

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

**Date:** Friday, 14 February 2025  
**Time:** 12.30pm  
**Meeting Room:** Room 1, Level 26  
**Venue:** Te Wharau o Tāmaki - Auckland House  
135 Albert Street  
Auckland

---

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

### OPEN AGENDA

---

#### MEMBERSHIP

<b>Chairperson</b>	Cr Andy Baker	Auckland Council
<b>Deputy Chairperson</b>	Alan Cole	Franklin Local Board, Auckland Council
<b>Members</b>	Mike Bramley	Dairy New Zealand
	Jesse Brennan	Federated Farmers of NZ
	Philip Elworthy	NZ Forest Owners Association
	Trish Fordyce	National Forest Growers Levy Trust
	Tim Holdgate	Rodney Local Board, Auckland Council
	Steve Levet	Rural Contractors New Zealand
	Andrew McKenzie	Beef and Lamb New Zealand
	Brian Mason	Landowners and Contractors Association (Wellsford)
	Annaliese Morgan	Young Farmers
	Linda Potauaine	Waitākere Ranges Local Board, Auckland Council
	Leanne Roberts	Horticulture NZ
	Cr Greg Sayers	Auckland Council
	Wayne Scott	Aggregate and Quarry Association
	Cushla Smith	Fonterra Shareholders Council
	Geoff Smith	Equine Industry
	Keith Vallabh	Pukekohe Vegetable Growers Association
	Glenn Wilcox	Māori representative

(Quorum 10 members)

**Phoebe Chiquet-Kaan**  
**Governance Advisor**

**11 February 2025**

Contact Telephone: +64 27406 9656  
Email: [phoebe.chiquet-kaan@aucklandcouncil.govt.nz](mailto:phoebe.chiquet-kaan@aucklandcouncil.govt.nz)  
Website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

---

**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)*

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.

<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
1	Ngā Tamōtanga   Apologies	4
2	Te Whakapuaki i te Whai Pānga   Declaration of Interest	4
3	Te Whakaū i ngā Āmiki   Confirmation of Minutes	4
4	Ngā Pakihi Autaia   Extraordinary Business	4
5	Healthy Waters and Flood Resilience update	5
6	Essential Freshwater update report to Rural Advisory Panel	9
7	National Policy Statement for Freshwater Management programme update	13
8	Te Whakaaro ki ngā Take Pūtea e Autaia ana   Consideration of Extraordinary Items	

## 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, 1 November 2024](#), 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.”

## Healthy Waters and Flood Resilience update

File No.: CP2025/00894

### Te take mō te pūrongo

#### Purpose of the report

1. To update the Rural Advisory Panel on Healthy Waters and Flood Resilience activities in rural Auckland

### Whakarāpopototanga matua

#### Executive summary

2. This report provides an update on progress in the Making Space for Water programme's rural initiatives, and an update on the new Wai Ora Rural Partnerships team.
3. In the November 2024 report, staff committed to share forward work programmes for the 2025/26 financial year for the Rural Settlements Initiative, Operations North Rural team, and Wai Ora Rural Partnerships team. Recruitment delays have meant that teams delivering this work are still planning their priorities and work programmes. Therefore, the remainder of the 2024/2025 financial year will focus on completing work already underway. These forward work programmes should be able to be shared in the May 2025 meeting following departmental budget discussions and team recruitment.

#### New Rural Partnerships team takes shape

4. As advised in the November 2024 update, two new rurally focused teams have been established within the Healthy Waters and Flood Resilience department. Team leaders have been recruited and work planning is well underway. The Operations North Rural team is continuing largely as it has previously, therefore this report focusses on the Rural Partnerships team.
5. Wai Ora Rural Partnerships will have seven staff dedicated to supporting Auckland's farmers and rural communities to improve water quality and flood resilience through non-regulatory programs. Our current team of five has expertise in pastoral farm systems, soil conservation, land management, water quality, community engagement, and aquatic biodiversity. Recruitment is underway to bring in two new members who will widen our primary industry expertise and experience, with an aim to include horticulture and / or forestry systems knowledge. As a new team, Healthy Waters and Flood Resilience have established rural-focused initiatives, but in the short term, our priority is to clarify our objectives and ensure that our scope is well-defined.
6. Wai Ora Rural Partnerships purpose is to support and incentivise rural communities to adopt environmentally, culturally, socially, and economically sustainable land practices that enhance flood resilience, restore the mauri of all water, and protect the well-being of the wider environment. This includes supporting highly valued partnerships, pro-active adoption of evidence-based solutions, and productive communities and land. This purpose is intended to provide a starting point, with the understanding that it will evolve as we refine our strategy in the coming months.
7. Our current non-regulatory work program consists of three main categories: funding programs, education and engagement, and expert advice.

8. These workstreams provide:
  - funding opportunities to incentive restoration
  - expert water quality, freshwater ecology, and land management advice
  - support for catchment groups
  - creating and enabling catchment / ecosystem management plans.
9. The current work programme includes existing and adopted programmes operating in the rural landscape. Refer to Table 1 for a sample of existing programmes.

