

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

Date: Friday, 9 February 2024
Time: 12.30pm
Meeting Room: Room 1, Level 26,
Venue: 135 Albert Street
Auckland 1010

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

OPEN AGENDA

MEMBERSHIP

Chairperson	Cr Andrew Baker	
Deputy Chairperson	Alan Cole	
Members	Mark Allen (Ex-officio)	Linda Potauaine
	Mike Bramley	Leanne Roberts
	Jesse Brennan	Greg Sayers
	Trish Fordyce	Wayne Scott
	Vicki Glynn (Ex-officio)	Colin Smith (Ex-officio)
	Vance Hodgson (Ex-officio)	Cushla Smith
	Tim Holdgate	Geoff Smith
	Steve Levet	Logan Soole (Ex-officio)
	Brian Mason	Peter Spencer
	Andrew McKenzie	Keith Vallabh
	Annaliese Morgan	Glenn Wilcox

(Quorum 10 members)

Phoebe Chiquet-Kaan
Governance Advisor

2 February 2024

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Terms of Reference

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

The terms of reference set out the purpose, role and protocols of the Auckland Council Rural Advisory Panel for the 2019-2022 term of the council. Panel members must abide by the Code of Conduct for Members of Auckland Council Advisory Panels.

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 Ngā Tamōtanga | Apologies

2 Te Whakapuaki i te Whai Pānga | 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 Te Whakaū i ngā Āmiki | Confirmation of Minutes

That the Rural Advisory Panel:

- a) whakaū / confirm the ordinary minutes of its meeting, held on [Friday, 17 November 2023](#), including the confidential section, as a true and correct record.

4 Ngā Pakihi Autaia | 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.”

Long-term plan 2024 - 2034: process overview

File No.: CP2024/00253

Te take mō te pūrongo

Purpose of the report

1. To receive a presentation and confirm input to the draft Long-term Plan (LTP) 2024-2034 proposals at the 24 April 2024 Budget Committee workshop.

Whakarāpopototanga matua

Executive summary

2. The LTP is statutorily required to be adopted every three years (with annual budgets prepared in between) and includes local board agreements.
3. Between June and December 2023, a series of LTP direction-setting sessions, briefings and workshops were held with the elected members. These included local board chairs and council-controlled organisation (CCO) representatives that were in attendance as required.
4. Local boards made decisions in December 2023 on priorities and preferences for their draft consultation material and key advocacy initiatives.
5. At the 6 December 2023 Budget Committee meeting, the mayoral proposal for the LTP was considered and the committee agreed to consult on a core proposal reflecting:
 - The draft budgets as set out in the mayoral proposal.
 - The establishment of the Auckland Future Fund (Fund) together with the transfer of all council's remaining shares in Auckland International Airport Limited (AIAL) into the Fund.
 - Options for release of Port of Auckland land and transfer of some wharves to council.
 - Options for leasing Port of Auckland operations.
 - Rating policy options including changes to the Natural Environment Targeted Rate, Water Quality Targeted Rate, Climate Action Transport Targeted Rate, and the Long-Term Differential Strategy.
 - Financial strategy changes to align with the draft budgets and direction set out in the mayoral proposal.
 - Changes to the Local Board Funding Policy to include a mixture of new and reallocated funding.
 - Options for North Harbour stadium to better deliver for the needs of the North Shore community.
 - Average rate increases for residential ratepayers of 7.5%, 3.5%, and 8% respectively in the first three years, and then no more than 3.5% the year after that.
6. The committee also agreed to consult on options for more investment in council assets and services which would require higher rates increases, or lower levels of investment which could see the required rates increases be less than proposed in the core scenario.
7. The decisions made at the 6 December 2023 Budget Committee meeting allowed staff to begin producing a Consultation Document and the Supporting Information.
8. The LTP Consultation Document and Supporting Information need to be adopted by the Budget Committee before being released for public consultation from 28 February to 28 March 2024.

9. All consultation information will be published on the AK Have your Say website - <https://akhaveyoursay.aucklandcouncil.govt.nz/>. Panel members are encouraged to provide individual feedback and to encourage others from the rural community to participate.
10. In addition, all advisory panels will be allocated time on the agenda of the 24 April 2024 Budget Committee workshop to talk to any collective feedback they may have as a panel on the draft budget.
11. Following the consideration of consultation feedback, final decisions are scheduled to be made on the LTP on 16 May 2024 and the Governing Body is due to meet to adopt the final Long-term Plan 2024-2034 on 27 June 2024.

