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

**Date:** Friday, 7 August 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**

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**MEMBERSHIP**

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

**Deputy Chairperson**  
Greg Sayers  
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 Gardner  
Federated Farmers  
Annaliese Goettler  
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  
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)  
Sonja Tomovska  
Kaitohutohu Mana Whakahaere / Governance Advisor  
**3 August 2020**  
Contact Telephone: 021 615 961  
Email: sonja.tomovska@aucklandcouncil.govt.nz  
Website: www.aucklandcouncil.govt.nz

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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.
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1 Apologies

At the close of the agenda no apologies had 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

That the Rural Advisory Panel:

a) confirm the ordinary minutes of its meeting, held on Friday, 5 June 2020, as a true and correct record.

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
File No.: CP2020/10256

Te take mō te pūrongo
Purpose of the report
1. To receive an update from the Chairperson, Deputy Mayor Bill Cashmore.

Ngā tūtohunga
Recommendation/s
That the Rural Advisory Panel:

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

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
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<tr>
<th>Author</th>
<th>Authoriser</th>
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<tbody>
<tr>
<td>Sonja Tomovska - Governance Advisor</td>
<td>Warren Maclennan - Manager Planning - North/West</td>
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Te take mō te pūrongo
Purpose of the report
1. To congratulate Mathew and Sarah Bolton of Oete Goat Farm, winners of the Auckland Ballance Farm Environment Awards 2020, and to receive a presentation about their farm.

Whakarāpopototanga matua
Executive summary
2. Attached is an article from the New Zealand Farm Environment Trust which outlines the background and operations of Oete Goat Farm and their successes to date. A short presentation from the Boltons will be provided at the meeting.

Ngā tūtohunga
Recommendation/s
That the Rural Advisory Panel:

a) congratulate Matt and Sarah Bolton for winning the 2020 Regional Supreme Award and thank them for their presentation.

Ngā tāpirihanga
Attachments

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<tr>
<th>Author</th>
<th>Warren Maclennan - Manager Planning - North/West</th>
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<tr>
<td>Authoriser</td>
<td>Warren Maclennan - Manager Planning - North/West</td>
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Auckland Award Winners 2020
27 May 2020

Mathew and Sarah Bolton have been named 2020 Regional Supreme Winners at the Auckland Ballance Farm Environment Awards, run by the New Zealand Farm Environment Trust.

The awards champion sustainable farming and growing through a programme which sees one Regional Supreme Winner selected from each of the 11 regions involved. All Regional Supreme Winners are in the running for the Gordon Stephenson Trophy, with the winner of this national award to be announced at a later date.

Over the past six years, the Boltons have established Oete Goat Farm - an exemplar operation that combines profitability with a broadly sustainable approach.
Mathew & Sarah Bolton of Oete Goat Farm — 2020 Auckland...

The transformation of the Auckland property has been guided by a dual focus on producing high-quality products while reducing the farm’s environmental impact. A farm manager and nine fulltime staff contribute to the success of this goat farming operation that involves pasture being cut and carried daily to feed 2,500 milking goats.

The judges said people and animal welfare were at the heart of the business and regarded as equally important to business returns. The couple embraces challenges, continually reassessing systems and enhancing biodiversity.

“The staff are fully engaged plus the Boltons have impressive community involvement. There is significant investment in sustainability - both financially and socially - and all those involved in the farming operation should be commended.

“The Boltons had the vision to launch a new business and have mitigated risk to set up a successful, industry-leading enterprise. Their exceptional financial performance and wise use of capital will ensure future growth and diversification of the business. This farm business is extremely well managed across all facets.”

The Boltons see their sustainable and eco-friendly farming approach as a way to safeguard the land for both themselves and future generations. Read more about the Boltons.

As well as receiving this year’s Regional Supreme Award, they also received the:
• Bayleys People in Primary Sector Award
• Hill Laboratories Agri-Science Award
• Massey University Innovation Award
• Norwood Agri-Business Management Award

OTHER 2020 AUCKLAND AWARD WINNERS:

• Alan & Khim Hellyer, Mahoenui Farm – sheep & beef
• Garry Hewson, Laura Wallis and Dene Noonan – Auckland Council, Te Rau Puriri – sheep & beef
• Keith & Jenny Trotter – dairy

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BALLANCE FARM ENVIRONMENT
AWARDS NATIONAL SPONSORS

Ballance  BAYLEYS  beef+lamb
DairyNZ  Hill Laboratories  MASSEY UNIVERSITY
Norwood  Synlait  WaterForce

WHAT WE DO
Te take mō te pūrongo

Purpose of the report

1. To workshop with the Rural Advisory Panel about outdoor fire management, safety, nuisance, and enforcement in rural Auckland.

Whakarāpopototanga matua

Executive summary

Auckland Council is reviewing the Outdoor Fire Safety Bylaw 2014

2. The purpose of the Outdoor Fire Safety Bylaw 2014 (the Bylaw) is to protect public health and safety by regulating the use of outdoor fires and fire hazards including:
   - lighting outdoor fires in urban areas
   - lighting outdoor fires in rural areas
   - conditions for lighting outdoor fires in all areas at all times
   - total fire band during periods of extreme fire hazard
   - live ash or smouldering substance
   - storage of combustible materials.

3. The Bylaw is being reviewed and this will determine whether the Bylaw:
   - is still required

4. The Bylaw works within a wider system of management which includes:
   - Auckland Council Unitary Plan - which regulates activities that discharge contaminants into the air, such as outdoor burning, in order to protect air quality
   - Auckland’s Public Safety and Nuisance Bylaw 2013 - which prohibits the lighting of fires, fireworks and flares in all public places, except for fires contained in an outdoor fire device designed for outdoor cooking or when prior council approval has been obtained
   - Fire and Emergency New Zealand who holds responsibility (formally held by Auckland Council) for: setting fire seasons, open-air fire controls, regulating vegetation and removal of open-air fires and fire hazard.

Rural panel feedback sought to inform bylaw review

5. Staff appreciate that fires are used as a management tool in rural areas for:
   - removal of organic rubbish
   - invasive weed clearance
   - land preparation
   - grass growth regeneration
   - stock access improvement.
6. Rural Advisory Panel feedback is sought to inform the findings report on the bylaw review to:
   • gain a wider perspective on the use of outdoor fires in rural areas
   • explore practice changes or issues with outdoor fires observed over the last five years
   • understand views about how outdoor fire rules and regulations work
   • explore changes/ experiences in the management and enforcement of outdoor fires rules following the authority change from Auckland Council to Fire and Emergency NZ
   • receive general feedback on the management of outdoor fires from a safety, nuisance or air quality perspective.

7. Staff would appreciate advice on organisations or contacts that could assist the Bylaw review.

Ngā tūtohunga
Recommendation/s
That the Rural Advisory Panel:

a) provide feedback on the use and management of outdoor fires, from a safety, nuisance or air quality perspective, to support the Outdoor Fire Safety Bylaw 2014 review.

Ngā koringa ā-muri
Next steps

8. Rural Advisory Panel members are encouraged to provide any additional feedback by 20 August 2020 (refer feedback form Attachment B).

9. All feedback will be included in a findings report that will be presented to the Regulatory Committee in October 2020. Based on findings report, council will determine whether the Bylaw should remain unchanged, be amended, or be revoked.

Ngā tāpirihanga
Attachments

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Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Antonia Butler - Policy Manager</th>
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<tbody>
<tr>
<td>Authorisers</td>
<td>Kataraina Maki – General Manager - Community &amp; Social Policy</td>
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<tr>
<td></td>
<td>Warren Maclennan - Manager Planning - North/West</td>
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</tbody>
</table>
Outdoor Fire Safety Bylaw 2014  
*Ture- ā- Rohe, Whakatūpato Tahu Ahi i Waho 2014*  
(as at 18 December 2014)  

Governing Body of Auckland Council  
Resolution in Council  
18 December 2014

Pursuant to the Local Government Act 2002, the Governing Body of Auckland Council makes the following bylaw.
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Preliminary provisions

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Enforcement powers, offences, penalties, savings and transitional provisions

| 15     | Enforcement powers                                                        | 8    |
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1 Title
   (1) This bylaw is the Outdoor Fire Safety Bylaw 2014.

