Taranaki Regional Council

AGENDA
Policy & Planning

Tuesday 15 October 2024 10.30am

Policy and Planning Committee

15 October 2024 10:30 AM - 12:30 PM

Agenda Topic — Page

Date: 15 October 2024

Subject: **Policy and Planning Committee Minutes - 3 September 2024**

Author: N Chadwick, Executive Assistant to the Chief Executive and Chair

Approved by: A D McLay, Director - Resource Management

Document: 3313349

Recommendations

That Taranaki Regional Council:

a) takes as read and confirms the minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Tuesday 3 September 2024

b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 24 September 2024.

Appendices/Attachments

Document 3303948: Policy and Planning Committee Minutes – September 2024

Date: 3 September 2024

Venue: Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford

Document: 3303948

Present:

C S Williamson	Chairperson
S W Hughes	
B J Bigham	zoom
D M Cram	
D H McIntyre	
A L Jamieson	
C L Littlewood	(ex officio)
N W Walker	(ex officio)
P Moeahu	Iwi Representative
E Bailey	Iwi Representative
L Gibbs	Federated Framers
B Haque	New Plymouth District Council
C Filbee	South Taranaki District Council

Attending:

S J Ruru	Chief Executive
A D McLay	Director – Resource Management
M J Nield	Director – Corporate Services
A J Matthews	Director – Environment Quality
F Kiddle	Strategy lead
A Smith	Communications Advisor - Science
F Kumeroa	Scientist - Freshwater (left meeting at 11.48am)
T McElroy	Manager - Science and Technology (left meeting at 11.48am)
A Collins	Scientist - Water Quality (left meeting at 11.48am)
B Zieltjes	Team Leader - Freshwater and Coastal (left meeting at 11.48am)
L Hawkins	Policy Manager
C Woollin	Communications Advisor
M Jones	Governance Administrator

The meeting opened at 10.45am

Apologies: Were received and sustained from Councillor Boyde – Stratford District Council and M Ritai.

Williamson/Littlewood

1. Confirmation of Minutes Policy and Planning 23 July 2024

Resolved

That the Taranaki Regional Council:

a) took as read and confirmed the minutes of the Policy and Planning Committee of the Taranaki Regional Council held at 10.30 on 23 July 2024 at Taranaki Regional Council 47 Cloten Road Stratford

b) noted the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 6 August 2024.

Hughes/Cram

2. Freshwater Implementation Update August 2024

2.1 L Hawkins provided a freshwater update for August 2024. The consultation process has concluded.

Resolved

That the Taranaki Regional Council:

a) received the August 2024 update on the Freshwater implementation Programme.

Cram/Hughes

3. Can I Swim Here? Report Card 2024

3.1 A Collins provided an overview of the results from the 2023/24 'Can I Swim Here?".

Resolved

That the Taranaki Regional Council:

a) received the Can I Swim Here? Report Card 2024.

Moeahu/Bailey

4. Freshwater Macroinvertebrate State of the Environment Monitoring Report

4.1 F Kumeroa provided an update on the Freshwater Macroinvertebrate State of the Environment Monitoring Report.

Resolved

That the Taranaki Regional Council:

a) received the report Freshwater Macroinvertebrate State of the Environment Monitoring Report 2019-23

b) noted the recommendations therein.

Walker/McIntyre

5. Submission on Proposed Temporary Fishing Closure in Western Taranaki

5.1 F Kiddle provided an overview of the proposed extension to the temporary fishing closure in Western Taranaki.

Resolved

That the Taranaki Regional Council:

a) received the memorandum titled Submission on Proposed Temporary Fishing Closure in Western Taranaki

b) endorsed the submission contained in Appendix One

c) determined that this decision be recognised not significant in terms of section 76 of the Local Government Act 2002

d) determined that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determined that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Hughes/Cram

6. Climate Change Mitigation Submissions

6.1 F Kiddle provided an update on the Climate Change Mitigation Submissions.

Resolved

That the Taranaki Regional Council:

a) received the memorandum titled Climate Change Mitigation Submissions

b) endorsed the Submission in Attachment One on the Government's proposals for a regulatory regime for carbon capture, utilisation and storage

c) noted the contents of the Taranaki Mayoral Forum submission in Attachment Three on the discussion document for New Zealand's second emission reduction plan

d) determined that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002

e) determined that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determined that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Williamson/Walker E Bailey and C Filbee voted against. The motion passed

There being no further business the Committee Chairperson, C S Williamson, declared the meeting of the Policy and Planning Committee closed at 12.07am.

Policy and Planning

Committee Chairperson: _____

C S Williamson

s

Date: 15 October 2024

Subject: **Improving timeliness of jury trials submission**

Author: Finbar Kiddle, Strategy Lead

Approved by A D McLay, Director - Resource Management

Document: 3312180

Purpose

1. To seek endorsement of a submission on the New Zealand Government's discussion document on improving the timeliness of jury trials.

Executive summary

2. The Government is seeking feedback on increasing the threshold for when a trial by jury is an option. Jury trials are currently an option for offences with a term of imprisonment not exceeding two years. The Government is considering increasing this to three, five or seven years. Major offences under the Resource Management Act 1991 (RMA) generally carry a maximum term of imprisonment not exceeding two years, so trial by jury is an option.
3. It is proposed that Council submit in support of a modest increase of the threshold for a jury trial to offences with a maximum sentence of imprisonment of three years or more. Trial by jury then would not be an option under the vast majority of cases related to the RMA. This would free up considerable Council staffing resources to focus on other compliance activities, without substantively eroding the right to a jury trial overall.

Recommendations

That Taranaki Regional Council:

a) receives the memorandum titled Improving timeliness of jury trials submission

b) endorses the submission contained in Appendix One

c) determines that this decision be recognised not significant in terms of section 76 of the Local Government Act 2002

d) determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

4. The right to a jury trial in New Zealand is protected in the New Zealand Bill of Rights Act 1990. In this it states that anyone who is charged with an offence has the right to a trial by jury where the penalty is or includes imprisonment for two years or more. Section 339 of the Resource Management Act 1991 (RMA) sets out for major offences, persons are liable on conviction to imprisonment for a term not exceeding 2 years. Accordingly, trial by jury is an option.
5. The Government is now consulting on potential changes to the jury trial system. They are seeking to resolve the issue of jury trials contributing to delays in the criminal jurisdiction of the District Court. The problems with the current system they cite are:

a. Jury trials take longer to resolve and are more resource intensive than judge-alone trials. In the year from June 2022, jury trials took on average 13.5 court events to resolve, compared to 8.6 for judge-alone ones.

b. Jury trials are becoming more prevalent. As of June 2018, 1 in 4 cases were electing jury trials. This increased to 1 in 3 by June 2023.

c. Jury trials are taking increasing long to resolve. Over the last five years the average days required for a jury trial case to be resolved in the District Court have increased by 149 days, to a total of 498 days.

6. To resolve these issues the Government is exploring options to increase the threshold for when trial by jury is an option. Beyond the status quo of two years, they are seeking feedback on increasing the threshold to offences with a maximum sentence of imprisonment of three, five, or seven years or more. These changes would reduce the volume of cases where a jury trial is an option.
7. Submissions close on 31 October 2024. The full discussion document is included in Appendix Two.

Issues

8. The relevant issue for the Council is the impact of the proposals on the efficiency of enforcement action taken under the RMA.

Discussion

9. The issues with jury trials discussed in the discussion document match our experiences as a Council. The Council has much first-hand experience of jury trials. They are take significantly longer than judge-alone trials, doubling or even tripling the staff workload for the case. This is due to the increased complexity of preparing a case that can speak to jury members. This is opposed to a judge-alone case where there is more ability to focus in on the issues at hand – especially important considering the technical nature of RMA proceedings. There is also a corresponding increase in legal fees associated with jury trials.
10. It is proposed that Council submit in support of a modest increase of the threshold for a jury trial to offences with a maximum sentence of imprisonment of three years or more. Trial by jury would then not be an option under the vast majority of cases related to the RMA. This would free up considerable Council staffing resources to focus on other compliance activities, without substantively eroding the right to a jury trial overall. Some unique cases, for example where the defendant is charged with attempting to pervert the cause of justice, would still keep jury trial as an option.

Options

11. The Committee can endorse the submission, endorse the submission subject to amendments directed by the Committee, or not endorse the submission. Considering the proposed approach will help provide for more efficient enforcement action under the RMA, endorsement is recommended.

Significance

12. This decision is assessed as not significant with regards to the Significance and Engagement Policy. It will have no impact on levels of service, incur more than $10,000,000 budgeted or $5,000,000 of unbudgeted expenditure, or involve the transfer of ownership or control of a strategic asset. More broadly, final decision making authority rests with the Government.

Financial considerations—LTP/Annual Plan

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

Policy considerations

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

Iwi considerations

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

Community considerations

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

Legal considerations

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

Appendices/Attachments

Document 3312162: Improving timeliness of jury trials submission

Document 3312288: Improving jury trial timeliness discussion document

15 October 2024

Document: 3312162

Ministry of Justice
Courts System Policy
Ministry of Justice – National Office
Wellington

Via: Courtspolicy@justice.govt.nz

Improving timeliness of jury trials submission

Taranaki Regional Council (Council) welcomes the opportunity to submit on the discussion document regarding improving the timeliness of jury trials. The Council has extensive enforcement experience under the Resource Management Act 1991 (RMA), with the highest number of warranted enforcement officers on a per-capita basis in the country.

The Council has much first-hand experience of jury trials. They take significantly longer than judge-alone trials, doubling or even tripling the staff workload for the case. This is due to the increased complexity of preparing a case that can speak to jury members. This is opposed a judge-alone case where there is more ability to focus in on the issues at hand – especially important considering the technical nature of RMA proceedings.

Council supports a modest increase of the threshold for a jury trial to offences with a maximum sentence of imprisonment of three years or more. This would then exclude the vast majority of prosecutions under the RMA from a jury trial, as major offences under the RMA generally carry a maximum imprisonment of two years. This would free up considerable Council resource to focus on other compliance activity that can more effectively promote the sustainable management of natural and physical resources.

Yours sincerely,

Steve Ruru
Chief Executive

47 Cloten Road, Private Bag 713, Stratford 4352, New Zealand | 06 765 7127 0800 736 222 | info@trc.govt.nz www.trc.govt.nz

Improving Jury Trial Timeliness

Discussion document

Ministry of Justice

September 2024

MINISTRY OF JUSTICE
Tāhū o te Ture

Te Kāwanatanga o Aotearoa
New Zealand Government

Contents

Introduction

Everyone should have timely access to the courts to seek justice. Delays in the courts can significantly undermine confidence in the criminal justice system, and its ability to fairly and efficiently deal with cases, and bring resolution for victims and defendants.

In recent years, the criminal jurisdiction of the District Court has been experiencing increased delays, and pressure to resolve higher numbers of more serious cases. The District Court is New Zealand's busiest court. It is the court where all criminal cases begin, and it conducts most jury trials. The most serious cases of offending, such as murder and manslaughter, are referred to the High Court.

There has been a significant increase in both the time required to dispose of criminal cases, and in the number of active cases. A significant contributor to these delays is jury trials, which take longer to resolve and are increasingly being chosen by defendants as ways to determine their case. External factors such as COVID-19 restrictions and severe weather events have also had significant impacts on the courts' ability to progress cases, particularly jury trials.

The efficiency of court processes and any delays can have significant impacts on court participants, including victims, complainants, witnesses, defendants, lawyers and whānau. The criminal justice process can be particularly stressful for victims and complainants, whose lives may be put on hold while they wait for an outcome to a case. For defendants, delays can mean spending longer on remand, under strict bail conditions or in prison awaiting their trial. Delays can also cause witnesses' memories of key events to fade, undermining the quality of evidence needed for a trial.

The Government, justice sector agencies,[1] and the judiciary are committed to improving timeliness and performance in the courts. A large programme of work has been established, aimed at improving efficiencies and reducing delays, primarily in the District Court. Some of the work underway includes:

- enabling more remote participation in court proceedings
- rolling out Te Au Reka – a new digital case management system
- a range of operational initiatives as part of the District Court Timeliness Programme. This includes initiatives such as the Duty Lawyer Operational Policy[2] – increasing duty lawyers' role in court so they are better placed to identify cases suitable to be dealt with in court straight away, rather than putting them off to another hearing date.

The Ministry of Justice is considering changes to the law to increase court timeliness, which is impacted by the number of jury trials in the system, and the higher level of resource they require to process. As part of this, we are considering whether the eligibility threshold for the right to

[1] Ministry of Justice, New Zealand Police, Department of Corrections, Crown Law Office, Serious Fraud Office, Oranga Tamariki.

[2] The policy applies to district courts at Auckland, Christchurch, Hamilton, Hutt Valley, Manukau, North Shore and Waitakere. More information is available on the Ministry of Justice website.

elect a jury trial under the New Zealand Bill of Rights Act 1990 (NZBORA) is set at the right level of seriousness.

The first of these proposals for change is increasing the threshold for when a defendant can choose to elect a trial by jury. This would involve changing provisions in both the Criminal Procedure Act 2011 and the New Zealand Bill of Rights Act 1990. The second is a smaller, more technical change that would enable more flexibility in when, during a criminal proceeding, a defendant can choose to elect a trial by jury. Specifically, it would allow a defendant to make the decision to elect at any point up to, and including, the case review hearing. This would involve changing provisions of the Criminal Procedure Act 2011.

This discussion document describes the current law around jury trials, and how some problems arising from the current law are creating the need for potential change. It suggests some ideas for addressing those problems and seeks your views. Your feedback will help to us to advise the Government on proposals for reform.

Proposals for discussion

The Ministry of Justice is undertaking work on reducing delays in jury trials

The Minister of Justice has directed the Ministry to explore options on how changes to the law might improve timeliness and reduce delays in jury trials. This discussion document is split into three sections:

Part 1: Jury trials

Part 1 provides information on the history and importance of juries, what juries do, the resources required to run jury trials and the impact jury trials have on resources and delays. It also sets out the issues we have identified as important to think about when considering changes to jury trials.

Part 2: Increase the jury trial threshold

Part 2 covers **options to increase the threshold to elect a jury trial** in criminal proceedings, which is currently set at offences carrying a maximum penalty of two years or more imprisonment. We consider three options for raising the threshold to either three years or more imprisonment; five years or more; and seven years or more. This work aims to:

- ensure that our most complex and resource-intensive type of court proceeding is reserved for appropriately serious offences; and
- enable jury trials to be resolved more quickly, without undue delay.

Raising the jury trial threshold involves amending a right under the New Zealand Bill of Rights Act 1990, and making a consequential amendment to the Criminal Procedure Act 2011.

Part 3: Enable flexibility in the timing of jury trial election

Part 3 covers a smaller, more technical change that will **enable greater flexibility in the timing of jury election**. This work aims to:

- reduce the number of cases progressing to a jury trial unnecessarily; and
- enable jury trials to be resolved more quickly, without undue delay.

Enabling this flexibility will involve an amendment to the Criminal Procedure Act 2011.

We are seeking your feedback

Jury trials are a fundamental part of the criminal justice system in New Zealand, and wider society. We want to know what you think about these proposals, and whether you think they will improve timeliness in jury trials.

We have asked a series of questions throughout each section to help you address the issues, but these are just prompts and you may wish to comment more generally.

We understand that you may not have a view on every proposal, or everything in this document, so please feel free to comment on any part of the paper.

How to have your say

Please submit your feedback by **Thursday 31 October 2024.** You can submit your views online through the Ministry of Justice consultation hub: Ministry of Justice – Citizen Space. This site provides an easy way to give feedback on all the proposals, or particular sections of the discussion document.

You can also submit your views:

- by email to courtspolicy@justice.govt.nz
- or by post to

  Courts System Policy
  Ministry of Justice – National Office
  DX SX10088
  Wellington

Please feel free to share this document across your networks.

What will happen to your feedback?

The Ministry of Justice will use your feedback to help inform our advice to the Minister of Justice and Government on changes to jury trials.

Once the Government has made decisions the Ministry will publish a summary of feedback on our website. The summary will not include information that could identify individuals.

Your feedback may be subject to release after an Official Information Act request. The Ministry can withhold personal details under the Act, including your name and address. If you do not want any information in your feedback to be released, please state this clearly and explain why. For example, some information may be commercially sensitive or personal. The Ministry will take your views into account when responding to such requests.

The Privacy Act 2020 governs how the Ministry collects and uses personal information about you and your submission. You have the right to access and correct personal information.

Part 1: Jury Trials

The right to a jury trial

Jury trials are an important part of New Zealand's criminal justice and constitutional system.

The right to a jury trial is protected in the New Zealand Bill of Rights Act 1990 (NZBORA). NZBORA states that:

> **Section 24 Rights of persons charged**
>
> Everyone who is charged with an offence –
>
> …
>
> (e) shall have the right, except in the case of an offence under military law tried before a military tribunal, to the benefit of a trial by jury when the penalty for the offence is or includes imprisonment for 2 years or more.

Although NZBORA recognises the importance of the right to a jury trial, it also recognises that the right is not absolute. It establishes a limit, or threshold, to distinguish between what cases are suitable for a jury trial, and which are not.

If a defendant does not elect a jury trial, their case will instead be heard by a judge without a jury, referred to as a judge-alone trial.

The International Covenant on Civil and Political Rights[3] does not require a jury trial, rather it provides for the right to a "fair and public hearing".

Why are juries important?

History of juries

Jury trials have a long history. The right to a jury trial was recognised by the ancient Greek and Roman civilizations, and medieval societies including the Vikings, Normans and Franks. The right is ingrained in common law jurisdictions, such as New Zealand's.

In English history, a "jury" was a body of people with knowledge of a particular matter that assisted the King in his investigation and decision on a dispute. Over time, this concept evolved to become a group of people who made a binding decision based only on material that is presented at trial.

[3] The International Covenant on Civil and Political Rights (ICCPR) is an international treaty which was ratified (agreed to) by New Zealand in 1978. The New Zealand Bill of Rights Act 1990 implements the ICCPR by affirming, protecting and promoting human rights and fundamental freedoms in our law.

In New Zealand, a limited entitlement to elect a jury trial has been available since 1841 for offences that Parliament classified as "indictable".[4] Since 1900, a person charged with a summary offence punishable by a term of more than three months' imprisonment was entitled to elect a jury trial. This threshold was included as a right in NZBORA when it was introduced in 1990. In 2013, the availability of jury trials – through an amendment to the threshold – was changed to offences with a maximum penalty of at least two or more years' imprisonment. This is explained further in Part 2.

Today, a jury is panel of 12 people[5] randomly selected for a particular court case. The jury is directed by the judge to listen to arguments of the prosecution and defence, assess the evidence presented to them, and come to a decision as to whether a defendant is guilty or not-guilty of a charge.

What does a jury do?

The core function of a jury is to provide for community participation in the criminal justice system.

The Law Commission in 1998 reported that juries fulfil a number of functions – some of which are listed below:[6]

Juries are fact-finders

The jury is tasked with understanding and weighing evidence in a case, assessing the credibility of witnesses and applying the law to the facts; put simply, deciding what really happened in the case at hand. They are assumed to apply a "collective common sense" and diverse life experiences to a situation in order to assess which evidence is "true" or most believable.

Juries reflect the conscience of the community

Intended as a representation of the community in criminal cases, a jury will act as the "voice of the people" and apply what the community deems as values of fairness and justice. Juries have been seen to apply practical "real-life" sense to a case, because they are more emotionally invested in the outcome of a case, compared to what may be viewed as a strictly legal or dispassionate approach of a judge who may be more interested in how their decision conforms with precedent and the law.

[4] An "indictable" offence was a term used to describe a serious offence before enactment of the Criminal Procedure Act 2011. To be able to serve on a jury, initially property ownership was a requirement. Women were not eligible to serve on juries until 1942 and Māori were not eligible to serve on ordinary juries until 1965.

[5] Twelve jurors must be empanelled at the start of a case, but a case can proceed with no fewer than 10 jurors if all case parties agree and if the court considers it is in the interests of justice to do so. A juror might be discharged, or excused, from the panel if they are incapable of performing their duties as a juror, they have an illness or death in their immediate family, if they are connected to a witness in the case, or other reasons. See section 22 of the Juries Act 1981.

[6] Juries in Criminal Trials: Part One (NZLC PP32, 1998), Juries in Criminal Trials: Part One (lawcom.govt.nz).

Juries provide a check on government and the criminal process

Historically, a trial by jury, before one's peers, was seen as a protection against individual sources of power, such as a prosecutor or judge, and in cases where the state seeks to deprive a citizen of their liberty. It can act to lessen the impact of a severe law or seek a fair and just result in a case regardless of strict legal precedent. However, there are some arguments that a jury trial is not necessary to result in a fair trial. Fundamental changes in modern times such as the development of an independent judiciary means that a fair trial is just as likely to occur before a judge alone.

Juries bring legitimacy to the criminal justice system

If the public can participate effectively in the criminal justice system, they will likely value and have greater confidence in the justice system and its place in society. As the jury is, or is perceived to be, an independent, representative and impartial decision-maker in the criminal justice system, it plays an important part in legitimising and maintaining public confidence in a robust and fair system.

Juries educate the public about the criminal justice process

As the public participate and serve on juries, this serves to educate those members of the public and grow public knowledge on the criminal justice system and process. It also lessens the "mystique" of the criminal justice system that historically may have only been the realm of lawyers and judges. In cases that are being tried by a jury, lawyers and judges are encouraged to act and communicate in ways that are accessible to the jury, and in turn, the public, for example by speaking in plain language and not overusing legal jargon.

More time and resources are needed for jury trials

Jury trials need significant time and resource, both from the courts and members of the public serving on juries, compared to a judge-alone trial. While jury trials and judge-alone trials generally take up the same amount of resource in the "administrative" and "review" stages of a case[7] (the preparation and administrative steps before a trial), jury trials require a lot more time and resource once the case enters the "trial" stage, such as:

- Trial callover – this is a hearing with both parties and a judge to ensure the case is ready for trial, and indicates to the court what will be involved in the trial. This may include whether any expert witnesses or young or vulnerable witnesses will be called, whether any pre-trial applications will be made, or special arrangements are required such as an interpreter, CCTV or video links.
- Pre-trial applications – these are procedural applications made by either the prosecution or defence that need to be determined before the trial, such as admissibility of evidence, and sometimes require a separate hearing to determine. These are also often part of a judge-alone trial but tend to be more complex and more numerous in jury trials.

[7] A diagram that sets out the typical process of how a category 3 criminal case progresses through the courts, and the different stages and events, is attached at Appendix 1.

- Jurors – the involvement of jurors increases the cost and length of a trial itself. The juror empanelling process can take half a day in busy courts. Juries retire to deliberate at the end of a case, and the time taken can vary greatly, sometimes for days or weeks, adding a lot of time to individual cases.
- Courtroom availability – jury trials have specific physical requirements, particularly a jury box in the courtroom, safe access to and from the courtroom for jurors, a deliberation room outside the courtroom, and other facilities for jurors. Scheduling a trial in these courtrooms is difficult because there are fewer of them available, pushing out available trial dates.
- Staff requirements – jury trials can often take longer than judge-alone trials, which requires more time from court staff and presiding judges. Jury panels also require a court staff member to support them in accessing the courtroom, and supervision while they are in court.

Jury trials are taking longer and contributing to delays in the courts

In recent years, delays have increased in the courts, particularly in the criminal jurisdiction of the District Court. Cases are taking longer to resolve, and people are waiting longer for an outcome of their case, and to be able to move on with their lives.

A significant contributor to these delays is jury trials. Jury trials on average take longer to resolve[8] than judge-alone trials, and more defendants are using their right to elect a jury trial than five years ago.

Some reasons jury trials are adding to the problem of delays are:

- The rate at which defendants are electing jury trials increased from 1 in 4 in June 2018 to nearly 1 in 3 in June 2023. During this time, the number of active jury trial cases in the trial stage increased from approximately 2,000 to approximately 3,400 cases.
- Jury trials take longer to resolve as they are more resource-intensive than judge-alone trials, and generally require more court events. Between June 2022-2023, the average jury trial case required 13.5 court events compared to 8.6 court events for a judge-alone trial. Jury trials also require more court events in the trial stage, using more judge time.
- Over the past five years, the average number of days required for a jury trial case to be resolved in the District Court has increased by 149 days (from 349 days to 498 days), compared to an increase of 62 days for a judge-alone trial.

[8] A case is “resolved” when an outcome is reached. This could include a guilty verdict, an acquittal (the judge or jury finds the defendant not guilty of the offence with which they are charged), withdrawal of charges or dismissal of the case (for example the judge considers that the prosecution does not have enough evidence to prove its case).

What are important considerations when thinking about changes to jury trials?

We have identified five key considerations to think about when looking at proposals for changes to jury trials:

- **Fair trial rights**

  The right to a fair trial is protected in NZBORA. Fair trial rights include:

  - the right to a fair and public hearing by an independent and impartial court
  - the right to be tried without undue delay
  - the right to be presumed innocent until proven guilty
  - the right to examine witnesses
  - the right to a jury trial if the penalty for the offence is or includes imprisonment for two years or more – importantly, increasing the jury trial threshold will affect this specific right

  It is important to consider what impact any changes would have on fair trial rights.

- **Impact on complainants, victims, and witnesses**

  The criminal justice process, and jury trials in particular, can be stressful for complainants, victims and witnesses. For example, it can be stressful giving evidence in front of several strangers, worrying if jurors are biased, having to navigate a complex system, and sometimes having to put life on hold for a long time while waiting for an outcome.

  We need to consider what impact any changes would have on how complainants, victims, and witnesses experience the criminal justice process.

- **Public trust and confidence in the integrity of the criminal justice system**

  "Justice must be seen to be done."

  Public confidence is incredibly important to the criminal justice system in New Zealand. This confidence gives the system validity, and means the public trusts that the system is as open and transparent as possible. It is important that the general public has confidence that the courts are making fair decisions in criminal cases, and that a fair and thorough process is being followed to come to those decisions.

  It is important to consider what impact any changes to the criminal justice system will have on how the public perceive the system, and their confidence in its ability to administer fair and timely justice.

- **Court performance and timeliness**

  "Justice delayed is justice denied."

  The right to be tried without undue delay is protected under section 25(b) of NZBORA. It is important that – as much as possible – courts resolve cases efficiently and in a timely way. Timely justice also affects public confidence in the whole system.

It is important to consider how the proposed changes will affect court performance and whether they will improve or reduce timeliness.

- **Impact on prosecution agencies**

  New Zealand Police and the Crown Law Office (through Crown Solicitors) are the main prosecuting agencies of criminal cases in New Zealand. Others include the Department of Corrections, WorkSafe, Inland Revenue, Maritime New Zealand, the Serious Fraud Office and the Financial Markets Authority. Any changes to jury trials will likely affect the workload of New Zealand Police and Crown Law, and, to a lesser extent, other prosecuting agencies.

An assessment of whether it is good policy to make changes to jury trials needs to balance all these issues.

1. Do you think these are the right issues to take into account when considering changes to jury trials? Why / why not?

2. Are any of them more important than others? Why / why not?

3. Is there anything we may have missed?

Te Tiriti o Waitangi | The Treaty of Waitangi

Te Tiriti o Waitangi | the Treaty of Waitangi is a founding constitutional document in Aotearoa New Zealand. Te Tiriti sets out and guides the relationship between the Crown and Māori.

It is important that any changes to the law around jury trials take account of te Tiriti, and that thought is given to how those changes may affect Māori.

4. Do you think there are particular te Tiriti o Waitangi | Treaty of Waitangi implications to take into account when considering changes to jury trials? Why / why not?

Part 2: Increasing the jury trial threshold

The current law

Currently, a jury trial is available to those charged with a criminal offence where, if convicted, they would be subject to a maximum sentence of two years or more in prison. For most of these cases defendants can choose whether to be tried by a jury or by a judge alone.[9] Choosing to be tried by a jury is referred to as an "election". For the most serious criminal offences, such as murder or manslaughter, the defendant does not have a choice as to the type of trial because these charges will almost always be tried by a jury in the High Court.[10]

A table with examples of offences and their maximum penalties is attached at Appendix 2.

The jury trial threshold was last increased in 2013

Until 2013, the law set out the way cases would progress through the court, and made the distinction between "summary" (minor) and "indictable" (serious) offences.[11] Indictable offences were offences that were punishable by three months or more imprisonment, and would be tried by a jury.

This system was replaced in 2013 with one which also set out the way cases would progress through the court, but defined the seriousness of offences differently, by using four "categories" of offence.[12] It also increased the threshold for electing a jury trial to offences punishable by two years' imprisonment or more.

How does our jury system compare to other countries?

Although we share similarities in many areas of our law with other common law jurisdictions, New Zealand's jury trial framework is different, making direct comparisons difficult.

[9] These are Category 3 offences under the Criminal Procedure Act 2011.

[10] These are Category 4 offences under the Criminal Procedure Act 2011.

[11] Summary Proceedings Act 1957.

[12] Criminal Procedure Act 2011. The Act came into force in 2013.

Some countries have a certain jury trial threshold constitutionally guaranteed, but in practice general laws allow the choice of a jury trial more broadly. For example, Canada has a constitutional right to a jury trial for offences with a penalty of five years or more and Australia guarantees trial by jury on indictment of an offence against Commonwealth law (ie federal offences, rather than state-level offences).

In most common law jurisdictions, such as the United Kingdom, Australia and Canada, the jury trial threshold in general law is effectively between six months and two years or more imprisonment.

Some of these jurisdictions also have a jury trial threshold for “indictable” offences, which is similar to the system New Zealand had under the Summary Proceedings Act 1957. The Criminal Procedure Act 2011 moved away from this distinction and instead implemented a threshold using a higher maximum penalty and offence categories.

Accordingly, raising the threshold in New Zealand would be relatively similar to some other countries, such as the constitutional guarantee of a jury trial in Canada.

Table 1: International comparisons – jury trial threshold

Country	Threshold
Australia	The Constitution of Australia provides that any trial on indictment of an offence against Commonwealth law must be tried by jury. Most offences in Australia are against state rather than federal law. In all Australian states and territories, juries are only used in indictable or serious criminal cases. Less serious or summary criminal proceedings are heard by a magistrate or judge alone. Though there are variations from state to state, the jury trial threshold is typically for offences which carry a sentence of one to two years or more imprisonment**.**
England and Wales	In England and Wales, there is no constitutional right to be tried by a jury, but it is available only for indictable offences (such as murder, manslaughter, grievous bodily harm with intent, and robbery) or some “either-way” offences. Defendants facing “either-way” offences can be tried in the Magistrates Court or the Crown Court. An “either-way” offence is tried in the Crown Court if the offence carries a penalty of more than six months’ imprisonment (or more than 12 months if for two or more offences), or if the defendant elects a trial by jury.
Canada	Section 11(f) of the Canadian Charter of Rights states that anyone charged with an offence which carries a prison sentence of five years or more is guaranteed the right to a trial by jury. However, for most indictable offences (those with a maximum penalty of two years or more imprisonment), the defendant can elect a jury trial.
United States of America	In the USA, all offences punishable by a sentence of six months’ imprisonment or more have a constitutional right to a trial by jury.

What is the problem?

As jury trials require significant input from the public in deciding cases of criminal offending, it is generally accepted that they should be used in cases where the offending is serious enough to warrant the extra time and resource jury trials need. It is the largest direct investment the community makes in our system of justice.

As noted in Part 1, recent trends show that more defendants in criminal cases are electing to be tried by jury. Jury trials not only require time and effort from the public, but also are a large draw on resources for the courts, prosecutors, and defence lawyers, compared to other types of trials. With more jury trials in the system, they are significantly contributing to delays in the criminal jurisdiction of the District Court. Delays impact people's ability to access justice in a timely manner, and defendants' right to be tried without undue delay.

We think the current jury trial threshold is capturing a lot of offending that might be considered to be less serious. A key issue here is what society considers to be a "serious" offence.

Concepts of seriousness can shift over time. In 2004, the Law Commission recommended that the threshold for the right to elect a jury trial should be limited to offences regarded as "serious" by today's standards, and therefore the threshold should be five years or more imprisonment.[13] The Law Commission considered that the critical factor was proportionality within the justice system. It noted that it is in the public interest that the community participates in the hearing of serious cases to ensure a range of perspectives is incorporated into the decision-making process.

There is an opportunity to better ensure that our most resource-intensive type of trial is used for appropriately serious cases of criminal offending, given the extra time and resource these trials require.

5. Do you agree there is a problem? Why / why not?

6. Do you agree with how we have described the problem? Why / why not?

[13] At the time, the threshold was set at more than three months' imprisonment. In 2013, criminal procedure reforms increased the threshold to its current level: two years or more imprisonment.

How increasing the threshold would work

We are seeking your feedback on increasing the jury trial threshold to offences with a maximum sentence of imprisonment of:

a. three years or more;

b. five years or more; or

c. seven years or more.[14]

Currently, the jury trial threshold is the same in NZBORA and the Criminal Procedure Act 2011. If the threshold is raised, we could maintain this alignment by amending:

- section 24(e) NZBORA – the threshold would change to a different maximum penalty (currently two years or more imprisonment); and
- section 6 of the Criminal Procedure Act 2011 – the definition of a category 3 offence would need to change to reflect the new threshold in NZBORA.

An increase would mean there are fewer jury trials, and that some offences currently eligible for electing a jury trial would no longer qualify.

The right to a jury trial is currently expressed in NZBORA by referring to a "threshold", that is, the maximum sentence of imprisonment. That threshold effectively reflects what society considers to be a serious offence. This discussion paper is considering what level of threshold society considers appropriately reflects serious offences.

We are interested in your views about whether the threshold should continue to be expressed in NZBORA and whether there may be other ways of expressing the right to a jury trial and a higher threshold.

In providing a specific threshold at which a jury trial is available, section 24(e) is expressed differently from most other rights in NZBORA, which tend to be expressed in more general terms. One alternative approach could be to amend NZBORA to express the right to a jury trial in a more general way, such as for "serious offences", while continuing to provide a specific threshold in the Criminal Procedure Act. The threshold in that Act would still need to be consistent with, or a justifiable limitation on, the NZBORA right.

An advantage of using a more general expression of the NZBORA right is that it would not require an amendment to NZBORA if further changes to the threshold were considered in the future. Instead, any proposed change would be considered for consistency with the right. However, it would also make the right less clear, and it may not make sense given the specific nature of the right to a jury trial. A future review of NZBORA may be a better time to consider a change to the way the right is expressed in NZBORA.

[14] These have been chosen as options because there are very few offences that carry four-year or six-year maximum penalties.

Option a: increase the jury trial threshold to three years or more imprisonment

Initial modelling shows that increasing the jury trial threshold to **three years** would reduce the inflow of active jury trial cases **by an estimated seven percent** and the number of predicted active jury trial cases **by 17 percent by January 2030**.

This would present a relatively small shift from the current law of a two-year threshold. A three-year threshold would exclude some offences that we might consider to be less serious. Equally, there are some offences that would be excluded that could still be considered more serious.

Types of offences that would no longer be captured within the eligibility to elect a jury trial (in other words, offences that carry a maximum penalty of two years) include:

- unlawfully carry an imitation firearm (Arms Act 1983)
- render false accounts (Real Estate Agents Act 2008)
- male assaults female (Crimes Act 1961)
- assault on family member (Crimes Act 1961)
- drive with excess breath alcohol (including third or subsequent) (Land Transport Act 1998)
- drive while disqualified (Land Transport Act 1998)
- make, possess, publish, import, export or sell an intimate visual recording (Crimes Act 1961)

Option b: increase the jury trial threshold to five years or more imprisonment

Initial modelling shows that increasing the jury trial threshold to **five years** would reduce the inflow of active jury trial cases **by an estimated 16 percent**, and the number of predicted active jury trial cases **by 36 percent by January 2030**.

This would present a more significant shift from the current law of a two-year threshold. A five-year threshold would exclude more offences that we might consider to be less serious. Equally, there are some offences that would be excluded that could still be considered more serious.

As well as the offences listed above, types of offences that would no longer be captured within the eligibility to elect a jury trial (in other words, offences that carry a maximum penalty of two, three or four years) include:

- unlawfully possess a pistol or restricted weapon (Arms Act 1993)
- aggravated assault (Crimes Act 1961)
- assault with intent to injure (Crimes Act 1961)
- impaired or aggravated careless driving causing death or injury (Land Transport Act 1998)

Option c: increase the jury trial threshold to seven years or more imprisonment

Initial modelling shows that increasing the jury trial threshold to **seven years** would reduce the inflow of active jury trial cases **by an estimated 23 percent**, and the number of predicted active jury trial cases **by 57 percent by January 2030**.

This would present a very significant shift from the current law of a two-year threshold. A seven-year threshold would exclude offences that we might consider to be less serious. Equally, there are a wide range of offences that would be excluded that could still be considered more serious.

As well as the offences listed above, types of offences that would no longer be captured within the eligibility to elect a jury trial (in other words, offences that carry a maximum penalty of two, three, four or five years) include:

- take a dangerous weapon on aircraft (Aviation Crimes 1972)
- falsify records (Companies Act 1993)
- assault with a weapon (Crimes Act 1961)
- reckless / dangerous / drunk driving causing injury (Land Transport Act 1998)
- arson with reckless disregard for safety of property (Crimes Act 1961)
- tax evasion (Tax Administration Act 1994)

A table of examples of offences at the different maximum penalty levels is attached at Appendix 2.

7. Do you think the threshold to elect a jury trial should be increased? Why / why not?

8. If you do think it should be increased, at what level do you think it should be set:

- **three years or more,**
- **five years or more,**
- **seven years or more?**

Is there another way you think the right should be expressed?

Part 3: Timing of jury election

The current law

As explained on page 11, defendants who are charged with an offence with a maximum penalty of two or more years' imprisonment have the right to elect a trial by jury[15].

Under section 51 of the Criminal Procedure Act 2011, a defendant must tell the court at the time they plead not-guilty whether they want to be tried by a jury. This is called an "election". If the defendant does not elect a jury trial, their case will be heard by a judge alone (a judge-alone trial).

This happens very early on in a case, and the latest a defendant can usually enter a plea – and elect a jury trial if they are pleading not-guilty – is at their second appearance.

A diagram that sets out the typical process of how a category 3 criminal case progresses through the courts, and the different stages and events, is attached at Appendix 1. More information about the criminal case process can be found on the Ministry of Justice website.

What is the problem?

We have been told by members of the legal profession that sometimes they advise defendants it is best to elect a jury trial to preserve their options if:

- the required disclosure has not occurred yet (disclosure is information that is enough to fairly inform the defendant of the facts of the case against them)[16]
- they have not been able to speak to their lawyer, or otherwise have not had the opportunity to receive full advice and instruct their lawyer.

It is easier for a defendant to switch from a jury trial to a judge-alone trial, than vice-versa. This is because jury trials are harder to schedule and organise for the court, and there can be significant delays to the case if a change to a jury trial is made late in the process. This may lead to defendants unnecessarily electing to have a jury trial, whereas if they had an opportunity to decide later, they might choose differently.

[15] Unless charged with a category 4 offence, which must be tried by a jury unless an exception applies (see section 102 and 103 of the Criminal Procedure Act 2011).

[16] Criminal Disclosure Act 2008.

While withdrawing an election at a later stage is easier, it still requires the court's permission. This may mean defendants remain on the jury trial path even when they would have preferred a judge-alone trial.

9. Do you agree there is a problem? Why / why not?

10. Do you agree with how we have described the problem? Why / why not?

How enabling flexibility in the timing of jury election would work

We are seeking your feedback on amending the law to enable greater flexibility in when a defendant can elect a jury trial during the court process. This is a relatively small, technical change.

This proposal will require an amendment to the Criminal Procedure Act 2011 to allow a defendant to elect trial by jury at any time up until, and including at, a case review hearing. The change will not affect the timeframe in which a defendant must enter a plea.

If defendants are allowed to choose whether or not they want a jury trial later, they may feel less pressured to elect a jury trial. They will have had more time to receive and review disclosure and seek legal advice, so they can make the best decision possible for their situation: whether to be tried by a jury, or by a judge alone. This could result in fewer elections being made overall. If so, this would reduce the total number of jury trials in the system, and improve the timeliness of remaining and new jury trials. However, there is an element of uncertainty with the benefits of this proposal because we cannot be sure about how it influence defendants' choices.

Extending the time in which a defendant may elect a jury trial will likely significantly increase the number of files Police have to prepare and may mean Police (and other prosecuting agencies) would require more resources. Because defendants would be able to make their choice later, this change would have an impact on the timeframes prosecutors currently have to prepare case files. For instance, Police prepare most judge-alone trial files. After case review, where the defendant has elected a jury trial, they hand over the files over to the Crown prosecutor. Police prioritise preparation of jury trial case files so as to be able to transfer these to the Crown in a timely manner, whereas cases that have not elected a jury trial remain with Police for prosecution. Case management requirements for case review hearings are also different judge-alone trials because they require some extra information for the court.

11. Do you think the law should allow defendants to elect a jury trial later than they currently can? Why / why not?

12. Are there other considerations and factors you think are important that we may have missed, including any unintended consequences?

Appendix 1: Criminal case process for category 3 offences

<table>
<tr><th colspan="3">ADMINISTRATION STAGE</th></tr>
<tr><td colspan="2">1. Offence alleged</td><td>Defendant summoned to court, arrested or bailed
Charging document filed by the prosecution</td></tr>
<tr><td colspan="2">2. First appearance in court</td><td>Initial disclosure, name suppression, bail
Defendant: legal aid application; lawyer instructed</td></tr>
<tr><td colspan="3">Criminal Procedure Rules 2012: Time between first and second appearance not to be longer than 15 working days</td></tr>
<tr><td colspan="2">3. Second appearance in court</td><td>Plea may be required. If none entered, deemed that a not-guilty plea is entered
Defendant must decide whether they want to elect a jury trial</td></tr>
<tr><td colspan="3">Criminal Procedure Rules 2012: Timeframes between second appearance and case review hearing must be not later than 45 working days (for jury trials, or judge-alone trials that are Crown prosecutions) and not later than 30 working days for judge-alone trials that are not Crown prosecutions</td></tr>
<tr><th colspan="3">REVIEW STAGE</th></tr>
<tr><td colspan="2">4. Case management meeting</td><td>Prosecution and defence lawyer discuss case and complete case management memorandum (CMM)
CMM filed by defence lawyer five working days before case review hearing</td></tr>
<tr><td colspan="2">5. Case review hearing</td><td>Outstanding issues dealt with, sentence indication may be sought</td></tr>
<tr><td colspan="3">Crown Prosecution Regulations 2013: Solicitor-General (the Crown) assumes responsibility for prosecution of a case once adjourned for trial callover if defendant has elected a jury trial.
Criminal Procedure Rules 2012: Trial callover is to be held not later than 40 working days after adjournment for trial callover.</td></tr>
<tr><th colspan="3">TRIAL STAGE</th></tr>
<tr><th colspan="2">Jury trial</th><th>Judge-alone trial</th></tr>
<tr><td colspan="2">Formal statements filed 25 working days, and trial callover memorandum filed 15 working days by prosecution before trial callover, filed by defence lawyer five working days before trial callover</td><td rowspan="3">6. Pre-trial admissibility hearing
Admissibility of evidence discussed</td></tr>
<tr><td colspan="2">6. Trial callover
Hearing before a judge to deal with procedural issues and consider pre-trial applications</td></tr>
<tr><td colspan="2">7. Pre-trial admissibility hearing
Admissibility of evidence discussed</td></tr>
<tr><td colspan="3">Trial</td></tr>
</table>

Appendix 2: Offences with maximum penalties of two, three, four, five and seven years' imprisonment

A non-exhaustive list of offences at the different maximum penalty levels have been listed below to demonstrate the kinds of offences impacted by an increase to the jury trial threshold. Some examples of offences with a maximum penalty of seven years' imprisonment have been included at the bottom of the table, for comparison.

MAXIMUM PENALTY OF TWO YEARS' IMPRISONMENT	
OFFENCE	**LEGISLATION**
• Unlawfully carries imitation firearm	Arms Act 1983
• False entry re birth/death	Births, Deaths, Marriages and Relationships Registration Act 2021
• Distribution or exhibition of indecent matter • Indecent act in a public place (male / female) • Indecent act with intent to insult or offend • Interfere with grave/human remains • Conceal dead body of child • Assault a child • Male assault female • Assault a family member • Possess offensive weapon or disabling substance • Intercept private communication with listening device • Disclose private communication gained by listening device • Deal with interception devices • Unlawful disclosure • Interfere with vehicle, ship or aircraft • Make, sell, distribute or possess software for committing crime • Access computer system without authorisation • Provide or make explosive to commit crime • Riot	Crimes Act 1961
• Unauthorised access or improper use of customs entry processing system • Destroy, alter, conceal, send out record	Customs and Excise Act 2018

• Fail to comply with conditions of order (firearm / no firearm)	Family Violence Act 2018
• Criminal harassment	Harassment Act 1997
• Cause harm by posting digital communication	Harmful Digital Communications Act 2015
• Offence likely to cause serious harm	Health and Safety at Work Act 2015
• Hold out as an immigration adviser unless licensed or exempt, or hold out as licensed immigration adviser	Immigration Advisers Licensing Act 2007
• Third or subsequent drink or drug related driving offences • Alcohol interlock or zero alcohol licensee's breath contains alcohol	Land Transport Act 1998
• Mistreat patient under the Mental Health Act	Mental Health (Compulsory Assessment and Treatment) Act 1992
• Breach extended supervision order	Parole Act 2002
• Kill/injure police dog	Policing Act 2008
• Sell or supply, or offer to sell or supply an unapproved product to any person, or possess an unapproved substance with the intent to sell or supply to any person	Psychoactive Substances Act 2013
• Render false accounts	Real Estate Agents Act 2008
• Breach subdivision restrictions • Breach restriction (subdivision, or coastal marine area, or lake / riverbed, or water, or on land use) • Discharge contamination (into environment from premises, or on to air or land, or water) • Contravene of abatement notice	Resource Management Act 1991
• Make a false statement	Trade in Endangered Species Act 1989
• Breach non-contact order	Victims Orders Against Violent Offenders Act 2014
MAXIMUM PENALTY OF THREE YEARS' IMPRISONMENT	
OFFENCE	**LEGISLATION**
• Sell or supply pistol or restricted weapon to unauthorised person • Unlawfully possess pistol or restricted weapon • Unlawfully carry or possess firearm, ammunition or explosives in a public place • Use firearm to cause death/bodily injury, or leave firearm loaded and endangers life, or recklessly discharge a firearm or restricted weapon	Arms Act 1983
• Indecent act on dependent family member • Indecency with an animal • Infanticide	Crimes Act 1961

• Injure not causing death, but if had caused death would have been guilty of manslaughter • Aggravated assault with intent to commit crime or avoid arrest • Assault police officer or any person assisting a police officer or any person in the lawful execution of any process, with intent to obstruct the person so assaulted • Assault with intent to injure • Poison with intent to inconvenience • Make, possess, publish, import, export or sell an intimate visual recording • Burglary associated offences • Possess or disguise instruments for burglary • Forge banknotes • Threaten act to property or person with intent to intimidate or annoy • Manufacture goods with intent to facilitate commission of crimes involving dishonesty • Possess, sell, or dispose of goods designed, manufactured or adapted (or capable of being used) with intent to facilitate commission of crimes involving dishonesty • Indecent communication with young person under 16	
• Alter, access, falsify or unlawfully disclose DNA profile information	Criminal Investigations (Bodily Samples) Act 1995
• Interfere with customs entry processing system	Customs and Excise Act 1996
• Own dog which causes injury or death	Dog Control Act 1996
• Contravene protection order	Family Violence Act 2018
• Produce a counterfeit chip or is in possession of equipment for counterfeit chips	Gambling Act 2003
• Contribute to insolvency by extravagance, or contract debt while unable to pay • Make gift to defraud creditors • Bankrupt through failing to do required acts • Unlawfully obtain credit while bankrupt	Insolvency Act 2006
• Impaired driver or transport driver causes death or injury (blood contained qualifying drug or alcohol) • Aggravated careless driving causing death or injury • Aggravated careless driving or transport driving causing death or injury (under the influence) • Damage local authority works or property	Land Transport Act 1998
• Permit premises or motor vehicle use for drug offence or cannabis offence	Misuse of Drugs Act 1975
MAXIMUM PENALTY OF FOUR YEARS' IMPRISONMENT	

OFFENCE	LEGISLATION
• Unlawfully carry or possess firearm, restricted weapon, explosives or ammunition	Arms Act 1983
MAXIMUM PENALTY OF FIVE YEARS' IMPRISONMENT	
OFFENCE	**LEGISLATION**
• Breach Accident Compensation Act by fraud	Accident Compensation Act 2001
• Offences relating to possessing or carrying firearms, ammunition or explosives – various offences	Arms Act 1983
• Take dangerous weapon on aircraft	Aviation Crimes Act 1972
• Make false statement or document	Citizenship Act 1977
• Offences relating to untrue statements in prospectus, making false statements, fraudulent use of property, falsifying records, carrying on businesses fraudulently, fraudulently breaching the Companies Act and managing a company while prohibited	Companies Act 1993
• Enter into suicide pacts • False oaths • Escape from lawful custody • Injure with intent • Disable or stupefy another person • Sett traps likely to injure any person • Assault with weapon • Take, obtain or copy trade secrets • Accessing computer system for dishonest purposes • Imitate authorised or customary marks • Arson with reckless disregard for safety of other property • Waste or diversion of electricity, gas or water	Crimes Act 1961
• Contravene restraining order or foreign restraining order, or forfeiture order	Criminal Proceeds (Recovery) Act 2009
• Import or export objectionable publications	Films, Videos, and Publications Classification Act 1993
• Knowingly make false statement or using false document to obtain benefit or knowingly acting in contravention of Act to obtain a benefit	Fisheries Act 1996
Driving offences • A series of driving offences, involving alcohol or drugs, causing injury • Reckless driving causing inquiry, failing to stop after an accident, or a party to these offences	Land Transport Act 1998
• Offences of fraud and not paying tax • Evade or attempt to evade paying tax	Tax Administration Act 1994

• Trade or possess endangered or threatened species	Trade in Endangered Species Act 1989
MAXIMUM PENALTY OF SEVEN YEARS' IMPRISONMENT	
Some examples of the types of offences with a maximum penalty of seven years include more serious kinds of assault, indecent assault, threats to kill, being an accessory after the fact to murder, bestiality, organising a child sex tour, money laundering, arson of property with intent to cause loss, as well as a range of specified theft acts.	