Ngā tūtohunga Recommendation/s

That the Rural Advisory Panel:

- a) tuhi ā-taipitopito / note the presentation on the Long-term Plan 2024-2034.
- b) whakaū / confirm whether they would like to present to the 24 April 2024 Budget Committee workshop on their feedback.

Ngā tāpirihanga Attachments

There are no attachments for this report.

Ngā kaihaina Signatories

Author	Tracey Wisnewski – Project Manager
Authorisers	Ross Tucker - General Manager, Financial Strategy and Planning Warren Maclennan - Manager Regional, North, West and Island

Auckland Council representation arrangements and local board reorganisation for the 2025 elections

File No.: CP2024/00176

Item 6

Te take mō te pūrongo

Purpose of the report

1. To seek feedback on possible changes to the number and structure of local boards and provide an update on the next stage of development on a reorganisation plan for the number and composition of councillors through the representation review process.

Whakarāpopototanga matua

Executive summary

2. The council is required to conduct a review of representation arrangements for the 2025 elections. The council is also investigating whether to make changes to the number and structure of local boards. This is being explored through a Joint Governance Working Party (JGWP).
3. There is a legal requirement that wards provide effective representation for communities of interest. One community of interest has been identified as rural communities and it has been agreed by the JGWP and the Governing Body that there should be rural representation at a ward level. By retaining the Franklin and Rodney wards, this would lead to the retention of total of 20 councillors (the current case).
4. Regarding local board reorganisation, the Governing Body agreed to seek early feedback on whether to reduce the number of local boards to 15 to match the current ward structure or whether to retain the status quo.

Ngā tūtohunga

Recommendation/s

That the Rural Advisory Panel:

- a) whiwhi / receive the report on the representation review and reorganisation of local boards.
- b) whakarite / provide feedback on the initial proposal for the Auckland Council review of representation arrangements, based on retaining rural Governing Body wards and noting that this results in 20 ward councillors.
- c) whakarite / provide feedback on proposal for reorganisation of local boards.

Horopaki

Context

5. The council is required to undertake a review of representation arrangements for the 2025 elections. On 27 April, 2023 the Governing Body referred the development of an initial proposal to the Joint Governance Working Party (JGWP) ([GB/2023/68](#)).
6. The Joint Governance Working Party (JGWP) has been established to consider governance matters of mutual interest to Governing Body and local boards, and whilst it does not have delegated decision-making powers, it reports its findings to Governing Body for final decisions.
7. The working party comprises six members appointed by the Governing Body and six members appointed by local boards who represent geographical clusters.
8. On 22 June, 2023, the Governing Body also referred to the JGWP the development of a reorganisation plan relating to local boards ([GB/2023/108](#)).

9. The table below outlines the differences between a review of representation arrangements and a local board reorganisation plan.

	Representation review	Reorganisation application
Legislation	Local Electoral Act 2001	Local Government Act 2002
Scope	<ul style="list-style-type: none"> Total number of councillors Wards and boundaries Number of members of local boards Subdivisions and boundaries Names of local boards 	<ul style="list-style-type: none"> Number of local boards Local board boundaries Representation arrangements for each local board
Frequency	At least once every six years	Ad hoc

10. The output of a **review of representation arrangements** is a council “proposal” for arrangements for the coming election. It is a review of the current arrangements including the current arrangements of local boards. Objections or appeals to the council’s final proposal are decided by the Local Government Commission. The council appears as a submitter in front of the Local Government Commission.
11. The output from the council under a **unitary authority-led reorganisation application** is a reorganisation plan, and accompanying documentation, that is submitted to the Local Government Commission for approval. If approved, the reorganisation plan is implemented through an Order in Council.

Tātaritanga me ngā tohutohu Analysis and advice

Review of representation arrangements

12. There are two key matters that both the council and the Local Government Commission must take into account:
- the effective representation of communities of interest
 - fair representation (in a ward or subdivision the number of people represented by each member must not vary by more than 10 percent from the average across the whole of Auckland, for the governing body, or the whole local board area, for a local board).
13. A starting point for deciding the number of councillors has been to consider whether rural areas need their own representation. With the current arrangements both Rodney and Franklin are separately represented by one councillor each.
14. The GB agreed that effective representation of communities of interest requires the northern and southern rural areas to be represented which sets the number of people per councillor at around 85,000 leading to a total of 20 councillors under the +/- 10 percent rule. Fewer than 20 councillors would result in more people per councillor and larger wards with the outcome that rural areas would lose their distinctive representation.