2 Commencement
   (1) This bylaw comes into force on 20 December 2014.

3 Application
   (1) This bylaw applies to Auckland.

Part 1 Preliminary provisions

4 Purpose
   (1) The purpose of this bylaw is to protect public health and safety from the start or spread of fire, by regulating the use of outdoor fires and other fire hazards.

Explanatory note: This bylaw is a fire control measure in addition to existing fire control measures available to Auckland Council under the Local Government Act 2002, the Forest and Rural Fires Act 1977 and the Forest and Rural Fires Regulations 2005. This bylaw applies to both the Urban and Rural Fire Districts of Auckland.

This bylaw complements the Auckland Council Unitary Plan which regulates activities that discharge contaminants into air, such as outdoor burning, in order to protect air quality. Some activities may require resource consent depending on the type of activity and location of the activity.

This bylaw complements the Auckland Council Public Safety and Nuisance Bylaw 2013 which prohibits the lighting of fires, fireworks and flares in all public places, except for fires contained in an outdoor fire device designed for outdoor cooking or when prior council approval has been obtained.

(2) For the avoidance of doubt, nothing in this bylaw prevents the council from exercising its functions as the Rural Fire Authority under the Forest and Rural Fires Act 1977.

(3) Nothing in this bylaw derogates from any duty, power or responsibility arising from any other Act, Regulation, bylaw or rule, including sections 20 to 22 of the Forest and Rural Fires Act.

5 Interpretation
   (1) In this bylaw, unless the context otherwise requires:

Approval means an approval from the council to do something and includes all conditions to which the approval is subject to.

Approved incinerator means an incinerator made from non-combustible materials that:
   (a) contains all embers and sparks; and
   (b) has a grate and lid, or spark arrestor.

Explanatory note: Any incinerator that does not meet the above requirements is considered to be a fire in the open air. An approved incinerator under this bylaw may require resource consent to carry out the activity that discharges contaminants into air.

Auckland has the meaning given by the Local Government (Auckland Council) Act 2009.
Combustible material means a substance or material that is able to catch fire and burn and may include overgrown vegetation, hay, timber and sawdust.

Council means the governing body of the Auckland Council or any person delegated or authorised to act on its behalf.

Ethnic cooking fire means any hāngi, umu, or similar solid fuel outdoor fire used for the preparation of food using traditional cooking methods.

Fire hazard means the danger of potential harm and degree of exposure arising from:
(a) the start and spread of fire, and
(b) the smoke and gases that are generated by the start and spread of fire.

Fire in the open air in relation to outdoor fires means fire that is not contained within:
(a) an outdoor fire device fuelled by gas; or
(b) an outdoor fire device that contains all embers and sparks; or
(c) an approved incinerator.

Fireworks has the same meaning as the Hazardous Substances (Fireworks) Regulations 2001.

Fire Officer means any person authorised by the council to act as a fire officer or who is a member of the New Zealand Fire Service in accordance with the Fire Services Act 1975 or a Rural Fire Officer in accordance with the Forest and Rural Fires Act 1977.

Means of fire suppression means anything that is able to control the spread of fire or extinguish fire such as a water supply, fire extinguisher or an alternative means of fire suppression approved by the council.

Nuisance means, in relation to an outdoor fire, smoke or ash that is offensive or objectionable beyond the property boundary where the outdoor fire has been lit.

 Occupier means, in relation to any land, the owner and includes any tenant, agent, manager, foreperson or other person apparently acting in the general management or control of the land.

Outdoor fire means any activity that uses fire to ignite and burn fuel in the outdoors and includes any fire in the open air, fire contained within an outdoor fire device, approved incinerator and fireworks.

Outdoor fire device means any non-combustible receptacle, appliance or device designed or intended to be used in the outdoors for cooking, heating or amenity that contains combustion or the burning of fuel and may include barbeques, smokers, braziers, pizza ovens and other like devices.

Open fire season has the same meaning as the Forest and Rural Fires Act 1977.

Person includes an individual, a corporation sole, a body corporate, and an unincorporated body and includes the Crown and any successor of a person.

Non-combustible receptacle means a receptacle made of fire resistant materials to contain combustion or the burning of fuel.

Restricted Fire Season has the same meaning as the Forest and Rural Fires Act 1977.

Rural area means land within the Rural Fire District but excludes land zoned residential or business as defined in the Unitary Plan.
Explanatory note: Land zoned residential or business are predominately in the Urban Fire District, however some rural and coastal settlements are within the Rural Fire District.

**Rural Fire District** means land constituted under the Forest and Rural Fires Act 1977 as a Rural Fire District.

**Total fire ban** means:
(a) a fixed or indefinite period of time when the lighting of outdoor fires is prohibited; and
(b) in a Rural Fire District, has the same meaning as a prohibited fire season as defined in the Forest and Rural Fires Act 1977.

**Urban area** means:
(a) land within the Urban Fire District; and
(b) land zoned residential or business as defined in the Unitary Plan.

Explanatory note: In order to maintain air quality and reduce smoke, the Unitary Plan restricts outdoor burning activities in all residential and business zones to cooking and heating fires only.

**Urban Fire District** means land constituted under the Fire Service Act 1975 as an Urban Fire District.

**Unitary Plan** means any proposed or operative plan made by the council under the Resource Management Act 1991.

**Vegetation** means:
(a) all plants and the produce thereof, live or dead, standing, fallen, windblown, cut, broken, pulverised, sawn or harvested, natural or disturbed in use or as waste, debris, stump, stubble or otherwise;
(b) fossil fuel exposed at or lying within 20 metres of the surface of any land; and
(c) peat in any form;
(d) but does not include wood forming part of a structure or otherwise in processed form.

(2) Any explanatory notes are for information purposes and do not form part of this bylaw. They may be made, amended and revoked without formal process.

(3) The Interpretation Act 1999 applies to this bylaw.

### Part 2

**Regulation to prevent the spread of fire from outdoor fires and other fire hazards**

6 **Lighting outdoor fires in urban areas**

(1) A person must not light or allow to be lit any outdoor fire in an urban area, unless that fire is on private land and is:
(a) contained within an outdoor fire device; or
(b) an ethnic cooking fire; or
(c) fireworks; or
(d) any other outdoor fire that the council has approved.

(2) Notwithstanding subclause (1), approval is required to light an ethnic cooking fire on private land in a Rural Fire District during a restricted fire season.

Explanatory note: Land zoned residential or business are predominately in the Urban Fire District, however some rural and coastal settlements are within the Rural Fire District.
7 Lighting outdoor fires in rural areas

(1) A person must not light or allow to be lit any outdoor fire in a rural area during a restricted fire season, unless that fire is:
(a) contained within an outdoor fire device fuelled by gas; or
(b) contained within an outdoor fire device that contains all embers and sparks; or
(c) contained within an approved incinerator on private land; or
(d) fireworks on private land, except on Great Barrier Island where approval is required; or
(e) a āhāngi fire on a marae approved by the council;
(f) any other outdoor fire that the council has approved pursuant to the Forest and Rural Fires Act 1977.

Explanatory note: During an open fire season, outdoor fires are permitted in rural areas subject to the Forest and Rural Fires Act 1977, the Unitary Plan and clause 8 of this bylaw. The Auckland Council Rural Fire Plan should also be consulted.

In addition to the requirements of this clause, the Public Safety and Nuisance Bylaw restricts the use of outdoor fire devices for cooking purposes only in all public places.

Approval for āhāngi fires on marae can be issued as a site specific approval, lasting the duration of a Restricted Fire Season.

8 Conditions for lighting outdoor fires in all areas at all times

(1) A person must not light or allow remain alight, any outdoor fire in any of the following circumstances:
(a) Where the location, wind, or other conditions, cause, or are likely to cause the outdoor fire to become:
   (i) a danger to any person or property; or
   (ii) out of control or to spread beyond the limits of the property on which the fire is lit; or
   (iii) a smoke or ash nuisance to any person or property; or
   (iv) a hazard to road traffic.
(b) Within three metres of any combustible materials such as a building, fence or vegetation that may cause or be likely to cause a fire hazard, unless the fire is contained within an outdoor fire device that:
   (i) is fuelled by gas; or
   (ii) contains all embers and sparks.
(c) Without adequate supervision being maintained at all times;
(d) Without an appropriate means of fire suppression being available.