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MINISTRY OF JUSTICE
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Te Kāwanatanga o Aotearoa
New Zealand Government

Reference no_Dec18

Date: 15 October 2024

Subject: **Crown Minerals Amendment Bill Submission**

Author: Finbar Kiddle, Strategy Lead

Approved by A D McLay, Director - Resource Management

Document: 3312180

Purpose

1. To seek retrospective endorsement of a submission on the Crown Minerals Amendment Bill.

Executive summary

2. The Government is advancing the Crown Minerals Amendment Bill (the Bill) to repeal the oil and gas exploration ban. The Bill makes a range of other changes with the goal of improving investor confidence and providing regulatory efficiency.
3. Submissions on the Bill closed on Tuesday 1 October 2024, having been opened the previous week. The Council circulated a draft submission via email out of session to Policy & Planning Committee members for comment. The submission was then lodged on 1 October 2024.
4. The submission expressed support for the idea of a Government policy statement on Crown owned minerals, subject to it undergoing consultation and giving effect to national direction under the Resource Management Act 1991. The submission also supported the introduction of perpetual liability for the post-decommissioning phase, but questioned the reduction in trailing liability for previous permit holders. Finally, the submission expressed concern at the short submission period and lack of direct engagement with the Council.

Recommendations

That Taranaki Regional Council:

a) receives the memorandum titled Crown Minerals Amendment Bill Submission

b) endorses the submission contained in Appendix One

c) determines that this decision be recognised not significant in terms of section 76 of the Local Government Act 2002

d) determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

5. The Crown Minerals Amendment Bill amends the Crown Minerals Act 1991 to remove the ban on new petroleum exploration permits beyond onshore Taranaki. The Bill makes a number of other changes to the Act with the goal of improving investor confidence in the New Zealand petroleum sector and increasing the regulatory efficiency of the Crown minerals regime.
6. The other changes to the regime include:
    a. Changing the decommissioning regime to provide greater flexibility on the types of financial securities that may be accepted.
    b. Removing the requirement to provide payment or financial security to cover post-decommissioning costs. Instead the Bill introduces perpetual liability to permit holders for any wells and infrastructure left in situ.
    c. Limiting trailing liability to the most recent permit holder or participant who transferred out. Under the current act liability travels back across all previous permit holders.
    d. Amending the purpose statement of the Act to return it to "promote prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand." The previous Government had replaced "promote" with "manage".
    e. Giving the Minister the function to "attract permit applications", and the ability to issue a Government policy statement (GPS) to set out the Government's focus areas regarding Crown owned minerals.
    f. A range of other changes to provide regulatory efficiencies, including the creation of a new Tier 3 permit class for small-scale, non-commercial gold mining operations.
7. Submissions on the Bill closed late on 1 October 2024, having been opened the previous week. Due to these tight time-frames, a submission was circulated to Policy & Planning Committee members out of session via email. The final submission was lodged on 1 October 2024.

Issues

8. The relevant issues for the Council is the impact of the Bill on the economic and environmental well-being of Taranaki.

Discussion

9. The Council's submission focused on the proposed changes to liability and the proposed GPS provisions. Regarding the GPS, the Council supported the proposal. However, the submission recommended that any GPS be required to take into account relevant national direction under the Resource Management Act 1991. Consultation with key parties, including local government, should also be required.
10. On liability, the Council drew on our experience dealing with wellsite environmental clean-ups and well integrity failures from previous permit holders. The submission supported the introduction of perpetual liability post-decommissioning for permit holders. However, the submission questioned if the limitations on trailing liability may be too generous and increase the risk of unassigned liabilities in the future.
11. Finally, the submission expressed concern that only a week has been provided for public consultation, and that there had been no pre-engagement by officials with the Council.

Options

12. The Council can endorse the submission, endorse the submission subject to amendments directed by the Council to then communicated back to Select Committee, or not endorse the submission and ask

the submission be withdrawn. It is recommend the Council endorse the submission. The Bill will primarily impact Taranaki and should be submitted on for this reason. If amendments are asked for, especially due to the tight time pressures, it is unlikely the Select Committee would receive these.

Significance

13. This decision is assessed as not significant with regards to the Significance and Engagement Policy. It will have no impact on levels of service, incur more than $10,000,000 budgeted or $5,000,000 of unbudgeted expenditure, or involve the transfer of ownership or control of a strategic asset. More broadly, final decision making authority rests with the Government.

Financial considerations—LTP/Annual Plan

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

Policy considerations

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

Iwi considerations

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

Community considerations

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

Legal considerations

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

Appendices/Attachments

Document 3312063: Crown Minerals Amendment Bill submission

Document 3312684: Crown Minerals Amendment Bill

1 October 2024

Document: 3312063

Committee Secretariat
Economic Development, Science and Innovation Committee
Parliament Buildings
Wellington

Via: EDSI.legislation@parliament.govt.nz

Crown Minerals Amendment Bill Submission

1. Taranaki Regional Council (the Council) welcomes the opportunity to submit on the Crown Minerals Amendment Bill (the Bill). We have a long history of submissions on Crown minerals law changes and a close working relationship with officials, given the overlaps between the allocation of mining permits to use a resource and the consequent environmental regulation of the activity. Seeking certainty about who holds liability has been a key feature of that relationship.
2. We note the urgency created by the gas shortage, and that the proposal to repeal the oil and gas exploration ban was well stated in coalition agreements. Council is, however, concerned that only a week has been provided for public submissions and that there was no consultation by officials with the Council. The matters covered in the Bill are significant, especially for Taranaki where they will shape the region's economic and environmental future. Due to time limitations, our submission focuses on issues of liability and the proposed Government policy statement (GPS) changes.
3. The Council supports the proposal for the Minister to be able to issue a GPS to set out objectives and priorities regarding Crown owned minerals. However, in creating this document, the Minister should also be required to take into account any relevant national policy statement in force under the Resource Management Act 1991. This will help ensure Government intent is aligned with regulatory requirements. It also matches the process used for the land transport GPS. Consultation with key parties, such as local government, should also be required in its preparation.
4. In regards to liability, the Council has experience dealing with wellsite environmental clean-ups and well integrity failures from previous permit holders, who are long departed. There are telling examples in Taranaki of old wells that have been abandoned, such as in the Moturoa Field that later start leaking due to well integrity failures. And the more recent off shore experience with Tamarind remains front of mind for the Taranaki community. In that case the Crown had to decommission a field, beyond the Council's Territorial Sea boundary, at great cost.
5. While the majority of oil and gas companies are good corporate citizens and strive to decommission their operations professionally and to a high standard, gaps can arise and caution is needed in any changes to the liability regime. Limiting a permit holder's trailing liability to matters that arose in only a previous permit holder's regime, may be too generous and leaves unanswered the question of who holds any unassigned liabilities.
6. The proposal for the current permit holder to remain liable in perpetuity for any issues that arise after decommissioning is supported.
7. In the current regulation the permit holder has all the liability. The Bill aims to reduce this and leaves some unassigned liability going forward. The Crown should assume formal responsibility for any such liabilities so that there is certainty.
8. Due to time limitations, this submission has been consulted with the members of the Council's Policy and Planning Committee out of session via email. It will be formally considered at the next meeting of

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the Committee on 15 October 2024. Any further comments or amendments from the Committee will be provided after that meeting.

9. We do not wish to be heard in support of this submission.

Yours sincerely,

Steve Ruru
Chief Executive

Crown Minerals Amendment Bill

Government Bill

Explanatory note

General policy statement

This Bill amends the Crown Minerals Act 1991 (the **Act**) to remove the ban on new petroleum exploration permits beyond onshore Taranaki. It supports the Government's objective to promote petroleum exploration and production, to ensure that gas remains a transition fuel until viable and cost-effective alternatives are in place.

The Bill also makes changes to immediately improve investor confidence in the New Zealand petroleum sector and increase regulatory efficiency of the Crown minerals regime.

Removing the ban on new petroleum exploration outside onshore Taranaki

The Bill reverses amendments made to the Act in 2018 that limited new petroleum exploration permits to onshore Taranaki, prohibited surface access to conservation land for permits in onshore Taranaki except for minimum impact activities, and explicitly restricted applications for petroleum exploration permits to public tenders (ie, Block Offers).

These changes will allow the responsible Minister to receive and assess applications for new petroleum exploration permits outside onshore Taranaki, through the existing regulatory framework. Removing the restriction on access to conservation land in onshore Taranaki will ensure that conservation land in Taranaki is treated the same as conservation land across New Zealand. Conservation land in Taranaki that is listed in Schedule 4 (land to which access restrictions apply) of the Act will continue to have these protections in place.

The Bill extends the exclusive-use time frame for existing speculative prospectors who were impacted by the ban. The Act currently provides speculative prospectors with a 15-year confidentiality period for the data they collect. During this time they can onsell their data to interested explorers. The Bill extends this period by 6 years, reflecting the period of time lost due to the ban.

Changes to the decommissioning regime

The Bill makes changes to the decommissioning regime to provide greater flexibility and clarity around the types of financial securities that may be accepted. It also limits trailing liability for the cost of decommissioning to the most recent permit holder or participant who transferred out.

The Bill removes the requirement to provide payment, or financial security, to cover post-decommissioning costs that may be required. It introduces perpetual liability for permit holders who have completed their decommissioning obligations, for any wells and infrastructure left in situ. This will ensure that a permit holder who decommissions remains liable for any actual risks, as opposed to contributing payments in anticipation of any future risks.

Amending the purpose statement of the Act and introducing an optional Government policy statement

Prior to a change in 2023, the purpose of the Act was to "promote prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand". In 2023, the purpose of the Act was amended, replacing "promote" with "manage". The Bill reverses this change. It also amends the Minister's functions under the Act to "attract permit applications" to align with the change in purpose.

The Bill also introduces a mechanism to allow for an optional Government policy statement (**GPS**) to cover mining of petroleum and Crown owned minerals. A GPS, if issued, could signal focus areas for the Government, provide strategic guidance to the regulator on how it should manage its functions, and inform the sector and general public of the Government's priorities for the sector.

Improving regulatory efficiency and consistency within the Act

The Bill makes a number of changes to the Act to improve regulatory efficiencies within the Crown minerals regime and fix inconsistencies or drafting errors. The most significant of these is the creation of a new permit class (Tier 3) to ensure a proportionate and risk-appropriate approach to small-scale, non-commercial gold mining operations. The new Tier 3 permit will be subject to a simpler and quicker application process and less onerous reporting requirements. The Bill includes transitional provisions to allow existing Tier 2 permit holders who meet the new Tier 3 requirement to readily move to Tier 3 permits when they come into effect.

Departmental disclosure statement

The Ministry of Business, Innovation, and Employment is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2024&no=82

Regulatory impact statement

The Ministry of Business, Innovation, and Employment produced 2 regulatory impact statements on 15 May 2024 and 16 May 2024 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of these regulatory impact statements can be found at—

- https://www.mbie.govt.nz/dmsdocument/28877-regulatory-impact-statement-amendments-to-the-crowm-minerals-act-1991-relating-to-petroleum-exploration-and-mining-proactiverelease-pdf
- https://www.mbie.govt.nz/dmsdocument/28878-regulatory-impact-statement-amendments-to-the-crowm-minerals-act-1991-relating-to-small-scale-non-commercial-gold-mining-proactiverelease-pdf
- https://treasury.govt.nz/publications/informationreleases/ris

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that *clauses 5 (in part), 6 to 9, 11, 16(2), 18, 19, 22(1) to (4), 24, 32 and 49* come into force on **1 July 2025**. The rest of this Bill comes into force on the day after Royal assent.

Clause 3 provides that the Act being amended is the Crown Minerals Act 1991 (the **principal Act**).

Part 1
Amendments to purpose provision and Parts 1 and 1A of principal Act

Clause 4 reverses the amendment to section 1A of the principal Act made in 2023, which provides that the purpose of the principal Act is to manage prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand. Section 1A will now provide that the purpose of the principal Act is to promote prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand. Section 1A(1) will now read as it did before the 2023 amendment.

Clause 5 amends section 2 of the principal Act (which relates to interpretation) by—

- inserting new definitions of Government policy statement and Tier 3 permit; and
- repealing the definition of onshore Taranaki region; and
- amending the definition of serve.

Clause 6 amends section 2B to make consequential amendments on the introduction of a Tier 3 permit and to define the term Tier 3 permit. A Tier 3 permit is a permit that—

- authorises mining for gold in the bed of a river or on the foreshore; and

- does not authorise mining for any other mineral; and
- relates to an area not exceeding 50 continuous hectares; and
- authorises work in accordance with 1 of the 2 relevant work programmes set out in *new section 2BA*; and
- is not a Tier 1 permit.

Clause 7 inserts *new section 2BA* into the principal Act (which sets out work programmes for the 2 different kinds of Tier 3 permits).

Clause 8 replaces section 2C to make consequential changes on the introduction of Tier 3 permits.

Clause 9 amends section 2D to—

- make changes that are consequential on the introduction of Tier 3 permits; and
- set out rules about when a change to the status of any permit takes effect.

Clause 10 amends section 5 to clarify the wording of that section.

Clause 11 amends section 8 to make changes that are consequential on the introduction of Tier 3 permits.

Clause 12 inserts *new sections 12 to 12B* into the principal Act (which introduce Government policy statements) (**GPS**).

New section 12 allows the Minister to issue 1 or more GPS at any time. The purpose of a GPS is to state the Government's objectives and priorities in relation to the mining of Crown owned minerals.

New section 12A specifies the content of a GPSs, and *new section 12B* sets out rules about the issuing and changing of a GPS.

Clause 13 amends section 16 to provide that sections 17 and 18 of the principal Act do not apply to any change to a minerals programme if the purpose of the change is to reflect and give effect to the amendments made to the principal Act by the Bill.

Part 2
Amendments to subpart 1 of Part 1B of principal Act

Clause 14 amends section 23A by repealing subsection (2) (which contains the prohibition introduced in 2018 on applying for a permit for petroleum in respect of any land outside the onshore Taranaki region).

Clause 15 repeals section 24(5A) (which prohibits the offering of permits for petroleum on any land outside the onshore Taranaki region).

Clause 16 repeals section 25(2A) (which prohibits the granting of a permit for petroleum in respect of any land outside the onshore Taranaki region), and makes other consequential and machinery changes to section 25.

Clause 17 amends section 28A (which empowers the Minister to declare that permits are not to be issued or extended for specified land for a specified period).

Clause 18 amends section 29A (which deals with the process for considering applications) by limiting the application of the section to applications for Tier 1 and Tier 2 permits.

Clause 19 inserts *new section 29AB*, which sets out the process for considering applications for Tier 3 permits, into the principal Act.

Clause 20 amends section 29B (which deals with the process for considering applications under a public tender for conditional exploration permits) to provide that—

- the section applies if the offer specifies a date that is the latest acceptable reassessment date, and the proposed work programme provided with the tender contains a reassessment date:
- the Minister need only be satisfied of certain matters to do with the capability of the applicant and proposed permit operator in relation to work that will be undertaken before the reassessment date:
- work cannot be undertaken after the reassessment date unless the Minister has satisfied themselves of those matters in relation to that work.

Clause 21 amends section 32 (which relates to the right of a permit holder to subsequent permits) to delete the term "occurrence" and to define the term "deposit".

Clause 22 amends section 35 (which relates to the duration of permits) to provide for the duration of Tier 3 permits.

A Tier 3 permit will expire—

- 10 years after the commencement date specified in the permit; or
- if an earlier expiry date is specified in the permit, on that date.

A Tier 3 permit may be extended by the Minister in the circumstances outlined in section 36(1) and (2) and *new section 36A*.

Clause 23 amends section 36 (which deals with changes to permits) to replace references to "rehabilitation work" with "mine-closure activities and rehabilitation work".

Clause 24 inserts *new section 36A* (which sets out limits on changes to a Tier 3 permit) into the principal Act.

Clause 25 amends section 39 (which deals with the revocation or transfer of a permit). A new requirement introduced by *clause 25* is to require the chief executive to lodge a copy of the notice served on the permit holder with either the Registrar-General of Land or, in certain circumstances, the Registrar of the Māori Land Court.

Clause 26 amends section 40 (which deals with the surrender of permits). The clause replaces section 40(9) of the principal Act with a requirement for the chief executive, on accepting the surrender of a permit, to lodge a surrender of the permit, with the Registrar-General of Land or, in certain circumstances, the Registrar of the Māori Land Court.

Clause 27 amends section 41AE to change a reference to "health and safety requirements of the Health and Safety at Work Act 2015" to the "health and safety and environmental requirements of all specified Acts".

Clause 28 amends section 41A (which sets out rules regarding a change of control of permit participants (other than operators of Tier 1 permits)). The 2 main new requirements introduced by the clause are—

- a requirement, in the case of a change of control of a permit participant who is a permit operator, to provide a statement that it has the technical capability to meet its obligations under the permit:
- a requirement, in those same circumstances, for the permit operator, if required by the Minister, to provide to the Minister information or documents relevant to the technical capability of the person concerned.

In a case where the Minister is not satisfied that, following a change in control, the new permit holder has the technical capability to fulfil its obligations, the Minister may revoke the permit.

Clause 29 amends section 41C (which deals with a change of a permit operator). *Clause 29* adds a new ground to section 41C(3) on which the Minister may give consent to the change of a permit operator.

Clause 30 amends section 42A to prohibit the Minister authorising a permit holder to conduct geophysical surveys on adjacent land if another permit holder has the exclusive right to prospect for the same mineral in the adjacent land.

Clause 31 repeals section 50A (which restricts access to Taranaki conservation land).

Clause 32 amends section 61 (which deals with access arrangements in respect of Crown land and land in the common marine and coastal area) to include a reference to a Tier 3 permit.

Clause 33 amends section 83 (which relates to the notation of access rights on land titles). *Clause 33* amends that section to provide that, on the expiry of an access arrangement to which section 83 applies, the permit holder or applicant for a permit must as soon as practicable lodge with the Registrar-General of Land a notice stating that the access arrangement has expired. If that notice is in order, the Registrar-General of Land must record the expiry on the record of the title.

Clause 34 inserts *new section 88* into the principal Act. *New section 88* requires a permit holder to notify the Registrar-General of Land, or the Registrar of the Māori Land Court, when certain permits expire.

Clause 35 amends section 89 (which relates to the revision of records). *Clause 35* requires the Registrar of the Māori Land Court to enter in that court's records particulars of a notice of revocation of a permit lodged under *new section 39(8)(b)*, a surrender of a permit lodged under *new section 40(9)(b)*, or a notice of expiry of a permit given under *new section 88(2) or (3)*.

Part 3
Amendments to rest of principal Act

Part 3 makes a number of changes to subparts 2 to 5 of Part 1B of the principal Act. Two of the main changes relate to the decommissioning regime introduced into the

principal Act in 2021. The current regime requires each permit or licence holder to take out a security that the Minister approves in a total sum also approved by the Minister that the Minister considers is adequate to secure the performance by the permit or licence holder of their obligations to meet the costs of decommissioning and their other decommissioning obligations. This requirement has proved to be too inflexible in practice to serve as a useful operating model. The changes made by *Part 3* allow 1 or more securities to be provided by 1 or more permit or licence holders, permit participants, or third parties to provide security for their own obligations or the decommissioning obligations of other permit or licence holders or permit participants, or both. This reflects the reality that there are multiple participants in many petroleum mining projects and in order for security arrangements to be workable there must be flexibility to allow one participant to provide or arrange security on behalf of the other participants.

The 2 new definitions inserted into section 89D by *clause 36* are—

- acceptable financial security arrangement, which means a financial security arrangement that the Minister is satisfied operates in an acceptable way and provides an acceptable level of security:
- financial security arrangement, which means 1 or more financial securities, of any kind or of different kinds, however held or provided by any person, in relation to the obligations imposed on persons under subpart 2 of Part 1B.

The amendments made by *clauses 37, 39, and 41* to section 89L, section 89T(3), and replacing sections 89Z to 89ZQ, give effect to this intended change.

One other change made to the decommissioning regime is to limit the so called perpetual liability for the performance of decommissioning obligations to just the former permit or licence holder, or person with a participating interest in a licence or permit, who most recently transferred their licence or permit, or participating interest in the licence or permit, to the current permit holder or licence holder or holder of a participating interest in either. This change is effected by *clause 38*, which replaces existing section 89M(2) with *new section 89M(2) and (3)*. Likewise, *clause 40* replaces existing section 89U(2) with *new section 89U(2) and (3)*.

Clause 42 amends section 89ZR consequentially on the change made by *clause 43*.

Clause 43 replaces existing section 89ZV, which imposes the obligation to obtain financial securities to ensure the performance of post-decommissioning obligations, and instead (in *new section 89ZV*) makes the persons who are obliged to carry out those obligations liable to do so for an indefinite period.

Clause 44 consequentially amends section 89ZZA (which relates to the exemption powers of the Minister).

Clause 45 consequentially amends section 89ZZV (which relates to pecuniary penalties).

Part 3 also makes a number of other changes to the principal Act.

Clause 46 amends section 95 (which sets out requirements for address for service).

Clause 47 replaces section 96 with *new sections 96, 96A, 96B, and 96C*, which set out rules about the service of documents, based on comparable provisions in the Resource Management Act 1991.

Clause 48 replaces the definition of permitted prospecting, exploration, or mining activity in section 101A.

Clause 49 amends section 105 by empowering regulations to specify requirements for work programmes for Tier 3 permits.

Clause 50 inserts *new Part 6* into Schedule 1 of the principal Act (which relates to transitional and savings provisions). A key change introduced by *new Part 6* is to provide, for all of the Acts that were repealed but preserved for transitional purposes by the Crown Minerals Act 1991, a common definition of Minister to ensure both clarity and consistency between the different legislative regimes. The other new transitional provisions deal with the interrelationship between existing Tier 2 permits and the new Tier 3 permits.

New clause 42 of Schedule 1 of the principal Act standardises the definitions of Minister in the principal Act and the definitions of the same term contained in 4 Acts repealed by the principal Act but continued in force for certain transitional purposes.

New clause 43 of that schedule requires the reference to 15 years in section 90(8) of the principal Act (which relates to the confidentiality of information supplied to the chief executive) to be read as "21 years" in the case of certain non-exclusive petroleum prospecting permits.

New clause 44 sets out rules for dealing with certain permit applications made before 30 June 2025 that were decided after 30 June 2025.

New clauses 45 and 46 deal with changes to the status of existing Tier 2 permits.

New clause 47 deals with subsequent changes to existing Tier 2 permits.

Hon Shane Jones

Crown Minerals Amendment Bill

Government Bill

Contents

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Crown Minerals Amendment Act **2024**.

2 Commencement

(1) This Act comes into force on the day after Royal assent.

(2) However, the following sections come into force on **1 July 2025**:

(a) **section 5(1)** (so far as it relates to the definition of Tier 3 permit):

(b) **sections 6 to 9, 11, 16(2), 18, 19, 22(1) to (4), 24, 32, and 49**.

3 Principal Act

This Act amends the Crown Minerals Act 1991.

Part 1
Amendments to purpose provision and Parts 1 and 1A of principal Act

4 Section 1A amended (Purpose)

In section 1A(1), replace "manage" with "promote".

5 Section 2 amended (Interpretation)

(1) In section 2(1), insert in their appropriate alphabetical order:

Government policy statement or GPS means a Government policy statement issued under **section 12**

Tier 3 permit has the meaning given by **section 2B(2A)**

(2) In section 2(1), repeal the definition of **onshore Taranaki region**.

(3) In section 2(1), definition of **serve**, replace "section 352 or 353 of the Resource Management Act 1991" with "**sections 96 to 96C**".

6 Section 2B amended (Meaning of Tier 1 permit and Tier 2 permit)

(1) In the heading to section 2B, replace "**and Tier 2 permit**" with "**, Tier 2 permit, and Tier 3 permit**".

(2) In section 2B(2), replace "Tier 1 permit" with "Tier 1 permit or a Tier 3 permit".

(3) After section 2B(2), insert:

(2A) In this Act, **Tier 3 permit** means a permit that—

(a) authorises mining for gold in the bed of a river, or on the foreshore; and

(b) does not authorise mining for any other mineral; and

(c) relates to an area not exceeding 50 continuous hectares; and

(d) authorises work in accordance with 1 of the 2 work programmes set out in **section 2BA**; and

(e) is not a Tier 1 permit.

(4) After section 2B(3), insert:

(4) In this section and **sections 2BA and 29AB**, **river** includes a stream or creek.

7 New section 2BA inserted (Work programmes for Tier 3 permits)

After section 2B, insert:

2BA Work programmes for Tier 3 permits

(1) In the case of a Tier 3 permit relating to the bed of a river, the work programme is—

(a) the permit holder will mine for gold:

(b) the permit holder may only use the following equipment:

(i) unpowered hand tools:

(ii) riffle boxes and associated equipment:

(iii) powered equipment not exceeding a combined total of 10 horsepower (or the equivalent of 10 horsepower) at any one time:

(iv) other similar equipment that is consistent with small-scale non-commercial gold mining:

(v) equipment permitted by regulations:

(c) a work programme that is otherwise in accordance with requirements specified in regulations.

(2) In the case of a Tier 3 permit relating to the foreshore, the work programme is—

(a) the permit holder will mine for gold:

(b) the permit holder may only use the following equipment:

(i) unpowered hand tools:

(ii) riffle boxes and associated equipment:

(iii) other similar equipment that is consistent with small-scale non-commercial gold mining:

(iv) equipment permitted by regulations:

(c) a work programme that is otherwise in accordance with requirements specified in regulations.

(3) For the purposes of **subsections (1)(b) and (2)(b)**, the permit holder may not use any equipment prohibited by regulations.

8 Section 2C replaced (Determination of permit tier status)

Replace section 2C with:

2C Determination of permit tier status

(1) The Minister must determine the tier status of a permit—

(a) on first granting the permit; and

(b) at any time that the permit is changed under section 36(1); and

(c) at any time that the permit is partially surrendered under section 40(2) if—

(i) the partial surrender results in the permit applying to an area not exceeding 50 continuous hectares; and

(ii) the permit holder, in the application under section 40(1)(a), states a purpose of the application is to satisfy the requirements of a Tier 3 permit as set out in **section 2B(2A)**.

(2) The Minister may determine the tier status of a permit at any other time the Minister thinks fit.

(3) Despite **subsections (1) and (2)**, the Minister may not make a determination that would result in a Tier 3 permit becoming a Tier 2 permit.

9 Section 2D amended (Consequences of change in status of permit)

(1) In section 2D(1), replace "a Tier 1 permit becomes a Tier 2 permit or a Tier 2 permit becomes a Tier 1 permit" with "the tier status of a permit changes".

(2) Replace section 2D(3) with:

(3) The change in tier takes effect—

(a) if a Tier 2 permit is being changed to a Tier 3 permit, on the day after the date of the notification under subsection (2); or

(b) in any other case, at the start of the permit year following the date of the notification under subsection (2).

10 Section 5 amended (Functions of Minister)

(1) In section 5(a), replace "from time to time offer permits for application by" with "attract permit applications, including by way of".

(2) After section 5(b), insert:

(ba) to prepare Government policy statements:

(3) Replace section 5(ca) with:

(ca) to make decisions on decommissioning petroleum infrastructure or wells and impose requirements for acceptable financial security arrangements to secure the performance of decommissioning obligations under subpart 2 of Part 1B and related matters:

11 Section 8 amended (Restrictions on prospecting or exploring for, or mining, Crown owned minerals)

In section 8(2A)(a)(ii), after "Tier 2 permit", insert "or a Tier 3 permit".

12 New sections 12 to 12B and cross-heading inserted

After section 11, insert:

Government policy statements

12 Minister may issue GPS

(1) The Minister may, at any time, issue 1 or more Government policy statements.

(2) The purpose of a GPS is to state the Government's objectives and priorities in relation to the mining of Crown owned minerals.

(3) The Minister must, when issuing a GPS, be satisfied that the GPS contributes to the purpose of this Act.

12A Content of GPS

(1) A GPS may contain, without limitation, either or both of the following:

(a) the Government's medium- to long-term objectives in relation to the mining of 1 or more types of Crown owned minerals:

(b) the Government's plans and priorities in order to achieve the objectives.

(2) A GPS may—

(a) cover all Crown owned minerals or only certain types of Crown owned minerals:

(b) differentiate between different types of Crown owned minerals, geographical areas, and activities.

12B Issuing and changing GPS

(1) A GPS must be made publicly available, on an internet site maintained by or on behalf of the chief executive, as soon as practicable after it is issued.

(2) The Minister may amend, replace, or revoke a GPS at any time.

(3) If a GPS is amended, replaced or revoked, public notice must be given, on an internet site maintained by or on behalf of the chief executive, as soon as practicable.

(4) An amended or replacement GPS must be made publicly available, on an internet site maintained by or on behalf of the chief executive, as soon as practicable after it is issued.

13 Section 16 amended (Changes to minerals programmes)

After section 16(3)(b), insert:

(c) reflect and give effect to the amendments made by the Crown Minerals Amendment Act **2024**.

Part 2
Amendments to subpart 1 of Part 1B of principal Act

14 Section 23A amended (Application for permits)

Repeal section 23A(2).

15 Section 24 amended (Allocation by public tender)

Repeal section 24(5A).

16 Section 25 amended (Grant of permit)

(1) Repeal section 25(2A).

(2) In section 25(3)(e), replace "Tier 1 or a Tier 2 permit" with "Tier 1, a Tier 2, or a Tier 3 permit".

17 Section 28A amended (Declaration that permits not to be issued or extended for specified land for specified period)

(1) Replace the heading to section 28A with "**Declaration in relation to specified land for specified period**".

(2) After section 28A(1), insert:

(1AA) The Minister may declare that, during a specified period, specified kinds of permits—

(a) will only be granted in respect of specified land by allocation by public tender under section 24; and

(b) will not have the area of land that those permits apply to extended to include any of that specified land.

(3) In section 28A(1A), replace "subsection (1)" with "subsections (1) and **(1AA)**".

18 Section 29A amended (Process for considering application)

(1) In the heading to section 29A, after "**application**", insert "**for Tier 1 or Tier 2 permit**".

(2) In section 29A(1), after "An applicant for a", insert "Tier 1 permit or a Tier 2".

(3) In section 29A(2), after "Before granting a", insert "Tier 1 permit or a Tier 2".

19 New section 29AB inserted (Process for considering application for Tier 3 permit)

After section 29A, insert:

29AB Process for considering application for Tier 3 permit

(1) An applicant for a Tier 3 permit must provide to the Minister—

(a) the name and contact details of the proposed permit participants and the proposed permit operator; and

(b) whether the activity will be carried out in the bed of a river or on the foreshore; and

(c) any other information prescribed in the regulations.

(2) Before granting a permit, the Minister must be satisfied—

(a) that the applicant is highly likely to comply with and give proper effect to the work programme, taking into account—

(i) the applicant's technical capability; and

(ii) the applicant's financial capability; and

(iii) any relevant information on the applicant's failure to comply with permits or rights, or conditions in respect of those permits or rights, to prospect, explore, or mine in New Zealand or internationally; and

(b) that the applicant is highly likely to comply with the relevant obligations under this Act or the regulations in respect of reporting and the payment of fees and, if applicable, royalties.

20 Section 29B amended (Process for considering application under public tender for conditional exploration permit)

(1) After section 29B(1)(a), insert:

(ab) the offer specifies a date that is the latest acceptable reassessment date; and

(2) Replace section 29B(1)(c) with:

(c) the proposed work programme provided with the tender contains a reassessment date.

(3) In section 29B(2), replace "exploration drilling committal date" with "reassessment date".

(4) Replace section 29B(3) with:

(3) If a permit is granted in accordance with this section, work cannot be undertaken after the reassessment date unless, before that date, the Minister has, on application by the permit holder, satisfied themselves of the matters set out in section 29A(2((b) and (d) in relation to that work.

(5) In section 29B(5), repeal the definition of **exploration drilling committal date**.

21 Section 32 amended (Right of permit holder to subsequent permits)

(1) In section 32(3), delete "or occurrence" in each place.

(2) After section 32(8), insert:

(9) In this section, **deposit** means a concentration or accumulation that is capable of being mined effectively and economically.

22 Section 35 amended (Duration of permit)

(1) In section 35(7), after "mining permit", insert "(except a Tier 3 permit)".

(2) In section 35(8), after "permit", insert "(except a Tier 3 permit)".

(3) After section 35(8), insert:

(8A) A Tier 3 permit expires—

(a) 10 years after the commencement date specified in the permit; or

(b) if an earlier expiry date is specified in the permit, on that date.

(8B) A Tier 3 permit may be extended only in accordance with section 36(1) and (2) and **section 36A**.

(4) In section 35(9), replace "a permit holder, amend the commencement date of a permit" with "the holder of a Tier 1 permit or a Tier 2 permit, amend the commencement date of the permit".

(5) Replace section 35(9)(a) with:

(a) the permit holder has been prevented from commencing activities under the permit by—

(i) delays in obtaining consents under any Act; or

(ii) delays in obtaining access to land under this Act; and

23 Section 36 amended (Change to permit)

(1) Repeal section 36(2A).

(2) In section 36(3), replace "rehabilitation work" with "mine-closure activities and rehabilitation work".

(3) In section 36(5AA)(b), replace "rehabilitation work" with "mine-closure activities and rehabilitation work".

24 New section 36A inserted (Limits on change to Tier 3 permit)

After section 36, insert:

36A Limits on change to Tier 3 permit

(1) The holder of a Tier 3 permit may make a written application under section 36(1)(b) only to—

(a) extend the land to which the permit relates; or

(b) extend the duration of the permit.

(2) A Tier 3 permit may only be extended if the permit holder satisfies the Minister that the discovery to which the permit relates cannot be economically depleted before the expiry date of the permit (and, in that respect, the Minister may consider the extent to which the inability to deplete the discovery during the term of the permit is due to causes or reasons beyond the permit holder's control).

(3) A permit holder may not make a written application under section 36(1)(b) that, if granted, would result in the permit not satisfying the requirements of a Tier 3 permit as set out in **section 2B(2A)**.

(4) Section 36(3), (5), and (5AA) do not apply to a Tier 3 permit.

25 Section 39 amended (Revocation or transfer of permit)

(1) Replace section 39(1) with:

(1) The Minister may revoke a permit or transfer a permit to the Minister (in replacement for the permit holder) if the Minister is satisfied that the permit holder has contravened—

(a) a condition of the permit; or

(b) this Act or the regulations.

(2) Replace section 39(8) with:

(8) As soon as practicable after a permit is revoked, the chief executive must lodge a copy of the notice served on the permit holder under subsection (3) or (3A) with—

(a) the Registrar-General of Land, if the permit was granted before 21 August 2003 and was a permit other than in respect of petroleum:

(b) the Registrar of the Māori Land Court, if the permit was granted in respect of Māori land and—

(i) the permit was granted before 21 August 2003 and was a permit other than in respect of petroleum; or

(ii) the permit was granted on or after 21 August 2003.

(3) Repeal section 39(9).

26 Section 40 amended (Surrender of permit)

(1) Replace section 40(9) with:

(9) On acceptance, the chief executive must lodge a surrender of a permit, whether in whole or in part, with—

(a) the Registrar-General of Land, if the permit was granted before 21 August 2003 and was a permit other than in respect of petroleum:

(b) the Registrar of the Māori Land Court, if the permit was granted in respect of Māori land and—

(i) the permit was granted before 21 August 2003 and was a permit other than in respect of petroleum; or

(ii) the permit was granted on or after 21 August 2003.

(2) Repeal section 40(9A).

27 Section 41AE amended (When Minister may consent to change of control of permit operator)

In section 41AE(1)(b), replace "health and safety requirements of the Health and Safety at Work Act 2015" with "health and safety and environmental requirements of all specified Acts".

28 Section 41A amended (Change of control of permit participants (other than operators of Tier 1 permits))

(1) After section 41A(3)(b), insert:

(ba) in the case of a change of control of a permit participant who is a permit operator, a statement from the permit participant that it has the technical capability to meet its obligations under the permit; and

(2) In section 41A(4), replace "subsection (3)(b) or (c)" with "subsection (3)(b) to (c)".

(3) In section 41A(5), replace "required to do so" with "so required by the Minister".

(4) After section 41A(5), insert:

(5A) In the case of a change of control of a permit participant who is a permit operator, and if so required by the Minister, a permit participant must provide to the Minister information or documents relevant to the technical capability of the person A concerned (as referred to in section 41AA(1)), which may be—

(a) general information about that person's technical capability; or

(b) information specific to the matter referred to in **subsection (3)(ba)**.

(5) In section 41A(6), replace "do so" with "comply with subsections (5) and **(5A)**".

(6) After section 41A(7)(b), insert:

(ba) in the case of a change of control of a permit participant who is a permit operator, the Minister is not satisfied that, following the change of control, the permit holder has the technical capability to meet its obligations under the permit.

29 Section 41C amended (Change of permit operator)

After section 41C(3)(a), insert:

(ab) if the change of operator relates to a Tier 1 permit for exploration or mining, if the Minister is satisfied that the proposed permit operator has, or is highly likely to have, by the time the relevant work in the permit is undertaken, the capability and systems that are likely to be required in relation to the types of activities to be carried out under the permit to meet the environmental requirements of the following Acts:

(i) Maritime Transport Act 1994:

(ii) Resource Management Act 1991:

(iii) Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012; and

30 Section 42A amended (Authorisation of geophysical surveys on adjacent land)

Replace section 42A(1) with:

(1) The Minister may, subject to such conditions as the Minister thinks fit to impose, grant written authorisation to a permit holder to carry out geophysical surveys on land adjacent to the land to which the permit (**permit A**) relates.

(1A) **Subsection(1)** does not apply if another permit or existing privilege (**permit B**) gives the holder of permit B the exclusive right to prospect for the same mineral in the adjacent land.

31 Section 50A repealed (Restricted access to Taranaki conservation land)

Repeal section 50A.

32 Section 61 amended (Access arrangements in respect of Crown land and land in common marine and coastal area)

In section 61(1)(a) and (b), after "permit", insert "or a Tier 3 permit".

33 Section 83 amended (Notation of access rights on land titles)

After section 83(3), insert:

(4) On the expiry of an access arrangement to which this section applies, the permit holder or applicant for a permit must, as soon as practicable, lodge with the Registrar-General of Land a notice stating that the access arrangement has expired.

(5) On receipt of a notice under **subsection (4)**, the Registrar-General of Land must, if everything is in order, record the expiry on the record of title.

34 New section 88 inserted (Notification of expiry of permit)

After section 87, insert:

88 Notification of expiry of permit

(1) A permit holder must notify the Registrar-General of Land when a permit expires if the permit was granted before 21 August 2003 and was a permit other than in respect of petroleum.

(2) A permit holder must notify the Registrar of the Māori Land Court when a permit granted in respect of Māori land expires if—

(a) the permit was granted before 21 August 2003 and was a permit other than in respect of petroleum; or

(b) the permit was granted on or after 21 August 2003.

(3) If the permit holder fails to comply with either or both of **subsections (1) and (2)** within a reasonable time of the expiry of the permit, the chief executive may give the required notice.

35 Section 89 amended (Revision of records)

(1) In section 89(1), replace "revocation of or surrender" with "revocation, surrender, or expiry".

(2) In section 89(2), replace "This section" with "Subsection (1)".

(3) After section 89(2), insert:

(3) The Registrar of the Māori Land Court must enter in the court's records particulars of—

(a) a notice of revocation of a permit lodged under **section 39(8)(b)**; or

(b) a surrender of a permit lodged under **section 40(9)(b)**; or

(c) a notice of expiry of a permit given under **section 88(2) or (3)**.

Part 3
Amendments to rest of principal Act

36 Section 89D amended (Interpretation)

In section 89D(1), insert in their appropriate alphabetical order:

acceptable financial security arrangement means a financial security arrangement that the Minister is satisfied operates in an acceptable way and provides an acceptable level of security, in accordance with **sections 89ZM and 89ZN**, in relation to the performance of obligations imposed on persons under this subpart

financial security arrangement means 1 or more financial securities, of any kind or different kinds, however held or provided by any person, in relation to 1 or more permits or 1 or more licences, or both, to secure the obligations imposed on persons under this subpart

37 Section 89L amended (Further obligations on transferors and transferees and Minister)

(1) Replace section 89L(3) with:

(3) The Minister must, before consenting to the transfer of a licence or participating interest in a permit or a licence, be satisfied that an acceptable financial security arrangement (whether existing, altered, or new) is or will be in place within the time specified by the Minister and will be maintained for a time specified by the Minister.

(2) In section 89L(4), replace "A financial security" with "An acceptable financial security arrangement".

38 Section 89M amended (Extent of liability of former permit and licence holders under sections 89J(2) and 89K(2))

Replace section 89M(2) with:

(2) The persons who are liable to meet the costs of decommissioning that are not met by the persons referred to in section 89J(1) or 89K(1) are the persons specified in **subsection (3)**.

(3) The persons are the former permit holder or licence holder or person with a participating interest in the licence or permit (**person B**) who most recently transferred their licence or permit or participating interest in the licence or permit to a person (**person A**) who is the current permit or licence holder or a current holder of a participating interest in the licence or permit (as the case requires).

39 Section 89T amended (Further obligations on transferors and transferees and Minister)

(1) After section 89T(1)(b), insert:

(c) the Minister.

(2) Replace section 89T(3) with:

(3) The Minister must, before consenting to the transfer of a licence or participating interest in a permit or licence, be satisfied that an acceptable financial security arrangement (whether existing, altered, or new), is or will be in place within the time specified by the Minister and will be maintained for a time specified by the Minister.

(3) In section 89T(4), after "financial security", insert "arrangement".

40 Section 89U amended (Extent of liability of former permit and licence holders under sections 89R and 89S)

Replace section 89U(2) with:

(2) The persons who are liable to meet the costs of plugging and abandonment that are not met by the persons referred to in section 89R(1) or 89S(1) are the persons specified in **subsection (3)**.

(3) The persons are the former permit holder or licence holder or person with a participating interest in the licence or permit (**person B**) who most recently transferred their licence or permit or participating interest in the licence or permit to a person (**person A**) who is the current permit or licence holder or a current holder of a participating interest in the licence or permit (as the case requires).

41 Sections 89ZL to 89ZQ replaced

Replace sections 89ZL to 89ZQ with:

89ZL Permit and licence holders must put in place and maintain acceptable financial security arrangement

(1) A permit holder or licence holder (whenever the permit or licence was granted) must ensure that there is in place and maintained an acceptable financial secur-

ity arrangement, determined by the Minister under **section 89ZN(1)**, as security for the performance of their obligations under this subpart in the event that the permit holder or licence holder fails to carry out, or separately meet the costs of, the decommissioning.

(2) The Minister must, as soon as is reasonably practicable after commencement, give each permit holder or licence holder a notice requiring them—

(a) to advise the chief executive in the prescribed manner (if any), by a specified date, of the financial security arrangement that the permit holder or licence holder considers appropriate; and

(b) to provide any information specified by the Minister to enable the Minister to make the decisions referred to in **subsection (1)**.

(3) However, if the permit holder or licence holder already has in place a financial security arrangement that the holder considers appropriate when they receive notice under **subsection (2)**, they may propose that the Minister approve the continuation of that security arrangement (with or without modifications) as the Minister's determination referred to in **subsection (1)**.

(4) The permit holder or licence holder must provide the information referred to in **subsection (2)(b)** and any proposal under **subsection (3)**—

(a) in the form and manner set out in the notice; and

(b) within any reasonable time set out in the notice requiring the information.

(5) Any financial security arrangement referred to in this section and each security that forms part of that financial security arrangement is put in place and maintained for the benefit of the Crown.

(6) To avoid doubt, information gathered under this section is subject to section 90A (disclosure of information).

89ZM Matters to which Minister must have regard in determining acceptable financial security arrangement

(1) The Minister must, when determining whether a financial security arrangement to be put in place and maintained by or on behalf of a permit holder or licence holder is acceptable, take into account—

(a) the information (if any) provided by the permit holder or licence holder under **section 89ZL(2)(b)** and any proposal under **section 89ZL(3)**:

(b) the prescribed criteria (if any) relating to acceptable financial security arrangements including, without limitation,—

(i) the following particular kinds and amounts of financial security:

(ii) any prescribed hierarchy of securities:

(iii) whether there is a preferred kind of security in the particular situation:

(iv) the permit holder or licence holder or other persons or classes of persons who may provide financial securities:

(c) the following:

(i) the estimated cost of decommissioning:

(ii) the extent to which the amount to be secured will cover the estimated cost of decommissioning:

(iii) the extent to which the financial security arrangement to be put in place will ensure that the Crown will obtain payment of the amount in the event that the permit holder or licence holder fails to carry out the decommissioning or separately meet those costs:

(d) the circumstances of the particular permit holder or licence holder:

(e) the time needed for the particular permit holder or licence holder to comply with their obligations under this subpart, and the time when work will need to start in order to achieve this:

(f) the estimated administration costs to the particular permit holder or licence holder or any other person of putting in place and maintaining the financial security arrangement for the required period (including the costs of maintaining any possible increase in the total amount required to be secured while the security is in place):

(g) any information relating to current or emerging risks to the permit holder's or licence holder's ability to comply with their obligations under this subpart:

(h) the conclusions of the most recent financial capability assessment (if any):

(i) any other matters the Minister considers relevant.

(2) The Minister may require a permit holder or licence holder to give the Minister any information that the Minister considers will assist the Minister in determining what is an acceptable financial security arrangement.

(3) The permit holder or licence holder must provide the information—

(a) in the form and in the manner set out in the notice requiring the information; and

(b) within any reasonable time specified in the notice requiring the information.

89ZN Decision of Minister

(1) The Minister, after following the processes set out in **sections 89ZL and 89ZM**, must—

(a) determine the acceptable financial security arrangement to be put in place and maintained by or on behalf of the permit holder or licence

holder or other person or classes of person, including, without limitation,—

(i) the total amount to be secured (including the individual securities forming part of the financial security arrangement and the amounts secured by each security) by the financial security arrangement:

(ii) the time by which the financial security arrangement must be in place (including if applicable, the times when different securities that form part of the securities arrangement must or may be in place):

(iii) if applicable, how the securities that form part of the financial security arrangement are to be held:

(b) impose any conditions of the security arrangement that the Minister considers appropriate.

(2) Before making a determination under **subsection (1)**, the Minister must be satisfied that it complies with the prescribed criteria (if any) relating to acceptable financial security arrangements.

(3) The Minister may also direct how the financial security arrangement must operate in accordance with the prescribed requirements (if any).

(4) If the financial security arrangement required includes a bond or a cash deposit paid to the chief executive, then,—

(a) if the bond or cash deposit relates to a participating interest in a permit, section 97 (except subsection (4)) applies:

(b) if the bond or cash deposit relates to a licence or a participating interest in a licence, section 47H of the Petroleum Act 1937 (as preserved by clause 12(1)(a) of Schedule 1 of this Act) applies.

(5) If the financial security arrangement required includes a bond or cash or a cash deposit held either in accordance with section 97 or separately by a third party (for example, in an escrow account), the permit holder or licence holder may, with the consent of the Minister, use a part or all of those amounts to carry out the decommissioning to which that security relates.

(6) The Minister must give the permit holder or licence holder a notice of the Minister's decision specifying the acceptable financial security arrangement to be put in place and maintained, including, without limitation,—

(a) the total amount to be secured by the financial security arrangement, including the individual securities forming part of the financial security arrangement and the amounts secured by each security:

(b) the time by which the financial security arrangement must be in place, including, if applicable, the times when different securities that form part of the securities arrangement must or may be in place:

(c) if applicable, how the securities that form part of the financial security arrangement are to be held:

(d) a summary of the reasons for the Minister's decision.

89ZO Alteration of 1 or more elements of financial security arrangement

(1) The Minister may, at any time,—

(a) require a permit holder or licence holder referred to in **section 89ZL(1)** to increase the total amount secured by the financial securities required under the financial security arrangement:

(b) allow a permit holder or licence holder referred to in **section 89ZL(1)** to reduce the total amount secured by the securities required under the financial security arrangement:

(c) require the permit holder or licence holder referred to in **section 89ZL(1)** to otherwise alter the financial security arrangement (for example, by changing the securities, the amounts secured by 1 or more securities, or the total amount secured by the financial security arrangement) that is put in place and maintained.

(2) When exercising a power conferred by **subsection (1)**, the Minister must take into account the matters referred to in **section 89ZM(1)(b) to (i)**.

89ZP Minister must notify required or permitted changes to financial security arrangement

(1) The Minister must, after exercising a power under **section 89ZO(1)(a), (b), or (c)**, give the affected permit holder or licence holder written notice of the required or permitted changes to the financial security arrangement to be put in place and maintained, including the total amount secured by that arrangement and, in a case where **section 89ZO(1)(a) or (c)** applies, the time by which the permit holder or licence holder must do this.

(2) The notice must be accompanied by reasons for the required change.

89ZQ Permit holder or licence holder may object to required or permitted financial security arrangement or required change to that arrangement

(1) A permit holder or licence holder who receives written notice under **section 89ZN(6) or 89ZP(1)** may, within 30 working days of receiving that notice, object to the required financial security arrangement or the required change, as the case requires, by notice in writing to the Minister.

(2) A notice of objection under **subsection (1)** must be accompanied by reasons for, and evidence or other information supporting, the objection and refer to the criteria in **section 89ZM** that the objector considers relevant.

(3) If a permit holder or licence holder makes an objection under **subsection (1)**, they cannot make any subsequent objection to the required financial security

arrangement or required change described in the notice unless there is a change in circumstances.

42 Section 89ZR amended (What happens if permit holder or licence holder makes objection)

In section 89ZR(3)(b), replace "kind of security" with "financial security arrangement".

43 Sections 89ZV to 89ZZ replaced

Replace sections 89ZV to 89ZZ with:

89ZV Post-decommissioning obligations

(1) Any person who is obliged under sections 89J(1), 89K(1), 89R(1) or 89S(1) to carry out and meet the costs of decommissioning must, carry out, and meet the costs of, any post-decommissioning work required on petroleum infrastructure or, as the case requires, 1 or more wells that have been decommissioned.

(2) The liability created by **subsection (1)** continues indefinitely.

(3) Every person who is obliged under **subsection (1)** to carry out and meet the costs of post-decommissioning work must,—

(a) if the person is a body corporate, notify the chief executive as soon as practicable after—

(i) any change of control of the body corporate:

(ii) any change in the place where the body corporate is registered or has its head office.

(b) after receiving any monitoring report or documents relating to post-decommissioning remediation work, promptly send the report or documents to the Minister.

Exemptions

44 Section 89ZZA amended (Exemption powers of Minister)

In section 89ZZA(1), replace "section 89ZV(1)(a) or from the obligation to obtain and maintain a financial security under section 89ZV(1)(b)" with "**section 89ZV**".

45 Section 89ZZV amended (Pecuniary penalties)

(1) In section 89ZZV(1)(a)(iii), replace "adequate financial security" with "acceptable financial security arrangement".

(2) Repeal section 89ZZV(1)(a)(iv).

46 Section 95 amended (Address for service)

(1) Replace section 95(1) and (2) with:

(1) Every permit holder must give written notice to the chief executive of its address for service of notices and other documents, which must be one of the addresses given to the chief executive under **subsection (2)(a)**.

