proposed.

9. While the council supports the intent expressed in the discussion document, there are significant issues:
a. the proposed policy package is not well integrated across the various proposed instruments; and
b. the extent of actual work that will be required from councils lacks clarity.

10. This means that implementation is unlikely to effectively achieve the desired outcomes within the ambitious timeframes outlined to date. As they currently stand, the proposals are unlikely to address central government’s justification for further regulation, monitoring and enforcement.

11. These implementation issues include:

   a. the need to balance a prescriptive regulatory approach and more flexible non-regulatory arrangements that best enable the outcomes sought, recognising regional differences in prioritisation;

   b. ambitious implementation timeframes combined with capacity and capability limitations across the agricultural, water infrastructure and regional council sectors;

   c. how Māori can most effectively and efficiently participate in the context of their relationship with relevant councils, and the capacity and capability available to them;

   d. potential impacts on existing collaborative risk-based catchment approaches and work programmes underway;

   e. proposed regulatory instruments that are unclear and inconsistent both within the proposals and between proposals, making implementation ineffective and inefficient and

   f. the interaction of the Essential Freshwater proposals with proposed national directions on the National Policy Statement for Urban Development (NPS-UD), National Policy Statement for Highly Productive Land (NPS-HPL), National Policy Statement for Indigenous Biodiversity (NPS-IB)) and existing national directions (New Zealand Coastal Policy Statement (NZCPS), National Environmental Standard for Plantation Forestry (NES-PF)).

12. Auckland’s size and functions as a unitary authority means we can pilot and test at scale alternative approaches to regulation, for example our strategic approach to sediment and green infrastructure certification programme. These have created interest from other regional councils.

13. There is an opportunity for central government to capitalise on the benefits of a substantial amount of good work being undertaken across New Zealand to achieve a clear, robust and effective freshwater management framework for New Zealand whilst allowing flexibility for regional differences to achieve the overall outcomes.

14. Council acknowledges the efforts of central government to provide clarity on measures to achieve Te Mana o Te Wai. However, the council notes that less attention is given to te Tiriti o Waitangi in the draft wording of this NPSFM than in the 2017 version. Efforts to achieve Te Mana o Te Wai may be unintentionally undermined. The council has a commitment to Te Tiriti and to work in partnership with mana whenua to realise their values and duties as kaitaiki in relation to freshwater, with the goal of realising Te Mauri o Te Wai (the Ōtāmara Wāhiao expression of Te Mana o Te Wai).

15. The council looks forward to working with central government to resolve these issues to achieve improved water quality in the Auckland region and collectively at a national scale.

3. Background

16. The scale and complexity of water management issues facing the Auckland region are different from elsewhere, and the interaction with other policy drivers make achieving various
outcomes complex. Auckland Council’s inclusion in the Regional Sector Sub-group of the
Essential Freshwater Taskforce would have enabled further opportunity to express these
views.

17. The council considers that central government needs to further consider and test the
interaction between the freshwater proposals with those of the NPS-UD and the NPS-HPL.
The council continues to emphasise the need for integrated legislative and policy, whereby
freshwater outcomes are considered in the context of other central government expectations
(e.g., growth, transport). Disjointed policy is not a good basis for robust outcomes.

4. The Tāmaki Makaurau Story

18. The histories and identities of mana whenua within Tāmaki Makaurau are intertwined with
the region’s many interconnected water bodies. These total 1800km of coastline, 19,000km of
permanently flowing rivers, 72 natural and artificial lakes, and many aquifers. Whether it be
for drinking water, mana whenua cultural activities, support of regional industries, support for
freshwater and marine life, Aucklanders depend on the wellbeing of the waters.

19. Today, the population of Māori in Tāmaki Makaurau is diverse and dynamic. They comprise
nearly 12 per cent of Auckland’s population, and number around 160,000 people. Auckland
Council has relationships with these mana whenua and mataawaka, and legislative
obligations to the 19 mana whenua groups in the region.

20. Auckland embraces its uniqueness founded on Te Tiriti and shaped by its Māori history and
presence. Te Tiriti recognises the rangatiratanga of Auckland’s hapū and iwi, and the
inseparable bond between Tāmaki Makaurau the people and Tāmaki Makaurau the place.

21. Enabling partnerships with mana whenua in Tāmaki Makaurau honours our commitment to
Te Tiriti and provides a pathway towards a future-focused dynamic, successful Auckland.
Auckland Council works with mana whenua and mataawaka, with guidance and support from
the Independent Māori Statutory Board, to enable Māori to be involved in decision-making
processes.

22. Tāmaki Makaurau is New Zealand’s most populous region and the location of the country’s
largest city. With over 1.6 million inhabitants currently, the population is projected to reach
approximately 2.4 million people by 2048. In addition, the region is the location of New
Zealand’s largest city with most inhabitants living in the urban area.

23. However, Tāmaki Makaurau is not just urban. Approximately 80% of land in the Auckland
region is rural and contains extensive, productive and valuable areas used for farming
(agriculture, horticulture and grazing), rural service industries, forestry, tourism and
recreation. The rural parts of Auckland also contain important natural resources, including
native bush, significant ecological areas and outstanding natural landscapes. The
contributions made by rural areas and rural communities to the well-being of the region is
important.1

24. Auckland has several key water issues to address including:
   a. reversing environmental degradation and responding to population growth and its impacts
      in a way that doesn’t further undermine the health of our environment (Auckland Plan
      20502). This requires addressing past harm and preventing new harms through growth;

---

1 Auckland Unitary Plan Chapter B9.1 Issues
2 The Auckland Plan is Auckland’s long-term spatial plan to 2050. It sets out how we will grow in a way that contributes to Auckland’s social, economic, environmental and cultural wellbeing. The Auckland Plan is supported by key strategies – some of which specifically relate to general environment issues and others relating to specific water bodies, green infrastructure design guidance, climate change, integrated catchment management, waste management and minimisation, stormwater asset management and how and where drinking water and wastewater services are provided.
b. giving effect to the directions and focus areas of the Auckland Plan 2050, including those water-related issues that relate to the ‘Māori Identity and Wellbeing’ direction of the plan;

c. addressing declining fresh and marine water quality across rural and urban areas. Our water quality has been degraded by a range of stressors meaning some of our water is too dirty for drinking, to support biodiversity and ecology, cultural activities (eg pure), mahinga kai, or to swim in;

d. meeting our drinking water demand by ensuring sufficient supply and efficient water use;

e. building resilience into our natural and built water systems to enable us to respond to climate change.

25. Auckland’s urban and rural water quality issues are a result of historic and current activities within our region. A proportion of our region’s rivers flow through urban catchments. Many of the streams and rivers in the Auckland region are of short length. The cumulative effect of past activities and decisions means there is often no single contributing cause that we can tackle to address our water issues, particularly in urban areas. The rate and scale of Auckland’s growth requires responses that will address these issues comprehensively.

26. Whilst addressing current water issues, any solutions must build resilience to respond to the effects of climate change, including sea level rise and flooding impacts. Flooding and drought will potentially affect the security and resilience of Auckland’s water supply networks, particularly the dams. Climate change impacts are likely to significantly impact freshwater ecosystems, habitats and species.

27. The council is taking steps to address Auckland’s water issues using both regulatory and non-regulatory levers to deliver change, including:

a. the Auckland Unitary Plan (2018) (AUP) provides the supporting framework for growth and development, determining how a quality compact city will be created to balance growth while protecting our environment. The AUP manages Auckland’s freshwater resources and the effects of growth on these resources;

b. in 2018 the council adopted both a water quality targeted rate ($452 m) to accelerate programmes aimed at cleaning up our waterways, and a natural environment targeted rate ($311 m) to improve Auckland’s natural environment; and

c. development of an Auckland Water Strategy, focussing on protecting and enhancing te mau i o te wai.

5. **Overview – health of our nation depends on the health of our freshwater**

*Central government’s three objectives*

28. The council supports central government’s objectives to improve freshwater management in New Zealand to enable immediate improvements in water quality and a framework for ongoing management. Many of Auckland Council’s activities are aligned to two of the central government objectives relating to stopping further degradation and reversing past damage to freshwater resources.

29. Giving effect to such objectives at scale is typically achieved over a longer term, once priority risks are identified, and resources secured to intervene in several direct and indirect ways. Councils have previously noted the difficulty in making headway given their complex operating environment and the considerable interdependent work required to support the interventions.
30. The first objective to stop further degradation implies that councils should start to make immediate improvements in water outcomes. This suggests that central government is not appraised of the significant work being undertaken over many years to improve water outcomes. Rather than needing to start, the council notes that it has been investing significant resources to stop further degradation over a longer timeframe than encompassed by the NPS-FM planning instrument.

**Essential Freshwater Taskforce and advisory groups**

31. Specialists from Auckland Council were not represented on the Taskforce’s advisory groups. Given the complexity and intensity of inter-related issues in the Auckland region, such contributions would have been beneficial.

### 5.1 Path forward and response to opening questions

**Question 1:** Do you think the proposals set out in the discussion document will stop further degradation of New Zealand’s freshwater resources, with water quality materially improving within five years?

32. Achieving the desired water quality improvements within five years is an ambitious target, particularly where additional funding and support systems are not in place (e.g. farm plans). The longer-term planning horizons and dynamic operating environment prevalent in Auckland needs better recognition. The complexity and age of the infrastructure available in urban environments is varied, and asset management programmes represent a significant commitment of resources.

33. The proposals will contribute to the longer-term reversal required if implemented in a targeted, appropriate and effective way. The council reiterates the need to balance a prescriptive regulatory approach with more flexible arrangements that enable the best outcomes to be achieved. Improvement of Auckland’s waterways requires such a combined approach.

**Question 2:** Do you think the proposals will bring New Zealand’s freshwater resources, waterways and ecosystems to a healthy state within a generation?

34. The initiatives in the discussion document will better frame expectations around water outcomes for future generations. Achieving these will depend on integration with other central government instruments, the implementation architecture available to local government, and other enabling tools (e.g. additional funding mechanisms, and systems improvements). The ability of sector interests to participate and be incentivised to achieve outcomes at a range of scales will also be essential for success. Demonstration of water quality improvements over a generation will be easier to achieve and track.

**Question 3:** What difference do you think these proposals would make to your local waterways, and your contact with them?

35. The Auckland region has a diverse population of cultures and varying levels of association with freshwater. Some community groups actively pursue restorative activities, and these initiatives will continue irrespective of these proposals. Rural landowner groups may focus more on meeting additional regulatory requirements applying to them specifically, and their ability to undertake voluntary actions may become less. In urban catchments, where the sources of discharges are varied and come from a range of land use types, a more coordinated partnership response with agencies, residents and commercial premises will most likely be necessary.
Question 4: What actions do you think you, your business, or your organisation would take in response to the proposed measures?

36. The council has taken a deliberate approach to inform and engage our communities about the likely costs associated with differing water quality objectives for a catchment, so that the implications of any plan changes or other actions are fully understood. Despite recent support for targeted rates, the community may not fully appreciate the implications of further reprioritising funding towards freshwater outcomes as a result of the current proposals. Reprioritising potentially includes shifting resources away from other council services that communities support. The council will continue to reassess the implications of central government initiatives, to understand the quantum of work required to deliver the desired national level outcomes for freshwater.

Question 5: What support or information could the Government provide to help you, your business, or your organisation to implement the proposals?

37. The expectations on land owners, councils, central government and communities to effect change are significant. The impetus provided by discussions over the last year will drive change, even if central government proposals are not advanced in the manner proposed. Underlying central government investments that could enhance action at a regional and local level include:

a. better digital systems to collect, store and retrieve information to assess and monitor performance and effectiveness of interventions;

b. science and resource management processes developed more fully between central and local government before they are shared with the public, to enable validation and support of the science behind proposals;

c. further guidance to support the standardised implementation of the proposed tools at a national level;

d. financial and other assistance to ensure capacity and capability for Māori and key interests, so that their participation as specialists is supported and enabled.

Question 6: Can you think of any unintended consequences from these policies that would get in the way of protection and/or restoration of ecosystem health?

38. In some circumstances, the proposed prescriptive regulatory approach has the potential to further delay implementation of positive water outcomes, where it is not properly considered against:

a. the variety of implementation tools available; and

b. the multiple legislative, policy and operational avenues where water outcomes can be considered.

39. The approach proposed for several measures, particularly in the NES-FW, introduces a range of additional compliance costs and regulatory burden. In carrying out regional functions under the RMA, the machinery of local and central government, and the affected parties (e.g. mana whenua, sector interests), need to ensure that their efforts are best applied to achieving water outcomes.

40. There is a risk that the proposals will undermine the common basis of shared values and desired future outcomes held by different sectors of the community. Considerable effort has been made to progress a range of initiatives through multi-sector initiatives.

41. Several of the proposals have not been sufficiently ground-truthed or costed or undergone impact testing (as evidenced by central government’s own regulatory impact statement). The council suggests more time is needed to ensure that such proposals are workable, and for the
best tool to apply, and that the timeframe for their implementation reflects this uncertainty. This will make for more durable outcomes and ensure ongoing community support.

42. Some of Auckland Transport’s (linear) infrastructure programmes extend across several catchments and use common techniques or practices (e.g. road sealing). The kind of mitigations that might be envisaged for some contaminants may not be readily delivered on a different basis for each catchment. However, it may be that second order mitigations may be feasible where it is unfeasible to apply a completely different practice in different catchments.

Question 7: Do you think it would be a good idea to have an independent national body to provide oversight of freshwater management implementation, as recommended by KWM and FLG?

43. The council does not support the creation of an independent national body to have oversight of freshwater management implementation. There are already several central government agencies that should be fulfilling that role. The council does not have confidence that bodies removed from understanding the dynamics and various policy drivers for Auckland (or other councils) will add value by addressing water outcomes in isolation.

44. Addressing Auckland’s water issues is happening against the backdrop of considerable central government legislative and policy reform. The scope and scale of this reform is of significance and it will come with uncertainty, costs, and its own challenges and opportunities as the new components are bedded in. Consideration of these reforms, or their likely direction, should be factored into how the current proposals are advanced and in what form, such that unnecessary complexity and uncertainty can be reduced.

45. Auckland Council notes that the IMSB support the recommendation from Te Kahui Wai Māori to establish an independent national regulatory Te mana o te Wai Commission.

46. Auckland Council considers that the relevant values for Māori in the Auckland region will be best advanced where they are fit for purpose and tailored to expectations of Māori within the region.

6. Setting and clarifying policy direction

6.1 Te Mana O te Wai

47. There are 19 mana whenua entities who have interests in the Auckland region. The council group work with these entities through several Kaitaki fora. The purpose of the fora is to enable mana whenua to work with the council and to support mana whenua in giving effect to their respective responsibilities as Kaitaki, with a focus on significant issues and opportunities affecting people in Tāmaki Makaurau. Auckland Council recognises that the identity of mana whenua is intrinsically linked to the environment including freshwater bodies, hence why Māori hold a responsibility as Kaitaki or stewards of the environment.

48. The IMSB has a statutory responsibility to promote Issues of Significance to Māori (mana whenua and mataawaka) in Tāmaki Makaurau1 and to monitor the council’s performance in responding effectively to these. The Board also monitors Auckland Council’s response to statutory provisions that reference Te Tiriti. Water quality is a stated issue of significance – addressing it is essential for enhancing and restoring the mauri of Te Taiaroa in Tāmaki Makaurau for all people.

49. The directions and focus areas within the Auckland Plan 2050 speak to a holistic and integrated response to Māori outcomes, including those of consequence to Māori identity and wellbeing.

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1 Schedule of Issues of Significance to Māori in Tāmaki Makaurau and Māori Plan 2017 – Independent Māori Statutory Board
50. In Tamaki Makaurau, occupation by mana whenua was possible because of te mauri o te wai (the life-supporting capacity of water). The settlements that have grown to constitute the Auckland region, its people, are linked to (and have impacted) te mauri o te wai.

Questions 9 and 10: Do you support the Te Mana o te Wai hierarchy of obligations and do you think the proposals will have the desired effect of putting the health of the water first?

51. Auckland Council supports the use of Te Mana o te Wai as a strategic framework or korowai – the framework through which the hierarchy of obligations for freshwater are determined – with the first being to the health of the water, the second to providing for essential human health needs, and the third to other consumption or use.

52. The council supports the proposed requirements and approaches to give effect to Te Mana o te Wai as stipulated in the draft NPS-FM. Council also notes the IMSB’s recommendation that a policy be included in the draft NPS-FM that enables funding for restoration to te mauri o te wai.

53. In supporting the approach, council staff note they understand the ‘health of the water’ to encompass all biophysical, cultural and metaphysical parameters that contribute to te mauri o te wai. The framework requires an integrated and holistic consideration of health, one that is not limited to purely the ecological health of a water body. As noted by the council’s Mana Whenua Kaitiaki Forum, we will know that we are on the right track when the health of water – its ability to give and sustain life – is the central measure of progress and primary criterion for decision-making.

54. In addition, IMSB have noted that the three obligations should be co-dependent and interrelated without a hierarchy unless the order of priority has been specified by the relevant iwi / hapu / whanau. Council staff note that the current emphasis from mana whenua in Tamaki Makaurau for improved outcomes relates to the first obligation. Emphasis could shift as improvements to the health of the water are made.

55. In Tamaki Makaurau, mana whenua have determined that the local expression of the Te Mana o te Wai korowai is Te Mauri o te Wai. Tamaki Makaurau mana whenua see the protection and enhancement of the mauri of water as being foundational to the protection and enhancement of the mana of water. The two concepts – te Mana o te Wai and te Mauri o te Wai - have the same aspirational goal and the same hierarchy of obligations, with the latter being the locally specific way of expressing the aspirations of the former. The council seeks assurance that any future legislative changes will still enable this locally specific expression of mana whenua aspirations.

56. While the council supports the implementation of a Te Mana o te Wai framework for freshwater management, clarity is requested as to how the proposal captured in the discussion document will improve freshwater outcomes beyond that of the approach articulated through the 2017 NPS-FM. The council would caution against adding further layers of complexity and prescription to an already complex process. Doing so may only serve to hinder councils, mana whenua, and the broader population, and efforts to deliver Te Mana o te Wai.

Questions 11 and 12: Is it clear what regional councils have to do to manage freshwater in a way consistent with Te Mana o te Wai, and will creating a long-term vision change how councils and communities manage freshwater and contribute to upholding Te Mana o te Wai?

57. The council is well advanced in applying a Te Mauri o te Wai framework across the region. In early 2019 the council released the Te Tākuo Wai Ahu Ake Noi – Our Water Future discussion document that set the stage for the development of a water strategy for Tamaki Makaurau. The discussion document, developed with input from the council’s mana whenua kaitiaki...
forum, suggested a vision of ‘te Mauri o te Wai o Tāmaki Makaurau – the life supporting capacity of Auckland’s waters – is protected and enhanced’. Mana whenua and the wider public were supportive of this approach.

58. The IMSB notes that mana whenua feedback on Tō Tātou Wai Ahe Ake Nei – Our Water Future discussion document, sought a partnership approach to its development. The Auckland Water Strategy is now under development for further consultation and adoption in 2020. The Strategy will provide further clarity on this vision, which will form the foundation for the council’s, and the region’s, aspirations for freshwater.

Questions 13 – 15: Strengthening Māori values

59. Of the proposed approaches, the council supports the proposal to elevate mahinga kai to a compulsory national value (Proposal 1), in preference to strengthening the priority given to tangata whenua freshwater values (Proposal 2). The current NPS-FM process clearly identifies a strong role for mana whenua in setting the direction for freshwater improvement. Auckland Council is currently working with mana whenua in our evolving process for evaluating current state and exploring different tools for use in establishing target attribute states with mana whenua.

60. The development and implementation of individual tangata whenua freshwater values, as described in the discussion document, would be unnecessarily complicated and labour intensive in the Auckland context.

61. Auckland Council has already begun a process of incorporating mātauranga Māori into its operational projects and strategic processes. The elevation of mahinga kai to a compulsory value would support these efforts. Further, this compulsory national value would enable a level of comparison between Māori outcomes that is currently complex given the numerous distinct local cultural monitoring frameworks.

62. The council sees addressing tangata whenua values and interests across all the well-beings and including the involvement of iwi and hapū in the overall management of freshwater as key to giving effect to Te Tiriti. Accordingly, the council has a commitment to work in partnership with mana whenua to realise their values and duties as kaitiaki in relation to freshwater, with the goal of realising Te Mauri o te Wai. The council welcomes the opportunity to discuss our approach with central government.

63. The council notes that multiple disciplines, including mātauranga and science, will need to be utilised in a complementary manner to implement the mahinga kai objective. A complementary and combined approach will ultimately result in improved outcomes and identification of new opportunities.

64. The council and mana whenua in the region have developed the Wai Ora Cultural Health Framework (refer Appendix 2 case study). This assessment framework could be utilised throughout the country. Auckland Council also notes IMSB’s support for the recommendation from Te Kahui Wai Māori that a National Freshwater Science Strategy should encompass Māori measures of health and wellbeing, to underpin Te Mana o Te Wai.

Question 16: What implementation support will need to be provided?

65. The council is committed to working closely with mana whenua in the region. Capacity of mana whenua and mātaawaka in Tāmaki Makaurau to meaningfully respond to strategic, regulatory and operational initiatives is already stretched. In addition, iwi groups in the region are at varying stages of advancing Treaty settlement processes, which is time and resource intensive for them, and distinct from their participation in and resourcing of planning processes. Consideration must be given to imposing additional requirements on iwi participation without appropriate resources to make it meaningful.
66. Central government support and further assistance would enable Māori to actively participate in freshwater management processes, consistent with their aspirations.

67. The council suggests that, together with mana whenua in the Auckland region, we are best placed to establish how participation should be undertaken and would welcome the opportunity to discuss this with central government.

6.2 New planning process for freshwater through amending the RMA

68. Auckland Council will be submitting on the proposed Resource Management Amendment Bill shortly. The council supports, in principle, a streamlined planning approach, as recently used for the AUP. There are several procedural learnings from that process though, and Auckland Council will make some observations in a separate submission process. In addition, some further observations about integration with other legislative instruments are made in the last section of this submission.

6.3 Exceptions for major hydro schemes to support renewable energy targets

Question 19: Does the proposal to allow exceptions …effectively balance New Zealand’s freshwater health needs and climate change obligations, as well as ensuring a secure supply of affordable electricity?

69. Auckland Council acknowledges the exception to recognise the national significance of major hydro-electric power stations and recognise significant central government commitments to emission targets and renewable energy goals.

How water supply reservoirs are treated in the NPS-FM

70. Considering the NPS-FM exception, Auckland Council questions whether Watercare Services Ltd’s (a council controlled organisation) water supply reservoirs in the Hunua and Waiuku catchments should be captured by the NPS-FM framework, noting that the primary policy intent of the reform package includes ensuring that New Zealanders can swim, fish, mahi-mahi and enjoy freshwater resources. As an aside, two of the reservoirs in the Hunua Ranges are located within Waikato region catchments.

71. The NPS-FM could recognise that water supply reservoirs are the first stage of the water treatment process, and that these assets (the artificial waterbodies behind the dam) serve as a primary water treatment process. Resource consent conditions specify the environmental flows that will be released below the dams.

72. In the context of the NPS-FM, the council requests clarity on what, if any, options might be feasible given the situation outlined above. One option is to consider the interaction between compulsory and other national values (i.e. potable water supply in this example) in a carefully defined bespoke Freshwater Management Unit (FMU) based around significant water supply reservoirs. This could negate the need to achieve more stringent target state values for compulsory values for these artificially impounded lakes.

73. The flexibility to do this could be made in NPS-FM Policy 3.7(1), whereby a regional council can identify what national values apply to each FMU, although Policy 3.7(2) implies that ‘environmental outcomes’ need to be identified for both compulsory values and any other values and components the council identifies. Similarly, Policy 3.9 (7) may reinforce the need to apply the most stringent target state where more than one value is being considered. At the scale of the Watercare reservoirs, we note that ‘Human contact’ is not a relevant (compulsory) value, as public access is prohibited.

74. Alternatively, does central government consider that the transitional exception provision (NPS-FM Policy 3.24) would be applied in this case? This would allow regional councils to
'set target attribute states worse than the national bottom line for ecosystem health values, until the times, or for the periods, specified' in Appendix 5.

75. The council welcomes clarity on the policy intent and how integration between different national values are considered in some circumstances.

Wastewater treatment plants

76. The council has raised similar concerns about the application of the NPS-FM to wastewater treatment ponds within the Auckland region. Specifically, wastewater treatment ponds can never support recreational or food-gathering activities and are managed to prevent any unnecessary human contact.

7. Raising the bar on ecosystem health

7.1 New attributes and management approach

Position summary

77. In principle, Auckland Council is supportive of broadening the focus of things to be considered when managing for healthy freshwater ecosystems at a nationally consistent level. We also acknowledge that national freshwater plan changes to date have largely focused on identifying target attribute states for those attributes set out in Appendix 2 of the 2014 NPS-FM. We support central government’s direction in suggesting further attributes that may provide a more holistic assessment of ecosystem health.

78. However, the council does not support:

   a. the restriction on setting target states based on existing monitoring locations (although these can be adapted to suit a more refined understanding of agreed objectives by FMU);

   b. that the most stringent limit applies when there is more than one attribute for nutrients.

79. The council requests the following changes to the NPS-FM and NES-FW in relation to attributes and new reporting approach:

   a. a firm definition of how assessment of ecosystem health via the proposed five metrics means no further allocation to new activities if D band is exceeded. Councils require pathways to enable headroom, and we would request further guidance on how central government envisions this can be achieved;

   b. clarification on the technical detail behind the proposed new attributes;

   c. clarification of time periods for attribute state assessment;

   d. better description of what defines action plan attributes;

   e. a more flexible approach for nutrient attribute management;

   f. direction on whether the periphyton attribute should be applied for regions that have limited hard bottom streams; and

   g. clarification on the timeframe for target attribute state and limit setting (except ‘as far as practicable’ per NPS-FM Policy 4.1).

Question 20: Do you think the proposed attributes and management approach will contribute to improving ecosystem health? Why/why not?

80. The council in principle supports a multi-component approach, te hauora o te wai, for summarising the state of freshwater health. However, the ecological processes component may be outside the scope of what councils can feasibly do under current resourcing on a regional scale. This may also prove a challenge given the level of information currently available to contextualise these kinds of metrics. While the proposed attributes will provide a
more holistic way to describe the state of ecosystem health, this does not necessarily translate into making actual improvements.

81. Comments on the specific aspects of the attributes and management / reporting approach are discussed below.

**Proposed Attributes - NPS-FM Policies 3.9 and 3.10**

82. The council supports, in part, the proposed additional attributes. They are needed to broaden the level of assessment required to adequately gauge ecosystem health. The distinction between limit setting and action plan attributes is a good approach to improving ecosystem health outcomes as it provides multiple pathways for improvement. The council already monitors many of the newly proposed attributes. Including sediment attributes in the NCF aligns with the council’s intent to include this as a regional attribute.

83. However, the technical detail behind many of the newly proposed attributes, in terms of national standardised monitoring approaches, has not been clearly identified through the supporting Science and Technical Advisory Group (STAG) technical report. Without this detail it is difficult to comment on the level of change required to make the council’s current State of the Environment monitoring programmes compliant with methodologies that may be proposed at a national level. Our main areas of monitoring currently lacking are fish IBI, deposited fine sediment, potentially some wetland water and soil quality monitoring (although a terrestrial wetland monitoring programme exists), and periphyton (soon to be implemented).

84. The council is concerned that the proposed approach potentially removes flexibility in implementation such as a risk based, catchment-based approach. The additional attributes may also complicate reporting and confuse the general public, who want clear messaging and outcomes with respect to swimming, fishing and mahinga kai.

85. Quantifying new attributes is resource intensive and will add costs related to attributes not currently monitored and additional monitoring sites. More work is required to assess the scale of this for the Auckland region.