Reorganisation plan for local boards

Process and criteria

15. The process for reorganisation is that the council would adopt a reorganisation plan for local boards and submit this plan to the Local Government Commission for approval. If the application meets all the specified requirements, then the Commission must approve it.

16. In summary form, the matters that the council must take into account include:
- the **scale** and **likelihood** of potential benefits:
 - enabling democratic decision making by, and on behalf of, communities
 - better enabling the purpose of local government
 - efficiencies and cost savings
 - boards have the necessary resources
 - effective responses to opportunities, needs, and circumstances of the area
 - alignment with communities of interest
 - enhanced effectiveness of decision making
 - enhanced ability of local government to meet the changing needs of communities for governance and services into the future
 - co-governance and co-management arrangements
 - implementation costs
 - consequences of not implementing
 - communities of interest
 - public support
 - views and preferences of affected local boards.
17. It is intended that at the same meeting that the council resolves its initial proposal for representation arrangements for the 2025 elections, it will also resolve whether to seek public feedback on a proposed local board reorganisation. These decisions are currently timed for the May 2024 meeting of the Governing Body.

Tauākī whakaaweawe āhuarangi **Climate impact statement**

18. Climate impacts will be considered when options analysis is completed and reported mid-year in 2024.

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

19. Consultation with the council group will be held early in 2024. Council-controlled organisations will have an interest in local board reorganisation as it may affect their planning and reporting.

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

20. Both the representation review and the local board reorganisation plan could have significant impacts on local boards. Workshops will be taking place with local boards during February.
21. The reorganisation proposal could impact on community groups and networks, particularly those who engage directly with local boards or receive grant-funding. A community stakeholder event will take place to consider how well the governance structure currently works and how changes might affect them.

Tauākī whakaaweawe Māori Māori impact statement

22. Engagement with Māori will take place alongside engagement on the Long-Term Plan during February.
23. For the local board reorganisation plan there is a requirement to consider the “effective provision for any co-governance and co-management arrangements that are established by legislation (including Treaty of Waitangi claim settlement legislation) and that are between local authorities and iwi or Māori organisations”.

Ngā ritenga ā-pūtea Financial implications

24. Early engagement costs will be met through existing budgets.

Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

25. There is a risk as Auckland continues to grow at a rapid rate, rural communities may lose representation. Whilst the JGWP supports the improvement of representation of rural communities on the Governing Body, engaging with different stakeholders will be an important tool to understanding the effect a representation review and reorganisation of local boards will have on this community.

Ngā koringa ā-muri Next steps

26. Analysis of early engagement feedback will be reported in April 2024 to the Joint Governance Working Party.
27. The Governing Body will determine in May 2024 what options will be put forward for public consultation.

Ngā tāpirihanga Attachments

There are no attachments for this report.

Ngā kaihaina Signatories

Authors	Jacob van der Poel - Advisor Operations and Policy Carol Hayward - Team Leader Operations and Policy
Authorisers	Warwick McNaughton - Principal Advisor Warren Maclennan - Manager Regional, North, West and Island

Response to compliance monitoring invoicing process

File No.: CP2024/00244

Item 7

Te take mō te pūrongo

Purpose of the report

1. To update the Rural Advisory Panel on discussions to improve communications to dairy farmers as part of the annual invoicing process.

Whakarāpopototanga matua

Executive summary

2. At the November Rural Advisory Panel meeting, the Panel considered a report on Compliance Monitoring's dairy farm discharge monitoring charges. This report is included as Attachment A. The report set out the council's legal obligations regarding cost recovery and responded to several questions which had been raised by Federated Farmers.
3. The resolutions were:
 - a) note that the compliance monitoring dairy charges are brought to their attention
 - b) agree to disseminate the information to dairy servicing agencies and farmers that are not familiar with the Council charges
 - c) request the finance and compliance teams respond to concerns raised regarding the charging regime
4. Attached is the response from the finance team (Attachment B). The following points are noted:
 - There are several references to "dairy farming and forestry consents". This is misleading as most dairy farms operate as deemed permitted activities rather than by individual resource consents. This could cause concerns for dairy farmers receiving these letters, more precise wording is therefore needed.
 - Although each letter contained an explanation for the delay and an apology for this, it still demanded immediate payment. An invoice for the two-year period could be up to \$1000. It seems unreasonable to expect immediate payment for such an unexpected bill. The letter could have included the possibility of specific arrangements for this circumstance.
5. Federated Farmers also raised concerns in regard to charge-out rates for compliance monitoring and these were responded to in the attached email (refer Attachment C).