(2) Every permit holder must give written notice to the chief executive of—

(a) their physical address in New Zealand and their email address; and

(b) a telephone number at which they can be contacted.

(2) Replace section 95(4) with:

(4) A permit holder or permit participant must give written notice to the chief executive of any change to the information provided under **subsection (2)** or (3) as soon as is reasonably practicable, but no later than the tenth working day after the change takes effect.

47 Section 96 replaced (Service of documents, etc)

Replace section 96 with:

96 Service of documents

(1) If a notice or other document is to be served on a permit holder, the document is validly served if it is—

(a) sent to an email address given as the permit holder's address for service under **section 95(1)**:

(b) delivered to a physical address given as the permit holder's address for service under **section 95(1)**:

(c) sent by pre-paid post addressed to the permit holder at the physical address given as the permit holder's address for service under **section 95(1)**.

(2) If a notice or other document is to be served on a person other than a permit holder for the purposes of this Act,—

(a) if the person has given an address for service, the document must be served by delivering or sending it to that address:

(b) if the person has not given an address for service, the document may be served by any of the following methods:

(i) delivering it personally to the person:

(ii) delivering it at the usual or last known place of residence or business of the person:

(iii) sending it by pre-paid post addressed to the person at the usual or last known place of residence or business of the person:

(iv) sending it by pre-paid post to a PO box address used by the person:

(v) leaving it at a document exchange for direction to the document exchange box number used by the person.

(3) If a notice or other document is sent by post to a person in accordance with this section, it is deemed, in the absence of proof to the contrary, to be received by the person at the time at which the document would have been delivered in the ordinary course of the post.

96A Service of documents on particular persons

(1) If a notice or other document is to be served on a body (whether incorporated or not), service may be effected by serving the document on an officer of the body, or sending or delivering it to the registered office of the body, in accordance with **section 96**.

(2) If a notice or other document is to be served on a partnership, service may be effected by serving the document on any one of the partners in accordance with **section 96**.

96B Service in court or other proceedings

Sections 96 and 96A do not apply to service of a document to commence, or in the course of, court or other proceedings for which the methods of service are set out in legislation other than this Act.

96C Service on owners of Māori land

Part 10 of Te Ture Whenua Maori Act 1993 (except section 185), with any necessary modifications, applies to the service of notices and other documents under this Act on owners of Māori land, except that the period fixed for anything to be done by the owners must not be extended by more than 20 working days under section 181(4) of that Act, unless the chief executive otherwise agrees.

48 Section 101A amended (Interpretation)

In section 101A, replace the definition of **permitted prospecting, exploration, or mining activity** with:

permitted prospecting, exploration, or mining activity means an activity authorised under—

(a) a prospecting, exploration, or mining permit; or

(b) an existing privilege

49 Section 105 amended (Regulations)

After section 105(1)(e), insert:

(ea) specifying requirements for work programmes for Tier 3 permits under **section 2BA**, including permitting or prohibiting the use of specific equipment by permit holders:

50 Schedule 1 amended

In Schedule 1,—

(a) insert the Part set out in the **Schedule** of this Act as the last Part; and

(b) make all necessary consequential amendments.

Schedule
New Part 6 inserted into Schedule 1

s 50

Part 6
Provisions relating to Crown Minerals Amendment Act **2024**

42 Transitional application of term Minister

For the purposes of applying clauses 11 to 20 (subpart 2) of Part 1 of this schedule (which carry over some existing privileges and preserve some repealed Acts)—

(a) section 2 of the Petroleum Act 1937 (as preserved by subpart 2 of Part 1 of this schedule) must be applied as if for the definition of Minister the following definition were substituted:

Minister means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of the Crown Minerals Act 1991:

(b) section 2 of the Iron and Steel Industry Act 1959 (as preserved by subpart 2 of Part 1 of this schedule) must be applied as if for the definition of Minister the following definition were substituted:

Minister means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of the Crown Minerals Act 1991:

(c) section 5(1) of the Mining Act 1971 (as preserved by subpart 2 of Part 1 of this schedule) must be applied as if for the definition of Minister the following definition were substituted:

Minister means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of the Crown Minerals Act 1991:

(d) section 2(1) of the Coal Mines Act 1979 (as preserved by subpart 2 of Part 1 of this schedule) must be applied as if for the definition of Minister the following definition were substituted:

Minister means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of the Crown Minerals Act 1991:

43 Information provided to chief executive by certain speculative prospectors

For the purposes of section 90(8), the reference in that subsection to 15 years must be read as 21 years in any case where the non-exclusive petroleum prospecting permit commenced during the period starting on 19 December 2012 and ending on 29 November 2017.

Tier 3 permits

44 Pre-existing applications

(1) **Subclause (2)** applies if—

(a) a person applies for a permit before the close of 30 June 2025; and

(b) if granted before the close of 30 June 2025, the permit would be a Tier 2 permit; and

(c) the permit is granted after 30 June 2025; and

(d) the permit satisfies the requirements of a Tier 3 permit as set out in **section 2B(2A)**.

(2) Where this subclause applies,—

(a) if, before the permit is granted, the applicant requests the Minister to determine the application as if Tier 3 permits had not been introduced, the permit is a Tier 2 permit:

(b) if **paragraph (a)** does not apply, the permit is a Tier 3 permit.

(3) **Subclause (4)** applies if—

(a) a person applies for a change to a Tier 2 permit under section 36(1)(b) before the close of 30 June 2025; and

(b) if granted before the close of 30 June 2025, the permit would remain a Tier 2 permit; and

(c) the application is granted after 30 June 2025; and

(d) the permit satisfies the requirements of a Tier 3 permit as set out in **section 2B(2A)**.

(4) Where this subclause applies,—

(a) if, before the application is granted, the applicant requests the Minister to determine the application as if Tier 3 permits had not been introduced, the permit is a Tier 2 permit:

(b) if **paragraph (a)** does not apply, the permit is a Tier 3 permit.

45 Existing Tier 2 permits may become Tier 3 permits

(1) A permit that is a Tier 2 permit at the close of 30 June 2025 changes to a Tier 3 permit on 1 July 2025 if **subclause (2)** applies.

(2) This subclause applies if—

(a) the permit meets the requirements of a Tier 3 permit as set out in **section 2B(2A)**; and

(b) the permit holder has advised the Minister by the close of 30 May 2025 that they want the permit to be changed to a Tier 3 permit.

(3) If **subclause (2)** does not apply, a permit that is a Tier 2 permit at the close of 30 June 2025 continues to be a Tier 2 permit.

46 Existing Tier 2 permits may be changed to enable change of tier status

(1) This clause applies if—

(a) a permit is a Tier 2 permit at the close of 30 June 2025; and

(b) the permit does not meet the requirements of a Tier 3 permit as set out in **section 2B(2A)**.

(2) The permit holder may, by the close of 30 May 2025, make a proposal to the Minister containing proposed changes to the permit to meet the requirements of a Tier 3 permit.

(3) If the Minister accepts the proposal (or any later amended proposal),—

(a) the changes proposed by the permit holder are made to the permit; and

(b) the permit becomes a Tier 3 permit.

(4) The changes to the permit and tier status occur—

(a) if the Minister accepts the proposal or amended proposal before the close of 30 June 2025, on 1 July 2025:

(b) if the Minister accepts the proposal or amended proposal on or after 1 July 2025, on the day after the date of the notification of the Minister's decision to the permit holder.

47 Subsequent changes to existing Tier 2 permits

(1) **Subclause (2)** applies if—

(a) a permit is a Tier 2 permit at the close of 30 June 2025; and

(b) the Minister changes the permit under section 36(1) or the permit is partially surrendered under section 40(2) after 30 June 2025; and

(c) the permit satisfies the requirements of a Tier 3 permit as set out in **section 2B(2A)**.

(2) If this subclause applies, if the permit holder objects to changing the tier status of the permit, the permit remains a Tier 2 permit.

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Subject: **Freshwater Implementation October Update**

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Approved by A D McLay, Director - Resource Management

Document: 3312782

Purpose

1. The purpose of this memorandum is to provide a Freshwater Implementation project update.

Executive summary

2. Set out in this memorandum is an update on the progress of implementing the freshwater package from central government. The memorandum focusses on the key tasks undertaken since the previous Committee meeting, and identifies risks associated with the project and achievement of the project timeframes.
3. The attached report focusses on the key streams of work associated with the freshwater package. This being policy development, implementation of Freshwater Farm Plans, and the communications and engagement timeline.

Recommendation

That Taranaki Regional Council:

a) receives the October 2024 update on the Freshwater Implementation Programme.

Background

4. This memorandum updates on progress in implementing the Freshwater Package. An implementation programme was previously presented to, and approved by the Committee. This report provides an overview on the progress of the work programme, specifically focusing on the previous 6 weeks and those ahead. It provides an opportunity for discussions relating to progress and risks identified.

Discussion

5. The attached report (attachment 1) provides a high level overview of the progress made since the last Committee meeting in September 2024, and identifies those tasks to be undertaken in the coming 6 weeks. It also identifies risks associated with the programme, and a copy of the high level engagement strategy.

6. Key discussion points are included in this covering memorandum to draw attention to key areas of work.

Next steps from consultation process

7. Since the conclusion of the consultation period staff have been working through the feedback received. The feedback has been analysed and collated in the draft Consultation Engagement Report. This report also sets out the next steps in relation to engagement, policy development and science investigations. The details of this report are not included in this memorandum and are instead part of a separate item on the Committee agenda.

Government direction relating to Freshwater

8. On 30 September 2024 the Primary Production Committee released their report on the Resource Management (Freshwater and Other Matters) Amendment Bill. The Select Committee Report is provided to the House containing recommendations in relation to the Bill. A summary of the report is provided below, including those elements not directly related to freshwater:
    a. *Hierarchy of obligations under the National Policy Statement for Freshwater Management (NPS-FM)* – The proposal to exclude the hierarchy of obligations from consenting processes is upheld by the committee recommendations;
    b. *Extending proposals for all resource consent applications clause 41 and 43* – the committee has recommended amendments to make it clear that the Bills provisions would apply to all resource consent applications;
    c. *3 year delay implementation of Significant Natural Areas (SNAs)* – the delay to implement the National Policy Statement for Indigenous Biodiversity (NPS-IB) and specifically identification of SNAs has been upheld by the committee recommendations. The committee do recommend some amendments to relevant clauses to clarify how this delay is to be implemented on the ground by Councils;
    d. *Ministerial power to amend NPS-IB* – the committee has recommended removing the power of the Minster to make any changes to the NPS-IB after the Bill comes into force;
    e. *Coal mining that affects wetlands or SNAs* – the committee recommendations uphold the proposal to amend the NPS-FM, NPS-IB and National Environmental Standards for Freshwater (NES-F) to align consenting pathways for extractive activities, namely to remove restrictions on new coal mines and remove the sunset clause for thermal coal.
    f. *Intensive winter grazing* – the committee has recommended to replace regulations 26 and 27 to insert a minimum setback from rivers, lakes, wetlands or drain and apply requirements for any critical source area within or adjacent to intensive winter grazing.
    g. *National direction amendment processes*:
        i. *Ministerial powers proposed to expand the circumstances where the updates to a National Environmental Standards (NESs) (and National Policy Statement (NPS) and planning standard by cross reference) are exempt consultation and submission requirements* - the committee recommended amendments to require the Minister to consider the appropriateness of accessing this power based on scale and significance of the proposal. A recommendation was also made to require the Minister's reasoning's for amendments to be published.
        ii. *Proposal to allow Ministers to not follow the full process for amending a NESs (and NPS and planning standard by cross reference) if the amendment was to change the timeframe for implementation* – the committee has recommended amendments that confine the Ministers to accessing the powers when 'extending' the timeframe for implementation only.
        iii. *Proposal to give the Ministers discretion over the timeframe for submissions* – the committee has recommended amendments to require at least 20 days for a submission period for national direction proposals

h. *Board of inquiry process removal* – the committee upheld the recommendations to remove the board of inquiry process to make and amend national direction, however they made recommendations to insert the consideration of matters in Part 2 of the Resource Management Act (RMA) into the alternative process. This would ensure consideration of matters in Part 2 of the RMA are reported to the Minister on national direction proposals.

i. *Evaluation report removal for national directions* – the proposal to remove the requirement for evaluation reports for national direction proposals under s.32 of the RMA and replace with a more streamlined requirement (s.32AB) was in part upheld by the committee recommendations. The committee recommendations have gone further to remove the requirements to undertake a 32AB report, so that the evaluation reporting does not apply to the preparation of national directions.

j. *Consenting discharges s.107* – the committee recommend amendments to s.107 of the RMA to align with the approach in the NPS-FM that enables councils to achieve environmental outcomes overtime. Also note that this is intended to apply to all resource consent applications. The recommendations enable a discharge permit or a coastal permit to be granted where the discharge may contribute to significant adverse effects on aquatic life, if the consent authority:

i. is satisfied that receiving waters are already subject to significant adverse effects on aquatic life
ii. imposes conditions on the consent
iii. is satisfied that those conditions will contribute to a reduction of those significant adverse effects on aquatic life over the duration of the consent.

k. *Stock exclusion* – the committee recommendations uphold the proposal to remove the low slope map and associated requirements from the stock exclusion regulations.

9. The Government aims to have the Bill passed into law by the end of the year.

Financial considerations—LTP/Annual Plan

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

Policy considerations

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

Iwi considerations

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

Community considerations

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

Legal considerations

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

Appendices/Attachments

Document 3312981: Freshwater Implementation Progress Report October 2024

Freshwater Implementation Project Report to Policy & Planning Committee

October 2024

	Progress in the last six weeks	Key tasks in the coming six weeks	Risks

National Policy Statement for Freshwater Management	• Finalise consultation summary report	• Progress policy development and refinement
		• Meetings with iwi Pou Taiao re key policy directions.
		• Meetings with key stakeholder groups to refine policy direction.
		  ▪ Effluent management framework
		  ▪ Earthworks discussion
		  ▪ Stormwater, wastewater and source protection zones
		• Progress Science programme:
		  ▪ Next steps on existing attribute work
		  ▪ Additional attributes work and target setting process
		  ▪ Desirable and undesirable fish species
			• Medium risk – Partnership with iwi. Risk that the timeframes, complexity of issues and the need to be working in an agile manner to develop the policy framework will impact on the partnership approach being fostered. Amendments to the Pou Taiao Agreement including the setting up of a steering committee to mitigate this risk. Opportunity to consider amendment to programme to providing more time and opportunity to work through policy drafting. Continue to present progress to the Wai Steering Committee.
			• Medium risk – participation in the community engagement is low. Mitigated through continued promotion of process, community meetings switched to being held at various locations, targeted engagement with industry groups to lessen the load on individuals.
			• High risk –change to direction of the NPSFM with the new government. We can mitigate against this risk by maintaining momentum on policy development, keeping abreast of policy announcements from the government, and taking pause when necessary to confirm approach as policy guidance from the government develops.

Freshwater Farm Plans	• Status quo – as we await further direction from the Government on likely changes to the Regulations etc.	• Status quo – as we await further direction from the Government on likely changes to the Regulations etc.	• Low risk – potential change to direction of FWFP regulations with the new government. The government has signalled the continuation of the FWFP process and Councils should expect an order in council, as such this is a low risk. The continuation of the programme will mitigate against any pressure to respond to an OIC when released.

Engagement and Communication Strategy (Policy Development)

Set out below is a high level summary of the engagement approach and timing for key components supporting the policy development. Also noted is a high level timeline for key communications and engagement activity. Note this engagement plan does not including Council working with their tangata whenua partners, this process is subject to an alternative approach led with the Pou Taiao and Council's Iwi communications advisor.

Phase	Stage	What	Who	Timing*
Phase 1	**Seek to understand** Focus: gathering info from audiences about what's important to them	This phase has covered seeking input on a variety of high level freshwater matters including visions for Freshwater in Taranaki, identification of values for freshwater management and feedback on the proposed FMU boundaries. Input has been sought through a variety of mediums including online surveys, social pinpoint, face to face meetings and drop-in sessions (ie Stratford A&P show).	Community and special interest groups.	Apr 2021 to Mar 2023
Phase 2	**Test options** Focus: building and discussion on options that meet the region's wants and needs	There are two key steps in this process: 1. Testing the building blocks of the National Objectives Framework. A discussion document for each FMU is being prepared and will cover visions, values, baselines and environmental outcomes. 2. Testing TASs and proposed management approaches. 3. Testing limits and targets. This phase will also likely include region wide policy framework discussions.	1. Community – via online consultation opportunity. Special interest groups including industry bodies, catchment groups, government agencies, district councils, environmental NGOs – via workshop discussions. 2. Community and special interest groups. A series of face to face meetings around the region and opportunity for online feedback. 3. Community and special interest groups. A series of face to face meetings around the region and opportunity for online feedback.	Aug 2023 to early 2025
Phase 3	**Present preferred solution** Focus: presentation of best options (draft plan)	A draft plan will be complied and through requirements of the RMA an opportunity for written feedback provided.	Clause 3 – listed in the RMA, and special interest groups.	Early 2025 **note this timing will be reviewed when we know more regarding new central government direction*
Phase 4	**Notification: Public submissions** Focus: formal communication relating to Plan notification	In accordance with the approved adapted programme from Council, the Freshwater Plan and Freshwater components of the RPS will be notified by Mid 2025, pending the consideration of any further direction and detail provided by the Government on their freshwater updates. Once notified all interested parties will have the opportunity formally submit written submissions on the notified plan.	All interested parties.	Notification Mid 2025. Submission period mid – late 2025. **note this timing will be reviewed when we know more regarding new central government direction*

Date: 15 October 2024

Subject: **Freshwater Community Consultation Feedback and Next Steps**

Author: Lisa Hawkins

Approved by A D McLay, Director - Resource Management

Document: 3311052

Purpose

1. The purpose of this memorandum is to present an analysis of the feedback received during the recent freshwater consultation with the community. The memorandum also sets out the key next steps staff will be following to continue development of the draft Land and Freshwater Plan.

Executive summary

2. The recent freshwater consultation undertaken between June and August 2024 has provided Council with a wealth of feedback and information to consider in its programme for developing the draft Land and Freshwater Plan. Since the consultation period closed, staff have consolidated, and then analysed the feedback received to produce the document Help Shape the Rules – Community Engagement Report, which is attached. The report will serve as a record of the consultation process, and also assist with the next stages of work.
3. This memorandum sets out a high level summary of the feedback received on each topic, along with the key next steps bundled into three areas of work - engagement and collaboration, policy direction and science investigations.
4. The presentation of this report provides an opportunity for the Committee to provide comment on the work completed to date and the proposed next steps. There will be opportunity for Committee input, at subsequent stages, particularly when we get to the point where more formal guidance and ultimately decisions will be required as to what is to be included in the Land and Freshwater Plan.

Recommendations

That Taranaki Regional Council:

a) receives the memorandum titled Freshwater Community Consultation Feedback and Next Step
b) receives the attachment titled Help Shape the Rules – Community Engagement Report
c) notes that a presentation will be provided to the Committee at the meeting to take the members through the content of the consultation report and proposed next steps
d) supports the next steps and overall direction being taken by staff, as summarised in this memorandum, to progress further targeted engagement, investigation and policy development to support the drafting of the Land and Freshwater Plan

e) determines that this decision be recognised not significant in terms of section 76 of the Local Government Act 2002

f) determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

5. As part of the programme to develop the draft Land and Freshwater Regional Plan, an extensive consultation process was recently completed. This consultation focused on draft target setting and relevant management approaches to help achieve draft targets put forward for community feedback.
6. The consultation process included a series of face to face community roadshow style drop in sessions, online surveys, online presentations, hui with iwi and hāpu and Special Interest Group (SIG) meetings. The consultation period ran from 10 June to 2 August 2024. Key statistics from the consultation period included:

a. 549 people attended the community sessions, with over 1100 points of feedback received
b. 15 people at the online zoom meeting
c. 74 people attended across the four Special Interest Group Meetings;
d. Seven hui with iwi and hāpu, with approximately 70 in attendance.
e. 22 bespoke submissions
f. 13,066 views of the 'have your say' website and extensive advertising reach.

7. The consultation sought feedback on a range of topics including draft Target Attribute States (TAS) for E. coli, sediment and nutrients and management approaches for water allocation, farm practices, earthworks, animal effluent, fish passage, stormwater and wastewater.
8. Following the conclusion of the consultation period staff have analysed the feedback received and summarised it in the attached reports and PowerPoint presentation.
9. The analysis has identified themes within each topic, which has assisted in being able to provide direction for the policy refinement work to be completed in the next phase. The Community Engagement report also provides a summary of high level themes that were identified across all topics.

Issues

10. Council needs to determine how the feedback received might best be used to support the Land and Freshwater Plan policy development process. This report provides an outline of the steps being taken by staff and provides an opportunity for the Committee to either support the overall approach being followed and/or provide comment on areas for further investigation/work.

Discussion

11. As set out in the background section of this memorandum, the feedback received from the consultation has been significant and will assist in the policy refinement work to be progressed from here.
12. The attached report Help Shape the Rules – Community Engagement Report sets out in detail an analysis of the feedback received from the consultation process. The report is broken down by topic and provides a theme analysis of the responses provided to each question. The report also includes an overview of the key next steps with regard to the relevant policy and science programmes. A presentation to take Committee members through the report and provide an opportunity for comment

will be provided at the meeting. A high level summary of each topic is provided below in this memorandum.

Feedback Summary

Escherichia coli (E. coli)

13. The community generally supported the draft 2035 E. coli targets, and they supported the setting of long-term aspirational targets beyond 30 years. Many considered the proposed approach realistic given the scale of change required. Those who opposed the draft approach generally did so on the basis that it was either too aspirational or unrealistic, or that it did not move fast enough to protect threatened species and ecosystems.
14. Some community members were sympathetic to the economic challenges that may impact the achievability of these targets, while others felt that agricultural and other industry groups had received 'enough warning' to prepare for the operational changes required to achieve improved E. coli levels. Agricultural industry bodies highlighted the E. coli 95th percentile human contact TAS as both technically and economically unachievable.

Nutrients

15. The majority of community responses supported the draft TAS for nitrate, ammonia and phosphorous. Reasons advanced for disagreement fell into two main areas: 1) seeking a stronger approach where responders did not consider the TAS aspirational enough or was not being achieved within a short enough timeframe, 2) those seeking a softer approach noting concerns with achieving the draft TAS by 2055.
16. A number of community members did not feel able to comment on the draft TAS as they were too abstract and did not seem relevant to their catchment while others disagreed with them on the basis of process and approach taken in arriving at the draft TAS. Some industry bodies considered the process set out in the National Policy Statement for Freshwater Management (NPS-FM) to not be appropriate and signaled disagreement on that basis.
17. The draft TAS for periphyton received comment primarily from industry and advocacy groups. Generally, advocacy groups sought more ambitious TAS for periphyton whereas the industry groups indicated discomfort on the level of ambition.
18. Industry groups were particularly reflective of the process undertaken at arriving at the draft TAS and nutrient criteria for periphyton with concerns regarding the application of river environment classes and the use of the under protection risk tool.
19. Notwithstanding the above, industry and advocacy groups were supportive of the Council's approach to investigating scenarios for periphyton under shaded and unshaded conditions.
20. One criticism that was present across many responders was whether the Council process appropriately took into consideration broader indicators of ecosystem health to arrive at draft nutrient criteria. Industry groups cautioned against using nutrient criteria as proxies for ecosystem health and encouraged broader assessments against other attributes such as macroinvertebrates, dissolved oxygen and fish. The community were also concerned with how actions to achieve draft TAS and nutrient criteria might be achieved with many referencing good farm practices as well as preferences on nutrient management approaches.

Sediment

21. The feedback on the draft TAS for suspended fine sediment management in freshwater by 2055 varied widely across community, industry, and environmental groups. The majority of supporters generally

agreed that the proposed 30-year timeframe was reasonable, with an emphasis on continuous improvement and accountability. However, some felt the draft TAS lacked ambition, particularly in areas of cultural significance, calling for more stringent and immediate actions to be taken to achieve better environmental outcomes. Industry representatives, particularly from the rural sectors, raised concerns about the feasibility of achieving the draft TAS within the proposed timeframe and highlighted the significant economic costs involved for implementing additional mitigation strategies to meet the draft TAS.

22. Suggestions for more comprehensive monitoring, particularly in culturally and environmentally sensitive areas, were echoed by both tangata whenua and environmental groups. Whereas industry groups wanted more measured data that accounts for ecological outcomes, rather than using a contaminant threshold. The feedback also called for tailored mitigation strategies, addressing natural variability and high-risk activities while promoting education and community involvement to manage sedimentation challenges.

Water allocation

23. There was strong support within the community for a new approach that managed rivers and streams by size. Most of the community also supported Scenario 3, the Council's recommended approach, which was designed to improve freshwater outcomes and provide a high level of water supply security. Scenario 3 includes 90% species protection and allocations of mean annual low flow (MALF) based on river size to provide greater protection to smaller more vulnerable rivers and streams. The community also supported the requirement for more information to be collected on the regions permitted water takes and the options that the Council provided to help reduce over-allocated catchments. Of the four options consulted on; to reduce water allocation, efficient water use, storage and high flow harvesting were the most popular.
24. The community expressed some reservations and requested the Council try to avoid over-regulation and unnecessary costs. Some of the community also expressed concerns that Council was going too far and that the proposed approach could see an impact on productivity across the region and result in significant economic constraints. Others were pleased to see a more environmentally focused approach, and some thought the Council should go even further to protect the environment, regardless of the potential impact on the security of community water supply, which could be easily supplemented using storage and reduced by improved efficiencies.

Diversification

25. Consultation revealed a diverse interest in diversification, though actual implementation lagged-behind consideration of diversification. Many participants indicated challenges and barriers related to costs, regulatory hurdles, and lack of support. Additionally, there were concerns specific to forestry and horticulture, including environmental impacts and economic viability, which influenced their adoption. Opportunities for diversification were also identified, with community members advocating for environmentally beneficial practices and greater flexibility in Council regulations to support sustainable land use. Members of the community also requested that the planning framework is flexible so that people can return to previous land uses if needed.

Good farm practices (GFP)

26. The consultation highlighted varying levels of adoption across different farm practices. For example, practices like poplar planting and the use of feed pads, herd homes, and stand-off areas received mixed responses. Key challenges identified, included land suitability, vulnerability to weather events, initial investment costs, livestock behaviour and effluent management.

27. In contrast, there was widespread support for the adoption of practices such as using plantain and clover in pasture, bridging stock crossing points, deferring effluent irrigation for optimal soil conditions, retiring of unsuitable grazing land, riparian planting and redirecting bridge and track runoff away from waterbodies. Additionally, practices such as fencing off critical source areas, using sediment traps, retention ponds and bunds, and minimizing use of intensive winter grazing were also adopted, albeit with fewer respondents.
28. Across the board similar challenges where identified, including high resource and labour costs, loss of productive land, ongoing maintenance, economic constraints and complexities of resource consent processes.

Riparian planting

29. Most people signaled their support for extending riparian planting to small farms and lifestyle blocks. Moreover, most of the community who responded were also supportive of extending the riparian planting programme spatially across the region. Feedback was shared around how this would look; what type of plants, setbacks and widths, what tools would be provided, and how an action plan could be utilised to implement the programme efficiently. Varying perspectives on whether a regulatory or voluntary approach should be taken for the programme's implementation were also received.

Freshwater Farm Plans (FWFPs)

30. The vast majority of responses were supportive of the Council integrating FWFPs with regional rules with a small number of responders preferring to use a consenting process instead. Some members of the community were concerned that FWFPs would not be effective or would target low hanging fruit and not bring about meaningful change. While support was generally strong, many responders caveated their support with requests and suggestions for how the integration should occur and how FWFPs could work in Taranaki. Some discussion explored which activities might be well suited to integrating with FWFPs, which included land use activities and diffuse discharges. Although some considered FWFPs to be appropriate to manage all activities, others thought that high risk activities should still require a consent.
31. Industry support FWFPs being used to create nuanced management and wider uptake of GFP to manage on farm risks to freshwater. A view was expressed that farmers should not have to comply with numerous permitted activity standards as well as prepare FWFPs. The key concern from the community was to reduce duplication of effort as much as possible and ensure that requirements are reasonable and do not incur significant costs from consultants. Members of the community were also keen to see the roll out of FWFPs supported with clear directions on how to step through the process and diagrams to help farmers determine what requirements are relevant to their farm.

Intensification

32. Some members of the public pushed back on the Council managing future intensification on the basis that normal farming activities would require regulation (a consent) while others were concerned the approach would result in grandfathering and stifle innovation. Others supported the Council providing a framework for future intensification, and some sought that the Council manage future and existing levels of intensification or shift the approach to one focusing on sustainable land use (e.g. the right land use for the right land, perhaps using a system like the Land Use Capability assessment).
33. Of all of the triggers put forward, using 'stocking rates as a proxy for intensification' received the most pushback from industry whereas 'increases to the effective land area being intensively farmed', 'increases to the irrigated land area' and 'changes to a higher intensity land use' received mixed support and disagreement from across industry and the community.

34. Regarding the different consenting options proposed to manage future intensification, 'good farm practices are established and effective' received the most indications of support, however very little feedback was provided.
35. The proposal of 'evidence to show that intensification will not increase contaminant loads within the catchment' received support and disagreement, with the key concern being that providing such evidence can be very challenging. 'A good record of compliance with existing rules and consent conditions' also received support and disagreement from the community, with those disagreeing concerned that the approach might prevent farmers undertaking better systems of management if those systems require a consent. Additionally, there was concern that farm operators and contractors could be responsible for non-compliance that is enforced upon the consent holder. How the option suggesting 'catchments that show improvements in contaminant loads' was to be applied confused some, while others were concerned that improvements are not used as headroom for further intensification. The suggestion of 'offsetting the impacts of intensification to decrease contaminant loads within the catchment' received mixed views, and 'use of adaptive management plans to ensure that practice can adjust to on the ground conditions' received support for implementing through FWFPs rather than through consents.

Effluent

36. Across the feedback received, there was support for phasing out direct discharges of effluent to water, but the preferred approach differed depending on the background of the people who provided feedback.
37. Overall, most people supported a staged transition (giving an opportunity for a short term re-consent to water to those expiring in the immediate future), however, among people who described their background as "dairy farming", there was only a small difference in preference between a staged transition and an individual transition (decision for any re-consent to water being determined on a case by case). Among people who did not describe their background as "dairy farming", there was a much strong preference for a staged transition compared to an individual transition. Tangata whenua preferred no transition. The main concerns raised were regarding the cost and practicality of discharging to land, especially for those in high rainfall areas.
38. Of the other questions asked, most people agreed with:

a. Managing effluent based on whether it was solid or liquid, rather than based on the animal species producing the effluent.
b. Allowing some small animal effluent discharges to land without resource consent.
c. Applying Engineering NZ's Practice Notes 21 and 27 to new effluent management systems.
d. Requiring visual inspections and management plans for existing systems.

39. There were some concerns expressed about applying DESC (Dairy Effluent Storage Calculator) to new and existing systems. However, this was not the case among survey responses where people had described their background as "dairy farming". Most of those people thought it was fine to use DESC, although approximately a third stated they had concerns about its use. The main concerns about using DESC related to cost, timelines for change, and the fairness of applying new rules respectively to existing systems.

Stormwater

40. To help better manage discharges to water within the urban environment the Council proposed a new approach in relation to stormwater discharges and consulted with the community. The community generally supported the proposed framework to manage reticulated networks by volume, type and location and industrial and trade stormwater dependent on the level of risk. There were some challenges identified in relation to the costs to the community as a result of any necessary upgrades to

reticulated networks and mixed views on how long any transition should take. Some of the community also expressed their views in relation to additional contaminants that can be entrained in stormwater if not appropriately managed. The potential benefits of education programmes as a cost-effective tool to improve freshwater outcomes was a strong theme throughout the consultation.

Wastewater

41. The majority of the community agreed that the Council should retain the current approach for managing industrial and trade wastewater, as it was considered to be still fit for purpose. However, there were some people from the community who called for stricter regulations to be developed, particularly around discharges to freshwater and better integration of cultural values.
42. For phasing out wastewater treatment plant discharges to freshwater, a majority of respondents preferred a staged transition, citing the need for a gradual approach to manage costs and provide time for necessary upgrades. District councils were supportive of an individual transition (case by case), they also stated that disposal to land is not always suitable everywhere in Taranaki. Groups such as Climate Justice (Taranaki), advocated for a more immediate transition, with a 2030 phase-out deadline. Whilst wastewater overflows during high rainfall events was not a topic covered in the consultation information, it was raised by the community as an area needing to be addressed.
43. Most respondents supported managing existing septic tanks through a controlled consenting pathway, with many expressing concerns about the environmental and health risks of non-compliant systems. There was also a preference to address the different risk profiles associated with densely populated areas over rural areas, and significant feedback identifying the need for improved collaboration between district and regional councils.
44. A significant portion of respondents favoured a permitted pathway for pit latrines and composting toilets, provided they are managed in a way that protects human and environmental health. Clear guidelines and design controls were also recommended, particularly near recreational areas.

Earthworks

45. Feedback from community members and interest groups was generally supportive of introducing a management approach for earthworks, however there were concerns expressed in relation to the detail of the proposed approach. The majority of responses, particularly from rural community members raised concerns about what activities would be considered 'earthworks' and subject to the proposed management approach. A large number of responses also considered the threshold of 2,500m^2 per site in any consecutive 12-month period to be too stringent and not workable.

Fish passage

46. The community largely supported the remediation of fish passage. Many sought relaxed consent requirements and additional permitted activity pathways to facilitate seamless instream work. There was a general expectation that smaller remedial projects should be completed within the next few years, while longer timeframes were recommended for extensive replacement and remediation projects. The community urged the Council to consider the specific circumstances and environmental conditions of each waterbody when prioritising in-stream structure remediation.

Next steps

47. Set out below is a summary of the next steps, noting that in some instances detail will continue to evolve as the process progresses. The next steps have been grouped under three main headings, and where relevant to a particular consultation topic this has been identified.

Engagement and collaboration

- Continue to work with tangata whenua on how the future proposed plan will recognise and integrate mātauranga Māori and mahinga kai, including in plan implementation. Also continue to work closely with Pou Taiao in policy development and refinement work.
- Set up a working group with district councils to discuss a policy approach to stormwater and wastewater networks. Specifically cover the following.
    - Explore the challenges and feasibility of potential policy options, specifically wastewater treatment to land and treatment of stormwater.
    - Implications of separating stormwater and wastewater to address wastewater overflow risk, and explore management and consenting approach to wastewater overflows.
    - Explore details of the planned network upgrades across the region.
    - Stormwater monitoring opportunities and constraints.
- Further discussions with district councils to explore opportunities to collaborate on various topics to ensure duplication is minimized between the two planning frameworks. Specific topics include earthworks and septic tank management.
- Establish a working group with key industry and community representatives to explore the opportunity to develop a Riparian Planting Action Plan.
- Undertake further discussions with relevant stakeholders in relation to the earthworks provisions to test future policy options. Stakeholders to include tangata whenua, industry groups, district councils and farming, forestry and earthwork contractor representatives.
- Set up an effluent working group with key industry and community representatives to refine policy direction.
- With the community and tangata whenua, investigate ways to explore how on-site assistance may be provided through a fish passage action plan for monitoring and remediation of fish passage.

Policy direction

- Ongoing commitment to exploring opportunities to incorporate mātauranga Māori within the plan development and implementation, along with providing for Mahinga Kai through the setting of targets.
- Pending further science investigations in relation to finalising the draft TAS, updates to the policy direction will need to be made to reflect any changes to timeframes or interim targets set.
- Linked with science investigations, progress farm practice policy options to undertake an analysis of the most effective good farm practices for Taranaki. This will consider the following:
    - identification of high-risk activities and associated management options
    - possible contaminant load reductions
    - ease of implementation
    - Implementation timeframe.
- A number of areas of interest were identified that are beyond the content of the consultation process. To address these, policy work will be undertaken in the following areas:
    - Investigate taking a catchment lens where possible in setting policy direction
    - set criteria for the identification of outstanding waterbodies, and a framework for the protection and management of their values
    - develop a groundwater framework that deals with two aspects – 1) groundwater quantity management framework and 2) managing land use impacts on groundwater quality
    - introduce water source protection zones, that will be protected and managed from adverse effects of activities of risk

  - develop receiving water quality standards – this may include receiving water standards, end of pipe standards, application of mixing zones and management of cumulative effects
  - develop a suite of oil and gas provisions
  - identification of activities where FWFP can be linked to the rule framework, including exploring where permitted activities may be enabled when linked to a certified FWFP.
- Investigate and identify the opportunity for non-regulatory programmes to support policy direction, particularly in relation to the uptake of good farm practice across the region.
- Progress further work in relation to economic analysis of policy positions as drafting is refined. This will need to specifically focus on potential impacts from any good farm management practices built into the framework in order to achieve TAS.
- Continue to explore policy direction to manage intensification, but acknowledge that limits on stocking rates in particular are unlikely to be undertaken as part of this plan due the significant uncertainty and information requirements to implement.
- Progress Scenario 3 in relation to surface water allocation, and specifically consider the following aspects of the policy framework:
  - efficiency requirements in relation to water takes, including how catchments may need to prioritise water reductions in times of low flow
  - identification of groundwater allocation and opportunities to prioritise where appropriate. This will link with further science work in relation to groundwater allocation and long term sustainability.
  - work with tangata whenua to consider how cultural flows could be developed and implemented.
- Progress with policy direction to phase out dairy effluent discharges to water and develop options for Council to consider, including:
  - a region-wide staged transition (preferred option from the overall consultation feedback); and
  - largely region-wide staged transition, but with an alternative individual transition pathway for farms where the transition will be difficult, to allow extra time to plan for transition or land use change (preferred equally to staged transition by dairy farmers and a commonly suggested alternative option); and
  - largely region-wide staged transition, but with a very limited exception for some discharges to water to continue.
- Clarify which parts of an effluent management approach could apply to non-dairy effluent and which may need an alternative approach, along with further consideration of the application of DESC (especially to existing ponds) and the role of the DairyNZ Effluent WOF programme.
- Progress with developing a policy framework which allows small animal effluent discharges to land via a permitted pathway.
- Investigate how many small-scale trade and industrial premises would be caught by progressing with a policy approach to remove permitted activity pathway for properties under 0.5 hectare and focus more on contaminant risk in relation to stormwater discharges.
- Investigate taking different policy approaches to the management of septic tanks in relation to rural areas versus more densely populated urban areas. Consider key parameters such as land characteristics and size, proximity to receiving environment and cumulative effects in any future framework.
- Proceed with policy framework to manage earthworks through the regional plan, however undertake further investigations to refine approach, including:
  - Reviewing what activities would be considered 'earthworks'
  - Review the 2,500m2 per site in any 12-month consecutive period threshold
  - Consideration of exclusion to t enable some rural earthworks to occur

  - Investing using depth, volume and or slope threshold and actions that enable consideration of natural hazard risk.
  - Reviewing available information on forestry activities in Taranaki.
- Proceed with drafting of provisions which support and encourage remediation works to occur for fish passage.

Science investigations

- Continue existing work programme to review the existing monitoring network to support Council in moving towards a wider spatial coverage in the future. Work with mana whenua in identifying opportunities for mātauranga Māori considerations.
- Identify actions to progress the draft TAS process for those attributes part of the consultation, this includes:
  - additional mitigations to be investigated (potentially modelled), specifically in relation to additional good farm practice actions impacts on E.coli, nutrients and sediment. Investigate what can be done to achieve overall ecosystem health.
  - investigate to what extent nutrient criteria can and should be used in achieving TAS for periphyton
  - continue investigation to examine effects of mitigation scenarios on individual E.coli criteria and consider alternative criteria to the 95th percentile metric and which account for flow conditions, along undertake further work to refine the aspirational long – term targets for E.coli beyond 2035.
- Progress work on remaining attributes, specifically those relevant to ecosystem health, including macroinvertebrates, fish and phytoplankton, so that a more holistic approach can be presented in future work.
- Focus on more effective communication in relation to climate change considerations, noting that all technical reports identified how climate change had been considered in the investigations undertaken.

Options

48. This report provides a summary of the feedback received from the recent community engagement processes and provides an outline of the steps being taken to progress the next stages of work associated with the development of a new Land and Freshwater Plan. There is an opportunity for the Committee to provide comment on the feedback received and proposed next steps.
49. There are two options for the Committee to consider.

Option 1 – Support the Current Approach

50. Under this approach the Committee would support the approach being followed by staff and provide any comment on any issues of particular interest, which the Committee would like to see considered.
51. The advantages of this option are:

a. The next steps further the direction expressed on various topics at the recent consultation

b. Supports further discussions and engagement with the community, industry bodies and iwi and hāpu on relevant topics and areas of interest

c. Aligns with the existing project programme, staff and resourcing budgets and continues to maintain momentum with the community.

52. There are no disadvantages of this option, although it is noted that community feedback is just one area to be considered during the policy development process. There will be further opportunities for

Committee input and decision-making on the approaches to be followed during the next stages of work.

Option 2 – New Approach

53. Under this option the Committee would ask staff to develop a fresh approach to progressing the next stages of work to take into account comments provided by the Committee. Staff would take this feedback and report back on a fresh approach that took into account the views expressed by the Committee.
54. This approach would slow down the current work programme and may affect the current timetable depending on the extent of change sought. Should the Committee wish to explore this option it is recommended any alternative actions are investigated by staff and brought back to a future meeting for full consideration by the Committee.

Significance

55. The decisions requested in this memorandum are not considered significant when assessed against Council's Significance and Engagement Policy.

Financial considerations—LTP/Annual Plan

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

Policy considerations

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

Iwi considerations

58. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the Local Government Act 2002) as outlined in the adopted Long-Term Plan and/or Annual Plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.
59. It is noted the contents of this memorandum have been informed by the hui held with tangata whenua. This engagement will continue as the plan develops.

Community considerations

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

Legal considerations

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

Appendices/Attachments

Document 3311390: Community Engagement Report

Document 3313557: Presentation on feedback and next steps

Taranaki Regional Council

Help Shape the Rules

Community Engagement Report

An overview of phase 4 freshwater engagement: 10th June – 2nd August

Executive summary

During the period of the 10th of June through to the 2nd of August 2024, staff from the Taranaki Regional Council (the Council) engaged with the Taranaki community on the next stage of development of the proposed Land and Freshwater Plan (the Proposed Plan). After three previous consultation periods, this round focussed on draft Target Attribute States (TAS) and the management approaches that are being considered in policy development to halt freshwater degradation and to seek improvement towards achieving the TAS.

A tremendous amount of feedback was received and this executive summary touches upon the key topics that were discussed. Please refer to individual topic sections within this report to read a more fulsome summary of feedback received. It should also be noted that feedback was provided on a more generalised resource management lens. To learn more about this, please refer to the '*General Comments*' section of this report.

Escherichia coli (*E. coli*)

The community generally supported the draft 2035 *E. coli* targets, and they supported the setting of long-term aspirational targets beyond 30 years. Many considered the proposed approach realistic given the scale of change required. Those who opposed the draft approach generally did so on the basis that the approach was either too aspirational or unrealistic, or that the approach did not move fast enough to protect threatened species and ecosystems. Some community members were sympathetic to the economic challenges that may impact the achievability of these targets, while others felt that agricultural and other industry groups had received enough warning to prepare for the operational changes required to achieve improved *E. coli* levels. Agricultural industry bodies highlighted the *E. coli* 95th percentile human contact TAS as both technically and economically unachievable.

Nutrients

The majority of community responses supported the draft TAS for nitrate, ammonia and phosphorous, however reasons for disagreement fell into two main areas: 1) seeking a stronger approach where responders did not consider the TAS aspirational enough or were not being achieved within a short enough timeframe, 2) those seeking a softer approach noting concerns with achieving the draft TAS by 2055. A number of community members did not feel able to comment on the draft TAS as they were too abstract and did not seem relevant to their catchment while others disagreed with them on the basis of process and approach taken at arriving at draft TAS. Some industry bodies considered the process set out in the National Policy Statement for Freshwater Management (NPS-FM) to not be appropriate and signalled disagreement on that basis.

Draft TAS for periphyton received comment primarily from industry and advocacy groups. Generally, advocacy groups sought more ambitious TAS for periphyton whereas the industry groups indicated discomfort on the level of ambition. Industry groups were particularly reflective of the process undertaken at arriving at the draft TAS and nutrient criteria for periphyton with concerns regarding the application of river environment classes and the use of the under-protection risk tool.

Notwithstanding the above, industry and advocacy groups were supportive of the Council's approach to investigating scenarios for periphyton under shaded and unshaded conditions.

One criticism that was present across many responders was whether the Council process appropriately took into consideration broader indicators of ecosystem health to arrive at draft nutrient criteria. Industry groups cautioned against using nutrient criteria as proxies for ecosystem health and encouraged broader assessments against other attributes such as macroinvertebrates, dissolved oxygen and fish. The community were also concerned with how actions to achieve draft TAS and nutrient criteria might be achieved with many referencing good farm practices as well as preferences on nutrient management approaches.

Sediment

The feedback on the draft TAS for suspended fine sediment management in freshwater by 2055 varied widely across community, industry, and environmental groups. The majority of supporters generally agreed that the proposed 30-year timeframe was reasonable, with an emphasis on continuous improvement and accountability. However, some felt the draft TAS lacked ambition, particularly in areas of cultural significance, calling for more stringent and immediate actions to be taken to achieve better environmental outcomes. Industry representatives, particularly from rural sectors, raised concerns about the feasibility of achieving the draft TAS within the proposed timeframe and highlighted the significant economic costs involved for implementing additional mitigation strategies to meet the draft TAS. Suggestions for more comprehensive monitoring, particularly in culturally and environmentally sensitive areas, were echoed by both tangata whenua and environmental groups. Whereas industry groups wanted more measured data that accounts for ecological outcomes, rather than using a contaminant threshold. The feedback also called for tailored mitigation strategies, addressing natural variability and high-risk activities while promoting education and community involvement to manage sedimentation challenges.

Water allocation

There was strong support within the community for a new approach that managed rivers and streams by size. Most of the community also supported Scenario 3, the Council's recommended approach, which was designed to improve freshwater outcomes and provide a high level of water supply security. Scenario 3 includes 90% species protection and allocations of mean annual low flow (MALF) based on river size to provide greater protection to smaller more vulnerable rivers and streams. The community also supported the requirement for more information to be collected on the regions permitted water takes and the options that the Council provided to help reduce over-allocated catchments. Of the four options consulted on; to reduce water allocation, efficient water use, storage and high flow harvesting were the most popular.

The community expressed some reservations and requested the Council try to avoid over-regulation and unnecessary costs. Some of the community also expressed concerns that Council was going too far and that the proposed approach could see an impact on productivity across the region and result in significant economic constraints. Others were pleased to see a more environmentally focussed approach, and some thought the Council should go even further to protect the environment, regardless of the potential impact on the security of community water supply, which could be easily supplemented using storage and reduced by improved efficiencies.

Diversification

Consultation revealed a diverse interest in diversification, though actual implementation lagged-behind consideration of diversification. Many participants indicated challenges and barriers related to costs, regulatory hurdles, and lack of support. Additionally, there were concerns specific to forestry and horticulture, including environmental impacts and economic viability, which influenced their adoption. Opportunities for diversification were also identified, with community members advocating for environmentally beneficial practices and greater flexibility in Council regulations to support sustainable land use. Members of the community also requested that the planning framework is flexible so that people can return to previous land uses if needed.

Good farm practices (GFP)

The consultation highlighted varying levels of adoption across different farm practices. For example, practices like poplar planting and the use of feed pads, herd homes, and stand-off areas received mixed responses. Key challenges identified included land suitability, vulnerability to weather events, initial investment costs, livestock behaviour and effluent management.

In contrast, there was widespread adoption of practices such as using plantain and clover in pasture, bridging stock crossing points, deferring effluent irrigation for optimal soil conditions, retiring of unsuitable grazing land, riparian planting and redirecting bridge and track runoff away from waterbodies. Additionally, practices such as fencing off critical source areas, using sediment traps, retention ponds and bunds, and minimizing use of intensive winter grazing were also adopted, albeit with fewer respondents.

Across the board similar challenges where identified, including high resource and labour costs, loss of productive land, ongoing maintenance, economic constraints and complexities of resource consent processes.

Riparian planting

Most people signalled their support for extending riparian planting to small farms and lifestyle blocks. Moreover, most of the community who responded were also supportive of extending the riparian planting programme spatially across the region. Feedback was shared around how this would look; what type of plants, setbacks and widths, what tools would be provided, and how an action plan could be utilised to implement the programme efficiently. Varying perspectives on whether a regulatory or voluntary approach should be taken for the programme's implementation were also received.

Freshwater Farm Plans (FWFPs)

The vast majority of responses were supportive of the Council integrating FWFPs with regional rules with a small number of responders preferring to use a consenting process instead. Some members of the community were concerned that FWFPs would not be effective or would target low hanging fruit and not bring about meaningful change. While support was generally strong, many responders caveated their support with requests and suggestions for how the integration should occur and how FWFPs could work in Taranaki. Some discussion explored which activities might be well suited to integrating with FWFPs, which included land use activities and diffuse discharges. Although some

considered FWFPs to be appropriate to manage all activities, others thought that high risk activities should still require a consent.

Industry support FWFPs being used to create nuanced management and wider uptake of GFP to manage on farm risks to freshwater. That farmers should not have to comply with numerous permitted activity standards as well as prepare FWFPs was a key concern. The key concern from the community was to reduce duplication of effort as much as possible and ensure that requirements are reasonable and do not incur significant costs from consultants. Members of the community were also keen to see the roll out of FWFPs supported with clear directions on how to step through the process and diagrams to help farmers determine what requirements are relevant to their farm.

Intensification

Some members of the public pushed back on the Council managing future intensification on the basis that normal farming activities would require a consent while others were concerned the approach would result in grandfathering and stifle innovation. Others supported the Council providing a framework for future intensification, and some sought that the Council manage future and existing levels of intensification or shift the approach to one focusing on sustainable land use (e.g. the right land use for the right land, perhaps using a system like the Land Use Capability assessment).

Of all of the triggers put forward, using '*stocking rates as a proxy for intensification*' received the most pushback from industry whereas '*increases to the effective land area being intensively farmed'*, '*increases to the irrigated land area'* and '*changes to a higher intensity land use'* received mixed support and disagreement from across industry and the community.