86. Also, defending a particular water quality outcome, especially through a plan change process, may be difficult if evidential standards are not achieved.

87. The council does not support the proposed DIN and DRP attributes in their current form, as they do not seem to be applicable at a national scale for regions with soft bottom streams; natural reference sites do not seem to meet national bottom lines. If this is to be rolled out nationally further work is required to develop this attribute in a more refined manner.

**Setting Attribute States**

88. The council requests a better description of how trend analyses will be used, so that decisions on establishing current attribute state, and the trajectory to a target attribute state, are framed. The council would like to work with central government to obtain clarity on the time period over which trends will be assessed—is it to align with the national Environmental Reporting undertaken by MFE and Statistics NZ?

89. Additionally, the council suggests there needs to be national level research to support waterway planning and setting of future target attributes to account for climate change impacts. This is important because climate change potentially affects short term and localised rainfall variation and the consequences on instream erosion, flooding risk and contaminant events from extended dry periods.
90. The council supports the inclusion of mātauranga Māori as well as mana whenua-led development of a cultural monitoring methodology, including how this provides a measure of Māori wellbeing. Including these values nationally will require significant resourcing from tangaia whenua and councils to implement well. Identifying tangata whenua values and interests (where not already in existence) will need to consider cultural intellectual property management, resourcing to upskill iwi / hapu in monitoring and capacity building within council to understand and use mātauranga Māori in policy.

91. The council suggests the following clause in the NPS-FM Policy 3.13 (3) “Monitoring methods must recognise” be amended to “monitoring frequency must be commensurate with the need to detect long-term trends”.

Charging for monitoring - NES-FW clause 3

92. The council supports the introduction of charging for monitoring of any activity in the NES-FW as a permitted activity, as this introduces a new tool to allow for compliance other than consenting. This will reduce administrative costs for improved outcomes and should be used as alternative to the strict consenting requirements proposed.

Action plans – NPS-FM Policy 3.14

93. The council supports the general direction of the action plans approach but requests a description of what specifications are likely to be included in these action plans. This will be useful for implementation.

Question 21: If we are managing for macroinvertebrates, fish, and periphyton, do we also need to have attributes for nutrients that have been developed based on relationships with aquatic life?

94. The council supports attributes for nutrients because the target ecological response attributes (MCI, fish, periphyton) may only cover a portion of the ecosystem responses caused by nutrient eutrophication or toxicity.

95. The council however disagrees that the most stringent limit should apply when there is more than one attribute for nutrients. There should be a switching approach, for example when the toxicity attribute is in A or B state the DIN attribute then applies as a second assessment, otherwise there is a risk of disincentivising efforts in areas where toxicity is the most pressing current management issue. This will enable councils to work with their communities to achieve outcomes for the most pressing issue and then refine their approach as water quality improvements are realised over time.

96. It is also important to acknowledge the tension in some catchments between the values of activities that impact water quality and the rate of water quality improvement. For example, the value associated with the food production capacity of the Franklin area versus instream nitrate concentrations exceeding the nitrate toxicity national bottom line.

97. The council requests further direction on whether the periphyton attribute should be applied for regions with fewer hard bottom streams, or whether the proposed new DIN and DRP attributes can be universally rolled out in those regions, if they proceed at all. This would enable a more cost-effective focused monitoring approach to assessment of eutrophication at a regional scale and simple messaging for communities.

Question 39: Raising the bar on ecosystem health – do you have any other comments?

98. The council supports the proposed components as they provide a more comprehensive assessment of ecological impacts of our freshwater management. The council suggests that
MCI method standardisation should align with the current National Environmental Monitoring Standards (NEMS) process, and not via guidance for the NPS-FM.

99. Within the water quality component of ecosystem health, Auckland Transport has noted that achieving dissolved oxygen attribute states in streams can be difficult in summer, when road-run-off may reach a higher ambient temperature. Some mitigation options may be feasible (e.g., planting to provide shade).

**Question 40: Are the purpose, requirements, and process of the National Objectives Framework clearer now? Are some components still unclear?**

*Identifying Values and Environmental Outcomes - NPS-FM Policy 3.7*

100. The council supports the new approach and terminology - it is clearer and more easily understood. This will likely galvanise action and assist engagement and uptake. The inclusion of future target attribute states instream is a useful addition.

**Setting target attribute states NPS-FM Policy 3.9**

101. The council supports the approach to setting target attribute states, particularly the clarity of methods set out in NPS-FM Policy 3.9(4 & 5). Council supports the use of interim targets where objectives are not be met in the short term. We however request further clarification on the timeframe for limit-setting (except 'as far as practicable' per NPS-FM Policy 4.1), as sufficiency of evidence-gathering will be a consideration in successfully making plan changes by 2025.

102. In order to best assess target attribute states, the council strongly suggests using the combined approach of modelling (see case study on Freshwater Management Tool, Appendix 3) and monitoring, along with mātauranga Māori and other information sources to gauge progress. Such capturing of a large amount of information on more representative conditions throughout a region will provide more robust attribute states. A combined approach will enable better target setting as opposed to using monitored locations alone. The current proposed approach will limit flexibility in operational implementation and reduce council's ability to take a risk-based, catchment-prioritised approach. The council requests that more flexibility is incorporated into setting target attribute states.

*Setting limits through modelling NPS-FM Policy 3.10(5)*

103. The council supports the use of modelling to identify limits on resource use and preparing action plans.

**Accounting System NPS-FM Policy 3.20**

104. The council supports modelling for freshwater accounting and/or allocation. State of the Environment monitoring determines the current state, and sites may need to change to reflect new issues identified or to provide better spatial coverage.

**Question 42: What are your thoughts on the timeframes incorporated in the proposed regulations? Please refer to the specific policy in your response**

105. The council is concerned that the 31 December 2025 deadline to notify final decisions on plan changes (NPS-FM Policy 4.1(2)) will be hindered by the broader range of environmental attributes and components of the freshwater system that need to be addressed, and the lack of clear nationally agreed methodologies on these attributes. The council supports further central government direction on agreed national methodologies if the 2025 deadline is to be met.
7.2 Aquatic life – Threatened indigenous species

Question 22: Do you support the new compulsory national value? Why/why not?

Position summary

106. The council supports the addition of threatened indigenous species as a compulsory national value.

107. The proposed compulsory value provides direction for regional planning to identify and manage adverse effects on nationally threatened species. However, it does account for the value of regionally threatened species. The proposed provision will have a limited impact in the Auckland region as there are very few species (estimated two fish species and 17 plant species) which meet the specified criteria.

108. To be more relevant in a regional planning context, the council requests additional provisions in the NPS-FM that extend consideration to species of a lesser threat status as well as species which are important for ecosystem functioning. Regional councils could then incorporate additional values within Appendix 1B of the proposed NPS-FM (for example regionally significant threatened species) to provide councils with direction to manage the adverse effects on these species.

109. Auckland Council recommends that further clarification be given on the alignment of the proposed compulsory national value with other relevant national strategies and policies such as the Department of Conservation Draft Threatened Species Strategy (2017), the NZCPS and the upcoming NPS-IB.

7.3 Aquatic life – providing for fish passage

Position summary

110. The council supports improving fish passage by imposing design standards to new and existing instream structures. However, we seek clarification to ensure that the proposed provisions align with existing requirements and can be effectively implemented.

Question 23: Do you support the proposed fish passage requirements? Why/why not?

111. The council supports in principle the proposal to require regional councils to provide for fish passage in plan-making and consenting, including imposing design requirements on in-stream structures. However, the council recommends that several proposed provisions within the NPS-FM and the NES-FW be reviewed to ensure alignment and effective implementation with the stated intentions to be achieved.

112. The council has identified issues with the following definitions included within NPS-FM Subpart 3 – Fish passage:

113. Maximum allowable water velocity: This requires further clarity as the proposed definition does not expand or specify what is meant by the ‘requirements’ of the weakest species or weakest life stage of a species. This will create difficulties with application of the provisions. The definition could be clarified as follows:

‘Maximum allowable water velocity is a measurement defined by the requirements to pass through the structure of the weakest species or weakest stages of life’

114. The council supports the direction to apply the fish passage requirements to existing instream structures that are potentially barriers to fish passage. However, the proposed NPS-FM Policy 3.17 (3)(b) provides direction to take into consideration the impacts of existing barriers when assessing proposals to construct new instream structures. Council does not support the construction of further barriers where the presence of existing instream structures
may currently inhibit fish passage, as this direction does not take into account desired remediation works over time. Council suggests that this policy is amended to better reflect the overriding intent to improve fish passage, as far up to natural barriers within a catchment.

115. The council suggests that specifying conditions to be imposed on a resource consent as rules does not demonstrate best plan writing practice. The proposed NES-FW Subpart 3 – Fish passage provisions for activities requiring resource consent include compulsory conditions which requests information be submitted following resource consent implementation. This does not provide councils with the opportunity to adequately assess the effects of a proposal prior to granting the consent. It is more appropriate to specify these conditions as standards that the discretionary activity must meet, rather than having rules that specify the conditions on granting a consent.

**Question 24:** Should fish passage requirements also apply to existing instream structures that are potentially barriers to fish passage, and if so, how long would it take for these to structures to be modified and/or consented?

116. The council supports the proposal to apply fish passage requirements to existing instream structures. However, the council requests clarification as to how the proposed provisions differ from and are intended to interact with the existing fish passage regulations, applicable under the Freshwater Fisheries Regulations 1983. The Freshwater Fisheries Regulations 1983 contain many old 1970s era regulatory measures that should primarily be part of the resource management function under the Resource Management Act.

117. To avoid duplication, the council requests that the relevant regulations within the Freshwater Fisheries Regulations 1983 (Part 6 Fish passage) which are included within the proposed NES-FW, are revoked. This would reduce the regulatory burden associated with compliance under the proposed NES-FW.

118. The council supports the proposal to apply fish passage requirements to existing instream structures, however, remediation of structures within private property should not be discouraged by requiring resource consent. Provisions will be required to ensure that remediation is carried out appropriately in these circumstances to achieve desired outcomes.

119. The council supports the proposal for regional councils to establish a work programme to improve the extent to which existing structures achieve the council’s aquatic life objectives for fish passage (NPS-FM Policy 3.17(4)). However, council requests that the proposal provides for full consideration of the risks and limitations, such as property access and the ability to remediate structures on private property.

120. Council recommends a risk-based approach is taken to the implementation of such a programme. Auckland Council currently runs a watercourse assessment and fish barrier removal programme to identify and remEDIATE barriers within the stormwater network. Remediation is prioritised using a multi-criteria analysis to identify barriers that are likely to offer the greatest environmental benefit if remediation is undertaken.

121. The full extent of existing instream structures that are potentially barriers to fish passage within the Auckland region is currently unknown. Based on watercourse assessment reports completed to date, over 1,000 potential barriers have been identified that are associated with existing council owned stormwater infrastructure and assets. The council is currently unable to quantify the time required to remediate all existing potential barriers however, continuous improvements are being made through this programme.
7.6 Habitat – No further loss of streams

Position summary

122. The council supports the national direction to limit further stream loss. To effectively achieve this goal, the council requests several changes to the proposed provisions to further consider their alignment, provide clarity in terms of definitions and consider how they will work in practice.

Question 27: Do you support the proposal to limit stream loss? Why/why not? Question 28: If this proposal was implemented, what would you have to do differently?

123. The council supports limiting stream loss. A large proportion of streams have been lost to urban development in Auckland. Further national direction from central government will be helpful.

124. However, council is concerned that the proposals are underdeveloped, and the implications of practical implementation have not been thought through. The NES-FW clauses are vague, lack specificity and are less stringent than current AUP provisions. For the Auckland region, this is a backwards step for stream loss.

125. To effectively achieve no further loss of streams, Auckland Council requests the following amendments and clarifications:

<table>
<thead>
<tr>
<th>Issue</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Distinction between culverting and infilling</td>
<td>The definition of culverting is unclear as to how it applies to the provisions relating to stream protection, and the distinction between 'culverting', 'permanent diversion' and 'infilling' is unclear.</td>
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<td>The proposed definition for 'culvert' in NES FW clause 20. includes a broad range of structures and it is not clear whether this definition applies to other proposed provisions within the documents. No alternative definition is included, and it is assumed that this definition is to be applied. This is an issue which impacts multiple sections within the proposed documents and has significant implications, specifically within the Auckland context. The council would welcome the opportunity to work with central government to resolve these issues.</td>
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<tr>
<td></td>
<td>As defined, 'culverting' would include what is generally called piping in Auckland. Auckland loses approximately 10km of stream a year mainly to piping, meaning that the negative impacts in terms of stream loss effects here are generally through piping.</td>
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<td></td>
<td>There is a significant policy distinction applying to 'culverting' and permanently diverting a stream as compared to that applying to 'infilling'. The draft NPS-FM Policy 3.16(4) states that infilling is to be 'avoided, unless there is no practicable alternative method of providing for the activity' with a reasonably narrow range of purposes for which infilling of a stream might be appropriate (3.16(5)), with these provided for in the NES-FW as a discretionary activity (18(1)).</td>
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<tr>
<td></td>
<td>For culverting and permanent diversion, the direction (NPS-FM Policy 3.16(4)) is that plans must ensure there is no net loss in the extent or ecosystem health &quot;as far as practicable&quot;, with no stated restriction on the reasons this can occur. Applicants in Auckland frequently identify that it is necessary to pipe streams to increase development yield, and that there are no stream daylighting/naturalising opportunities available. This policy framework does not provide strong support for the retention of streams in new development, or the delivery of meaningful stream loss offsets. The</td>
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council considers that this is an inappropriate policy distinction and is unlikely to ensure no net loss of stream values.

Clarification of NES-FW clause 18(1)
There is a potential drafting error in NES-FW clause 18(1)(c) and council recommends amendments as follows:

(1) The inlining of the bed of a river is a discretionary activity if it is part of an activity:
   ...
   c) required for the purposes of public flood prevention or erosion control; or and

The council queries whether it was the intent of clause 18(1)(c) to not include the word 'public', preceding the words 'flood prevention or erosion control'. Omitting reference to 'public' has significant implications for the application of the clause, as it would otherwise apply to all flood prevention or erosion control activities regardless of purpose.

Further to this justification, in the clauses that manage activities within and close to wetlands and defining 'public flood control and drainage' central government has made a clear distinction between public and private activities. Therefore, council queries the justification for the lack of distinction being made for activities resulting in the inlining of streams. Council seeks clarity on this issue, and suggests that, as a minimum, within clause 18 flood prevention and erosion control be defined.

The council also seeks clarification that the 'or' in clause 18(1)(c) was intended to be 'and'. Council consider that this drafting error will have significant unintended consequences making proposed clause (d) a standalone provision where applicants will argue that their consent is discretionary, as opposed to non-complying. Council considers that (a)–(c) must also meet the test of 'no practicable alternative'.

Clarification of NES-FW clause 18(2)(b)(i)
The council seeks clarification on how the monitoring of a river that is infilled should be undertaken.

Question 29: Do the ‘offsetting’ components adequately make up for habitat loss?

125. The council strongly supports the incorporation of the effects management hierarchy into the management of both wetlands and streams. The council support offsetting and compensation being used to manage residual adverse effects after avenues to first avoid, then remedy, then mitigate onsite have been exhausted. Given that that offsetting and compensation are high risk responses to effects management, and there is less certainty for achieving successful outcomes, the council emphasise the importance of the effects management hierarchy being clearly identified in the NPS-FM.

127. The council recommends that definition for the effects management hierarchy is positioned in the NPS-FM so that is relates to both the management of wetlands and streams.

128. The council supports the requirement in NES-FW clause 18(2)(a) that residual adverse effects on rivers and streams must be offset to achieve ‘no net loss’. We would prefer that this be amended to ‘no net loss and preferably a net gain’; which is in line with best practice offsetting.

129. Despite supporting the principle of the effects management hierarchy, the council has concerns about the way in which it may be applied to streams when considered in conjunction with other provisions. Deterring avoidable stream loss is a critical outcome of a successful
offsetting approach. The council is concerned that offsets are signalled to deliver on the requirement that the ecosystem health of rivers and streams is at least maintained (NPS-FM Policies 3.16(1) and 3.16(4)). This could undermine the ‘avoid first’ imperative by setting ‘extent’ as a key indicator of successful implementation. This could provide inappropriate and unhelpful policy support in consenting in the sense that offsetting will be used over retaining streams on the basis that streams are being daylighted and therefore extent is not affected.

130. The council considers that ‘extent’ could be a useful concept to incorporate as a high-level policy goal that relates to both retention of existing streams as the first and best option (i.e. their loss is avoided as per the effects management hierarchy) and to indicate a preference for stream naturalisation/daylighting but not pegged directly to the destruction of existing streams as it is currently worded in NPS-FM Policy 3.16(3). The council request that the references to extent are more broadly framed, and that NPS-FM Policy 3.16(3) is amended or deleted.

131. In relation to stream protection, offsets have two main purposes. They are a way of promoting better outcomes in situations where adverse effects cannot be avoided, but as importantly, they require that the cost of addressing environmental externalities associated with development are factored into projects. The experience in Auckland, and reported by other practitioners around New Zealand, is that this can lead to projects being rescoped to retain streams, because that is cheaper than providing the offsets necessary to address the effects of stream loss.

7.5 Habitat – no further loss of wetlands

Position summary

132. The council supports the national direction to protect remaining wetlands, including through the management of activities close to wetlands and the explicit use of the effects management hierarchy. Several changes are requested to the NES-FW provisions to improve their clarity, reflect how the provisions will work in practice, and their alignment with the policy direction in the NPS-FW and with management of coastal wetlands through the NZCPs.

Question 25: Do you support the proposal to protect remaining wetlands? Why/why not? / Question 26. If this proposal was implemented, what would you have to do differently?

133. The council support protection of New Zealand’s remaining natural wetlands. Wetlands are one of our most valuable ecosystems; they are important habitats for many threatened species and have significant cultural value. Council considers that remaining wetlands should be valued appropriately and protected accordingly.

134. The council generally support more stringent rules for activities undertaken in wetlands and considers that the direction provided through the proposed NES-FW and NPS-FM will be critical in achieving their consistent protection across New Zealand. However, if this proposal is implemented, the council requests several amendments and clarifications as outlined below.

Management of coastal wetlands

135. The council supports in principle that activities within coastal wetlands should be managed. However, the council does not support the use of the proposed NPS-FM and NES-FW to achieve this. Coastal wetlands are best managed through the NZCPs. To reflect this, the council recommends that the NES-FW and NPS-FM apply to wetlands up to the landward boundary of the coastal marine area (CMA). Activities taking place beyond the landward boundary of the CMA should be managed through the NZCPs.
135. However, if the current proposals are pursued, the council requests resolving the following issues to clarify how and when the proposed instruments would be applied to coastal wetlands:

a. the proposed NES-FW and NPS-FM are not aligned with the NZCPS. The relevant clauses in the NES-FW contradict NZCPS Policy 11 as they provide for activities with potential adverse effects to occur within coastal wetlands that could be covered under NZCPS Policy 11(a);

b. the provisions within the NES-FW and NPS-FM are not in alignment. The relevant clauses in the NES-FW apply to both inland and coastal wetlands, while the provisions in the NPS-FM only apply to inland wetlands;

c. the wording of provisions and use of language relates to activities on land, and as such lacks clarity for the management of activities in the coastal marine area (for example the definition of earth disturbance does not refer to dredging of the foreshore and seabed). This will cause significant issues for the implementation of the direction. It is not clear if it is meant to replace regional coastal plan provisions or only those in regional plans for waterways;

d. the definition of a coastal wetland refers to ‘the seaward extent of freshwater influence’ which is very vague, will cause uncertainty and is difficult to determine in practice.

Management of constructed wetlands

137. The council supports the policy direction to manage natural wetlands more stringently than constructed wetlands. Constructed wetlands often have a purpose of contaminant management or flood mitigation that may require ongoing maintenance which could have perverse outcomes on assessment criteria when compared to natural wetlands. If constructed wetlands were to be subject to stringent rules, it may be that individuals are deterred from constructing wetlands on private property which may otherwise be supported as part of green infrastructure or nutrient management.

138. The council considers that the definition of constructed wetlands and the accompanying information note is very broad. The council suggests that a more nuanced approach to the management of constructed wetlands could be adopted. For example, that wetlands should be managed according to the purpose for which they were constructed (and as a result the values that they provide). Therefore, some constructed wetlands should be managed in a similar manner to natural wetlands such as those constructed for biodiversity offsetting or conservation purposes. The NPS-FM reflects this, however the NES-FW does not.

Mapping of wetlands

139. The council supports the proposal that natural inland wetlands >500m² must be mapped. However, the council and central government have acknowledged that there is issues associated with such mapping, including the practicabilities, the potential for inaccuracies with limited ground-truthing, and the coarse resolution of some modelled data. The technical difficulties associated with mapping wetlands <500m² are more significant, and council therefore supports this threshold. However, small wetlands are more susceptible to being significantly damaged because there is little to buffer them from adverse effects. The council seeks clarification that the relevant wetland provisions within the NPS-FM apply to all inland wetlands regardless of size, an whether they are mapped or not.

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4 Lawrence Grant and Bishop, Craig (2017). Remapping the extent of Auckland’s wetlands: methods and summary. Auckland Council technical report, TR2017/024
140. **Inventory of wetlands – monitoring.** The council supports in principle the collection of information relating to wetlands. However, we seek clarity on whether the intention is that this represents State of the Environment monitoring, and what methods and indicators are to be used.

141. The council would also like further consideration to be given to the implementation implications of this proposal, for instance:
   a. councils have limited ability under the RMA to enter private land for monitoring purposes other than for compliance and enforcement, as acknowledged in the draft Regulatory Impact Statement for these proposals; and,
   b. clear direction is needed about how this information is to be used, and guidance about the management of declining trends.

142. **Delineation of wetlands:** The council strongly supports the use of the wetland delineation protocol in cases of uncertainty. However, this provision would be more appropriate as a rule in the NES. The identification and delineation of wetlands is critical in determining whether the rules apply.

143. The council recommends that NPS-FW Policy 3.15(6) be replaced with the following wording:

   Regional plans must include rules which require that, in case of uncertainty or dispute about the existence or extent of a natural inland wetland, a regional authority must use the wetland delineation protocol available at: https://www.landcareresearch.co.nz/__data/assets/pdf_file/0003/181353/1903-TSDC148-WetlandDelineation-Protocols.pdf, and the outcome of applying that protocol must be taken as definitive.

144. Auckland Council would like to understand the level of mapping that central government will undertake, how this is integrated with existing council databases, and over what timeframe this will be done.

**NES-FW provisions for the management of wetlands**

145. The council supports the management of activities within and near natural wetlands through the NES-FW rules, but request the following changes:

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<th>Issue</th>
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<tr>
<td>The restoration of wetlands</td>
<td>The council agrees that the restoration of wetlands needs to be managed carefully and undertaken such that adverse effects are avoided, remedied and mitigated to ensure that they are less than minor. However, the council is concerned that the proposed NES-FW may have unintended consequences in that it may deter and discourage landowners from restoring wetlands. The council prefers that the restoration of wetlands be managed through controlled or restricted discretionary activities (or even a permitted activity rule with robust standards). This would be more consistent with NPS-FM Policy 3.15(3).</td>
</tr>
<tr>
<td>Use of a hydrologist and ecologist</td>
<td>The council supports in principle that consented activities in wetlands should require the input of a qualified hydrologist and ecologist. However, these specialists should be involved early in the consenting process and their assessment should be submitted as part of the application, rather than as a condition of consent (NES-FW clause 12(2)(a)). This would assist councils in understanding the natural regime of the wetland and give confidence that the proposal will not have adverse effects on the regime.</td>
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<tr>
<td>Vegetation Destruction Clauses</td>
<td>The council supports the intention to protect significant indigenous vegetation, however considers these clauses will be difficult to implement due to the lack of definition of ‘significant indigenous vegetation’. The council also considers that vegetation in and close to wetlands should be protected for the value it provides, and as such should be given the same protection exotic vegetation through NES-FW clause 2.1.7 and 2.1.8.</td>
</tr>
</tbody>
</table>
| Earth Disturbance Clauses | The council supports in principle the management of earth disturbance activities within or near wetlands.

Greater clarity and specificity in the definitions, or addition of definitions, of the following terms, is requested:

- Define the difference between ‘earth disturbance’, ‘reclamation’ and ‘drainage’. As proposed, the earth disturbance rules do not apply to reclamation. There is a need for clarity, and consideration of the effects of earth disturbance in the urban wetland context.

- Structures within wetlands should be more restrictive to recognise their historical drainage and subsequent rarity, their unique function and ecosystem services they offer. Structures within a wetland can also have a greater area of impact when considering the fill normally associated with a structure, such as a culvert. There needs to be a definition for ‘structure’ so we can clearly distinguish between structures and other activities such as infilling or drainage (for example, embankments and fill required for roads are often argued as structures). The AUP currently defines culverts, where the definition specifically excludes wetlands. This was done deliberately as the intent was that ‘culverting’ a wetland could not be undertaken as a permitted activity.

NES-FW Clause 2.1.10(3): Referring to the ‘minimum necessary’ earth disturbance to complete work is vague and currently often debated in the consenting process. Retention of this is likely to cause problems from a compliance perspective. It would be more appropriately included as an assessment matter, rather than a condition of consent. |
| Water Take Clauses | The council supports the intention to strictly manage water takes that have the potential to cause adverse effects in wetlands. The council suggests that the clauses in the NES-FW are not restrictive enough. The definition of ‘water take activities’ does not clearly encompass all water take activities that have the potential to affect the water levels in wetlands. The council request that the definition of water take be amended as follows:

*In clauses 16 and 17, water take activities means activities such as taking, using, damming, or diverting water that:
  a. are not earth disturbance or vegetation destruction; but
  b. may result in a change to the water level of a natural wetland.* |
7.7 Water quality – new bottom line for nutrient pollution, reducing sediment, a higher standard for swimming

Position summary

146. The council supports, in principle, the introduction of new additional bottom lines for nutrient pollution, reducing sediment and a higher standard for swimming, subject to the following:

a. further engagement with central government to discuss and resolve concerns about a lack of clarity in some attribute assessment methodologies and the impact of this on implementation timeframes through plan changes;

b. clarity about standardised approaches to attribute development, for example, the attribute table for suspended sediment is based on REC classes (allowing a refined ecoregion assessment) whereas the national table for dissolved reactive phosphorus does not provide this same level of refinement via an ecoregion approach.

147. The council also seeks recognition that proposed national bottom lines are not achievable in Auckland for some attributes (e.g. the proposed DRP and deposited sediment attributes) due to naturally occurring geology and stream types (i.e. soft bottom streams). Council would not agree to their inclusion until these aspects are addressed.

7.7 Water quality – New bottom line for nutrient pollution

Question 30. Do you support introducing new bottom lines for nitrogen and phosphorus? Why/why not?

148. The council supports the introduction of these new bottom lines in principle because it enables management of Auckland’s many soft bottom streams for the effects of eutrophication. In terms of spatial coverage, these new attributes are more relevant to the Auckland region than the periphyton attribute for trophic state assessment of hard bottom streams.

149. An evaluation of the council’s most recent five years of river water quality monitoring data (2014-2018) against the proposed attribute states shows that regionwide 10% of sites were graded D for DIN and 42% for DRP.

150. The proposed DIN national bottom line appears to reflect our understanding of nutrients from land uses undertaken across the region, and maps well to our reference site data (i.e. they are assessed as A or B grade).

151. However, council recommends further investigation of the DRP national bottom line, with respect to natural condition exclusions for this to be useful in the Auckland context (in line with the approach used for development of the sediment attributes).

Question 31: If this proposal was implemented, what would you have to do differently?

152. The extensive areas contributing to and the magnitude of failures in national bottom lines for DIN and DRP, suggests widespread and marked nutrient management actions will be required for implementation of the proposed NPS-FM in the Auckland region.