Table 1. Wai Ora Rural Partnerships current work programme

	Program Name	Purpose
<b>Funding and grant programs</b>	Hill Guard	Pastoral hill country erosion control.
	Waterway Protection Fund	Waterway fencing and planting.
	Making Space for Rural Water Fund	Wetland and flood plain enhancement – being developed further with a hydrologist.
	Fonterra Wet Area Reversion Program	Revert naturally occurring, grazed wet areas to wetlands on Fonterra supplier farms.
	Safe Septic	To support onsite wastewater systems to be compliant.
	Mahurangi Land Restoration Program	Waterway fencing and planting, sealing unsealed roads in the Mahurangi catchment.
<b>Education and engagement</b>	Mystery Creek Field days	Engage with a large audience to provide advice and support on waterway restoration.
	Sponsorship and committees	New Zealand Farm Environment Trust (Ballance Farm Environment Awards), New Zealand Poplar & Willow Research Trust
	Workshops	Wide range of topics related to water quality and flood resiliency e.g. waterway restoration, understanding natural stream processes, regenerative agriculture, and goal setting for catchment groups.
<b>Expert advice</b>	Lifestyle Block Program – pilot	Provide advice on a range of topics for lifestyle block owners.
	Action plans for catchment groups	To empower catchment groups with knowledge to take ownership of challenges, implement mitigations and strategically align resources to achieve outcomes.
	More than Water – rural	The development of a user-friendly tool derived from the Freshwater Management Tool data.
	Regulatory and policy support	Providing practical advice and support to policy and regulatory requirements.

10. Rural settlements and the three rural local boards (Rodney, Franklin, and Aotea) will be the responsibility of our team. However, as the team's strategy evolves, these current work programs may be adjusted or discontinued. This will be determined based on budget availability, team expertise, stakeholder and elected member advocacy, and whether the work programme has delivered its expected outcomes.
11. In relation to Making Space for Water rural community initiative, a long-term programme plan is being developed in collaboration with a hydrology expert. We anticipate that the programme will include mitigation implementation, a contestable grant programme, and educational components.
12. Staff would like to seek feedback and expertise from the Rural Advisory Panel on any wider water quality or flooding related purposes the panel believe the team need to adopt to best serve the rural community and any advice on program improvements. Additionally, we encourage feedback regarding potential overlaps with existing industry efforts to ensure our work is not duplicating initiatives already in place. We would also welcome any thoughts on potential partnerships that could help strengthen and expand the impact on water quality and flood resiliency in Auckland.

### Making Space for Water rural initiatives

13. Progress to date has been enabled by building strong collaborations with Auckland Transport and Council's Marae Infrastructure Fund and Parks and Community Facilities teams.
14. Auckland Transport has assessed flood depth risks to roading in settlements that could use Council's rural halls during a flood. Those with choke points of less than 300mm of standing water are now being priced to fix. A prioritised list of works that could be funded within the Rural Settlements Initiative capex budget is expected in March 2025.
15. There are three marae water asset infrastructure projects underway to improve water supply. Works are expected to be complete in mid-2026. As well as strengthening the daily operational service of the marae, these improvements will benefit local rural communities during a flood event if the marae is providing manaakitanga.
16. Staff expect to finalise an interactive database in March 2025 to assess flood risk to rural community halls and marae sites. This will enable staff to stage a programme of minor flood works to improve asset protection and access. This will be done in collaboration with Parks and Community Facilities and the Marae Development team.
17. As advised in the November 2024 update, a Rural Catchment Prioritisation Framework has been developed. This underpins the Making Space for Water Rural Community programme. We are currently contracting a hydrology expert who will create a tailored flood resilience plan for the priority catchments over the next several years. The plan will include recommendations of mitigations that when implemented will have the most effective impact.
18. A new contestable grant program to manage the severity and impact of flooding has commenced. The grant is for rural landowners with properties over five hectares and a waterway within six priority flood risk catchments: Mauku Stream, Whangamaire Stream, Oira Creek, Whangapouri Creek, Tutaenui Stream and Slippery Creek. The grant provides financial support to fence and plant in wetlands and flood plains, with the provision of alternative water supply for stock who previously drank from unfenced waterways.
19. The long-term Making Space for Water Rural Community Initiative is being developed in collaboration with a hydrology expert. We anticipate that the program will include mitigation implementation, a contestable grant program, and educational components.
20. Staff have also engaged with Federation Farmers members on the Flood Viewer and associated modelling inputs. The purpose of this engagement is to build understanding of the modelling methodology, constraints, and areas for improvement.

## Next steps

21. Receive feedback from the panel on rural water quality or flooding related issues, industry overlaps and potential partnerships that could help strengthen and expand the Wai Ora Rural Partnerships programme.
22. The next update to the Rural Advisory Panel will be at the May 2025 meeting.

## Ngā tūtohunga Recommendation/s

That the Rural Advisory Panel:

- a) whiwhi / receive the information on Healthy Waters and Flood Resilience activities in rural Auckland

## Ngā tāpirihanga Attachments

There are no attachments for this report.

## Ngā kaihaina Signatories

Author	Elizabeth Johnson – Principal, Wai Ora Strategic Programmes
Authorisers	Craig Mcilroy – General Manager, Healthy Waters and Flood Resilience Barry Potter - Director Resilience and Infrastructure Warren Maclennan - Manager Regional, North, West and Islands Planning



## Essential Freshwater update report to Rural Advisory Panel

File No.: CP2025/00414

Item 6

### Te take mō te pūrongo

#### Purpose of the report

1. To provide an update on central government's review of the freshwater instruments within the former *Essential Freshwater* programme and implications for Auckland Council's implementation of the various instruments encompassed by that programme.

### Whakarāpopototanga matua

#### Executive summary

2. The coalition government are committed to a significant programme of regulatory reform over their first term in office, including changes that directly affect four of the five regulatory instruments that formed the previous government's Essential Freshwater package. This includes 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)
  - Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion).
3. Phase two of the coalition government's regulatory reform programme consists of proposed amendments to the Resource Management Act, currently via the Resource Management (Consenting and Other System Changes) Amendment Bill (RM Bill #2), and in the near future, through proposed changes to multiple national direction documents (National Policy Statements and National Environmental Standards).
4. The Resource Management (Freshwater and Other Matters) Amendment Act 2024 (arising from RM Bill #1 which was covered in the November 2024 update report) came into effect in late 2024.
5. RM Bill #2 is currently at the Select Committee stage following recent consultation. The Bill proposes significant changes to the freshwater farm plan legislation contained in Part 9A of the Resource Management Act.
6. In addition, one proposed clause seeks to amend section 70 of the RMA to enable councils to include a plan rule that allows, as a permitted activity, a contaminant discharge into water or onto land that finds its way into water (see section 70(1)(a) or (b)) that may cause significant adverse effects. However, certain prerequisites are required to be met as proposed in new subsection 3 (i.e. already pre-existing effects, standards for permitted activity, and reduced nature of effect over specified time period set out in rule). This amendment has a bearing on implementation of the National Policy Statement for Freshwater Management and other *Essential Freshwater* instruments.
7. At the time of writing, staff were preparing council's submission on RM Bill #2, including on the proposed changes to Part 9A. Central government timeframes were relatively tight for providing feedback on potentially significant changes. Submissions closed on 10 February 2025. A copy of council's submission will be provided to the Panel.