Regarding the different consenting options proposed to manage future intensification, '*good farm practices are established and effective*' received the most indications of support, however very little feedback was provided. The proposal of '*evidence to show that intensification will not increase contaminant loads within the catchment*' received support and disagreement, with the key concern being that providing such evidence can be very challenging. '*A good record of compliance with existing rules and consent conditions*' also received support and disagreement from the community, with those disagreeing concerned that the approach might prevent farmers undertaking better systems of management if those systems require a consent. Additionally, there was concern that farm operators and contractors could be responsible for non-compliance that is enforced upon the consent holder. How the option suggesting '*catchments that show improvements in contaminant loads*' was to be applied confused some, while others were concerned that improvements are not used as headroom for further intensification. The suggestion of *'offsetting the impacts of intensification to decrease contaminant loads within the catchmen*t' received mixed views, and '*use of adaptive management plans to ensure that practice can adjust to on the ground conditions*' received support for implementing through FWFPs rather than through consents.

Effluent

Across the feedback received, there was support for phasing out direct discharges of effluent to water, but the preferred approach differed depending on the background of the people who provided feedback.

Overall, most people supported a staged transition, however, among people who described their background as “dairy farming”, there was only a small difference in preference between a staged transition and an individual transition. Among people who did not describe their background as “dairy farming”, there was a much strong preference for a staged transition compared to an individual transition. Tangata whenua preferred no transition. The main concerns raised were regarding the cost and practicality of discharging to land, especially for those in high rainfall areas.

Of the other questions asked, most people agreed with:

- Managing effluent based on whether it was solid or liquid, rather than based on the animal species producing the effluent.
- Allowing some small animal effluent discharges to land without resource consent.
- Applying Engineering NZ’s Practice Notes 21 and 27 to new effluent management systems.
- Requiring visual inspections and management plans for existing systems.

There were some concerns expressed about applying DESC (Dairy Effluent Storage Calculator) to new and existing systems. However, this was not the case among survey responses where people had described their background as “dairy farming”. Most of those people thought it was fine to use DESC, although approximately a third stated they had concerns about its use. The main concerns about using DESC related to cost, timelines for change, and the fairness of applying new rules respectively to existing systems.

Stormwater

To help better manage discharges to water within the urban environment the Council proposed a new approach in relation to stormwater discharges and consulted with the community. The community generally supported the proposed framework to manage reticulated networks by volume, type and location and industrial and trade stormwater dependant on the level of risk. There were some challenges identified in relation to the costs to the community as a result of any necessary upgrades to reticulated networks and mixed views on how long any transition should take. Some of the community also expressed their views in relation to additional contaminants that can be entrained in stormwater if not appropriately managed. The potential benefits of education programmes as a cost-effective tool to improve freshwater outcomes was a strong theme throughout the consultation.

Wastewater

The majority of the community agreed that the Council should retain the current approach for managing industrial and trade wastewater, as it was considered to be still fit for purpose. However, there were some people from the community who called for stricter regulations to be developed, particularly around discharges to freshwater and better integration of cultural values.

For phasing out wastewater treatment plant discharges to freshwater, a majority of respondents preferred a staged transition, citing the need for a gradual approach to manage costs and provide time for necessary upgrades. District councils were supportive of an individual transition, they also stated that disposal to land is not always suitable everywhere in Taranaki. Groups such as Climate Justice (Taranaki), advocated for a more immediate transition, with a 2030 phase-out deadline.

Whilst wastewater overflows during high rainfall events was not a topic covered in the consultation information, it was raised by the community as an area needing to be addressed.

Most respondents supported managing existing septic tanks through a controlled consenting pathway, with many expressing concerns about the environmental and health risks of non-compliant systems. There was also a preference to address the different risk profiles associated with densely populated areas over rural areas, and significant feedback identifying the need for improved collaboration between district and regional councils.

A significant portion of respondents favoured a permitted pathway for pit latrines and composting toilets, provided they are managed in a way that protects human and environmental health. Clear guidelines and design controls were also recommended, particularly near recreational areas.

Earthworks

Feedback from community members and interest groups was generally supportive of introducing a management approach for earthworks, however there were concerns expressed in relation to the detail of the proposed approach. The majority of responses, particularly from rural community members raised concerns about what activities would be considered 'earthworks' and subject to the proposed management approach. A large number of responses also considered the threshold of 2,500m² per site in any consecutive 12-month period to be too stringent and not workable.

Fish passage

The community largely supported the remediation of fish passage. Many sought relaxed consent requirements and additional permitted activity pathways to facilitate seamless instream work. There was a general expectation that smaller remedial projects should be completed within the next few years, while longer timeframes were recommended for extensive replacement and remediation projects. The community urged the Council to consider the specific circumstances and environmental conditions of each waterbody when prioritising in-stream structure remediation.

Introduction and purpose of consultation

This report summarises feedback received from the fourth phase of the Council community engagement for the drafting of the Proposed Plan. This consultation period ran from the 10th of June to the 2nd of August 2024.

The report aims to capture and convey key themes that the Council heard from the community and discusses high-level direction that the Council will progress as a result of feedback received. This round of consultation was focused on draft TAS setting and relevant management approaches to help achieve the draft targets. Feedback will guide the targets, limits and rules in the Proposed Land and Freshwater Plan (the Proposed Plan) to halt degradation, and work towards improving water quality and protecting waterbodies in the short, medium and long term.

Despite the uncertainty over future changes to the package of regulations directing freshwater management, Council officers are confident that other regional councils, stakeholders and communities will benefit from the findings of this consultation process and are proud to add to the growing body of work seeking to identify the right solutions to issues affecting freshwater.

The authors and Council staff involved with this consultation would like to acknowledge and thank the community members who gave their time to provide input into this round of Proposed Plan engagement.

Background

The Council are working towards drafting the Proposed Plan to replace the current Regional Freshwater Plan which is more than 20 years old. In 2020 the government released updates to the NPS-FM, setting the direction for the management of freshwater resources. These updates were part of a broad suite of changes to freshwater management across the country with the aim of stopping further degradation and loss, reversing past damage and addressing water allocation issues. The Council acknowledges that the Government has signalled that changes to the NPS-FM are coming and continue to monitor the progress on an updated NPS-FM as part of this plan review process.

This consultation builds on three earlier engagement phases that occurred across March/April 2021, October/November 2022, and September/October 2023 which align with requirements of the NPS-FM. Previous engagement covered the:

1) *identification of Freshwater Management Units (FMU);*
2) *development of a Te Mana o te Wai objective for Taranaki;*
3) *preparation of long-term visions for each FMU;*
4) *identification of the freshwater values relevant to each FMU; and*
5) *preparation of environmental outcomes for each value.*

Obtaining a community perspective on the setting of draft TAS and working towards the identification of limits on resource use was a key aim of this round of consultation and hence feedback was also sought specifically on potential management approaches to achieve the draft TAS. Council have undertaken baseline assessments of each attribute to identify a baseline state. This

work was undertaken in October 2023 to inform the previous community engagement. Where a baseline sits below the national bottom line, the TAS must be set at or above the national bottom line. Equally if the baseline is above the national bottom line the TAS must be set at or above the baseline, the only exception to this is where the baseline is already within Band A. TAS for attributes associated with the human contact freshwater value must be set above baseline state where the baseline is not already within Band A.

Timeframes must also be considered when setting TAS, linking through to when it is considered reasonable to achieve the TAS. Should the achievement of TAS be set to a timeframe longer than 10 years Council must set interim TAS at intervals of no longer than 10 years.

The TAS provide the framework for the Council to identify limits on resource use that will achieve the TAS and for these limits to be included as rules in the Proposed Plan. All TAS discussed during the consultation and within this report are in draft form. The Council have not yet undertaken the details of the limit setting work. The information collected in this report will inform this future process.

Consultation topics

The scientific focus of this consultation was on draft TAS for the 'big four' attributes – sediment, *E. coli,* nitrogen and phosphorus (nutrients). Staff have also undertaken an assessment to guide a future water allocation and flow framework. Additionally, the consultation focused on management approaches that have either not been tried or are already being practiced and could be further implemented to achieve the draft TAS and implement the water allocation framework. The topics are listed below:

- *E. coli*;
- nutrients;
- sediment (suspended);
- water allocation;
- farm practices;
- animal effluent;
- stormwater;
- wastewater;
- earthworks; and
- fish passage.

It is important to note that the management approaches and attribute discussions are all interconnected. It is therefore advised that the reader of this report consider all information to formulate a holistic understanding of the feedback gained and the direction the Council intends on taking.

Consultation approach

The Council's approach to this consultation was multi-faceted occurring via a variety of approaches during the period of the 10th of June to the 2nd of August 2024:

- an online survey via the '*have your say*' website;
- community roadshows;
- tangata whenua workshops;
- Special Interest Group (SIG) workshops; and
- bespoke submissions.

The engagement was supported by the development of resources and educational material to ensure that people were well equipped and appropriately informed to participate. Fact sheets were prepared for each topic and attribute-specific technical memoranda were written to provide the foundations and evidence for the draft TAS that have been proposed, along with climate change projections and a regional economic baseline report. These were made available to community members via the Council's website and at community roadshows and workshops.

The following are key outreach statistics from the consultation period:

- 13,066 views of the '*have your say*' website;
- 142,680 people reached through radio advertising audience;
- 662,481 impressions and reach on social media with 9,158 reactions/comments/shares; and
- 2 TRC media releases and 12 media stories.

Descriptions of the response channels used in this consultation are listed below.

Survey

The survey was completed by community members via the Council's website. The survey was advertised via radio and social media, and total of 230 surveys were completed during the consultation period.

People were able to provide their feedback on their specific interests, or on every topic if they wished. The survey questions were grouped by topic and covered a range of question types including Likert scale (the degree to which they agreed or disagreed with proposals), multi-choice questions, and freeform commentary to elaborate on their reasoning. There were 92 questions asked in total (including demographic-based questions).

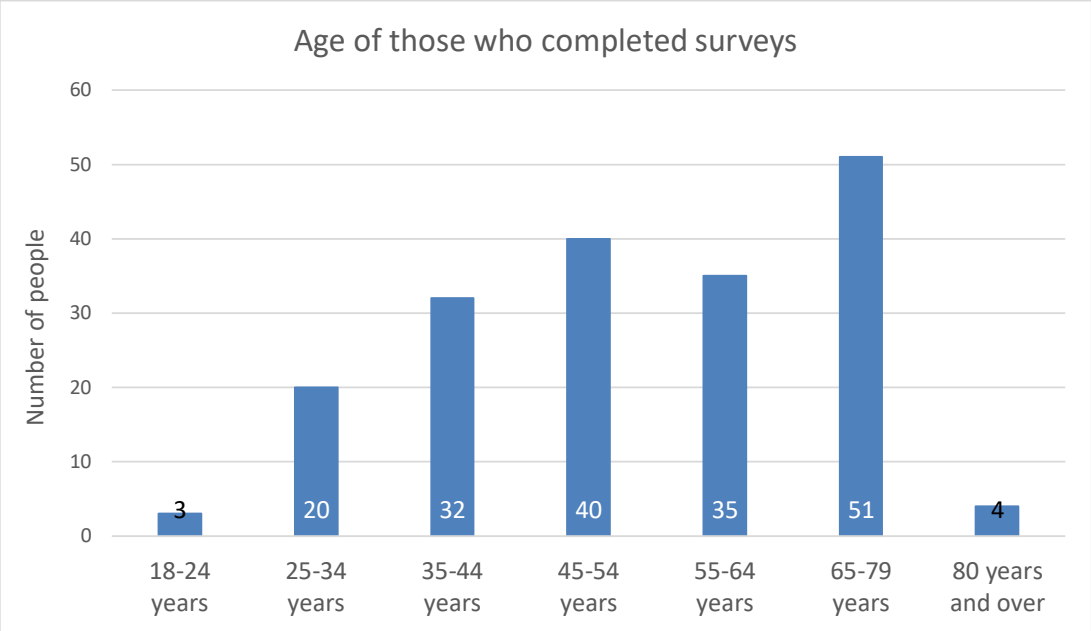

Figure 1: Age of those who completed surveys.

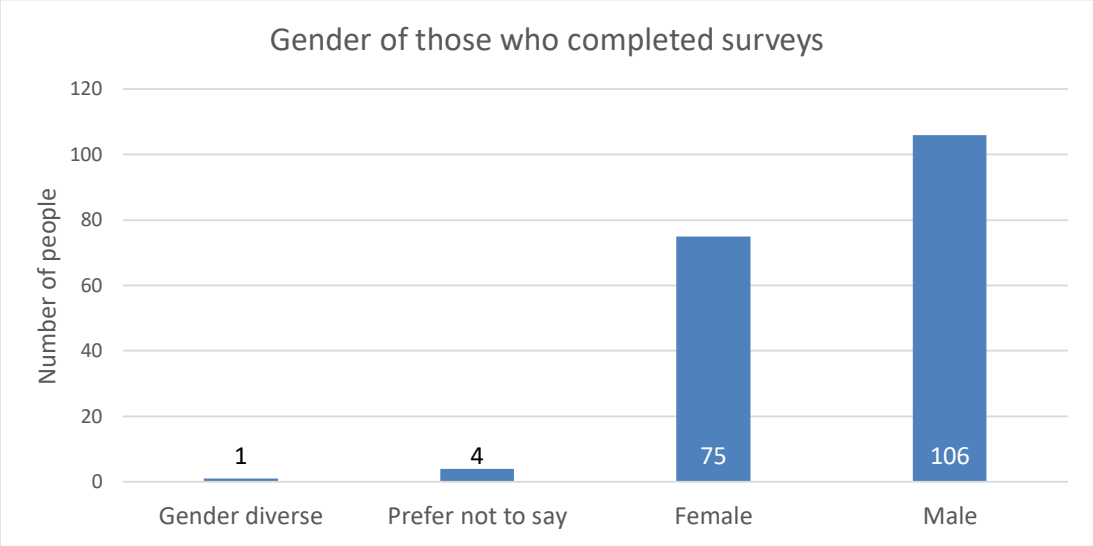

Figure 2: Gender of those who completed surveys.

Demographic information on age and gender was collected as part of the survey and can be seen in the preceding graphs. The most popular age range was 65-79 years and the most common gender that responses were received from was male.

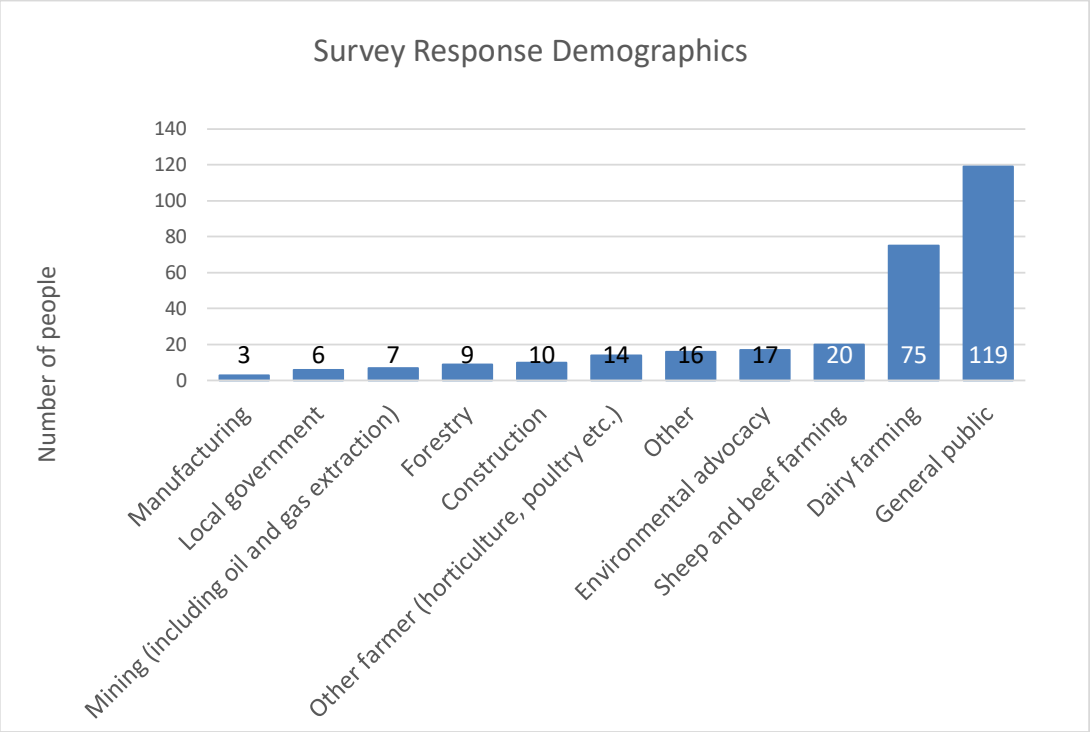

Figure 3: Survey response demographics.

This graph shows the background demographics of those who completed a survey. It should be noted that those who selected 'other' did specify how they individually identified but these responses have been amalgamated for readability purposes. The most common category was that of the general public, with dairy farmers in second. Those with a manufacturing background completed the fewest surveys.

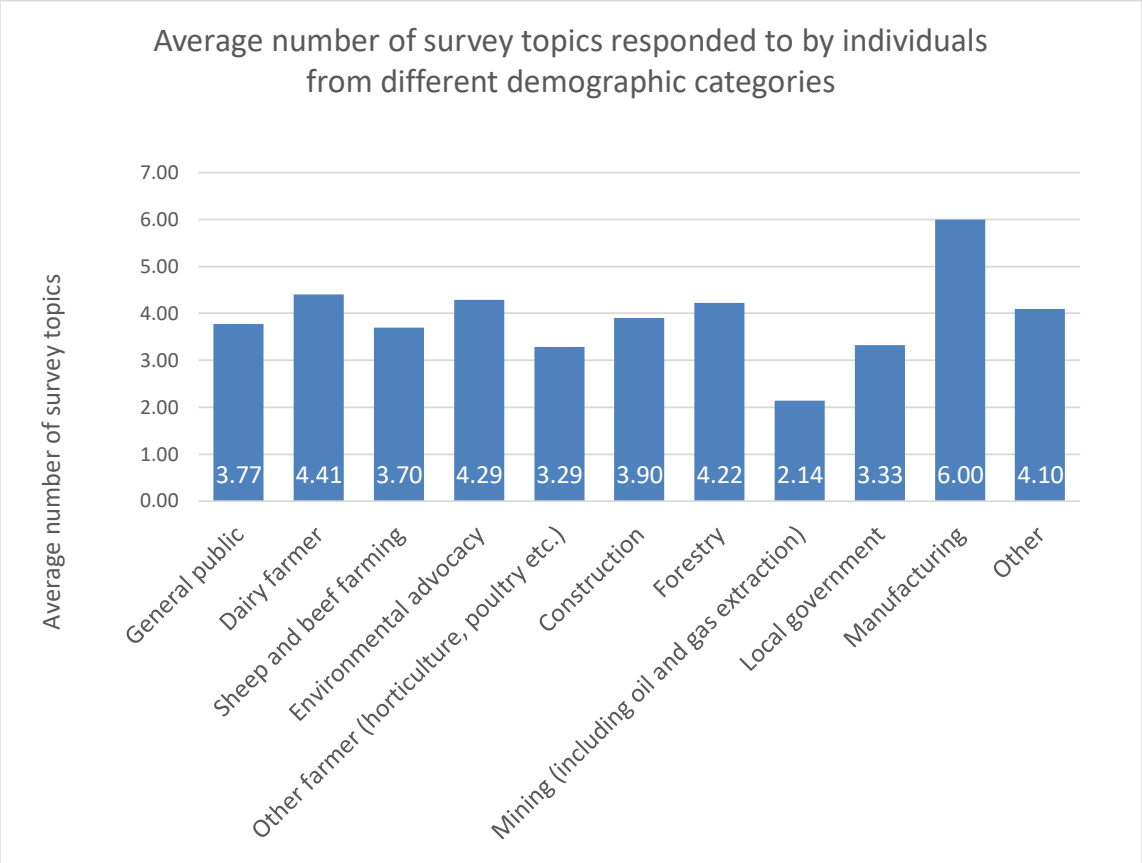

Figure 4: Average number of survey topics responded to by individuals from different demographic groups.

This graph above displays how many survey topics were responded to by individuals that identified themselves as being part of the demographics shown above. Out of those who completed surveys, those with manufacturing backgrounds responded to the highest number of topics, whilst those with mining backgrounds responded to the fewest.

Community Roadshows

In response to previous feedback regarding consultation coverage, in-person meetings, also referred to as community roadshows, were held at sixteen locations around the region and during both day and early evening to maximise community attendance. The schedule was designed to be ahead of the calving season as it moved around the region to enable farmers to attend.

Meetings operated as ‘drop-ins’ with a number of staff available for the specified time in each location, and interested people could arrive at a time that was convenient to them to discuss consultation material. Topic-based stations with information boards and questions, consultation material, manned by a topic expert staff member were set up around the room. This gave the community the opportunity to learn about a topic and provide feedback. People could provide feedback on as many topics as they wished.

Feedback was provided via sticky-dots and post-it notes at each station. At the end of every session, staff collated this feedback so that it could be analysed. Community members at these sessions could also leave their contact details and any specific questions they had to do with Council functions but not directly relevant to the consultation topics. These questions were then passed onto relevant staff to provide direct responses.

An online webinar was also undertaken to allow community members unable to attend the roadshow sessions to participate. This meeting consisted of a presentation by staff on each topic and an opportunity for Q&A at the end.

Location	Participants
Ōkato Hempton Hall Monday 17th June 2024 10:00 am to 01:00 pm	64
Opunake Sinclair Electrical and Refrigeration Events Centre Monday 17th June 2024 03:00 pm to 06:30 pm	64
Hāwera TSB Hub East Lounge Tuesday 18th June 2024 10:00 am to 01:00 pm	42
Kaponga Kaponga War Memorial Hall Tuesday 18th June 2024 03:00 pm to 06:30 pm	42
Urenui Urenui Community Centre Thursday 20th June 2024 11:00 am to 02:30 pm	23
Uruti Uruti Community Hall Thursday 20th June 2024 04:00 pm to 06:30 pm	22
Pātea Hunter Shaw Building Friday 21st June 2024 10:00 am to 01:00 pm	18
Waitōtara Waitōtara Hotel Friday 21st June 2024 03:00 pm to 06:30 pm	18
Waitara Waitara Whai Tapuwae Nō Rongo- North Taranaki Sport and Recreation Centre Monday 24th June 2024 10:00 am to 01:00 pm	33
Bell Block Fred Tucker Community Centre Monday 24th June 2024 03:00 pm to 06:30 pm	13
Inglewood TET Stadium Tuesday 25th June 2024 10:00 am to 01:00 pm	58

Tarata Tarata Community Hall Tuesday 25th June 2024 03:00 pm to 06:30 pm	22
Stratford Centennial Rest Rooms Thursday 27th June 2024 10:00 am to 01:00 pm	50
Te Wera Te Wera Camp Thursday 27th June 2024 03:00 pm to 06:30 pm	17
New Plymouth Merrilands Hall Monday 1st July 2024 10:00 am to 01:00 pm	39
New Plymouth Ferndale Hall Monday 1st July 2024 05:00 pm to 08:00 pm	24
Online Zoom Wednesday 3rd July 2024 06:00 pm to 08:00 pm	15

Table 1: Community roadshow information.

In total, 549 people attended the community sessions, with over 1,100 points of feedback received. A breakdown of people in attendance can be seen above.

Tangata whenua hui

Council staff travelled to marae and iwi hapū offices across the region to meet with tangata whenua and engage with the consultation topics. These hui varied in structure with some being held in a similar format to the community drop-in sessions, whilst others began with presentation-based followed by Q&A sessions. These hui also accommodated opportunities to further strengthen and develop relationships between Council staff and kaimahi.

As with the community roadshows, staff collated all data and feedback at the end of each hui so it could be analysed and included in this report. Moreover, additional written feedback was provided by a number of iwi which has been reflected in this report.

Hui	Date	Time	Location
Ngāti Ruanui (Session 1)	25th July	11:30am - 3:00pm	Wai-o-turi Marae
Ngaa Rauru	29th July	10am-1pm	Te Kaahui o Rauru Offices
Taranaki iwi	31st July	9:30am - 2pm	Whare Taiao
Ngāti Mutunga / Ngāti Tama / Ngāti Maru	2nd August	9:30am - 12:30pm	Urenui Beach Domain Recreation Hall

Ngāti Ruanui (Session 2)	5th August	5:30pm onwards	Te Runanga o Ngāti Ruanui Office
Ngāruahine	8th August	5:30pm onwards	Te Korowai o Ngāruahine Office
Te Atiawa	12th August	12-3pm	Nga Hapū o Te Atiawa at Ngāti Rahiri Hapū Office

Table 2: Tangata whenua hui information.

A total of seven hui with tangata whenua were held, with approximately 70 people in attendance. Dates and locations can be seen above.

Special Interest Group Workshops (SIG workshops)

Special Interest Group workshops were held with four groups of representatives from the following sectors: Primary Industries, Advocacy and NGO, Government, and Commerce and Industry.

These workshops combined presentation-style and topic station-based formats. Due to the level of expertise at these workshops, additional, and sometimes more technical extensions of questions from the survey and the community drop-ins were asked. Feedback was collected through both workshop discussions and sticky dots. All feedback was compiled and has been analysed as part of this report.

Group	Date	Time	Location	Participants
SIG Advocacy	15th July	9.30am – 1.30pm	Stratford	9
SIG Government	16th July	9.30am – 1.30pm	Stratford	28
SIG Commerce	18th July	9.30am – 1.30pm	Stratford	12
SIG Primary Industries	19th July	9.30am – 1.30pm	Stratford	23

Table 3: SIG workshop information.

A total of 74 people attended across the four workshops and the dates and locations of these can be seen above.

Bespoke feedback

The Council welcomed bespoke responses which provided the opportunity for individuals and organisations to submit free-form feedback that contained greater detail than what could be included via the online survey. A total of 23 bespoke responses were received.

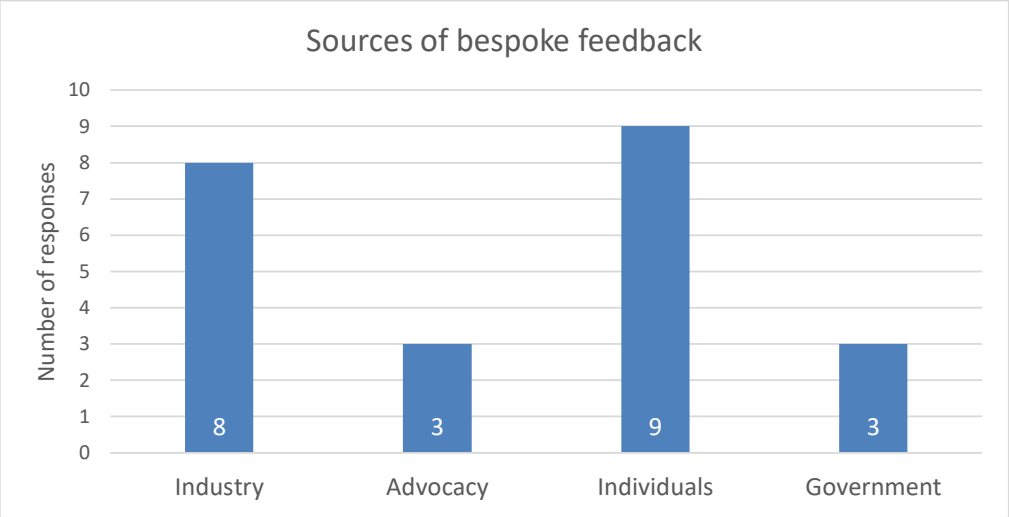

Figure 5: Sources of bespoke feedback.

The graph above shows the categories of sources of the bespoke responses. Industry groups and community individuals provided the highest number of responses with advocacy and government groups each providing fewer.

Feedback

General comments

While the consultation focused on specific areas of interest, such as draft targets and management approaches, the Council received several comments relating to broader matters such as the general aspirations for freshwater health, comments on the timeframes for achieving targets across attributes collectively, and process elements relevant to the preparation of the Proposed Plan. These more general comments are discussed in this section ahead of feedback responding directly to the targeted questions of the consultation.

Improved outcomes for freshwater health

Reflections on overarching outcomes being sought for freshwater health were a common point of discussion, particularly from those who supplied bespoke responses to the Council. In general, these acknowledge support for improving outcomes for freshwater health and consider how improvements may impact communities.

DairyNZ noted their support to improve water quality outcomes across Taranaki where current states do not meet community expectations noting that this work will continue to build on the work farmers have already undertaken.

Health New Zealand - Te Whatu Ora, noted that decisions made by the Council, when developing the Proposed Plan, has the potential to significantly influence the health and wellbeing of individuals, whānau and communities and the natural environment. They noted that freshwater management practices that recognise and promote public health, as well as cultural and ecological values will provide multiple benefits for both people and nature.

Target aspirations and realities

While the Council received a large number of comments discussing the draft targets for *E. coli*, sediment and nutrients (which are discussed in the sections below), it also received more general comments relevant to the draft targets collectively. A common area of discussion amongst the community was whether the draft targets went far enough, were aspirational enough or if they were practically achievable within the timeframes proposed.

Tangata whenua highlighted that it was important to embed the fundamental importance of water (Te Mana o te Wai), its mana and mauri through the TAS setting process and that only by protecting the health of freshwater can we protect the health and well-being of the wider environment and communities. Overwhelmingly, the feedback from tangata whenua was that the targets were generally unambitious and did not reflect the vision and aspirations that tangata whenua have for the waterbodies in Taranaki. This sentiment was also reiterated by other members of the community.

Fish & Game New Zealand did not think that the draft targets considered the values that have previously been identified for various waterbodies in the region including outstanding waterbodies and requested that a more integrated approach is needed.

Climate Justice considered that it will be difficult to achieve the draft targets if an approach to reduce big dairy farms and convert to horticulture or other land use alternatives is not considered.

Timeframes for achieving targets

The feedback on timeframes for achieving targets highlighted that there are diverging views across the community. Tangata whenua and other members of the community requested that change be realised sooner than the timeframes drafted. They highlight that these issues have perpetuated for decades, are getting worse and that sensitive species, such as piharau which are already in decline, do not have another 30 years to wait for targets to be achieved. Other's felt that the proposed targets fell short of being aspirational and needed to be achieved within shorter timeframes to see environmental improvements ahead of broader climate change impacts.

In contrast to this, others, particularly those with interests in primary production, sought longer timeframes to achieve targets. DairyNZ requested that the Council recognise the time it will take to stand up and implement good management practices and to take any environmental lag times into consideration when setting draft targets. An example of this being that riparian planting that provides full canopy closure and shade can take decades to establish and will require implementation over time due to logistical and financial limitations.

To address the issue of practice adoption and implementation, Beef + Lamb considers that intergenerational timeframes, such as 80 years, are more appropriate. Other responses from the community requested longer timeframes to ensure that communities and landowners can be sustained through changed practices for future generations.

Economic considerations

Adjacent to comments on timeframes were the concerns raised about costs to communities in pursuit of targets. Members of the community highlighted that escalating costs across consenting and compliance is becoming a barrier to production and will be impacting on food affordability. These responders encouraged the Council to develop a regulatory framework that promotes and supports sustainable practices in a way that minimises consenting and compliance costs for farmers. Concerns around costs are also discussed in various sections below in relation to specific management approaches. Feedback from Beef + Lamb encouraged the Council to prepare an economic analysis of costs to achieve proposed targets and to have this information available early.

Climate change

Some responders were concerned with the way that the draft TAS setting process took climate change into account. DairyNZ questioned why climate change had only been accounted for in sediment and not also for phosphorous, *E. coli* and other contaminants. Federated Farmers and Beef + Lamb were concerned that farmers will be expected to bear the brunt of mitigating impacts caused and exacerbated by climate change (not the farmer) in order to achieve Council and community targets. These responders encouraged the Council to consider climate change impacts as a "naturally occurring process" under the NPS-FM, (discussed again in the '*Sediment*' section).

Tangata whenua encouraged the Council to develop a climate change response alongside the development of the Proposed Plan and recognise that issues addressed by the Proposed Plan will be exacerbated by climate change.

Freshwater values and character

A number of responders highlighted specific values or character attributes of waterbodies in Taranaki that they consider are important to be recognised for the broader development of the Proposed Plan.

Fish & Game wish to see the existing protections for outstanding waterbodies carried through to the Proposed Plan. This includes for the Manganui River catchment upstream from Tariki Road and in the Maketawa Stream catchment including Ngatoro-nui and Ngatoro-iti streams. They also requested that the Okahu Stream be similarly considered for protection.

Forest & Bird consider that the Proposed Plan should measure and monitor the extent, form and character, and habitat of rivers and targets be set to protect the natural form and character of waterbodies.

DairyNZ has sought that the drafting of environmental outcomes in the Proposed Plan reflect the different levels of catchment development from native landcover to those in productive land use and that these will result in different levels of pressure/challenge to achieve targets.

Tangata whenua noted that recognition of cultural values was missing from the consultation and that there are areas of work required between Council and tangata whenua to progress. Northern iwi (Ngāti Mutunga, Ngāti Tama and Ngāti Maru) consider that a process needs to be developed to identify wai tapu sites cognisant of the work undertaken with iwi/hapū and New Plymouth District Council (NPDC). Further to this, feedback from Ngā Iwi o Taranaki noted that the value of tauranga waka needs to be identified as a value for every FMU to reflect that most (if not all) waterbodies acted as a means of transportation connecting fighting pā, refuges, papakainga nohoanga (communal living areas), mahinga kai sites (places to gather resources) and the coast. This is despite their reflection that existing vegetation and flows make current navigation impracticable.

Monitoring sites, attribute states and data availability

Resounding consensus from the community was that the Council's existing monitoring network is not sufficiently representative or distributed appropriately throughout the region. This was highlighted particularly for the hill country areas. Tangata whenua consistently expressed their concern over the spatial distribution of monitoring sites used to establish draft TAS, particularly where specific rohe may have very few or no sites. They further noted that the current data makes it very hard for tangata whenua to advise where they feel targets should be set. Tangata whenua welcome a review of the current network and urge the Council to involve iwi and hapū in that review so that there is monitoring within each rohe that is relevant to tangata whenua. Nga Iwi o Taranaki also have concerns with the data used to set baselines noting that the data is not representative of reference conditions and see little value in setting targets or flows off this data.

Community feedback indicated some concerns over the process required under the National Objectives Framework (NOF) and that this did not enable a holistic perspective on water quality to be presented. Other members of the community considered that every catchment should be treated differently reflecting their characteristics, catchment context and accounting for natural variation and conditions like erosion, nutrient levels, geology and land type.

Tangata whenua noted concerns with the exclusive use of NOF attributes to explore freshwater health and noted that they are not reflective of a Māori worldview. Some tangata whenua suggested that using 'sustained, improved and flourishing' as grade descriptors would be more aligned with Māori perspectives on freshwater health.

DairyNZ requested that the consultation material express the baseline states and TAS as absolute values (alongside the NOF band) to enable an assessment of the NPS-FM's requirement to 'maintain' water quality which relates to absolute values not bands.

Plan review process

Both members of the community as well as industry responders expressed concern with the Council proceeding with the plan review amidst resource management reform, in particular the signalled Freshwater Reforms by the Government. Industry bodies encouraged the Council to take their time with the plan review, to undertake further work on the science basis for setting targets and limits and to assess the potential economic and social impacts of change. A key area of concern was around the development and integration of FWFPs with regional rules and the need to ensure that farm planning requirements in the Proposed Plan are aligned with national requirements to avoid creating a costly, complicated, and confusing system.

Both industry and the community requested that the Council undertake further conversations with industry and the community on areas of policy change going forward and ensure sufficient time for those conversations to take place.

There were also requests for the Council to use this time to assist central government with reviewing key freshwater regulations to ensure alignment between directions.

Consultation content

DairyNZ requested that the Council include assessments of macroinvertebrates and fish communities which could provide a more holistic perspective of waterway health. They considered that this would enable a more fulsome assessment of proposed targets for sediment, nutrients and periphyton.

Tangata whenua requested that, going forward and in future consultations, there is more focus on catchments and building a holistic picture of freshwater and local issues rather than the compartmentalisation that was presented with the current consultation material. They considered that the compartmentalisation of science and management topics made it difficult to for tangata whenua to engage as fully as they would like and that the emphasis on NOF and scientific information limited discussions in many ways. Further, it presented a heavily Pākehā worldview that gave no visibility to mātauranga Māori knowledge or data. Specifically, in support of this issue,

tangata whenua raised issues around wetland restoration and the need for enhanced wetland monitoring

Members of the community and tangata whenua also noted that management options for oil and gas activities were missing and that tangata whenua are keen to be involved in these conversations going forward.

Tangata whenua relationships

A final general theme focused on the relationship between tangata whenua and the Council, in particular for compliance matters with the hopes that compliance officers and tangata whenua can operate with more alignment. This would be enabled by more cultural competency within Council staff and transparency of compliance outcomes. Taranaki iwi hapū asked for the compliance team to work more closely with then and for improved engagement on compliance matters and hapū of Te Atiawa iwi indicated that they would like to be more directly involved in handling compliance issues. Returning to issues raised around the lack of recognition of Māori perspectives, tangata whenua requested that the Proposed Plan to recognise and provide for mātauranga-a-hapū and mātauranga-a-iwi.

E. coli

E. coli is a bacteria commonly found in the intestines of warm-blooded mammals and birds. Its presence in freshwater is used as an indicator to assess whether the water has been contaminated by other harmful bacteria and viruses that can cause serious illness. Elevated concentrations of *E. coli* in freshwater are often associated with both urban and agricultural activities, such as run-off from farms, wastewater and stormwater discharges, and the presence of wildlife. The community have highlighted the importance of being able to swim and undertake other forms of recreation such as fishing and mahinga kai without the risk of getting sick. Currently, many sites across the region fall below the acceptable standards for both swimmability and water quality. For this reason, the Council have consulted with the community to establish appropriate draft TAS for reducing *E.coli* concentrations in the region's freshwater over the coming years.

Do you agree with setting long-term targets for *E. coli* beyond 30 years?

The consultation report presented two *E. coli* draft TAS scenarios: one for 2035 and another aspirational draft TAS for more than 30 years into the future. This question aimed to gauge community support for establishing long-term, aspirational draft TAS for *E. coli* beyond 30 years. Community members could respond with either 'yes' or 'no' and provide context if they wished.

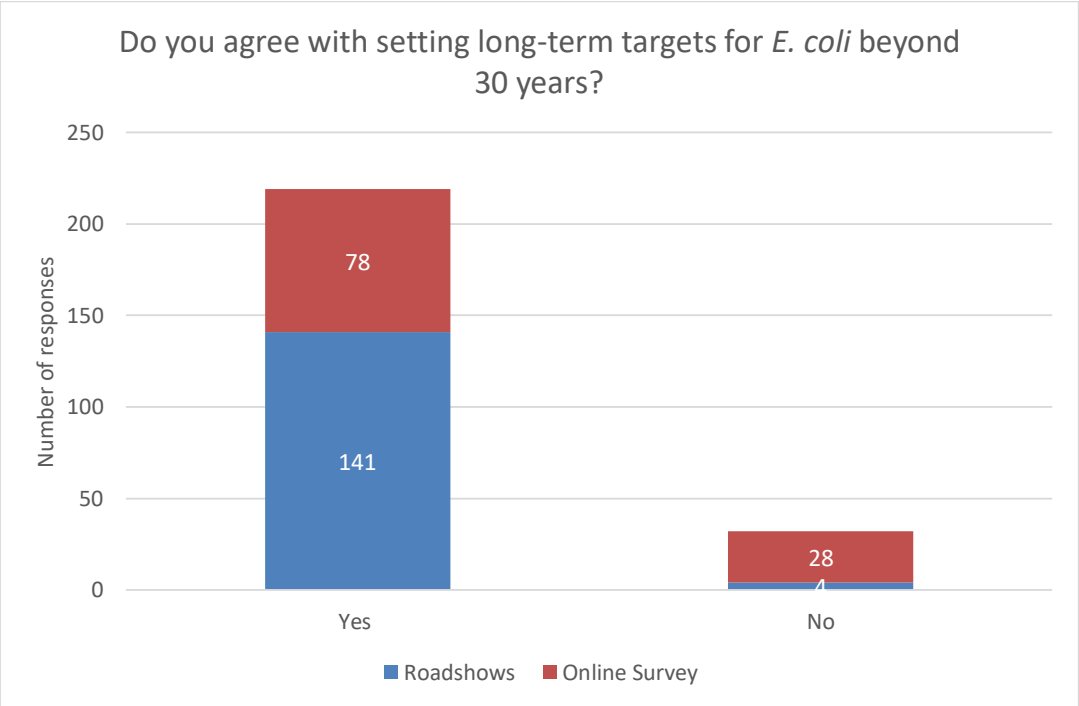

Figure 6: Counts for survey and roadshow responses via dichotomous scale identifying whether the community agreed with setting long-term draft TAS for E. coli beyond 30 years.

This graph reveals that the community largely supported the setting of long-term draft TAS for *E. coli* beyond 30 years with around 87% of community members marking 'yes'. This graph shows that a minority (12%) of community members disagreed with the setting of long-term draft TAS. The reasons behind the feedback are set out in the key themes below.

Support for 30-year draft TAS

As reflected in the numerical analysis, most participants supported setting long-term draft TAS extending beyond 30 years. There was significant support for having long-term goals with smaller, interim targets along the way as achievable, with some recommending 10-year milestones. While some community members favoured timeframes beyond 30 years, they also believed that if faster progress were possible, the region should strive to achieve it. Additionally, some community members suggested prioritising action in rivers or sites popular for recreational use or mahinga kai gathering.

Supportive of more ambitious timeframes

Several participants felt that a 30-year timeframe for achieving goals was overly generous and advocated for shorter, more ambitious timeframes. They believed that with collective effort, faster progress was possible. It was recommended that the Council intensify its monitoring of dairy effluent compliance to accelerate the rate of change. Some community members argued that rural communities have had sufficient time and warning to improve their practices, and that the financial constraints of landowners and farmers should not delay meeting regional *E. coli* draft TAS. There was a strong desire to see change within 'our lifetime'. Tangata whenua called for swift action, particularly considering declining fish species such as piharau and tuna. Tangata whenua also suggested that the Waingongoro catchment should achieve Band A for *E. coli* within the next 20 years.

Support for longer timeframes

Some community members felt the proposed 30-year timeframe was overly ambitious and unachievable. Industry bodies and community members urged the Council to postpone drafting processes until Central Government sets realistic *E. coli* TAS bands and timeframes. Concerns were raised about excrement from birds and wildlife, as well as challenges from agriculture, which were cited as reasons for extending the draft *E. coli* TAS timeframes. Some felt that current good management practices are insufficient for rural communities to meet the draft TAS within 30 years. Other challenges noted included land contour and slope. Given these issues, some Federated Farmers recommended extending the proposed timeframes to 80 years.

Additionally, it was noted that the benefits of good management practices can take years to materialise, leading DairyNZ to oppose interim targets of less than 10 years.

DairyNZ supported long-term target setting in relation to recreational and primary contact monitoring sites, however they felt the situation should be more nuanced for regional monitoring sites. They recommended that once draft TAS are set, the size of the gap between a baseline state and a draft TAS should inform the setting of timeframes.

To what extent do you agree with the draft targets for improving *E. coli* levels by 2035?

This question was intended to gauge the communities support for the TAS drafted for each of the *E. coli* monitoring sites across the region. The community were asked to demonstrate their support ranging from strongly agree, agree, neutral, disagree and strongly disagree.

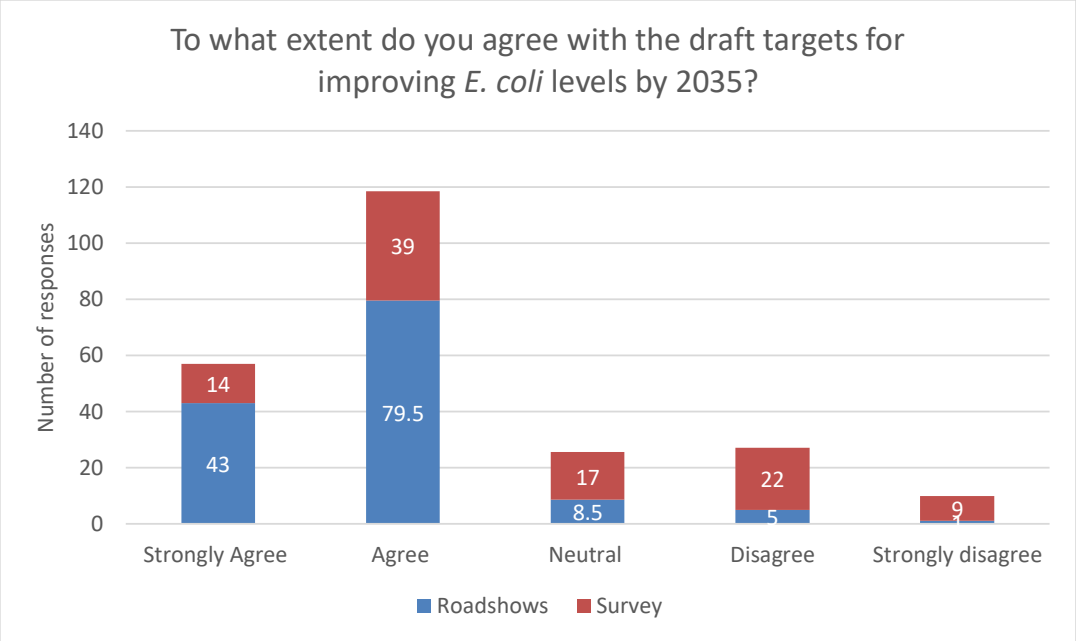

Figure 7: Counts for survey and roadshow responses via Likert scale identifying the degree to which the community agreed with the draft TAS for E. coli by 2035.

This graph shows that the majority (73%) of community members either agreed or strongly agreed with the draft TAS for improving *E. coli* levels by 2035. A minority (15%) of participants disagreed with the draft TAS, with these community members generally viewing the draft TAS as too ambitious or not ambitious enough. Feedback received in relation to this question is outlined in the key themes below.

Healthy, swimmable waterways

Managing *E. coli* was seen as important for restoring regional waterways to a clean and healthy state. Tangata whenua expressed a desire for water quality to return to levels comparable to those before the land confiscations initiated by the New Zealand Settlements Act 1863. The community envisioned regional rivers being drinkable, fishable, swimmable, and a healthy habitat for indigenous species. It was emphasised that water is essential for life and must be protected for future generations as clean waterways are vital for both people and the land. Tangata whenua advocated for the mana of awa and wetlands to be restored and expressed an expectation that the Proposed Plan and the Council prioritise waterbodies and the life dependent on them.

A number of community members and industry bodies encouraged the Council to tailor its science and monitoring efforts to better measure contaminants that reflect swimmability and human health values. Health NZ recommended including other waterborne pathogens such as cryptosporidium, campylobacter, and giardia in the overall assessment of water quality and risk to human health. DairyNZ noted that *E. coli* is not sufficient as a stand-alone indicator to ensure freshwater is suitable for swimming as people are unlikely to swim in water that appears unsafe or discolored. Forest & Bird also highlighted a similar concern, and to support communities' ability to swim in waterbodies,

they requested that the Council consider setting targets for both visibility and periphyton to contribute towards the human contact value.

Healthy river flows and other microbial indicators were also considered important for assessing swimmability. DairyNZ suggested adding an attribute for secondary contact to evaluate the suitability of waterways for non-immersive activities. Forest & Bird encouraged the Council to identify not only where people currently swim, but also where they would like to swim and recreate in the future so that these may become monitored.

Several community members and industry bodies highlighted the need for clean water, especially water free from excessive *E. coli* contamination. As drinking water suppliers South Taranaki District Council (STDC) opposed contaminated freshwater, however they acknowledge that when disposing to water, it is natural that some contaminants are entrained. NPDC urged source water for water supply be given priority when setting *E. coli* draft TAS and improvements. NPDC raised concerns about New Plymouth's water supply, Lake Mangamahoe, which is worsening in terms of *E. coli* contamination. Additionally, tangata whenua identified their reliance on the awa for watercress and mahinga kai, underscoring the need for improved water quality to prevent illness. Horticulture NZ pointed out that, under food safety frameworks, water quality testing is required to ensure that water used for washing produce is safe and free from contaminants like *E. coli.*

In response to the draft *E. coli* TAS, several participants including Horticulture NZ, felt that *E. coli* levels and associated land uses should be a central focus of the Proposed Plan due to the troubling *E. coli* baseline states throughout the region. Others emphasised that *E. coli* draft TAS need to be achievable for both urban and rural areas, with a desire for fair and similar treatment of urban and rural streams.

Support for the draft TAS for *E. coli*

Numerical analysis showed that most community members supported the draft *E. coli* TAS, with some viewing them as taking a pragmatic approach. The Council was advised to keep the draft TAS practical and achievable without compromising the financial viability of agriculture. Beef + Lamb supported the draft TAS but cautioned that increasing the draft TAS beyond Band C would require even larger reductions in *E. coli* inputs, which might not be financially feasible.

Some agreed with the draft TAS but opposed setting Band D or E as future aspirations beyond 30 years. Health NZ supported draft TAS that aim to achieve a freshwater environment conducive to people's health and endorsed goals to eliminate the need for permanent warning signs about water contamination affecting swimming and food gathering.

Opposition to draft *E. coli* TAS for being unachievable

Some community members expressed concern that the draft *E. coli* TAS were overly ambitious and unrealistic. They felt the draft TAS were unjustified, especially given the high *E. coli* levels observed in areas with minimal human modification, such as the edge of the National Park. Many were worried about the financial burdens and costs associated with meeting these draft TAS, particularly in rural communities. Some believed the Council had not adequately considered the potential financial repercussions for Taranaki. Federated Farmers argued that the Council should focus on

'improvement' rather than meeting the NOF targets, which they viewed as arbitrary, particularly when there are no known or feasible ways to achieve them.

Opposition to draft *E. coli* TAS for lacking ambition

During the consultation, it became clear that some community members felt the 2035 draft TAS lacked the ambition needed to bring *E. coli* levels to an acceptable standard, given the poor baseline conditions throughout the region. Many viewed the draft TAS as disappointing, especially for a first-world country with a 'clean and green' image. The draft TAS were criticised for being inconsistent with tangata whenua visions, and there was frustration over the lack of expected improvement within the next 10 years. There was a strong sentiment that future aspirations should lift beyond Band D and E. Given that the region already has some sites within Band A, community members questioned why the Council was not aiming to achieve Band A throughout all awa of the region. Forest & Bird recommended setting draft TAS to ensure healthy and safe human contact, enabling the community to fully engage in recreational, spiritual, and cultural activities. They supported a new target of 90% suitability for primary contact by 2040. Others also advocated for using nuanced indicators, such as swimmability, drinkability, and ecosystem health, to measure progress.

Agricultural challenges in achieving the draft TAS

Reaching the draft *E. coli* TAS will require a change in management practices, and several community members highlighted this as a potential challenge for the rural sector. Concerns were raised about the difficulty of achieving the draft TAS in a cost-effective manner without placing undue financial burdens on farmers.