153. Specifically, a higher level of improvement in water quality would be required for Franklin streams with horticulture in their contributing catchments (on top of that already required by the current N toxicity attributes), with discussion to be had around whether the national bottom line for DIN should apply to catchments where the value of food supply may be higher than achieving an environmental instream outcome. Understanding of the naturally occurring levels of nitrate in shallow aquifers, in this area, is also an important piece of the management puzzle. A significant point of discussion with stakeholders would be an agreed timeframe over which the required improvement may be achieved.
154. In general, most rural land, other than that in horticultural use, appears to be less impacted by the DIN attribute, but many urban streams are below the national bottom line, which would require further infrastructure investment by council to improve this water quality over time.

155. The proposed DRP attribute appears to have greater implications for water quality management in both urban and rural catchments.

**Question 32: Do you have a view on the STAG’s recommendation to remove the ‘productive class’ definition for the periphyton attribute?**

156. The council considers that the ongoing development of the periphyton National Objectives Framework (NOF) attribute has created confusion. The removal of the productive class based on a larger dataset seems a reasonable approach. The proposed approach by the STAG to provide a supporting ‘default nutrient criteria’ table is useful for councils where management of hard bottom streams is less significant (because soft bottom streams are predominant), and for those councils who have not begun to monitor instream, which enables some current state assessment to be made in the interim.

157. The council seeks clarity around the intent of the table in the STAG report. Is it intended to be used by councils who will not have the required monitoring length of data by the plan notification date, to enable instream criteria (Total Nitrogen (TN) and DRP) to be set in hard bottom streams?

### 7.8 Water quality – reducing sediment in rivers

**Response overview**

158. Council staff have been involved in a technical expert group supporting the MFE sediment attribute research programme since 2015. This group has indicated that central government development of specific in-stream sediment thresholds for the provision of ecosystem health reduces the burden for councils to develop their own. The group has concerns about the specific suspended sediment attribute proposal. These concerns generally stem from the following themes: the complexity of the proposed classification system, and the precision of the band thresholds given monitoring limitations in different environments.

159. Additional concerns of Auckland Council are:

a. the time period for sediment attribute assessment being only two years, and thus the potential for state switching between bands (and the implications of this on limit setting and action planning). This does not seem to have been adequately resolved to date;

b. the alignment of assessment periods for different attributes that may be linked on a process basis. For example, phosphorus and sediment. Grading over different assessment periods (number of years) for these different attributes may simply reflect varying climatic conditions across the different assessment periods (variation in precipitation), rather than actual differences in attribute states. The council requests that further consideration is given to the implications of this via additional investigation and guidance;

c. further clarity about the unit of measurement for the turbidity attribute table, should this be NTU (not FNU), as this is the unit that most turbidity data has been evaluated against to date? It is suggested that the methodology for instream FNU assessment of turbidity is not well established to warrant its use in this type of assessment (this is not to say it cannot be included in future revisions of the sediment attribute table). FNU and NTU are not directly comparable units.

160. In advance of the introduction of a sediment attribute, the council has been working on improving sediment outcomes for Auckland through our Strategic Approach to Sediment programme, which was endorsed by the Environment & Community Committee in December.
2018 (ENV/2018/169). Through the programme we have examined our operational, regulatory and planning processes to develop regional scale solutions to prevent sediment entering our waterways that provide local benefits through systemic change. An interim report of July 2019 outlining progress and next steps can be accessed here.

161. Innovations and interventions can be tested at scale and pace in Auckland due to current rates of development. Results and learnings can be shared cost-effectively with councils across the country.

162. Historically, central government has focused on interventions in the rural sector (stock exclusion rules, riparian planting, NES-PF etc). A stocktake of the council’s internally and externally available training and guidance material shows that at present, best practice guidance for development-related earthworks is provided by individual regional councils, largely based on significant historic investment by Auckland Council (TF90 and, now GD05). Erosion and sediment control training is ad hoc across the country.

163. The council is advocating for national-level industry training for erosion and sediment control, integrated within professional accreditations. We seek central government support for the introduction of a nationally-endorsed unit standard (or equivalent) for erosion and sediment control that could be integrated as a mandatory component within professional training accreditation such as the Licensed Building Practitioner certification, earthworks operators, and appropriate sub-contractor professions.

**Question 33:** For deposited sediment, should there be a rule that if, after a period (say five years), the amount of sediment being deposited in an estuary is not significantly reducing, then the regional council must implement further measures each and every year? If so, what should the rule say?

164. The council agrees that this should be an action planning attribute. However, the council is concerned about the lack of clarity in the proposed method with such narrow bands, and its relevance to the Auckland Region with naturally soft-bottom streams. The council question if a method with a 5% error can detect the small changes identified between bands? This, together with the subjective nature of the visual assessment for this attribute, questions the repeatability and robustness of a national bottom line for many of Auckland’s streams.

**Question 34:** Do you have any comments on the proposed suspended sediment attribute?

165. The council supports the proposal for a suspended sediment attribute in principle but considers there is still further clarification required around the assessment method for this.

166. Auckland Council currently manages sediment load limits for land-based activities via a Best Practice Option approach (Guideline Document 2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05)), and via regional land disturbance rules in the AUP. The implementation of catchment-based load limits will require further work by council in terms of allocation and equity.

167. The council also seeks clarification of the caveat regarding assessment of turbidity / Total Suspended Solids (TSS) relationship at each monitoring site. What happens at these sites when the relationship is poor? If a poor relationship exists does that mean that this attribute cannot be assessed? For example, of the council’s 36 State of the Environment river monitoring sites, less than half (17) have a good correlation (r² > 0.8) between TSS and turbidity (NTU) over the last 10 years.

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Question 35: If this proposal was implemented, what would you have to do differently?

168. The council does not currently monitor deposited fine sediment, so will incur increased costs and require increased capability to do so.

169. Further clarification, as outlined above, is required for both deposited and suspended sediment before these proposals could be implemented.

170. Work is underway to identify catchment sediment loads (using TSS) via the freshwater management tool (FWMT), both in urban and rural catchments.

7.9 Water quality - Higher standard for swimming

Question 36: Do you agree with the recommended approach to improving water quality at swimming sites using action plans that can be targeted at specific sources of faecal contamination? Why/why not?

171. The council agrees with the proposed action plan (not limit setting) approach as it reinforces the ‘sanitary survey’ (catchment level analysis) component of the original Ministry of Health’s 2003 Microbial Guidelines and council’s responsibilities to investigate/improve catchment practices for these identified ‘primary contact’ sites.

172. Recognising the limitations of monitoring alone in terms of risk management, the council is developing a calibrated and validated freshwater model. As such, weekly surveillance monitoring is supported as an interim approach until a robust modelling approach for freshwater has been developed.

7.10 Water quantity – clarifying requirements for minimum flows

Position summary

173. In principle, the council is supportive of more refined objective setting for ecosystem health outcomes. Further direction on the scale and detail at which these objectives are to be set is required. The council requests clarity on:

a. the units applied for limit setting (currently the AUP uses a river scale approach), including the corresponding conditions applied to resource consents;

b. guidance on a default limit setting for streams and aquifers where no or sparse environmental data are available; and

c. guidance on minimum level setting for aquifers.

Question 37: Is any further direction, information, or support needed for regional council management of ecological flows and levels?

174. When setting objectives that state the desired ecosystem health outcome (with the potential for objectives which reflect a human health outcome also to be considered), the council requests further direction on the scale at which these objectives apply; e.g. FMU is the fundamental unit referenced in the NPS-FM, however streams may require various approaches such as objectives based on stream-order (e.g. no consented water takes on 1st order streams), specific catchment-based objectives (e.g. stream A must be managed for objective B), and general ecology-based objectives (e.g. habitat for species X must be managed to XX% natural state). The council understands that this exercise is likely to be done most appropriately at the regional / unitary authority level, but request clarification from central government that this understanding is correct.

175. The council suggests that further national guidance could be provided on flow variability assessment methodologies in the default limit-setting process via the update of the current draft 2008 NES ecological flows and water levels.

176. The council requests clarity on the following:
a. the requirement to set water resource availabilities (i.e. limits) as a total volume or total instantaneous rate, specifically to reinforce common practice whereby groundwater availabilities are set as cubic metres per year and surface water availabilities set as litres per second and cubic metres per week;

b. the application of minimum water levels as they relate to aquifers. Is the intent of the NPS-FM to set minimum water levels for all aquifers? If so, council would like to understand the rationale for this approach. We suggest that they may be useful as a management tool, applied to some aquifers;

c. the scale at which minimum flows apply: presumably it is up to the regional council to determine what scale (e.g. entire river, tributary, or reach). This should be detailed in the implementation advice notes. Too coarse a scale will not address stream degradation for tributaries of larger systems. Too fine a scale will be onerous for all parties;

d. the intended accounting system to be applied in situations where aquifers support baseflow to streams; if X% of aquifer recharge re-emerges as stream baseflow, what % is available for take from the aquifer? E.g. if 100% of rainfall recharge to an aquifer re-emerges as baseflow to streams, does that mean that zero water is available from the aquifer? If not, what system is intended to apply in this situation?

177. The AUP currently only manages one freshwater aquifer area with a water level limit (several other geothermal aquifers are managed using this approach). There would be a substantial amount of further work required to assess each aquifer on a water level limit basis. The council’s State of the Environment monitoring programme would require significant additional capital and operational expenditure to collect this information.

Question 41: What are your thoughts on the proposed technical definitions and parameters of the proposed regulations? Please refer to the specific policy in your response.

178. The council requests clarification on the following:

   a. the term dynamic efficiency needs further clarification in relation to how this would be assessed for water takes;

   b. the term national bottom line would be better described as ‘defines the state at which water outcomes are below a nationally applied minimum standard’;

   c. outstanding freshwater body should be identified at the regional level, which is the purview of councils;

   d. threatened species: there is no indication of the spatial extent to be covered by this assessment, is it the whole stream width or does it extend to the riparian yard for rivers and lakes, it is reasonably clear for wetlands.

179. The council generally supports the technical parameters of the additional NOF attributes, but requests the following:

   a. a summary table or graphic would better articulate the surveillance and grading components of the proposed NPS-FM attributes;

   b. clarify what separates out action plan and limit setting attributes (see comment re Chl-a attribute (lakes) in the following table);

   c. clarify why different assessment periods are required for different attributes in terms of grading, annual, 2- or 5-year assessment periods and what the basis is behind these differences. This needs transparency in terms of statistics used to assess the water quality outcomes in a standardised manner; and
clarify whether the removal of ammonia toxicity attribute for lakes (via the attribute table) is intentional when compared to the 2017 NPS-FM.

180. Comments addressing specific technical parameters of the NOF attributes are set out in the table below.

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<tr>
<td>Table 1 (Ecosystem Health – Aquatic Life)</td>
<td>Chl-a (lakes)</td>
</tr>
<tr>
<td><strong>Comment:</strong></td>
<td>Chl-a may not apply to all phytoplankton bloom related outcomes as some species are low in Chl-a but still discolor the water and reduce aesthetics, recreational activity and light penetration. Chl-a does not always reflect TN and TP. Chl-a can fluctuate depending on the phytoplankton species assemblages.</td>
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| **Request:** | • Although there is value in setting limits (as it is one of the key parameters used to quantify lake health) this attribute is better suited as an action plan attribute.  
  • Removal of the annual maximum is recommended, as it is often misleading and is heavily influenced by sampling location, technique, time and depth. The annual median is a far better metric. |

| Table 13 and 14 (Ecosystem Health – Aquatic Life) | MCI |
| **Comment:** | Currently, in Auckland, the interim approach taken through the AUP for MCI and urban land use is driven at the policy level where a maintain or improve guideline applies based on a current state assessment of actual MCI values against the modelled reference condition value. This is an interim policy until further direction is implemented through the councils more refined NPS-FM approach. |
| **Request:** | • Clarification as to why the MCI national bottom line has been moved from 80 to 90. This is not well documented in the proposal and may be too costly to implement in some cases, particularly in the urban environment, due to significant infrastructure. It would be difficult to agree to limits that are unachievable in an urban context.  
  • Clarification as to why this is assessed against a five-year rolling average and not the median as other attributes are. |

<p>| Table 15 (Ecosystem Health – Aquatic Life) | Fish Index of Biotic Integrity |
| <strong>Position:</strong> | Agree in principle that this should be an action planning attribute. |
| <strong>Comment:</strong> | This is currently not monitored by the council (but has been historically) so would require additional resourcing. We are also investigating an eDNA tool to validate fish numbers. The council has done some work to eco-regionalise the IBI calculator. |
| <strong>Request:</strong> | • Clearer guidance on the purpose of fish monitoring. For example, are we interested in presence/absence, diadromous fish extent, |</p>
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<td>population dynamics, recruitment potential etc? This has big implications on the required monitoring and its associated techniques.</td>
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<td>- Further information about the timeframe that a nationally agreed approach could be defined, and how this would dovetail into the proposed 2025 plan change deadline.</td>
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### Tables 16 and 17
- **Position:** Agree in principle regarding an additional ecosystem health metric for lakes.
- **Comment:** Do not support this attribute as currently proposed. More thought is required about the application of this attribute. The objective needs to be refined. Macrophyte cover and biomass are far better indicators of lake health.

The requirement to undertake this assessment every three years would incur additional cost to the council as we currently do it every four years and via a rotational approach.

The need for surveillance monitoring of invasive species on an annual basis would require additional resourcing as currently this is only done every four years, on a rotational basis. State of the Environment monitoring could only provide this information on a 3 or 4 yearly basis.

Currently we have no proven resoration techniques for macrophytes and no way of assessing what species has historically existed in non-vegetated lakes aside from seed banks that may not be viable.

How does this metric take account of natural succession and early summer macrophyte collapse?

There is no mention of the impact of pest fish on macrophyte biomass.

### Request:
- Clarity as to whether all lakes are required to be done every three years.
- Guidance on clear exceptions where LakeSPI does not apply, i.e. those lakes with significant pest fish problems etc.
- Central government view on the potential perverse ecological outcomes from the LakeSPI attributes – is it better for lake ecosystem function to have 100% invasive macrophytes rather than no macrophytes at all? If invasive macrophyte removal is done to meet the national bottom line, there will be a long period of phytoplankton dominance before any natives recover (providing that the seed bank is still available). This lag period could also create conditions that will stem any native recovery due to a reduction in water clarity.
- Require that the method is agreed through NEMS for consistency of approach and to enable other providers to deliver this service to
### Table

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<tr>
<td>Overview of council submissions on key National Policy Statements and National Environmental Standards</td>
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<td>Item 10</td>
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| Position: | Agree with its inclusion but only as an action plan attribute (except for near point sources). |
| Comment: | Need to make sure clear guidance is given aligned to NEMS about how and where this will be monitored, to gain a useful national picture. There will be additional cost to councils in accounting for factors (actions) that improve this parameter, e.g. length of stream planted, shade etc at a catchment scale. |
| Request: | Guidance on whether there are cases where periodic anoxia is natural, for example, at springs naturally discharging low dissolved oxygen (DO%) water into a stream or a very low productive flowing reach with lots of organic input. |
| Request: | Clarification of whether this only applies to wadable rivers and how this is different from the proposed ecosystem metabolism attribute? |

| Position: | Agree in principle re better assessment of lake internal loads as opposed to contributing catchment load. |
| Comment: | We support the suggested guidance document to clearly outline when exceptions might apply, and how councils should assess this going forward. |
| Request: | Guidance on how to prove which lakes are naturally anoxic over summer, especially for new lake sites with no historical dissolved oxygen measurements. |
| Request: | Clarity about the depth of the lake this applies to, for example all lakes deeper than 10m? |

| Position: | Do not support at this stage as a national attribute as it is unclear what the intent of this attribute is. |
| Comments: | Currently, there is not a sound enough evidence base to implement this as a national metric, the context is lacking for how to assess the results. |
| Request: | It would make sense if this was a metric that could be applied to larger rivers where many of the wadable stream attributes do not apply. Continuous dissolved oxygen monitoring requires good QA protocols. The nature of components of action plans would be hard to clearly identify. |
Table

| Table 23 (Human contact – Primary contact) | Position: The council would like the opportunity to develop metrics derived from our modelling approach, outside of those in the attribute tables. |

7.11 Water Quantity – real-time reporting of water use

**Question 38: Do you have any comment on the proposed telemetry requirements?**

181. The council supports the introduction of mandatory telemetry and suggests this should be regardless of rate of take. The data is essential for the council’s work to be able to build accurate measurements of water use. The council suggests introducing a staged implementation, which would enable the use of additional data to be evaluated against the relevant cost implications. This would be based on the allocation of overall resource, (e.g. 70% allocation by 20XX and then extending out to all aquifers/streams by 20XX. This would enable a risk-based approach to be adopted.

182. Currently, not all water-take consents in the Auckland region have an instantaneous rate of take. Additional work will be required to identify all consents that this applies to.

183. The council notes that water take can be measured at a higher resolution than 15 minutes, as mentioned in the discussion document (section 5.12). The council suggests that this proposed reporting should require measuring water take to at least 15-minute totals, but a higher resolution would also be acceptable i.e. event-based. Transmitting data for daily records is acceptable, but again it should state that this is the minimum requirement as modern devices have capability to send data in real time. The resolution of reporting may be different for surface compared to groundwater takes.

184. Council also requests that central government clarify what council’s ability is to require people taking water under s14(3)(b) of the RMA to measure, record, and report on their water takes.

8. Supporting the delivery of safe drinking water

**General Comments**

185. Most of Auckland’s population sources their drinking water from the reticulated municipal supply managed by Watercare Services Limited. The primary sources for this supply, except for the Waikato River, are currently managed through the AUP via the Water Supply Management Areas overlay. There are several private and community supplies that may be vulnerable to contamination.

**Question 43: Do you agree with the proposed amendments to the Drinking Water NES? Why/why not?**

186. The council supports, in principle, the proposal to use source protection zones as a means of implementing multi barrier implementation to drinking water safety. The identification of activities in such zones is key to understanding the potential risks to drinking water sources.
and should be used to enable the review of the best mix of mitigation options e.g. treatment and/or the regulatory control of discharges. However, the council notes that mandating the need for land use controls within these zones does not recognise the importance of and need for treatment.

187. Treatment is the most effective way of managing drinking water risk and should be reflected in future regulations. This is particularly pertinent in the Auckland context given the role extra-region sources (e.g., the Waikato river) play in Auckland’s municipal supply, and the limited levers the council can utilise to protect those supplies. Balance is needed between the requirements for treatment and potentially onerous requirements for activities in source protection zones. For instance, many onsite wastewater areas are anticipated to be discharging faecal contamination into groundwater. This would be more effectively managed through drinking water treatment rather than requiring all onsite wastewater systems to be consented or be reticulated. In addition, source protection zones do not capture risks associated with rain tanks, which also pose health risks.

188. Given that the specific amendments to the National Environmental Standard for Sources of Human Drinking Water are still to be developed, the council would welcome the opportunity to work directly with central government in the development of these.

9. Better managing stormwater and wastewater

General comments

189. The council supports a holistic, integrated approach to managing the three waters. The council prefers a descriptive, outcomes-based approach over a prescriptive approach for future development of Three Waters proposals.

190. Delivering the necessary improvements to wastewater and stormwater networks requires significant funding. Taking a traditional rates-based approach may not be feasible or affordable for the community. The council suggests that the next stage of the Three Waters review includes consideration of alternative funding mechanisms. The council has provided feedback on some alternative funding and financing options in the council submission to the Productivity Commission’s Local Government Funding and Financing Draft Report and suggests this analysis is also considered in the context of the Three Waters Review.

191. The council would welcome the opportunity to work with central government to further develop the proposals through the Three Waters review.

9.1 Wastewater

192. The reticulated municipal wastewater network in Auckland is managed by Watercare Services Ltd, who own and operate a substantial piped network and 18 wastewater treatment plants, which discharge to a mix of coastal, estuarine, freshwater and land-based receiving environments.

193. There are also several small systems, managed by either the council or external organisations, that collect, treat and discharge wastewater for small populations in non-metropolitan areas throughout the Auckland region. We expect the proposals to impact these small systems more significantly, so it will be important for proposals to be developed with input from small wastewater operators.

194. The council also notes that onsite wastewater systems can have significant impacts on receiving environments, particularly where populations are relatively dense and/or increasing.

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The council suggests central government considers the impacts of onsite wastewater systems during the Three Waters Review.

**National Environmental Standard for Wastewater**

195. The council supports, in principle, a proposed National Environmental Standard for Wastewater, as a tool to ensure that the performance of the entire wastewater network is maintained or improved in terms of treatment plant discharges and network overflows. The council suggest that a Wastewater NES be extended to include targets or limits on dry weather overflows, as these can have negative impacts on the environment, and are often preventable.

196. Watercare Services Ltd currently holds a Wastewater Network Discharge Consent, which authorises discharges (dry and wet weather overflows) from 756 existing engineered overflow points in the region. Approximately 15% of these locations are estimated to discharge more than the desired performance standard of two times on average per year. An improvement programme is in place to prioritise works to mitigate these.

197. It should be carefully considered how long wastewater operators are given to achieve compliance, as reducing the frequency of, or eliminating, wastewater overflows can be complex and expensive.

198. The council suggests that minimum discharge treatment standards in a potential NES need to be developed to ensure they are appropriate and fit for purpose, as the level of treatment will always be dependent on the receiving environment and its assimilative capacities, relative to the discharge loadings and concentrations. A ‘one size fits all’ approach to minimum standards is unlikely to be appropriate.

199. In addition to requirements suggested in the discussion document, the council supports standardised requirements covering sampling, monitoring and reporting of wastewater treatment plant discharges and network overflows, to improve the consistency and quality of data available.

**Risk Management Plans for Wastewater Operators**

200. Auckland Council supports, in principle, nationally consistent risk management planning by wastewater operators, with a focus on avoiding or mitigating risks to the environment, people and property.

201. Watercare Services Ltd currently identifies and manages risks associated with the wastewater network through their Asset Management Plan. Key risk management priorities include health and safety of staff, customers and the public; achieving environmental compliance; and minimising third party damage. Watercare’s asset management planning also ensures the network is prepared for future pressures, including climate change and urban growth. The council would welcome the opportunity to work with central government as they further develop risk management requirements.

202. The council supports clarification that risk management applies to the wastewater conveyance network, as well as wastewater treatment plants; that is, the entire wastewater system.

**Nationally consistent performance measures**

203. The council supports, in principle, nationally consistent performance measures for wastewater as outlined in the discussion document and would welcome the opportunity to work with central government to further develop these.
204. Watercare Services Ltd currently reports annually on 23 performance measures, including community satisfaction; dry weather and wet weather overflow occurrences; compliance with discharge consents; and level of engagement with whānau. It will be important for the nationally consistent performance measures to be developed with the input of wastewater operators, to minimise additional administrative burden and ensure reporting is achievable and useful.

9.2 Stormwater

205. Auckland Council manages the municipal stormwater network, with the primary aim being to minimise flooding, maintain the environmental value of our aquatic habitats, and prevent pollution of our seas.

206. A regionwide Stormwater Network Discharge Consent (NDC) has recently been granted, which authorises stormwater discharges from the network owned and operated by the council. The NDC takes a catchment-level, risk-based approach, which we suggest central government takes note of when considering stormwater management requirements.

207. The NDC structure and issues identified through the hearings process offer useful learnings for future policy development on enacting integrated management, and the scope of proposed stormwater risk plans and Water Services Act. The NDC and associated Stormwater Management Plan requirements promote adaptive management, supported by the Freshwater Management Tool to predict contaminant loads in catchments with different interventions. Monitoring will determine if predicted outcomes are being achieved and to further inform the Freshwater Management Tool model.

*Risk management planning for stormwater operators*

208. The council supports, in principle, nationally consistent risk management planning for stormwater operators, with the priority being to minimise risk to receiving environments, public health, and property. The council would welcome an opportunity to provide input, as it has experience identifying and managing risks through the Stormwater Asset Management Plan.

*Nationally consistent performance measures*

209. The council supports, in principle, nationally consistent stormwater network performance measures, with a holistic focus on environmental outcomes, resilience, and social and cultural outcomes. Reporting needs to be clear and concise to increase engagement and understanding. The council would welcome the opportunity to work with central government during the development of these measures, drawing on our experience in reporting on performance measures that include flood events; community satisfaction; and contribution to Māori outcomes, amongst other things.

*National guidance on stormwater network management, water-sensitive design and green infrastructure*

210. Auckland Council supports the use of water sensitive design for urban stormwater management, as reflected in the AUP, which includes water-sensitive controls in relation to greenfield developments, sensitive urban stream catchments, and subdivision. We have also developed a guideline for application, GD04 – Water Sensitive Design for Stormwater. Despite planning provisions and guidance, implementation of water-sensitive design has been inconsistent. We encourage central government to focus proposals on overcoming implementation challenges. This council would welcome the opportunity to provide input and share learnings.

211. For example, the council is supportive of central government efforts to enhance the capability of practitioners. The council recently launched the National Green Infrastructure Certification Programme, which aims to train and certify people who design, install, and
maintain green infrastructure devices (see case study in Appendix 5). The council supports a national training and certification direction that aligns with the progress already made, and builds on the lessons already learnt, in Auckland.

10. Improving Farm Practices

Position summary

212. The council recognises that the discussion document and associated regulatory instruments introduces new regulation for rural land uses. The council wants to ensure that these regulations can be implemented in a fair and practical way for both landowners and the council. Rural land use is important to the Auckland Region, which contains significant commercial vegetable growing areas in Franklin and other extensive areas of pastoral systems.

213. The council supports the intent of the proposed rural package to improve the management of rural land and reduce its associated impact on freshwater bodies. The council supports, in principle, the mechanisms outlined to achieve this, including the national direction towards mandatory Freshwater Farm Plans (FW-FPs) and the stock exclusion regulations for waterbodies.

214. In noting this general support of the rural package’s intent, the council also observes IMSB’s view that any interim moratoria associated with the proposed NPS (i.e. NES-FW) should not apply to Whenua Māori, Treaty Settlement Land (including Māori owned Land in General Title) and Special Purpose – Māori Purpose Zoned Land.

215. The council has significant concerns regarding the ability to implement the NES-FW and section 360 regulations as follows:

a. capacity of both the rural and regional council sectors to deliver and implement the requirements in the timeframes outlined;

b. lack of clarity and consistency in the detail of the proposed NES (farm-related measures) and stock exclusion regulations;

c. unclear nature of council’s role in the regulatory aspects of FW-FPs and whether an FW-FP is applied as a permitted activity standard, or condition of controlled activity?

d. unclear compliance mechanisms to enforce and monitor the regulations. For instance, if FW-FP not provided, is the default activity status discretionary?

e. reliance on Overseer, which is inappropriate to measure contaminants for horticulture and agriculture, as may be applied in certain circumstances;

f. lack of flexibility for a more collaborative catchment specific risk-based approach, including regional prioritisation, to achieve water quality improvements; and

g. potential consenting and implementation burden that will be placed on landowners and regional councils as a result of implementing the proposed NES-FW and stock exclusion regulations.

10.1 Restricting further intensification

216. The council supports, in principle, restricting further intensification of rural land use as a measure to reduce pollution entering waterways. However, the council has reservations regarding the complexity and prescriptive nature of the proposed NES-FW, and the resulting consenting and administrative burden this will place on both landowners and regional councils.

217. The council considers the proposed restrictions may unfairly impact the expansion of farming operations that are low-risk activities, or take place in a low-risk catchment, or where
good management practices are already occurring. For example, under NES-FW clause 3.34 if an irrigated farming operation in 2017-18 was highly efficient and had minimal discharges, the efficiency of its operations would restrict its ability to expand or reduce discharges below this threshold (i.e. they are penalised for already being efficient).