Future Approach

6. We do not expect these types of system errors to repeat, however should there be likely a similar event in future, the compliance monitoring team will commit to reviewing any late invoices and determine whether it's appropriate to send them out to our customers.
7. In regard to the language used in the invoicing requesting to 'pay immediately'. Although this is the standard template for all non-rate invoices, the compliance monitoring team acknowledges that the tone could have been softer given the delay in which these invoices were sent out.
8. The Environmental Monitoring unit have committed to customizing our cover letters which will mean using the appropriate language based on current circumstances.
9. Payment plan – the compliance monitoring team would also like to reiterate and remind the panel that the options of a payment plan is available to farmers. If farmers have concerns about paying their invoices on time, please encourage them to contact the Council.

10. Kevin Smith, Commercial Finance Manager and Robert Laulala Manager Environmental Monitoring will attend the meeting to respond to any questions from the Panel.

Item 7

Ngā tūtohunga Recommendation/s

That the Rural Advisory Panel:

- a) whiwhi / receive the report on compliance monitoring for dairy farm monitoring

Ngā tāpirihanga Attachments

No.	Title	Page
A⇒	Compliance Monitoring Charging System Report - Rural Advisory Panel 17 November 2023 meeting	
B⇒	Response from finance team	
C⇒	Response from Federated Farmers	

Ngā kaihaina Signatories

Authors	Robert Laulala – Manager Environmental Monitoring Kevin Smith – Commercial Finance Manager
Authoriser	Warren MacLennan - Manager Regional, North, West and Island

Future Development Strategy update and proposed Southern Rural Strategy draft scope

File No.: CP2024/00165

Te take mō te pūrongo Purpose of the report

1. To provide an update on the Future Development Strategy (FDS) adoption and publication and request feedback on the scope of the Southern Rural Strategy.

Whakarāpopototanga matua Executive summary

Future Development Strategy 2023 – adoption and publication

2. The FDS was adopted on 2 November 2023 by Auckland Council's Planning, Environment and Parks (PEP) Committee. This is available on the council's website (published 22 December 2023): <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/development-strategy/Pages/default.aspx>
3. The FDS acknowledges the importance of Auckland's rural area and its contribution to GDP, providing food, agricultural supplies, and minerals, and contributing to the health and well-being of the region's natural environment, as well as its residents.
4. A continuation of the quality compact approach to accommodating growth, the FDS 2023 anticipates only limited growth in rural areas, with residential growth focused particularly in the rural nodes of Warkworth and Pukekohe. This is to maintain rural values, protect and enhance the natural environment and support ongoing rural production.
5. The FDS 2023 also identifies the key challenges and opportunities in rural Auckland, such as high levels of subdivision across rural areas, fragmentation of productive land, domestication and commercialisation of rural landscapes, introduction of sensitive land uses into working environments and changes in rural land use.
6. In addition to these issues, there are new challenges rural communities face and need to respond to. These challenges relate to the impacts of climate change, rural community resilience and recent legislative change impacting rural productivity.

Southern Rural Strategy

7. The preparation of a Rural Strategy is a key implementation action in the Rural Section of the FDS.
8. There are some similarities in the challenges and opportunities across Auckland's rural areas. However, the tension between ongoing development, potential new large-scale development, and the need to preserve and improve rural productivity and the natural environment, while also facing the challenges of climate change, is most apparent in the southern rural areas. The first stage of the Rural Strategy, therefore, will focus on the southern rural area. The intention is for other rural areas to follow.
9. The purpose of the Southern Rural Strategy is to respond to the specific issues and opportunities identified through engagement with stakeholders and southern rural communities, supported by research, and to provide direction for delivering the desired outcomes for the next 30 years. See the draft project scope attached at Appendix A for further information.
10. The Southern Rural Strategy is a standalone document that does not depend on other work. Once completed the strategy will inform, and in some cases be implemented through other initiatives such as future updates of the Future Development Strategy and the Auckland Unitary Plan.

11. The intention is to commence work following endorsement from the Planning, Environment and Parks Committee.
12. The Franklin, Papakura and Howick Local Boards will be given the opportunity to provide feedback on the draft scope prior to Planning, Environment and Parks Committee endorsement.

Ngā koringa ā-muri Next steps

13. A report seeking approval to develop a Southern Rural Strategy and establish a political steering group is anticipated to go to the 11 April 2024 Planning, Environment and Parks Committee meeting.
14. It is anticipated that stakeholder engagement on the Southern Rural Strategy will take place between April and June 2024.
15. A summary of the stakeholder engagement will be provided to the Rural Advisory Panel.
16. Reporting to the Rural Advisory Panel as needed on the progress of the draft Southern Rural Strategy.