Beef + Lamb raised significant concerns about management practices such as reducing stock numbers and land retirement, which they believe would be necessary to meet 95th percentile measure. They noted the fine balance between farm size and financial viability. They strongly questioned the accuracy of Land Use Capability (LUC) assessments. Within the *E. coli* technical memorandum, the Council recommended modelling further mitigation measures including the retirement of land unsuitable for grazing. Beef + Lamb held concerns regarding this and requested further information as to how LUC assessments are used to classify land as 'unsuitable for grazing'. Other community members highlighted the difficulties associated with potential management options such as fencing stream banks, including issues with erosion and the impact heavy rain on the integrity of setbacks and fences.

Other challenges in achieving the draft TAS for *E. coli*

Several community members expressed concern that naturally occurring processes and *E. coli* from wildlife could impede the achievement of the draft *E. coli* TAS. Specifically, the Pungareere catchment and Barret's Lagoon were identified as areas where flourishing bird populations could significantly affect *E. coli* levels. Additionally, some cautioned that the region's high rainfall might hinder improvements in *E. coli* concentrations.

The community emphasized that farming is not the sole source of *E. coli*, and thus, the Proposed Plan needs to address a variety of contributing factors and activities. They pointed out that septic tanks, especially those on lifestyle properties and in high-density areas, as well as the unpermitted dumping of rubbish, are significant man-made activities that the Council should manage to address

E. coli issues. There was concern regarding the Opunake wastewater treatment plant discharging into the ocean.

Issues with the NPS-FM *E. coli* attributes

Agricultural industry bodies argued that the NPS-FM *E. coli* attribute is flawed and urged regional council planning processes to halt until an alternative framework for managing water quality is established. Beef + Lamb criticized the NPS-FM *E. coli* attributes for the following reasons:

- The 95th percentile human contact TAS is both technically and economically unachievable. Current mitigation measures, such as riparian management, do not effectively reduce *E. coli* losses via overland flow during storm events. Improving from one band to the next is extremely challenging without reducing stock numbers, a problem that will be worsened by climate change.
- The requirement to set TAS at least one band higher than the baseline state demands unrealistic and unfeasible mitigations for farmers, such as land retirement or reduced stocking numbers.
- Requiring all waterways to meet human contact targets regardless of their safety for swimming and accessibility is unnecessary and impractical.

Beef + Lamb and DairyNZ supported the Council's proposal to explore alternative target criteria that prioritise *E. coli* reductions at popular swimming spots during summer or in culturally significant areas. They viewed this approach as a more pragmatic way to address true human health risks. Some community members also suggested that, since the targets are based on swimmability, *E. coli* measurements should be taken only during periods when human contact is reasonably expected to occur.

To better align with a Māori perspective of freshwater health, some tangata whenua expressed a desire for 'flourishing, improved or sustained' categories to be used over the NPS-FM attribute bands.

E. coli monitoring

Several community members suggested improvements to the Council's *E. coli* monitoring programs. They expressed a desire for more monitoring sites across the region, including within the Waitōtara catchment, the Southern Hill Council FMU, urban areas, and the rohe of Ngāti Mutunga, Taranaki iwi, Ngāti Tama, and Ngāti Maru. There was concern that without these additional sites; the Council might struggle to enforce mitigation actions aimed at meeting *E. coli* draft TAS in these areas. The community recommended increased monitoring of small streams, tributaries, and estuaries and suggested that the Council combine compliance monitoring with TAS monitoring to provide a comprehensive view of *E. coli* issues throughout the region. The Council's current monitoring only captures a snapshot in time, which NPDC felt does not offer a complete picture of stream health. NPDC recommended that the Council adopt an approach like NPDC's Stormwater Vision and Roadmap.

DairyNZ questioned the discrepancies between the efficacy modelling of mitigations conducted by the Ministry for the Environment (MfE) and the Council. Others found the monitoring data and water quality trends puzzling, noting that some catchments with minimal adjacent farmland still had high *E. coli* baselines. DairyNZ also expressed concern that they believed the impacts of climate change had not been adequately considered when setting the *E. coli* draft TAS. Additionally, tangata whenua were disappointed by the lack of mātauranga Māori in the draft TAS and the consultation process. Others criticised the baselines being set from datasets that are skewed by degradation and human modification. Community members encouraged the Council to make greater use of sub-bands so attribute gains and improvements may be more clearly visualised and understood by the layperson.

Mitigations and solutions

The community recognised that current good management practices are unlikely to reduce *E. coli* contamination to the levels required to meet the draft TAS. Several solutions and mitigations were suggested, some of which were tabled as part of the management approach sections of the community consultation, including:

- the creation and restoration of wetlands;
- the removal of birdlife defecating in rivers and streams;
- the elimination of direct effluent discharges into water;
- addressing stormwater runoff from farm raceways, critical source areas, and ephemeral flow paths, including stock exclusion from these areas;
- introducing 10m–20m buffer zones and extending riparian management to properties under 20 ha;
- encouraging lower and more sustainable stocking rates;
- retiring land unsuitable for grazing, including planting LUC 8 in forestry;
- addressing over-allocation to leave more water in rivers for dilution and flushing flows;
- implementing detention bunds to reduce runoff speed, provide filtration, and dilute contaminants;
- consenting a larger number of activities to gather a clearer picture of occurrences throughout the region;
- removing ‘reasonable mixing zones’ as a treatment solution for human contact; and
- investigating what land mixes (including horticulture) and scenarios will enable the region to achieve the *E. coli* draft TAS.

Community members encouraged the Council to identify fecal sources before implementing a management approach best suited for each individual situation. Others advocated for closing legislative loopholes that allow poor practices and wanted new standards to be enforced uniformly throughout the region, regardless of farm size, land slope, or land use (e.g., dairy support land). Tangata whenua felt that current efforts to address indicators in isolation were ineffective and thus encouraged the Council to adopt a catchment-wide approach considering cumulative impacts. Additionally, tangata whenua urged the Council to target their efforts on improving water higher up the catchment first.

Nutrients

Ecosystems require nutrients such as nitrate, ammonia and phosphorous to support life, however if concentrations of nutrients become too strong then it can lead to excessive plant and algae growth, reduced oxygen levels and in extreme cases, can kill fish. While fish kill events occur from high nutrient concentrations, algal blooms (such as periphyton) can occur under much lower concentrations, particularly when environmental factors (e.g. warm, slow moving waters in direct sunlight) are also present.

The areas of feedback have been divided into three main sections:

- responses to the draft targets for nitrate (toxicity), ammonia (toxicity) and dissolved reactive phosphorous (DRP);
- feedback on the draft TAS for periphyton and draft nutrient criteria to achieve the draft TAS; and
- other feedback on broader management options and actions.

Due to the complex relationships between elements of the nutrient TAS setting process as well as the different drivers that could be applied in the development of a management framework, readers are advised to read the chapter in its entirety.

To what extent do you agree with the draft TAS for nitrate, ammonia and phosphorous to achieve improvements by 2055?

For the consultation, the Council prepared draft TAS for nitrate (toxicity), ammonia (toxicity) and DRP to be achieved by 2055 to protect waterways from toxic effects of nutrients and asked the community for their feedback on the draft TAS.

The Council also presented a draft TAS of Band B for the periphyton attribute and the work to date for setting nutrient criteria to achieve that target. While the Council did not ask any direct questions of the community, a number of written responses provided feedback on this additional work.

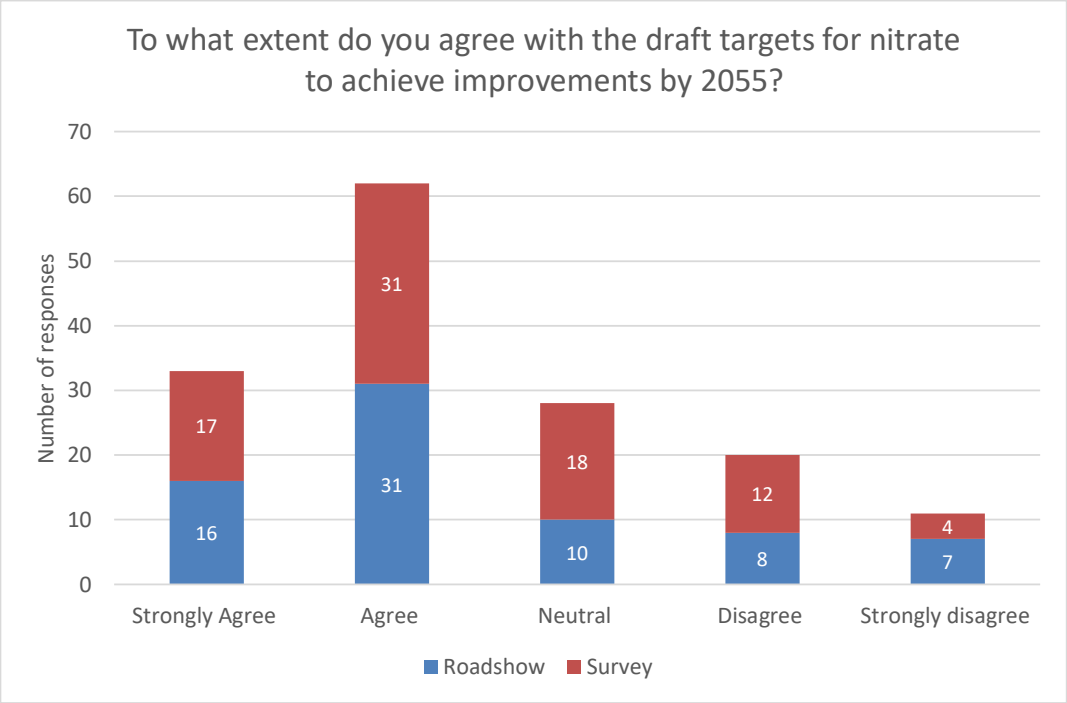

Figure 8: Counts for survey and roadshow responses via Likert scale identifying the degree to which people agreed with the draft TAS for nitrate (toxicity).

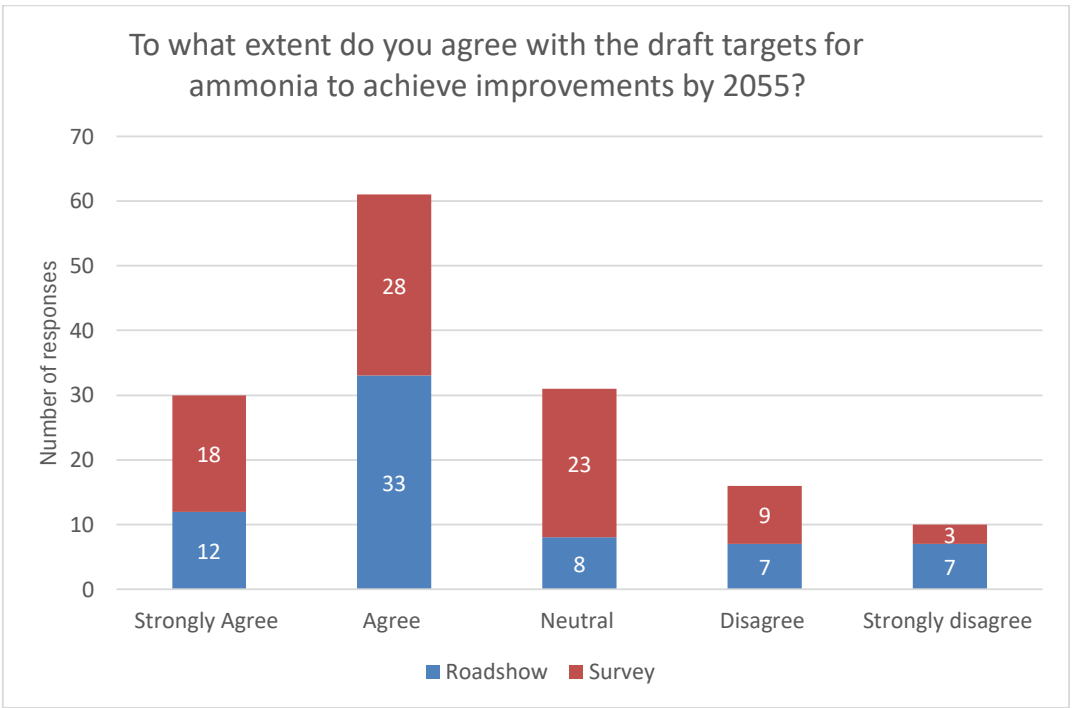

Figure 9: Counts for survey and roadshow responses via Likert scale identifying the degree to which people agreed with the draft TAS for ammonia (toxicity).

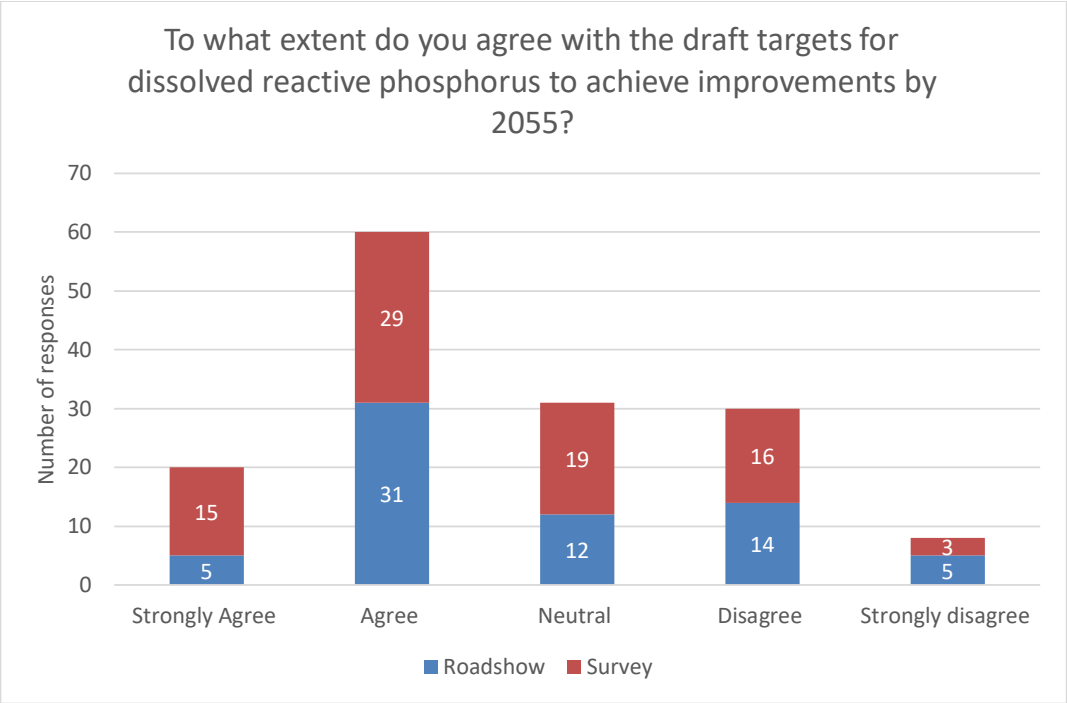

Figure 10: Counts for survey and roadshow responses via Likert scale identifying the degree to which people agreed with the draft TAS for DRP.

Numeric responses from across the different nutrients show similar patterns of agreement and disagreement with the draft TAS. The majority of responses across the three attributes show agreement and strong agreement with the draft TAS and lesser proportions of disagreement or strong disagreement. However, the draft TAS for DRP received the most disagreement.

Because the questions were asked in Likert format, it is not possible to determine from the numeric responses, the proportion of people who disagreed with the draft TAS because they preferred a stronger vs softer approach. However, comments and discussion points are explored below.

Support for draft TAS

Generally, responses of support highlighted the importance of setting targets to support freshwater health.

Health NZ and other members of the community supported the targets as actions that would help restore and protect ecological health as well as to promote people's health. Climate Justice look forward to the new targets coming into effect.

Similarly, STDC recognised the importance of healthy water for providing for peoples drinking water needs and as a supplier they do not want to have drinking water supplies impacted by contaminants, however, noted the need to still provide for the disposal of contaminants from municipal wastewater and stormwater systems (refer to the *'Stormwater'* and *'Wastewater'* sections for more detail).

Fonterra and NPDC also supported the toxicity standards for nitrate and ammonia considering them appropriate. Other members of the community indicated that they were happy with the direction of change and recognised the need to balance aspiration and achievability.

However, despite noting support, other members of the community sought additional clarification. DairyNZ questioned how the draft TAS had been determined and whether they were based on a translation of narrative values or on the basis of modelled reductions. Another member of the community suggested that, to be more informed, it would be helpful if the Council had modelled all bands to demonstrate the implications of different degrees of ambition.

Seeking a stronger approach

Other members of the community felt that the draft targets fell short of their expectations and sought that either more aspirational targets be set, or that the timeframes be shortened. A number of community members, including tangata whenua, pushed for much stronger targets across all nutrients noting concerns about drinking water and the health of waterbodies for swimming. Others considered that, regionally, Taranaki can do better.

Forest & Bird considered that nutrients have other impacts on freshwater at values lower than toxicity impacts and that for nitrate all sites should have a TAS of Band A (<0.1 mg/L) to protect ecosystem health (further discussion on the link between ecosystem health and nutrients is discussed in '*Other nutrients feedback - links between ecosystem health and nutrient inputs'*). Those who considered that the timeframes were too long reflected on the amount of decline that has already occurred, the need to implement change faster so that the state can be lifted as soon as possible. One member of the community thought that achieving the draft TAS by 2035 would be reasonable.

Setting a stronger approach for nitrate was important for some members of the community who considered that thirty years to move two sites above the national bottom line to be unreasonable. One sought that by 2035 no sites sit below Band B (16 sites Band A and 6 sites Band B).

Phosphorous also received specific comment with one member of the community requesting that by 2055 no sites remain in Band D, and another requesting that by 2045, 6 sites reach Band A, 6 sites reach Band B, and 10 sites reach Band C with no sites falling to Band D. One member of the community thought that the phosphorous draft TAS could be made more ambitious noting actions that could be implemented to reduce sediment inputs.

Seeking a softer approach

Others felt that the draft TAS were too ambitious and setting too high of a bar. Their concerns were that the draft TAS would be too difficult to achieve and would unreasonably impact primary industries economic viability.

One community member considered that given monitoring sites are not currently showing improvement, it is unlikely that the draft TAS can be met. NPDC considered that achieving the draft

target for DRP by 2055 was optimistic due to volcanic soil contributions, however they also recognised the value of riparian planting efforts to promote improvements.

Neutral/uncertain/requests for clarity

A number of members of the community did not feel prepared to arrive upon a particular view of the draft targets. It is expected that their responders are represented in the 'neutral' category in tables above.

While one comment noted agreement with the concept of having targets, they considered that they were too abstract to know whether they were appropriate and felt more information was necessary. Another said they lacked the context of what happens to the water when attributes are at Band D. A comment from tangata whenua noted that it was difficult to state where iwi felt the draft targets should be without monitoring in each iwi rohe.

Others reserved forming an opinion on the basis of uncertain impacts on people. Federated Farmers noted that comment on draft targets was difficult without knowing the management framework. NZ Pork questioned how nutrient reductions might impact pig farmers who primarily interact with nutrients through effluent discharges and questioned if ceasing discharges to water would be sufficient or whether additional reductions be expected (these concerns are discussed in more detail in '*Other nutrients feedback - nutrient management, actions and approaches*'). Others noted that they couldn't relate the targets to their farm context.

However, DRP received the most comments seeking clarification. A few comments questioned why it appears that some sites are forecast to decrease over time going from Band B to C. Others queried why it was necessary to set targets for this attribute when it is naturally occurring. Similarly, DairyNZ considered that the attribute is of limited value for managing tropic state effects due to naturally elevated levels and therefore targets should be set at baseline levels with improvements directed through the DRP criteria to manage nutrient biomass (discussed in more detail in '*Managing periphyton growth and other attributes impacted by nutrients*').

Not in favour of the process applied

A number of bespoke responses from industry pushed back against the value of the process prescribed in the NPS-FM. This included Federated Farmers contending that the focus should be directed on good management practices with the goal of improving water quality rather than reaching targets for which there is no clear plan. Beef + Lamb noted issues with the national bottom lines for nitrate and ammonia toxicity set in the NPS-FM and consider that these are not representative on levels at which these attributes start to have significant adverse toxicity effects. Beef + Lamb further contends that the DRP attribute framework is not fit for purpose because there is no direct causative relationship between ecosystem health and nutrients and that other intensive land use impacts will be at play (e.g. reduced shading, increased sediment loads, flow alterations etc) (discussed in more detail in '*Other nutrients feedback – links between ecosystem health and nutrient inputs*').

However, DairyNZ disagreed with the Council's approach on the basis that the monitored data chosen by the Council to represent the baseline locked in historic water quality states which do not

reflect contemporary levels of catchment development. DairyNZ's contention relates to the Council's interpretation and application of the NPS-FM clause 1.4(1)(a)-(c) whereby the best 5 years of data was chosen from across the Council's full monitoring dataset (over 20 years of data). DairyNZ consider that baselines should not be set from data that is older that September 2017.

Other comments

Other comments relating to setting draft targets for nutrients included:

- tangata whenua seeking TAS for nutrients in groundwater.

Managing periphyton growth and other attributes impacted by nutrients

The Council presented an additional draft TAS of Band B for periphyton growth, which corresponds to waterways that may experience occasional nuisance periphyton blooms, reflecting low levels of nutrients. Because periphyton blooms can occur under lower nutrient concentrations than toxic effects, the NPS-FM directs the Council to set nutrient criteria to manage possible periphyton blooms, however, other factors such as temperature, climate and flows also play a part in whether periphyton growth can become a problem in a waterbody.

To support this, the Council presented modelled data on how far the existing practices of riparian planting and stock exclusion, removal of farm dairy effluent to water and synthetic nitrogen fertiliser caps will go to reducing nutrient impacts on water as well as identified the likely scale of reduction required under shaded and unshaded scenarios. These scenarios informed the development of draft nutrient criteria for dissolved inorganic nitrogen (DIN) and dissolved reactive phosphorous (DRP) to achieve the draft periphyton TAS.

While the Council did not ask any specific questions, a number of bespoke written responses included feedback and commentary on the work to date.

Periphyton target and nutrient criteria

Draft periphyton TAS

Responses to the Council's draft TAS of Band B for periphyton received mixed feedback. Climate Justice supported the draft TAS while Fish & Game recommended that the Council consider a more nuanced approach by setting a TAS of Band A in the upper reaches of catchments and Band B for the lower reaches of ring plain streams (including the Manganui and Pātea Rivers).

However, a different proposal was put forward by DairyNZ who considered that Band C may be appropriate to achieve the draft environmental outcomes from a broader ecosystem health perspective if the Council also make assessments against periphyton biomass, macroinvertebrates, dissolved oxygen and fish attributes (discussed further in '*Other nutrients feedback – links between ecosystem health and nutrient inputs*'). This approach was supported by reference to Environment Southland where different TAS have been applied to hill/mountain and lowland classified streams (namely Band B and C, respectively).

DIN/DRP criteria

While Fish & Game support an approach that recognises that nutrient inputs can have a negative impact on ecological health at lower levels than those considered toxic, they wish to see DIN and DRP at levels that prevent periphyton blooms and consider that stricter criteria are required to control periphyton growth and maintain health populations of macroinvertebrates. Because of natural sources of DRP in the ring plain, Fish & Game consider that the Council should apply greater focus to DIN as the nutrient most easily controlled to manage periphyton growth with both Fish & Game and Forest & Bird recommending levels be set between 0.3-0.6mg/L.

Fish & Game called for greater restrictions on DRP levels and Forest & Bird recommend that levels should be set between 0.01-0.03 mg/L. Forest & Bird further request that the Council set nutrient targets for nitrates in groundwater to be set at or below 1.0mg/L.

However, Fonterra were concerned that the DIN/DRP proposals for achieving periphyton outcomes would have major impacts on the economic viability of farming and that further work and consultation with the community was required.

Shaded and unshaded streams

The Council put forward nutrient reduction scenarios to achieve periphyton targets based on whether waterbodies are shaded or unshaded. The scenarios demonstrated that nutrient reduction requirements could be significantly higher under unshaded scenarios.

General consensus indicated support for the shaded scenario.

NZ Pork considered the reductions for unshaded conditions were unrealistic an unfeasible within the proposed 30-year timeframe which would have a significant impact on land use. They considered that that the reductions required under shaded conditions were far more favourable, however queried how the shading criteria would be applied at the catchment scale or whether actual reductions would fall somewhere between the two scenarios. NZ Pork generally sought more clarity over the shading expectations and what the actual targets for DIN and DRP would be.

DairyNZ considered the Council's approach to looking at nutrient criteria for both shaded and unshaded streams is promising and agree that shading through riparian planting is an effective farm improvement. However, DairyNZ were concerned that the timeframes for achieving targets are reviewed on the basis that establishing planting to achieve shading takes a considerable amount of time, particularly for wide rivers where large tree species reaching full maturity will be multi-generational. Providing shade to even small streams can take decades.

An alternative preference was put forward by Fish & Game who considered that nutrient criteria should be based on unshaded streams to consider variability over time, particularly for lower reaches of streams which are wider and more susceptible to tree felling.

Under-protection risk

The under-protection risk (UPR) was employed in the process of investigating nutrient criteria to identify the nutrient thresholds required to achieve protection for 75% of sites.

The main concerns for this approach were raised by DairyNZ who had a number of criticisms. Firstly, they did not believe that the UPR was a useful concept because the validation was not based on a comparison of measured vs modelled values. Secondly, they were concerned that its use may lead to the adoption of overly stringent criteria at a number of sites in order to achieve periphyton biomass outcomes more broadly. To address this issue, DairyNZ recommended looking at the validation data and then looking at what UPR best 'aligns' with the data and using that assessment to indicate whether some sites may need to have their river environment classes reassessed (particularly for some sites currently classified as warm dry low source flow which show a DIN criterion value of 0.017mg/L). DairyNZ note further concerns with Coastal Terrace sites identified as warm dry low source flow which are soft bottomed and have substrate limitations and so may not be appropriate to apply to this attribute.

Nutrient targets for sensitive downstream receiving environments

DairyNZ supported the Council in delaying setting nutrient targets for potentially sensitive lake and estuarine receiving environments based on the Council's assessment that the regional tidal river estuaries have relatively low nutrient susceptibility.

Other nutrients feedback

Links between ecosystem health and nutrient inputs

Beyond the perspectives of support or disagreement with draft targets, one particularly strong theme that emerged was with responders indicating their dissatisfaction with the process of setting draft nutrient TAS when considering the state of ecosystem health and aquatic life broadly.

Setting nutrient criteria to achieve ecosystem health

A number of responders thought that the targets didn't go far enough to ensure ecosystem health, or the protection of other attributes impacted by nutrient enrichment (for example macroinvertebrates). Forest & Bird requested that the targets relate to ecosystem health not just toxicity or periphyton.

Nutrients as a proxy for ecosystem health

Notwithstanding the above, the main contention seems to be around whether it is appropriate for the Council to set nutrient targets for toxicity impacts or periphyton growth separate from broader considerations of ecosystem health. Industry responders were generally concerned that setting targets for nutrients outside of broader considerations was reductionist and did not consider other variables that may be at play within the catchment. This argument was most strongly put forward by DairyNZ, however, others such as Fonterra, Federated Farmers, Beef + Lamb and NZ Pork, also provided comments indicating similar concerns. They argue that there is a weak relationship between nutrient inputs and ecosystem health outcomes and that other factors such as shading, sediment and flows also play a role.

Their concern boils down to ensuring that there is a strong relationship between any management strategies and ecosystem health outcomes. Their concern with using nutrient contaminant attributes as 'proxies' for complex ecological processes being that there is a weak relationship with little confidence that that contaminant reductions will achieve ecosystem health outcomes, while introducing significant risk to industry viability. Mirroring this point, one member of the community asked whether there is evidence that the nutrient concentrations are having a harmful impact at the monitoring site locations.

An independent report for Beef + Lamb[1] noted that there would likely be challenges for industry if councils treated DRP thresholds as mandatory limits rather than using them as part of a broader management strategy for ecosystem health.

The risk flagged by these responders being that the Proposed Plan may lean too heavily on setting nutrient limits to meet nutrient targets and criteria which may be too strict or too lenient if existing levels, sources and impacts of actions are not well understood.

In support of broader considerations through the TAS and nutrient criteria setting process, DairyNZ consider that ecological response attributes such as macroinvertebrates, dissolved oxygen and fish health indices provide a more direct correlation to ecosystem health. They highlight the benefits of macroinvertebrates to provide a more holistic picture of stream health than contaminant concentrations due to their ability to integrate multiple stressors (e.g. water quality, water quantity, climate extremes and habitat). They also note that existing data shows that many sites in the region are improving, contrary to community narratives which perceive that environmental states are continually degrading. Similarly, fish health is an important metric providing context to waterway health that is easier for the community and farmers to connect with. Fish & Game highlighted the importance of dissolved oxygen to build a picture of nocturnal hypoxia from day and night fluctuations in plant and algae photosynthesis.

DairyNZ urged the Council to provide a balance to the requirement to set contaminant limits with the need to implement other restorative actions that may improve water health, such as riparian planting. DairyNZ note that, under the NPS-FM, the achievement of TAS for ecological response attributes (such as macroinvertebrates, dissolved oxygen and fish health) must be supported by the preparation and implementation of action plans. Noting the long-standing work the Council and community have undertaken with riparian planting and the availability of macroinvertebrate data within the region, DairyNZ suggests that this alternative approach is already well aligned and may be a good fit for the region.

Providing a more holistic perspective on ecosystem health

Other responders also agreed with the need to providing a more holistic perspective on ecosystem health and noted that it was difficult for people to connect with nutrient concentrations without additional measures. NPDC considered that an approach that considers many factors (like their Stormwater Vision and Roadmap) would be a better. DairyNZ noted that the macroinvertebrate and

[1] Michael Greer (2024) Technical assessment of the impacts of the NPS-FM 2020 national bottom lines on sheep and beef farms – Report No. 2024-001.

fish health attributes are often more meaningful measures of ecosystem health to communities and are easier to relate to farmers and farming practices. Tangata whenua also considered that mātauranga Māori would provide a different and more meaningful understanding of ecosystem health which may paint a different picture than what was provided by the nutrient baselines.

Local issues and concerns

A number of members of the community used the consultation process to identify areas where they are concerned that nutrients/periphyton impacts are affecting water quality.

One member of the community considered that periphyton increases in the Waiwhakaiho downstream of the meeting of the waters on the outskirts of New Plymouth and another noted issues of algae growth within the National Park.

Climate Justice were concerned that the area of high nitrate and phosphorous in southern Taranaki may be contributed by fertiliser operations and transportation of uncovered loads of fertiliser in the area. They also note that hapū of Ngāruahine and Ngāti Ruanui have experienced several fish kills from factory chemical spills and toxic levels of nutrient and depleted oxygen affecting their tupuna awa and taonga species.

Fish & Game note that limited sampling indicates there is an issue in small streams within intensively farmed catchments (e.g. Heimama & Waiokura). Another member of the community has recorded that fishing in awa (Hāwera area) is not possible due to nitrates.

Monitoring, data and information

As with other areas of the consultation, feedback on the nutrients material requested that the Council provide additional data and information to support decision making, and in some instances questioned the basis for the monitored data presented. Feedback of this nature generally fell into two categories: those requesting further economic analysis and consideration of economic and social impacts, and those requesting further scientific information and clarification.

Economic and social impacts

Regarding economic and social impacts, Fonterra requested that the economic and social impact of the draft targets specifically relating to nutrients targets (including periphyton and broader ecosystem health) be better understood and communicated to affected parties. Feedback from tangata whenua requested that the Council look into existing fertiliser use in the region over time to get a better understanding of how the scale of the activity and relationship to water quality impacts.

Science data and information

As with other chapters, the Council received many requests for the monitoring network to be reviewed and extended. In particular, responders did not feel that they had an accurate picture of the current state, with South Taranaki and the eastern hill country being flagged as areas in need of more regularly monitored sites. Another member of the community noted that there is limited monitoring for all of the rivers around the mountain and another requested that lower reaches be targeted for periphyton monitoring. Fish & Game requested that further sampling of a range of small streams and the collation of sampling results from consent monitoring programmes be utilised to

provide a more holistic picture and to inform what might be impacting species like kākahi. They also requested that ring plain sites that have been omitted from the monthly monitoring regime be reassessed, these included lower Waiongana Stream, lower Waiwhakaiho, lower Kaupokonui and lower Waingongoro and also the Pātea River at Skinner Road. They consider these sites particularly important for periphyton data for Chl-A biomass.

Tangata whenua considered that other data should be used to collectively paint the picture of water quality and that this should include mātauranga Māori.

DairyNZ requested that the Council provide a comprehensive table of periphyton site data, including source flow class, relevant thresholds, and nutrient concentrations.

Whether the Council understood the levels coming from the National Park was also a concern for some with requests for more testing to determine natural levels coming off the Maunga and the state of waterways within. A member of the community noted that community testing found numerous sites that fail water quality tests at the park boundary.

A theme of mistrust, unique to feedback on the nutrients and data presented by Council, came through a number of responses from the community. Some responders who have done independent monthly monitoring over the last few years thought that the data for nutrient levels presented by the Council was too high compared with their results for the catchment. Others noted general distrust with the monitoring, that it wasn't correct and that the Council is "shifting goal posts". Accounting for natural levels was an issue raised by one member of the community who considered that the data was being used to blame farmers, rather than looking at the sources [of high concentrations].

Other requests for information included:

- establishing a better understanding of lag times;
- establishing a better understanding of nutrient/groundwater interactions;
- establishing a better understanding of main sources of nutrient inputs;
- providing instream nutrient concentration targets for all river reaches; and
- providing more information on urban water quality impacts from roads including zinc, copper and lead.

Nutrients management, actions and approaches

One area of considerable discussion that emerged regarded the possible actions and planning approaches that could be implemented to support the achievement of better outcomes for ecosystem health and nutrient targets. At a high level, a number of responses indicated support for actions to address nutrient levels in order to protect and restore ecological health as well as to promote human health. Feedback from these areas highlighted the continuing relevance of Good Farm Practices (GFP) but also raised more direct nutrient management frameworks for consideration. It is noted that there seems to be considerable variety between how responders

envisage these playing out, but in many instances the feedback is not so specific to identify if responders are referring to regulatory or non-regulatory approaches.

Good farm practice

A number of responders noted that there is already a lot of work being undertaken by farmers adopting good farm practices to reduce impacts from nutrients. With members of the community supporting their continued implementation and hoping to see improvements to contaminants in the future as a result.

As already noted above, Federated Farmers considers that the focus should be on those good management practices with the goal of improving water quality rather than reaching targets. Federated farmers consider that there is no clear plan for the achievement of targets and so the focus should rather be on the use of FWFPs to embed good practices. It is noted that feedback related to the general integration of FWFPs into the Proposed Plan are included in *'Farm Practice – Freshwater Farm Plans*'.

NZ Pork note that the consultation material provides little mention of methods outside of riparian planting and moving farm dairy effluent discharges to land that may be required to meet the draft targets. Fish & Game requested that the Council provide a more comprehensive analysis of good management practices and to model the potential outcomes of those actions, to demonstrate which actions will have maintenance or improving effects on nutrient loadings. Various GFP and farm-based actions identified by responders as being relevant to the management of nutrients included:

- removal of farm effluent to water;
- deferred irrigation of effluent to land;
- completion of the riparian management programme;
- the application of established mitigations;
- reductions in stocking rates/reductions in herd sizes;
- changes in land use to more sustainable options and the extent of change; and
- reducing fertiliser and herbicides from reaching waterbodies.

However, one community member considered that climate change will likely exacerbate nutrient issues, despite best management practices. Similarly, Climate Justice and other members of the community were concerned that, irrespective of how many GFP are implemented, without land use change away dairy farming, nutrient targets would be difficult to achieve.

Fertiliser use and nutrient management approaches

Whether the Council should apply a nutrient management framework within the Proposed Plan and how the Council could prepare a framework were significant points of discussion for some responders.

One member of the community was not in favour of any sort of approach that might cap or restrict fertiliser application as they were concerned that requiring lower nutrient inputs on farms would affect production and thus the viability and affordability of businesses and food. However, the

majority either indicated they would be in support of a management framework or had preferences for the key aspects driving its preparation.

In general support, one community member considered that managing synthetic fertilisers was aligned with national directions and the introduction of the N-cap and further noted that since its introduction, there has not been a significant reduction in production.

Regarding the different perspectives for a nutrient management framework, Fish & Game advocated for the Proposed Plan to include a nutrient loss allocation system to provide a trajectory of improvement for sites experiencing degradation and maintenance for sites with good water quality. Fish & Game consider the identification of farms that have high nitrogen leaching risks being necessary and that FWFPs be used to require the adoption of good management practices with urgency, with the Council retaining discretion to review actions every 5 – 10 years based on outcomes. Fish & Game further see value in the Nitrogen Risk Scorecard being use in a non-regulatory role to assist farmers and improve farm management practices.

Horticulture NZ would like to ensure the Proposed Plan focus on key contaminants and the activities producing them. Noting that the primary areas of horticultural interest in the region (northern Volcanic Ring Plain FMU and Coastal Terrace FMU near New Plymouth) do not overlap with areas identified for significant N reductions, Horticulture NZ encourage the Council to apply an approach that considers the overall load contributed by land uses rather than simply applying a contaminant/ha limit. Supporting this approach the Council should also consider the importance or priority of a particular land use. Horticulture NZ desire that the Proposed Plan avoid regulations on vegetable growing which could result in loss of vegetable growing in the region when the contribution of contaminants is small.

Another member of the community considered that, rather than managing nutrients through the lens of water quality impacts or risk, the Council should apply an economic lens and look at where application is not resulting in economic returns. Another asked that land areas less than 20ha not have any specific rules or limits to meet nutrient targets.

One member of the community considered that, since Taranaki soils have high phosphate retention, water soluble phosphate fertiliser is quickly locked up in the soil that managing fertiliser solubility/Olsen P is not necessary. Instead, they suggest that the Council should focus on ensuring that soil is not leaving paddocks and getting into waterways and that there are opportunities for improved outcomes by addressing bare paddocks with no cover or canopy closure during rain events.

One member of the community highlighted the importance of rules differentiating between synthetic and organic sources due to over-application of synthetic fertiliser being a significant contributor to losses of nutrients. One member of the community also thought that organic fertilisers required bespoke treatment noting that chicken manure fertiliser benefits soil in improving organic matter, water holding capacity and reduced nutrient leaching. One community member asked for farmers to be encouraged away from just applying inorganic fertilisers such as the

NPK. NZ Pork provided their strong preference for reductions in N losses be driven by reductions in synthetic fertiliser application to land, noting strong evidence that excessive application contributes to losses to the environment. Another member of the community requested that the Council introduce a fertiliser tax to fund riparian planting. However, others requested that the Council ensure that organic fertilisers (like chicken manure) are also managed as they consider these to be just as harmful as synthetic fertilisers.

Outside of any management framework options, other members of the community were concerned that farmers are tied into fertiliser use requirements and that information on appropriate use should be made more user friendly and supported by further research. One farmer noted that their farm has successfully adapted to no fertiliser use.

An adjacent area of concern related to how nutrient criteria and targets might impact on effluent management practices. The majority of these comments focused on management of discharges to land, however, one member of the community supported the removal of direct discharges of effluent to water after reviewing the draft targets.

However, others were concerned with how the Council may manage discharges of effluent to land in light of nutrient targets. NZ Pork and others were particularly concerned with how this may impact pig farmers who collect effluent from covered areas where pigs are housed which then require discharge. The concern being that, should the Council limit effluent application to land as a mechanism to manage nutrients, that existing operations may require either additional land to dispose to or to reduce production to reduce effluent being generated. While these responders recognised that effluent does contain nutrients, they considered that it was less likely to be lost to the environment as it is primarily in organic form.

Other comments about fertiliser use received included:

- urea application increases Al3+ ions which poison the soil and will lead to acidification.

Other management actions

Other management actions raised in feedback from the community included:

- use of dung beetles to improve soil quality and reduce the need to spray liquefied nitrogen fertiliser;
- managing wet areas and runoff better to reduce nutrients; and
- wetland enhancement for addressing nitrates.

Sediment

Sediment, consisting of soil, sand, or gravel, enters waterways due to erosion. The Council assess freshwater quality using two types of sediment: suspended fine sediment and deposited sediment. Suspended fine sediment remains in the water, causing cloudiness and reducing sunlight penetration, which negatively impacts aquatic life. On the other hand, deposited sediment settles on the streambed, covering and damaging habitats. Measuring the sediment levels in rivers allows us to evaluate the health of the freshwater ecosystem and determine the necessary management strategies to prevent further degradation and enhance freshwater outcomes.

From previous consultation, the community has indicated they wish to see better environmental outcomes for freshwater regarding sediment. Current management approaches to reduce sediment loss in the region includes programmes like stock exclusion regulations, wetland protection, and voluntary land management plans i.e. Comprehensive Farm Plans and Riparian Management Plans. However, current investigations indicate that additional soil conservation strategies are necessary to achieve the NPS-FM's requirements for improving water quality and protecting freshwater from future sedimentation.

This consultation focuses on suspended fine sediment, not deposited sediment. Information about deposited sediment will be developed and shared later in the Proposed Plan's program.

To what extent do you agree with the draft targets for improving suspended fine sediment by 2055?

The community were asked to provide their feedback on the draft targets proposed for suspended fine sediment. The targets are set out to 2055 and have been an ambitious but achievable goal for each monitoring site. Respondents could answer the question on a scale from strongly agree to strongly disagree in relation to the proposed draft targets for improving suspended fine sediment.

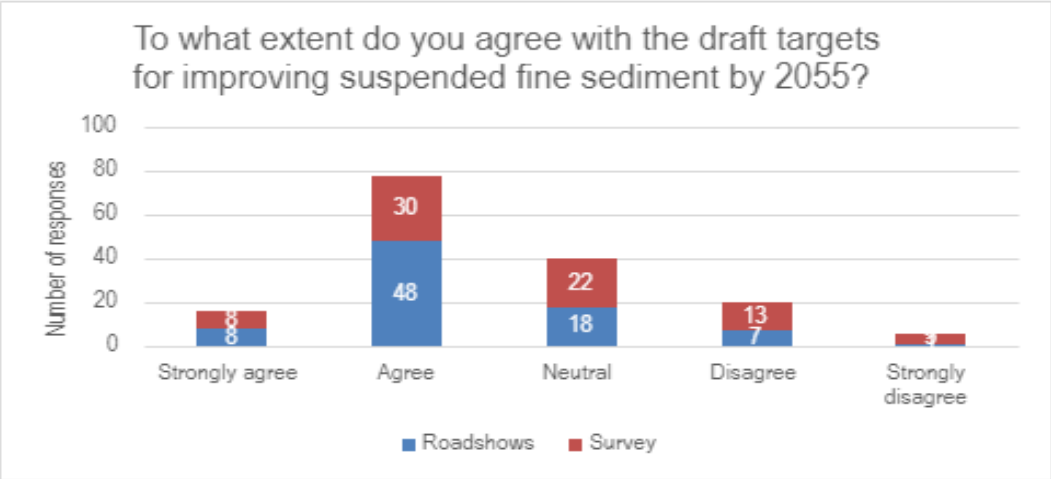

Figure 11: Counts for survey and roadshow responses via Likert scale identifying the degree to which people agreed with the draft targets for sediment.

Most of the community were supportive of the draft targets for improving suspended fine sediment by 2055 with 59% of respondents stating they either strongly agreed or agreed. A quarter (25%) of

participants were either neutral or unsure on these proposed draft targets. A smaller proportion (16%) of people from the community opposed the draft targets for a range of reasons. The feedback received from the community has been summarised into key themes below.

Support for the draft targets

People from the community who supported the draft targets generally agreed that a 30-year timeframe was reasonable for addressing suspended fine sediment in freshwater. Several members from the community roadshows emphasised the importance of continuous improvement and accountability of landowners and resource users in mitigating their impacts on water quality. They believed the draft TAS adequately addressed these concerns. Some acknowledged that certain sites may not meet the national bottom line for sediment due to natural processes and accept that these sites might remain in Band D until 2055. Horticulture NZ supported these draft TAS because they were developed with consideration of the whole catchment and account for regionally problematic areas for sediment such as the hill country. STDC, as a drinking water supplier, supported the draft targets because they aim to reduce contaminant levels in drinking water catchments over the next 30 years. NPDC agreed with the draft TAS for sediment but suggested that other monitoring methods, like those used in their Stormwater Vision and Roadmap, could provide a more holistic approach to measuring instream health.

Opposition to draft targets for not being ambitious enough

Some of the community, particularly tangata whenua, expressed their disappointment with the draft TAS, particularly for freshwater bodies such as Tawhiti, Waiokura, and the Waitara River, where the draft TAS have been set below the national bottom line for suspended fine sediment by 2055. Many in the community believed that more can be done to identify and address the sources of sediment, especially in areas with significant agricultural activity. Therefore, there was a strong call for more ambitious targets from people who opposed the draft TAS, with suggestions to bring all sites currently in Band D up to at least Band C by 2055 or sooner. There was concern that that without setting higher targets and identifying appropriate land use change to meet them, the draft TAS would just embed current practices.

Longer timeframe needed to achieve draft targets

Some rural landowners and industry groups from the farming community expressed their concerns about the draft TAS, arguing that 30-year timeframe is too short for achieving this outcome. Instead, they suggested that up to 80 years may be required to ensure that the communities and landowners can continue to sustainably operate, while making improvements towards the TAS. There was particular concern from DairyNZ and Federated Farmers that it may be difficult to measure the effectiveness of any new mitigation programme within a 30-year timeframe and instead suggested that an 80-year timeframe was more appropriate.

National costs for meeting national bottom lines

Further to concerns around the timeframe to achieve the draft TAS, many in the rural community identified that the costs of necessary interventions would need to be justified against the environmental outcomes sought. To support their feedback, Beef + Lamb provided an economic analysis of the potential national costs farmers may face when implementing mitigation measures to meet national bottom lines set by the NPS-FM. Beef + Lamb are of the opinion that farmers would

need to undertake land retirement, pole planting, and waterway fencing to mitigate sediment loss, estimating the costs of these practices nationwide being at $3.9 billion per year in reduced sheep and beef exports, along with $1.4 billion for pole planting.

Additional monitoring suggestions for sediment

During consultation, tangata whenua emphasised the need for additional monitoring sites across the region. There was a call for increased monitoring of specific rivers locations, such as the Mimitangiatua, Waitōtara, Waiokura, and Pātea River, particularly in areas with high cultural significant within their own iwi boundaries. Concerns were raised from the farming industry bodies in relation to the variability in monitoring data across the region. Of particular concern was the hill country, with some feedback noting that existing data may not be robust enough to inform effective mitigation strategies to address sediment issues in those areas. Fish & Game argued that monitoring should be more holistic and enforceable. They proposed that consent holders who discharge sediment contaminants should be required to include monitoring programmes as part of their consent conditions. These programmes would include triggers that require stopping the activity if sediment levels exceed acceptable limits, ensuring alignment with the objectives of the Proposed Plan.

Protecting coastal and other sensitive environments from sedimentation

Several members of the community raised that the effects of coastal sedimentation should be recognised when setting draft TAS for sediment because these can have significant impacts on coastal ecosystems such as reefs and other marine wildlife. Forest & Bird included a list of minimum TAS for suspended fine sediment, which they believe are necessary to protect coastal and other sensitive receiving environments. This list covers ecosystem health, contact recreation, and trout species protection criteria.

Mitigation strategies and challenges

Feedback identified several regional challenges related to sediment loss. These included issues such as invasive pig species, weather events, earthworks farming activities, forestry activities, windblown sediment and runoff following maize cropping, and inadequate forestry buffer distances leading to erosion.

Horticulture NZ proposed using sediment retention structures on sloped land and filtration strips on flat land as effective strategies for managing sediment on a catchment basis. The community provided various strategies, and they emphasised the importance of riparian planting and fencing streams, particularly in dry stock and hill country areas, to prevent erosion. However, challenges associated with riparian planting as a sediment mitigation were also noted. Some people argued that riparian planting led to reduced river flows, blocked drains, increased slips, weed growth, and the reduction of arable land margins for farming. Additionally, fencing around waterways was mentioned as a potential cause of slips, emphasising the need for careful consideration of mitigation strategies. There was also a call for more education and community involvement to address these challenges and manage the cumulative effects of sediment lower in the river catchment.

Managing high-risk activities

Climate Justice acknowledged the challenges of reducing sediment loads in certain areas but recommended applying stricter mitigation measures in high-risk zones. Similarly, Forest & Bird identified several high-risk activities, like stock access to waterways, tree harvesting, and construction earthworks, as requiring stricter limits to reduce sediment loss. Another community member suggested that flat land with good management practices held relatively low-risk, compared to industries such as forestry or other activities on steeper slopes or land-uses on poor quality LUC land. NPDC recommended that the Council undertake landslide susceptibility mapping at a regional scale, based on GNS Landslide Planning Guidance, that could be used by districts for further land-use risk analysis in susceptible areas.

Natural variability

Some feedback emphasised that the draft targets should consider sedimentation caused by natural factors. Suggestions from the consultation included considering factors such as Taranaki Maunga, areas with natural vegetation, specific soil types, and the effects of climate change. Some rural industry groups advocated for proportional mitigation measures based on the sediment load generated by specific activities, rather than compensating for natural variability. Instead, industries like Beef + Lamb, were supportive of FWFPs for addressing sediment related issues from farms and stated that a publicly funded system needs to be established to address issues like climate change.

Supporting evidence for development of draft TAS for sediment

Roadshows feedback expressed some general concerns about the science the Council has undertaken to identify the draft TAS for sediment. This feedback included wanting ground-truthing of models to ensure the modelled data accurately reflected in-stream levels of sediment across time. Additional feedback from the roadshow indicated that some individuals were sceptical of these draft TAS because of the perceived shifting recommendations and TAS. Further, without knowing exactly what would be required to achieve these outcomes, it made it difficult for some people to agree with the draft TAS.

Specific concerns were raised by primary industry groups such as Beef + Lamb, DairyNZ, and Federated Farmers. In their feedback Beef + Lamb have opposed the methodology developed by MfE for the national bottom lines under the NPS-FM for fine suspended sediment. They suggested that the Council either should provide an economic analysis of the costs involved for meeting any draft TAS or delay notification of the Proposed Plan to wait for new national direction on freshwater. DairyNZ advised they found it difficult to follow the rationale of the draft TAS and suggested presenting the data as absolute values, not just bands, and separating the reductions required in a climate change scenario to provide more clarity. They also recommended, considering that the sediment values of the NPS-FM are for protecting fish health, setting targets that measure ecological outcomes (like protecting native fish or macroinvertebrates) opposed to measuring the concentration of contaminants in waterways. Federated Farmers supported the analysis and feedback provided by both Beef + Lamb and DairyNZ.