(2) A person must not light an outdoor fire (excluding fireworks) between the hours of sunset and sunrise, unless the fire is:
   (i) contained within an outdoor fire device; or
   (ii) an outdoor fire approved by the council.

(3) Every person who lights an outdoor fire must ensure the outdoor fire is totally extinguished on completion of the activity.

Explanatory note: The Unitary Plan outdoor burning rules strictly prohibits the burning of household or commercial waste, treated or wet wood, plastic, tyres and any other materials that create excessive smoke and hazardous pollutants when burnt.
9 Total fire ban during periods of extreme fire hazard

(1) The council may make, amend or revoke a total fire ban in any specified part or parts of Auckland to minimise the risk of the start or spread of fire, during periods of extreme fire hazard.

(2) A person must not light, or allow to be lit, any outdoor fire where a total fire ban is in place, unless that fire is:
   (a) in an urban area and contained within an outdoor fire device that:
      (i) is fuelled by gas; or
      (ii) contains all embers and sparks and used on private land; or
   (b) in a rural area and is not a fire in the open air.

(3) A person may apply to the council for an approval to light an outdoor fire during a total fire ban, if the outdoor fire is:
   (a) required as part of a significant community or cultural event; or
   (b) the most effective means to reduce a fire hazard; or
   (c) the most effective means to reduce any other hazard to life, health, property or the environment.

10 Live ash or smouldering substances

(1) A person must not place or dispose any live ash, cinders, embers or any other smouldering substance on any land except when:
   (a) contained in a non-combustible receptacle so as to prevent the transmission of fire or heat to any combustible material; or
   (b) in a pit on private land, which will prevent the spread of fire or heat by the action of wind or otherwise.

11 Storage of combustible materials

(1) Every occupier of any land must ensure combustible materials are stored in a manner that prevents or minimises fire hazard as far as practicable.

(2) Where combustible materials on any land are likely to create a fire hazard, the council may require the occupier to eliminate or minimise that fire hazard.

(3) The occupier must comply with the requirements and timeframes specified by the council to eliminate or minimise that fire hazard.

Explanatory note: The council has further powers under section 183 of the Local Government Act 2002 for the removal of growth or matter that is likely to become a fire risk.

Part 3
Council controls, approvals, powers to extinguish

12 Council approval to light an outdoor fire

(1) The council may make controls and set fees for the following matters with respect to any approval required under this bylaw:
   (a) application for an approval, including forms and information;
   (b) assessing an application;
   (c) inspecting any land;
   (d) granting or declining an approval;
   (e) the conditions that may be imposed on an approval;
(f) the duration of the approval;
(g) reviewing an approval or its conditions;
(h) extending or renewing an approval;
(i) suspending or cancelling an approval.

(2) At the discretion of the council, and having regard to any controls made under sub clause (1), approvals may be declined, or granted subject to any conditions.

(3) An approval is personal to the holder and property and is not transferable.

13 Council may extinguish fires

(1) Where an outdoor fire has been lit or allowed to burn in breach of any part or parts of this bylaw, the council may direct the occupier of the land where the outdoor fire is located and/or the person(s) who lit the outdoor fire, to immediately extinguish the fire.

(2) If a direction given under sub clause (1) is not complied with to the satisfaction of the council, a fire officer may extinguish the outdoor fire and take other steps as considered reasonably necessary, to prevent the spread of fire.

(3) Where an outdoor fire has been extinguished pursuant to sub clause (2), the council may recover any costs incurred in attending, containing and/or extinguishing the fire from the occupier of the property on which the outdoor fire was located and/or from any person who lit, fuelled or allowed the fire to remain alight.

14 Exemptions

(1) The council may exempt by written approval, any person from any requirement of this bylaw.

(2) In granting any written exemption to any clause of this bylaw the council must consider the effects of the exemption on public health and safety.

(3) The council may revoke any exemption at any time the council has reason to believe public health or safety has been, or may be, adversely affected.

Part 4
Enforcement, offences, penalties

15 Enforcement powers

(1) The council may use its powers under the Local Government Act 2002 to enforce this bylaw.

16 Offences and penalties

(1) A person who fails to comply with any part of this bylaw commits a breach of this bylaw and is liable to a penalty under the Local Government Act 2002.

17 Savings and transitional provisions

(1) This clause applies to the former bylaws:
(a) Franklin District Council Fires in the Open Air Bylaw 2008;
(b) Manukau City Council Rural Fires Bylaw 2008;
(c) North Shore City Council Fire Prevention Involving Open Air Fires 2000; and
(d) Rodney District Council Fires in the Open Air Bylaw 1998.
(2) Any licence, consent, permit, dispensation, permission or other form of approval granted under a bylaw referred to in subclause (1), will continue to remain in force, except where a total fire ban is in place, but –
   (a) expires on the date specified in that approval; or
   (b) if no expiry date is specified, it expires on the date one month after the commencement of this bylaw, and
   (c) can be renewed only by application made and determined under this bylaw.

(3) Any application for a permit or other form of approval made under a bylaw referred to in subclause (1) that was filed before the day on which this bylaw commences must be dealt with by the council as if it had been made under this bylaw.
Additional Information to the Outdoor Fire Safety Bylaw 2014

This document contains matters for information purposes only and do not form part of any bylaw. They include matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance.

The information contained in this document may be updated at any time.

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### Section 1

**History of bylaw**

<table>
<thead>
<tr>
<th>Action</th>
<th>Description</th>
<th>Date of Decision</th>
<th>Decision Reference</th>
<th>Commencement date</th>
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<tbody>
<tr>
<td>Make</td>
<td>The following bylaws relating to outdoor fires in force on 31 October 2010 deemed to have been made by Auckland Council: Franklin District Council, Manukau City Council, North Shore City Council, Rodney District Council</td>
<td>01 Nov 2010</td>
<td>Section 63 Local Government (Auckland Transitional Provisions) Act 2010</td>
<td>01 Nov 2010</td>
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</table>

### Section 2

**Related documents**

<table>
<thead>
<tr>
<th>Document Title</th>
<th>Description of Document</th>
<th>Location of Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Auckland Council Unitary Plan</td>
<td>Includes rules for outdoor burning activities.</td>
<td><a href="http://www.aucklandcouncil.govt.nz">www.aucklandcouncil.govt.nz</a></td>
</tr>
<tr>
<td>Local Government Act 2002</td>
<td>Provides certain functions, duties, powers and penalties to make and enforce this bylaw.</td>
<td><a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a></td>
</tr>
<tr>
<td>Forest and Rural Fires Act 1977</td>
<td>Provides certain functions, duties, powers and penalties relating to fire control measures in the Rural Fire District.</td>
<td><a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a></td>
</tr>
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</table>
### Section 3

#### Delegations

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<thead>
<tr>
<th>Clause</th>
<th>Function, Duty, Power to be Delegated</th>
<th>Delegated Authority</th>
<th>Date of Delegation Decision</th>
<th>Decision Reference</th>
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### Section 4

#### Enforcement powers

<table>
<thead>
<tr>
<th>Legislative Provision</th>
<th>Description of Legislative Provision</th>
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| Part 8 of Local Government Act 2002 | 162 Injunctions restraining commission of offences and breaches of bylaws  
163 Removal of works in breach of bylaws  
164 Seizure of property not on private land  
165 Seizure of property from private land  
168 Power to dispose of property seized and impounded  
171 General power of entry  
172 Power of entry for enforcement purposes  
173 Power of entry in cases of emergency  
175 Power to recover for damage by wilful or negligent behaviour  
176 Costs of remedying damage arising from breach of bylaw  
178 Enforcement officers may require certain information |

12
### Section 5

**Offences and penalties**

<table>
<thead>
<tr>
<th>Description of offence</th>
<th>Infringement fee</th>
<th>Other penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>A person who fails to comply with Part 2 or Part 3 of this bylaw commits a breach of this bylaw and is liable to a penalty under the Local Government Act 2002.</td>
<td>Nil</td>
<td>$20,000.</td>
</tr>
<tr>
<td>A person who fails to comply with any other Act, Regulation, bylaw or rule which this bylaw relates to is liable to a penalty under that Act, Regulation, bylaw or rule.</td>
<td>Subject to the Act, Regulation, bylaw or rule.</td>
<td>Subject to the Act, Regulation, bylaw or rule.</td>
</tr>
</tbody>
</table>
Additional Feedback from the Rural Advisory Panel

Please email or scan your responses to antonia.butler@aucklandcouncil.govt.nz by 20 August 2020

Outdoor Fire Safety Bylaw 2014

Auckland Council is reviewing the Outdoor Fire Safety Bylaw 2014 (the Bylaw).