Ngā tūtohunga Recommendation/s

That the Rural Advisory Panel:

- a) tuhi ā-taipitopito / note the adoption and publication of the Future Development Strategy 2023
- b) whiwhi / receive the draft scope of the Southern Rural Strategy and provide feedback, by 26 February 2024, to help inform the final scope ahead of the 11 April 2024 Planning, Environment and Parks Committee meeting.

Ngā tāpirihanga Attachments

No.	Title	Page
A⇒	Future Development Strategy Southern Rural Strategy Draft Scope Summary	

Ngā kaihaina Signatories

Author	Eva Zombori - Senior Strategic Advisor
Authorisers	Jacques Victor – General Manager Auckland Plan Strategy and Research Warren MacLennan - Manager Regional, North, West and Island

Essential freshwater update

File No.: CP2024/00256

Te take mō te pūrongo

Purpose of the report

1. To provide an update on central government's *Essential Freshwater* programme and an overview of Auckland Council's implementation of its components.

Whakarāpopototanga matua

Executive summary

2. The *Essential Freshwater* programme encompasses several regulatory instruments that came into effect from 3 September 2020. Since 2020, there have been a few amendments and secondary legislation to support the implementation of these instruments. Key regulatory instruments of relevance to this update include the:
 - National Policy Statement for Freshwater Management 2020 (NPS-FM)
 - National Environmental Standards for Freshwater 2020 (NES-F)
 - Resource Management (Freshwater Farm Planning) Regulations 2023 (FWFP)
 - Measurement and Reporting of Water Takes Amendment Regulations 2020.
3. The new coalition government has set about advancing its new policy direction with anticipated changes to some of the *Essential Freshwater* instruments. However, it is currently unclear what the nature and extent of these changes will be, other than at a high level.
4. Specifically, the timeframes for the council's NPS-FM programme are being reviewed in response to government announcements in December 2023. The government has changed the notification deadline for a freshwater plan change from December 2024 to December 2027. This is to allow for development and implementation of a revised NPS-FM. The council is continuing to work on NPS-FM implementation but has not yet determined when a plan change will be notified.
5. A total of 3,500 submissions were received in response to the NPS-FM public consultation process undertaken from 3 November to 4 December 2023. The submissions are currently being summarised and will be taken into account in implementing the NPS-FM.
6. A Court of Appeal judgment in December 2023 quashed the parts of the NPS-FM that relate to the Specified Vegetable Growing Areas in Horowhenua and Pukekohe. It is anticipated that the government will respond to this development as part of the revisions to the NPS-FM. The council will continue to work with Pukekohe vegetable growers in developing options for addressing the nitrate related issues for groundwater and some streams in the area.
7. Work continues as planned with implementation of NES-F, FWFP, and the Measurement and Reporting of Water Takes Amendment Regulations 2020.

Guidance documents / reports published

8. As a result of the November 2023 general election, the change of government, and the end of year shutdown, there have been few new publications relating to the *Essential Freshwater* programme since the last Rural Advisory Panel meeting in November 2023:
 - MfE – [Minimum drain setback distances to protect New Zealand wetlands: Tool development](#) (published 8 November 2023)
 - MfE – [Technical review of the 2020 groundwater quality indicator to support methodological improvements](#) (published 12 December 2023).

Regulatory and planning updates

NPS-FM implementation

9. In December 2023, the government announced that it intended to update the NPS-FM. Accordingly, it advised that it would extend the RMA deadline for plan change notification to December 2027. This would allow time for regional and unitary councils to implement the revised NPS-FM. The previous requirement stipulated that councils were to notify a plan change by December 2024.
10. The government has indicated that the process to complete a revised NPS-FM will take between 18 to 24 months and will include a robust and full consultation process with all stakeholders, including iwi and the public. It is not yet clear how extensive the revisions to the NPS-FM will be. The government press release noted a commitment to 'improving freshwater quality for the benefit of all New Zealanders by ensuring a sustainable and balanced approach, that works towards improving the environmental outcomes for our waterways.'
11. In response to this change, council is revising its NPS-FM programme. A plan change will no longer be notified in 2024. The notification timing options need to be considered by the NPS-FM Steering Committee, NPS-FM Political Working Group, and Planning, Environment and Parks Committee. This may require a multi-stage process as more is learnt about the scope of what is likely to change in the NPS-FM. The extended notification date of 2027 is not the automatic default, and the council will determine a timeframe that is best for Auckland.
12. The council is committed to continuing to improve the health of waterways and maintaining the momentum of the last few years. The NPS-FM work currently underway is continuing. Underpinning technical work includes the baseline state of our waterbodies, potential target attribute states at different timeframes, and connections between freshwater and coastal waters. Policy development work is identifying the regulatory and non-regulatory options for improving freshwater quality and ecosystem health, and assessing their costs and benefits. Much of this work will be required irrespective of the precise nature of the changes to the NPS-FM.
13. There will be continued mana whenua, stakeholder and community engagement as part of the NPS-FM programme. The extension to timeframes may allow for more engagement opportunities where it is beneficial. We need to ensure this an efficient process for all involved, and that it responds to community expectations for improved freshwater outcomes.