218. NES-FW clause 3.34 – 35 requires benchmarking of nitrogen (N) / phosphorus (P)/ sediment (S) or microbial pathogens (E) loading in 2017/18 for high-risk land use changes. The council considers the benchmarking requirements in NES-FW clause 3.34 to be impracticable as there are currently no existing tools that accurately record loads at paddock or property scale for S and E contaminants. While for N and P, Oversaar is insufficient to be used as a regulatory tool and as an absolute benchmark. In the absence of any such tool, the council considers this raises uncertainty as to how to effectively record 2017-18 benchmarks for compliance and monitoring comparison across all the four contaminants.

52. For land-use change to commercial vegetable growing, do you prefer Option 1 or 2? What are your reasons for this?

219. As an interim approach, the council prefers Option 2 - Farms must operate above good management practices (GMP). This option would enable greater flexibility to deliver farm-scale initiatives that are shown to raise the bar above typical horticultural practices, hopefully leading to reductions in contaminant loads. The council requests clarity regarding how ‘above good management practices’ will be assessed by a regional council, as this is a subjective determination to make. The distinction between a farm operating ‘at’ GMP, and those operating ‘above’ GMP, may be very subjective. Ideally guidelines from central government should be provided regarding this matter.

220. The council also questions if FW-FPs are used as the tool in assessing GMP, what role will the regional council take in monitoring and enforcement to ensure that the farm is operating ‘above GMP’ as outlined in the FW-FP? Additional comments relating to the role of regional councils is outlined below.

221. The council does not prefer Option 1 due to the difficulty in benchmarking discharges and establishing a baseline level at the farm scale. This would be difficult to undertake in the horticultural sector, along with the challenges in monitoring the change in contaminant loads to determine that ‘no net increase’ has taken place. Overall option 1 is impractical to deliver effectively.

10.2 Improving farm practices through farm planning

222. The council supports the use of Freshwater Farm Plans (FW-FPs) as they can be an effective and flexible tool to transition land-use to more sustainable practices, reduce contaminant discharges from farms and improve water quality outcomes. However, the council prefers a catchment specific, targeted, risk-based approach to implementing FW-FPs that would allow for the regional prioritisation of catchments. Prioritisation for FW-FPs across a region may aid in the challenge of the large-scale implementation required.

223. The council supports the mandatory, yet targeted, introduction of FW-FPs as it will facilitate the quicker adoption of GMP across New Zealand, create a clear national process and ensure that the cumulative effects of poor management practices are being tackled on a farm-specific level.

224. However, the council seeks clarification on how FW-FPs will be used as a regulatory tool and the regional council role in monitoring and compliance activities. As currently proposed, FW-FP’s fail to provide an effective tool until they are linked with regional rules giving effect to the NPS-FM.
55. What are your thoughts on the proposed minimum content requirements for the freshwater module of farm plans?

225. The council supports, in principle, the minimum content requirements for a FW-FP. The council is concerned that the requirement in NES-FW clause 3.38.3, to assess the risk of contaminant loss impacts on freshwater ecosystem health, is too broad. The council suggests that any risk assessment focuses on a limited number of contaminants as prioritised / defined by regional councils based on the Freshwater Management Unit (FMU) or farm activity. It is also suggested that assessments should be tailored to the contaminant load lost by the farm rather than the effects of those contaminants on instream ecosystem health as the latter requires FW-FP advisors to have advanced technical knowledge of understanding / predicting change to instream effect.

226. The council suggests that the mandatory two-year auditing requirement be based on catchment, activity and/or farm-risk. This would allow auditing requirements to be prioritised to the level of risk, focusing on catchments and areas in most need of improvement. A targeted auditing regime is essential to manage the strain on the availability of certified auditors and farm planners.

56. What are your thoughts on the proposed priorities and timeframes for the roll-out of farm plans?

227. The council supports the proposed priorities for the first tranche of farm plans, which for Auckland includes the Highly Erodible Land (HEL) in the Kaipara region, and commercial vegetable production in the first tranche of FW-FP requirements.

228. However, while the council recognises the need and urgency to prioritise these activities / catchments, there are serious concerns regarding the capacity of the agricultural and local government sector to implement the quantity of FW-FPs in the proposed timeframes. There are approximately 556 horticultural properties in the Auckland region that would need an FW-FP completed within 2-years. This is a sizeable undertaking that may lead to delivery and implementation issues, such as poor-quality FW-FPs, administrative bottlenecks, and inaccurate data capture and monitoring which may not achieve the overall desired water quality outcomes.

229. Qualified land managers in the Auckland region are lacking, and additional investment / training programmes are required from central government if the proposed timeframes are to be achieved. The council suggests the immediate requirements include:
   a. rapidly upskill and train qualified farm advisors and auditors; and
   b. development of guidelines and processes for reporting, compliance and auditing standards; and
   c. the need for significant support, funding, resources from central government to facilitate this, as many regional councils (including this council) are financially constrained despite existing programmes that support rural landowners.

230. To assist with efficient farm plan roll-out, the council supports the adoption of digital farm planning tools through collaboration with industry groups to adopt tools, systems and templates for FW-FP delivery. Digital FW-FPs and auditing tools will greatly improve monitoring and compliance and facilitate adaptive management of catchments and create better outcomes. The development of such digital tools should be led by central government in conjunction with industry / agricultural bodies. This could be assisted by creating a centralised repository / database to hold farm plan data nationally.

231. The council also suggests that the proposed timeframes would be more achievable by undertaking further regional prioritisation within at-risk catchments, determined by high-risk
activities or sensitive receiving environments. This would be a more appropriate alternative to requiring farm plans based purely on property size.

232. In the Auckland region, there are a considerable number of lifestyle blocks which may not have the same risk profile as some larger farming operations. A targeted approach is more likely to deliver improved water quality outcomes in the proposed timeframes without the significant cost or implementation/administrative burden to small land holders with limited discharges.

57. Do you have any comment on what would be required to ensure effective implementation, including options for meeting the costs of preparing, certifying and auditing of farm plans; and on financing options for other on-the-ground investments to improve water quality.

233. To ensure effective implementation of FW-FPs the council considers several amendments are required to the proposed NES-FW as discussed below.

Activity status, enforcement and role of regional councils

234. The council requests greater clarity be provided in any final NES-FW to clearly detail how FW-FPs are to be used as a regulatory tool, including detail regarding the expected role of regional councils in compliance and monitoring the FW-FP requirements. As currently proposed the NES-FW is not clear on whether FW-FPs have an activity status and what process will be applied if a landholder fails to meet the FW-FP requirements, or fails an audit. It is also unclear as to what any failure is measured against to take enforcement action.

235. The council supports the private sector using its expertise and resources to assist farmers to develop and certify FW-FPs. The council prefers that the compliance, monitoring and enforcement obligations for FW-FPs are retained by regional councils, which is consistent with its legislative responsibilities under the RMA. The separation of certification and compliance roles would ensure that sector groups do not undertake regulatory functions and enable transparency in enforcement of FW-FPs, when and if required.

235. Clarification is sought on whether FW-FPs require an activity status to enable compliance. Further detail is required on an appropriate process when landowners do not meet the FW-FP requirements. The council suggests permitted activity status in the first instance, with a controlled activity status where a landowner has failed to meet the FW-FP requirements.

237. In relation to audit of FW-FPs, the council requests that the current requirement under NES-FW clause 3.41.7 be strengthened from notifying the Regional Council of the results of the audit to requiring that ‘a copy of the full audit report (less any commercial in confidence sections) is provided to the Regional Council’. This will ensure that regional councils are fulfilling their monitoring and compliance function under the RMA.

238. As identified previously, the council anticipates that the proposed certification and qualification requirements of advisors will be a significant barrier to achieve roll-out of farm plans as desired. The combined requirement of needing 3-years’ experience and a suitable qualification to become certified is a roadblock to upskill staff. While it is necessary to have suitably qualified farm planners, there is also a need for quickly train and upskill qualified individuals to deliver the ambitious FW-FP delivery programme.

Size criteria to trigger FW-FPs

239. The council is supportive of encouraging the adoption of FW-FPs by smaller farming activities (i.e. <20ha), particularly in catchments dominated by intensive activities having a cumulative impact on water quality. These farming activities could have a longer timeframe for adoption of FW-FPs to enable the focus on high-risk rural activities and at-risk catchments.
Definitions

240. The council requests the inclusion of ‘intensive indoor primary production’ within the definition of a farm so they can be captured into the FW-FP regime at some stage. Intensive indoor primary production has significant nitrogen releases (i.e. 1 ha greenhouse nutrient solution discharge (N concentration (ppm) = 400 mg/L³)). These levels are much higher than arable or pasture.

10.4 Immediate action to reduce nitrogen loss

Questions 58, 59, 60, 61, 62, 63, 64

241. The council acknowledges the urgency to reduce nitrogen losses in catchments where waterways are significantly impacted. The council supports the interim measures to reduce excessive nutrient leaching from agricultural and horticultural activities in high nitrate/nitrogen catchments, including the Waitangi and Whanganaire streams in the Auckland region (i.e. Franklin area).

242. The council is currently working towards identification of future nitrate toxicity attribute states for these impacted streams via our Freshwater Management Tool modelling programme. The council recognises the opportunity to act now through the proposed NES-FW, prior to any plan change developed through the council limit and rule setting process. The council is also cognisant that regulation is only part of the change required, with supporting non-regulatory incentives vital to achieving the outcomes collectively sought.

243. The council suggests that the interim proposals be amended so they are effective until individual councils longer term provisions are rolled out in practice, not simply given effect to in the plan (as there may be some further lag period required for information collection to set historic N-loss).

244. The council prefers Option 3 – ‘Farm plan-based reductions’, as an interim tool to reduce nutrient leaching in catchments where nitrate in waterways is an issue. This option has the advantages of:

a. being applicable to a wide variety of land-uses and topography;

b. allowing greater flexibility for farmers and industry to identify farm-scale actions and methods they can adopt to rapidly reduce nutrient leaching, as identified in their FW-FPs;

c. encouraging farmers in at-risk catchments to undertake FW-FP quickly (aligns to 2-year FW-FP requirement for commercial vegetable production), and subsequently more support may be provided to these areas; and

d. this option is less reliant on Overseer as a regulatory tool, which is preferable to the horticultural sector where Overseer is regarded as impracticable due to crop rotations and differing fertilizer regimes for various crops.

245. The council has identified the following challenges with Option 3 that need to be resolved for it to be effective:

a. there is no specific catchment or farm target for N-loss reductions as provided for in Option 1. This is a risk to achieving less meaningful change at a slower speed within the FW-FP framework;

b. there is no compliance and monitoring framework, and enforcement pathways for N-loss reductions is unclear;

c. regional councils will need to find capacity and funding for this in a short timeframe;
d. it may unfairly impact farmers that have already reduced nitrogen losses considerably, to still show that they are reducing N-loss further (i.e. reductions beyond a point may prove very costly); and
e. farmers may be faced with two N-loss management processes within a short-period of time once interim FW-FP measures transition to a likely catchment cap-based system. While the council will need to work with landowners and the sector to reduce potential impacts on existing improvements to practice, there is the potential for confusion and frustration in the sector.

246. Despite these challenges, the council’s preference remains with Option 3 as an interim measure until the plan change process is completed. The council would welcome working with central government to resolve the identified challenges.

247. For completeness, the council does not support Option 2, as a National Cap is not targeted to the most at-risk catchments or land use activities and is therefore the least efficient and effective tool. The council does not support Option 1, as it relies on Oversee as a regulatory and compliance tool, which has deficiencies as a regulatory tool and is not suitable for horticultural operations (e.g. highlighted in the recent Federated Farmers vs Bay of Plenty (2019) court decision).

248. Finally, the council supports central government working with all relevant stakeholders to ensure that issues with Oversee are overcome to improve its usefulness and technical robustness to a sufficient regulatory standard.

10.5 Excluding stock from waterways

249. The council supports the exclusion of stock from water bodies as a simple and effective initial step to improve water quality of Auckland’s waterways. Many landholders in the Auckland region have undertaken actions to exclude stock from their waterways, supported by their respective industry bodies and grant programmes from the council such as the Waterways Protection Fund (WPF). Regulations will fast-track actions already underway in the rural community.

250. The stock exclusion permitted activity provisions in the AUP, which will become enforceable in 2021, uses a stocking-rate approach (e.g. 18 stock units per ha) rather than a slope criterion. The council submission on the Clean Water Consultation (2017) strongly supported the stocking rate approach. While the council would prefer that this approach be used across all land topographies, the council supports the intent of the ‘low-slope’ criteria, acknowledging that it is easier to enforce and monitor than stocking rates.

251. The council recognises that the low-slope (<5°) category will apply to most low-land arable and pastoral activities that typically have the highest contaminant loads and are higher-risk activities to waterways. In addition, the majority of higher slope (>5°) activities are mostly beef pasture with typically lower stocking rates, and subsequently pose a lower risk to water quality. On this basis, the council supports the stocking rate criteria used in these circumstances (i.e. for ‘non-low-slope’ land).

252. The council supports the following aspects of the draft section 360 regulations:
   a. the ‘average 5 metre’ setback requirement and the flexibility that this creates to overcome specific site constraints. The ability to assess and monitor this average 5m requirement over a long watercourse may be challenging from a compliance perspective;
   b. measuring stock exclusion distances from the top of the riverbank as there is generally a fixed bank-edge, unlike the wet-edge which may rise and subside in some waterways;
Item 10

253. The council considers, as currently drafted, the s360 regulations are overly complex and lack flexibility to provide for practical and reasonable outcomes. To improve the effectiveness of the proposed regulations, the council requests greater clarity or amendment is provided on:

a. exemptions criteria and process: The council supports exemptions that provide flexibility to ensure practical solutions can achieve the desired outcome for the waterbody. Exemptions would be an effective way to provide such flexibility based on site constraints such as flooding risk, slope of bank down to the waterway, practicality of fencing, low risk to the receiving environment, and the catchment is in good health. Flexibility related to these matters should encouraged, with the ability to impose more stringent requirements if required. FW-FPs could be used to identify site-specific setbacks, mitigations and outcomes;

b. application of stock exclusion provisions to estuaries and other coastal wetlands: As mentioned in section 7.5 entitled ‘Habitat — no further loss of wetlands’, there is a lack of clarity in the NES-FW regarding how coastal wetlands are treated in the definition of wetlands. The s360 regulations repeat this issue, with the regulations applying to all wetlands within the RMA definition;

c. consequences of non-compliance with the regulations;

d. whether the regulations are intended to apply to land zoned for urban activities, open space and recreation: The MIE mapping of low-slope land includes land in Auckland zoned for urban activities and significant infrastructure; and

e. potential flexibility for a more targeted approach to the stock exclusion requirements.

254. The council suggest the following alternative approaches to simplify the regulations and their ability to be implemented:

a. use 5-degree mean slope: The council supports use of a 5-degree mean slope, because this prioritises actions to lowland areas and waterways which typically have the greatest stocking rates, greatest risk of contaminant yields (higher loading), and largest proportion of streams subject to stream erosion (through stock and flow-based erosion);

b. map slope based on risk to the waterbody: The council considers that the mapping of slope by MIE based on a land parcel average is flawed, because it is not based on the risk to the receiving waterbody. Preference should be given to mapping slope of the land draining into the waterbody (e.g. measured 500m from centreline of streams). Perverse outcomes could arise where larger parcels with equivalent stocking rate, draining to the same streams (generating equivalent effect) may be excluded from the requirements (e.g., exemption by ‘title-based’ lottery). Equally mapping of slope should extend to a buffer regardless vegetated or non-vegetated riparian margins. Currently the MIE mapped layer appears to exclude riparian corridors with canopy vegetation that are otherwise still grazed and lacking a functional riparian understory to attenuate contaminant loads;
c. flexibility to allow regional councils to use finer grained slope identification tools: The council supports the slope-based approach but requests an option for regional councils to supply MFE with improved slope datasets to replace those used in the proposed section 360 mapping layer. Several regions have highly-resolution LiDAR available (regionally or by catchment), providing more accurate and better resolved variation in slope from which to identify stock exclusion requirements along a waterway for individual landowners. In the absence of regional councils having their own slope layers, we suggest that in the interim those regions rely on the less accurate slope layer produced by MFE;

d. exemptions: As stated above, the council supports a clear and efficient exemption process being included in the regulations, including criteria for exemptions. The council consider that an efficient exemption process would ensure flexibility and common-sense in relation to the stock exclusion requirements;

e. remove distinction between ‘dairy cattle’ and ‘dairy support’: The council question the need to differentiate between ‘dairy cattle’ and ‘dairy support’ in the stock exclusion regulations (s 360 4.d.ii and iii). These definitions are similar, and there appears to be no difference in the associated actions and timeframes required. The council suggests that this distinction be removed to improve simplicity and understanding of the stock exclusion requirements in the general community.

Support for funding

255. Although the council supports stock exclusion it stresses that these measures on their own will not result in the substantial and long-term water quality improvements that central government seeks. The council prefers a targeted and risk-based approach to tackling stock exclusion measures that lead to the best outcomes for the waterway. For instance, in the Hōtai River 72% of sediment is sourced from the streambank, with mitigation therefore needing to focus on introduction of riparian planting that act as river engineers, especially on the lower bank near the toe, rather than simply fencing. This indicates that additional interventions like planting and engineering solutions contribute to water quality outcomes and the national focus on stock exclusion and fencing should not undermine these complimentary actions.

255. The council considers the stock exclusion regulations on their own may not be effective without appropriate targeted planting and interventions in high-risk / priority catchments (e.g., right species for process being targeted – erosion, shade, infiltration, denitrification, uptake). Consequently, the council strongly recommends that the stock exclusion regulations are supported by a well-funded national waterway restoration grant programme targeting high-risk catchments. This grant programme could be administered by regional councils and assist landholders to implement actions identified in their FW-FPs. It may also support acceptance of these proposed regulatory changes in the rural community.

10.6 Controlling intensive winter grazing

257. The council support the intent of the proposed restrictions on winter grazing, sacrifice paddocks and stock holding areas. However, the council considers that the proposed thresholds for these activities may be too low and may trigger a consenting burden for numerous farms.

258. The proposed approach does not take advantage of the fact that the NES-FW provides councils with the ability to charge for compliance of permitted activities (PA), which has been a barrier in the past. The council supports focusing compliance on permitted activity standards to reduce administrative consenting costs for both the farmer and council, while enabling improved outcomes. The council supports using the Permitted Activity (PA)
standards approach in conjunction with FW-FP’s to improve standards and compliance to manage intensive winter grazing.

10.7 Reducing pollution from stock holding areas
259. The council considers that the requirements related to sacrifice paddocks risk making every dairy farm fall under a discretionary activity status for pasture renewal practices (either outright, or for low-risk, summer/autumn seasonal renewal when paddocks are otherwise sacrificed for re-sowing). This will significantly increase the consenting burden to farmers and council even where the effects on the catchment may be low risk and there are limited water quality benefits.

10.8 Restricting feedlots
260. The council supports the proposed restrictions on feedlots, acknowledging that they are not a known practice in the Auckland region.

11. Support for improvement in catchments and on farms

11.1 Focus on catchments at higher risk
261. The council fully supports the focus on catchments at higher risks, particularly in relation to reducing nitrate / nitrogen catchments as outlined in schedule 1 of the NES-FW.

11.2 Practical advice and support for farmers
262. Auckland Council considers that the 2019 Budget funding to support rural land owners is a good start but does not go far enough to help the transition to sustainable land-use practices. The council encourages greater funding to be directed from central government to achieve the rapid water quality improvements desired (see Appendix 4 for Kaipara Harbour case study).

11.3 Making good decisions based on good information
263. The council strongly supports the introduction of a national FW-FP template, along with digital farm plan tools, and guidance documents. The council also supports the creation of a national repository / database to hold the FW-FP information in order to support compliance and monitoring activities; capture data to inform better science; and support adaptive land management practices.
264. The council supports the creation of comprehensive and regionally specific training programmes to fast-track the capacity and competencies of farm planners. This will enable them to provide the most appropriate advice and support to farmers on how they can reduce their contaminants, improve farm practices whilst ensuring they remain profitable and viable.

12. Impact of proposals
265. The council have not had an opportunity to fully assess the costs and benefits of the proposed regulatory changes as outlined in the discussion document.
266. In general, the proposals are likely to cause significant additional consenting costs and administrative burden for farming communities, along with the costs of undertaking fencing, FW-FP delivery and associated actions identified in FW-FPs. As mentioned above, the council encourages central government to consider further funding and support to regional councils and rural communities.
267. Other costs identified earlier in this submission include implications for planning resources, Māori participation, and operational needs as it relates to a broad range of matters including urban stream loss, fish passage, wastewater and stormwater management etc. Costs
associated with these kinds of considerations are not well scoped in the discussion
document, or draft regulatory impact statement. The costs on councils is significant, covering
many aspects, but not assessed.

13. Aligning RMA national direction

268. The council recently submitted on other proposed national directions including the
proposed NPS-HPL and NPS-UD and the proposed New Zealand Biodiversity Strategy. The
council will be providing a submission on the proposed National Policy Statement for
Indigenous Biodiversity (NPS-IB) when it is consulted on later this year.

269. The discussion document recognises that national direction instruments are intended to be
compatible and to enable good decision-making that provides for New Zealand’s
environmental, social, cultural and economic well-being. However, the council has identified
several potential areas of tension or confusion between the freshwater management
proposals and other proposed national instruments. These are outlined below.

270. The council also notes that there may be inconsistencies between proposed and existing
national instruments (e.g. the NZCPS and the National Environmental Standard for Plantation
Forestry (NES-PF)) and questions to what degree central government will be looking to
reconcile such inconsistencies (or will this be left to councils?).

271. Depending on the degree of the policy shift associated with the freshwater management
proposals (together with all other emerging national instruments), several reviews of NPSs
and NESs already in place may be triggered to address integration issues. These triggered
reviews (while necessary) will cause further uncertainty and policy drag with subsequent
changes needed to the AUP. The greater the desired policy shift, the greater the reliance on
supportive, consistent and settled national policy instruments.

**Freshwater management proposals and proposed NPS-UD**

272. The council considers there is an opportunity to better reflect its aspirations in the NPS-UD
through inclusion of additional policies that require councils to:

a. use urban development to protect and enhance natural environments;

b. ensure that future urban development is future-proofed (e.g. adapting to a changing water
future);

c. incorporate Te Mana o te Wai, or the relevant local expression of this framework, as a key
principle for urban development planning; and

d. incorporate a requirement to avoid, remedy and mitigate any proposed stream loss
through infilling when developing future development strategies and assessing resource
consent applications.

**Freshwater management proposals and proposed NPS-HPL**

273. There are clear tensions between the NPS-HPL and the NPS-FM.

274. On one hand the NPS-HPL directs that areas of HPL must be maintained for its productive
potential now and for future generations by protecting it from inappropriate land use,
subdivision and development.

275. On the other hand, the NPS-FM requires current and future land managers to meet
significantly higher standards for sediment and nutrient run-off. Achieving these standards
could restrict the ability/viability for primary production activities to occur on this land.

276. The council suggests that through the NPS-FM specific consideration is given to HPL
regarding sediment and nutrient run-off, water allocation, and the protection of recharge
areas for aquifers serving HPL (e.g. the NPS-FM provides flexibility in how the higher standards are achieved and the timeframes).

**Freshwater management proposals and proposed NPS-IB**

277. The Report of the Biodiversity Collaborative Group’s recommended a set of criteria for the identification of areas which are significant in terms of section 6(c) of the Act. They recommended that these criteria be used to identify areas of significance in terrestrial, wetland, riparian and coastal areas (the latter with some modification). However, they explicitly recommend that these criteria not be applied to aquatic values (i.e. stream, rivers, lakes). Their draft NPS-IB directs in relation to the freshwater environment states:

“This national policy statement does not apply to fresh water other than provisions relating to wetlands. In relation to wetlands this national policy statement does not deal with water quantity or quality. It applies to the banks or beds of rivers to the extent that they support terrestrial ecology.” (p52 of the BCG report).

278. The BCG has annotated this scope statement by noting “The application of this national policy statement to freshwater is to be reviewed by the Ministry for the Environment prior to notification.” (p52 of the BCG report).

279. They recommended:

1. As a matter of priority, the Ministry for the Environment in conjunction with the Department of Conservation (DOC) and freshwater ecology experts should:

   (a) initiate an urgent work programme to develop and consider a range of approaches for identification of section 6(c) areas of significant indigenous vegetation and significant habitats of indigenous fauna for application in the freshwater domain;

   (b) assess as one possible approach whether the proposed Appendix 1 criteria in the draft NPS-IB is suitable or could be amended so as to be suitable for use in the freshwater domain;

   (c) trial identified approaches, or a short list of approaches, to determine their ecological appropriateness and ability to be practically applied;

   (d) consider how the preferred approach should be incorporated into national policy and whether the NPS-IB or the NPS-FM is the most appropriate instrument. Amend the NPS that is identified as most appropriate to include necessary direction on identification (p12 of the BCG report).

280. The BCG have identified the need for further work in relation to the identification of the significant indigenous vegetation and the significant habitats of indigenous fauna in aquatic environments, including that the NPS-FM may be the appropriate tool for addressing this.

281. Neither the draft NPS-FM or the draft NES address section 6(c) significance. While it is possible that the draft NPS-IB will be amended to address this prior to notification as it currently stands, there is a risk that there will be a ‘gap’ in the national instruments around this.

282. In Auckland, the same criteria for identifying the (c) significance of aquatic habitats is used, including streams, rivers and lakes. While this approach can potentially lead to the identification of streams etc. as ‘significant’ solely based on the presence of a threatened fish species, overall it does help ensure important instream habitat is appropriately considered.
283. The council seeks some clarity about how the identification of the significant indigenous vegetation and the significant habitats of indigenous fauna in aquatic environments (outside of wetlands) is proposed to be addressed in national instruments.

_Freshwater management proposals and the NZCPS_

284. The definition of a coastal wetland is wide and creates overlap with the New Zealand Coastal Policy Statement. For example, the inclusion of seagrass beds to 2m below MLWS means large amounts of the Manukau, Waitakere and Kaipara harbours would qualify as natural wetlands for the purpose of the NPS-FM and NES-FW.

285. If coastal wetlands are included, then council suggests using the Coastal Marine Area boundary for the NPS-FM and make companion changes to the NZCPS.

286. Additionally, the NZCPS includes policies for wastewater and stormwater discharges, and these should be a key consideration for any new Wastewater NES, along with risk management planning requirements and environmental performance measures for stormwater and wastewater operators.

_Freshwater management proposals and the NES-PF_

287. The discussion document states that the NPS-FM provisions for streams and wetlands will not override the NES-PF and that the Government will look at how the rules in the NES-PF and the rules in the Freshwater NES work together based on outcomes of this consultation. The council suggests assessing how well the NES-PF supports protecting streams and wetlands to achieve desired NPSFM outcomes once the new NPS-FM is finalised.

_Freshwater Management proposals and reforms of the resource management system_

288. There is a clear need to consider how the breadth of current proposals in the discussion document will interact with expectations through reform of the resource management system, commencing with the Resource Management Amendment Bill.
Appendix 1. Input from Local Boards, Watercare Services Ltd

Puketapapa Local Board

10 September 2019

32 Feedback on central government’s ‘Action for Healthy Waterways’ discussion document

Ben Moimo – Local Board Advisor was in attendance to speak to this report.

Resolution number PKTPP/2019/206

MOVED by Chairperson H Doig, seconded by Member E Kumar:

That the Puketapapa Local Board:

a) support in principle the National Policy Statement for Fresh Water Management that sets objectives for the state of fresh water bodies and sets limits on resource use to meet these objectives.

b) thank Ben Moimo for his attendance.

CARRIED
Maungakiekie-Tamaki Local Board

Feedback on:

Central government’s proposed Essential Freshwater package

6 October 2019

For clarifications and questions, please contact:

Mal Ahmu
Local Board Advisor – Maungakiekie-Tamaki Local Board

Context

1. Central government have publicly released their discussion document entitled Action for Healthy Waterways, which is a key outcome of the Essential Freshwaterwork programme.