The Bylaw seeks to protect public health and safety from the start or spread of fire, by managing when and where fires can occur.

The Bylaw provides rules to manage:

- lighting outdoor fires in urban areas
- lighting outdoor fires in rural areas
- conditions for lighting outdoor fires in all areas at all times
- total fire ban during periods of extreme fire hazard
- live ash or smouldering substance
- storage of combustible materials.

The Bylaw works within a wider system of management which includes:

- Auckland Council Unitary Plan - which regulates activities that discharge contaminants into the air, such as outdoor burning, in order to protect air quality
- Auckland’s Public Safety and Nuisance Bylaw 2013 - which prohibits the lighting of fires, fireworks and flares in all public places, except for fires contained in an outdoor fire device designed for outdoor cooking or when prior council approval has been obtained
- Fire and Emergency New Zealand who holds responsibility (formally held by Auckland Council) for: setting fire seasons, open-air fire controls, regulating vegetation and removal of open-air fires and fire hazard.

Bylaw review process

We are currently seeking feedback from key stakeholders on outdoor fire management, safety, nuisance, and enforcement.

The feedback provided by stakeholders will be included in a findings report in late 2020.

Based on these findings, Council will determine whether the Bylaw should remain unchanged, be amended, or be revoked.
We understand that fires are used as a management tool in rural areas for:
- removal of organic rubbish
- invasive weed clearance
- land preparation
- grass growth regeneration
- stock access improvement.
What is your primary use of outdoor fires?

National research suggests the way rural communities are using fires has changed. Have your practised change? If so, how has it changed?

Much of the authority for managing outdoor fires has passed from Auckland Council to Fire and Emergency NZ. Please explain if this change has impacted your:
- use of outdoor fires?
- understanding of rules and regulations for outdoor fires?
- experience with enforcement of rules and regulations?
- perception of safety?

Given the change in authority, what do you perceive Council’s role to be in managing outdoor fires?

Are there any organisations (community, industry, religious or other) in your community that could help us with our review of the Bylaw?
Central government decisions on Action for Healthy Waterways

File No.: CP2020/10154

Te take mō te pūrongo
Purpose of the report
1. To receive an information memo and overview from the Auckland Plan Strategy and Research department outlining the central government decisions for the Action for Healthy Waterways package.

Whakarāpopototanga matua
Executive summary
2. On 28 May 2020, central government announced decisions on the Action for Healthy Waterways package. An information memo dated 9 July 2020 was addressed to members of the Planning Committee.
3. This information memo is copied to members of the Rural Advisory Panel for information purposes (Attachment A).
4. Gazettal of the various regulatory tools arising from this central government package are now expected in August 2020. Auckland Plan, Strategy and Research departmental staff will provide an overview of the central government decisions at the Rural Advisory Panel meeting of 7 August 2020.

Ngā tūtohunga
Recommendation/s
That the Rural Advisory Panel:
a) receive the information memo dated 9 July 2020 and thank Dave Allen, Manager Natural Environment Strategy, Auckland Plan Strategy and Research department and his colleagues for an overview of the central government decisions on the Action for Healthy Waterways package.

Ngā tāpirihanga
Attachments

<table>
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<td>Central government decision announcements on Action for Healthy Waterways package - 28 May 2020</td>
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Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Dave Allen - Manager Natural Environment Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Jacques Victor – General Manager Auckland Plan Strategy and Research</td>
</tr>
<tr>
<td></td>
<td>Warren Maclennan - Manager Planning - North/West</td>
</tr>
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Memorandum

9 July 2020

To: Planning Committee members / Mana Whenua

Cc: Environment and Climate Change Committee members
    Local Board members
    Chief Executive, Independent Maori Statutory Board
    Rural Advisory Panel

Subject: Central government decision announcements on Action for Healthy Waterways package – 28 May 2020

From: Natural Environment Strategy Unit, Auckland Plan, Strategy and Research

Contact information: dave.allen@aucklandcouncil.govt.nz

Purpose

1. To update Planning Committee members on central government’s announcement of the finalised Action for Healthy Waterways package following consultation on the proposals in 2019.

2. To highlight central government’s expectations of all unitary and regional councils to commit to appropriate work programmes to deliver on these statutory outcomes.

Summary

3. On 28 May 2020, central government announced decisions on the Action for Healthy Waterways package, which was consulted on in September – October 2019.

4. While the policy intent has not significantly deviated from that proposed in 2019, there are a number of substantive changes.

5. The package will be implemented through an updated National Policy Statement for Freshwater Management (NPS-FM), a new National Environmental Standard for Freshwater (NES-FW) and regulations under section 360 of the Resource Management Act 1991 for stock exclusion and water use metering respectively.

6. Final drafting of amendments to the above regulatory tools is underway, with gazettal expected in late July 2020. Some provisions are due to take effect 28 days after gazettal, others have a longer lead-in time and will be phased in between mid-2020 and 2026.

7. As Auckland Council has regional statutory responsibilities in managing freshwater and other natural resources, these decisions will have significant implications for planning and regulatory obligations, as well as operational programmes.

8. The Natural Environment Strategy Unit will continue to provide updates to elected members on central government’s ongoing Essential Freshwater work programme. Staff from the Chief Planning Office will provide further updates on the implementation of the Action for Healthy Waterways package and the impacts of the associated regulatory tools.

Context

9. On 28 May 2020, Ministers Parker and O’Connor announced central government decisions on the Action for Healthy Waterways package. The regulatory reform package delivers on the Government’s commitment to stop further environmental degradation, make immediate improvements, and restore waterways within a generation.
10. The announcement was accompanied by a suite of information about the reforms that can be found on the Ministry for the Environment’s website. This includes Cabinet papers, a regulatory impact assessment report, a summary of submissions report, and final reports from the Essential Freshwater advisory groups.

**Development of the Action for Healthy Waterways package and council input to date**

11. The Essential Freshwater work programme for reforming freshwater management was announced on 8 October 2018. This reform to freshwater management represents a significant step-change in the regulatory environment. It is a shift from the current ‘effects-based’ management of freshwater towards a ‘limits-setting’ approach.

12. The decisions released in May 2020 relate to three regulatory instruments:

- **a refreshed National Policy Statement for Freshwater Management (NPS-FM)** - a prescribed and detailed set of objectives and policies for the management of freshwater in New Zealand. The NPS-FM sets out requirements for regional and unitary councils for managing freshwater and requires everyone to plan now for changes across the next 30 years and beyond. Te Mana o te Wai is the fundamental concept underpinning the NPS-FM

- **introducing a National Environmental Standard for Freshwater (NES-FW)** - a set of regulations prescribing standards, methods, and requirements to manage various activities around freshwater. The NES-FW ensures national consistency in standards setting across all councils

- **new regulations under section 360 of the Resource Management Act 1991** – these regulations generally deal with matters of detail or implementation and matters of a technical nature. For this package, separate regulations are being made for stock exclusion and water use metering.

13. Accompanying the release is a series of information sheets. These include information for regional and unitary councils, iwi/Māori, dairy farmers, sheep, beef and deer farmers, horticultural growers, farmers and communities.

14. A multi-agency Water Taskforce worked with the Ministry for the Environment to develop proposals. This included four specialist advisory groups: the Freshwater Leaders Group, Te Kahui Wai Māori, the Science and Technical Advisory Group, and the Regional Sector Water Subgroup. An expert Independent Advisory Panel (IAP) was also commissioned to provide recommendations on the proposals alongside public feedback.

15. The Action for Healthy Waterways discussion document was released for consultation from 5 September to 31 October 2019. Over 17,500 submissions were made.

16. Auckland Council Group’s submission on the proposals generally supported the government’s intent to improve freshwater management. Auckland Council expressed concern that the proposals did not present the best way to address the complex issues in question or adequately address the water issues in an Auckland context.