## Guidance documents / reports published

8. Since the Rural Advisory Panel's last meeting in November 2024, the Ministry for the Environment (MfE) have published multiple factsheets in relation to changes to Essential Freshwater instruments that came into effect over 2024. Council staff are not aware of any publications from the Ministry of Primary Industries relevant to the Essential Freshwater instruments. The identified MfE publications are as follows:
- MfE – [Amendments to intensive winter grazing regulations - Section 32 report](#) (published 9 January 2025)
  - MfE - [Amendments to intensive winter grazing regulations factsheet](#) (published 6 December 2024)
  - MfE - [Amendments to the Stock Exclusion Regulations factsheet](#) (published 6 December 2024)
  - MfE - [Exclusion of the hierarchy of obligations from resource consenting factsheet](#) (published 6 December 2024)
  - MfE – [Notification of freshwater planning instruments factsheet](#) (published 6 December 2024)
  - MfE - [Freshwater interventions literature review](#) - Impact of Jobs for Nature projects on freshwater ecosystems (published 20 November 2024).

## Regulatory and planning updates

### National reforms of freshwater instruments

9. The Resource Management (Freshwater and Other Matters) Amendment Act 2024 came into force on 25 October 2024 meaning the amendments to intensive winter grazing and stock exclusion regulations are now in effect (see factsheets in paragraph 5 of this report).
10. By the date of the February Rural Advisory Panel meeting, the RM Bill #2 will be at the Select Committee. Proposed amendments of greatest relevance for the Rural Advisory Panel are:
- a) significant changes to Part 9A Freshwater Farm Plans (see below for further commentary).
  - b) changes to section 70 which enables a regional council to create a permitted activity where a discharge may have a significant adverse effect, due to existing contaminant loads, but contribute to reduced contaminant loads over a set period of time.
  - c) changes to resource consent timelines for wood processing facilities to require consents to be decided within one year of application.
11. Changes to national direction as expressed through multiple national policy statements and national environmental standards are also expected to be put out for consultation in March 2025. This is expected to include changes to several Essential Freshwater instruments including:
- a) National Policy Statement for Freshwater Management
  - b) National Environmental Standards for Freshwater
  - c) Stock Exclusion regulations.
12. In addition to the changes across Essential Freshwater instruments, changes are also expected across the following national policy statements relevant to the panel:
- a) National Policy Statement for Highly Productive Land
  - b) National Policy Statement for Indigenous Biodiversity
  - c) National Environmental Standards for Commercial Forestry.

### Changes to Part 9A Freshwater Farm Plans

13. RM Bill #2 proposes multiple amendments to Part 9A which are intended to support approved industry organisations (AIOs) to play a stronger role in the delivery of the freshwater farm plan (FWFP) system. The proposed amendments provide for AIOs to deliver certification and auditing functions themselves and under different regulatory settings from non-AIO certification and auditing systems. The proposed amendments would also see the Minister of Agriculture holding authority over the approval of industry organisations and the cancellation of an organisation's approval status.
14. Key themes raised for consideration in council's submission on Part 9A include:
  - a) support in principle for AIOs to play a greater role in the delivery of the FWFP system, including certification and auditing requirements that may vary from non-AIO system requirements. However, it's essential that the changes deliver consistent levels of regulatory credibility and robustness across both AIO and non-AIO system.
  - b) the need for councils to have sufficient powers to deliver their monitoring, compliance, and observance functions under the legislation including for AIOs to be required to provide sufficient information reasonably required by councils to deliver their functions.
  - c) for councils to have sufficient enforcement powers that allow them to respond to poor AIO performance or non-compliance directly with AIOs within their region and in a manner that discourages non-compliance or poor performance.
  - d) concern about the appropriateness of the Minister's role within the system and the impact this would have on perceptions of system impartiality, credibility and reliability.

## Ngā tūtohunga Recommendation/s

That the Rural Advisory Panel:

- a) whiwhi / receive the update on central government's review of the freshwater instruments making up the former government's *Essential Freshwater* programme.

## Ngā tāpirihanga Attachments

There are no attachments for this report.

## Ngā kaihaina Signatories

Author	Andrew Bird - Senior Analyst NES
Authorisers	Louise Mason - General Manager Policy Warren Maclennan - Manager Regional, North, West and Islands Planning



# National Policy Statement for Freshwater Management programme update

File No.: CP2025/00506

Item 7

## Te take mō te pūrongo

### Purpose of the report

1. To update the Rural Advisory Panel (RAP) on recent developments in the council's programme to implement the National Policy Statement for Freshwater Management (NPS-FM).