2. The Essential Freshwater Package covers three instruments:
   - National Policy Statement Freshwater Management (NPS FM)
   - National Environmental Standards Freshwater Management (NES FM)
   - 3 Waters Review.

3. The discussion document places significant emphasis on improving freshwater outcomes through regulatory and non-regulatory actions. The National Policy Statement for Freshwater Management is the primary regulatory instrument being reviewed, with introduction of other measures through a new National Environmental Standard for Freshwater Management.

4. Proposals include greater emphasis on Te Mana o te Wai, ecosystem health attributes, and reducing the effects of rural activities.

5. There is an interrelationship with wastewater and stormwater consenting and discharge management through the Three Waters Review. National Environmental Standards are being developed by central government to improve consistency, transparency and national oversight for human drinking water, as well as for wastewater discharges and overflow management.

6. The Essential Freshwater package will work with other initiatives from central government including a National Policy Statement on Highly Productive Land and National Policy Statement for Urban Development.

7. At the Maungakiekie-Tamaki Local Board’s 27 August 2019 business meeting, it delegated authority to Chairperson, Chris Makoare and Deputy Chair, Debbie Burrows to input into Auckland Council’s submission on the Ministry for Primary Industries and the Ministry for the Environment proposed National Policy Statement on Highly Productive Land (resolution: MT/2019/134).
8. Due to the coordinated nature between the National Policy Statement on Highly Productive Land with the National Policy Statement on Urban Development and the Essential Freshwater package, the delegation for the Chair and Deputy Chair to provide local board feedback has been extended to enable the local board to input into the Auckland Council submission.

9. The due date for submissions to Central Government is 17 October 2019. On 19 September 2018 there was a workshop with the Planning Committee and Local Board Chairs to discussing the three national directions that have been proposed (NPS on Highly Productive Land, Urban Development and Fresh Water). To meet these timeframes local board feedback is due by 10 October 2019.

Relevance to the Local board

10. Local boards are responsible for decision-making on local issues, activities and services and providing input into regional strategies, policies and plans. Local boards also have a role in representing the views of their communities on issues of local importance.

11. Every three years local boards set their strategic direction through a local board plan. Central government’s proposed Essential Freshwater package, has relevance to the following outcomes and objectives the 2017 Maungakiekie-Tāmaki Local Board Plan:

<table>
<thead>
<tr>
<th>Outcomes</th>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maungakiekie-Tāmaki is a community that cares about its environment</td>
<td>Demonstrate environmental leadership and support community sustainability initiatives</td>
</tr>
<tr>
<td>Maungakiekie-Tāmaki is the place to be</td>
<td>Clean, beautiful waters and waterside areas</td>
</tr>
<tr>
<td>Maungakiekie-Tāmaki has quality infrastructure to match growth</td>
<td>Our suburbs and town centres are sought-after destinations to live, work and play</td>
</tr>
<tr>
<td></td>
<td>Other infrastructure needs</td>
</tr>
</tbody>
</table>

Maungakiekie-Tāmaki Local Board feedback on the Central government’s proposed Essential Freshwater package:

The Maungakiekie-Tāmaki Local Board provides the following input:

a) Note that the Maungakiekie-Tāmaki Local Board area is bordered by two bodies of water, the Manukau Harbour and the Tāmaki Estuary. The health of our waterways is important to the Maungakiekie-Tāmaki community and a key objective in the Maungakiekie-Tāmaki Local Board Plan 2017.

b) Endorse in principle the Essential Freshwater package as it aims to strengthen the health of our waterways.

c) Endorse upholding Te Mana o te Wai in the management of water; the integrated and holistic health and wellbeing of water.

d) Recommend ensuring that the level of compliance is achievable and if implemented central government provides further funding to support local authorities to enforce regulatory matters.
Overview of council submissions on key National Policy Statements and National Environmental Standards

Item 10

Chris Makoare
Chair
Maungakiekie-Tāmaki Local Board

Debbie Burrows
Deputy Chair
Maungakiekie-Tāmaki Local Board
Memo

7 October 2019

To: Carol Stewart, Senior Policy Advisor

From: Mark Inglis, Local Board Advisor

Subject: Approval of Waiheke Local Board regarding feedback on the government’s Essential Freshwater Package

Purpose

The purpose of this memo is to seek approval from the Chair for the board’s formal feedback on the Essential Freshwater Package.

Background

The Ministry for the Environment is consulting on a proposed “Essential Freshwater Package” which comprises:

- a rewritten National Policy Statement for Freshwater Management (NPS-FM);
- a new National Environmental Standard for Freshwater Management (NES-FM); and
- specific (stock exclusion) regulations made under s 360 of the Resource Management Act 1991

Central government is seeking a stronger response to achieving water quality with interim proposals that serve to ‘hold the line’ until all councils have in place plan changes by 2025. Local Boards were invited to contribute feedback on the proposed scheme for inclusion in the Auckland Council submission and the Waiheke Local Board’s feedback is attached. Staff will present the Final Auckland Council submission to the chair of the Planning Committee and Deputy Mayor for their approval on 11 October 2019.

Resolution

The board resolved at its meeting on 26 September 2019 the following:

That the Waiheke Local Board:

- a) retrospectively adopt the feedback submitted on the following:
  - i. the proposed changes to the Auckland Film Protocol.
  - ii. the New Zealand Biodiversity Strategy - Te Koira o te Koiora.
  - iii. the proposed priority product stewardship scheme guidelines and proposed priority projects.
  - iv. the proposed national policy statement (NPS) on highly productive land.

- delegate approval of the local board’s feedback on central government’s Essential Freshwater package to the Chair following discussion with the local board members.

Approved
Cath Handley
Chair Waiheke Local Board
Formal feedback from the Waiheke Local Board on Freshwater Package

The Waiheke Local Board is a strong advocate for clean freshwater, and this is reflected in its Local Board Plan 2017-2020. The board has as key objectives to:

* Restore and protect our natural environment in partnership with our community and in particular to continue to deliver wetland and ecological restoration and regeneration projects, working with local schools, the community and other agencies (page 23).

* Ensure the Auckland Transport work programme is developed in consultation with the board and in collaboration with the Healthy Waters team, ensuring water sensitive design is prioritised (page 37).

The Waiheke Local Board is supportive of the direction of the Essential Freshwater Package and makes the following comments in respect to freshwater on Waiheke. These points are generally relevant to other island environments and rural areas.

A Māori Perspective – Te Mana o te Wai

For Aotearoa New Zealand this must be founded upon the Māori world view of water as sacred, life-giving and requiring the utmost protection. Its purity is paramount.

Freshwater regulations through amendments to the Resource Management Act 1991 (RMA)

1. On Waiheke we need much stronger protections under the RMA where landowners installing or maintaining onsite wastewater systems are responsible for ensuring that no contaminants reach streams or aquifers.

2. Councils should be given stronger powers and resources to ensure that landowners with failing systems act to stop contamination of waterways and aquifers.

3. That there is a joined-up council approach between resource consenting and catchment management by ensuring that wastewater and stormwater consents are approved by senior water engineers.

Set and clarify policy direction to bring our freshwater to a healthy state within a generation in a new National policy Statement for Freshwater Management (NPS-FM)

4. The objective of the proposed National Policy Statement 2019 is to ensure that resources are managed in a way that prioritises:

   * first, the health and wellbeing of waterbodies and freshwater ecosystems; and

   * second, the essential health needs of people; and

   * third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.

5. The board believes that to achieve a holistic approach to managing freshwater, the NPS-FM needs to involve the communities which use, and are sustained by, freshwater. People need to value freshwater as a finite resource, which must be used sparingly and discharged with care. This can be achieved by developing water catchment committees to monitor water quality, educate local residents, keep streams clean and detect sources of pollution. Waikato Regional Council has a similar concept called Zone Catchment Committees which should be promoted through the NPS-FM or RMA.
6. The board strongly supports the need for an achievable and transparent public goal for freshwater quality. For treasured island environments, like Waiheke, council and community should aim for all streams and beaches to be suitable for primary contact by 2030. The goal and targets for E. coli and campylobacter levels need to be understood and accepted by the affected communities.

7. In terms of protection of streams and wetlands, a consistent approach between the planners and water catchment engineers is essential. Small streams, wetlands and overland flow paths which are not marked on the district planning maps are part of water catchments and need protection from building works, associated stormwater and wastewater interventions and from the threat of being piped.

8. There is strong support from the board for measures which enable fish passage to and from the sea for breeding purposes.

**The delivery of safe drinking water through amending the National Environmental Standard for Sources of Drinking Water**

9. For communities using rain water tanks, the standards should include minimum safe levels for likely contaminants from roofs and gutters. Measures which protect against these contaminants should be included in appropriate RMA and Building Act requirements.

10. Stronger measures need to be in place to protect artesian water systems from overuse and contamination from terrestrial sources and seawater e.g. more robust testing regimes for water carriers to ensure that no contaminated drinking water is delivered.

11. The board would encourage greater use of rainwater tanks in urban environments to conserve potable water supplies during times of drought.

**Better management stormwater and wastewater to stop things getting worse and improve freshwater health in a generation through new regulations and potentially new legislation.**

12. The board strongly supports best practice water sensitive design which should not only be applied to residential and subdivision consents but also to infrastructure developments such as works in the road corridor. These must be related back to the relevant catchment management plans.

13. There is support for the concept of stormwater network operators being required to prepare risk management plans and to report on a set of nationally prescribed environmental performance standards.

14. The board supports the use of fully compliant onsite wastewater systems in rural areas as a safe solution to wastewater disposal, and further, supports the introduction of a National Environmental Standard for wastewater discharges and overflows to bring a consistent level of protection in place across the country.

**Improved Farming Practices**

15. The board supports introducing planting boundaries adjacent to streams on low lying land to exclude stock and the effluent they produce from waterways.

16. It also supports a mandatory approach to farm environmental planning to ensure that farms monitor and manage contamination of on-farm waterways.

17. The board agrees that stock holding areas should be managed by suitable consenting rules.
Great Barrier Local Board

Aotea / Great Barrier Local Board feedback on the Essential Freshwater package

Context

- Aotea/Great Barrier Island lies 90km east of Auckland City in the Hauraki Gulf and is Auckland Council’s most remote and isolated area.
- Over 60% of the island is Department of Conservation (DoC) estate; 43% of which is the Aotea Conservation Park.
- The island has a permanent population of 938 residents (2018 Census).
- The island has no reticulated power nor water.

Feedback

1. Aotea / Great Barrier Local Board is supportive of the direction of the Essential Freshwater Package.
2. We are strong advocates for clean freshwater. This is reflected in our Local Board Plan 2017-2020 with a key objective 'All our freshwater streams will be healthy'.
3. The island is 'off the grid' and does not have reticulated water. We are supportive of minimising risks for drinking water sources and are currently investigating the emergency supply of clean drinking water.
4. We are supportive of initiatives that incentivise, or better enable, roof water harvesting or collection and storage. We encourage greater use of rainwater tanks to conserve potable water supplies during times of drought.
5. We are supportive of education and assistance for landowners to install and maintain their onsite wastewater systems to ensure no contaminants reach streams or aquifers.
6. We strongly support our culverts enabling fish passage to and from the sea for breeding purposes.
7. We are supportive of riparian fencing/planting on boundaries adjacent to streams on low lying land to exclude stock and the effluent from waterways.
8. We are supportive of alternative energy systems including hydro-electric (not to the detriment of the environment) in order to achieve renewable energy targets.
9. We strongly support remote, off-grid areas like ours being given plenty of scope for new emerging/creative solutions for drinking water provision and waste water disposal.
10. We highlight the necessity for a specific budget to be allocated by Central Government to enable or assist council to improve freshwater quality.
Franklin Local Board urgent decision on feedback for inclusion in the Auckland Council submission on the proposed Essential Freshwater Package

Te take mō te pūrongo

Purpose

1. To seek an urgent decision from the chair and deputy chair to provide formal local board feedback for inclusion in the Auckland Council submission on central government’s proposed Freshwater package.

Te tikanga whakatau-kaupapa wawe

Urgent decision-making process

2. At its meeting on 22 November 2016 the Franklin Local Board resolved (FR/2016/1) the following in relation to urgent decision-making:

That the Franklin Local Board:

a) delegate authority to the Chair and Deputy Chair or any person acting in these roles to make an urgent decision on behalf of the local board.

b) adopt the following urgent decision process for matters that require a decision where it is not practical to call the full board together and meet the requirement of a quorum:

- Confirmation that the local board has the delegation to make the decision.
- Consideration of advice provided that meets the quality advice standards, including the significance of the decision and whether the urgent decision process is appropriate.
- Authorisation by the Relationship Manager to commence the process.
- Joint approval of the decision by the Chair and Deputy Chair, or any person acting in these roles.
- The urgent decision is reported to the next ordinary meeting of the local board for information.

3. The relationship manager has approved the use of the urgent decision-making process on this matter on Monday 21 October 2019.

Te take me whakawawe

Reason for urgency

4. The board expressed interest through an email on 18 October 2019 to provide formal local board feedback for inclusion in the Auckland Council submission on the proposed Essential Freshwater Package.

5. The deadline for providing feedback is Monday 21 October 2019.

6. The board’s next scheduled business meeting is Tuesday 20 November 2019.

7. An urgent decision is required because the deadline for providing feedback to be considered for inclusion in the Auckland Council submission is prior to the next scheduled business meeting.
Te horopaki

Context

8. Central government have publicly released their discussion document entitled Action for Healthy Waterways, which is a key outcome of the Essential Freshwater work programme.

9. The Essential Freshwater Package covers three instruments:
   - National Policy Statement on Freshwater Management (NPS FM)
   - National Environmental Standards on Freshwater Management (NES FM)
   - 3 Water Review.

10. The Essential Freshwater package will work with other initiatives from central government including a National Policy Statement on Highly Productive Land and a National Policy Statement for Urban Development.

11. On 19 September 2019 there was a Planning Committee workshop, attended by the Franklin Local Board Chair, where the three national directions were discussed.

12. Local boards are responsible for decision making on local issues, activities and services. They are also responsible for providing input into regional strategies, policies and plans. Local boards have a role in representing the views of their communities on issues of local importance.

13. Every three years local boards set their strategic direction through a local board plan. Central government’s proposed Essential Freshwater package has relevance to the following outcomes and objectives in the 2017 Franklin Local Board Plan:
   - Outcome 1: A well-cared for natural environment- Enhance, protect and maintain our diverse natural environment and make sure it’s able to be enjoyed.
   - Outcome 2: A thriving local economy- Franklin has a strong economy and attracts people to live, work locally and visit its attractions.
   - Outcome 4: Growth is dealt with effectively- Make full use of existing outdoor space and community facilities before developing new.

14. Local boards are invited to provide feedback to be considered for the Auckland Council submission.

15. The final council submission, including local board feedback, will be signed off by delegated councillors by 21 October 2019.

Tātāritanga me nga tohutohu

Analysis and advice

16. The discussion document places significant emphases on improving freshwater outcomes through regulatory and non-regulatory actions. The National Policy Statement for Freshwater Management is the primary regulatory instrument being reviewed, with the introduction of other measures through a new National Environmental Standard for Freshwater Management.

17. Proposals include greater emphasis on Te Mana o te Wai, ecosystem health attributes, and reducing the effects of rural activities.

18. The discussion document has a focus on improving farming practices through introducing new regulations for rural land use.
19. Rural land use is particularly important in Franklin, which contains significant commercial vegetable growing areas and pastoral systems.

20. The board considered the information and provided their feedback to ensure the rural perspective was adequately represented, and agreed that they would formalise their position through this urgent decision.

**Ngā mahi ā-muri**

**Next steps**

21. If the recommendations are adopted the next steps are:
   
   a) for the recommendations to be forwarded as feedback to Dave Allen, Manager Natural Environment Strategy, for incorporation into or attachment to the Auckland Council submission.

   b) to report to the next business meeting for information the associated authorisation memo and this urgent decision.

**Ngā tūtohunga**

**Recommendation/s**

That the Franklin Local Board:

- support Auckland Council’s submission to the Ministry for the Environment’s Essential Freshwater – Action for Healthy Waterways discussion document

- suggest adding the word ‘agriculture’ to line 215 e), so that it reads ‘reliance on Overseer, which is inappropriate to measure contaminants for horticulture and agriculture’

- suggest a consistent approach across all sectors when setting compliance timeframes. For example, the discussion document sets a timeframe for compliance for the agriculture sector, and therefore wastewater operators should be set a timeframe for compliance too.
Rural Advisory Panel
14 February 2020

Ohitanga

Approval

The chair and deputy chair acting under delegated authority (FR/2016/2) confirm they have made this urgent decision of behalf of the Franklin Local Board.

Authorised for release:

________________________________________________________________________
Signed by Carol McKenzie-Rex
Relationship Manager, Franklin Local Board 21/10/2019

Signatories

________________________________________________________________________
Angela Fulljames
Chair, Franklin Local Board 21/10/2019

________________________________________________________________________
Andrew Baker
Deputy Chair, Franklin Local Board 21/10/2019
Freshwater Submissions
Ministry for the Environment
PO Box 10382
WELLINGTON 6143

TO: Ministry for the Environment


FROM: Watercare Services Limited

ADDRESS FOR SERVICE: The address for service specified below.

DATE: 31 October 2019

1. SUMMARY

1.1 Watercare is pleased to have the opportunity to submit on the Ministry for the Environment’s "Action for Healthy Waterways – Discussion document" ("Discussion Document"), the amended National Policy Statement for Freshwater Management ("Draft NPS-FM"), and the proposed National Environmental Standard for Freshwater ("Draft NES-F") (together, the "Freshwater Policy Documents").

1.2 Watercare strongly supports the primary objectives of the Freshwater Policy Documents, which are to stop further degradation to our freshwater resources and to start improving the quality of those resources.

1.3 Watercare is also supportive of greater national guidance and consistency for the management of freshwater. Watercare takes water, and discharges treated wastewater, within two regional government jurisdictions – Auckland and Waikato. For example, the majority of Auckland’s metropolitan water supply – around 60 per cent – comes from the Waikato Region. Providing national direction for freshwater planning by regional authorities is therefore important for achieving consistency across regional boundaries.
1.4 While supportive of the general direction of the Freshwater Policy Documents, Watercare seeks amendments to the Freshwater Policy Documents to ensure they achieve the intended policy outcomes. These amendments are also required to ensure the delivery of Watercare’s water and wastewater services is not unnecessarily compromised.

1.5 In summary, Watercare:

(a) Seeks amendments to ensure the impacts of climate change and population growth are appropriately recognised in the Freshwater Policy Documents.

(b) Recommends that the Government provides greater direction through the NPS-FM for water and wastewater service providers to adopt the Integrated Water Management approach to infrastructure planning.

(c) Seeks amendments that would ensure that water supply reservoirs and wastewater treatment ponds would be exempted from the Draft NPS-FM’s requirements.

(d) Supports the development of an NES for Wastewater Discharges and Overflows ("Proposed NES-WDO"), but recommends that any minimum standards are carefully developed in consultation with wastewater service providers so that they are fit for purpose.

(e) Supports improvements to the NES for Sources of Human Drinking Water ("NES-DW"), subject to the development of standards in consultation with drinking water providers to ensure those improvements are appropriate in different contexts.

(f) Recommends that the Government take more active steps to ensure freshwater reform process is aligned with, and not progressed in isolation from, other RMA reform processes currently underway.

1.6 We address each of these submissions in more detail below.

1.7 This submission focuses on the impacts that the Freshwater Policy Documents may have on Watercare’s water supply and wastewater conveyance and treatment options. It should be read in conjunction with Auckland Council’s submission on the reform proposals.

2. WATERCARE – OUR PURPOSE AND MISSION

2.1 Watercare is New Zealand’s largest provider of water and wastewater services. We are a substantive council-controlled organisation under the Local Government Act 2002 ("LGA") and are wholly owned by Auckland Council.

2.2 Watercare provides integrated water and wastewater services to approximately 1.6 million people in the Auckland region. In the 2018/19 financial year, Watercare treated 437 million litres of drinking water each day at 15 water treatment plants, and distributed that water via 85 reservoirs and 94 pump stations to 450,000 households, hospitals, schools, commercial and industrial properties. Watercare’s water distribution network includes more than 9,000 km of pipes.
2.3 Watercare's wastewater network collects, treats and disposes of wastewater at 18 treatment plants. It also includes 7,900 km of sewers.

2.4 Under both the LGA and the Local Government (Auckland Council) Act 2009, Watercare has certain obligations. For example, Watercare must achieve its shareholder's objectives as specified in its statement of intent, be a good employer, and exhibit a sense of social and environmental responsibility.¹

2.5 Watercare is also required to manage the operations efficiently with a view to keeping overall costs of water supply and wastewater services to our customers (collectively) at minimum levels, consistent with effective conduct of the undertakings and maintenance of long-term integrity of our assets.²

2.6 Watercare's objective is to be a leader in sustainability, environmental impact and operational excellence. To this end, Watercare has initiated a "40/20/20" vision for our capital works programme. Our vision is to reduce our infrastructure carbon by 40 per cent, reduce costs by 20 per cent and have a 20 per cent year-on-year improvement in health and safety. Watercare is also investing in new and innovative projects to respond to the challenges of climate change, including the 1MW floating solar array at the Rosedale Wastewater Treatment Plant. This will be operational in nine months and will be the largest array in New Zealand.

3. PROPOSED FRESHWATER POLICY DOCUMENTS

3.1 As New Zealand's largest water and wastewater services provider, Watercare has a significant interest in the Freshwater Policy Documents. Our submission focusses on the potential impacts that the reform proposals may have on the current and future delivery of these services.

Impacts of climate change and population growth

3.2 Two key challenges for water and wastewater service providers are the potential impacts of climate change, and population growth. These are having significant impacts on Watercare's operations within the Auckland region.

3.3 Watercare is concerned that these challenges are not appropriately recognised in the Freshwater Policy Documents. In the Draft NPS-FM, climate change is only mentioned in the context of setting target attribute states under clause 3.9. There is nothing in the objective and policies explicitly directing regional authorities to plan appropriately for the impacts of climate change and population growth in managing their region's freshwater resources.

3.4 Watercare recommends the Government amend the policy framework in the Draft NPS-FM so that the impacts of climate change and population growth must be considered. This will ensure these challenges are addressed by regional authorities in the development of their regional freshwater plans.

3.5 The policy framework should also encourage flexibility and innovation in the responses regional authorities can adopt to these challenges. The impacts of these challenges will be different across New Zealand. This will necessitate different

¹ LGA, s 59.
² Local Government (Auckland Council) Act 2009, s 57.
responses by regional authorities in the context of managing their particular freshwater resources, and the Draft NPS-FM must enable that.

3.6 Part of Watercare’s response to the dual challenges of climate change and population growth has been to change the way we plan our infrastructure investment. Traditionally, infrastructure planning has attempted to predict future population and demand and then designed and constructed infrastructure to meet this.

3.7 Within Watercare’s planning, Watercare uses an approach that is consistent with what is commonly referred to as Integrated Water Management (“IWM”) to plan its infrastructure investment. The IWM approach requires consideration of the "whole of water cycle framework", as opposed to managing each individual element of the cycle separately. This incentivises consideration of innovative options for water recycling (such as wastewater reuse), and greater water use efficiencies through use of exchanges.

3.8 Watercare recommends the NPS-FM is amended to require water and wastewater service providers to adopt the IWM approach in their infrastructure planning. This would assist regional council’s in achieving the policy intent of the freshwater reform package, by facilitating service providers to develop innovative solutions in response to the increasing pressures of climate change and population growth.

Application of the Draft NPS-FM

3.9 Drinking water source reservoirs and wastewater treatment ponds impound water behind a dam, creating an artificial waterbody. The Draft NPS-FM appears to apply to these artificial waterbodies, through the broad definitions used for "freshwater", "water", "waterbody", and "lake".

3.10 This appears to be unintended. From a policy perspective, the Freshwater Policy Documents are directed at ensuring New Zealanders can swim, fish, gather maunga kai and enjoy our freshwater resources, as well as to support the safe delivery of drinking water. For the reasons explained below, these policy outcomes will not be achieved by applying the NPS-FM to drinking water source reservoirs and wastewater treatment ponds.

3.11 Wastewater treatment ponds are part of the wastewater treatment process. They can never support recreational or food-gathering activities because of the risks to human health. They are managed in a way that prevents any unnecessary human contact.

3.12 Water source reservoirs are the first stage in the water treatment process. The size, depth and prevailing calm conditions in such reservoirs allow suspended solids to settle, with the water from the top layers (where there is less sediment following settlement) abstracted for further treatment.

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Defined in the RMA, s 2 as "all water except coastal water and geothermal water"

Defined in the RMA, s 2 as "(a) means water in all its physical forms whether flowing or not and whether over or under the ground; (b) includes fresh water, coastal water, and geothermal water, and (c) does not include water in any form while in any pipe, tank, or cistern"

Defined in the RMA, s 2 as "fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area". However, the Draft NPS-FM provides that "geothermal water" is excluded for the purposes of the NPS-FM.

Defined in the RMA, s 2 as "a body of fresh water which is entirely or nearly surrounded by land"
3.13 Water quality within Watercare’s water source reservoirs is the result of two naturally occurring processes – the trapping (and subsequent settling) of sediment and nutrients, and thermal stratification. These processes occur within Watercare’s water source reservoirs within the Hunua and Waitakere Ranges, where the receiving catchment is high-quality native bush.

3.14 To provide an example, the receiving catchment for Watercare’s Hunua Ranges reservoirs consists of over 20,000ha of native forest. This is predominately tawa-podocarp, with kauri-hard beech at lower elevations and an area of submontane forest (which is unique in the Auckland region) above 800m. Even in this pristine receiving catchment, the natural processes described above affect water quality, such that the draft attribute states proposed in the NPS-FM could not be met in some instances.

3.15 Discharges of water from these water supply reservoirs, which occur either as “spill water” or as “environmental flows” required under the conditions of Watercare’s regional resource consents, are also limited. The vast majority of water within Watercare’s water source reservoirs is abstracted for further treatment. As such, the limited discharges from these reservoirs do not have material effects on downstream receiving environments.

3.16 The Draft NPS-FM contains an exception (clause 3.23) for waterbodies affected by naturally occurring processes. However, this exception only applies to the setting of target attribute states under clause 3.9, and requires regional authorities to set a target attribute state to achieve improvement where feasible.

3.17 Watercare is concerned this type of exception is not appropriate for water supply reservoirs and wastewater treatment ponds. This is because, even where the exception is applied, improvements in water quality in these waterbodies will still be required under the NPS-FM.

3.18 The provisions of the Draft NPS-FM requiring the development of “action plans” by regional councils (clause 3.14) are insufficient to address Watercare’s concerns. The proposed “action plans” provisions relate to where there is a deterioration in an attribute state, or a failure to achieve an identified outcome, and require a regional authority to prepare an action plan to halt (and if possible reverse) that deterioration. Applying this to a water source reservoir, there would still be a requirement to maintain, and if possible enhance, the water quality of that reservoir under the action plan developed.

3.19 Overall, Watercare is concerned that the application of the Draft NPS-FM to water impounded within water supply reservoirs and wastewater treatment ponds is not appropriate or justified, as it will not achieve the policy intent of the freshwater reform package. As explained above, this is because the vast majority of the water within water supply reservoirs is further treated and then consumed as part of municipal supplies, while water within wastewater treatment ponds is subject to specific treatment processes before being discharged.

3.20 In addition, imposing the obligations within the Draft NPS-FM on water supply reservoirs and wastewater treatment ponds will impose significant additional costs on Watercare, and all other providers throughout New Zealand that deliver water and wastewater services.
3.21 Therefore it is requested that water supply reservoirs and wastewater treatment ponds are appropriately exempted from the draft NPS-FMs requirements.

Proposed National Environmental Standard for Wastewater Discharges and Overflows

3.22 The Freshwater Policy Documents suggest a Proposed NES-WDO to provide standardised minimum requirements for wastewater treatment plant discharges and overflows. This is expected to be released for consultation in mid-2020.