17. Central government has signalled that there are several additional work programmes planned or underway (such as addressing fair allocation and Māori rights and interests in freshwater, and the ongoing review of Three Waters services).

**Summary of the Action for Healthy Waterways decisions**

18. The 28 May 2020 announcement confirms the policy intent of the Action for Healthy Waterways package that was proposed in 2019. However, there are several substantive changes in the proposals in response to public consultation submissions, the IAP recommendations, reports from specialist advisory groups, and implementation challenges due to the COVID-19 pandemic.
19. Cabinet also agreed to a Supplementary Order Paper to the Resource Management Amendment Bill 2019. This will enable mandatory and enforceable freshwater modules of farm plans. The amendments also extend the date by which councils must notify changes to regional plans that implement the new NPS-FM from 31 December 2023 to 31 December 2024.

20. Appendix 1 contains details on all the initiatives to be implemented by these regulatory instruments. These relate to:

- Preventing further loss and degradation of key freshwater habitats
  - preserving connectivity of fish habitat
  - stopping further loss of natural wetlands and streams

- Setting up the system to improve freshwater quality and management over a generation
  - amend planning processes to develop regional freshwater plans quicker
  - preserve hydro-electricity flexibility and output to maintain security of supply
  - strengthen and clarify Te Mana o te Wai as the basis for the new NPS-FM
  - Māori values in freshwater

- Attribute details
  - broaden the focus of national direction and planning to manage all aspects of ecosystem health
  - phosphorus attribute
  - strengthened nitrogen attributes
  - sediment attributes
  - E. coli attribute

- Taking action on high-risk farming activities
  - exclusion from waterways
  - controls on high-risk feedlots and stocking areas
  - controls on intensive winter grazing
  - controls on intensive winter grazing
  - interim restrictions on major agricultural intensification
  - managing excessive nitrogen discharges through a cap on fertiliser application

21. The substantive changes and their alignment with the Auckland Council submission are further detailed in Appendix 2. Key areas where the package of proposals have changed since consultation include phosphorous and sediment attributes, managing nitrogen, fencing and riparian setbacks, stock exclusion, Freshwater Farm Plans (FW-FP), and interim intensification controls for certain rural land uses.

Implications for Auckland Council

22. The Action for Healthy Waterways package presents significant implications for Auckland Council with its local government responsibilities in managing freshwater and other natural resources.

23. Auckland Council will need to ensure that the Auckland Unitary Plan (AUP) gives effect to the regulatory and consenting processes arising from the Action for Healthy Waterways package. While it has been indicated that the proposed NPS-FM, NES-FW, and section 380 regulations are to be gazetted in late July 2020, the deadlines by which councils will need to implement these tools vary. Some of the provisions are due to take effect 28 days after gazetted, others will be phased in between mid-2020 and 2028.

24. An overview of timeframes for implementation is provided in Appendix 3.

25. The NES-FW has the shortest implementation time – most standards will take effect 28 days after gazetted. Regulatory Services will need support to evaluate current processes for consenting to ensure that the new standards are applied.

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1 The Resource Management Amendment Bill 2019 was passed in late June 2020.
26. Auckland Council will need to fund and prioritise plan change processes to meet the statutory obligations of implementing the NPS-FM by the end of 2024. This includes working with mana whenua to identify measures to enable kaitiakitanga of freshwater health values.

27. To assist in meeting the 2024 deadline, the RMA has recently been amended to provide a new streamlined freshwater planning process for new policy statements or plans (including changes) that give effect to the NPS-FM. This new process includes an independent hearings panel to hear submissions and make recommendations to councils\(^2\). The council will then need to make decisions within 40 working days. Appeal rights are limited.

28. There are 22 freshwater health indicators which councils are required to maintain or improve, of which 13 are new. There will be increased pressure on sound environmental data, information, monitoring and science, alongside targeted community engagement to support the monitoring and improvement of these attributes.

29. Over the next five years, Auckland Council will need to work alongside mana whenua, landowners, consent holders and other stakeholders to ensure that new requirements are implemented. Examples include:

- additional advice to landowners on what changes will need to be made on their properties
- create or modify consenting systems to receive new data requirements, such as levels of synthetic nitrogen fertiliser use and electronic water use data from consent holders using more than five litres of water per second
- changes to the assessment of consent applications by staff (for example, more detailed assessments on avoiding, remedying or mitigate adverse effects on streams and wetlands alongside applications) and increased compliance monitoring.

30. Central government has recognised that there are ongoing costs associated with implementing these new changes and will support councils to do so. More than $700 million was earmarked in Budget 2020 for assisting communities making improvements for healthier freshwater bodies.

31. Costs for councils have been estimated at $76 million a year (including existing and new obligations)\(^3\). Some of these costs may be able to be recovered (e.g. through consenting fees).

**Central government next steps**

32. The proposed NPS-FM, NES-FW, and section 360 regulations are being redrafted to reflect cabinet decisions. These are scheduled to be gazetted in late July 2020.

33. Central government is also preparing guidance to help local government, Treaty partners and other stakeholders to understand, interpret and implement the *Action for Healthy Waterways* package, in the context of the revised instruments.

34. While the *Action for Healthy Waterways* package is a significant portion of the work programme to address freshwater issues, central government has highlighted future work will include:

- ongoing support for the implementation of the *Action for Healthy Waterways* package
- considering the proposal from Freshwater Leaders Group and Te Kāhui Wai Māori\(^4\) to establish a Freshwater / Te Mana o te Wai Commission
- consider over the next 12 months whether there should be a Dissolved Inorganic Nitrogen (DIN) national bottom line in the NPS-FM
- review the cap on the use of synthetic nitrogen fertiliser by 2023
- address fair allocation and Māori rights and interests in freshwater
- develop the operational regulations and requirements of freshwater modules of farm plans

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\(^2\) Each panel will generally consist of five members: two freshwater commissioners appointed by the Minister of the Environment, two members nominated by the relevant regional or unitary council and one member with an understanding of tikanga Māori and mātauranga Māori who is nominated by local mana whenua.

• develop greater central oversight of the performance of the freshwater management system and council performance
• make improvements to Overseer®.

**Auckland Council next steps**

35. Given the significance of these changes, the Planning Committee would require a reset implementation plan for the NPS-FM from the Chief Planning Office and associated departments. A workshop with elected members and mana whenua to articulate the statutory obligations in the refreshed NPS-FM and associated instruments, and to identify alignment with council programmes, is suggested as an appropriate first step.

36. Considerations for refocusing council departments include:

• Planning – a reset plan for prioritising implementation of the NPS-FM including timeframes and programmes of work, recognising central government expectations
• Research and monitoring – implementation of additional monitoring and scientific assessment required by the NPS-FM and NES-FW (undertaken through the Research and Evaluation Unit, APSR)
• Regulatory – enforcement of new provisions under the NPS-FM and NES-FW (e.g. through resource consenting and compliance monitoring as appropriate)
• Operational – alignment of programmes with the NPS-FM and NES-FW, including scale and focus, to meet planning and regulatory statutory obligations over the near term
• Council-controlled organisations – alignment and prioritisation of work programmes and projects to better reflect the statutory obligations of the NPS-FM and NES-FW provisions, and the expectations on Auckland Council in meeting those obligations
• Local Boards – reflection of the NPS-FM and NES-FW provisions within local plans and projects, including consideration of wider regional impacts (e.g. at a catchment scale so that land and water management issues are considered across Local Board boundaries).

37. The scale of future and planned urban growth within the Auckland region presents an opportunity to improve freshwater outcomes, through recognising and providing for the NPS-FM and NES-FW provisions from the outset of these programmes of work. This includes considering and providing for the cumulative effects of growth, ensuring that positive freshwater outcomes are prioritised and that decisions made are resilient, in alignment with the NPS-FM and NES-FW provisions.

38. Political decisions and operational actions focused on land use activities (e.g. urban growth) will need to better account for the clear direction provided by these statutory obligations. An example would be how freshwater outcomes will be met in the Pateherure catchment downstream of Drury with significant planned housing growth in this area.