Pukekohe Specified Growing Area court decision

14. A Court of Appeal judgment released in December 2023 has quashed the NPS-FM exemptions for the Specified Vegetable Growing Areas in Pukekohe and Horowhenua¹. The decision found there was inadequate consultation with those affected prior to the exemptions being inserted in the NPS-FM in 2020. The exemptions were not included in the consultation material released by the Ministry for the Environment in 2019, rather they were included in response to submissions by vegetable growers. The exemptions allowed the relevant regional councils to set targets below national bottom lines for nitrate-related attributes in freshwater, in areas where fresh vegetable supply could be compromised.
15. The court's judgment directed the Minister for the Environment to reconsider whether there should be an exemption from the NPS-FM for the vegetable growing areas in Horowhenua and Pukekohe and, if there is to be an exemption, what form such an exemption should take. It is anticipated that the government will address this matter when developing revisions to the NPS-FM.

¹ *Muaūpoko Tribal Authority Incorporated v Minister for the Environment* [2023] NZCA 641

16. The council had previously proposed setting target attribute states with a long timeframe for achieving the national bottom lines related to the nitrate issues in Pukekohe, with interim ten-year targets aimed at achieving some improvement. This approach reflects the reality of the time it will take for reductions in nitrate concentrations in groundwater to be apparent in streams fed by groundwater. The approach appears to be possible irrespective of whether the exemption provisions are included in the NPS-FM.

NPS-FM public engagement

17. The second phase of public consultation on implementing the NPS-FM was undertaken from 3 November to 4 December 2023. A total of 3,500 submissions were received and are currently being summarised. The summary of submissions will be reported to local boards in February and March 2024, and then to the Planning, Environment and Parks Committee. The results will feed into the ongoing NPS-FM work noted above.
18. The first phase of NPS-FM public consultation in 2022 sought input to developing a vision and values for freshwater in Auckland. The 2023 consultation sought feedback on several matters, including a proposed long-term vision for freshwater in Auckland, freshwater values and outcomes, how to manage 'outstanding waterbodies', the identification of primary contact sites, how to protect and improve habitats, and how to manage the increasing demand for water. The consultation material is available at [AKHaveyoursay/freshwaterakl](https://www.aucklandcouncil.govt.nz/akhaveyoursay/freshwaterakl). The consultation included several events and activities to encourage the public to have their say. These included:
- face to face interactions / 'community drop ins' at Auckland Diwali Festival (Saturday 4 / Sunday 5 November), Clevedon A&P Show (Saturday 4 / Sunday 5 November), Auckland Regional Waka Ama Regatta (Saturday 18 November) and Grey Lynn Park Festival (Saturday 18 November)
 - an online information webinar presented by subject matter experts (Wednesday 15 November)
 - a community partner-led engagement programme reaching out to Auckland's Indian, Pasifika and Chinese communities.
19. Some of the matters covered in the consultation may be affected by the government's upcoming revisions to the NPS-FM. This will be reviewed as more is known of the likely changes to the NPS-FM.

Freshwater farm plan regulations (FWFP)

20. Work on the freshwater farm plan implementation programme continues as planned. In essence, this regulatory tool has been broadly supported, and current efforts continue to develop the national and regional systems for successful rollout of the regulations locally, along with increasing the capabilities of interests with a role to play. Flexibility in systems will aid durability and application on the ground should some regulatory refinements be made over time.
21. For Auckland Council, progress is being made towards the development of a 'catchment context, challenges, and values' (CCCV) communication platform. A business case is currently being prepared and due to be completed by April, with the subsequent information technology platform expected to be built and available for use before the end of 2024.
22. Work is also underway by council staff to identify and map catchment geospatial information to be communicated through the platform.
23. Work has been completed on an implementation plan and road map for regulatory services functions across the FWFP system. Staff resourcing against the implementation plan is currently being sought, as this will be a reasonable commitment over the next two years as systems and communication platforms go live.