3.23 Watercare supports providing standardised minimum requirements for wastewater treatment plant discharges and overflows. However, any minimum standards will need to be carefully developed, to ensure they are appropriate and fit for purpose.

3.24 In particular, there is a risk that any minimum treatment standards may not be appropriate in certain instances. The achievable treatment standards for a particular discharge point are dependent on the particular receiving environment and its assimilative capacities, relative to the discharge loadings and concentrations. A “one size fits all” approach across New Zealand for minimum treatment standards will be inappropriate.

3.25 Subject to the concern above, Watercare considers that standardised requirements for monitoring and reporting would be beneficial for wastewater treatment plant discharges.

3.26 In addition, Watercare supports the development of standardised requirements for wastewater overflows on a network basis (rather than individual overflow points). Minimum technical standards for network-wide sampling, monitoring and reporting would also be beneficial, to improve the consistency and quality of data available.

3.27 We request that the Government closely engages with Watercare and other wastewater service providers on the Proposed NES-WDO and any minimum standards that it may set out, to ensure that any such standards will be fit for purpose including in different contexts.

Proposal to amend the National Environmental Standard for Sources of Human Drinking Water

3.28 The obligations on regional and territorial authorities for managing risks to source waters are proposed to be strengthened through amendments to the NES-DW. A detailed proposal is likely to be released for consultation in mid-2020.

3.29 Watercare supports improving the NES-DW. In particular, Watercare supports providing national direction in the NES-DW on setting “water source risk management areas”, which will spatially define the areas of land to which the NES-DW would apply. However, Watercare also supports the application of a “bespoke” approach, where the water supplier has sufficient data to show the default water source risk management areas are not appropriate.

3.30 Any other improvements to the NES-DW will need to be carefully considered, to ensure they are appropriate in different contexts. For example, the types of activities that can affect ground water takes are different from the activities that can affect surface water takes. Surface water takes will always require a prudent
approach where the water is treated to appropriately high treatment standards. As with the Proposed NES-WDO, Watercare therefore recommends that the Government closely engage with water providers in developing any improvements to the NES-DW.

Other Technical Points

Draft NES-FM rules relating to culverts

3.31 Draft NES-FM – Rule 21(1)(c) relating to permitted activity culverts states that:

the mean cross-sectional water velocity in the culvert is equal to or less than the mean cross-sectional water velocity found in immediately adjoining stream reaches;

3.32 The reasoning for this permitted activity rule is unclear, as is the freshwater quality issue it is directed at resolving. From a technical perspective, it will also be difficult to achieve the required water velocity within culverts in many circumstances. As such, Watercare recommends the Rule be amended to provide more flexibility where it may not practicable to achieve the proposed water velocity.

Draft NES-FM rules relating to water takes

3.33 Draft NES-FM – Rule 17 relating to water takes (for both discretionary and non-complying activities) includes a reference to where the water take will:

result in a greater than 0.1 m change beyond the natural wetland’s annual median water level

Discussion Document proposals relating to water use reporting

3.34 Section 5.12 of the Discussion Document relates to real-time reporting of water use. This includes a proposal to amend the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 ("Regulations"), to require every consumptive consented water take over 5 litres per second to measure water use every 15 minutes and transmit daily electronic records.

3.35 Watercare is concerned that this frequency of reporting is inappropriate for municipal water suppliers, and recommends a lesser frequency is adopted. This is because changes in the rate of water use from consented takes for municipal supply purposes are typically slow and usually occur over a period of days.

3.36 In addition, the Discussion Document does not include any proposal to provide for outages of water-measuring devices, which can occur due to a number of reasons. Auckland Council allows for “reasonable endeavours” to be employed to provide water use data for consented takes, which recognises there may be legitimate reasons for occasions of periodic data loss.

3.37 Watercare recommends that any amendments to the Regulations are carefully considered, to ensure they do not impose unnecessary reporting requirements (and therefore costs) on municipal suppliers like Watercare, and also provide a reasonable level of flexibility where recording device outages may occur.
4. ALIGNMENT WITH OTHER NATIONAL DIRECTION AND RMA REFORM

4.1 The Ministry is currently consulting on, or about to commence consultation on, a wide range of proposals to reform New Zealand's resource management system. This includes sub-ordinate RMA documents relating to freshwater, indigenous biodiversity and air quality, as well as amendments to the RMA itself. 7

4.2 Watercare has a significant interest in all of these reforms, as each will impact on our existing and future operations. From Watercare's perspective, it is crucial that these reforms are not developed in isolation. It is crucial that each of these environment policy processes are "joined up" in terms of how they provide for critical matters such as climate change, freshwater and significant infrastructure (including water and wastewater).

5. NEXT STEPS

5.1 Watercare would appreciate the opportunity to engage further with MfE on the matters set out in this submission in finalising the Freshwater Policy Documents.

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Appendix 2. Case Study: Wai Ora Monitoring Framework

As part of council’s commitments to meeting the principles of Te Tiriti o Waitangi – Treaty. The Wai Ora Monitoring Framework was developed in partnership with iwi and hapū within the Tamaki Makaurau context to enable better decision making. Its aim to deliver better outcomes in improving the Te Mana of Te Wai.

The framework consists of 4 elements Mauri o te Wai (educational programme), Ka Muri, Ka Mua Cultural Landscape Monitoring, Wai Ora Condition Monitoring and Marae Approach.

1. Mauri o te Wai is an educational programme that keeps Auckland Council, technical specialists aware of iwi management plans and how they can be applied to work stream programmes.

2. Ka Muri, Ka Mua is Cultural Landscape Monitoring whereby tangata whenua monitor according to 9 attributes (adopted from EPA Ngā Kaihautū Taiao, enabling the measure of progress of a specific catchment with respect to mauri. For each awa, tangata whenua use a catchment approach whereby each attribute is explored by iwi/hapū as to relevance of their awa. Within this approach mahinga kai will be identified within the awa and catchment, and will be evaluated according to the following tikanga methodology:
   a. Auckland Council will provide technical specialists to measure numbers of mahinga kai, pests, quality measures and teach rangatahi how this is done.
   b. The iwi/hapū then take this information and proceed to waranga (with kaumātua, kuia and rangatahi). Kaumātua and Kuia will direct and guide what the awa and catchment was like at a time when it was in a better state.
   c. The waranga will score each of the 9 attributes according to a Likert scale (1-5) for 2 time periods, before and after.
   d. The result will be a radar map for each time period identified. The area covered by the radar map will identify the era of the awa as shown above. This will inform where actions need to be taken for the holistic improvement of mauri of that waterway.

3. Wai Ora Condition Monitoring – in response to iwi/hapū, tangata stated that they required better responses to pollution in streams. This workstream consists of developing an App, whereby tangata whenua can take a photo and provide a description and send to Auckland Council, whereby an immediate response will be made by a team of contractors (that will be location based) to deliver the prioritised response. The aim of this response is twofold: Auckland Council to be more responsive to immediate incidents and provide a workstream of employment for locals that Auckland Council will provide contracting services to.

4. Marae approach to evaluation and monitoring – it has been deemed important that on-going tangata whenua monitoring be carried out by those living near whenua and awa. Hence a marae focused approach. To ensure that marae have the increased...
capacity to prioritise this role it is important that we support and evaluate marae. It is proposed that Auckland Council work with Te Puni Kokiri to determine a baseline of the wellbeing contribution that marae make to their communities. All future works that Auckland Council contribute to marae will be evaluated against improving the wellbeing contribution of marae and so better enable marae to do what they do best.
Appendix 3. Case Study: Freshwater Management Tool

Auckland Council has developed an integrated accounting framework for contaminant processes resulting from the use and development of land on freshwater and sensitive receiving environments – the Freshwater Management Tool (FWMT).

The FWMT simulates instream concentrations of N, P, E. coli, Zn, Cu and total suspended solids at 15-min increments throughout the entire Auckland region. The FWMT has been developed to enable a comprehensive understanding of “current state” and “future state” of water quality, during both short-term and longer-term climatic conditions. The FWMT complements Council’s State of the Environment monitoring, to better resolve and report on all climatic events, throughout all sub-catchments, as well as determining sources of contaminants back to the activities and discharges. The combination of process modelling, and monitoring is needed to robustly determine where/when/how/under what conditions activities alter water quality. The FWMT integrates both point and diffuse sources of contaminants, across rural and urban boundaries enabling water quality assessment both instream and to receiving waterways.

The FWMT is essential to accurate predictions of “future state” and scenario-testing in Auckland. Understanding the processes responsible for current state, enables the outcomes of climate change, land use change and land management changes to be robustly predicted (including NES and S360 provisions). Scenario-testing also enables the FWMT to optimise catchment management strategies for contaminant outcomes – from process-understanding and modelling, the FWMT can simulate the effects of various mitigation strategies applied in differing orders and/or locations. Consequently, in addition to robust accounting of current state the FWMT will support Auckland Council to prioritise efficient and equitable approaches to achieving water quality outcomes.

In summary, the value of the FWMT is: (1) well-informed, objective-setting across far more of the spread in current state at greater resolution than monitoring alone; and (2) accurate future states to be predicted and managed for in advance of development/climate change, at optimal efficiency. Combined, the FWMT also enables greater engagement with landholders and resource users to drive adoption of mitigation practices, including reporting on the outcomes of the NPS-FM, NES and S360.
Appendix 4. Case Study: Kaipara Moana Remediation – Proposed Programme

Developed through a partnership between iwi and councils with responsibilities for the Kaipara Harbour (Kaipara Moana) and its catchment, this proposed programme would provide direct assistance to farmers to reduce the negative impact of on-farm activities on sensitive receiving environments. The programme acknowledges that reducing sediment, nutrients and faecal pathogens are a priority for both harbour and streams, and that an all-of-catchment and all-of-community approach is required.

If the programme is supported, contaminant generation models will be used to underpin prioritised risk assessments (erosion and flow). This will allow parties to prioritise activities, locations and mitigations of risk and solutions within Farm Environment Plans (FEPs). Modelling is fundamental to scenario testing and optimisation, so the programme can efficiently deliver greatest improvement.

On-farm advisors will lead FEP decision-making, reconciling modelled prioritised actions with practical needs for each farm. FEP objectives were driven by modelled effect and cost, prioritising catchment-based changes in erosion to enable most efficient on-farm interventions. For example, highly erodible land occupies 13% of land in the catchment but contributes 77% of the land-based erosional load to the Kaipara, enabling prioritisation of land management across such land. Bankside erosion is more prevalent in Auckland basins, where greater emphasis was placed on riparian management actions.

This approach to catchment based and targeted FEPs, balances modelling, adaptive management, and understanding of farms and communities within the Kaipara catchment. It would be supported by regulatory instruments incentivising farm transitions but balanced by enabling capacity and capability amongst the advisory workforce. The current proposal is for 5-year FEP delivery phase and 5-year further implementation phase.
Appendix 5. Case Study: Creation of the National Green Infrastructure Certification Programme for Water Sensitive Design

New developments, car parks, and other high contaminant generating areas, must have stormwater treatment devices that support water sensitive design. The rules for this are set by the Auckland Unitary Plan and GD04 Water Sensitive Design Guidelines.

These rules and guidelines have resulted in innovation in urban design throughout Auckland’s growth areas. As with all new approaches some early projects have had issues in their design, construction, or operation. These issues can deter ongoing implementation.

In order to enable these devices to be constructed and be properly maintained to maximise their function and amenity value for water sensitive contaminant treatment, Auckland Council has recently launched the National Green Infrastructure Certification Programme, which aims to train people who design, install, and maintain these stormwater devices.

NGICP represents the standard for national certification of green infrastructure (GI) construction, inspection, and maintenance workers. This course prepares participants to demonstrate their competency in the following green infrastructure areas:

- bioretention (rain gardens, bioretention cells, curb extensions/bulb-outs, bioswales, stormwater planters),
- rainwater harvesting (rain barrels and cisterns),
- permeable pavements (porous concrete, pervious asphalt and permeable pavers),
- green roofs and blue roofs;
- dry wells and stormwater wetlands.

Refer website: https://ngicp.org.
Appendix 6. Case Study: Assessing Drinking Water Risks for Waiheke Area Plan

In preparation for engagement on the upcoming Waiheke Area Plan, an assessment of risks to drinking water quality was completed for the island. Waiheke Island has no reticulated water network, with water supply to residential, community and commercial facilities predominantly provided by rainwater tanks and groundwater bores.

Under the Auckland Unitary Plan (AUP), all of Waiheke Island has been identified as a High Use Aquifer Management Area. The island is however not identified as a Quality Sensitive Aquifer Management Area, because at the time of writing of the AUP, the aquifer was identified as “secure” due to an overlying clay cap and therefore not considered to be at significant risk of surface contamination. This was before the Havelock North incident.

The primary form of wastewater treatment on the island is through private onsite wastewater systems, with a small reticulated network in parts of the Oneroa, catering for mainly commercial facilities. Some of these onsite systems, in particular older systems in small land parcels, rely on deep bores for the disposal of their treated effluent, rather than the surface disposal fields. The number of such bore disposal systems on the island is unknown, however in a recent compliance assessment of the Little Oneroa catchment, approximately 10 percent of properties were identified as having such bores.

The management of the aquifer and drinking water risks were therefore assessed using the learnings of the Havelock North, together with the potential risks from these disposal bores. One of the key recommendations in the draft paper was to identify Waiheke as Quality Sensitive Aquifer Management Area moving forward.

However, the review also identified a key barrier: the difficulty of assessing the state of the aquifer in terms of potential contamination. While monitoring is undertaken for a variety of reasons – SOE, consent take requirements, Water Management Plan requirements, and incident reporting – none provided a robust picture of the state of the aquifer. In addition, it is therefore not possible to monitor at all locations, and the transient nature of many water contamination events mean that monitoring, even daily monitoring, can easily miss issues.

It was therefore concluded that the most effective risk management framework for protecting drinking water on the island was through treatment. This is because, while source protection zones can provide a barrier for contamination, there is no way of confirming that these zones are indeed protecting the quality of the groundwater. The only way to truly mitigate this risk is through treatment.

The topic paper then assessed the regulatory requirements in place related to treatment and concluded there is the ability to proactively check community facilities that supply water to over 25 people and water carriers (both under the Health (Drinking Water) Amendment Act 2007), as well as food preparation facilities (covered under the Food Act). The highest risk activity was identified as being apartments or lodges without food preparation, as there is no
means to proactively check these facilities which can cater to a large number of people (note that reactive compliance to these facilities is enabled through the Health and Safety Act and Health Act, however this needs to be triggered by a reported incident).

The report concluded that as well as identifying Waiheke as a Quality Sensitive Aquifer Management Area, education of these risks was also required across the island, as well as proactive compliance through the Health and Food Act. It also concluded that assessment of upcoming changes to the legislation would be required, in particular how small suppliers that do not fall under the Health Act or Food Act can be better proactively managed.
Auckland Council submission to the Proposed National Policy Statement on Urban Development

10 October 2019
PART 1: Introduction

This is Auckland Council’s submission in response to the discussion document “Planning for successful cities” and the proposed National Policy Statement on Urban Development (‘NPS UD’). It includes the views of council CCOs Watercare, Auckland Transport, Panuku, and ATEED, as well as the Independent Māori Statutory Board.

Comments on the proposed NPS UD from the following Local Boards are appended to the end of this submission as Appendix 2:

- Mangakaketi-Tamaki
- Manurewa
- Papakura
- Puketapapa
- Waitakere

The National Policy Statements on Highly Productive Land and the Essential Freshwater Management Package currently being consulted on have an impact on and direct relation to the NPS UD. The council is submitting separate feedback on these. We have however ensured feedback between all three is aligned.

This submission is endorsed by the Deputy Mayor of Auckland and Chair of the Planning Committee with delegation on behalf of the governing body.

Overview and key feedback

Auckland Council supports the overall intention, but not all the content, of the proposed National Policy Statement on Urban Development, aimed at helping local authorities plan for how their cities develop.

The council strongly supports the broadened focus from the National Policy Statement on Urban Development Capacity (“NPD UDC 2016”) beyond urban development capacity, to include other matters that contribute to well-functioning urban environments. Through various consultations, Aucklanders have said they want successful communities where people can connect, with a mix of housing, employment opportunities, parks and open spaces, a healthy environment, a choice of public and active transport and safe, walkable streets.

These matters are crucially important. Housing alone does not create a community, and an urban environment is more than its parts. It is an interconnected system and the NPS UD will ultimately fail current and future New Zealanders if it does not recognise and adequately provide for this.

Auckland Council believes there are four main issues that require a fundamental rethink in the final drafting of the NPS UD.

1. Complementary national and local roles

Auckland Council supports an NPS UD which provides clear national direction that describes the outcomes sought for our growing urban areas. However, cities are not all the same, nor are the
communities within a city. Local authorities must retain flexibility in how they achieve the outcomes described in national direction through their planning and investment, accounting for those differences and local context (such as natural values, flooding hazards, topography, mana whenua values or amenity). National direction that specifies the ‘how’ and ‘where’ will have many unintended consequences undermining the outcomes sought.

2. Balancing Competing Responsibilities

Local authorities enable new development through well-considered, long-term land use planning and providing network infrastructure.

Long-term land use planning informs infrastructure providers and the development sector of local government’s investment intentions. This allows all parties to make informed and effective investment decisions. Land use planning is also a key tool used to ensure the many factors that make a city highly livable for its residents are well considered and planned for over the long term.

Local government also funds and/or provides the bulk and network infrastructure that underpin new development. While individual developers may provide and fund local infrastructure, the magnitude of the costs associated with bulk infrastructure is normally far greater than what they can bear individually – the private sector model does not function without public investment. Local authorities have a critical role as stewards of public investment in bulk infrastructure and have to ensure such investments achieve the greatest overall benefit for their cities.

Local authorities therefore need the ability to strike a balance between being responsive to individual developments, ensuring investment certainty for the wider development sector, and achieving the greatest return on publicly funded infrastructure investment.

For instance, it is estimated that the costs of bulk infrastructure in the future urban areas in Auckland will be three quarters funded by the tax payer and ratepayer under current funding practices. This is effectively a public subsidy of private development. Utmost prudence in ensuring the greatest return on investment is the responsibility of both central and local government.

Auckland Council therefore strongly opposes proposals in the NPS UD that support out of sequence and new unplanned greenfield development. This is because infrastructure costs are never fully funded by the private sector. Scarce public resources are diverted for private gain under the auspices of increasing development capacity, when in fact it reduces development capacity in planned areas.

Given the extent of infrastructure funding required across New Zealand to service growth, and the obligations placed upon councils through this NPS UD, it cannot be silent about funding. This has to be addressed.

3. Responding to the needs of a growing city/region

Auckland is on track to consent 100,000 dwellings over the 2012 – 2022 period. This was a target in the Auckland Plan 2012. In reaching 100,000 dwellings, intensification continues to be an important policy feature in the Auckland Plan 2050.
Recent monitoring results\(^1\) indicate a significant uptake of intensification within the existing urban area in response to the Auckland Unitary Plan’s up-zoning.

A total of 14,000 dwellings were consented in the 2018/2019 year, of which 83 per cent were in the existing urban area and 10 per cent in the future urban area\(^2\).

The council must be able to continue to support this intensification direction. At the same time, Council is under significant pressure to respond to development in greenfields. The magnitude of bulk infrastructure costs for these greenfields (around $21 billion) means that constant and ad hoc changes to priorities will result in additional costs to ratepayers and taxpayers and potentially result in sub-optimal outcomes for development yields.

Council needs the ability to plan how it most efficiently balances the ratepayer funded costs associated with intensification and greenfield development.

Council continues to improve its evidence base through monitoring and policy work (such as the Future Urban Land Supply Strategy and factors such as urban-rural land differentials). Council must be able to respond to findings from evidence to provide the development community and infrastructure providers with an appropriate level of certainty. As it stands, the NPS UD undermines this certainty.

Again, Auckland Council therefore strongly opposes proposals in the NPS UD that support out of sequence and new unplanned greenfield development.

4. Workable solutions

While Council supports the need for a Future Development Strategy and for it to be regularly updated, it believes that a three-yearly updating cycle as proposed in the NPS UD is unachievable. Council strongly suggests that a six-yearly update to the Future Development Strategy is a more workable solution. This longer policy review cycle would improve the ability to understand the implications of policy through monitoring and evidence. This would provide more certainty to the development community, particularly to infrastructure providers.

There are various detail-level proposals that are highly prescriptive, taking no account of local context. The council believes these are unworkable and are addressed throughout this submission.

Auckland facts

To understand how national guidance can best assist local councils in enabling enough development capacity and delivering quality urban environments, it is important to understand that regions, cities and places are unique and that these differences should be acknowledged. Like other New Zealand cities, Auckland has unique characteristics.

Auckland's strategic direction and spatial plan is the Auckland Plan 2050\(^3\). It was first adopted in 2012 and refreshed in 2018, both times with significant public engagement. The purpose of the

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Auckland Plan is to contribute to Auckland’s social, economic, environmental and cultural wellbeing through a long-term growth and development strategy. It provides the ability to coordinate land use and infrastructure planning and provision to match Auckland’s rapid growth. It gives greater certainty to other parties, such as central government and infrastructure providers, for the investment decisions they need to make.

Auckland population is projected to reach approximately 2.4 million people by 2048. In recent years, annual growth in the region has exceeded 40,000 people. Auckland accounted for 34.1 per cent of New Zealand’s population increase between 2013 and 2018, and its economy contributed 38 per cent of New Zealand’s total economic output to the year ended 2018.

Auckland’s success is dependent on how well its prosperity is shared. There are considerable outcome disparities across education, employment, health and wellbeing, and housing. The spatial and generational effects of inequality are increasingly a part of the discussion on access, mobility, housing, infrastructure, employment and economic issues.

Population growth places increasing pressure on Auckland’s already stressed environment. Auckland’s attractiveness is in part based on a unique natural environment. Significant features in our landscape contribute to Auckland’s identity, but are known to be vulnerable to degradation from the side-effects of the region’s functioning and development.

Significant change is necessary to accommodate the scale of growth anticipated with an additional 313,000 dwellings and 263,500 jobs required over the next 30 years. This will mean overcoming numerous challenges, particularly in terms of aligning investment and planning decisions as well as infrastructure delivery required to accommodate this growth.

The Auckland Unitary Plan enables growth through both intensification and new greenfields (which needs to be used efficiently). It allows for higher density housing choices such as apartments, especially near transit corridors and around town centres.

Since the Auckland Unitary Plan became operational, there has been a large increase in consents granted for housing and additional business floor space\(^4\). Since this time, most of Auckland’s housing growth has occurred within existing urban areas\(^5\). This means that both jobs and houses are being delivered across Auckland at increasing rates.

Furthermore, the map in Appendix 3 to this submission shows a pattern of larger developments within the Rapid Transit Networks (RTN). The graph below shows that while only 2.6 per cent of Auckland’s land area falls within 1500m walk of a Rapid Transit Network (RTN) station, 41 per cent of all multi-unit developments consented 2017/2018 was located in the RTN catchments.

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\(^3\) Section 79 of the Local Government (Auckland Council) Act 2009 requires Auckland Council to prepare and adopt a spatial plan for Auckland. 

\(^4\) Business floor space increased by almost 30 per cent in 2018/2019 compared with the previous reporting year and 14,032 new residential dwellings were consented in 2018/2019, an increase of 13 per cent from the previous reporting year.

This is a strong indication that both employment space and housing is being delivered across Auckland at increasing pace, and in accessible locations that provide for housing choice.

PART 2: Summary of feedback

Introduction

The provisions proposed in the NPS UD broadly support and assist with the implementation of the council’s development strategy in the Auckland Plan 2050. However, some key issues require rethinking and/or additional work. There are also proposed policy directions under the NPS UD that do not align with Auckland’s direction. These are highlighted below.

Further detailed comments are provided in Part 3 of this submission which address each section of the NPS UD document.

Achieving a workable solution

Auckland Council wishes to maintain a dialogue with MIE and MHUD post the NPS UD submission period to assist with the development of workable and practical solutions to achieving some of the policies proposed in the NPS UD, including the consideration of definitions and timing.

The NPS UD discussion document proposes a number of requirements that all have three-yearly policy cycles. As well as the requirements for producing or updating Future Development Strategies and Housing and Business Assessments, local authorities would also have to integrate with other related policy and implementation requirements such as the Long-term Plan. Council’s experience is that a longer timeframe (such as six years) for reviewing and updating Future Development Strategies would be more appropriate and would provide more opportunity to see trends and assess policy implications through monitoring, before embarking on further change.

National direction and local intervention

The council is concerned about the balance between the level of national direction and the level of local intervention through requirements of the NPS UD. Some of the proposed objectives and policies go to a level of detail that directs local authorities to make decisions or changes to planning documents on issues that ignore local context (for example, location and density of intensification, removal of car parking requirements). The council is of the strong view that this level of prescriptive detail does not belong in an NPS and will undermine the very outcomes sought. An NPS that is descriptive of the outcomes enables local context to be applied and will ultimately achieve all of the outcomes sought, not just some. These detailed prescriptions should be removed from the final NPS UD.

Providing for quality

Council agrees with the intent of the NPS UD to include quality urban environment outcomes in addition to the requirements to provide enough capacity for growth. However, the concept of a quality urban environment is currently not well defined. This could undermine achieving the goals of the NPS UD.

In providing enough capacity, council and its CCs acknowledge the importance of land use and integrated infrastructure coordination and are investing accordingly. However, more clarification is required to ensure that other factors vital to quality urban environments are also adequately
considered in decisions. Significant work on understanding quality urban environments has been achieved through processes such as MFE’s Urban Design Protocol and Auckland Council’s Urban Design Manual.

In the discussion document, Council is particularly concerned about the disconnect between the level of detail provided in the explanation (preamble) of a quality urban environment and what is reflected in the objectives (particularly O2) and policies which focus more on development capacity. The summary of the proposal for describing quality urban environments (p26) states that the NPS UD would give direction on what is meant by this through an objective that sets out a non-exhaustive description of the features of a quality urban environment. However, this does not follow through into the draft objectives. Therefore, there is uncertainty as to how much weight will be given to quality as opposed to capacity in the final NPS UD.

The NPS UD also needs to take account of the many competing demands on local government resources. It needs to acknowledge the inevitable trade-offs that must occur to protect residents from current and future hazards, protect significant landscapes such as maunga or limited special character areas, protect the option value of productive agricultural land against an unknown climate future, and to provide sufficient housing and business development capacity close to jobs and transport access. The NPS UD should provide guidance on how to better weigh up trade-offs against the goals of the NPS.

The council wants to work with MFE and MHUD on developing NPS guidance, which needs to consider definitions and the practicalities of achieving some of the policies proposed.

Recognition of Te Tiriti o Waitangi and matters of national importance

The NPS UD needs to acknowledge Te Tiriti o Waitangi and the rights and interests of Māori affirmed by articles two and three. The inclusion of reference to Te Tiriti o Waitangi in the pre-amble would strengthen the context of iwi, hapū and whanau and ensure that development does not compromise the aspirations of tangata whenua. The Treaty principle of active protection places an obligation on the Crown and local authorities to provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga. The Treaty principle of partnership should ensure that iwi and hapū are engaged in a manner that meets the threshold of partnership as opposed to being engaged as stakeholders.

Mana whenua participation and the integration of mātauranga Māori and tikanga in strategic land use planning and resource management decision-making and practice are of paramount importance to ensure a sustainable future for iwi, hapū and whānau and for Aotearoa as a whole. The NPS UD must reflect Māori aspirations in regards to their cultural, social and economic development, and their ability to enact kaitiakitanga.

Housing affordability

A key purpose of the NPS UD is to reduce regulatory barriers to the supply of housing and employment land to achieve greater housing affordability. As noted in the council’s submission to the Productivity Commission in 2015, the supply of land is only one part of a range of solutions needed across multiple areas to address housing affordability such as; funding and financing constraints, increased construction costs and the capacity and capability of the building industry.
As a result, the council advocates for a suite of tools to address the housing affordability challenge and argues that regulatory change on its own will not make a significant impact on housing affordability.