**Attachments**

- Appendix 1: Detailed initiatives to be implemented by the Action for Healthy Waterways package
- Appendix 2: Alignment of substantive changes to the Action for Healthy Waterways package with Auckland Council’s submission
- Appendix 3: Timeframes for implementing the Action for Healthy Waterways package

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5 Overseer is a model that can be used to estimate nitrogen and phosphorus discharges and greenhouse gas emissions from farms.
Appendix 1: Detailed initiatives to be implemented by the Action for Healthy Waterways package

Preventing further loss and degradation of key freshwater habitats

Preserving connectivity of fish habitat
- protecting habitats for native fish species, by improving habitat management, the quality of water they live in, and their access to and from the sea
- standards to regulate in-stream structures to provide for fish passage. This includes monitoring of fish abundance, diversity and fish passage by councils, and establishing work programmes to address barriers to fish passage where needed

Stopping further loss of natural wetlands and streams
- new rules within the NES-FW to protect wetlands and streams from further damage and net loss. Activities such as clearing vegetation, earthworks and changes to the water levels in wetlands will generally not be allowed
- some activities will be allowed (e.g. significant infrastructure, flood control, and for stream reclamation) if applicants can demonstrate they have first avoided, remedied, mitigated and then offset significant adverse effects
- restoration and maintenance activities can be undertaken without a consent if the effects are no more than minor

Setting up the system to improve freshwater quality and management over a generation

Amend planning processes to develop regional freshwater planning instruments more quickly
- a new planning process for freshwater will be added to the Resource Management Act 1991 (RMA) to help councils expedite the plan making required to implement the new NPS-FM
- the notification date of regional freshwater plans has been extended by one year to 31 December 2024, with final decisions made by 2026-27. This is in recognition that local government and iwi were going to face challenges meeting the original deadline for notifying changes required (particularly when considering the impacts from COVID-19)

Move to real-time measuring and reporting data on water use
- amendment to Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 requiring the collection and transmission of real-time electronic water use data for consents taking more than five litres of water per second directly to councils
- these requirements will be phased but will need to be fully implemented after six years from the regulatory amendments taking effect (mid-2026)

Preserve hydro-electricity flexibility and output to maintain security of supply
- regional councils allowed to maintain freshwater quality below national bottom lines where it is necessary to secure the benefits of New Zealand's five largest hydropower schemes (Waikato; Tongariro; Waitaki; Manapouri and Clutha)

Strengthen and clarify Te Mana o te Wai as the basis for the new NPS-FM
- Te Mana o te Wai is now reframed as the fundamental concept underpinning the NPS-FM. It provides a framework for freshwater management, and establishes principles and obligations sustaining the health and wellbeing of water before providing for human and other uses
- clarification on how councils engage with tangata whenua and give effect to Te Mana o te Wai and the long-term vision for freshwater management

Māori values in freshwater
- inclusion of a new compulsory value for mahinga kai
- requirement for regional and unitary councils to work with and enable tangata whenua to implement the NPS-FM in relation to Māori values in a local context
Attribute details

_Broaden the focus of national direction and planning to manage all aspects of ecosystem health_

- amendment to definitions and policies to make explicit that all components\(^6\) of ecosystem health must be managed and reported on in an integrated fashion
- requirement for councils to report on overall ecosystem health, taking all relevant information into account and considering the habitat and needs of threatened species

**Phosphorus attribute**

- requirement for councils to maintain or improve dissolved reactive phosphorus (DRP) through an action plan including adaptive management regimes. If the outcomes of the action plan are not met, or monitoring observes declining trends, regional and unitary councils must investigate the causes and describe through the action plan how they will respond
- a national bottom line for DRP will not be included as further work is required to develop this. A DRP attribute that requires limit-setting and a bottom line would need an environmental classification system, such as that used in the sediment attributes, to reflect the high natural variation in DRP in New Zealand’s rivers and streams

**Strengthened nitrogen attributes**

- inclusion of significantly strengthened nitrogen toxicity attributes to prevent nitrogen levels degrading further. Where nitrogen levels are worse than bottom lines for the new toxicity thresholds, periphyton, or total nitrogen in lakes, councils will be required to improve them
- regional and unitary councils can allow for water quality attributes for ammonia and nitrate toxicity (rivers) and total nitrogen (lakes) below national bottom lines if necessary to preserve fresh vegetable production within specific areas.\(^7\) Regional and unitary councils will be required to improve freshwater affected by fresh vegetable growing to the extent possible\(^8\)
- a DIN (dissolved inorganic nitrogen) bottom line is not included. Further work is required to reassess the appropriateness of a DIN bottom line against associated environmental and economic implications

**Sediment attributes**

- inclusion of a limit-setting attribute for suspended fine sediment and an action plan attribute for deposited sediment. Both now have four river type classes with associated bottom lines. This approach is now simplified from the previous 12 river type approach. This approach reflects natural variation in water clarity and deposited sediment cover of rivers across New Zealand
- the limit-setting attribute for suspended fine sediment requires regional and unitary councils to undertake pro-active and immediate rulemaking to be implemented in regional plans by 2024
- the action plan attribute for deposited sediment will require regional and unitary councils to form and implement an action plan, similar to the phosphorus attribute

**E. coli attribute**

- regional and unitary councils will be required to improve water quality at places where people swim and recreate – in freshwater. Water quality at these sites must be managed so that indicators of disease risk (E. coli) are better than a new national bottom line, adopted in line with national microbiological guidelines to protect people’s health

---

\(^6\) The new NPS-FM identifies five components of ecosystem health that must be managed and reported on; water quality (chemical, physical, biological), water quantity (water flows and levels), physical habitat (available for plants and animals), aquatic life (animals, plants and algae present) and functioning ecosystem (interactions between them all)

\(^7\) of the Puketawhero (Franklin) and Lake Horowhenua catchments, which are being specified

\(^8\) Through methods such as freshwater modules of farm plans as one identified tool in the first instance
Taking action on high-risk farming activities

Stock exclusion from waterways

- exclusion of dairy and beef cattle, deer, and pigs from waterways greater than one metre wide in lowland areas (less than 10 degrees slope). In hill country (greater than 10 degrees slope), dairy (but not beef) cattle and pigs must be excluded from these same waterbodies. Sheep are excluded from these controls.

- requirements for ungrazed setbacks of at least three metres from margins of waterways (down from a previously proposed five metres) except where an existing permanent fence or existing riparian planting exists (including those with less than a three-metre setback).

- excluding hill country deer and beef cattle from streams and lakes if they are grazing on fodder crops, pasture that has been irrigated in the last year, or break-feeding. They must also be excluded from wetlands in existing district or regional plans, and areas identified concerning NPS-FM values (such as mahinga kai or threatened species).

- prohibiting dairy and beef cattle and pigs from crossing waterbodies more than twice per month, unless they cross by way of a dedicated culvert or bridge.

- regional plans and freshwater farm plans will be able to contain more stringent requirements.

Controls on high-risk feedlots and stocking areas

- feedlots and stock-holding areas to be defined within the NES-FW regulations, with minimum requirements to be set before winter 2021.

Controls on intensive winter grazing

- inclusion of standards for intensive winter grazing on forage crops – a practice most prominent in Southland, Canterbury, and Otago.

Interim restrictions on major agricultural intensification

- further intensification of certain land uses is restricted until councils implement the NPS-FM\(^6\)

- restrictions will not apply to commercial vegetable growing as previously proposed and will provide flexibility for horticulture and catchment-level offsetting. These would still need to be consistent with the NPS-FM requirement to maintain or improve waterways.

Managing excessive nitrogen discharges through a cap on fertiliser application

- a new national synthetic nitrogen fertiliser cap of 190 kg of nitrogen per hectare (kg N/ha) per year to all pastoral sectors (dairy, dairy-support, sheep, beef, and deer)\(^10\)

- This cap does not apply to arable and horticultural crops. These sectors cover a very small portion of agricultural land (about 5%) and contribute to ongoing domestic food security.

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\(6\) Intensification activities to be restricted include:

- more than 10 hectares of land-use change to dairy farming
- more than 10 hectares of land-use change from woody vegetation or plantation forestry to pastoral farming
- expanding irrigation by more than 10 hectares on dairy farms
- expanding areas of intensive winter grazing on forage crops above a historical baseline
- expanding area of dairy support above a historical baseline.