24. Staff continue to engage with neighbouring councils and have established semi-regular meetings with industry groups. Mana whenua engagement is expected to pick up through early 2024.
25. An Order in Council has yet to be made for a 'go-live date' for FWFP in the Auckland region. As previously advised, council staff have advised MfE staff in late 2023 of the sequencing of catchments that it prefers, with the southern Kaipara catchment proposed for first rollout from late 2024, followed by the Manukau and then Hauraki areas in 2025.

NES-F: Nitrogen cap national database

26. The National Online Reporting tool developed through the regional sector has been upgraded to be more user friendly and to improve report generation functions. Currently, it is estimated that 80% of reporting farms are submitting through MyBallance or HawkEye reporting platforms provided by the two dominant national fertiliser providers.
27. As of 19 September 2023, the national database has records for 5,713 dairy operators, representing 1,246,000 ha of land in dairy land use. 58% of dairy farms are estimated to have provided data, up from 45% last year. Overall data quality nationally has been improving. However, it will still be a couple of seasons before there is sufficient data to assess key trends.
28. Auckland Council's compliance follow-ups in August 2023 saw a lift in reporting numbers for the Auckland region.
29. An improved communications approach for next season is being planned. This is expected to have a focus on targeted communications to farmers with low response rates, highlighting positive impacts from improved fertiliser practices, and improving understanding around the different reporting systems.

NES-F: Intensive winter grazing

30. Analysis of the 2023 national winter forage data collected by Manaaki Whenua Landcare Research has been completed. The data and accompanying notes document have been sent through to regional councils and unitary authorities.
31. No areas of intensive winter grazing were identified for the Auckland region in winter 2023.

Measurement and Reporting of Water Takes

32. Measurement and Reporting of Water Takes Amendment Regulations 2020 introduced new requirements for all water take consents of greater than five litres per second. By September 2026, all affected consent holders will need to have appropriate water measuring devices installed and verified by an accredited company. The consent holder is also required to provide a continuous record of water use data to their regional council.
33. Environmental Monitoring staff within the Regulatory Services division are working with colleagues in the Regulatory Services Specialist Unit, and council's Research and Evaluation Unit (RIMU) across affected water take consents, and allocation space.
34. Following the initial implementation of the new requirements in 2022, council staff have identified areas of improvement across council's functions that we are actively working to address. This includes format variations across water allocation records, updating of water take consent data, and improved systems to collate and monitor allocated water takes and allocation across water bodies. These have been incorporated into our process as we begin to communicate the requirements with the next tranche of consent holders having reporting obligations under these regulations from 3 September 2024.
35. Staff are improving council's communications with consent holders to ensure we have correct consent holder details. This will ensure that council holds the relevant data to improve freshwater accounting and make compliance easier for consent holders.

Ngā tūtohunga Recommendation/s

That the Rural Advisory Panel:

- a) whiwhi / receive the staff update on central government's *Essential Freshwater* programme, its refinement, implementation and interpretation.

Ngā tāpirihanga Attachments

There are no attachments for this report.

Ngā kaihaina Signatories

Authors	Dave Allen - Manager Natural Environment Strategy Andrew Bird - Senior Analyst NES
Authorisers	Jacques Victor – General Manager Auckland Plan Strategy and Research Warren Maclennan - Manager Regional, North, West and Island

Rural flood response progress

File No.: CP2024/00392

Te take mō te pūrongo Purpose of the report

1. To update the panel on flood response activities in rural Auckland by Healthy Waters.

Whakarāpopototanga matua Executive summary

2. In October 2023 the Governing Body approved in principle the Making Space for Water programme ([GB/2023/203](#)). This approval allows staff to prepare for long-term recovery and flood resilience projects.

Healthy Waters business as usual operations

3. Healthy Waters operations teams are continuing to remove substantial debris from watercourses across Auckland. Some locations had numerous blockages and complex issues that needed to be resolved. The table below summarises the scale of work across rural Auckland since 1 July 2023.