## Whakarāpopototanga matua

### Executive summary

2. A report to the RAP meeting on 1 November 2024 included a summary of three issues and options reports relating to riparian management, agricultural discharges, and land disturbance and sediment. Written feedback on the reports was subsequently received from several RAP members. A workshop to discuss the feedback is scheduled for 12 February 2025.
3. Work has continued on the assessment of issues and options for other topics. A report on the on-site wastewater provisions was received by the NPS-FM Political Working Group in December 2024. The reports that are currently progressing through the internal council approvals process relate to:
  - aquatic life attributes (MCI, fish indices in rivers, submerged plants in lakes)
  - water quantity and allocation
  - telemetry monitoring of consented water takes
  - horticulture.
4. The rural aspects of the issues and options reports will be presented to future RAP meetings.
5. Other work undertaken in recent months includes programme planning (including timing for future stakeholder engagement), and initiation of the economic assessment work. Care is being taken to allow flexibility for responding to the government's upcoming changes to the NPS-FM and other national direction documents.

## Ngā tūtohunga

### Recommendation/s

That the Rural Advisory Panel:

- a) whiwhi / receive the update on the council's programme to implement the National Policy Statement for Freshwater Management.

## Introduction

6. The NPS-FM sets out the national objectives and policies for freshwater management under the RMA. The council is required to implement the NPS-FM by notifying a plan change to the Auckland Unitary Plan (AUP) (by 31 December 2027) and by preparing action plans that set out changes in council's non-regulatory activities. The government is currently reviewing the NPS-FM as part of the broader programme of resource management reform. It is expected that the government will undertake consultation on changes to the NPS-FM within the next few months and that the revised NPS-FM will be finalised in the second half of 2025.

7. The council's NPS-FM programme is planning to undertake community consultation on a draft plan change in 2026 and then notify a plan change for submissions in 2027. This timing will depend on the final timing and content of the revised NPS-FM.
8. Although the timeline for the AUP plan change has been extended, it is important that the NPS-FM work programme continues to gather information, identify issues and formulate possible management options, and then to start seeking advice on these approaches. The terms of reference for the Rural Advisory Panel notes that the purpose of the Panel is to provide advice to the council on policies, plans and strategies relevant to rural issues.

## Issues and options reports

9. Recent work in the NPS-FM programme has focused on the preparation of a series of issues and options reports relating to different freshwater management topics. The reports provide an overview of the relevant activities, their impact on freshwater health, the effectiveness of current management, and the options and recommendations for more effectively managing these activities in the AUP and through action plans. The reports are not council policy but will be a foundation for engagement with mana whenua and stakeholders, and for drafting the future plan change and action plans.
10. A report to the 1 November 2024 RAP meeting included a summary of three issues and options reports relating to riparian management, agricultural discharges, and land disturbance and sediment. Written feedback was subsequently received from:
  - Beef + Lamb New Zealand, Dairy NZ, Horticulture NZ, Deer Industry New Zealand (joint feedback across all topics)
  - Federated Farmers, Dairy New Zealand (feedback on agricultural discharges)
  - New Zealand Forest Owners Association, Forest Growers Levy Trust (feedback on riparian management and land disturbance)
  - Horticulture NZ (feedback on riparian management and land disturbance)
11. Attachment A is a summary of the written feedback as well as the verbal feedback received at the RAP meeting. Several people at the meeting requested a workshop on the reports. This has been scheduled for 12 February 2025.
12. The feedback received has provided useful clarification of the matters discussed at the RAP meeting. The feedback will be used in updating or amending the proposals in the issues and options reports before they are discussed further with mana whenua and stakeholder groups later in 2025. There will also be other refinements to the proposals as other work is completed and integrated into relevant work areas. The proposals will not be part of consultation with the rural sector more broadly, or the general public, until the NPS-FM is revised and council has prepared a draft plan change.
13. Future reports to RAP will include other issues and options reports that are relevant to rural communities. The report relating to on-site wastewater systems was received by the NPS-FM Political Working Group in December 2024. That report proposes the development of a separate plan change to address some technical issues with the existing AUP permitted activity standards (e.g. referring to outdated guidance documents) and to enhance how the plan provides for on-site system upgrades. Once the plan change drafting has been progressed, it will be reported to the RAP and to the Policy and Planning Committee.
14. The reports that are currently progressing through the internal council approvals process relate to:
  - aquatic life attributes (MCI, fish indices in rivers, submerged plants in lakes)
  - water quantity and allocation
  - telemetry monitoring of consented water takes
  - horticulture.

15. It is anticipated that the aquatic life, water quantity and telemetry reports will be finalised before the next RAP meeting. The horticulture report is at an earlier stage of development.

## Other work areas

16. A work planning exercise has been undertaken to consider the main work areas for the NPS-FM programme in 2025. The first half of 2025 will be focused on completing the further work identified in the issues and options reports, and on progressing the baseline and target attribute state identification workstreams. Engagement with mana whenua and stakeholders will then take place in the second half of 2025. This timing also allows for engagement on how the council should respond to the revised NPS-FM.
17. NZIER have been appointed as the consultant economist for the programme. These economists have considerable experience in working on freshwater and rural cost benefit analysis. They will work across all aspects of the programme so that consistent metrics and approaches can be used. The initial stage of the work is on information gathering and development of an assessment approach. We have noted the previous advice from rural groups that the economic assessment needs to be relevant at farm scale as well as regional, and that it needs to be tailored to different types of farming and growing.

## Ngā tāpirihanga

### Attachments

No.	Title	Page
A <a href="#">↓</a>	Summary of feedback received from RAP on the issues and options reports on riparian management, agricultural discharges, and land disturbance and sediment	17

## Ngā kaihaina

### Signatories

Author	Kath Coombes - Team Leader - Regional Planning
Authoriser	Warren Maclennan - Manager Regional, North, West and Islands Planning





## Memo

<b>To:</b>	Kath Coombes, Team Leader - Regional Planning
<b>Cc:</b>	Ben Lee, SLR Consulting Michael Parsonson, Southern Skies Environmental
<b>Subject:</b>	<b>Summary of feedback received from the Rural Advisory Panel (RAP): National Policy Statement for Freshwater Management 2020 (NPS-FM) Issues and Options reports on riparian management, agricultural discharges, and land disturbance and sediment</b>
<b>From (Author):</b>	Kimberley Edmonds, Senior Policy Planner, Regional Planning Team
<b>Reviewed by:</b>	Kath Coombes, Team Leader - Regional Planning
<b>Version:</b>	1
<b>Date</b>	28 January 2025

### 1. Purpose

This memo provides a summary of feedback received from the Rural Advisory Panel (the Panel) regarding the NPS-FM issues and options reports on *riparian management, agricultural discharges, and land disturbance and sediment*.