\(10\) This cap is based on research and dairy industry advice that there are diminishing economic returns with nitrogen fertiliser application over 200kg N/ha/year. The dairy sector’s national average is about 150 kg N/ha, although higher in some areas such as Canterbury which had an average of 222 kg N/ha in 2017-18.
### Appendix 2: Alignment of substantive changes to the Action for Healthy Waterways package with Auckland Council’s submission

<table>
<thead>
<tr>
<th>Proposal area</th>
<th>Changes</th>
<th>Alignment with submission</th>
<th>Proposed central government actions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Phosphorus Attribute</strong></td>
<td>The phosphorus attribute (DRP) will not have a national bottom line. DRP will be required to improve or at least be maintained at current state.</td>
<td>Auckland Council supported in principle the introduction of a DRP bottom line. However, it did not support the inclusion of the proposed national bottom line as proposed and sought further investigation and recognition that these are not achievable in Auckland due to naturally occurring geology and stream types. These submission points have been addressed in the changes made to this attribute.</td>
<td>Further work is being undertaken by central government to determine alternative approaches. The results will be reported back to the Minister for the Environment and the Minister of Agriculture within 12 months.</td>
</tr>
</tbody>
</table>
| **Sediment Attributes** | Significant modifications have been made to the sediment attributes since consultation. The key changes are:  
  - the timeframes and statistics of assessment for both attributes  
  - simplification of both attributes’ classification systems  
  - changes to the monitoring indicator for the attributes  
  - including consideration of naturally soft-bottomed streams  
  - amending bottom lines for both attributes to reflect the above changes. | Auckland Council supported in principle the introduction of sediment attributes nationally and recognised the range of work that is being undertaken in the Auckland region to reduce sediment. Council’s science staff helped MfE with national direction and guidance for sediment, especially around ease of attribute implementation. Council did not support the inclusion of the proposed national bottom lines for suspended fine sediment and sought clarification about where they are not achievable in the Auckland region due to naturally occurring geology and stream types. Specific key submission points were:  
  - the time period for sediment attribute assessments and the associated implications  
  - the alignment of assessment periods for different attributes  
  - clarity about the unit of measurement for the attributes  
  These submission points have been addressed | N/A |
| **Managing Nitrogen** | The existing nitrogen toxicity attributes have been strengthened since consultation. The key changes include:  
  - establishing a cap on the use of synthetic nitrogen fertiliser with a review required by 2023  
  - DIN levels will be required to improve or at least be maintained at current state.  
  - enable regional and unitary councils to | Auckland Council supported in principle the introduction of a DIN attribute to manage nitrogen for effects other than toxicity. However, it sought further investigation and consideration of the implications of introducing a DIN bottom line on catchments with horticultural activities in comparison to urban and other rural catchments. Specific key submission points were:  
  - 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. | The appropriateness of a DIN bottom line will be reassessed in 12 months, with the benefit of a thorough review of the environmental and economic implications. If such a national bottom line were to be adopted, it would most likely be with exceptions; |

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Central government decisions on Action for Healthy Waterways

Page 43
<table>
<thead>
<tr>
<th>Proposal area</th>
<th>Changes</th>
<th>Alignment with submission</th>
<th>Proposed central government actions</th>
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<tr>
<td></td>
<td>maintain water quality attributes for ammonia and nitrate toxicity (rivers) and total nitrogen (lakes) below national bottom lines if it is necessary to preserve the viability of fresh vegetable production.</td>
<td>• acknowledgement of the urgency to reduce nitrogen losses in catchments where waterways are significantly impacted and support for interim measures to reduce excessive nutrient leaching from agricultural and horticultural activities • further understanding of the naturally occurring levels of nitrate in shallow aquifers. &lt;br&gt;These submission points have been addressed</td>
<td>would be incorporated in regional planning processes before, or during, the proposed freshwater panel hearings process.</td>
</tr>
<tr>
<td>Stock exclusion through permanent fences and riparian setback</td>
<td>Ungrazed setbacks of at least three metres will be required from margins of waterways. &lt;br&gt;Existing permanent fences will not need to move to comply with riparian setback requirements &lt;br&gt;Some of the proposed stock exclusion requirements in hill country will be managed through FW-FPs rather than centrally set rules to reflect the diversity of landscapes, farm systems, and freshwater ecosystems. &lt;br&gt;FW-FPs and regional rules may contain more stringent requirements.</td>
<td>Auckland Council supported in principle the exclusion of stock from water bodies as a simple and effective initial step to improve water quality. &lt;br&gt;Council supported the original proposed five-metre setback – this has now been reduced to three metres. &lt;br&gt;Submission points that have been addressed include: • allowing flexibility to ensure practical solutions to exemptions, such as for site constraints • ability for regional and unitary councils to apply more stringent requirements through regional rules and FWFPs. &lt;br&gt;Submission points relating to the exclusion of stock from estuaries and other coastal wetlands have not been addressed directly (but option to manage under more stringent regional rules).</td>
<td>N/A</td>
</tr>
<tr>
<td>Freshwater farm plan (FW-FP)</td>
<td>The process for developing mandatory and enforceable FW-FP regimes has been further developed, and their introduction will be phased in with a focus on early and targeted rollout of FW-FPs to highly nitrogen-impacted catchments – for example those in Franklin.</td>
<td>Auckland council supported the use of Freshwater Farm Plans (FW-FPs) as an effective and flexible tool. &lt;br&gt;Submission points on a targeted implementation and clarity on FW-FPs as a regulatory tool have been addressed.</td>
<td>Programmes to provide additional capacity and capability of qualified farm advisors and auditors to be implemented and led by central government.</td>
</tr>
<tr>
<td>Interim intensification controls</td>
<td>Interim intensification controls will include a 2024 sunset clause, greater flexibility in low-risk catchments. &lt;br&gt;These will not apply to vegetable production and will not apply to irrigation except where irrigation is for dairy.</td>
<td>Auckland Council supported, in principle, restricting further intensification of rural land use as a measure to reduce pollution entering waterways. &lt;br&gt;Submission points on flexibility for farming operations that are low-risk activities or take place in a low-risk catchment have been addressed. &lt;br&gt;Submission points on consenting and administrative burden controls will place on both landowners and regional and unitary councils have not been addressed.</td>
<td>N/A</td>
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</tbody>
</table>
## Appendix 3: Timeframes for implementing the Action for Healthy Waterways package

<table>
<thead>
<tr>
<th>Timeframes</th>
<th>What will happen?</th>
<th>Ongoing policy work</th>
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</thead>
</table>
| **Within 3 years** (2020 - 2023) | - Protection for wetlands, streams and fish passage  
- Controlling poor practice in intensive winter grazing  
- Minimum standards for feedlots and stock holding areas  
- Interim intensification controls focusing on the riskiest activities  
- Reduce excessive nitrogen use through cap on synthetic fertilizer (190kgN/ha/year)  
- At-risk catchment programme (funded through Budget 2019)  
- From July 2023 all dairy cattle and pigs must be excluded from waterways more than a metre wide  
- Targeted rollout of mandatory and enforceable farm plans in catchments most at risk  
- Investing in new technologies and decision-support tools  
- The health and wellbeing of waterbodies and freshwater ecosystems is maintained or improved (including nitrogen and phosphorus) | - Consider whether there should be national bottom lines for dissolved inorganic nitrogen (DIN) and dissolved reactive phosphorus (DRP), that accounts for natural variation between different river types, in the National Policy Statement for Freshwater Management  
- Address fair allocation and Maari rights and interests in freshwater  
- Develop the operational requirements for freshwater farm plans  
- Develop greater central oversight of the performance of the freshwater management system and council performance  
- Review and make improvements to Overseer (an online software tool to improve nutrient management on farms). |
| **Within 5 years** (2023-2025) | - Stock exclusion for cattle, pigs and deer in:  
  - Low-slope areas  
  - Some hill country wetlands  
  - All areas where there are intensive practices  
- Minimum 3m setbacks from rivers and streams  
- Mandatory and enforceable freshwater farm plans in place across most farms  
- Requirements for real-time measuring and reporting of data on water use enter into force in two, four and six years  
- A new planning process for freshwater – faster and nationally consistent regional plans  
- New or updated regional plans are notified by 2024, setting out how the region will implement the new National Policy Statement for Freshwater Management over coming decades – i.e. to give effect to Te Mana o Te Wai with an emphasis on ecosystem health, reinforced by the addition of new attributes, achieve national bottom lines and community objectives over the long term, and set out the rules needed to do this | |
| **From 5 years to a generation** | - Mandatory and enforceable freshwater farm plans in place for all commercial farms  
- Communities work towards meeting the requirements of their freshwater plans (different requirements for each region/area)  
- Freshwater is recovering and on track to meet national bottom lines and community aspirations | |
Te take mō te pūrongo

Purpose of the report

1. To advise the Rural Advisory Panel of Auckland Council’s operational drought response actions and seek feedback on the potential impact on rural communities.