Table 1. Watercourse clearing undertaken since 1 July 2023

Catchment	Suburb	Number of locations	Spend
North	Taupaki, Hobsonville, Waimauku, Huapai, Kumeū, Riverhead, Hobsonville, Dairy Flat, Muriwai, Topuni and Ahuroa/West Coast Rd, Whangaripo Valley, Matakana, Puhoi, Waiwera, Waitoki, Kaukapakapa, Dairy Flat, Coatesville, Riverhead/Ararimu, Paremoremo, Wayby Valley, Hoteo	82	\$1,250,000
South	Pukekohe, Whangapouri	3	\$16,150
West	Sunnyvale, Henderson, Henderson Valley, Ranui, Massey, Swanson	31	\$575,905

4. Rural areas tend to have more watercourses in private property, and property owners or residents are more likely to undertake this removal themselves than in urban areas so the above will not be fully representative of the recovery actions across rural Auckland. As well as practical support, the council has been able to provide information to residents needing to do this work themselves to support them to remove debris without compromising the watercourse integrity or biodiversity or putting themselves in danger.

Rural activities in Making Space for Water

5. The Making Space for Water programme is made up of seven initiatives that prioritise flood response and resilience. These are: Blue-green Networks, Stream and Waterway Resilience, Overland Flow Path Management, Community-led Flood Resilience, Flood Intelligence, Increased Operations, and Rural Settlements.
6. Through the Community-led Flood Resilience initiative, staff have begun working with catchment groups across Auckland. This has included a workshop in Araparera to upskill landowners to assess their streams, understand stages of erosion, and what landowners can do to prevent risks to property and assets in heavy rain events.
7. The workshops and work with catchment groups are designed to upskill and enable catchment groups to work with landowners in the area. Following the first workshop, landowners reported that they felt better equipped with the knowledge they need to protect land and ecology and minimise flood risk.
8. The Rural Settlements initiative is collating information held by council about the public small water supplies and wastewater systems and whether they are vulnerable to flood. This will inform vulnerability assessments for communities and marae, and subsequent capital funding for three waters assets in rural settlements that provide a public benefit in flood events.
9. The criteria for vulnerability assessment includes which three waters services are provided publicly, likelihood of a community's transport network being cut off from essential services, presence of emergency services including emergency shelter, known flood risk, and activities that occur in that community such as education, production or tourism.

Next steps

10. A rural strategy for flood response actions is being developed to coordinate Healthy Waters' work with rural communities across business as usual and Making Space for Water. This will guide the approach we take to working with rural communities across several rural workstreams, not just flood recovery.
11. Staff will seek input from the panel at its 9 February 2024 meeting on catchment groups that may want to work with staff around rural land management and flood recovery.

Ngā tūtohunga Recommendation

That the Rural Advisory Panel:

- a) whiwhi / receive the information on rural flood response progress.

Ngā tāpirihanga Attachments

There are no attachments for this report.

Ngā kaihaina Signatories

Author	Elizabeth Johnson - Principal – Wai Ora Strategic Programmes
Authorisers	Barry Potter - Director Infrastructure and Environmental Services Warren Maclennan - Manager Regional, North, West and Island

Dangerous dams policy consultation

File No.: CP2024/00254

Te take mō te pūrongo Purpose of the report

1. To notify members of Rural Advisory Panel about the public consultation of Auckland Council's draft Dangerous Dams Policy.

Whakarāpopototanga matua Executive summary

2. Section 161 of the Building Act mandates regional authorities to develop policies for hazardous, earthquake-prone, and flood-prone dams in their regions. These policies, as per section 161, must follow the special consultative procedure described in section 83 of the Local Government Act 2002.
3. The main goal of these policies is to address deficiencies in dangerous, earthquake-prone or flood-prone dams, ensuring effective management of these safety concerns inclusive of heritage dams.
4. Previously, each Regional Authority had its own policy for such dams. However, with the recent Building (Dam Safety) Regulations 2022, Regional Authorities have collaborated to create a nationwide policy. The presented policy is the result of this collaborative effort.
5. Public consultation of the Dangerous Dams Policy opened on October 25 and closes December 7, 2023. Members of the public, stakeholder groups, mana whenua entities and mataawaka marae entities have the opportunities to provide feedback through multiple channels.
6. Local board feedback on the policy will be sought in February 2024.
7. A memorandum from Ian McCormick providing further information is attached.

Ngā tūtohunga Recommendation/s

That the Rural Advisory Panel:

- a) whiwhi / receive information relating to Auckland Council's draft Dangerous Dams Policy and whakarite / provide feedback.

Ngā tāpirihanga Attachments

No.	Title	Page
A⇒	Dangerous dams policy - consultation - memorandum	

Ngā kaihaina Signatories

Author	Ian McCormick - Manager Building Control
Authoriser	Warren Maclennan - Manager Regional, North, West and Island