### 2. Background

The NPS-FM programme includes the development of issues and options reports on a range of urban and rural activities that can affect freshwater quality, quantity and ecosystem health.

Issues and options reports summarise current knowledge, policy, and regulatory direction for different freshwater management topic areas. These reports are used to establish recommendations on the general approach to be used in the Auckland Unitary Plan (AUP) plan change, and to identify information gaps.

Findings from these reports were presented to the Panel on November 1, 2024. The three report topics were:

- Riparian management
- Agricultural discharges
- Land disturbance and sediment

Initial feedback from Panel members was received at the meeting and can be read in **Attachment 1**. Further written feedback was provided as follows -

Document	Date	Panel member
Feedback – Riparian Management	15 November 2024	New Zealand Forest Owners Association, Forest Growers Levy Trust
Feedback - Land Disturbance and Sediment	15 November 2024	New Zealand Forest Owners Association, Forest Growers Levy Trust

Agricultural Discharges Feedback	29 November 2024	Federated Farmers, Dairy New Zealand
Horticulture New Zealand Feedback	15 November 2024	Horticulture New Zealand
Primary Sector Feedback	29 November 2024	Beef + Lamb New Zealand, Dairy NZ, Horticulture NZ, Deer Industry New Zealand

### 3. Feedback received

Feedback is summarised under the topics: riparian management, agricultural discharges, land disturbance and sediment, and general.

#### 3.1. Riparian management

New Zealand Forest Owners Association, Forest Growers Levy Trust

- Disagree that there is evidence to propose such setbacks for plantation forestry.
- One size does not fit all (the national direction has been set considering different rural production activities, the mitigation for effects and the cost benefit analysis of mitigations).
- ‘Planted vegetation’ and fencing is a farm centric approach and not forestry best practice (there is usually significant vegetation that grows up in the setback areas in plantation forests).
- Notes the National Environmental Standards for Commercial Forestry (NESCF) and the High Court case *CIV-2021-409-570 Rayonier New Zealand Limited and Port Blakely Limited v Canterbury Regional Council*. Information relevant to the Auckland region is needed to justify a council rule being more stringent. The council cannot increase provisions for riparian management that relate to terrestrial biodiversity management or general landscape reasons.
- The diagrams in the proposals are not clear as to where the setbacks will be measured from (i.e. NESCF – measured from the top of a bank of continually flowing and intermittent rivers/streams, no matter what the width).
- Setbacks from wetlands and lakes have been based on the situation in forestry that unlike pasture, planted trees do not like wet feet. In forestry there is a clear demarcation on the ground of a wetland/lake versus the planted land.
- Forestry does not rely on setbacks to treat/control sediment.
- Any increase in the setback widths will have to consider the issue of ETS liabilities. It is noted that the national cost/benefit study referred to in the report did not take this into consideration.
- The report has very little assessment of the setbacks set out in the NESCF. In section 8.1 there is reference to the EDS 2019 report and its comments on the adequacy of the NESPF setbacks. The EDS report is not science based but an opinion on the effectiveness of the NESPF.

Horticulture New Zealand

- The impact of losing highly productive land for riparian buffer strips should be specifically investigated, and those findings then considered, alongside other relevant matters, before any assumptions or further work on the NPSFM plan development is continued.
- Given Pukekohe is one of the major fresh vegetable production areas in New Zealand, any policy or approach that reduces land availability for vegetable production will have a significant national impact.
- The StoryMap ‘Fresh produce and freshwater’ provides a good basis for what challenges there are when considering appropriate ways to provide for commercial vegetable production in planning processes and the unintended consequence of relying on blanket approaches to solving freshwater issues.
- One practice, such as riparian planting, does not offer the total solution. A suite of mitigations (i.e. Erosion and Sediment Control Guidelines for Vegetable Production) can be used to create the right erosion and sediment control plan appropriate to the operation and land.
- The Erosion and Sediment Control Guidelines for Vegetable Production have been embedded in planning regimes based on evidence that hard riparian limits are not the most efficient or effective method for erosion and sediment control for vegetable production.
- A primary stream and river set back of between 10 – 20m does not pass the RMA statutory tests (evidence base) and is a fundamental failure in the understanding of the vegetable production system.
- The issues and options paper highlighted the need for a better understanding of our sector across different departments within the council.

Beef + Lamb New Zealand, Dairy NZ, Horticulture NZ, Deer Industry New Zealand

- Support and encourage the establishment and integration of riparian margins to improve water quality and enhance biodiversity.
- The setbacks proposed are highly concerning for the sector for a range of reasons including cost (both initial and ongoing), practicality, and the loss of productive land.
- Blanket rules for different waterway types e.g., permanent streams, intermittent waterways do not consider the significance, scale, size, flows, or other hydrological considerations. Setting appropriate riparian buffers requires a tailored, farm plan approach.
- Landowners need flexibility in establishing riparian planting programmes, large setbacks filled with weeds is not what the community envisages for their waterways.
- Rigid or overly ambitious targets may lead to impractical outcomes, with blanket planting potentially missing the opportunity for more effective, tailored solutions.
- Farm and paddock scale variances would support larger setbacks in critical source areas with smaller setbacks where preferential flow does not occur.
- Concerns that slope is not a consideration within the setbacks. Fencing and planting in hill country areas for example, can come at a huge cost and can be incredibly difficult to implement. Riparian planting intermittent streams in hill country regions by 20m would likely see many sheep, beef, and deer businesses becoming unviable.
- Notes the lack of data and evidence justifying the 20m buffer in the issues and options paper.
- Concerns with rules around buildings and structures needing to be outside of the riparian margin or having a buffer between.