Whakarāpopototanga matua

Executive summary

2. Since October 2019 the Auckland region has experienced the worst drought in its recorded history.

3. Water shortages initially impacted residents in rural areas that use rainwater tanks. However, as the drought has persisted throughout autumn of 2020, water shortages are now impacting on the municipal network.

4. If the drought persists through to the next summer the resulting water shortages will severely impact on the lives of Aucklanders and our economic recovery from COVID-19.

5. The resilience of communities who relied on water tanker deliveries over the 2019-2020 summer is a priority, given Watercare’s proposal to reduce access to bulk supply points if the municipal storage reaches 30%.

6. Healthy Waters is investigating potential aquifer sources from Auckland Council sites, government sites, and private sites as needed.

7. Additional work is being undertaken to increase the uptake of rainwater tanks and encourage existing tank users to invest in additional storage.

8. When the official water restrictions were announced in May 2020 Auckland Council began work on making alternative sources available. This has included non-potable water. The larger challenge of providing potable water is the focus of this report.

Ngā tūtohunga

Recommendation/s

That the Rural Advisory Panel:

a) endorse the ongoing operational drought response actions

b) advise staff on the possible demand from rural communities including non-residential consumers.

Horopaki

Context

9. In February 2020, emergency water supplies were activated across the region to supplement residents with rainwater tanks who had run dry. At this time, there was no concern raised for the municipal supply and so additional tankers were used to shuttle supply to remote areas.

10. Between 6 January and 31 May, 640 million litres of water was delivered by these tankers and Watercare’s commercial bulk supply to rural communities.
11. In addition, potable water collection sites were opened for people to collect small quantities of water for domestic use. This was limited to 20 litres per person in the household per day, though the limits were not strictly enforced. Those accessing this had completely run out of water in their tanks. This service provided essential health and sanitary supply.

12. To date, Auckland Council has not provided specific support for stock given the support available through Ministry for Primary Industries.

13. Council leisure centres and community facilities were opened for shower and bathroom needs.

14. These supplies were enabled because there was sufficient supply from the Watercare network. In the event of more severe water restrictions, it is unlikely that they will be able to be made available again.

15. When the official water restrictions were announced in May 2020 Auckland Council began work on making alternative sources available. This has included non-potable water. The larger challenge of providing potable water is the focus of this report.

Tātaritanga me ngā tohutohu
Analysis and advice

16. High priority areas have been identified for additional sources based on demand over the 2019/2020 summer period and the population that live within a 5km radius of that area.

17. The map in Attachment A indicates the current priority areas and the population not connected to the Watercare network.

18. The chart in Attachment B shows the demand for bulk carrier supply across the permanent and temporary filling sites across Auckland. There was a notable spike in the week of 16 March due to COVID-19 alert level 4 lockdown being announced.

19. The high demand for these sources will not be able to be sustained in the event of harsher drought conditions. In the event of Watercare closing or reducing access to these supply points, this volume will need to be sourced elsewhere.

20. While additional sources across the region are being identified, it is not anticipated that they will be sufficient to meet the demand provided for in early 2020. Additional water saving measures will need to be taken by all Aucklanders in order to preserve the available supply.

Tauākī whakaaweawe āhuarangi
Climate impact statement

21. Climate change predictions indicate that there will be more extended dry periods in the future. The Auckland Climate Action Framework (ACAF) includes provisions for drought. This operational work reflects the policy directives from ACAF, adopted by the council on 21 July 2020.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

22. Auckland Council is working closely with Watercare in developing these operational alternatives. In some cases, budget will be shared between Watercare and Auckland Council.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

23. Many local boards that have residents reliant on rainwater tanks (Rodney, Hibiscus and Bays, Upper Harbour, Waitakere, Henderson-Massey, Papakura, and Franklin).
24. Boards were generally pleased with the support provided by the Tanker to Tanker Transfers and welfare water sites. Some board members also provided valuable assistance to the operations negotiating site access and liaising with the water carriers.

25. In addition, Waiheke Island and Aotea Great Barrier have no network supply. Water supply alternatives are being developed specifically for these areas given their isolated locations.

26. Healthy Waters will continue to liaise with local board as specific sites are identified for additional supply points.

**Tauākī whakaaweawe Māori**

**Māori impact statement**

27. Healthy Waters recognises the high significance of wai to mana whenua and the need to consider the rights and concerns of Māori in relation to water. Wai puna (aquifer water) is considered the most sacred water source and as such must be treated appropriately.

28. The Mana Whenua Kaitiaki Forum were briefed on the drought response on 23 July and provided the following feedback:

- Sought further engagement with the forum Chairs and greater participation in the drought response.
- They have concerns about Aquifer health and management in Auckland and would like more research undertaken, in particular sharing the findings of the Wellsford Aquifer study
- Re-iterated that Council needs to be putting te mauri o te wai at the centre of decision making
- Mana whenua should be partners in the process and promote Māori-led campaigns for water efficiency
- Would like to see the scope include rural marae.

**Ngā ritenga ā-pūtea**

**Financial implications**

29. The financial impact of COVID-19 and the resulting Emergency Budget for the 2020-2021 financial year has major implications for Council funding drought relief. There is no allocation for this programme in Healthy Waters capital budgets.

30. Currently, Watercare has agreed to cover Healthy Waters costs for the provision of Non potable water, this is under review on a month by month basis as they are also under pressure to reduce expenditure.

31. Auckland Council and Watercare are seeking funds from central government to support this programme as part of the wider Auckland drought relief investments. We have estimated the capital cost of the programme to establish the bore sites to be $6 Million.

32. Under the constraints of the Emergency Budget we will not be able to fund a Tanker to Tanker transfer operation in the coming summer.

**Ngā raru tūpono me ngā whakamaurutanga**

**Risks and mitigations**

33. To date, emergency supply has not included specific provision for stock watering. It is likely that another dry summer will trigger the need for emergency support for people with stock. Auckland Council will continue to work with central government to provide support for properties with livestock.
Ngā koringa ā-muri

Next steps

34. Subject to government funding, staff are aiming to make the first additional water sources operational by December.

35. Adjustments will be made to the type of support provided based on funding availability and demand from each area, or if other areas show a need for additional sources.

Ngā tāpirihanga

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
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<tbody>
<tr>
<td>A</td>
<td>Spatial demand assessment</td>
<td>51</td>
</tr>
<tr>
<td>B</td>
<td>Demand on Watercare bulk filling sites (January – May 2020)</td>
<td>53</td>
</tr>
</tbody>
</table>

Ngā kaihaina

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Authorised</th>
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<tbody>
<tr>
<td>Elizabeth Johnson - Senior Specialist – Wai Ora Strategic Programmes</td>
<td>Andrew Chin - Head of Healthy Waters Strategy</td>
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<tr>
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</tr>
<tr>
<td>Warren Maclennan - Manager Planning - North/West</td>
<td>Warren Maclennan - Manager Planning - North/West</td>
</tr>
</tbody>
</table>
Te take mō te pūrongo
Purpose of the report
1. To ask for members’ views on a range of topics for consideration at the next meeting.

Whakarāpopototanga matua
Executive summary
2. As we go to the new quarterly format of Panel meetings, the next meeting will be in November 2020. It would be useful to receive the Panel’s views on possible topics for that meeting.
3. Based on Panel Member feedback prior to the last election, possible topics could be:
   - Long Term Plan progress
   - Reform of RMA
   - Discussion with environmental groups about RMA changes
   - Climate Action Plan work
   - Auckland Transport matters
   - Any other topics.
   Note that in general the meeting can normally only take a maximum of four topics.

Ngā tūtohunga
Recommendation/s
That the Rural Advisory Panel:
a) discuss and prioritise topics for the November 2020 meeting.

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Warren Maclennan - Manager Planning - North/West</th>
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