Additional comments

Forest & Bird emphasised the importance of managing deposited sediment. There was a concern from Forest & Bird that the consultation documents did not include proposed draft TAS for deposited sediment. They advocated for no more than 20% deposited sediment cover should be allowed, with below 10% in important spawning areas to restore naturally hard-bottom rivers and streams. Fish & Game also supported the Council robustly managing deposited sediment under the Proposed Plan to ensure freshwater ecosystems and freshwater health are protected.

Water allocation

The Council is responsible for controlling the use of land, where it could impact the quantity, level and flow of water in water bodies, and the taking and use of water. This includes setting environmental flows and levels and take limits for all water bodies in the region. The current Regional Freshwater Plan does not differentiate between different sized rivers which means it doesn't recognise the higher vulnerability of smaller waterbodies. A more nuanced approach is therefore needed to protect the health of smaller water bodies and ensure water users have a reliable supply throughout the year.

As part of this consultation, the Council began discussions with the community about how different management approaches for water takes can help protect the water availability for both the community and freshwater ecosystems. Key areas of conversation included water storage and high flow harvesting, permitted water takes and the application of different management scenarios employing a combination of minimum flows and take limits based on river size.

If you are a farmer, where do you get your water from?

The Council asked the farming community where they sourced their water from to get a better understanding of how reliant the farming community are on streams and rivers for their day-to-day water needs.

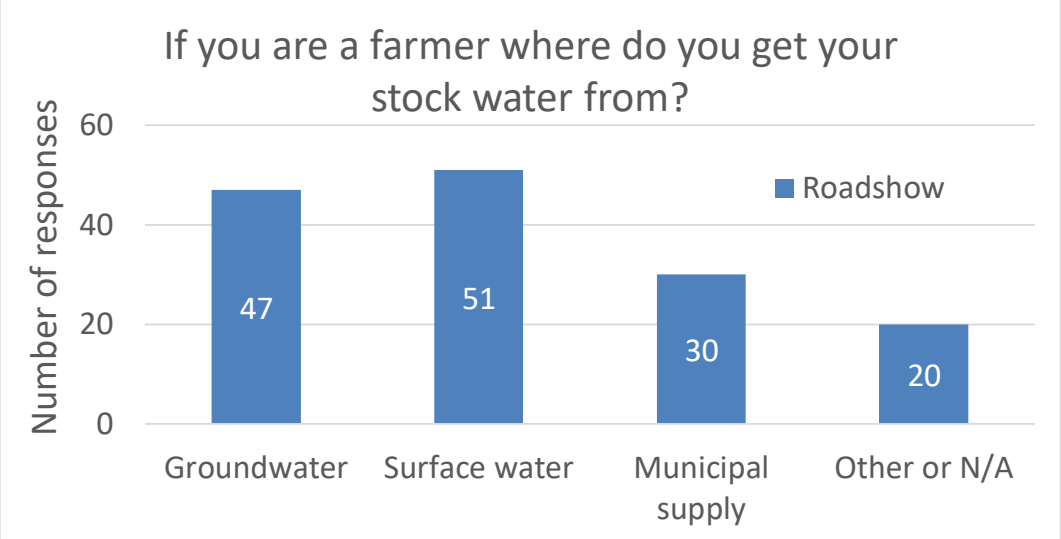

Figure 12: Counts for roadshow responses from farmers as to where they get their stock water from.

*Note * The majority of responses received in the online survey had multiple water sources selected due to the framing of the question, whereas the roadshow asked for a single choice therefore results indicate the primary or sole water source used.*

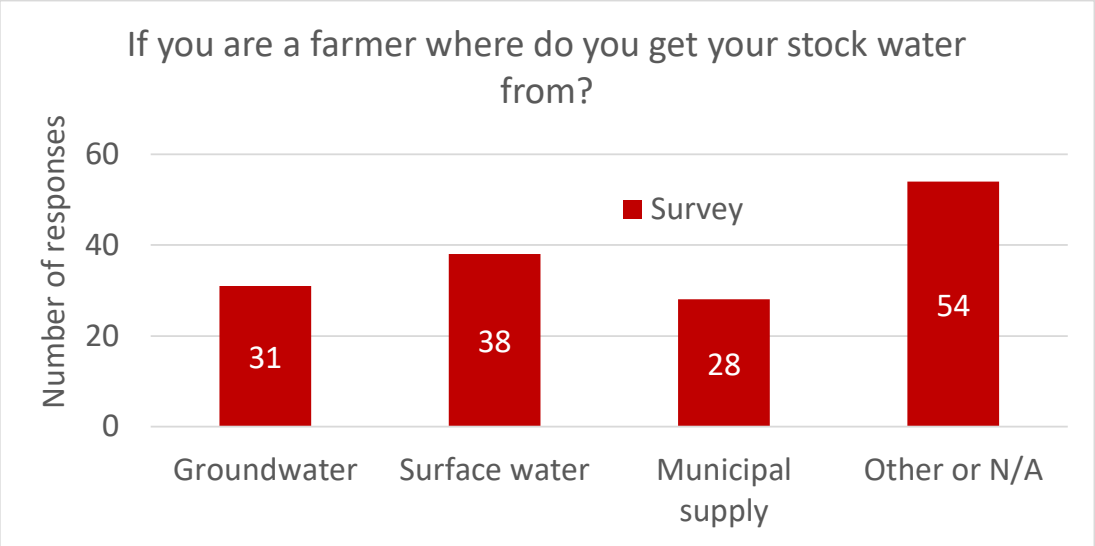

Figure 13: Counts for survey responses from farmers as to where they get their stock water from.

The Council received a great response with more than 200 of the farming community answering the question. The results show that the majority of respondents are dependent on rivers, streams and aquifers for their water supply. Some of the farming community also used the municipal supply when available or topped up their supply by collecting rainfall.

Drivers

The majority of farmers choose their water source based on multiple factors. The most important being availability, ease of access and cost. Other factors are also sometimes considered. For example, dairy farmers consider water temperature as this can also play a part with colder water the preference as it is a more efficient option for milk cooling.

Do you agree with the proposal to have different flows and limits based on the size of rivers?

The Council reviewed the current framework, alongside the historical river flow and level data collected over the last 30 years. Following this review, a more holistic approach to managing the regions rivers and streams has been proposed. The new approach is designed to ensure both the community, and the waterways, have what they need. Rather than a one size fits all approach the new framework manages rivers by size to recognise that some waterways are more sensitive than others to change.

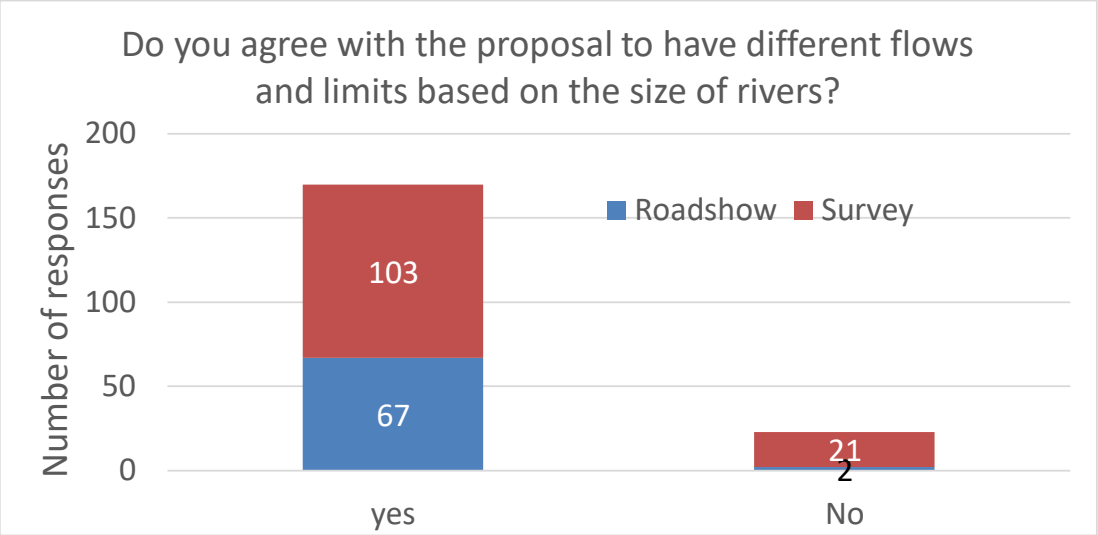

Figure 14: Counts for survey and roadshow responses on levels of agreement with the proposal to have different flows and limits based on river size.

The majority of the community supported the Council's proposed approach of managing rivers and streams depending on their size. Of those that didn't support the approach, some believed that Council needed to do more, to protect waterbodies or the security of supply for water users and others wanted to keep the status quo and avoid more regulation. Those who expressed the strongest views either wanted rivers and streams to be left alone with no one taking water or were opposed to the Council applying any limits or restrictions on the community's ability to use rivers and streams as a resource. Although the support for the proposed approach was evident the community did express some concerns and reservations.

Additional Cost and economic impact

A number of the community expressed concerns that the new framework could result in additional costs for consenting and monitoring. Others were concerned about what the costs to businesses and the economy could be if any restrictions impacted productivity. Federated Farmers wanted to see additional work done to calculate the economic impact to the farming community, prior to any scenario being selected or providing further comment on any recommended scenario. Fonterra were also keen to gain a better understanding of the implications at a farm scale.

Concerns

Some of the community supported the proposed framework with reservations on how it could be fairly managed, as they didn't want to see any one industry or use being more heavily impacted than another. Concerns were also raised by some of the community that a new framework could result in water takes already consented no longer being renewable or being taken away prior to their expiry. Others agreed that in extreme cases restrictions should apply but not for general business use. The farming community were also concerned that any restrictions might prevent them from having ongoing access to stock drinking water or that stock water would need a consent under the new framework. Some of the community expressed concerns that a new approach may result in a reduction of the water available in small rivers, reducing the security of supply of existing users. Some of the community acknowledged the stress on rivers and asked that the Council ensure a

balanced approach that also recognises the region's economic and social wellbeing and provides water for rural and industrial activities.

Science and data

Some of the community questioned whether the data the Council collected provided conclusive evidence that farmers water takes were having an impact on streams. Fish & Game had issues around the categorisation of some rivers and the methodology to define this. They wanted a precautionary approach to be used for rivers that originate on the Maunga. They wanted to see those classified as moderate being reclassified as small. This was in part due to compounding factors such as increased water temperatures, which further exacerbate the risk of fish mortality when rivers are low and the natural flashy flows in these waterways. They also questioned the use of mean average flow over median average flow in the calculations used to classify river size. Fonterra were concerned that there was not enough information available to understand the implications of the approach at farm scale and requested further discussion and consultation. Tangata whenua commented that the information utilised to support the approach was heavily reliant on western science and didn't provide for cultural flows and recognise tangata whenua values. Tangata whenua were also keen to see baseline states that were more reflective of historical flows, prior to any significant modification. The community also voiced concerns that the Council's monitoring network needed improvement as it wasn't extensive enough to cover the whole region.

Do you agree with the approach the Council are proposing to take into account the effects of climate change?

The Council asked the community for their feedback on whether the Council was taking the right approach in relation to accounting for the effects of climate change as it relates to water allocation. It is currently projected that Taranaki will see little change in its annual rainfall volumes in the short to medium term. However, due to seasonal changes decreases in MALF are expected to be seen in up to 95% of river reaches across the region and decreases of up to 50% MALF for the majority of rivers could also occur by 2090 under an RCP 8.5 IPCCC worst case scenario. The data provided for consultation included predicted decreases in MALF under RCP2.5, RCP4.5 and RCP8.5 scenarios.

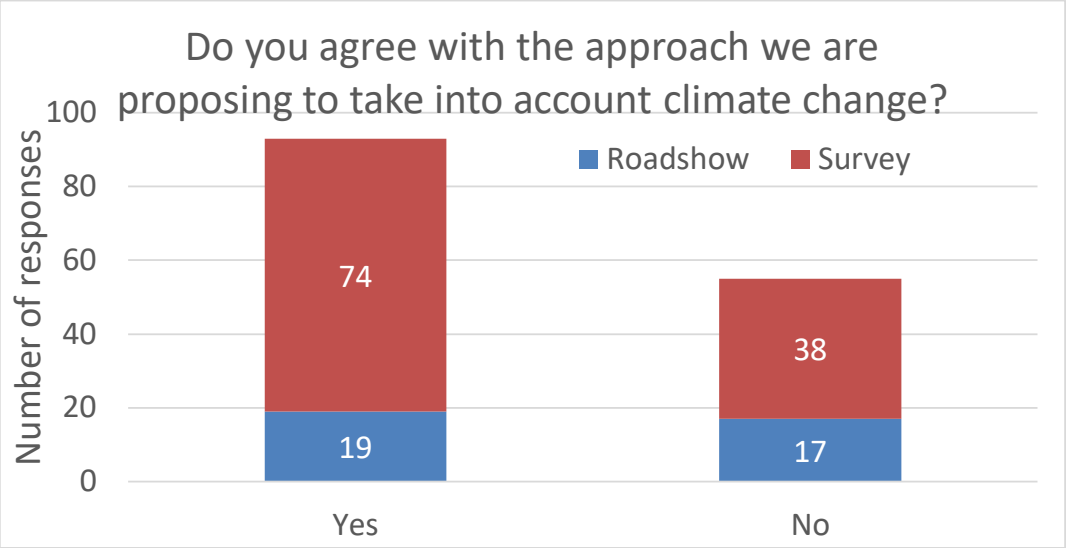

Figure 15: Counts for survey and roadshow responses on levels of agreement with the approach to take into account climate change in the proposed allocation framework.

Of those who attended roadshows more than half (54%) agreed with the Council's approach and the rest either didn't want to express an opinion (13%) or didn't support the Council's proposed approach (32%). Comments in response to this question were varied and extreme. One member of the community questioned the validity of climate change as a whole and others questioned whether the Council are doing enough. A summary of the key themes is provided below.

Support the proposed approach

Some of the community believed that accounting for climate change was essential as the risks of ignoring it are too high. The community also supported the use of moderate – high risk RCP scenarios as they believed it was still too early to determine whether the world will act fast enough to stay within any low – moderate risk scenarios.

Planning for climate change

Some businesses and farming organisations wanted to see more work being done to understand the economic impacts of any proposed changes in relation to climate change. They also supported the use of methods like storage to avoid the need to apply restrictions in areas likely to be impacted by climate change. Others were unsure of the proposed approach as there are still a lot of unknowns in relation to the scale of potential climate change effects. Federated Farmers expressed a growing concern that farmers would be looked upon to respond to climate change and be expected to continually address the environmental impacts caused by and exacerbated by climate change. They worried that this could lead to an unfair burden. They wanted climate change to be recognised in policy as a naturally occurring process rather than as a result of any ongoing farm practices, to reflect that changes are already and will continue to happen, and the community have little control over what has already been done. Some of the community wanted to see the needs of uses like horticulture and stock drinking being recognised and prioritised when planning for climate change. Others wanted to see a greater latitude applied when managing climate change risk.

Resilience

Some members of the community recognised the need for better water management to increase community and environmental resilience to climate change and support the wellbeing of people.

The Council's recommendation for water allocation is Scenario 3. Do you agree with this?

The current Regional Freshwater Plan provides for the equivalent of 66% species protection, which for some rivers and streams is likely to cause degradation and result in overly stressed ecosystems. To alleviate the stress on ecosystems, whilst also protecting the rights of the community to take and use freshwater, the Council proposed a number of scenarios for consideration (see the table below). Scenarios 1 - 4 provided a high level of protection for the environment with a range of potential water supply restrictions, minimum flows and take limits, and scenario 5 a lesser level of environmental protection coupled with a higher level of water supply security. Of the five scenarios proposed the Council chose Scenario 3 as their preferred option. As this offered a high level of environmental protection, recognised the requirements of different sized rivers and provided a high level of water supply security. Which if implemented alongside other strategies like, efficient water use, storage and high flow harvesting would provide a very high level of water supply security.

Scenario	Species protection level	Minimum flow (% of MALF)	Take limit (% of MALF)	Number of consents over allocated	Reliability of supply (excluding climate change effects)
1	90%	100%	Small: 20% Moderate: 40% Large: 50%	71	77%-95% (18-84 days of partial restrictions)
2	90%	90%	Small: 10% Moderate: 30% Large: 40%	84	85%-98% (7-55 days of partial restrictions)
3	90%	Small: 100% Moderate: 90% Large: 90%	Small: 20% Moderate: 30% Large: 40%	75	85%-98% (7-55 days of partial restrictions)
4	90%	110%	Small: 40% Moderate: 50% Large: 60%	39	70%-94% (22-110 days of partial restrictions)
5	80%	Small: 80% Moderate: 60% Large: 50%	Small: 20% Moderate: 30% Large: 50%	70	94%-100% (0-22 days of partial restrictions)

Table 4: Water allocation framework scenarios including Scenario 3 the Council's recommended approach.

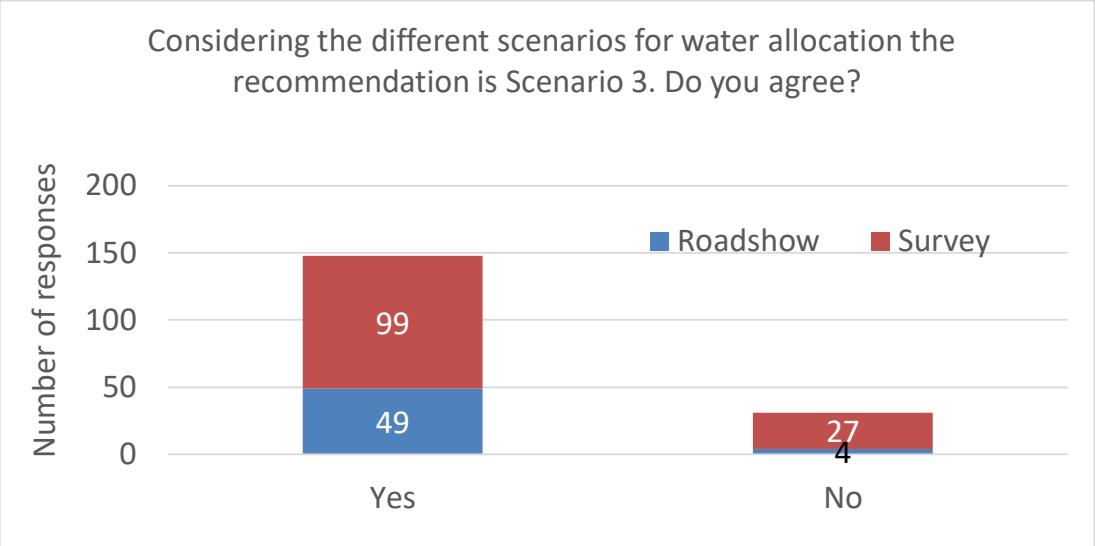

Figure 16: Counts for survey and roadshow responses to whether the community agree or disagree with Scenario 3 the Council's recommended water allocation approach.

The majority of the community (83%) supported the Council's recommended option of Scenario 3. The remaining 17% wanted to see a different scenario chosen. Of the four that selected did not support Scenario 3 in the roadshow, two preferred Scenario 1, one wanted to see all rivers allocated the same percentage of MALF and the other preferred lower restrictions on water use. Of the 27 participants that did not support Scenario 3 in the survey 18 chose to provide an alternate scenario. Four of these chose Scenario 1, two Scenario 2, three Scenario 4 and nine chose Scenario 5.

Support the Council's recommended approach

Most of the community supported the balanced approach taken in Scenario 3 and were pleased to see a more nuanced approach to water allocation designed to provide for 90% species protection.

Support the status quo

Some of the community thought a new approach unnecessary and feared it would result in more rules and costs. Others that more information was needed to understand the effects that water takes have on small streams before any significant changes are considered. Farming advocacy groups also wanted any water supplies for stock use to remain as permitted activities and be enabled to continue regardless of the level of flow within a waterbody.

Support higher environmental protection

Some members of the community wanted to see greater species protection than that provided for in Scenario 3 and wanted to see greater recognition of co-benefits supported within the framework. Tangata whenua and Climate Justice expressed concerns that the 90% species protection provided in Scenario 3 was not high enough. As the natural environment is already degraded and likely to degrade further as the climate changes. Some suggested a 110% species protection to enable the environment to slowly recover overtime and considered even a 10% loss of species protection to be intolerable. This level of protection was not considered in any of the scenarios provided as even a 100% species protection level would mean that no water could be taken. Therefore, it would require significant intervention to create the additional habitat necessary to meet, if even achievable, a

110% species protection level. Some of the community were also fearful that the recommended Scenario 3 could enable periods of low flow conditions resulting in increased water temperatures and fish mortality. Others were concerned that over-allocation had already occurred in the first place and thought that it was unacceptable to have any scenario that enabled any waterbodies to be over-allocated.

Support a more comprehensive approach to the protection of the environment

Although in agreement with the concept of having different flows for different river sizes, some of the community wanted to see a more comprehensive approach to the protection of environmental flows than that provided for in Scenario 3. Environmental advocacy groups wanted to see the adoption of flow allocations that also consider the movement of sediments. As this requires residual flows to remain high enough, and flushing flows long enough to transport sediment through the entire length of the river, as would have happen naturally prior to modification. A consideration that would also help enable hard bottom rivers, that currently receive deposited sediments, to revert back to being hard bottomed rivers. Environmental advocacy groups reiterated that any approach needs to be designed to protect the natural ebbs and flows of the river. To avoid levels being dropped and maintained at low levels for extended periods and protect ecosystems that rely on flow variability as part of their lifecycle.

Tangata whenua wanted to see cultural flows considered in the allocation framework and support an approach that would also maintain sufficient water levels and environmental flows for all waterbody types, including lakes, wetlands and aquifers which are all intrinsically linked. Tangata whenua expressed a particular concern that multiple small takes had the ability to reduce natural flow variations and impact wetlands, reducing the natural buffering capabilities of the freshwater system and that any takes when levels were low would be harmful. The loss of wetlands and the impact this has had on natural flow variations was also a concern. They also expressed concerns in relation to water being taken from within the national park boundary where flows are initiated.

Some of the community wanted to see a stronger environmental focus designed to create naturally resilient water bodies and freshwater ecosystems, that remain unstressed by the allocation of water resources. Some of the community also want to see a more nuanced approach developed in setting the take limits. Including options like flexible take limits that are adjusted dependent on river flows, designed to maintain the natural peaks and troughs a river should exhibit. Members of the community also had concerns that Scenario 3 was not ambitious enough and that it didn't reflect the visions and outcomes of tangata whenua. There was also a strong push from the community that any allocation framework ensures water is always available for migrations of fish, flushing flows and aesthetic and cultural uses now and into the future. The community was also generally supportive of the Council considering cumulative impacts when managing freshwater allocation. Some members of the community wanted to see higher regard given to how healthy rivers and streams influence social cohesion and wellbeing, to further promote the importance of protecting freshwater ecosystems.

Support an approach that provides a higher security of supply

Some members of the community wanted a higher allocation of flows made available for use than those recommended by Scenario 3 to enable those that rely on a secure water supply to have

greater peace of mind. Federated Farmers and other farming industry groups wanted any chosen scenario to provide adequate volumes of water to allow farmers to continue operating at all times. Fonterra requested more detailed allocation maps to provide them with assurances as to whether or not their facilities will be impacted by any potential restrictions, they were also eager to be involved in further discussions on the Council's water allocation proposals. Horticulture NZ were particularly concerned about the needs of plants and were very keen to see these prioritised, as if starved of water for extended periods they die. They also voiced concerns that without a guaranteed water source available the establishment of any new horticulture schemes would be unviable due to risk. The primary production sector supported managing freshwater allocation through freshwater plans, to reduce the need for additional regulation and consenting.

NPDC expressed their trepidations that Scenario 3 would have significant impacts on their ability to supply drinking water. Although they are working on improving efficiencies, any framework that included restrictions that could last for up to 50 days was problematic. STDC also expressed concerns that such a strict regime would stifle regional growth, as a secure water supply is an integral need for any future urban planning. One member of the community suggested further work should be done to ascertain if the water that discharges from cliffs into the ocean could be diverted to ease the supply burden. As this would result in no impacts on freshwater habitat. Some of the community wanted to see more protection for community needs and a lower level of environmental protection and agreed with the approach for moderate and large rivers, however where small streams with seasonal flows were concerned, they wanted to see a trade-off between environmental considerations and water takes, with water takes having greater weight. Some members of the community expressed concerns that any restrictions would endanger stock and/or result in a serious issue for communities that rely on nearby waterbodies for their water supply.

Alternative approaches

Some of the community also provided alternative approaches including one member suggesting that restrictions on water takes should only occur during dry periods and periods of reduced flow, with less restrictions or no restrictions during other periods. Other members of the community supported a reactive approach with action only taken when a significant problem was detected and only against those responsible for any breach. Some members of the community suggested grand parenting rules apply to protect those that already take water, and only new takes be required to monitor and verify flows. Others suggested there should be no limits on water takes for farm supply and household uses, only for larger takes like those required for irrigation. Some of the community also suggested that land use diversification be used to address water availability especially in over-allocated or sensitive catchments. As some land uses require less water than others. Although it was also recognised that any land-use change would also require further investigation to get the balance right.

Recognition for those making positive change

There was strong support from the community and Tangata whenua to recognise those already doing good work to help protect the regions rivers and streams, by proactively reducing their use, increasing storage or seeking ways to improve the environment, regardless of whether there is a mandatory requirement. There was also a strong desire to see more collaborative solutions. Tangata whenua expressed their desire to be more involved in this space.

Which options to reduce over-allocation do you support?

The Council identified a number of options to help reduce the over-allocation of rivers and streams. The options posed to the community included improving water use efficiency, reducing the “paper” allocation, switching from using surface water to using groundwater and the use of high flow harvesting and storage.

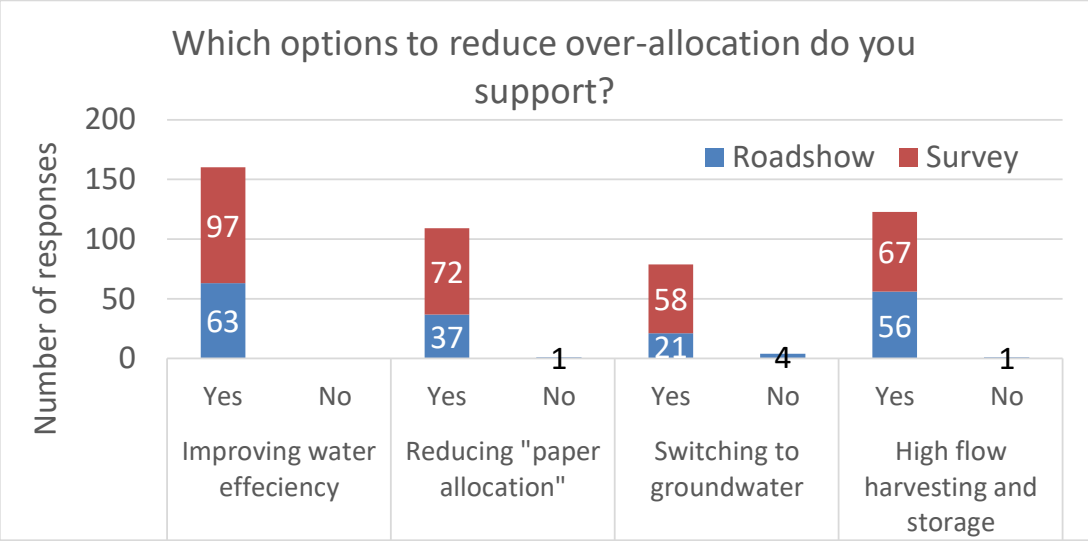

Figure 17: Counts for survey and roadshow responses to which options are supported to reduce over-allocation.

The community were generally very supportive of any option that would help protect the region's rivers whilst also enabling the community to continue taking the water they need. The graph shows the level of support for each option proposed. The majority of the community who responded selected multiple options, with improving efficiency and harvesting high flows and storage being the most popular. There was also some support for switching to groundwater and reducing “paper” allocation although fewer people felt comfortable indicating their view on these options. Which may be a result of the more complex nature of these two options.

Improving water use efficiency

Of all the proposed options improving the efficient use of water received the greatest support as this was seen as a low cost and effective way to reduce the volume of water used. Some of the community wanted to see large scale water leaks prioritised as any improvements would provide significant benefits. Some of the community supported education being an effective way to drive positive behaviour change in the efficient use of water. Some of the community suggested the promotion of new technologies and appliances that provide water use efficiencies would also support reductions in use. Others wanted efficient appliances and water reuse technologies being a requirement for any new builds, industries and enterprises. The community was also very supportive of better collaboration between district councils and regional councils to avoid regulation double-ups and find practical solutions to tackle any water use issues. NPDC were concerned that any penalties around addressing leaks rapidly would be difficult as some leaks are difficult to access and may need liaison with other parties like Waka Kotahi or private individuals resulting in time delays. Some of the community expressed concerns that although a good idea, those that relied on this

option may need to be audited to ensure compliance. Others thought that it would be important to have increased penalties for wastage to encourage compliance.

Reducing the "paper" allocation

There were mixed views and some reservations from the community in regard to reducing "paper" allocation, which although would result in no tangible reduction in use would provide a more representative view of current use across the region. Some of the community were very supportive as a reduction in the "paper" allocation would result in an immediate reduction in water takes allocated in any over-allocated catchment. Concerns were also expressed by some of the community that taking away an allocation because it wasn't currently used would result in taking away the consent holders flexibility. In some cases, also the ability of a consent holder to see them through a particularly dry year, when the extra allocation may be needed. Some of the community wanted to see further discussions with consent holders prior to any potential reduction in a "paper" allocation, to ensure the reduction would not result in any negative consequences for the user. STDC were not supportive of a "paper" allocation reduction as this would restrict their ability to plan ahead. Some members of the business community were also concerned that to enable expansion and growth it was important to know they have a water supply already secured.

Switching to groundwater

The community had mixed opinions on switching to using groundwater instead of surface water. Some of the community were very supportive despite groundwater being more expensive to access. Some of the community supported a switch as they recognised groundwater as a more sustainable resource less influenced by seasonal fluctuations and some businesses were already assessing the viability of using groundwater. Including NPDC who are investigating the option of using groundwater as a supplementary supply to be utilised during low flow periods. Although supportive in principle some of the community had concerns that not all groundwater would be suitable or available in adequate quantities for all types of uses. DairyNZ requested further clarity around how transitioning existing takes to alternate sources like groundwater would be approached, to better understand any economic implications. Tangata whenua were concerned that switching to groundwater was just moving the problem from surface water to groundwater and that a reduction of water use was the only way forward. The community also raised concerns about the additional cost of drilling for groundwater especially if a supply could not be guaranteed. Larger users were concerned that if a switch was made mandatory, their takes would no longer be feasible. As the volume of water that can be taken from an aquifer is generally far smaller than the volumes they can access from a surface water source.

Flow harvesting and storage

Those that commented were generally supportive of both storage and high flow harvesting although some of the community also had reservations. Farming industry groups had concerns that the installation of storage could be cost prohibitive, and they did not want the implementation of storage to be mandatory. They also wanted assurances that any regulatory requirements would be distributed across all industries to ensure costs don't fall on one specific industry type. NPDC were concerned as their investigations to identify potential storage locations to date had resulted in no viable sites being identified. The community also had mixed views on what storage types should be

enabled. Some of the community wanted assurance that any storage solutions would be offline and therefore not instream. Others wanted the Council to enable pathways for things like instream storage dam construction. Some of the community also wanted to see storage technologies and requirements utilised in the urban environment as well as in the rural environment. Especially for new buildings where some of the community believed efficient appliances, rainwater collection and available water reuse technologies should all be mandatory. Some of the community also suggested that for older premises these types of technologies could be encouraged and financially supported.

There was also support from the community for simple policies to enable water storage and more engagement and consultation for any new land-use rules, to determine if regulation is necessary and provide timelines to enable the implementation of any changes.

Metering

Although not provided as a specific option there were members of the community that supported the use of metering as another potential way to reduce water takes. This would make people more aware of their water use and would result in less waste. Some of the community recognised metering would be unpopular but believed it was necessary and should be part of the cost of doing business like any other resources required. Others thought it was worth investigating but questioned whether the money could be better spent elsewhere for example on storage and high flow harvesting. Some of the community also believed that all water takes should be metered regardless of use so that water use across the whole region could be tracked and better understood. Low user discounts were also put forward as a potential positive outcome to increase efficiencies if takes were metered. District councils and industry groups made suggestions during special interest group consultations including, the use of metering alongside education as potential tools to promote efficient household and industrial rural water use.

How can the Council include permitted takes in water accounting?

Permitted takes are enabled by the current Regional Freshwater Plan. However, currently there is no requirement that the information on where these occur or how much water is used be provided to the Council. To enable these to be considered and be reported more accurately in the water accounting framework the Council asked the community for their views on a number of proposed options as follows:

- should Council be linking permitted take limits to the size of the river;
- setting higher permitted volumes for groundwater than surface water;
- recording the locations of takes by registering them; and
- limiting the number of permitted takes allowed on a property.

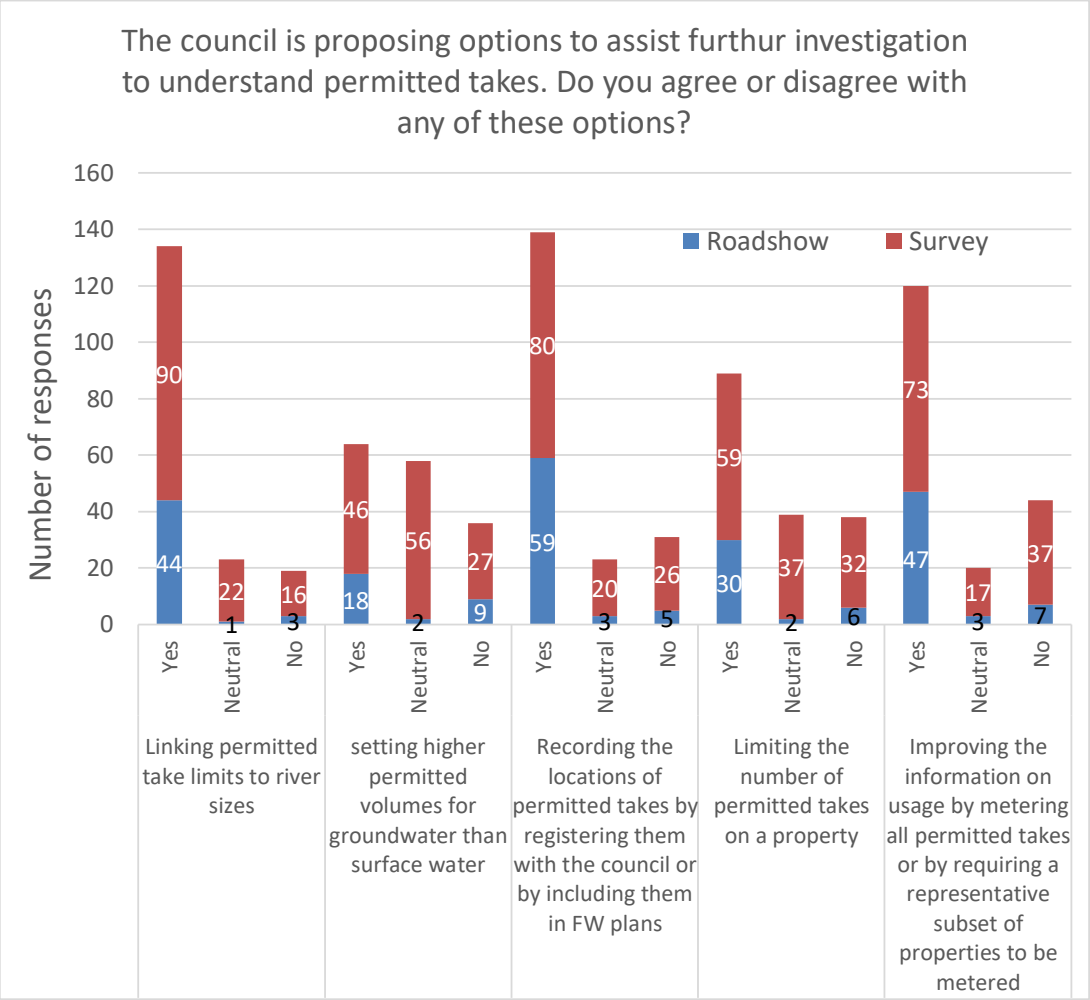

Figure 18: Counts for survey and roadshow responses to which proposed options are supported to assist further investigation to understand permitted takes.

There was strong support from the community to consider the size of a river when designing a permitted pathway and moving away from a one size fits all approach. There were limited views provided in relation to the option of having higher allocations for groundwater over surface water. However, of those that did show a preference most agreed this should be supported as an option. There was strong support for registering permitted takes and including water take locations in freshwater farm plans. The majority of community members that responded also agreed that the Council should limit the number of permitted takes and/or permitted volume allowed on a property. There was also significant support that at least a representative set of permitted takes should be metered to improve the accuracy of any permitted water take calculations.

Linking takes to river size

The community had mixed views on whether permitted takes should be linked to river size.
A number of those in support thought it would be a good way to protect smaller more vulnerable streams. In contrast, others were not supportive of considering the size of the waterbody for a permitted take and preferred to keep the status quo.

Setting higher limits for permitted groundwater takes

The community provided a limited response in relation to whether groundwater should have a higher permitted take volume compared to surface water.

Limiting the number of permitted takes on a property

Some members of the community questioned whether the appropriate approach was a to limit the number of permitted takes per property and suggested a limit be placed on volume rather than quantity. Others agreed that only one permitted take should be enabled on a property to avoid the risk that multiple small takes on a single property could cause a cumulative impact.

Metering and or recording the locations of permitted takes

There was mixed response to whether solely recording the locations or also recording the locations and metering was the best option to enable a better understanding of permitted take use.

Some members of the community supported recording the locations of permitted takes over the metering of takes. Some of the community also suggested this could done during the consenting process, when users apply for consent to undertake other activities at the site, for example whilst applying for a discharge consent. Others appeared to prefer metering a small group of permitted takes, that could then be extrapolated to represent the greater region over metering all small takes. Although there was still some support for metering all takes regardless of their volume and use.

Support the status quo

There was strong support to protect permitted takes and not add further restrictions or reduce current permitted take allowances. Farming industry groups wanted any water supplies for stock use to remain as permitted activities. Some of the community supported the status quo suggesting the Council delay the introduction of any major changes to the permitted take rules. To allow time for education and the collection of information to drive positive change. Other members of the community thought providing time would also enable new technologies to be designed and implemented prior to any restrictions being required. Some of the farming community expressed concerns that any changes to the permitted take framework was just adding more rules and increasing costs making farming less viable in the future. Others expressed concerns that the Council were overstepping their remit, which was resulting in unjust financial burdens on the farming community. Some of the farming community supported the status quo as farmers don't unnecessarily waste their water and therefore the costs of upgrading infrastructure outweighed any benefits. Others within the farming community thought there was not a problem with permitted takes in relation to farming operations in Taranaki and suggested the focus of any reductions should be on industrial and urban use.

Alternative approaches

Some of the community offered alternative approaches to the management of permitted takes including that the Council could charge for permitted takes rather than increasing regulation and that farms should be treated as commercial enterprises and pay for water like any other resource they require.

Farm practices

The Council is required to manage all contaminants that degrade water quality and ecosystem health. The major land use in Taranaki is agriculture dominated in the ring plain by intensive dairy and dairy support, while the eastern hill country is dominated by sheep and beef farming. The current levels of *E. coli*, sediment and nutrients across the region indicate that the cumulative impacts from farming are playing a key role in degrading water quality.

As part of this consultation, the Council began discussions with the community about how farm practices could be managed to improve water quality outcomes and to better understand the existing practices and environmental challenges facing the farming sector in Taranaki. Key areas of consulted on included good farm practice the regional approach for riparian planting, integrating FWFPs with the future regional framework and managing intensification and diversification.

Good farm practice

Good farm practice investigated the range of different farm practices that can be adopted to reduce impacts of diffuse discharges containing *E. coli*, nutrients and sediment. Many of these practices have been identified in the science work underpinning draft targets as requiring further investigation for the region. As part of this conversation, the Council was keen to discuss these different practices with the farming community to better understand the rate of uptake, spatial application, any challenges that may affect uptake and implementation or alternative approaches that could be considered.

These practices included poplar planting, fencing off critical source areas, use of clover and plantain in pasture, bridging stock crossing points, directing discharges of track and race run-off away from bridges, use of sediment traps/retention ponds/bunds, retirement of unsuitable grazing land, use of feed pads/stand-off areas/loafing areas/herd homes/composting barns, minimising intensive winter grazing, effluent storage and deferred irrigation, and riparian planting.

Poplar planting

This ‘good farm practice’ refers to the planting of poplar trees on erosion prone land, particularly on steep slopes where underlying geology is susceptible to slips. Poplar trees are encouraged in these instances because they are easily sourced, low cost, are quick to establish and form roots that can hold earth together and do not require dense spacing to be effective and so retain pasture productivity for grazing animals.

Challenges/issues

Community members highlighted several challenges related to poplar planting. Concerns were raised about the risks posed by older trees including vulnerability to storm damage and the need to manage dead trees and branches. One community member shared previous experience of riverbank collapses, particularly during heavy weather events in the hill country. A community member questioned who is responsible for maintaining willows and poplars on Council land particularly at their end of life when they fall over.

Additional issues included damage to young trees by beef cattle, over-planting, a shortage of poplar poles and difficulty establishing trees on steep hills due to their weight.

Are you already undertaking poplar planting? If not, what are the reasons/challenges?

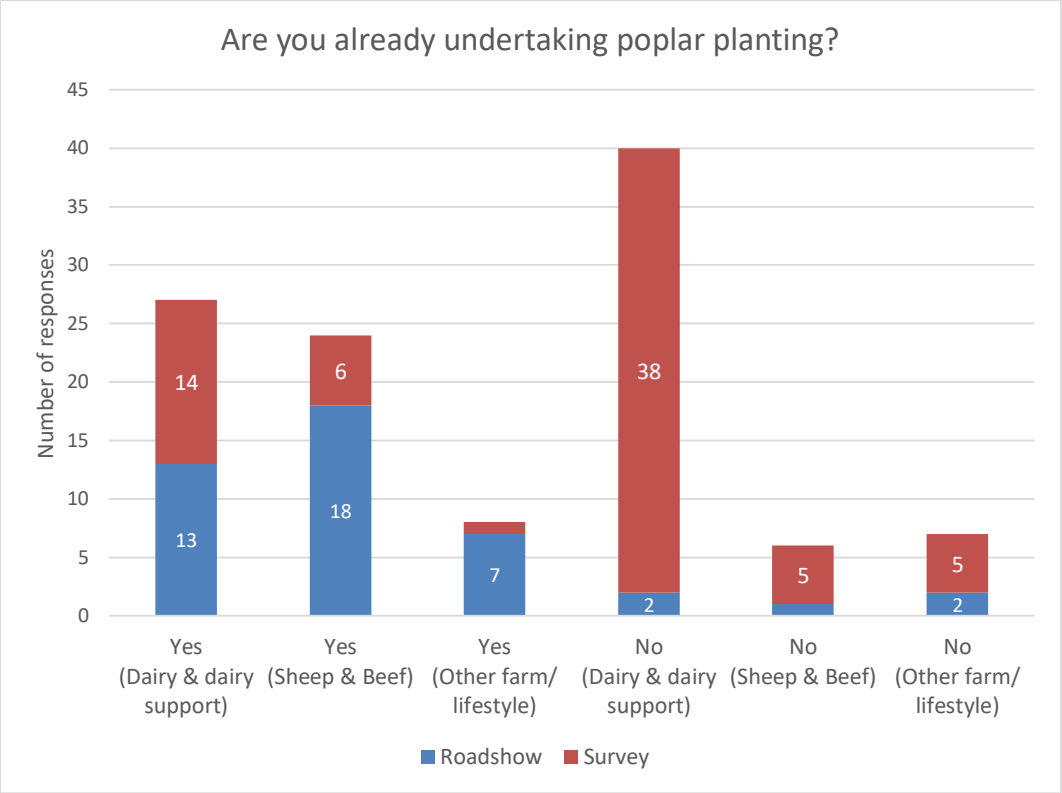

Figure 19: Number of people in the community who responded both via the community roadshows and the online survey that they were undertaking poplar pole planting.

59 out of the 112 of participants in the consultation had implemented poplar planting, almost equally spilt between dairy/dairy support and sheep and beef.

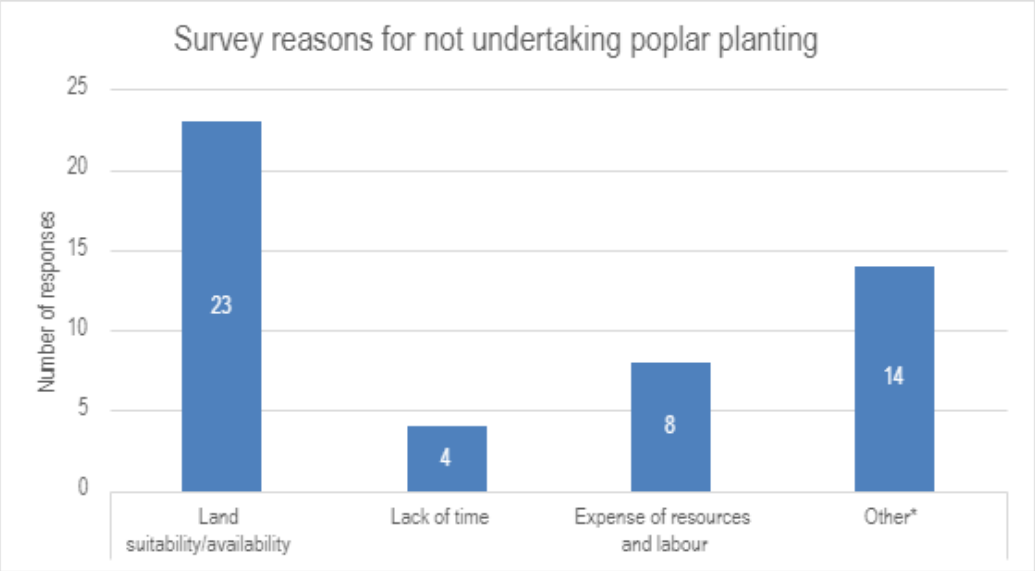

Figure 20: Results relating to the various reasons why members of the community have not undertaken poplar planting.

*Note * 'Other' responders generally did not think that poplars would be appropriate on their land type or were looking to other alternative such as natives of coastal tolerant species.*

Purpose of implementation

Members of the community noted that they had implemented poplar planting for the purpose of shade and to address some land movement issues.

Opportunities

Community members, including tangata whenua, expressed a preference for using native plants as an alternative to poplars. Climate Justice emphasized that this approach would add to biodiversity value. In addition to the request for Pukakea and Rewarewa trees to be planted, it was suggested that the Council work with hapū to identify suitable native species as alternatives.

Fencing off critical source areas

This 'good farm practice' refers to recognising and managing critical source areas. A critical source area, such as swales and gullies, can transport large amounts of soil, phosphorus and *E.coli* to waterways. Leaving buffer zones around critical source areas can minimise these losses.

Have you fenced off critical source areas? If not, what are the reasons/challenges?

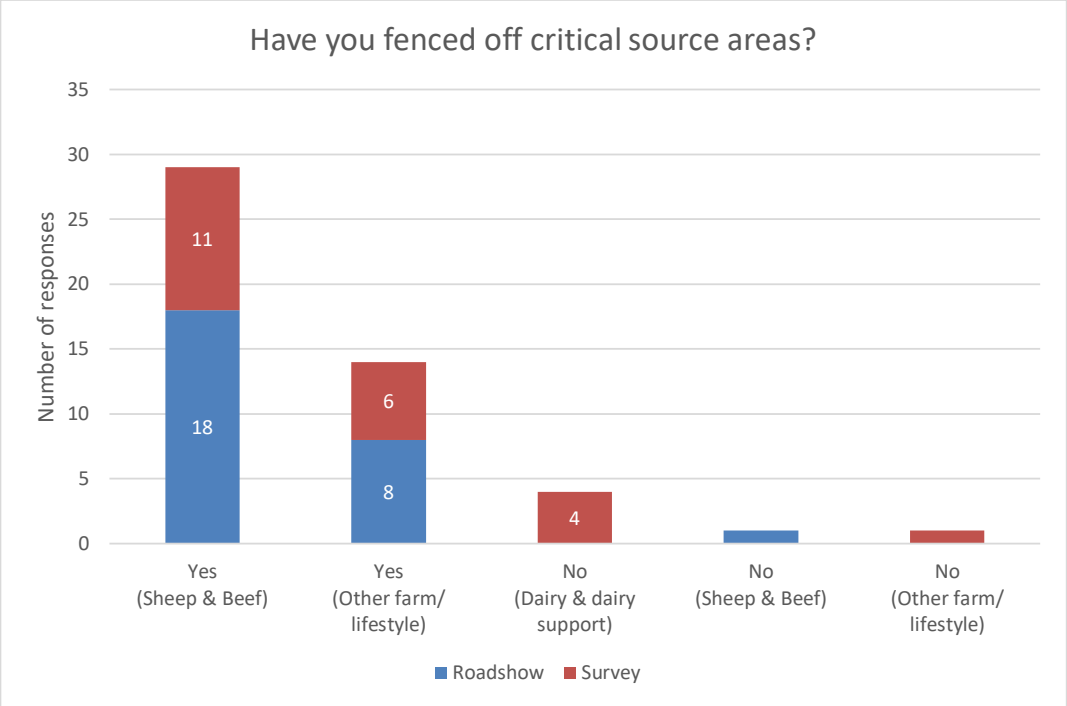

Figure 21: Number of people in the community who responded both via the community roadshows and the online survey regarding the fencing of critical source areas.

43 out of the 48 of participants in the consultation had fenced critical source areas, with majority (39) being from dairy and dairy support.