- Support the acknowledgement that significant funding will be required from the public.
- Clarification needed on whether planting of riparian margins would be voluntary or compulsory.
- Support the further work indicated in the report on the benefits of smaller riparian setbacks.

### 3.2. Agricultural discharges

#### Federated Farmers, Dairy New Zealand

- Farm dairy effluent (FDE) - concerns with information provided in the report e.g. in reference to Waikato, it states that dairy farms all have consents when the discharge of effluent is largely undertaken as a permitted activity.
- Support standards using setbacks to manage the risk of FDE to water – however should apply to irrigation and ‘new infrastructure’. Enabling the use of these existing ponds and structures is vital to farmers, and the requirement for setbacks should only apply when infrastructure renewal is required. Additionally, there are setbacks required under farm supply conditions to manage food safety and water quality risks.
- Dairy Effluent Storage Calculator - the DESC is a valuable tool - recommend adopting the 90th percentile to reflect the margin of error that occurs season to season.
- Leak detection of effluent storage systems - DairyNZ is funding a review of practice note 21 which contains guidance on leak detection and permeability standards used for dairy effluent infrastructure. The material provided in the report will not reflect PN21 which is working through a final round of consultation. The council needs to ensure that any requirements align with the revised practice note.
- Pond levels to be achieved by Autumn - support the management of FDE through Freshwater Farm Plans (‘FWFPs’) to demonstrate farm specific risk management. We do not support any requirements for reducing freeboard by a certain date. This often creates complications when the weather does not match the season, and also presents potential non-compliance risks. Pond level management should be managed through an effluent management plan and recorded in a FWFP.
- Nutrient Management Plans - support the use of nutrient budgets but want to highlight the importance of the use of “provided to council upon request” which creates a good balance between achieving the environmental outcome and reducing the burden on farmers when concerns are not raised on farm.
- It would be valuable to ensure that conditions on nitrogen loading rates in permitted activity rules are consistent so farmers can clearly understand the objectives of the plan. FWFP’s would be an appropriate place for farms to manage and report on nutrients.
- Strongly encourage the use of FWFPs to demonstrate and report on compliance with regional rules. This provides a simple and consistent way to manage on farm risks in a way farmers are already using.
- Strongly support the continuation of a permitted activity framework supporting farmers who meet industry standards. This aligns with the potential resource management reform which would introduce national standards that would replace consenting requirements.
- Where farmers cannot meet this standard as a permitted activity condition, the use of discretionary status provides certainty that there is a pathway to achieve similar outcomes with a unique approach to managing FDE.

- Approach for discharges to water - the council is still developing their thinking, but early indications are that it would not be a prohibited activity. This approach is supported and would recommend a discretionary pathway which allows appropriate controls to manage risk (or decline if risks cannot be managed).
- Fertiliser use - support the use of nutrient budgets tailored to the farm which farmers already use as a way of allocating the economically efficient rates of fertiliser to their system. The maximum application rate is an area that industry would like to discuss with the council. Industry guidance provides standards to use which are heavily dependent on the soil type, season, system and grazing practices.
- Support the council's approach on intensive winter grazing, given its limited practice on the regional and national rules.

Beef + Lamb New Zealand, Dairy NZ, Horticulture NZ, Deer Industry New Zealand

- In principle, support the overall objective of stock exclusion and the benefits this provides rivers, lakes and wetlands where reasonable.
- Acknowledge that sheep are already part of stock exclusion rules in the AUP, however we do not support sheep being included in stock exclusion rules. Unlike other stock, sheep do not have a natural tendency to stand in or disturb stream margins or beds, their feet are much lighter and therefore pose a reduced risk to stream bank erosion and they get much of their water needs through grazing pastures. Therefore, the additional cost of a multiwire fence is a costly exercise to bring little environmental gains.
- The exclusion of stock is one way of reducing sediment in waterways. However, an integrated approach must be taken towards sediment control. This will require acknowledging that more than one activity may be responsible for sediment entering waterways.
- Landowners need to be provided with the opportunity to spread the costs associated with stock exclusion over longer periods of time. There is not the ability to pay for costs that have not been planned for. Support the council recognising that a long timeframe is needed for this, and it may take 50 years.
- Exclusion from rivers - the proposed 10m exclusion distance is not supported. This is a significant cost and loss of land to farmers and does not consider the issues in excluding stock from hill country areas. If a distance is to be set, we advocate that the council aligns with the national regulations of 3 metres. Additionally, existing fencing should be recognised and only required to be moved when replacement is required.
- Support the council's recognition of an averaging approach, for example "Setback distances to be an average per farm, with a 3m minimum and 20m maximum (excludes wetlands and drains)"
- Support the council defining exclusion from rivers greater than 1 metre wide. This should also only apply to continuously flowing water, rather than applying to intermittent waterways.
- Exclusion from wetlands - it is important that wetlands for the purposes of stock exclusion are well defined and exclude human constructed wetlands, critical source areas, and wet pastures.
- Stock exclusion from wetlands would be best completed under an FWFP or FEP whereby farmers can identify areas of the farm that would bring the greatest results to wetland and freshwater ecosystem health.

- Rules that mandate the exclusion of stock from wetlands must not discourage farmers from constructing wetlands or penalise those that have worked to retain and maintain wetlands over those that have removed and therefore escaped costs of wetland management.