**Ad hoc development and infrastructure funding**

The funding/financing of infrastructure to support additional housing supply is fundamental to achieving the long-term outcomes outlined by the NPS U0. The council faces significant funding challenges, both in the short and long term. Council is very concerned about the level of proposed prescription that provides for ‘out of sequence’ growth and/or proposals outside the areas that have already been identified for urban growth. Auckland’s new greenfield areas were assessed against comprehensive criteria and subject to extensive community and landowner engagement.Certainty has been given to landowners and infrastructure providers that it will be these areas where council will fund and provide bulk infrastructure in a staged manner.

There are three related issues of concern associated with the enablement of out of sequence development:

1. **High capital and operational costs associated with the provision of infrastructure**
   The magnitude of cost associated with providing bulk infrastructure is beyond even the financial ability of New Zealand’s largest developers. Bulk infrastructure is a public good and its provision needs to achieve the greatest public good rather than enable individual development benefit. Out of sequence or ad-hoc greenfield development proposals do not engender the greatest public good.

2. **Investment certainty**
   Good planning followed by committed infrastructure investment over time allows the development of an infrastructure investment pipeline that gives certainty to the development market. Constant changes to respond to out of sequence development reduce investment certainty and divert benefits from the community to the individual.

3. **Climate change and resilience**
   Auckland, in its commitment to the 2016 Paris Agreement has set a target to limit its average temperature increase to 1.5° Celsius. Notwithstanding, extreme weather events such as high intensity rainfall and storm surges are likely to become more frequent, resulting in significant impacts and strains upon Auckland properties, regional infrastructure, coastlines, agriculture and local fisheries.

   Auckland’s infrastructure has not been designed to manage the impacts of climate change and will require significant upgrading to absorb the effects of climate change on top of the anticipated growth. Also, emission targets will not be achieved if car descendant housing and development remains the norm.

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4. aligned with the Climate Change Response (Zero Carbon) Amendment Bill and 40 Cities Climate Leadership Group
Council recognises that a future regime that requires it to actively respond to out of sequence development may benefit some individual developers, but it does not believe that the development community as a whole, or ultimately the amount of housing supply, would benefit due to the potential diversion of actual infrastructure investment and the lack of infrastructure investment certainty that would result.

As proposed, the NPS UD also has the real potential to significantly detract from achieving its own intensification objectives and intensification of Auckland’s brownfield areas as resources are diverted away to address ad hoc, unplanned greenfield development.

**Housing and Business Assessments**

The additional requirements of the HBA are complex and generally considered to be unworkable. The Ministry for the Environment needs to be mindful of the ability of local government to resource the additional requirements being introduced through the NPS UD.

Specific and detailed comments and suggestions for amendments are provided in the Appendix to this submission. The council wants to work with MFE and MHUD on refining these.

**Alignment with other national direction**

Auckland Council is submitting separate feedback on the proposed National Policy Statement on Highly Productive Land (NPS HPL) and the Essential Freshwater Management package. It is aware that central government is also working on discussion documents for a proposed National Policy Statement for Indigenous Biodiversity (NPS-IB) and a proposed National Environmental Standard for air quality (NES air quality) for consultation later this year. There also needs to be consideration of alignment with initiatives through the urban growth agenda including Resource management reforms and National planning standards.

Council supports national direction instruments being compatible and aligned to enable good decision-making that provides for New Zealand’s environmental, social, cultural and economic well-being. Integration between national instruments is absolutely critical to achieving the outcomes and, as drafted, the various instruments are not consistent.

The main inconsistency between the NPS UD and NPS HPL relates to the price differential of urban and rural land. The NPS UD seeks that this differential must be reduced. However, in identifying highly productive land and placing appropriate restrictions on its use outside of primary production, the value of this land will be significantly lower than urban land. This is because the value of this land for speculative future urban or lifestyle development will be significantly reduced. This tension should be resolved between the two NPS’s. Part 3 to this submission, provides more detail on this issue.

In relation to the essential fresh water management proposals, Council considers there is an opportunity to better reflect its aspirations in the NPS UD through inclusion of additional policies that require councils to:

- use urban development to protect and enhance natural environments
• ensure that future urban development is future-proofed (e.g. adapting to a changing water future)
• incorporate Te Mana o te Wai as a key principle for urban development planning.
• incorporate a requirement to avoid, remedy or mitigate any proposed stream loss through infilling when developing future development strategies and assessing resource consent applications.
Part 3: Consultation questions

This part of Council’s submission provides feedback on specific proposals suggested in the document. Where appropriate, amendments have been suggested. Further technical detail, particularly on the HBA proposals, is provided in Part 4: Appendix to this submission where required.

Question 1
Do you support a National Policy Statement on Urban Development that aims to deliver quality urban environments and make room for growth? Why/Why not?

Auckland Council supports a National Policy Statement on Urban Development where the intent is to facilitate long term strategic planning to accommodate growth and deliver quality urban environments. Council also supports monitoring and maintaining an evidence base to inform the location and form of growth needed along with the required supporting infrastructure.

Council is, however, of the strong view that the NPS UD should not prescribe urban outcomes at the local level as this is more appropriately addressed through regional and district plans and other mechanisms outside the Resource Management Act, where local context can be taken into account.

There is an opportunity through the NPS UD to have a strong directive that requires quality urban outcomes to be achieved. However, as noted in Part 2 of this submission, the meaning of ‘quality urban environment’ must be clearly defined. There is already a significant body of knowledge on quality urban environments built up through research and design projects such as MFE’s Urban Design Protocol and Auckland Council’s Urban Design Manual. Council also has experience in contributing to quality urban environments through initiatives such as structure planning processes, running Urban Design Panels and integrating Te Aranga design principles. Council welcomes the opportunity to help define quality urban environments.

Council can also help to facilitate a dialogue between central government and Tamaki Makaurau Māori on issues relating to how mana whenua values are integrated through national policy direction under the Resource Management Act.

Question 2
Do you support the approach of targeting the most directive policies to our largest and fastest growing urban environments? Why/why not?

Most high growth councils are already on the way to achieving many objectives of the NPS UD. Through the Auckland Unitary Plan, Auckland Council has already enabled one million more dwellings in existing residential zones and almost another million in the city centre, town centres and mixed use zones. For Auckland Council, and possibly other high growth councils, challenges exist not in planning but in how to equitably fund bulk infrastructure (social and physical) to cater for growth. It is neither desirable nor logical to simply enable more homes in the absence of the things that allow communities to have a quality of life.
Question 3

Do you support the proposed changes to Future Development Strategies (FDSs) overall? If not, what would you suggest doing differently?

Council supports the overall concept of requiring Auckland to produce a Future Development Strategy (FDS).

Council adopted its first Future Development Strategy (FDS), under the NPS UDC, in June 2018. The council’s FDS was developed as part the Auckland Plan 2050 process which refreshed Auckland’s first spatial plan (the 2012 Auckland Plan).

The Auckland Development Strategy meets the requirements of both the Local Government (Auckland Council) Act (LGACA) and the NPS UDC. It covers the four well-beings, focused on a quality compact approach to growth. This goes further than development capacity as required by the NPS UDC and covers issues of quality as proposed by the NPS UO.

The council supports aligning planning processes. The 2012 Auckland Plan provided a strategic, 30-year view which the council was then able to use as a basis for developing policy, in particular the Auckland Unitary Plan. Policy development has continued with the development of the Future Urban Land Supply Strategy in 2015 (refreshed in 2017). This sequenced the 30-year supply of greenfield land identified in the Auckland Unitary Plan. Council is therefore able to address on-going greenfield capacity by planning and coordinating the provision and funding of bulk infrastructure for future communities, primarily through its Long-term Plan.

The council timed its refresh of the Auckland Plan with the development of the 2018 Long-term Plan. This aligned thinking on infrastructure provision through council’s 30-year Infrastructure Strategy and provided efficiencies in terms of integrating direction on planning and infrastructure provision with funding. The size of Auckland’s network infrastructure investment (estimated at over $21 billion for bulk infrastructure in future urban areas) means that council has to think carefully about where it will get the greatest public return for its investment. A Future Development Strategy is helpful in this regard.

Council would also like to highlight that funding considerations include both capital and operational investment. Ongoing funding for maintenance of infrastructure, or providing services associated with that infrastructure, is a major budget component for local government. Greater visibility of what infrastructure (network and social) is required, and when it is required, creates opportunities for economies of scale when multiple areas of growth are planned. A Future Development Strategy is again helpful in this regard.

The digital nature of Auckland’s Development Strategy means aspects of the strategy (e.g. monitoring) can be updated on an ongoing basis, retaining its currency.

However, the council suggests the proposed three-yearly review period (Policy 1) of the FDS should be six-yearly. Council’s experience in developing two versions of the Auckland Plan Development Strategy is that a three-year cycle of review/updating would be too frequent as:

- it does not allow sufficient time to embed consequent policy (such as Auckland Unitary Plan provisions, and funding through the Long-term Plan)
• policy changes will not be based on sufficient trend analysis
• it is not long enough to understand, through monitoring, the impacts of major changes to strategy/policies
• potentially re-orienting strategy may hinder delivery of bulk infrastructure which requires long lead-in times and support from associated regulatory processes or LTPs.

The proposed review process for FDS has the potential to be resource hungry. Clarification is sought as to what is required for updates and the level of work, on scenarios particularly, that would be needed to meet requirements. Rather than engaging in continual review of the FDS, it would be better to put resources into longer term monitoring and integrating planning and infrastructure provision. This will provide greater certainty for councils, infrastructure providers, developers and the wider community. It will most likely also result in more actual, ready to develop capacity.

The council also requires clarification on the weight that will be given to FDS under RMA processes. This is because FDS's provide the strategic approach to be taken into account as part of considering RMA proposals, such as plan changes.

**Question 4**

*Do you support the proposed approach of the NPS UD providing national level direction about the features of a quality urban environment? Why/why not?*

Council generally supports a descriptive approach of the NPS UD providing national level direction about the features of a quality urban environment at a regional and district level. This would allow local authorities to determine quality aspects at a local level, taking account of local context. Council is of the view that the list suggested for the preamble should be expanded to be more holistic and in particular reflect sustainable design based considerations such as:

• promoting quality built form
• providing broader connectivity outcomes
• integrating land use and transport.

Council considers that the suggested Objectives 2 and 3, together with Policies 2A and 2B, bear little relationship to how to achieve a quality urban environment as described on pages 26 and 27 of the discussion document. As currently drafted, the provisions will add considerable complexity, cost and time to consent processes and not actually achieve the intent of the proposal which is to give direction on what is meant by quality urban environments, both existing and future.

Policy 2A introduces the concept of “limiting as much as possible the adverse impacts on the competitive operation of land and development markets”. It is very unclear how this policy would be interpreted and implemented in decision making.

Council considers that Objective 3 sets up a subjective/qualitative approach to enabling development. Auckland Council strongly suggests that the objectives and policies for describing quality urban environments require redrafting to provide clear guidance on what is meant by this.

**Question 5**

*Do you support the inclusion of proposals to clarify that amenity values are diverse and change over time? Why/why not?*
Council supports a policy framework that acknowledges that many areas of Auckland will grow and intensify and therefore change over time as development happens.

Where a concept such as amenity value is defined in the RMA, the NPS UD should provide consistency with this approach.

In the regulatory environment, being able to move beyond the focus on current amenity values to consider future amenity values has the potential to unlock development potential and community outcomes. For example, in Auckland the Mixed Housing zones and Terraced Housing and Apartment Buildings zone do not have limitations on density. Rather, building envelopes are defined by relevant development standards and the attributes of individual sites. Planning assessments generally ignore the future planned amenity and only assess effects of development upon the existing amenity values of neighbouring sites. This results in misalignment with the strategic vision of the city, the anticipated built form described in the zone descriptions and constrains development.

Auckland Council therefore agrees that there should be recognition that amenity values will change over time, and allow for the future amenity of areas identified for redevelopment at scale to be accommodated today. However, the council believes the location of such redevelopment areas is a matter of planning at the local level. In these areas, amenity values should be flexible to meet the future amenity as intended for the zone.

A blanket approach to creating development capacity, as parts of the NPS UD currently propose, will however come at the expense of residents’ future enjoyment of a city or region's unique and established amenity values. Auckland Council therefore advocates that achieving a balance between retaining aspects of the established amenity values in some locations and creating the future planned amenity values in other locations under the umbrella of quality, will lead to successful outcomes.

Council is therefore strongly of the view that the NPS UD should describe and set national direction regarding amenity value and the outcomes sought. However, how and where this is to be applied is a matter to be determined at a local level. Council would like to work with central government to determine where the line is drawn between what sits at the national policy level and what is retained at local decision making level.

Question 6
Do you support the addition of direction to provide development capacity that is both feasible and likely to be taken up? Will this result in development opportunities that more accurately reflect demand? Why/why not?

Council does not support adding the requirement to provide development capacity based on the concept of "likely to be taken up" for reasons as follows.

The concept of 'likely to be taken up' is not sufficiently explained nor defined. Council does not understand how we could realistically forecast development capacity that is likely to be taken up. Council's view is that 'take up' is not a planning issue but an implementation matter, influenced by factors such as infrastructure funding and financing, a softening property market, construction costs, lack of scale/capacity in the developer/construction sector etc. Using past building consents as an indicator is also not indicative of the likelihood of future development and cannot be used to predict 'take up'.

The concept of feasible development capacity used in the NPS UDC 2016 is carried forward into the proposed NPS UD. Council is of the view, and has indicated so previously, that the concept of
feasible development capacity should be approached with caution and should not be used to project medium and long term demands for dwellings and business land.

Furthermore, council does not support introducing 'bottom lines' to replace targets as a requirement to be included in plans.

This amendment will not improve the management of demand for development capacity. The revision of policies and plans to address shortfalls, which are based only on planning factors, may not achieve desired outcomes. Council has particular concerns regarding the implications for funding of infrastructure to support growth when based on housing and building development capacity assessments only. As discussed above, many reasons could be contributing to shortfalls. All these factors should be considered in the discussions with the minister proposed under Policy P48 of the NDP UD.

For more information, please refer to Part 4 of this submission.

Question 7
Do you support proposals requiring objectives, policies, rules, and assessment criteria to enable the development anticipated by the zone description? Why/why not?

Council supports zone descriptions providing clear direction on future anticipated built environments. These descriptions must serve as a benchmark to ensure that development will be consistent with the desired outcomes of the specific zone.

Aligning with the council’s view on proposed National Planning Standards, each zone description must have a degree of flexibility in what the zone seeks to achieve, to accommodate outcomes sought by place-specific provisions. The National Planning Standards provide for ‘overlays’ and ‘zone-specific layers’. The resulting future anticipated/planned built environment may well be a combination of all of these layers.

Question 8
Do you support policies to enable intensification in the locations where its benefits can best be achieved? Why/why not?

Council supports the intent behind policies to enable intensification in the locations where its benefits can best be achieved. Enabling intensifications in locations that have attributes such as access to transport, employment and education has long been a focus of Auckland Council planning. It is articulated through the Auckland Plan and the concept of a ‘quality compacts’ Auckland has been translated into the Auckland Unitary Plan.

The Auckland Unitary Plan has a number of zones where high density typologies are anticipated, and plan controls enable intensification in these zones. This does not mean that there may not be additional locations suitable for intensification zoning, nor that plan provisions could not allow more development capacity in some locations. In this regard, Auckland Council continues to monitor the implementation of the Auckland Unitary Plan rules to ascertain whether they are achieving the anticipated outcomes. An example is the recent work with MfE on the Terraced Housing and Apartment Building zone. The council also continues to undertake various forms of spatial and master planning to identify and enable intensification and optimise community outcomes.

Council supports P&C Option 1: Descriptive Approach. It aligns to the approach taken by council at a local level. This enables territorial authorities to undertake a suite of spatial planning exercises that consider and respond/reflect the many unique qualities of their diverse environments. For example, Auckland has a number of centres adjoining coastal locations that are low lying and subject to exposure as a result of the effects of climate change. There are equally centres, such as Titirangi,
that have very steep topography immediately surrounding the centre. This is where local context and decision making needs to lead over national directives.

P6C Option 2 is not supported as it will compromise local urban development outcomes.

Prescriptive policies for enabling intensification should not be set through an NPS. Having prescriptive policies for intensification could, in the short term, override the controls of district plans with developers using the NPS UD to then override the unitary plan policies. This will result in adverse effects in certain localities where such development is not feasible, nor desirable. For instance, some areas of Auckland have stormwater and wastewater constraints and are not able to sustain high levels of development without substantial investment in upgraded infrastructure. The NPS UD should not provide ‘justification’ for such development until this infrastructure is provided.

The council supports the NPS UD providing clear direction to local authorities to ensure that urban development opportunities are provided around frequent public transport services. However, what ‘frequent’ means to an individual area is best determined at the local level. The council does not support using a ‘one size fits all’ approach to defining Frequent Transit Network. The NPS needs to acknowledge there are local differences in public transport provision across the country. For instance, Auckland differentiates between rapid and frequent services.

Question 9

Do you support inclusion of a policy providing for plan changes for out-of-sequence greenfield development and/or greenfield development in locations not currently identified for development?

Council does not support providing for out of sequence or new greenfield development as proposed.

Development opportunities in future urban areas (greenfields) are an important part of Auckland’s strategy to accommodate growth. The council has done significant work to identify the amount and location of land needed for future urban development over the next 30 years.

The Auckland Unitary Plan identifies greenfield land for development at scale (15,000 ha), enough for at least 30 years of growth. Further, the Auckland Unitary Plan already enables private plan changes for urban development in rural areas, subject to assessment against a range of criteria in the Regional Policy Statement.

To ‘release’ land identified for future urbanization efficiently, Council adopted a future urban land supply strategy (“the FULSS”) in 2017. It sequences and times these areas for live zoning with the necessary bulk infrastructure in place. The FULSS was widely consulted on and is a valuable tool for infrastructure providers, the council, landowners and developers. Council must have the ability to continue to comprehensively plan and invest, particularly through the FULSS and LTP processes.

Providing all infrastructure (including the three waters, transport, health, education and open space) is key to enabling successful urban outcomes. Capital and operational costs associated with this are significant and beyond the financial ability of even New Zealand’s largest developers. Bulk infrastructure costs for these future urban greenfield areas are estimated to be at least $21 billion.

To date, the costs associated with providing this infrastructure have been largely borne by council. It is estimated that under current funding practices, the costs of infrastructure in the future urban areas will be three quarters funded by the taxpayer and rate payer. There are already shortfalls in funding infrastructure. For example, in Auckland’s south there is an immediate transport funding
shortfall of over two billion dollars. Promoting out of sequence or new greenfield development will simply exacerbate this issue.

In Auckland, debt ceiling limitations mean that the forward infrastructure work programme to support growth has little margin for change without major implications. Bringing a contest of locations forward through this policy will almost immediately affect the council's balance sheet. It will also divert infrastructure from other areas, impacting housing yields in those areas.

The argument used that special purpose vehicles separate these costs from the council's balance sheet does not escape the fact that very rarely can costs associated with otherwise unplanned development be ring fenced and apportioned completely away from the general ratepayer.

Also, of the 14,000 dwellings consented in Auckland in the 2018/2019 year, 83 per cent were in the existing urban area and 10 per cent in the future urban area. As proposed, the NPS UD has the real potential to significantly detract from achieving its own intensification objectives in brownfield areas through resources being diverted away from these areas to address ad hoc, unplanned greenfield development.

Council is concerned that an NPS level of greenfield policy, may have the effect of redirecting resources in an ad-hoc way and will undermine a robust and comprehensive approach to future urban growth.

Good planning followed by committed infrastructure investment over time allows the development of an infrastructure investment pipeline that gives certainty to the development market.

**Question 10**

Do you support limiting the ability for local authorities in major urban centres to regulate the number of car parks required for development?

Auckland Council considers that this level of prescription proposed in the NPS UD is inappropriate as this level of detail is better determined at a local decision making level. Council supports an NPS that describes the outcomes to be achieved.

**Question 11**

Do you think that central government should consider more directive intervention in local authority plans?

Directive policies to enable quality urban development should not be set through a National Policy Statement. A blanket national approach will have many unintended consequences at a local level.

Council recognises that changes to the Auckland Unitary Plan, such as enablement of higher-densities and increased height provisions may be required as a result of national direction, but how and where this is achieved must be determined at a local level.

The suite of standards for development in district plans work together as a package to ensure quality outcomes, at all scales, from catchment level to individual sites. Amending one element of this package will impact other elements. For example, site coverage rules have a correlation with stormwater and the infrastructure solutions required. Council's need to retain their discretion over the package of standards, particularly in higher density zones, to ensure catchment, inter-site and on-site impacts are reasonably managed.
Question 12
Do you support requirements for all urban environments to assess demand and supply of development capacity, and monitor a range of market indicators? Why/why not?

Council supports the requirements for all urban environments to assess demand and supply of development capacity and monitor a range of market indicators. This will add to the body of information required for making decisions on the amount and type of urban development needed in different locations. Data, information and evidence bases are currently limited in the urban development space.

The information gathered should inform spatial delivery strategies and will help local authorities understand their local housing and business markets. It will also be useful information for preparing plan changes required to respond to growth in urban areas.

Council considers that equivalent evidence should be collected on business so that both are given equal weight when decisions are being made. There is a risk that the objectives of the NPS UD will be undermined if council’s are not required to collect an appropriate level of evidence on business. Points b-e in PB8 should therefore also apply to business land with e) relating to the affordability of business land.

Auckland Council does not believe that the lessons from the first generation of HBAs have been adequately translated into the proposal in the NPS UD discussion document. A section 32 report, providing the technical basis on which the HBA provisions have been justified particularly the proposed changes, would enable more informed feedback on the requirements.

Council considers that there could be value in setting up a specific working group of central government and council officials to focus on agreeing practical and workable solutions for the requirements of the Housing and Business Assessment section of the NPS UD. Any monitoring framework required under the NPS UD would need to be kept simple and practical to ensure that councils are able to adequately resource and fund this work.

Specific comments on policies relating to HBA’s are included in Appendix 1 to the submission.

Question 13
Do you support inclusion of policies to improve how local government works with iwi, hapū and whānau to reflect their values and interests in urban planning?

Council supports the intent to improve how local government works with iwi, hapū and whānau to enable their development aspirations. Development aspirations should be broadly defined to encompass development that enables iwi, hapū and whānau cultural, social and economic wellbeing, while enabling kaitiakitanga.

Strategies, policies and plans should reflect Māori interests, values, aspirations and customary rights as opposed to being narrowly focused on issues of concern.

There needs to be an awareness of the contextual differences of each Māori group in reference to the different articles of Te Tiriti o Waitangi. Article 2 recognises the place of iwi and hapū who are mana whenua in the area. Mataawaka or Māori communities represent a significant proportion of
the Māori population of Auckland. Many have a desire to connect to their culture and traditions in an urban setting.

The rangatiratanga of iwi and hapū needs to be recognised as well as the right of all Māori to express Māori tanga, as affirmed by Articles 2 and 3 of the Treaty. Local authorities should engage with iwi and hapū at strategic decision making levels. The wording of the objectives and policies could be clarified to take into account the following points:

- enabling iwi and hapū to give effect to their responsibilities as kaitiaki in an efficient and effective manner;
- Māori being able to see themselves and their values reflected in the urban environment.

**Question 14**

Do you support amendments to existing NPS UDC 2015 policies to include working with providers of development and other infrastructure, and local authorities cooperating to work with iwi/hapū? Why/why not?

Auckland Council supports amendments to the NPS UDC 2016 to include working with providers of development and other infrastructure, and local authorities cooperating to work with iwi and hapū.

**Question 15**

What impact will the proposed timing for implementation of policies have?

The NPS UDC suggests specific timeframes in which its various provisions are to be implemented.

Of particular concern to council is the proposal that HBA’s, Future Development Strategies and policies setting bottom lines are updated every three years. In answering question 3 of this submission, the council suggests the proposed three-yearly review period for FDS and HBA’s should be six-yearly. A three-yearly cycle of review/updating would be too frequent as it does not allow enough time to understand the impacts of policies before they would need to be reviewed again.

Quarterly timeframes are also suggested for monitoring housing indicators. Council has, through the NPS UDC, provided quarterly updates on required indicators. However, it is noted that some indicators require QV information which is only updated nationally on a three-year rotating basis. This is discussed further in Appendix 1 of this submission.

**Question 16**

What kind of guidance or support do you think would help with the successful implementation of the proposed NPS UDC?

As discussed in Part 2 and the answer to question 4 of this submission, clarification is required on how to define quality urban environments. This includes clarification to ensure that other factors vital to quality urban environments, such as promoting quality built form, proving broader connectivity outcomes and integrating land use and transport are adequately considered in decisions. The NPS UDC should also provide guidance on how to better weigh up trade-offs against the goals of the NPS UD.
Not a matter of guidance, but as discussed in Part 1 of this submission, the extent of infrastructure funding required across New Zealand to service growth, along with the obligations placed upon councils through this NPS UD, will need to be addressed.

Council also seeks that Good Practice Guidance documents be developed with supporting case studies demonstrating how to foster successful partnerships between iwi, hapū, whānau and local authorities. For the NPS UD to be effectively implemented, this guidance will assist local authorities in understanding how iwi and hapū are to be appropriately resourced in developing their capacity and capability to effectively participate in the plan development and resource management decision-making processes. This includes the development of iwi management plans.

**Questions 17 and 18**

Do you think there are potential areas of tension or confusion between any of these proposals and other national Direction? If so, please identify these areas and include any suggestions you have for addressing these issues.

Do you think a national planning standard is needed to support the consistent implementation of proposals in this document? If so, please state which specific provisions you think could be delivered effectively using a national planning standard.

Auckland Council is submitting separate feedback on the proposed National Policy Statement on Highly Productive Land (NPS HPL) and the Essential Freshwater Management package. It is aware that central government is also working on discussion documents for a proposed National Policy Statement for Indigenous Biodiversity (NPS-IĐ) and a proposed National Environmental Standard for air quality (NES air quality) for consultation later this year.

Council supports national direction instruments being compatible and aligned to enable good decision-making that provides for New Zealand’s environmental, social, cultural and economic wellbeing. Integration between national instruments is absolutely critical to achieving the outcomes and, as drafted, the various instruments are not consistent.

The main inconsistency between the NPS UD and NPS HPL relates to the price differential of urban and rural land. The NPS UD seeks that this differential must be reduced. However, in identifying highly productive land and placing appropriate restrictions on its use outside of primary production, the value of this land will be significantly lower than urban land. This is because the value of this land for speculative future urban or lifestyle development will be significantly reduced. This tension should be resolved between the two NPS’s.

The key link between the NPS’s is through the NPS UD’s requirement for councils to prepare a FDS and through that process identify “areas where evidence shows that urban development must be avoided” (P10(i)). However, it is suggested that this linkage should be made more explicit and the policy should provide examples of the types of land to be avoided for greenfield development, including HPL. For more detail on this matter please refer to section 13 of Auckland Council’s submission of the NPS HPL.

In relation to the essential fresh water management proposals, Council considers there is an opportunity to better reflect its aspirations in the NPS UD through inclusion of additional policies that require councils to:
• use urban development to protect and enhance natural environments
• ensure that future urban development is future-proofed (e.g. adapting to a changing water future)
• incorporate Te Mana o te Wai as a key principle for urban development planning.
• incorporate a requirement to avoid, remedy or mitigate any proposed stream loss through infilling when developing future development strategies and assessing resource consent applications.

Definition of Development Infrastructure (Appendix 2)
Council suggests that Appendix 2 of the NPS UD includes a comprehensive and clear definition of 'development infrastructure'. As currently proposed, the definition does not adequately distinguish between ‘bulk’ and ‘local’ infrastructure and what infrastructure is provided by the developer as opposed to council/infrastructure providers.