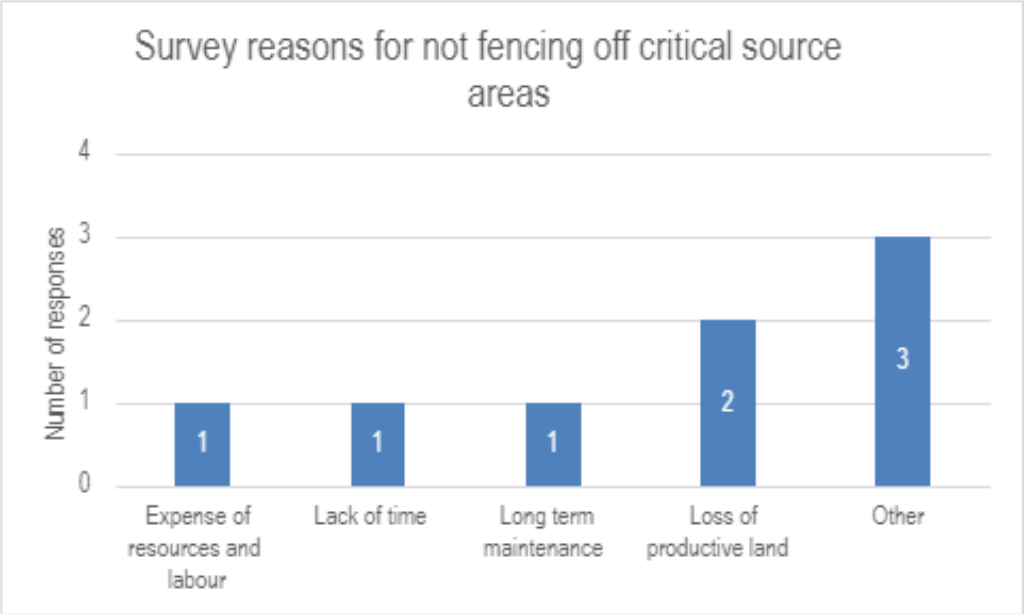

Figure 22: Results relating to the various reasons why members of the community have not fenced off critical source areas.

*Note * Other responders didn't think it was relevant to their land type or were uncertain about what 'critical source area' entailed.*

Challenges/issues

Community members raised challenges regarding the fencing of critical source areas. This included landslips and heavy erosion, difficulties in high rainfall areas (ephemeral waterbodies), loss of productive land, and long-term maintenance requirements. One member shared an example of the Kaupokonui Stream, where changing the fence induced erosion and rockfall, and altered the river's course.

Opportunities

A member of the community highlighted that deer farming employs best practices to manage critical source areas, not just through fencing as a solution. A member of the community supported more regulation across all stock types for fencing noting that it is important to work with Beef + Lamb and wider industry groups.

Use of plantain and clover in pasture

This 'good farm practice' refers to growing plantain and clover in pasture. As a nitrogen fixing plant, clover can reduce the need for nitrogen fertiliser and plantain is a dry weather tolerant crop that can decrease nitrate leaching and assist in cow digestion.

Have you planted clover and plantain for nitrogen? If not, what are the reasons/challenges?

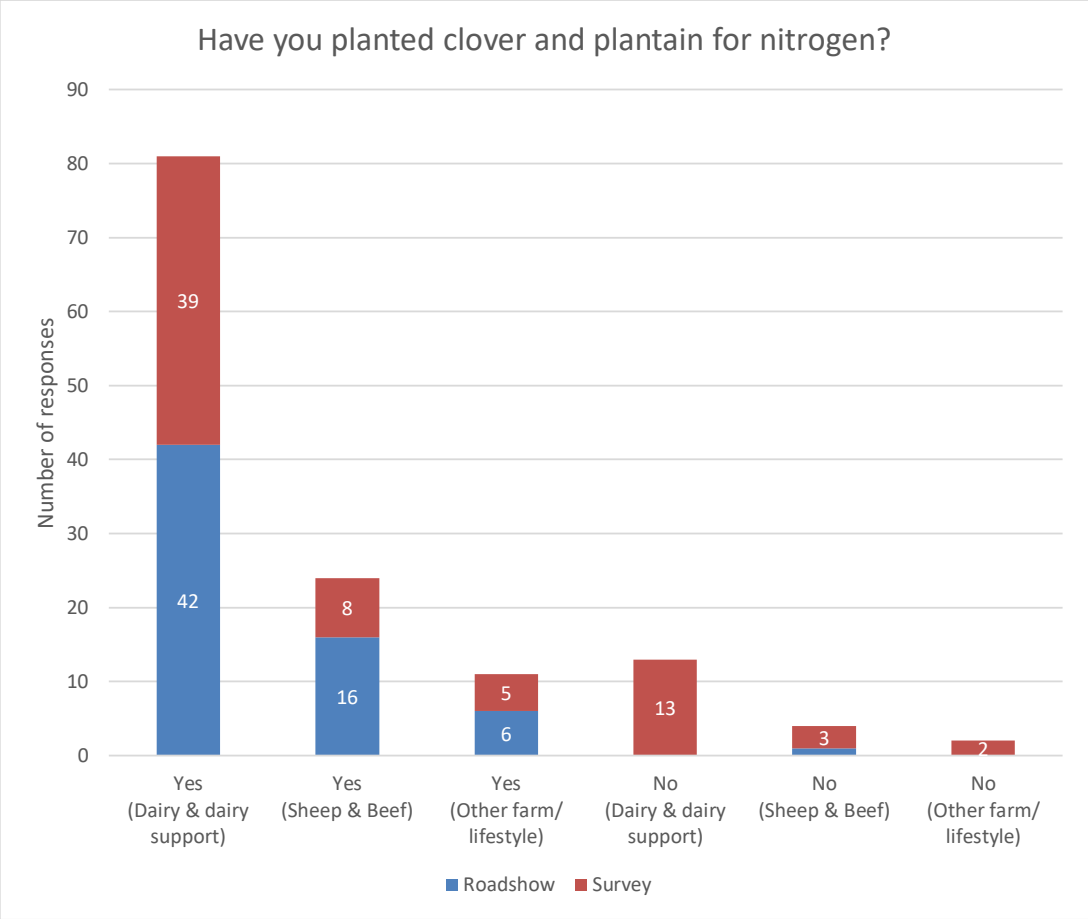

Figure 23: Number of people in the community who responded both via the community roadshows and the online survey that they were using clover and plantain.

116 out of the 135 of participants in the consultation were using clover and plantain in pasture, with majority (81) being from dairy and dairy support.

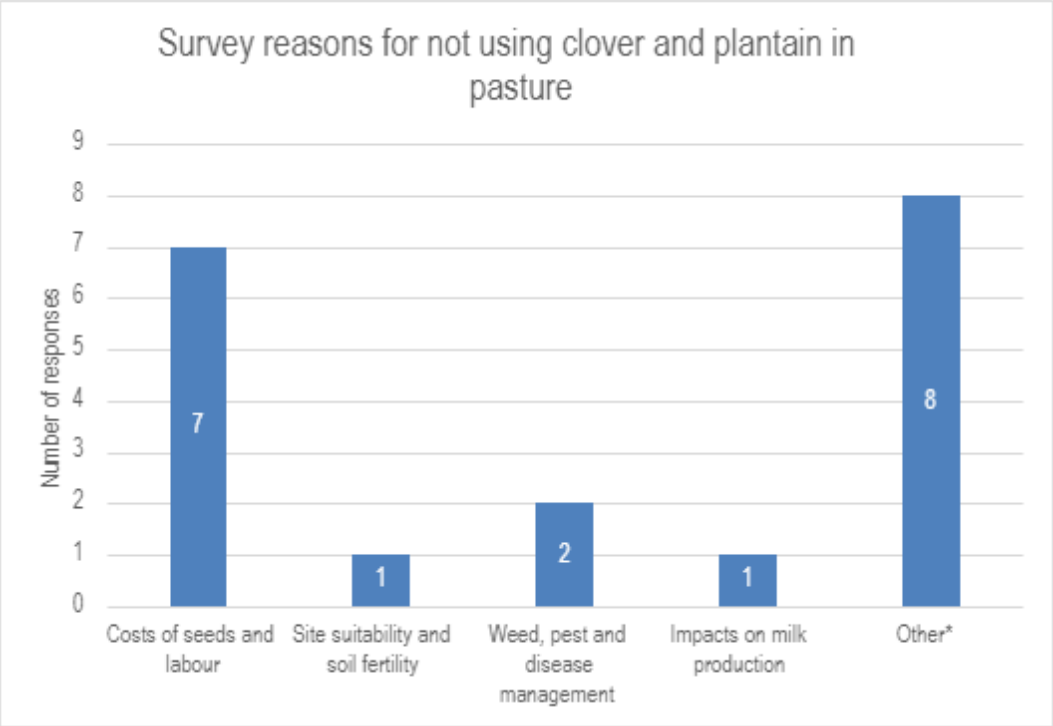

Figure 24: Results relating to the various reasons why members of the community have not used clover or plantain.

*Note * 'Other' responders had slightly different responses depending on the farm system. Dairy farmers generally noted use of clover but were uncertain/not convinced of the benefits of plantain or that they already feel that they have a balanced sward. One sheep and beef farmer indicated limitations with drilling on slopes, or that they didn't have a re-grassing programme.*

Challenges/issues

A member of the community highlighted the cost of sowing paddocks is prohibitive, further stating that with sheep and beef there is naturally a mixture in what is growing. Another member noted that plantain is highly sensitive to sprays and must be re-sown annually. Some members of the community were uncertain about the benefits of plantain and that education around it was required. Additional challenges/issues mentioned included concerns about the impact on milk production, a lack of economic benefits, weeds, pests and disease management and plantain getting too woody to harvest. Another member of the community noted that they had explored plantain and clover as an option however have no large need to reseed currently.

Opportunities

A member of the community noted that chicory could be an alternative to plantain. A member of the community noted that subsidies should be considered to encourage clover and plantain (e.g. 30% subsidy would assist).

Bridging stock crossing points

This 'good farm practice' refers to the construction and use of stock crossing points to avoid erosion, riverbed disturbance and reduce the amount of bacteria and nutrients getting into waterways.

Have you bridged stock crossing points? If not, what are the reasons/challenges?

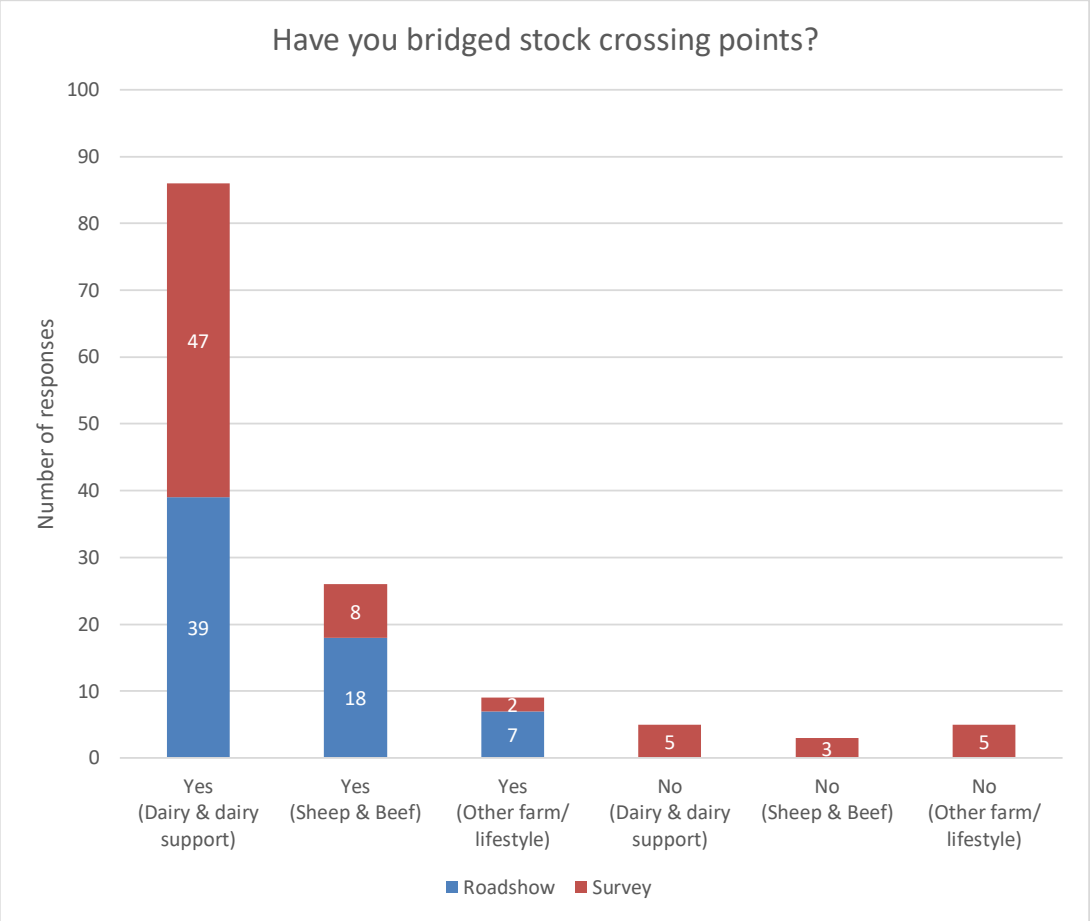

Figure 25: Number of people in the community who responded both via the community roadshows and the online survey that had bridged stock crossing points.

121 out of 134 participants in the consultation had bridged stock crossing points, with majority (86) being from dairy and dairy support.

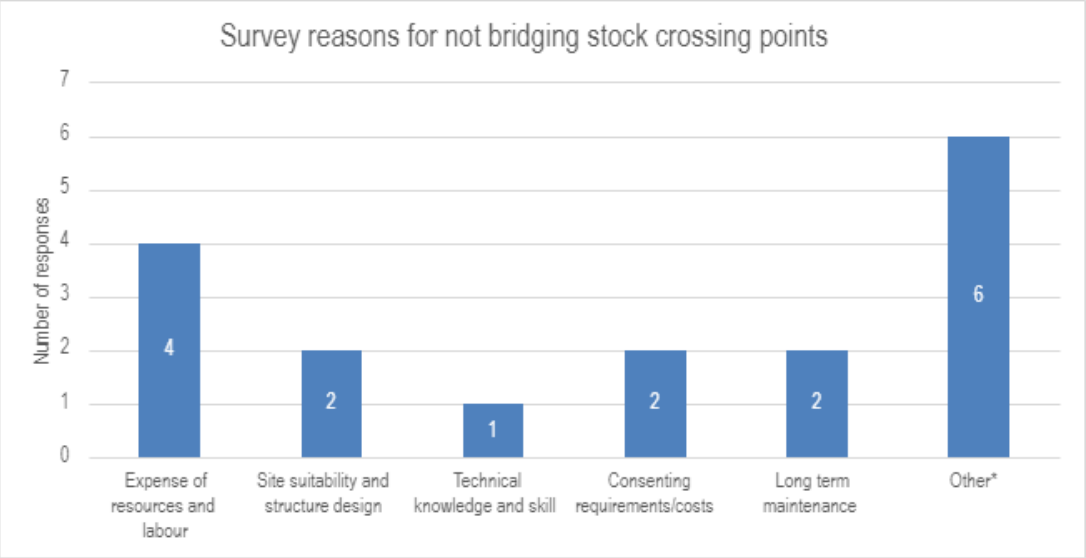

Figure 26: Results relating to the various reasons why members of the community have not bridged stock crossing points.

*Note * 'Other' responders noted that they do not have waterways to cross and therefore don't have a need for bridges or culverts.*

Challenges/issues

Members of the community identified challenges related to bridging stock crossing points, including the need for heavy machinery to construct large bridges and the requirement to provide for fish passage. Concerns were raised about landscapes susceptible to erosion, particularly if stock are funneled, and the need for alternative options to be considered. One member of the community noted that the consent process for replacing an existing culvert with a stock bridge was lengthy and costly, suggesting that the regulatory framework should be more practical especially when the goal is achieving environmental gains. Another member of the community highlighted that the cost of consenting and inspecting bridges is prohibitive, which limits their installation and subsequent environmental benefits. They also noted that the concept of requiring consent for culvert upgrades was unreasonable and should be carefully considered in the development of the Proposed Plan. Another member of the community highlighted that bridges, being near waterways, make it difficult to divert runoff, which can render them impractical in certain situations. A member of the community recommended that all bridges include a gutter system to manage runoff

Directing track and bridge runoff away from waterbodies

This 'good farm practice' of directing track and bridge runoff away from waterbodies prevents contaminants like sediment and nutrients from polluting water. By diverting runoff farmers reduce water pollution, protect aquatic ecosystems and sustainable land management.

Have you directed track and bridge runoff away from waterbodies? If not, what are the reasons/challenges?

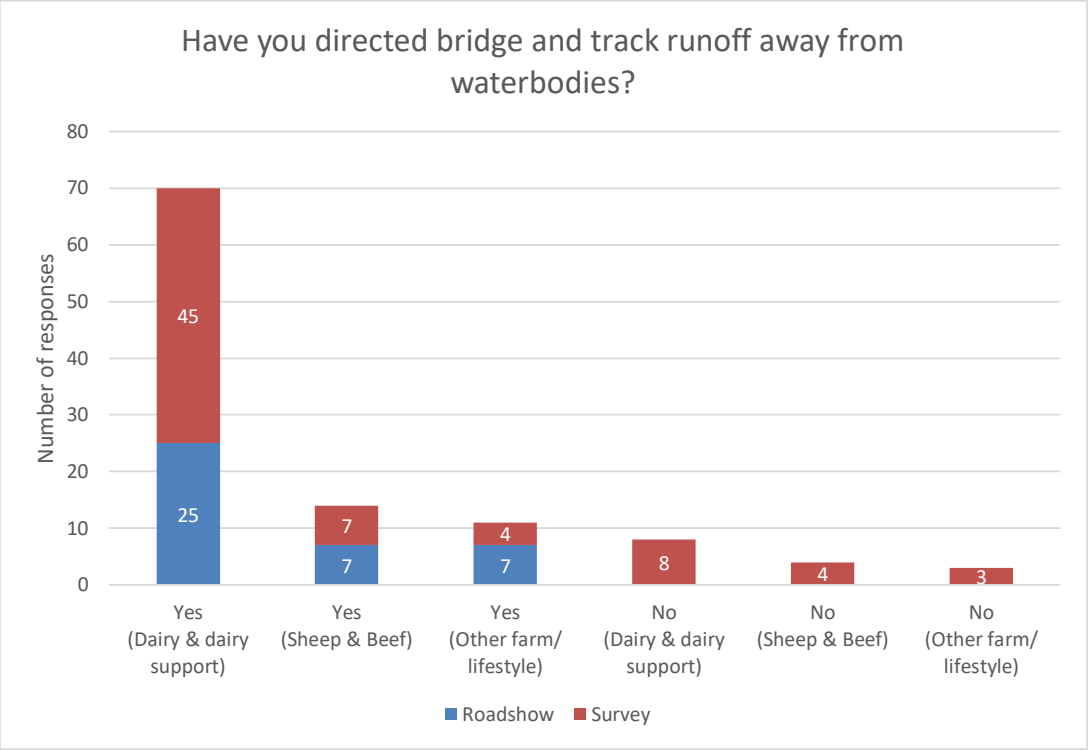

Figure 27: Number of people in the community who responded both via the community roadshows and the online survey that they were directing track and bridge runoff away from waterbodies.

95 out of the 110 of participants in the consultation were directing bridge and track runoff away from waterbodies, majority (70) being dairy and dairy support.

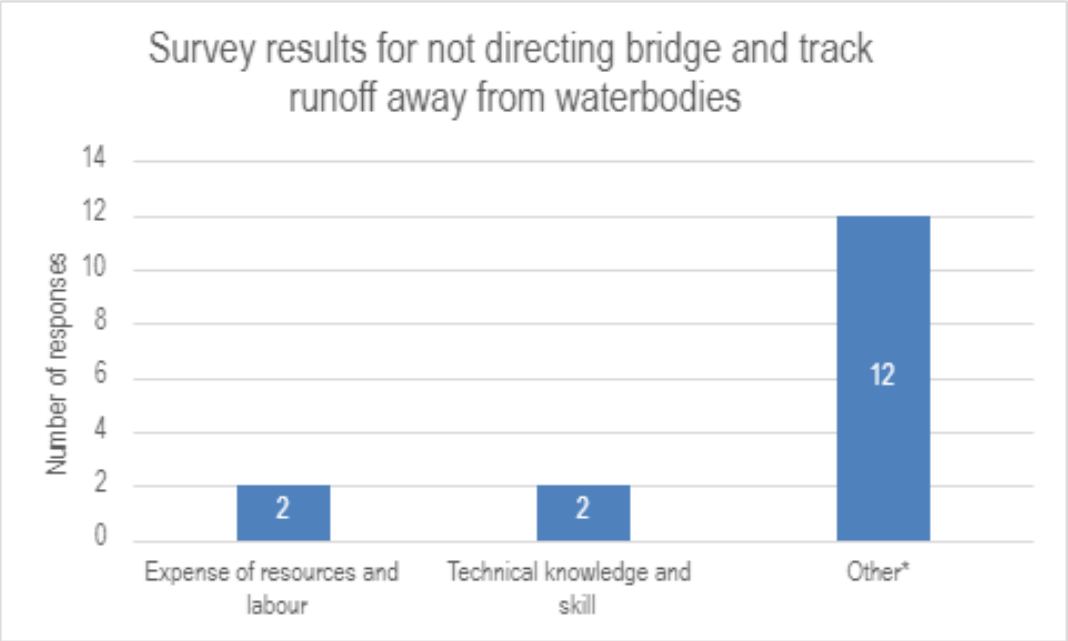

Figure 28: Results relating to the various reasons why members of the community have not directed discharges away from bridges/waterbodies.

*Note * 'Other' responders highlight that this is a difficult thing to achieve in practice as water flows to the lowest point and there are limitations on where it can be directed to. A small number of 'other' responders note that they do not have bridges to manage on their farm.*

Challenges/issues

Community members raised several concerns regarding the management of runoff away from bridges/waterbodies. One challenge is that culverts and bridges are often situated at the lowest points, making it difficult to manage runoff effectively. Additionally, redirecting runoff may sometimes require relocating bridges, leading to high consent costs and engineering costs. Another challenge highlighted was that curbed bridges accumulate water causing cows to defecate when their feet become wet. A member of the community noted that that the cost-benefit ratio of directing runoff away from bridges/waterbodies doesn't justify their installation, especially on a small scale, where other options for managing winter grazing are available. Some members of the community indicated that runoff management could be done on tracks, although they acknowledged the challenge with implementing this on bridges. A member of the community felt as though the practice of diverting track and bridge runoff was not relevant to pasture farming, or other systems, only to dairy.

Sediment traps, retention ponds and bunds

This 'good farm practice' refers to the use of sediment traps, retention ponds and bunds which are structures that help manage and control sediment flow by allowing larger particles to settle out from water before it continues downstream. These systems effectively capture and retain coarse-sized sediments, which can otherwise lead to soil erosion and sedimentation in waterways. Additionally, they prevent uncontrolled water runoff onto or from fields, which can help in managing agricultural runoff, reducing erosion, and protecting surrounding landscapes and water bodies from sediment-related damage.

Have you used sediment traps, retention ponds and bunds? If not, what are the reasons/challenges?

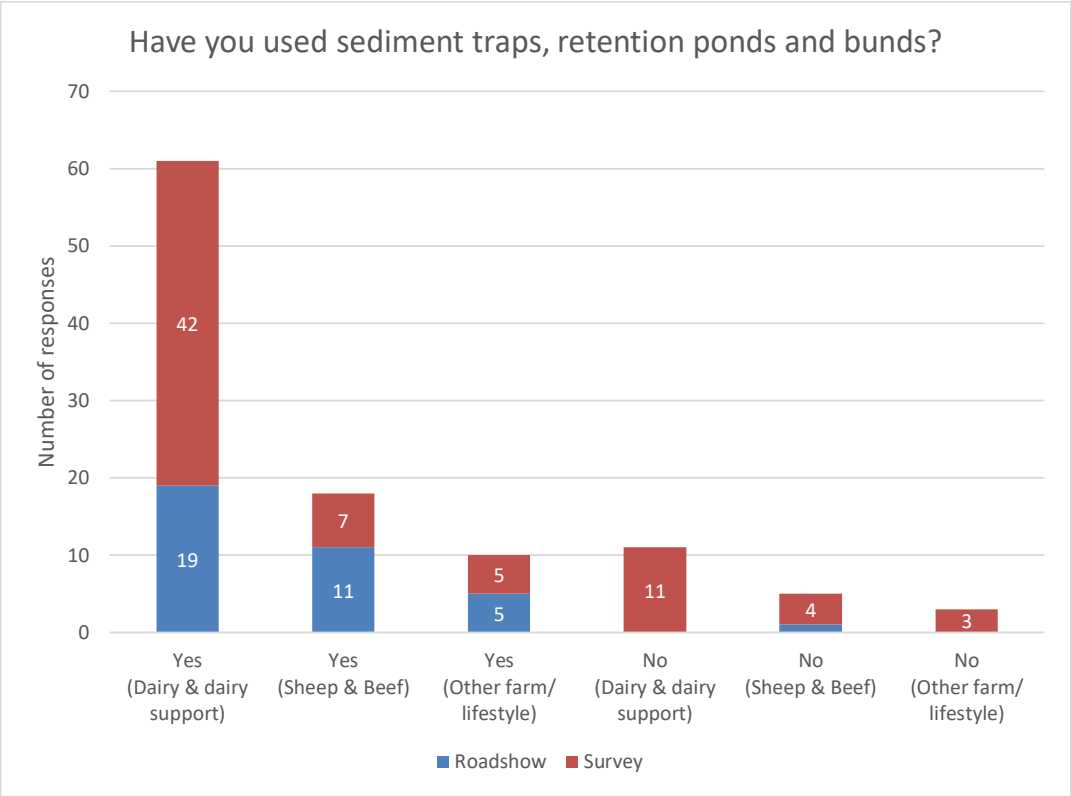

Figure 29: Number of people in the community who responded both via the community roadshows and the online survey that have used sediment traps, retention ponds and bunds

89 out of 108 participants in the consultation had used sediment traps, retention ponds and bunds, with majority (61) from dairy and dairy support.

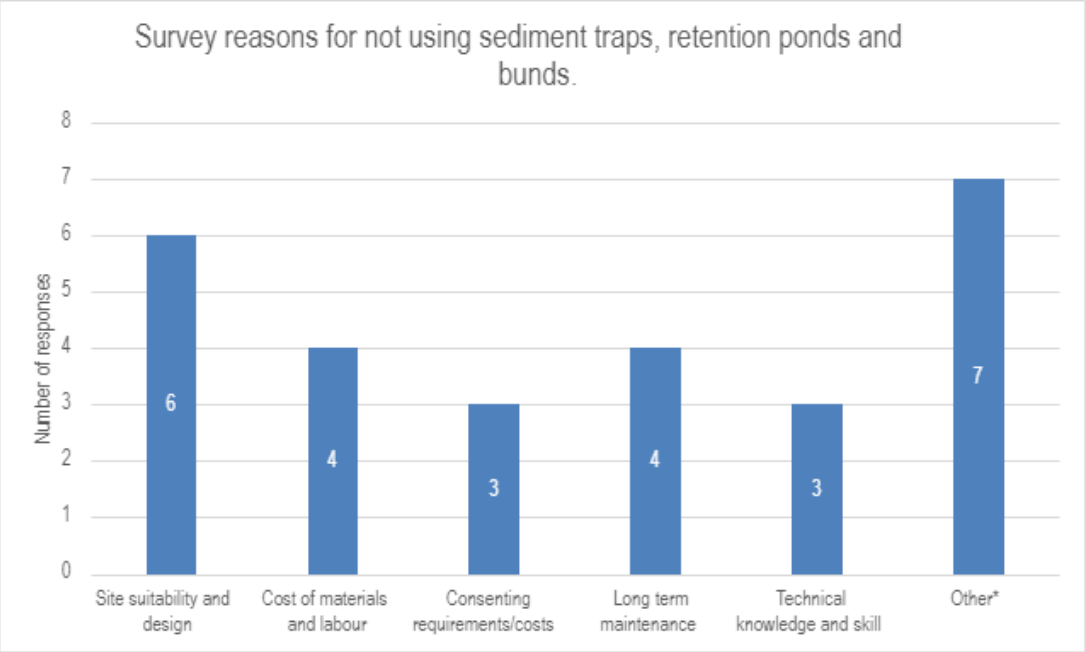

Figure 30: Results relating to the various reasons why members of the community have not used sediment traps, retention pons and bunds.

*Note * 'Other' responders indicated that this action wasn't relevant to their farm.*

Purpose of implementation

Members of the community shared that they had used bunds around silage pits to prevent seepage into nearby rivers. Another member of the community noted that they had employed these techniques temporarily when cleaning drains.

Challenges/issues

Members of the community shared challenges in implementing sediment traps, bunds and retention ponds, including difficulties related to fish passage and the need for access to clean them out. Another concern raised was that sand traps aren't big enough on most farms, increasing the risk of overflowing into the effluent pond during cleaning.

One member of the community noted that they were not interested in having a requirement for sumps/pumps for silage pits.

Retirement of unsuitable grazing land to forest/bush

This 'good farm practice' refers to converting land that is no longer suitable for livestock grazing into forested or bushland areas. This practice can help restore and enhance biodiversity, reduce soil erosion, improve water quality and sequester carbon.

Have you retired unsuitable grazing land to forest/bush? If not, what are the reasons/challenges?

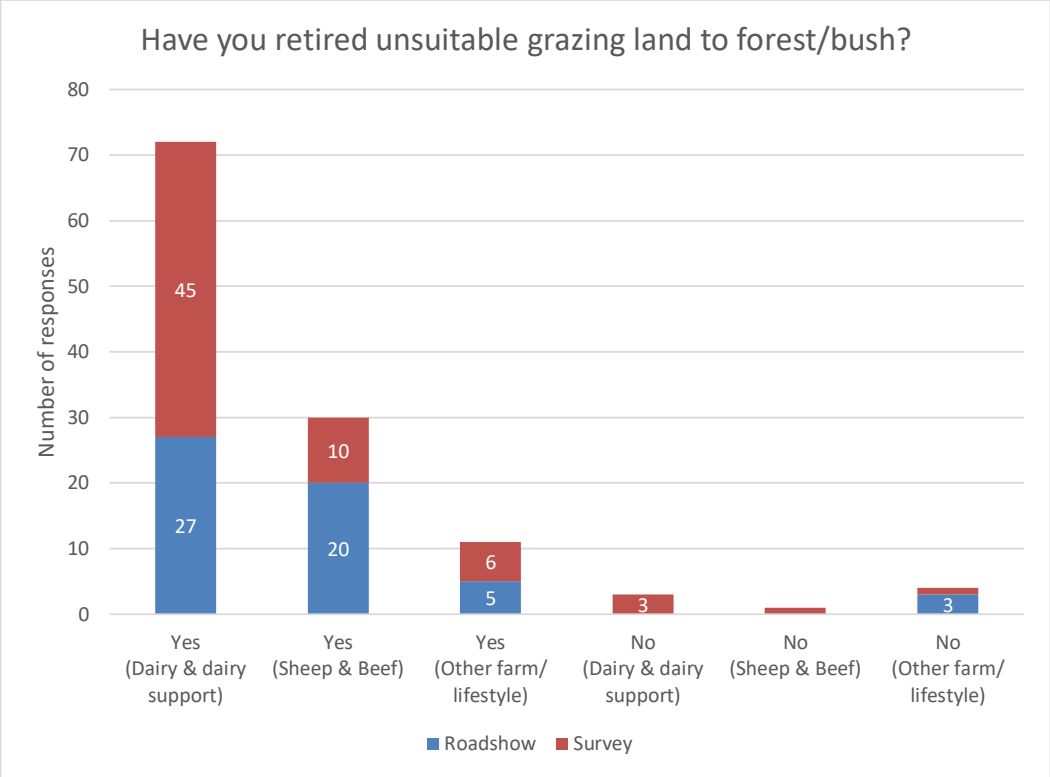

Figure 31: Number of people in the community who responded both via the community roadshows and the online survey that had retired unsuitable grazing land to forest/bush.

113 out of 118 participants in the consultation have retired unsuitable grazing land to forest/bush.

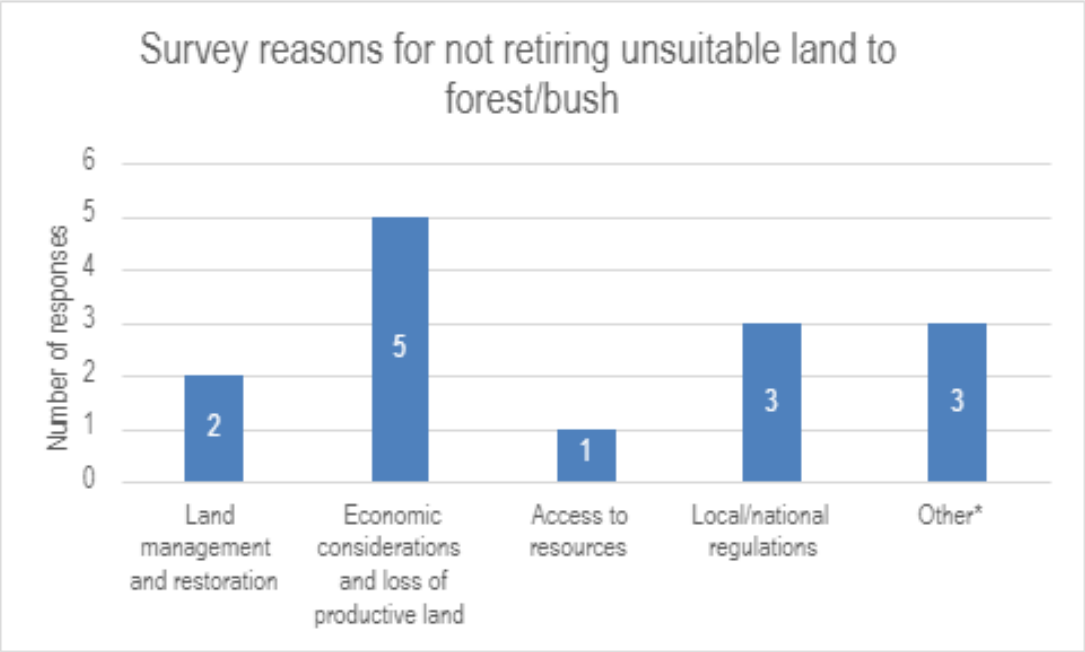

Figure 32: Results relating to the various reasons why members of the community have not retired unsuitable land to forest/bush.

*Note * 'Other' responders did not think that this action was relevant to their farm.*

Purpose of implementation

In relation to retirement of land, a member of the community shared that they found pine, Japanese Cedar and Macrocarpa to be the easiest and most durable to grow on their farm. Another member of the community noted that they had retired small areas of steep weed infested land.

Opportunity

A member of the community noted that as part of their farm practice they made seasonal use of class 6 land as part of the farm system to take pressure off other areas in spring and late autumn and then again through winter with sheep.

A member of the community suggested that there should be more retirement of unsuitable land to forest/bush.

Feed pads, stand-off areas, herd homes and composting barns

This 'good farm practice' refers to the construction and use of feed pads, stand-off areas, herd homes, and composting barns to manage livestock and their effluent. These structures can help improve animal health, minimize environmental impact and enhance overall farm sustainability.

Have you used feed pads, stand-off areas, herd homes and composting barns? If not, what are the reasons/challenges?

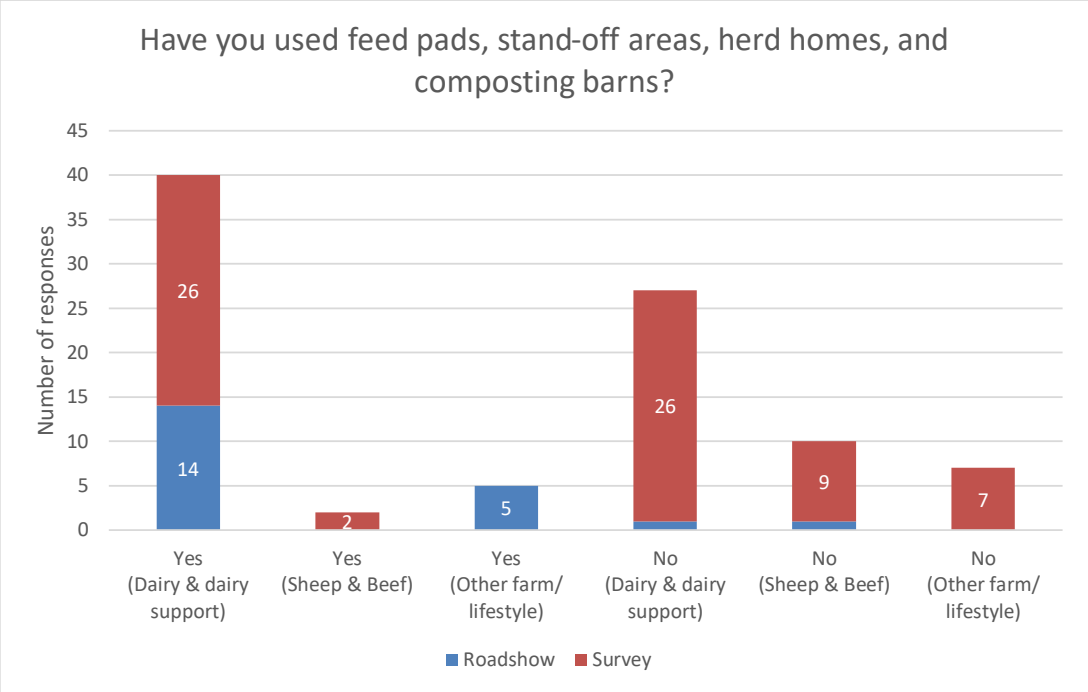

Figure 33: Number of people in the community who responded both via the community roadshows and the online survey that use feed pads, stand-off areas, herd homes and composting barns.

47 out of 91 participants in the consultation have used feed pads, stand-off areas, herd homes and composting barns.

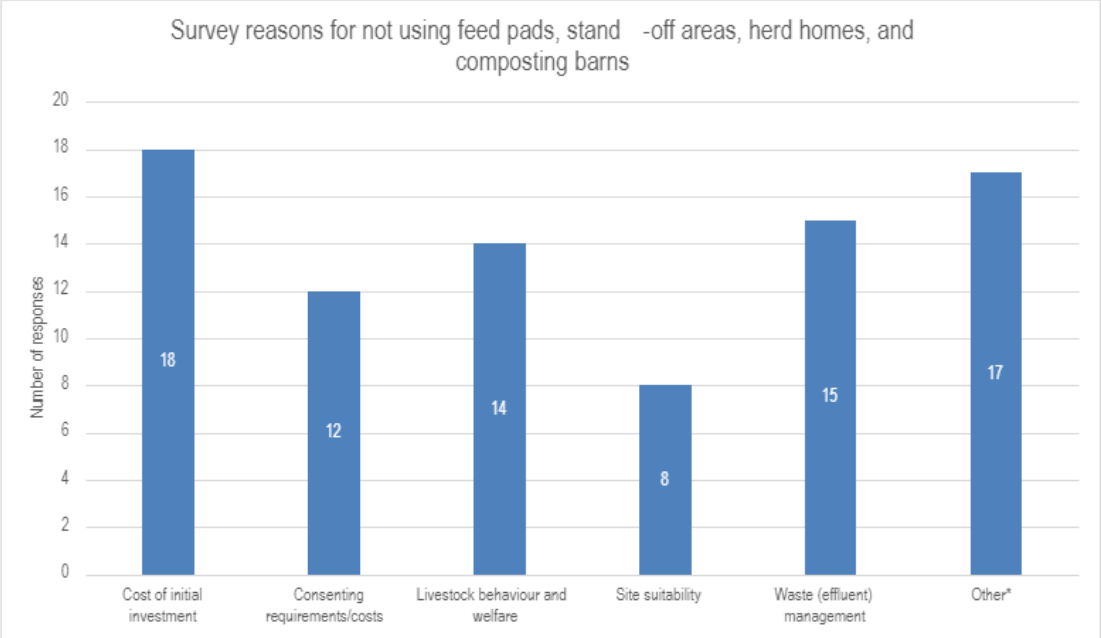

Figure 34: Results relating to the various reasons why members of the community have not used feed pads, stand-off areas, herd homes and composting barns.

Note * 'Other' responders clarified that they do not carry large numbers of stock over winter or that their farm system isn't intensive enough to require this type of management.

Challenges/issues

A member of the community stated that they don't like feed pads/stand-off pads due to animal health concerns but noted that it may be okay if used for a short time. In opposition to the use of barns, a member of the community noted that a key point of difference about New Zealand farming is that animals aren't typically housed in barns, and New Zealand should market its farming practices accordingly.

Opportunities

Members of the community noted alternative options to using feed pads/stand-off pads, such as using existing dairy shed yards, reducing stock numbers to ensure good stock land symbiotic balance and two-day breaks to stand off. A member of the community noted that they had not yet used feed pads/stand-off pads, however, would possibly consider using them soon.

Minimal use of intensive winter grazing

This 'good farm practice' refers to reducing the reliance on intensive winter grazing, which can lead to soil compaction, pasture damage and increased runoff. Minimizing this can help protect soil health and maintain pasture quality.

Do you have minimal use of intensive winter grazing? If not, what are the reasons/challenges?

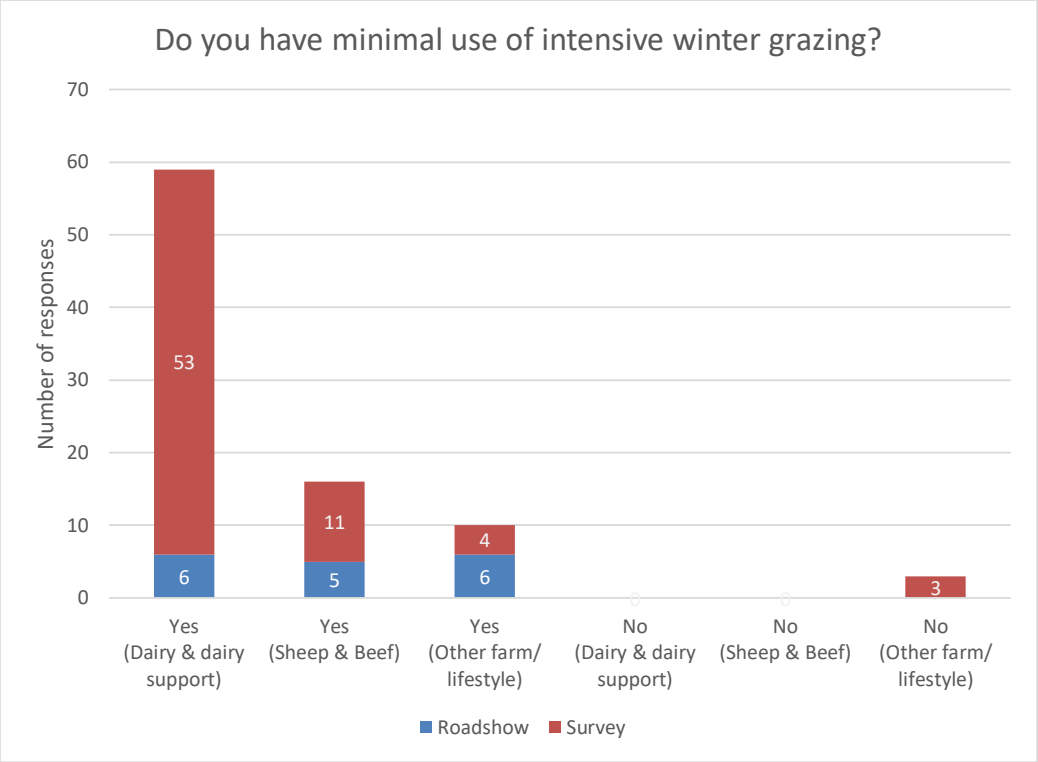

Figure 35: Number of people in the community who responded both via the community roadshows and the online survey that made minimal use of intensive winter grazing.

85 out of 88 participants in the consultation have minimal use of intensive winter grazing, majority (53) were dairy and dairy support.

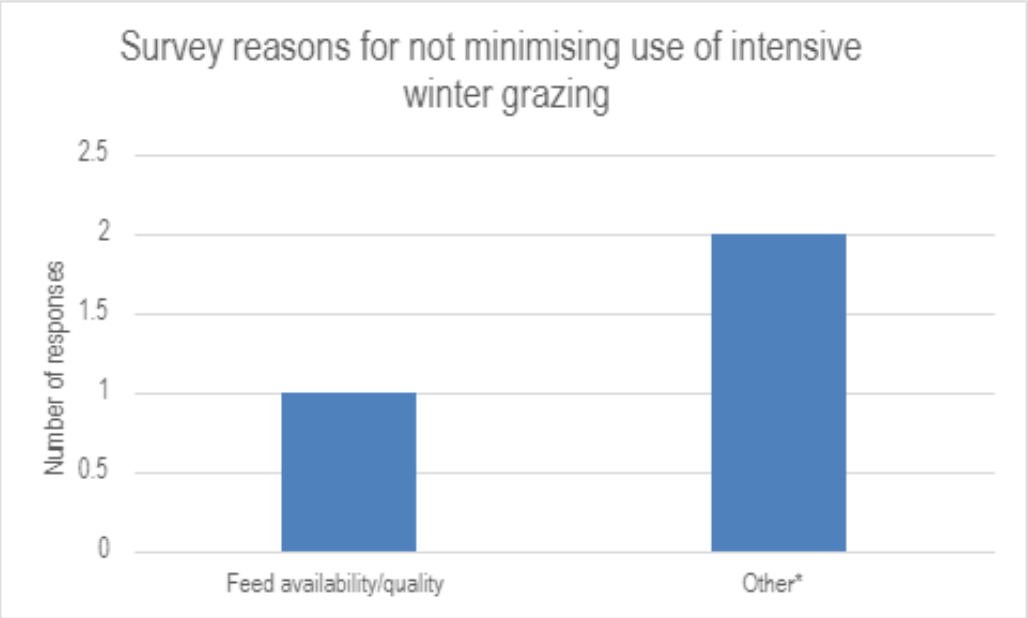

Figure 36: Results relating to the various reasons why members of the community have not minimized their use of intensive winter grazing.

*Note * 'Other' responder noted that they try not to do this but that it can be a challenge.*

Purpose of implementation

A member of the community noted that they use an oat-based feed system and decrease the affected area each year, leaving low-lying areas until last. They emphasized that this approach is essential to carry enough stock through winter for spring grazing.

Challenges/issues

Community members identified challenges related to the efforts in minimizing intensive winter grazing. Issues included occasional reliance on these paddocks during poor weather conditions and concerns about management from tenant farmers. A member of the community noted that while they do their best not to do intensive winter grazing, it is required at certain times. There was also concern that minimizing intensive winter grazing would result in a drop in milk solid production. Concerns were also raised about how intensive winter grazing can damage root stock which takes longer to recover. Barns increase cost and concentrate animals in one place with more concentrated effluent.

Opportunities

Community members shared various practices and perspectives on farming methods. One member reported occasional use of a sacrifice paddock during poor weather conditions. A community member highlighted that they graze off cows in winter to take the pressure off (high altitude farm).

Deferring effluent irrigation for soil conditions

This 'good farm practice' refers to using effluent storage and deferring effluent irrigation to a time when soil moisture and physical conditions are more optimal i.e. postponing the application of effluent when soil conditions are too wet or unsuitable. This practice prevents issues like runoff, soil compaction and nutrient leaching which degrade soil and water quality health.

Do you use effluent storage and defer effluent irrigation to a time when soil moisture and physical conditions are optimal? If not, what are the reasons/challenges?

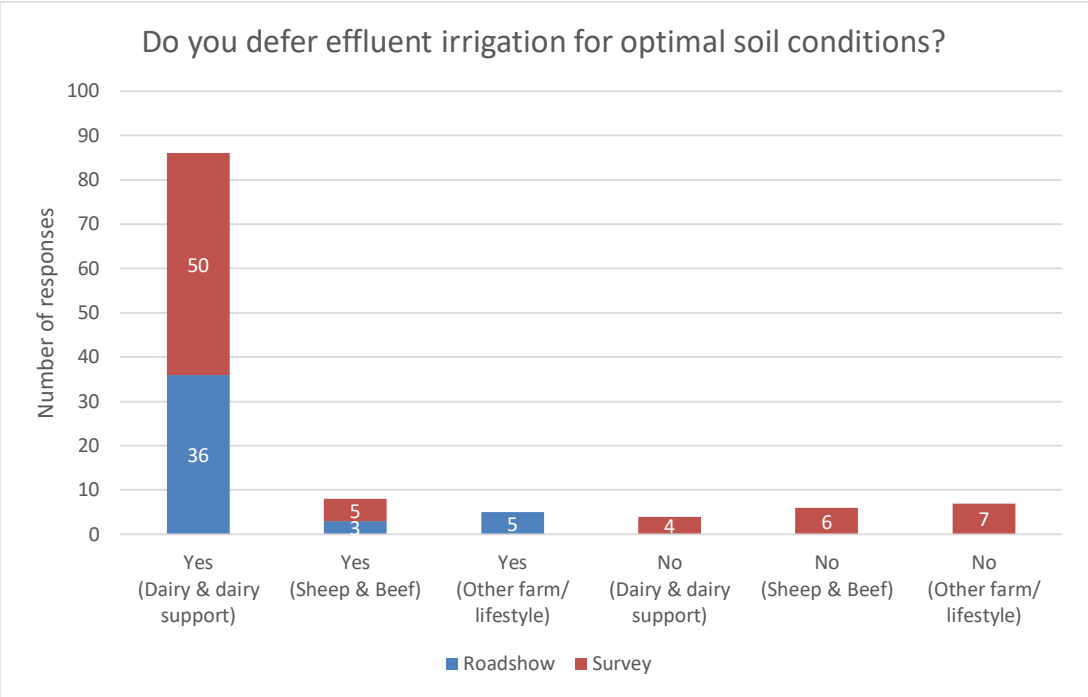

Figure 37: Number of people in the community who responded both via the community roadshows and the online survey that use effluent storage and deferred effluent irrigation.

99 out of 116 participants in the consultation use effluent storage and defer effluent irrigation to a time when soil conditions are optimal, majority (86) are from dairy and dairy support.