### 3.3. Land disturbance and sediment

#### New Zealand Forest Owners Association, Forest Growers Levy Trust

- The reports suggest that there is no guidance to managing sedimentation from forest practices and therefore it may be an appropriate time to reintroduce the guideline TP223.
- The reports mention that that the industry relies on the NZFOA Code of Practice - this is incorrect.
- NZFOA now has publicly available Forest Practice Guides (earthwork control, erosion and sediment control measures - including sediment retention ponds, tracks, vegetation to manage erosion), along with guides from MPI on how to meet the requirements of the NESCF. In particular how to provide such information in the required management plans. MPI in 2024 produced an extensive guide on the management of slash.
- An objection the forestry industry had to TP223 was the civil engineering approach on stormwater control on earthworks. Forest engineering teaching and practice is to disperse and divert water from earthworks and to provide a variety of measures to control and minimise sediment from discharging to water bodies. This is different to the civil engineering practice of concentrating and collecting stormwater to a centralised point and treating the stormwater in a decanting bund.
- Another objection to TP223 was how the council imposed the guideline as a standard. The reports do not mention the AUP change, from the previous Auckland Regional Plan, in how the council and the NESCF deals with forestry earthworks.
- The background report incorrectly states that TP223 was included in the Proposed Auckland Unity Plan.
- The council must have information relevant to the Auckland region that justifies a council rule being more stringent. This would apply to introducing the guideline of TP223 being applied as a standard.
- The council has not undertaken any review of how the NESCF is operating in Auckland and if the regulations are sufficient to meet any of the council concerns for water quality.
- The presentation included a proposal to recognise “highly erodible land”. The Erosion Susceptibility Classification that underpins the NESCF recognises highly erodible land and it is not clear if the proposals are to deviate from the ESC.

#### Horticulture New Zealand

- Strongly in support of using industry accreditation programmes in the roll-out and implementation of Freshwater Farm Plans.
- As part of the Growing Change project, HortNZ are reviewing industry Codes of Practice. This will include the Erosion and Sediment control guidelines.

#### Beef + Lamb New Zealand, Dairy NZ, Horticulture NZ, Deer Industry New Zealand

- Request that the council pauses work on managing sediment until the new NPS-FM is released and national bottom lines are reviewed.
- Supportive of the recommendation to keep ancillary farming earthworks as a permitted activity
- NRC staff are currently exploring options to revise the approach to mapping land with high erosion risk and have acknowledged a better system is required. The council should also revisit this topic in light of NRC's ongoing approach.
- Appears that the council may be considering requiring HEL to be retired, particularly in certain catchments with sediment issues. Any blanket approaches to the potential retirement of highly erodible land would not be supported.

### 3.4. General

#### Horticulture New Zealand

- Important to be mindful of the impact of regulation and differences in regulation on growers working across multiple boundaries.

#### Beef + Lamb New Zealand, Dairy NZ, Horticulture NZ, Deer Industry New Zealand

- In relation to the reforms and the timeline, concerns that there is potential for misalignment between the regional and national regulations as well as missed opportunities to create efficiencies.
- Councils should slow or pause these processes and wait for direction from central government on what the new NPS-FM, and new resource management act entails to better inform the work programme.
- Would like to better understand the council staff and department involvement in the development and review of the issues and options papers.
- There needs to be careful consideration of placing regulatory pressures on farmers which will likely see the continuation of declines in productive land use and how this will impact the region's economy and communities.
- Emphasise the need for quantification of potential economic impacts for policy approaches - while this can be done at a regional level, the localised impacts of policy options for individual sectors and at the farm level may be significant. At the regional level the costs may be considered small, but at farm level the picture may be different.
- Any land user should be able to understand both what is required of them and the why to address their environmental impacts relevant to the nature, scale and type of operation.
- Each catchment will need its own solution(s) for improving water quality.
- Farm plans should be the main tool for managing on-farm activities that may affect freshwater quality.
- There should be no 'one-size-fits-all' approach.
- The council should encourage community collaboration and catchment groups (e.g. Pukekohe ICMP project) - minimal mention of this in the issues and options paper.
- In general, support some of the key transitioning approaches outlined in the issues and options report. In particular, we are supportive of:
  - measurable outcomes assessed through farm plans
  - overall catchment targets which provides flexibility on where to plant and retire land based on the effectiveness of the land and benefit to the catchment.

Item 7

Attachment A

**Attachment 1**



## Minutes

**What:** Rural Advisory Panel item on NPS-FM issues and options reports on riparian management, agricultural discharges, and land disturbance and sediment

**Where:** Room 1, Level 26, 135 Albert St, Auckland

**When:** 12.30pm, 1 November 2024

**Who attended:** Rural Advisory Panel members: Cr Andrew Baker, Alan Cole, Jesse Brennan, Trish Fordyce, Brian Mason, Annalise Morgan, Linda Potauaine, Leanne Roberts, Greg Sayers, Wayne Scott, Cushla Smith, Geoff Smith, Keith Vallabh, Glenn Wilcox

**Item presented by:** Ben Lee (SLR Consulting), Michael Parsonson (Southern Skies Environmental), Coral Grant (AC), Dave Hampson (AC), Kath Coombes (AC)

**Present:** Warren Maclennan (AC)

### Notes of discussion and action points

The agenda report, powerpoint presentation and official minutes are available at: [Auckland Council Website](#).

These notes provide a record of the feedback received during the meeting.

The Panel's resolution was:

Resolution number RUR/2024/31

That the Rural Advisory Panel:

- a) whiwhi / receive the overview of the NPS-FM issues and options reports on riparian management, agriculture and land disturbance.
- b) whakarite / provide any feedback on the recommendations from the issues and options reports by 15 November 2024.