The definition requires clarification with respect to how it is used in Policy P4A under Making Room for Growth: Enabling opportunities for development.
Part 4: Appendices
Preventing Housing Business Development Capacity Assessment (HBA) (Appendix 3)

Overall policy framework

Council supports the overall intent of the Housing and Business Assessment (HBA) however there are a number of issues that will need to be resolved before the requirements will be workable and practical.

Housing and Business Development Capacity Assessments (HBAs) are currently required as part of the NPS UDC and the discussion document proposes to build on those requirements. These assessments are a fundamental part of the policy framework proposed as part of the discussion document.

Auckland Council has significant experience in considering and applying the assessment findings to decision making and plan development, infrastructure planning and spatial planning, and then defending these approaches and processes in Environment Court and similar contestable processes.

Technical experts within council consider there are significant areas within the proposed NPS UDC provisions for HBAs that need to be clarified or amended to make them workable. These views are based on our extensive experience of developing, explaining and applying similar provisions in both evidence development and decision-making practice.

Council is of the view that the processes and criteria proposed in the body of the NPS UDC are heavily dependent on the requirements of the HBA. In particular, they form the basis for the FDS requirements. The changes made to the HBA in Appendix 3 of the Discussion Document are, in council's view, significant and some requirements will be extremely difficult to satisfy.

The HBA product needs to be fit for purpose, understandable and provide a valuable resource for making policy decisions.

Development of the first generation HBAs (under the NPS UDC) required councils to dedicate significant resources (time, expertise and budget) to the task. As a large council Auckland was able to apply in-house knowledge. It also supplemented this with work from consultants to address specific technical requirements where council did not have the technical expertise. We are aware that many of the smaller councils had to rely heavily on consultants.

Larger centres have already addressed many of the concerns raised through the NPS UDC in a way that reflects their local context. Therefore, the cost to major urban centres will mainly lie in complying with the detail embedded in the HBA policies, of which the net benefits are unclear. Council considers that costs aside, there has been insufficient consideration of the potential ability of non-major urban centres to comply with the proposed requirements, not the benefits they will gain from it.
Frequency of developing/updating an HBA

Council proposes that Future Development Strategies are reviewed every six years, (see discussion on Achieving workable solutions in Part 2 of this submission). To align with this there would be merit in updating Housing and Business assessment reports on the same six-yearly basis with more regular monitoring of appropriate indicators (for example through quarterly monitoring requirements) to understand changing market factors and trends that could feed into FDS and HBA reviews.

Affordability

Council considers that supply side provisions alone are not sufficient to improve affordability and that urban planning requires linkages across all policy areas. Even if all regulations are removed, the NPS ID does not address how a competitive market will deliver affordable housing.

Council strongly supports providing RMA provisions that could directly address affordability, which may include inclusionary zoning for example. Experience and evidence show that the market alone cannot and will not deliver “affordable housing”.

Working with stakeholders

The council supports collaborative ways of working. The discussion document states that “in carrying out the HBA, local authorities must seek and use input from the property development sector, (including major landowners and social housing providers where relevant), requiring authorities, and the providers of development infrastructure and other infrastructure.” The input from all the stakeholders mentioned would add to the robustness of the HBA. However, it is suggested that the term ‘use’ be replaced with ‘take into account,’ which is the more accepted RMA term. This better reflects the balancing of potentially conflicting or contrary information and views that the council will have to undertake.

Specific comments regarding concepts in AP1 – AP17

The main areas of concern, in policies AP1-AP17, are discussed in the sections below. The council is concerned about the inclusion of the following concepts:

- bottom lines to replace targets
- scenarios
- arbitrary margins
- current feasibility as a 30-year forecasting tool
- introducing the term ‘likely to be taken up’
- land differentials as an indicator.

Our concerns are how these individual concepts are framed and used within the HBA policies. They have cumulative impacts that magnify the amount of information required to be provided by councils beyond what is reasonable and practical. The HBA policy requirements need to be simpler, understandable and fit for purpose.

Replacing targets with bottom lines

Council would like to reiterate that it favours the use of ‘targets’ over ‘bottom lines’ (see discussion in answer to question 15 of this submission) and suggest that the table is amended to reflect this.
Requirements for scenarios

There is merit in councils considering the appropriateness of using a high, medium or low growth scenario as part of their strategic planning. This would align with other strategic planning that council are required to do, particularly infrastructure provision through the 30-Year Infrastructure Strategy and Long-term Plans.

However, the need to develop and test multiple population growth scenarios with a range of variations, as envisaged in this policy, is excessive. For example, three population growth scenarios, each with three household formation assumptions, each with three future income variables would result in a possible 27 demand ‘scenarios’, all of which would need to be modelled and compared with potentially as many supply responses.

A critical point is that major infrastructure and planning requires long lead times and once committed can rarely be altered without significant additional costs (and rarely without significant additional delays).

The important step in the process is how to choose the most appropriate scenario to take forward in planning. The policy as proposed leaves open the question of how the main scenario would be selected - irrespective of the range or total number of scenarios.

The council suggests that the requirements for scenarios (AP2) are amended to require that:

Every HSA must provide the rationale for the population growth projection chosen (i.e. high, medium or low).

Appropriateness of the margins proposed

Council is of the view that, while the proposed margins (15% and 20%) are the same as those used in the NPS UDC 2016, they are arbitrary. The council suggests that more work needs to be done to determine an appropriate buffer or any alternatives.

With regard to price differential-based triggers, council considers that the Urban: Rural price differentials do not provide insight into relative supply/demand pressures within the urban (or rural) land markets. Given limitations on methodology and data availability (i.e. inputs to determine the differential) council is of the view that the measures may be unsuitable for the stated purpose. Council therefore does not support their use.

The consideration of high, medium or low projections (AP2) together with the addition of margins as required by the proposed HSA have a real-world implication on council funding and delivery of infrastructure. Given the direction in other policies (e.g AP2) to use a range of scenarios and the arbitrary nature of the margins, the council questions whether the range of scenarios, as well as a margin, is necessary.

Current feasibility as a 30-year forecasting tool

Council has previously provided comment on using current feasibility (today’s ‘market’) to forecast over 30 years. It is suggested that amendments are made to the Table in AP4 to provide some flexibility for councils in how this information is used in relation to bottom lines.
Introducing the term ‘likely to be taken up’

The concept of ‘likely to be taken up’ is a significant addition to the NPS UD. However, this concept has not been explained or defined.

The suggestion of using past building consent information is not helpful as it does not indicate the likelihood of future development. If the past rate of building consents is not sufficient to meet future demand, the outcome will presumably predict a future shortfall. The argument then becomes circular because it will be challenging to break the under-build cycle.

An alternative perverse outcome is that a past rate of consents provides an expected ‘minimum’ or baseline level of future development, regardless of the actual ‘sufficiency’ of development capacity or market interest to deliver this.

It is not possible to make a robust, repeatable, objective, and defendable forecast of what is going to happen over any timeframe beyond the immediate future. Past examples of the difficulty of undertaking this type of forecasting can be found in case law on Financial Contributions (Rodney District Council) and early Development Contributions (North Shore City Council).

Council is of the view that this concept should not be taken forward into the final NPS UD.

Price efficiency indicators

The use of various indicators, and other methods, to determine how planning may affect supply and dwelling prices is supported in principle. Council considers that the main purpose is to examine changes over time and for these indicators to be useful tools in understanding efficiency of land use comparative over time.

However, council does not support the compulsory use of the price efficiency indicators proposed in the NPS UD. In their current form they are not robust and would not provide insights helpful in understanding the impacts of the market and how it interplays with planning.

Council considers that there are issues with both the data and methodology proposed:

- There is no post-Auckland Unitary Plan evidence that the Rural Urban Boundary imposes a price premium.
- Analyses do not account for the net area and cost requirements of converting larger sites into smaller ones. For instance, larger sites within the same zone are generally worth less on an average value per square metre rate than smaller sites. There is a need to account for differences between the retail price of ‘subdivided, developed sections less the land under roads and reserves’ and the price of ‘raw materials’ for all those things, being un-serviced rural land.
- The price differential can only be updated using comprehensive valuation data. This is collected nationally, on a staggered three-yearly cycle. Therefore, the indicator will remain constant for three years and may not align to the proposed HBA cycle.
- Valuations are not a true reflection of actual sales prices of the land.
- The basis for premiums on building consent prices proposed are not robust.
- No account is taken of infrastructure costs that are not borne by the developer (i.e. bulk infrastructure).
• the peri-urban (lifestyle) nature of much of the area adjacent to Auckland’s rural urban area boundary.
• the flawed method used for the price-cost ratio i.e. using stand-alone residential sales data only and the imperfect value data associated with building consents.
• the relationship between household income and house price is only relevant to first home buyers who do not already have equity, and even in these relatively simple cases is only indirectly related to actual weekly/monthly housing expenditure (see for example the MHUD HAM measure and AC SAM measures).
• changes in interest rates, LVRs, mortgage terms and bank appetite for risk can all play a much larger and dynamic role than planning in this space. This may be significantly negatively affected by attempts to effectively strip wealth/equity (bank security), by reducing house and land prices. Debt to income or repayment to income measures will be required to determine such impacts and are all retrospective.
• accurately forecasting future interest rates over a 30-year period is not realistic.

Council considers that price differentials do not necessarily indicate a flaw in the planning system. Applying the information from such indicators in their present form could lead to a short-term policy approach that does not incorporate future value or potential. For example, where industrial land which has specific locational requirements is ‘protected’ from encroachment by land uses which do not have such specific needs (e.g. residential). Measures, if any, should take account of current planning rules, be based off actual sales rather than QV values, account for amenities such as proximity to jobs, the water or public transport, and account for the full cost of infrastructure that makes greenfield land developable. Measures (proposed in the discussion document) do not do this and instead assign all costs to ‘regulation’.

Research on how plans constrain or enable supply should be undertaken by councils prior the HBA’s. Furthermore, scientific evidence should be developed relating to whether there is a correlation between more land supply and improved affordability. This claim has to date been proved to be misleading relative to the NPSU DC (refer Fernandez (2013)) and therefore focus in the NPS UD is too narrow. It is suggested that links be made with other policies such as Kiwibuild and inclusionary zoning.

Given these issues above, council suggests that central and local government work together to develop a fit for purpose set of price efficiency measures that isolate the role or impact of ‘planning’ from other explanatory or confounding impacts.

Price differentials are also raised in the NPS HPL discussion document, where increases in Urban: Rural price differentials are an expected outcome of the NPS HPL and speculative future urbanisation values attributed to peri-urban land would be rolled back to the underlying agricultural production value.

Tensions and alignment in the approach between the NPS HPL and the NPS UD are covered in Part 3 of the submission to the NPS UD.
Industrial zone price differentials

It will be difficult to objectively determine demand for different business tenures given that an individual’s business decisions are influenced through the process of trading off relative benefits and dis-benefits, costs and flexibility to lease (requiring a willing landlord), own and occupy or design and build. These trade-offs will be business (and business owner) specific.

There is also no planning rationale, rules or policies which could be altered to modify current tenure mix or limit or encourage different types of tenure even if ‘demand’ could be determined. The plan enabled development capacity of various locations exists independent of tenure – the planning rules, infrastructure (and market signals) are the same.

Work undertaken for the AUP feasibility assessment and for the NPS UDC (2016) specifically recognised that even calculating development feasibility in and of itself was considerably more complex than the ‘buy, develop, sell’ actor that is the basis of most residential feasibility models.

This is because the ‘feasibility’ calculations of a large supermarket chain or new store development would be quite different to that of, for example, a popular main street coffee shop, a spec industrial roller door developer, a 3PL company looking for temporary overflow storage or a tech start up.

To address the issues raised above, the following amendment to AP15 is recommended:

- that tenure be removed as a criterion for analysis (see also housing where tenure is not incorporated).

With regard to industrial land price differentials, the council recommends that the requirement to use these (AP16) is removed from the NPS UDC as they do not provide insight to the current feasibility of the development of land.

Irrespective of the potential utility of the price differentials, industrial land price differentials are not relevant to non-industrial business land considerations.

To address these issues, the following amendment to AP16 is recommended:

**AP16**: Every HBA must to assess the plan enabled development capacity and commercial feasibility for business land over the short, medium and long term.

**Suggestions to revise AP4**

The table in AP4 is at the heart of many of the issues that have been raised about the revised HBA provisions. Bearing in mind the feedback in the above sections, the following amendments are suggested as a starting point for a conversation about how these provisions could be made more practical and achievable.

Council raises the following points related to the short, medium and long term in the table in AP4.

In the short term:

- only development infrastructure currently in place can be included – this would preclude infrastructure currently under construction or soon to be completed that could be available within the short term.
In the medium term:

- Development infrastructure funded or financed by an external party is a much lower test than the LTP for councils. The linkage to the relevant policies (Providing for intensification and greenfields) should be made explicit.
- Commercial feasibility should be added.

In the long term:

- Incorporates a medium-term infrastructure definition which is problematic.

There is also a need to amend the proposed Objectives and Policies AP1 – AP17 as appropriate to clarify that:

- The policy applies to residential dwellings and not future urban and existing urban areas as stated
- The HBA assessment locations should be determined by the authority producing the HBA
- That medium and long-term feasibility can use scenarios, particularly those which include changes in costs and profits as the feasibility output.

Taking into account the above feedback, the following amendments to the table and text are suggested as follows:

<table>
<thead>
<tr>
<th>Time</th>
<th>Plan enabled capacity</th>
<th>Supported by development infrastructure</th>
<th>Feasible</th>
<th>Take-up</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short term</td>
<td>The cumulative effect of all zoning, objectives, policies, rules, spatial layers and existing designations in operative plans for permitted, controlled or restricted discretionary activities.</td>
<td>The actual development infrastructure in place or under construction.</td>
<td>Commercially viable to a developer based on the current relationship between costs and revenues.</td>
<td>Likely to be taken up</td>
</tr>
<tr>
<td>Medium term</td>
<td>As above plus additional development capacity in a notified plan.</td>
<td>As above plus additional development infrastructure funded in an LTP</td>
<td>Commercially viable to a developer based on the current relationship between costs and revenues, adjusted to account for reasonably expected changes in costs and revenues resulting from changes to planning and the balance between supply and demand.</td>
<td></td>
</tr>
<tr>
<td>Long term</td>
<td>As above plus additional capacity identified in an FDS.</td>
<td>As above plus additional development infrastructure identified in an infrastructure strategy prepared under the Local Government Act 2002.</td>
<td>Commercially viable to a developer based on the current relationship between costs and revenues, adjusted to account for reasonably expected changes in costs and revenues resulting from changes to planning and the balance between supply and demand</td>
<td></td>
</tr>
</tbody>
</table>
Appendix 2: Feedback from Local Boards
Manurewa Local Board feedback on the proposed National Policy Statement on Urban Development

The board supports the overall direction of the National Policy Statement. However, we have concerns about the implications of the NPS for local decision-making and growth infrastructure funding.

We believe that the final version of the NPS must ensure that local decision-making is retained. For this reason, we do not agree with the proposal to remove or limit local authority decision-making on car parking. We would prefer that the NPS take the approach of being descriptive rather than prescriptive wherever possible. The NPS should promote a community-driven planning process.

The board is concerned about the implications of the proposal to enable more out-of-sequence greenfield development. Such development should only be allowed where there is infrastructure to support it. The discussion documents for the NPS state that the intention is "to allow for growth ‘up’ and ‘out’ in locations that have good access to existing services and infrastructure". To allow for out-of-sequence greenfield development in areas that do not have such infrastructure would not be aligned with this principle, and could incur significant costs in requiring new infrastructure that has not been budgeted for.

The NPS does not address the question of funding growth infrastructure, which is one of the most significant problems constraining urban growth. We strongly believe that any new Government regulation that creates cost for local authorities should be funded by Government.

We support strengthening requirements for quality urban design. However, we are concerned that the quality urban environment provisions of the proposed NPS are vague. We would prefer to see a clear description that addresses issues such as urban design and the build environment, and for these principles to be reflected in policies as well as objectives.

The board supports the inclusion of policies to improve how local government works with iwi, hapu and whenahau to reflect their values and interests in urban planning. However, we feel that there is room to strengthen this in the final version of the NPS.

This feedback is authorised in accordance with Manurewa Local Board resolution MR/2019/173– 19 September 2019.

Angela Dalton, Chairperson
24 September 2019
On behalf of the Manurewa Local Board
Waitematā Local Board Feedback on the National Policy Statement – Urban Development

The Waitematā Local Board welcomes the emphasis on ‘quality urban environments’ but more clarity is needed on what that means. This definition should include explicit consideration of and reference to:

- urban design
- the built environment
- urban form and function
- access to public transport
- access to parks and open space
- access to community facilities
- placemaking

The main concern at the Local Board level is the removal of Council’s ability to make decisions locally. Although we appreciate the need to develop more intensive housing close to the city, Auckland has just completed a years-long process in the formation of the Unitary Plan to balance this need with the protection and enhancement of our built and natural heritage. We are particularly concerned about the potential to weaken or abolish Unitary Plan overlays protecting special character, historic heritage and volcanic viewsheds.

We strongly support the ‘descriptive’ over the ‘prescriptive’ approach to where and how intensification occurs. For example the ‘prescriptive’ approach example in the discussion document of intensified zoning within a 1.5 km locus of the Auckland city centre would include the heritage suburbs of Parnell, Parnelby, Grey Lynn and Herne Bay. This blunt instrument, one-size-fits-all approach would be entirely inappropriate to these areas. An approach in which intensification along transport corridors has been included in the Unitary Plan has been negotiated in a way that balances significant intensification with the preservation of the unique character of these inner suburbs.
Feedback on:
Central Governments proposed National Policy Statement on Urban Development
22 September 2019

For clarifications and questions, please contact:
Mal Ahmu
Local Board Advisor – Maungakiekie-Tāmaki Local Board

Context
2. This will replace the National Policy Statement on Urban Development Capacity 2016 (NPS UDC).
3. The NPS UD broadens the focus of the NPS UDC 2016 beyond urban development capacity, to include other matters that contribute to well-functioning urban environments. It will build on many of the existing requirements to provide greater development capacity but will broaden its focus and add significant new content.
4. The NPS UD is part of a package that will work with other initiatives from central government including a National Policy Statement on Highly Productive Land and Essential Freshwater.
5. At the Maungakiekie-Tāmaki Local Board’s 27 August 2019 business meeting, it delegated authority to Chairperson, Chris Makoare and Deputy Chair, Debbie Burrows to input into Auckland Council’s submission on the Ministry for Primary Industries and the Ministry for the Environment proposed National Policy Statement on Highly Productive Land (resolution: MT/2019/134).
6. Due to the coordinated nature between the National Policy Statement on Highly Productive Land with the National Policy Statement on Urban Development and the Essential Freshwater package, the delegation for the Chair and Deputy Chair to provide local board feedback has been extended to enable the local board to input into the Auckland Council submission.
7. The due date for submissions to Central Government is 10 October 2019. On 10 September 2019 there will be a workshop with the Planning Committee and Local Board Chairs to discuss the three national directions that have been proposed (NPS on Highly Productive Land, Urban Development and Fresh Water). Following this the draft Auckland Council submission will be signed off by delegated councillors (GB/2019/75). To meet these timeframes local board feedback is due by 24 September 2019.

Relevance to the Local board
8. Local boards are responsible for decision-making on local issues, activities and services and providing input into regional strategies, policies and plans. Local boards also have a role in representing the views of their communities on issues of local importance.
9. Every three years local boards set their strategic direction through a local board plan. Central Governments proposed National Policy Statement on Urban Development has relevance to the following outcomes and objectives in the 2017 Maungakiekie-Tāmaki Local Board Plan.

<table>
<thead>
<tr>
<th>Outcomes</th>
<th>Objectives</th>
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<tbody>
<tr>
<td>Maungakiekie-Tāmaki is an active and engaged community</td>
<td>Our young people are engaged in the community and have access to a wide range of opportunities.</td>
</tr>
<tr>
<td>Maungakiekie-Tāmaki is a community that cares about its environment</td>
<td>Demonstrate environmental leadership and support community sustainability initiatives.</td>
</tr>
<tr>
<td>Clean, beautiful waters and waterside areas</td>
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Maungakiekie-Tāmaki Local Board feedback on Central Governments proposed National Policy Statement on Urban Development:

The Maungakiekie-Tāmaki Local Board provides the following input:

a) note that the Maungakiekie-Tāmaki Local Board area has a large number of urban development planned and currently in progress. This is highlighted in the Maungakiekie-Tāmaki Local Board Plan that seeks to achieve a quality urban environment that attracts people from all over Auckland and beyond to live, do business and play

b) endorse the direction and intent of the National Policy Statement on Urban Development to help create development capacity for housing

c) recommend ensuring that making room for growth includes sufficient open space based on population density, to create healthy and quality urban environments for our communities

d) recommend that the national policy statement should be a descriptive approach, providing guidance on development capacity for housing rather than directly prescribing how this should be done. Noting that this will retain local governments ability to undertake local decision making relevant to its local context

e) recommend that central government:

i) ensure local government has capacity to deliver on additional requirements if prescribed

ii) consider new funding options to support the infrastructure required to support housing development in Auckland.

Chris Makosie
Chair
Maungakiekie-Tāmaki Local Board

Debbie Burns
Deputy Chair
Maungakiekie-Tāmaki Local Board

End.
Feedback on:
The National Policy Statement for Urban Development
24/09/2019

Puketapapa Local Board feedback on the National Policy Statement for Urban Development:

That the Puketapapa Local Board:

a) support the intent of a National Policy Statement for Urban Development to help create development capacity for housing.

b) note that a national policy statement should provide guidance on development capacity for housing rather than directly prescribing how this should be done.

c) note that central government should consider new funding options to support the infrastructure required to support housing development in Auckland.

End.
Papakura Local Board feedback on the National Policy Statement for Urban Development

Background

The Ministry of Housing and Urban Development and the Ministry for the Environment have released a discussion document on a proposed National Policy Statement on Urban Development (NPS UD). This will replace the National Policy Statement on Urban Development Capacity 2016 (NPS UDC).

The NPS UD broadens the focus of the NPS UDC 2016 beyond urban development capacity, to include other matters that contribute to well-functioning urban environments. It will build on many of the existing requirements to provide greater development capacity, but will broaden its focus and add significant new content.

The NPS UD is part of a package that will work with other initiatives from central government including a National Policy Statement on Highly Productive Land (NPS HPL).

NPS UD is proposed to contain objectives and policies in four key areas:

- **Future Development Strategy** – requires councils to carry out long-term planning to accommodate growth and ensure well-functioning cities.
- **Making room for growth in RMA plans** – requires councils to allow for growth ‘up’ and ‘out’ in a way that contributes to a quality urban environment, and to ensure their rules do not unnecessarily constrain growth.
- **Evidence for good decision-making** – requires councils to develop, monitor and maintain an evidence base about demand, supply and process for housing and land, to inform their planning decisions.
- **Processes for engaging on planning** – ensures council planning is aligned and coordinated across urban areas, and issues of concern to iwi and hapū are taken into account.

The NPS UD is part of a package that will work with other initiatives from central government including a National Policy Statement on Highly Productive Land (NPS HPL). Submissions on this document also close on 10 October 2019. The National Policy Statement on Fresh Water is yet to be released. All three documents will be discussed at a Planning Committee workshop on 19 September 2019.

The local board feedback deadline is 16 September 2019.

Submissions to the NPS UD discussion document close on Thursday, 10 October 2019.

Papakura Local Board feedback

1. The Papakura Local Board agree with planning for the future and setting high level expectations of what local authorities should be seeking to achieve.

2. Auckland Council also has design guidelines for development which should be given more of a statutory status.

3. The Papakura Local Board can understand why the national policy statement might want to require major urban centres to meet more stringent requirements, however, other

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mechanisms used like structure plans processes are already in place. The structure planning process should be given statutory status so councils can monitor alignment of private plan changes to the original structure plan.

4. Development must happen in line with local authority planning. To force development where infrastructure cannot keep pace is a concern and potentially adds a greater burden on the local authority.

5. Local authorities struggle to keep within their debt servicing levels to provide infrastructure for growth.

6. Consideration needs to be given to the link with protecting highly productive land, sites of significance to Māori including wāhi tapu, indigenous biodiversity and impacts of climate change in relation to where growth occurs.

7. The Papakura Local Board support the proposed changes to Future Direction Strategies and agree with the proposal to align the documentation to the Long-term Plan cycle.

8. Design guidelines developed by local authorities should be given statutory status to ensure enforcement.

9. The board support, in principle, the proposed approach of the NPS Urban Development providing national level direction about the features of a quality urban environment.

10. Consideration should also be given to:
   - standardising an increased minimum road width – in current developments in Auckland the road widths are far too narrow.
   - Increasing the requirement for green spaces to add to amenity
   - Requiring communal places to grow food in intensive developments as this contribute to building a Community.

11. In the Auckland context the board does not support central government having more directive intervention in Auckland Council’s plans.

12. The board support the inclusion of policies to improve how local government works with iwi, hapu and whanau to reflect their values and interests in urban planning.

Brent Catchpole
Chairperson
Papakura Local Board

Felicity Auva’a
Deputy Chairperson
Papakura Local Board

Date: 11 Sept 2019
Appendix 3: Map showing residential building consents issued in 2017/2018 within Rapid Transit Networks (RTN’s)
Residential building consents
issued 1 Aug 2017 to 31 May 2018

Auckland Council

Attachment C
Item 10
Overview of council submissions on key National Policy Statements and National Environmental Standards

Page 267

Attachment D

Item 10

National Policy Statement
Urban Development

December 2019
Key messages from the discussion document:

- Future Development Strategy (FDS)
- Housing and Business Development Capacity Assessments (HBA)
- Evidence for good decision making
- Processes for engaging on planning

Government Intervention Vs Local Decision-making

Making room for growth

- Directive intervention
- Car parking
- Further greenfield development
- Providing for intensification
- Plan content = expected levels of development
- Amenity values
- Development opportunities
- Quality urban environments
Update on submissions and key feedback

259 submissions

One size fits all approach

Other key themes from submissions included:

- clarity of objectives and policies
- reverse sensitivity
- timeframe for implementation align with local authority planning
- effectiveness of NPS-UD = provision of infrastructure
- Focus should be on growing ‘up’, not ‘out’.
- Lack of Alignment with other NPS’s
Update on submissions and key feedback

Technical Advisory Panel (TAP)

Recommendations Report

March – recommendations report to Ministers

April onwards – preparing for Cabinet

June – NPS-UD is gazetted
Council submission on proposed National Policy Statement for Indigenous Biodiversity

File No.: CP2020/01337

Te take mō te pūrongo
Purpose of the report
1. To receive an overview of Auckland Council's key submission points on the proposed National Policy Statement for Indigenous Biodiversity.

Whakarāpopototanga matua
Executive summary
2. Auckland Council has been developing a submission on the proposed National Policy Statement for Indigenous Biodiversity (NPSIB), released by the Ministry for the Environment.
3. The proposed NPSIB has been developed by the Ministry for the Environment and the Department of Conservation based on an initial draft developed by the stakeholder-led Biodiversity Collaborative Group. This group comprised industry representatives, environmental groups and an iwi advisor.
4. The proposed NPSIB is intended to provide consistency for councils interpreting and applying the Resource Management Act provisions relating to indigenous biodiversity.
5. The key points of Auckland Council’s submission will be provided to the Rural Advisory Panel at its meeting on Friday 14 February 2020.

Ngā tūtohunga
Recommendation/s
That the Rural Advisory Panel:

  a) receive an overview of council’s key submission points on the proposed National Policy Statement for Indigenous Biodiversity and provide feedback.

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Kalinda Gopal - Kaitohutohu Mana Whakahaere Matua / Senior Governance Advisor</th>
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<tbody>
<tr>
<td>Authoriser</td>
<td>Warren Maclennan – Lead Officer</td>
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