#### 1. Issues and options report on riparian management – presented by Ben Lee

Points of clarification:

- Benefits of planting both sides of a stream or one side? Generally best to plant both sites.
- When was the work on costs done (presentation slide 7)? Report published in 2023, relates to costs from Northland.
- Where will the money come from for planting or compensation for loss of land? Will there be rates rebates? No work done yet on funding sources. Report suggests that regulations with large impacts on farmers should be supported by wider community providing funding support for planting.
- Consideration of how this relates to farm plans? See slides for next topic. Farm plans are one of the tools being looked at in the NPS-FM programme.
- Will the same rules apply to lifestyle farmers? Yes.

Feedback:

- The proposed riparian setbacks could result in a lot of land lost for growing vegetables.
- Concern about including intermittent streams. It could result in farms not being viable.
- There is a lot of good work already happening with the community.
- Costs are not one-off – they affect the financial viability of farms.
- Affecting vegetable production in Pukekohe will affect New Zealand, not just Auckland.

<ul style="list-style-type: none"> <li>• Note the National Policy Statement for Highly Productive Land and the bigger picture of rural land being lost to development.</li> <li>• There should be compensation for loss of productive farming land, including ongoing costs.</li> <li>• Need to discuss the practicality of requiring yards everywhere.</li> <li>• Concern about having blanket rules when a 10m setback might not be practicable or achievable. Prefer flexibility through farm plans.</li> <li>• Riparian controls might be part of a solution, not the whole solution.</li> <li>• Note the work done on the Whatawhata integrated catchment project in Waikato and its long term monitoring. It demonstrates the need for site-specific considerations in management. The report links were circulated after the meeting by Jesse Brennan: <a href="#">Whatawhata Integrated Catchment Farm - AgResearch</a></li> </ul> <p><a href="#">Full article: Sediment-related water quality of small hill-country streams near Whatawhata, New Zealand. Response to integrated catchment management (ICM)</a></p> <p><a href="#">NIWA Client report</a></p> <ul style="list-style-type: none"> <li>• Concerns about having more stringent controls than the National Environmental Standards for Commercial Forestry (NES-CF). The NES-CF setbacks apply to permanent and intermittent rivers. The NES-CF riparian controls were based on a cost benefit analysis, including consideration of replanting costs and ETS deforestation/replanting liabilities. They are not inconsiderable with these distances. The riparian controls in the NES-CF are working well. Need further consideration of benefits of riparian areas under forestry; they are not planted and support biodiversity.</li> <li>• Concerns about additional costs being particularly significant for young farmers who might have less financial stability.</li> <li>• Need further assessment of how much land would be lost, taking into account the different productivity of high and low slope land.</li> <li>• Need to include provision for cleaning out streams if farms downstream have planting due to potential flooding issues upstream.</li> <li>• Need to clarify that the riparian setback is from the top of the bank, not including any planting along river banks.</li> </ul> <p>Actions:</p> <ul style="list-style-type: none"> <li>• Several Panel members noted that it would be good to hold a workshop on this item.</li> </ul>
<p><b>2. Issues and options report on agricultural discharges (stock exclusion) – presented by Ben Lee</b></p> <p>Feedback:</p> <ul style="list-style-type: none"> <li>• Experience with the severe weather events and issues with accessing rivers where there weren't gates in fences showed that there is a need for contractors to be able to get into streams; health and safety for pest control and other works can be affected by riparian fences.</li> <li>• It is important to provide flexibility for farmers to choose the waterways to fence and plant. No intention to stop access for necessary works.</li> <li>• Need to work with farmers and get buy-in to new processes.</li> <li>• Important in Auckland to include lifestyle blocks that won't be required to have farm plans.</li> <li>• Need to include the costs of fencing maintenance after storm events.</li> </ul>
<p><b>3. Issues and options report on land disturbance and sediment – presented by Michael Parsonson</b></p>

Points of clarification:

- How will the need for increased compliance monitoring feed into council budget processes? Through the NPS-FM action plan feeding into annual plan and LTP processes in future.

Feedback:

**Vegetable growing**

- Need to recognise the responsibility growers feel for feeding NZ and for environmental management.
- Council staff need to attend Pukekohe growers meetings and work with other council colleagues involved in other work (e.g. farm plan uptake, industry assurance programmes like Good Agricultural Practice (NZ GAP) schemes, codes of practice, Pukekohe ICMP) to have a good understanding of vegetable growing practices.
- Speak to Peter Nowell (Healthy Waters) about the mapping tool under development for sediment control.
- Note that vegetable growers already have sediment and erosion control practices. Need to understand what is already done by growers before bringing in controls. The rules could have a disproportionate effect on growers when they already manage sediment loss.
- Offer to do a horticulture deep dive / site visit to better understand horticulture practices.
- The vegetable growing codes of practice are currently being revised.
- Frustration at proposals when there have been past discussions with council on the same matters.
- Need further work on whether the sediment issues in the Manukau catchment relate to growers or urban developments. They may need localised responses.
- Would like to see analysis of sediment sources and how sediment moves to and around the Manukau Harbour.
- A catchment approach should consider lifestyle blocks as well as growers.
- Support for increased compliance as people complain to the local board about having to comply with rules when they see illegal landfills or other earthworks that are not being picked up by council.

**Forestry**

- Frustration at the impression that there was no existing best management practice for forestry because the code of practice was under review and so it was a good time to reintroduce TP223. Should recognise the forest practice guide that was bought in with the NES-CF.
- Need to assess how well the NES-CF is working in the region and make a region-specific justification if more stringent controls are to be imposed.
- TP223 was used in consent conditions as a standard when it is written as a guide. Issues with that meant it was not included in the AUP.
- The Forestry Liaison Group has previously found that compliance issues are generally with small forest blocks rather than large forests. The Rodney Local Board and Auckland Council developed a handbook for small woodlots and it is not available on the council website.

4. **General actions**

- Panel members will send written feedback by 15 November 2024.
- A workshop will be set up after the feedback is received.