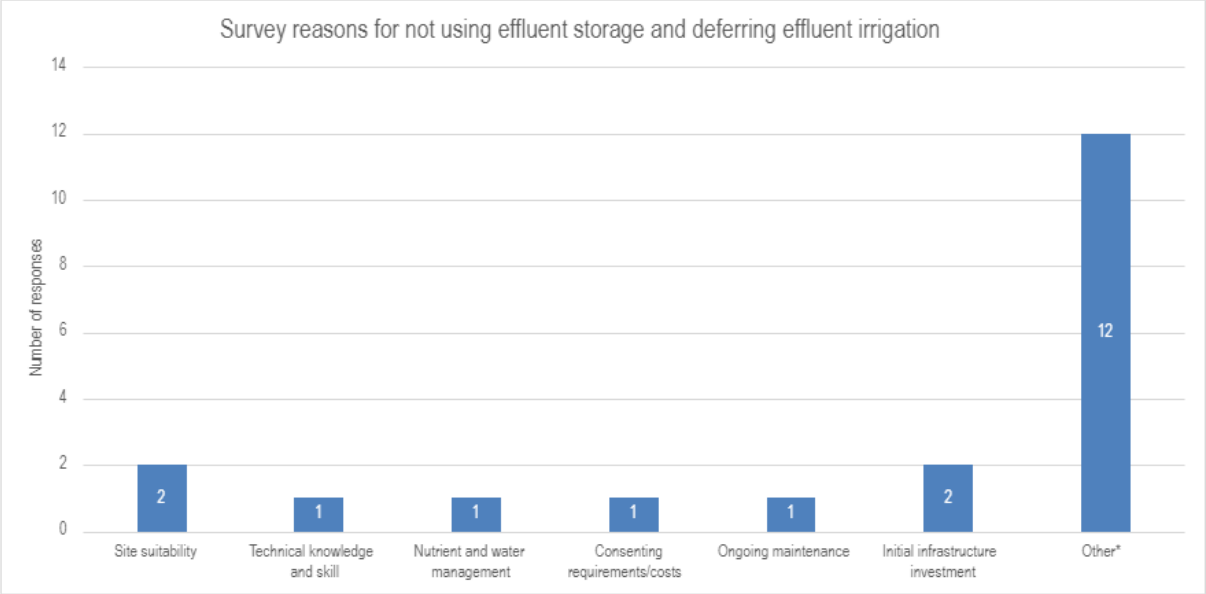

Figure 38: Results relating to the various reasons why members of the community have not used effluent storage and deferred effluent irrigation to a time when soil conditions are optimal.

*Note * 'Other' responders were primarily farming systems without effluent management (e.g. sheep and beef). One 'other' response was from a dairy farmer who is awaiting infrastructure upgrades before being able to undertake this practice.*

Challenges/issues

A community member noted that effluent storage and deferred irrigation pose challenges in high altitude areas.

Climate Justice identify some concerns with shifting to land based effluent application, as this may increase indirect discharges of effluent and shifts bacteria loading. Climate Justice requests an increase in monitoring of indirect effluent discharges. They also make recommendations to reduce effluent leaching by including more stringent setback margins and reduce animal size or stock numbers for areas at risk of sea level rise, flooding, drought, porous or compacted soils.

Opportunities

A member of the community suggested that electronic systems can help with effluent deferral, stating that you can use a phone app to ensure that the right settings are being applied.

Riparian Planting

This practice of riparian planting refers to those who are fencing their streambanks either as part of the current Riparian Management Programme or individually. Well-planned and implemented riparian zones provide a multitude of benefits including shading and cooling waterways, providing shelter and food for fish and insects, reducing erosion, keeping stock out of waterways, creating connected biodiversity corridors, and contributing to the unique visual character of the region. Over the last 30 years, Taranaki farmers have fenced and planted significant portions of waterways under the Riparian Management Programme.

Are you doing riparian planting and stock exclusion farm practices already? If not, why not?

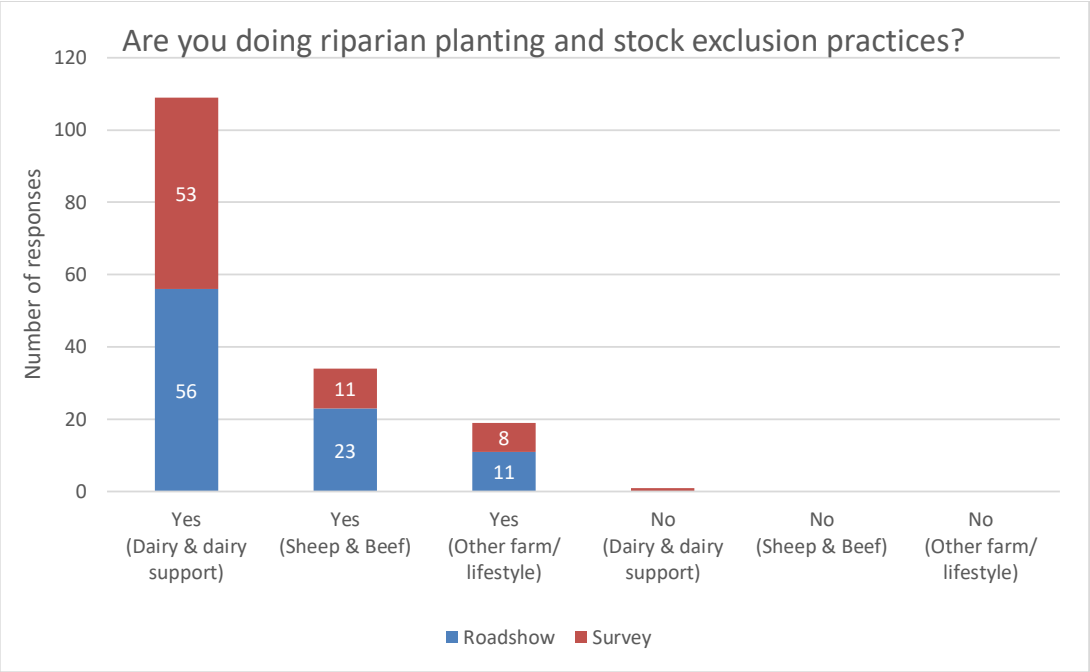

Figure 39: Number of people in the community who responded both via the community roadshows and the online survey that they were undertaking riparian planting and stock exclusion practices.

The majority of those doing the practice, around 110 people, said that they were involved in dairy farming, with the next largest demographic being sheep and beef farmers. Around 20 non-dairy, sheep or beef farmers signalled that they were also implementing these practices. It is important to highlight that at the community workshops, those who were not undertaking riparian planting or stock exclusion practices generally didn't answer the question, which may reflect the lower 'no' results. Initial investment and lack of time were reasons why some people weren't undertaking these practices

Riparian planting benefits

Whilst not directly relating to the question above, feedback at the SIG meetings (including those from industry, advocacy and health), indicated support for the riparian planting practice, citing a number of benefits to the environment and the community. These benefits include attracting good

bugs to vegetable paddocks, improving stream health outcomes, and mitigating the effects of animal effluent discharges. Specifically, Health NZ and Fonterra indicated support, with the former highlighting that riparian restoration and planting directly align with the Biophilic Public Health approach, and the latter identifying their proactive role in supporting the Council's current riparian programme.

Conversely, the Council heard from several different community members who, whilst being supportive of the practice and implementation on their farms, could not physically see any benefits because of their work, or direct evidence of environmental improvement. Additionally, tangata whenua discussed a detrimental side-effect of riparian planting shading whereby watercress growth, which is of value, can be impacted and reduced.

Landscape suitability

The suitability of the land on which to undertake riparian planting was a common point of discussion amongst members of the community. Areas that were prone to flooding, such as those with meandering streams or with highly erodible rivers, were flagged as being a cause for concern. In particular, the unease around the risk of flooding causing damage to, or the destruction of, riparian planting was expressed on numerous occasions. An individual community member expanded upon this to explain that the negative consequences of such flooding would require them to re-plant and that there could be possible debris blocking drains that would need to be dealt with.

Properties that have many small creeks and streams, or rivers that are susceptible to erosion (for which the Mimitangiatua River was highlighted by one community member) pose their own challenges, namely additional cost and larger spatial areas to fence. Due to the erodible nature of parts of the region, concern was expressed that for riparian planting to be effective it would require significant width, thus making it an inappropriate action in some areas.

Additionally, due to the variations in landscape, the 'right tree right place' approach was supported by multiple people who had concerns around the consequences of choosing the wrong plants. Specifically, concerns related to the planting of flax were identified, where being used in the wrong spot can cause issues with electric fences, falling into drains, and getting heavy and exacerbating erosion.
The Council also heard from some of the community that there was concern around wetlands and stream networks being fenced and planted inappropriately. They expressed that there is a lot of confusion around what is required, which was in turn having a negative impact on the downstream network.

Cost and resourcing

A few barriers were identified by the community that made it difficult for them to plant or maintain their planting. Generally, these barriers were costs, time and physical labour.

A few community members stated they were either not planting or fencing, or were struggling to maintain their planting and fencing, due to financial burden. One person felt that the financial responsibility for riparian planting shouldn't necessarily fall onto the land-owner due to the risk of flooding damage, climate change, and pest management being out with their control.

Resourcing and the time required to implement and manage riparian planting and stock exclusion practices was a prominent challenge for several people. One person expressed that they felt that the Council didn't recognise how much time would be required from the community. Another community member spoke about how trees sometimes fall onto fences which can take a lot of time to clear, adding to the ongoing maintenance challenges.

Physical labour demands were raised by different people who were concerned about the large amount of physical work involved in planting and maintaining riparian margins and stock exclusion barriers, as well as undertaking reparation on surrounding land where plants, trees and fences have caused damage. This included maintaining and unplugging drains, the repositioning of tracks, weed management and recovering lost or displaced fences and plants after flooding. Community members spoke of their more specific concerns including established riparian strips being overgrown and shading paddocks, of which cost, time and resource is required to remedy.

Pest issues

Plant and animal pests were a regularly identified by community, with their primary issues surrounding how riparian margins not only provide Self-seeded trees were raised by some community members as requiring concerted weed management and can also fall into waterways People identified examples of these including the Convolvulus, Blackberry, and Old Man's Beard species.

One person felt that riparian margins acted as highways for possums, and another discussed how deer and pigs caused big tree losses. Further, another person expressed their belief that landowners should not be responsible for the cost of predator control, as they have already paid for the plants and have been impacted by the loss of land.

Riparian planting

As discussed in the previous section, over the past 30 years, the Council in tandem with Taranaki farmers have made significant progress in fencing and planting waterways as part of the voluntary Riparian Management Programme. The benefits of riparian planting have been highlighted in the preparation of draft TAS states for sediment, *E. coli* and nutrients. However, this effort has not been rolled-out on a broader regional scale and smaller farms and lifestyle blocks have not been part of the programme thus far.

Do you agree with the approach of extending riparian planting to include small farms/lifestyle blocks?

The Council's long-standing intention of making riparian fencing and planting mandatory under the Proposed Plan was put forward during the consultation. This would mean intensive farms targeted by the Riparian Management Programme not yet undertaking riparian fencing and planting works would be required to do so. A further consideration to this option is exploring the benefits that smaller, less intensive farms may contribute to catchment-wide mitigations if riparian fencing and planting requirements were applied more widely.

As part of this consultation the Council have asked for the public's thoughts on the potential benefits of extending these requirements to less intensive farms and lifestyle blocks to support catchment-wide improvements.

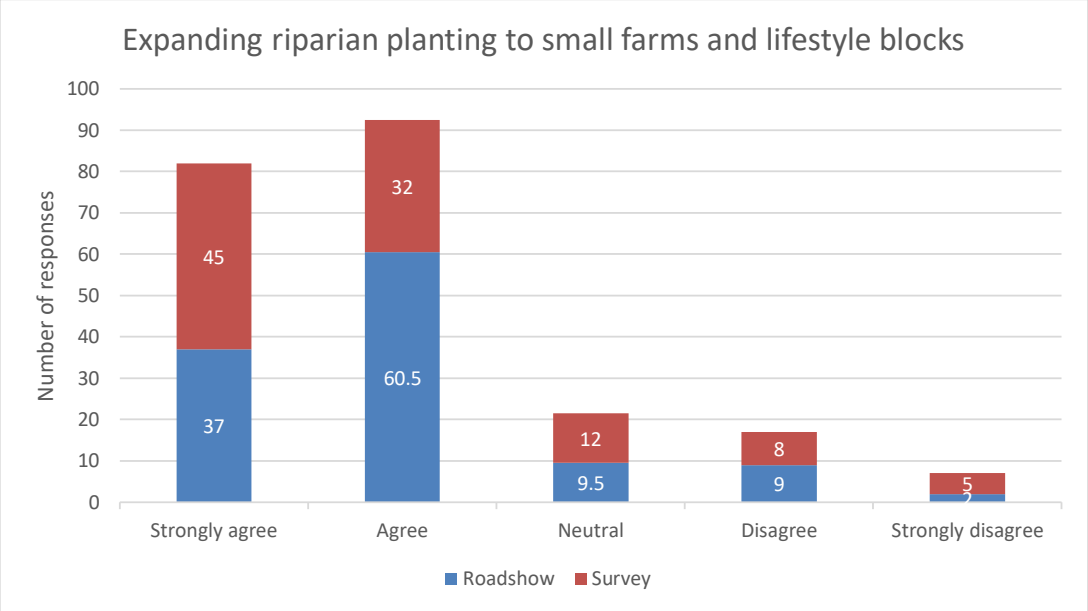

Figure 40: Represents the varying levels of agreement from the community, collected from both roadshows and the online survey, on expanding the riparian programme to small farms and lifestyle blocks.

The most popular response was 'Agree' followed closely by 'Strongly agree' signalling that most responses were in support of this proposed action. 'Neutral' and 'Disagree' votes were received from a smaller number of people, whilst 'Strongly disagree' was the least popular option.

Supportive of extending riparian planting programme to small farms/lifestyle blocks

Feedback from the roadshow and survey responses signalled a high level of support for the extension of the riparian planting programme. Organisations from varying Special Industry Groups elaborated on their support via verbal and written feedback. The general tone was that there should be equal expectations for lifestyle properties as there are for farmers, and that everyone has their own part to play. Other feedback received identified that there would need to be an appropriate timeframe and assistance available to ensure this was manageable and not too expensive for small farms and lifestyle blocks. The Council also heard from Fish & Game that tackling smaller, ephemeral streams would become increasingly vital due to the large contaminant inputs originating in some smaller streams.

Not supportive of extending riparian planting programme to small farms/lifestyle blocks

The most common reason for not extending the programme via regulatory means was that a voluntary approach would be more appropriate. Many felt that encouragement and higher levels of assistance would be best suited to managing small properties so as not to cause unintended consequences through poor implementation practices. Concerns around whether low and high-risk activities and properties would be held to the same expectations were also voiced. There were also concerns around the potential, costs of implementation and inspection, and concern that this would rest with landowners. One community member identified that extending the programme could be a high-cost low-reward approach and requested that the Council look further into this before setting the approach.

Additional comments relating to the broader concept of riparian planting and how the future riparian planting programme could work

It is important to highlight that when engaging in these discussions with the community, the Council received a large amount of feedback on the broader concept of riparian planting and the potential benefits, implications and challenges that those implementing this practice may face. The following key themes are a result of more generalised conversations and may not solely reflect the question that was asked.

This first section of themes delves into the ‘what’ for the future of the riparian programme; what it could look like and what approaches may need to be taken to ensure the community and the environment are satisfied.

The subsequent ‘action plan’ sections cover how the community response to the Council’s considerations around how the existing voluntary program could best be integrated into the Proposed Plan and where it may intersect with the development of FWFPs. The proposal of creating a riparian planting action plan for the region was put to the Primary Industry SIG workshop, as well as being discussed at several tangata whenua hui. This action plan could cover a range of different matters, including spatial or land-use applications, expected outcomes, principles for planting and maintenance, and identification of special circumstances (such as flood prone areas).

Extending riparian planting programme spatially

For the most part, people were supportive of the approach to extend the riparian planting spatially but with different ideas on how the practice should look. Suggestions for a staged implementation, starting from the mountain and expanding in rings, were put forward, as well as for a more uniform approach.

There were differing views on how the expansion should take place; some suggested a land-use approach as they felt that certain types of land use such as beef, sheep and pig farming, should be included. Feedback also supporting the land-use approach suggested that certain land-uses could be better managed via other controls (such as deer farming or fruit and vegetable growing) and this approach could provide a pathway for this. Some people wanted the expansion to follow a catchment-based approach (tailoring the requirements to the waterbody itself rather than the land-type or use, for example flooding behaviours), and others wanted a landscape-based approach (such as taking into account slope sizes and soil types). Climate Justice suggested the use of a transitional approach for areas already fenced so that replacements provide for the increased riparian protection area. Regardless of the approach taken, there was a consensus that the Council needed to remain transparent and consistent with that approach going forward.

Parameters: plant types, setbacks and widths

A substantial amount of feedback was shared with Council around plant management, particularly from tangata whenua. There was an expressed wish for local mātauranga on eco-sourced, native plants to inform riparian planting recommendations. The importance of having appropriate native plants in the right place was highlighted to ensure land stabilisation and riparian management, as well as for tangata whenua to have the ability to see themselves and the Maunga reflected in the landscape. Some members specifically expressed the desire to see the reintroduction of rākau back into the landscape. The Council also heard about long grass as a planting option at a community roadshow.

The community also provide feedback on the boundaries and extent of the riparian planting. The need for appropriate buffer widths and fencing to ensure effectiveness were relayed on numerous occasions. A range of options were put forward by the community on the measurements for setbacks. Forest & Bird recommended at least 10 metres from any permanent river, lake, or wetland and 3 metres from the edge of any other river, 10-20 metre setbacks for sensitive waterbodies, 10 metre setback for slopes <10°, and 20 metre setbacks for steeper slopes. Some community members suggested a minimum of 10 metres for fencing, other opted for 5 metres. Tangata whenua encouraged wider riparian strips and Climate Justice recommended margins be wide enough to allow for three layers of plants (wīwī, pūrei and toetoe closest to the waterway, followed by harakeke, tī kouka, karamū, taupata etc., and then larger trees). Bespoke approaches for setbacks and margin sizes were also proposed to be based on the scale of intensity, the level of good management practice already being undertaken, soil type and slope steepness. Exceptions for planting, but not fencing, were recommended for gorse areas as they could be fenced and naturally vegetate over time.

Tools for implementation

The Community provided feedback around how landowners can best be assisted with implementation. Assistance in the form of subsidised tree planting and maintenance, weed removal, riparian plans preparation, guidance around the long-term application for different plants, and more education. There were specific examples of programmes that could be supported by Council, this includes an example from Ngāruahine seeking access to riparian plans and plants to help remediate Kaupokonui beach reserve. Another example was a request from an individual asking for golf course committees to be provided with information, education and opportunities to be active participants in riparian planting.

Council providing incentives came up several times with suggestions including rates discounts, carbon credits, tree treatment prior to planting, not requiring landowners to pre-spray areas, pest management self-help programmes, and fencing or land retirement subsidies. In addition to incentives, the community expressed a desire to build better relationships with staff who could help with their riparian plan implementation. A suggestion of farm owner 'onboarding' was put forward as a way of helping get the plants into the ground.

To assist with the proposed implementation of monitoring for the programme, some community members felt that the Council should cover monitoring costs. Despite this, there was a general understanding that monitoring may need to occur to assess the effectiveness of the riparian management programme, improve environmental outcomes, reduce unnecessary erosion, and to signal where inadequate fencing and planting could be repaired.

General support for the preparation of a riparian planting action plan

Overall, there was broad support for the Council implementing an action plan. DairyNZ specifically commended the success of the riparian programme thus far and its alignment with action plans required by Appendix 2B of the NPS-FM. The organisation felt that the Council could provide a better balance between setting contaminant limits and implementing restorative actions that may also improve waterway health. One workshop attendee did question what the impact of an action plan would be if the uptake of riparian planting is already high.

Approach to prepare an action plan

Tangata whenua expressed their desire for increased catchment-focussed riparian planting to help take account of soil erosion control, along with the expectation of their involvement in the development of the action plan.

There was wide support from the primary industry workshop for standing up a working group to inform development of the action plan. Fonterra signalled their desire to be directly involved and suggestions for the group to be made up of farmers with varied experiences was put forward by some attendees.

Contents of the action plan

The Council received lots of feedback from the primary industry workshop on what content the action plan should hold and what topics it should address. Suggestions for where the action plan

could apply included district council owned land, urban areas, and flood prone areas. Proposals for what the action plan could set expectations for included where fencing exclusions would occur, what good planting practices should be used, pest and disease management, species composition, land preparation, flood erosion reporting, and what to plant and where to plant it. Ideas for the action plan to provide information on species composition, planting standards, support options and timeframes around planting were also put forward.

Discussions at the workshop touched upon how the action plan would also need to resolve problems and challenges such as boundary issues, investment risk from natural disasters and climate change, negative impacts from riparian planting (such as unwanted shading) and how best to approach the needs and differences of urban and rural areas.

Regulatory versus voluntary approach

In conjunction with some feedback calling for a voluntary approach towards the extension of riparian planting to small farms and lifestyle blocks, several community members provided their perspective on regulatory and voluntary approaches for the broader riparian programme.
The Council heard contrasting views on the level of regulation that should accompany the general extension of the programme, with some wanting a voluntary approach and others looking for the planting to be managed through either industry codes or regulated frameworks. Overall, there was a general desire for the Council to remain transparent in whatever approach decided upon.

Some people from the primary industry workshop suggested that FWFPs may be a better vehicle for implementing a riparian management programme than a rule-based framework. Other attendees felt that rules could be too blunt and that an action plan could provide a linkage between FWFPs and the Proposed Plan and could support a more holistic approach.

Freshwater Farm Plans

Freshwater Farm Plans (FWFPs) are a new tool being rolled out nation-wide to assist farmers to meet their environmental responsibilities for freshwater. They have not been rolled out in Taranaki yet but are expected to be 'turned on' following Central Governments review of the regulations that underpin them.

Council staff understand that the Government see value in FWFPs being used to address risks to freshwater and alleviate consenting burdens in some cases however are concerned with the potential for duplication of effort with existing industry environmental plans.

When turned on, FWFPs will be prepared for each relevant farm and will set out actions and an implementation plan to achieve compliance with regulation and to manage risks to freshwater. To do this, each FWFP will consider the local context of the farm in the broader catchment including the environmental challenges and values at play as well as the systems and practices being undertaken on the farm.

The use of FWFPs will need to be written into the Proposed Plan for any reductions in future consenting requirements to be achieved. The Council used this consultation opportunity to investigate if this approach is supported by the Taranaki community and to identify any approaches that could work well for the region.

To what extent do you agree with the approach of using Freshwater Farm Plans to relieve resource consenting burdens where possible?

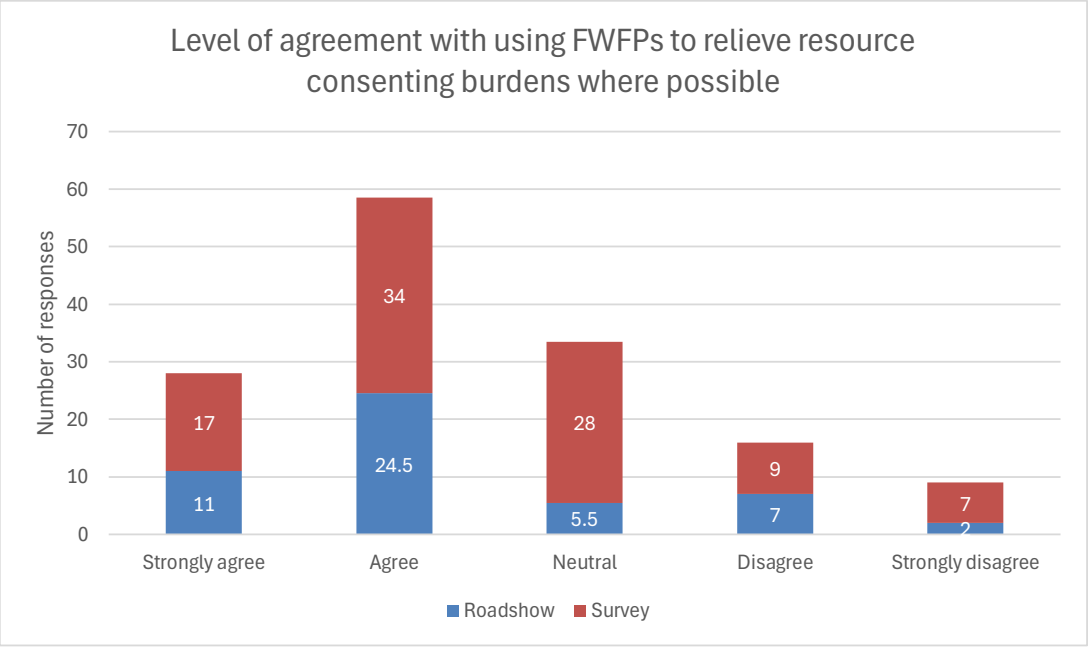

Figure 41: Response counts investigating the level of agreement for using FWFPs to relieve consenting burdens using Likert scale for both community roadshows and online survey.

Numeric responses indicate that a large proportion of the community agree or strongly agree with the proposed approach. It is worth noting that a significantly higher proportion of responses via the online survey were neutral to the approach in comparison with those participating in the face-to-face roadshow engagement. A smaller proportion of responses disagree or strongly disagree with the proposed approach. Their concerns are discussed in more detail in the key themes below.

Level of agreement for integrating FWFPs with regional rules

A significant proportion of comments from members of the community as well as from industry were supportive of the approach to integrate FWFPs with the rules of the Proposed Plan with many highlighting the importance of this tool to ensure good farm practices are being implemented and to manage risks to freshwater from farming activities. Broadly, members of the community were supportive of approaches that would 'remove red tape' and reduce consenting constraints although some indicated their reservations as to whether this would be achieved in practice. Others considered that a regional approach using FWFPs could enable less prescriptive management and allow for unique solutions better than national set rules. One community member thought that the benefit of using FWFPs was that they could be used to maintain profitability while also improving freshwater quality.

Representatives from across both dairy and sheep and beef industries supported the approach and highlighted that FWFPs are useful tools for identifying and manging risks to freshwater that could reduce requirements for rules and targets while building on the work already started with industry environmental plans. Noting that many farmers already hold industry environmental plans.

While still in general support of an integrated approach to using FWFPs, some members of the community provided caveats against different elements of the FWFP process (such as roll out and succession from industry plans) as well as options for integration with rules in the Proposed Plan, these are discussed in later themes.

One member of the community was concerned that FWFPs may just target low hanging fruit and requested that they be used to bring about meaningful improvements to water quality.

Feedback from tangata whenua noted that there are different levels of support from wariness to optimism about FWFPs. Tangata whenua indicated concern that FWFPs could be used as another way for consent holders and landowners to avoid accountability and regulatory oversight. This concern was emphasised by Taranaki iwi who signalled a preference for all activities to require consents to build a clear picture of what is occurring within the Taranaki iwi rohe. Tangata whenua that were more comfortable with the approach were hopeful that FWFPs could be an avenue to connect iwi and hapū directly with landowners and create opportunities to collaborate on solutions. A strong emphasis throughout being that the FWFP system should reflect a Māori worldview with a holistic approach and should include tangata whenua who are working on the ground. Some hoped that the roll out of FWFPs may present opportunities for tangata whenua to gain access to awa, pā and urupā. Notwithstanding the above, with the government proceeding with review of the FWFP regulations, the overwhelming sentiment at the moment is uncertainty.

Those who indicated disagreement were concerned that the approach could lead to over-regulation, unnecessary interference and prevent farmers from making sensible decisions on the ground.

A small proportion of community members were comfortable and familiar with the consenting process and preferred the Council to adopt a streamlined consenting process instead of using FWFPs. Another community member thought that FWFPs were unnecessary and that existing Council plans were sufficient (such as the Council's riparian plans or whole farm plans).

Recognising that there is some uncertainty over what changes central government may make to the FWFP regulations, other members of the community preferred to reserve their preference at this time until more clarity is provided.

Preferences for integrating FWFPs with regional rules

An area of considerable discussion was around how the Council should practically integrate the use of FWFPs with regional rules with a number of diverging view and perspectives emerging.

At one end of the spectrum Federated Farmers urged the Council to use FWFPs to their full ability to develop nuanced farm and catchment level management and actions to address risks to freshwater quality. Federated Farmers were keen to see most activities with the option of being managed through FWFPs, however noted that it may be necessary to include consenting pathways for farmers who want the certainty that a consent provides (if significant capital outlay requires certainty). For farmers to embrace the FWFP system Federated Farmers considered that the Council should avoid requiring compliance with arduous permitted activity standards or consent requirements alongside the use of FWFPs. Similarly, Beef + Lamb warned against requiring farmers to comply with two sets of farm planning systems at different times (for example the Greater Wellington's certified farm plans). Horticulture NZ advocated for permitted activity status for horticultural activities where a FWFP or other industry standard horticultural plan was prepared.

Fonterra supported high risk activities (e.g. intensive winter grazing) having various rule options - for example a permitted rule supported by clear and enforceable standards without the need for the preparation of a FWFP, a permitted rule with reliance on the preparation of a FWFP where equivalent outcomes can be achieved through enforceable actions and a restricted discretionary/discretionary rule for use where the preceding permitted activity requirements or standards could not be met.

STDC challenged the Council to undertake creative and critical thinking on implementing management approaches to address *E. coli*, sediment and nutrients noting that FWFPs do have a purpose but that they may not be able to fix the problem alone.

Fish & Game highlighted that while consenting requirements can be burdensome, it is the role of the Council to ensure that resources are utilized fairly, in a way which does not damage the environment or remove those resources from others in the community or in the future. While Fish & Game do support the use of FWFPs they consider that some activities should continue to require consents. Similarly, one member of the community noted that FWFPs may not be audited every year and that

there may be bad practices which do not get picked up between audit visits. This may not be appropriate for high-risk activities.

The main activities that the community considered should continue to be managed through consenting, and not through FWFPs, included water takes and allocation, animal effluent, and other high-risk activities. However, much of the discussion centred around what activities could be managed through FWFPs and the various benefits that could be achieved by integrating FWFPs and regional rules.

Activities that could be promoted to facilitate environmental benefits (such as culvert replacement to improving fish passage) were highlighted by one member of the community as a good candidate for management through FWFPs. DairyNZ further recognised that FWFPs could be used as tools to stage the implementation, remediation and prioritisation of fish passage.

Another activity that emerged from the feedback included the use of land for farming (including horticultural production) and any incidental discharges associated with farming as a land use. Fonterra considered that certified and audited FWFPs that manage risks are the most appropriate way of managing the effects of land use and diffuse discharges. To support this approach Fonterra stated that they would oppose any broadly applied consent requirements for farming as a land use due to duplication, cost and inefficiency concerns.

Stock exclusion and fencing requirements were highlighted by one member of the community while others felt that intensive winter grazing, discharging farm dairy effluent and cultivation on steep slopes could be initially managed through FWFPs and then fall to restricted discretionary or discretionary activity status.

DairyNZ and Forest & Bird noted that linking permitted takes with FWFPs may enable the Council to gather data on those takes, including their locations. DairyNZ encouraged permitted activity standards for farm earthworks to be integrated with FWFPs to provide consistency with how farmers manage risks on farm. Similarly, tangata whenua requested that farm track maintenance form part of FWFPs.

Erosion control and riparian planting were other areas receiving support from the community and tangata whenua for being included into FWFP, (with tangata whenua noting that holistic planning would be required).

One area receiving diverging views was around wetland identification and management. One member of the community did not want to see the identification of wetlands become part of FWPFs due to the complexity that this may introduce. Others thought that mapping wetlands, ephemeral streams and critical source areas through FWFP development would be necessary to ensure that FWFPs appropriately considered risks to those areas. Fish & Game were keen to see FWFP pathways for landowners wanting to create and enhance wetlands.

Making FWFPs work in Taranaki

Support for integrating FWFPs with regional rules was generally heavily caveated with expectations on implementation, particularly around FWFP development requirements and the broader process. Key points included:

- not overcomplicating the system;
- not creating tick box systems that remove the sense of ownership and sensible on the ground decision making;
- not requiring complex assessments that will require farmers to rely on consultant expertise at cost; and
- ensuring that regional FWFP requirements are aligned with national requirements.

Others noted that it is about finding the right balance between cost, complexity and effort so that farmers can find practical benefits in the system.

Catchment context, challenges and values

Industry responders noted the preparation of catchment context, challenges and values (CCCVs) as a key to FWFP success in the region. These are considered essential to ensuring that appropriate risk management can be carried out in the preparation of FWFPs. To this end, Federated Farmers noted that it is important that CCCVs are focused and informative.

Tangata whenua expect that CCCV material clearly identify iwi and hapū as being part of the catchment's context, including Māori freshwater values and appropriate mitigations and actions, particularly in relation to mahinga kai.

Avoiding duplication of effort

Avoiding duplication of effort was a strong theme across both industry responses as well as from members of the community. There was concern that FWFPs may duplicate existing environmental farm plans or create additional expectations on top of existing environmental farm plans. There was also concern for possible reporting/information requirement duplications under FWFPs (where Council and industry may require the same information to be provided through different systems at different times). To reduce reporting burdens, one member of the community requested centralised reporting between the Council, Fonterra and other industry bodies. To avoid duplicating process, other members of the community requested that the FWFP system integrate with existing industry plans.

Horticulture NZ considered that growers should be able to adopt whichever farm planning tool works for them as long as it meets regulatory requirements. They further consider that the New Zealand Good Agricultural Practice programme (NZGAP) with the Environmental Management System (EMS) add-on should achieve regulatory equivalence for delivering FWFPs as this assures safe and sustainable production.

One member of the community noted that nitrogen reporting dates (mandated by Central Government) are out of alignment with the dairy season and asked if the Council could do anything

to address this issue. A similar sentiment was raised by another member of the community who requested that FWFPs be set up to anticipate practice fluctuations across a dairy season.

Content requirements of FWFPs

While there are examples of FWFPs from other regions (Waikato, Manawatu-Whanganui, Wellington and Southland) there are no nationally set content requirements at this point as the focus of preparing a FWFP is more concerned with following the process set out in the regs to identify and manage risks. It seems that, because the content particulars of FWFPs are largely ambiguous to the community at this point, there are a lot of concerns about the cost and complexity of preparing a FWFP for an individual farm. Whether a farmer can prepare their own FWFP, or whether they will need to rely on consultants at cost were key issues raised. One community member considered that additional detail requirements will be ok if they are offset by reductions of effort or cost in other areas. Another member of the community preferred to rely on advice and support from the Council in a similar way that they have for developing existing riparian plans.

A comment from the community considered that actions and timeframes within a FWFPs should be determined by the scale of risk.

Tangata whenua wish to be involved in identifying relevant mitigations, including for issues/risk affecting (but not limited to) Māori freshwater values.

Implementing FWFPs in Taranaki

Key elements significant to integrating with regional rules include the roll out (how FWFPs come online within the region), how the roll out is supported, the process of certifying FWFPs and how farms will be audited for compliance with their FWFP.

Members of the community were eager to provide ideas to support the roll out and implementation of FWFPs in the region. Their ideas included:

- supporting farmers with simple flow charts/decision trees to make clear what is required and elements are relevant for inclusions in FWFPs;
- low-tech options and support to cater to people who cannot access computers or have issues with reading and writing;
- directions on how existing riparian plans, soil erosion plans and industry plans can be used during transition to the FWFP system; and
- incorporating flexible standards.

The audit process was also highlighted by a number of members of the community with many viewing this as a critical element to the success of the system as a whole. A few members of the community expressed uncertainty over how the implementation of actions would be measured and how the audit process would integrate with Council compliance matters including how this would be resourced. Climate Justice considered that inspections need to be thorough and not a quick drive by. Similarly, Fish & Game expect that the audit process to be able to highlight where good management practices aren't being used to their fullest extent.

Tangata whenua expressed their interest in being involved in audit processes including assessing FWFP compliance and supporting landowners to achieve collective goals, outcomes and visions. Climate Justice supported this intent by seeking that the Council provide a formal role for trained iwi and hapū staff in environmental and cultural monitoring and compliance.

Industry support and tools

In a workshop with primary production representatives, the Council asked what sort of industry tools and support are already being provided to farmers or that is being developed to support farmers stepping into the FWFP process. Participants from the workshop noted the following:

- Fonterra and Open Country are hoping to meet FWFP requirements but that this relies on regional councils sticking to national standards and nothing more.
- The nutrient risk scorecard developed by Fonterra was recognised as one tool that could be used to manage nutrient discharges on dairy farms.
- Horticulture NZ are wanting to see the existing programme NZ GAP EMS (New Zealand Good Agricultural Practice, Environment Management System Add-on) be adopted and able to be used by growers to meet FWFPs requirements as this will reduce the burden. They are also providing advice for growers on high-risk catchments with ambitions to roll out the programme nationwide.
- Not much support is currently available for sheep and beef farmers at the moment.

One member of the community noted that although industry are providing assistance, often this is still a burden and cost to the farmer.

Additional comments relating to FWFPs

Two members of the community from Te Wera commented that they see sediment coming from areas under forestry and nothing is being done about it. They consider that it is unfair for forestry to be having such an impact with no action when farmers are being put under the magnifying glass.

One community member wanted the FWFP process to provide education on reasonable stocking rates to increase profitability as well as promote other environmental opportunities. Climate Justice asked the Council to use the FWFP process to encourage protection of culturally significant areas in farming practice guidelines.

Managing intensification

The target setting science work for *E. coli*, sediment and nutrients assumes that the region will not intensify further than its current levels. The Council is concerned that further intensification may exacerbate existing environmental issues and undermine efforts to improve outcomes for freshwater.

There are no rules in the current Regional Freshwater Plan to manage further intensification and so when existing national rules under the *National Environmental Standards for Freshwater* are turned off at the beginning of 2025 there will not be any regulatory backstop to manage new proposals for land use change to more intensive types. The Council is wanting to address this risk by putting in place a consenting pathway to manage future intensification. Consenting intensification does not mean intensification cannot occur but that a consenting process would be used to ensure that future intensification does not contribute to degrading trends.

The Council used this consultation opportunity to speak with industry and farmers about how this approach could be developed, intensification defined (e.g. what would be captured by a consenting pathway) and what could be included in the consent considerations.

Defining what sort of intensification requires a resource consent

How intensification is defined in the Proposed Plan will determine what activities require consent and what do not. The five ways of defining intensification put forward in the consultation:

- increases to the effective land area being intensively farmed;
- increases to the irrigated land area;
- changes to higher intensity land use (e.g. sheep and beef to dairy);
- increases to stocking rates as a proxy for intensification e.g. any increase from a specified date; and
- other.

Questions for the online survey and in person roadshows were asked in slightly different formats, and two of the options were presented together in the survey (this was for 'increases to the irrigated land area' and 'changes to higher intensity land use (e.g. sheep and beef to dairy)'). The survey queried which of the intensification options the responder supported to act as a trigger for a resource consent to be required. The in-person roadshow adopted a Likert scale response format enabling responders to indicate their level of support or disagreement.

The results are presented below:

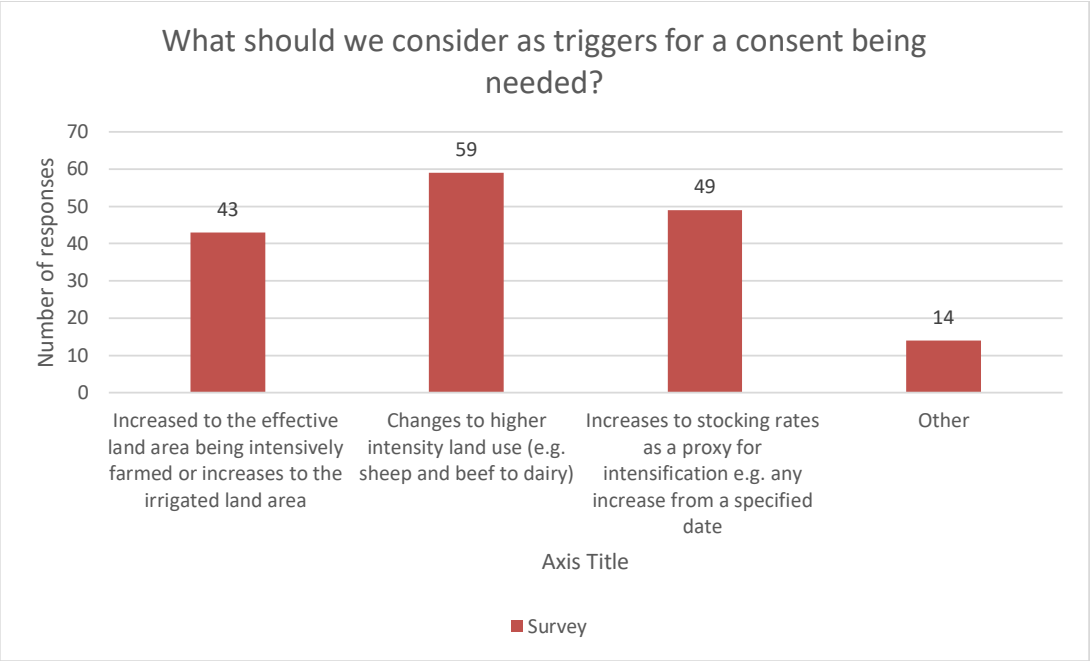

Figure 42: Counts for survey responses identifying the triggers for a consent being needed.

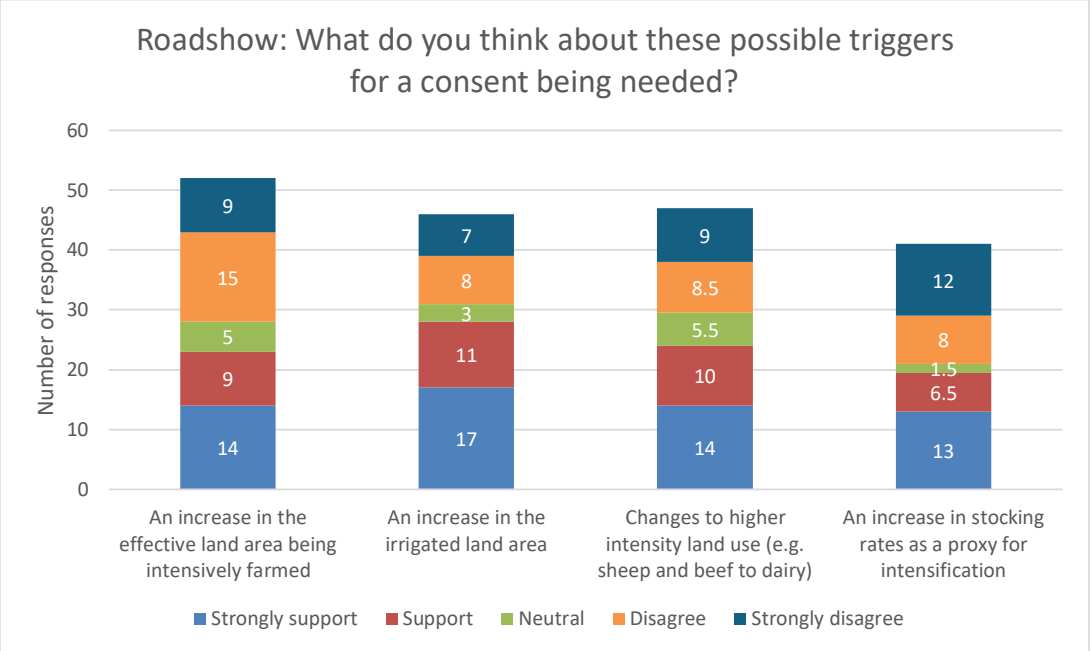

Figure 43: Counts for survey responses via Likert scale identifying the triggers for a consent being needed.

The inconsistent question formats make compiling the datasets inappropriate. The roadshow data provides much more information about people's preferences as it shows both support and

disagreement responses. Where relevant, comments on numeric analysis are included in the relevant sections below.

General perspectives on regulating future intensification

A significant topic of conversation amongst the community was whether responders supported the approach of managing intensification using resource consents or not. While the Council's consultation material was quite specific about the scope being for managing future intensification, many respondents provided perspectives on the management of existing levels of intensity. Analysis of the feedback has tried to draw these perspectives out into separate themes; however it is noted that some feedback did not clarify whether the comments were specifically for future intensification or relating to managing intensity generally. It was easier to clarify this distinction in the face-to-face roadshow events in discussion with responders.

Disagreement with regulating future intensification

As is demonstrated in the numeric responses, a number of community members disagreed with the approach to regulate intensification and did not want to go through a consenting process for what they consider to be regular farm business. Others saw the approach as a new way for the Council to charge farmers.

Other members of the community including Federated Farmers did not consider that future intensification was a significant issue, their observations being that farmers were focusing on the performance of individual animals, destocking and reducing their intensity.

One member of the community was concerned that regulating intensification would handicap farmers in the global market and could reduce economic viability of the industry in Taranaki. A call for holistic management considering the economic and social impact on the region was requested by another, others considered that managing intensification was not necessary where riparian planting and effluent management practices were being implemented.

Issues around grandparenting from managing intensification based on practices undertaken from a specified date came up frequently from members of the community. As a consequence of grandparenting, some were concerned that the approach would penalise those who run less intensive systems, stifle innovation and could 'lock-in' poor performers without necessarily achieving environmental improvements. An example provided being that farmers who are concerned about being able to return to farm practices that they have traditionally relied upon will be less likely to try new approaches even if they would like to look at options that may reduce environmental impact. Federated Farmers were concerned that applying stringent intensification provisions could reduce confidence to innovate, diversify or manage stock rates season to season.

Agreement with regulating future intensification

Members of the community who signalled their support for the approach considered management via consenting was important to ensure that improvements to water quality resulting from good management practices are not being 'eaten up' by increased intensification. A call to manage intensification to 'hold the line' on declining freshwater quality was reiterated by another

community member while another considered that management was necessary to address the perception that landowners can do what they like without considering impacts on the environment. Despite being cautiously supportive (in principle) to the approach to regulate further intensification, both Fonterra and DairyNZ provided strong push back against certain trigger options and suggested alternative approach recommendations (discussed below). Fish & Game indicated their support for all triggers.

Approach recommendations

Many responders provided recommendations or alternative approaches for the Council's consideration that they believe would be more effective at managing intensification than through blunt rules.

DairyNZ, Fonterra and other members of the community called for practicality and efficiency to be front of mind so that the process does not become too onerous. The possible complexity of the system was raised by other members of the community with calls that to be successful it should be kept as simple as possible. To this end, one member of the community requested that if the approach is adopted that consenting be made simpler and quicker.

Fonterra was concerned that any intensity controls should accommodate minor changes in response to external factors such as weather and market fluctuations and also noted that some intensification can actually result in net positive benefits. Use of herd homes was one example provided by a member of the community.

To recognise the variables at play on the ground, DairyNZ requested that there be pathways for farmers that can appropriately manage risks rather than applying blanket restrictions. Other members of the community considered that improvements would be most effectively managed through good farm practices. Supporting this approach, Fonterra argued that water quality improvements can be achieved with carefully managed intensification and good practices. Federated Farmers considered that FWFPs were a more appropriate tool to deliver such outcomes.

Horticulture NZ wanted to ensure that rules would not accidentally constrain vegetable rotation or stifle horticultural expansion. Their preference being that permitted activity rules would be appropriate for horticultural activities. Further, they considered that blanket rules would not be appropriate (e.g. that the rules need to be developed according to industry specifics) and clear objectives be identified to prioritise certain land uses (e.g. supply of domestic fruit and vegetables). Ensuring that the system would allow farmers to switch between different land uses was also highlighted.

One member of the community proposed that a certain amount of intensification be allowed by right without the need for a consent and another requested that smaller intensifications (e.g. 5-10 ha) not require consents. Another considered that such an approach could understandably be applied to dairy farming, but that sheep and beef farming shouldn't be captured.

Managing the existing level of intensity

While acknowledging support for managing future intensification, some responders considered that the Council needed to go further to address existing levels of intensity and intensive practices, particularly for dairy in the volcanic ring plain. This concern was consistently voiced by tangata whenua as well as other members of the community. Climate Justice suggested that without this step it will be difficult to achieve targets. Others were keen to address the perception that in order for farms to be profitable they will need to increase stock numbers, whereas some farms are more profitable with reduced herd numbers due to lower overheads.

Managing stock numbers

Some members of the community consider that there is a close relationship between stock numbers and contaminants such as *E. coli* and nutrients impacting waterbodies. These responders encouraged the Council to consider approaches to reduce stock numbers because they do not think that targets will be able to be achieved without taking these measures. One member of the community noted that many farmers are over-stocked and that some sort of threshold should be applied. Others noted their own success with reducing stock numbers and maintaining profits and encouraged others to do the same.

Using liveweight per hectare was suggested as an alternative as this would more effectively take into consideration differences between breeds such as Jerseys and Friesians. Another member of the community encouraged the Council to calculate an acceptable number of animals per usable land area and to set that as a trigger.

Managing nitrogen inputs

A number of responses considered that environmental issues promulgated by high intensity intensification would be sufficiently addressed through addressing nitrogen and the use of fertilisers on farms. Members of the community referred to the existing N-cap considering that the limit of 190 kg/ha/year is too high. Climate Justice noted that the fact that it is rarely breached is an indication of it being excessive. DairyNZ also noted that nitrogen conversion efficiency is more reflective for determining the risk of leaching than stocking rates.

Suggestions to addressing nitrogen included consideration of:

- the nutrient leaching risk tool proposed by Horizons Regional Council and Waikato Regional Council; and
- a sinking lid approach to managing nitrogen.

Land capability and sustainable use

A number of responders, particularly those who were concerned about grandparenting issues, considered that a more appropriate alternative would be to build an approach based on suitable use of the land. Some considered this approach to also align with promoting economic viability alongside appropriate land use.

Some members of the community were more concerned with whether land can sustainably and economically support herd numbers rather than the amount of stock being carried or what the land

was being used for previously. For others, whether the land can support animals in good health and conditions was tied to sustainable use. Some thought that an approach underpinned by grass fed systems that do not rely on additional feed sources would address the issue

A number of members of the community suggested that the Council use the Land Use Capability Classification system to manage intensity and to promote sustainable practices. Other members of the community suggested that the Council could identify land classes not suitable for dairy, for example classes 6, 7 and 8, and restrict these classes from being converted into or returning to dairy. The value of classes 1, 2 and 3 were highlighted by others as being appropriate for dairying to occur on and economically important to prioritise for that purpose (particularly if under threat of being converted to forestry).

Responses to consent trigger options

Increase to the effective land area being intensively farmed

Fonterra indicated support for this option.

Other members of the community did not see this as intensification and considered that farmers should be able to integrate adjoining small run-off blocks with an existing dairy farm, especially if it has been used for this purpose previously.

Increase to the irrigated land area

Fonterra indicated support.

Horticulture NZ disagreed with this approach and Beef + Lamb were concerned that it could hamper productive and sustainable innovation by making investments in more efficient irrigation system (which can increase production without leading to additional nutrient losses) may be hampered by complicated regulation.

Another responder considered that the rules should specifically refer to irrigation by water to avoid confusion with effluent irrigation.

Changes to higher intensity land use

Fonterra supported changes from forestry to pastoral use and suggested that changes to intensive cropping (including commercial vegetable production) also be included. However, Horticulture NZ opposed any restrictions on land use changes to horticulture, including the policy approaches taken by Horizons Regional Council and Waikato Regional Council. Fonterra further considered that a discretionary consent would be ok for land use change if the catchment can accommodate that intensification based on risk.

Others in the community considered that land under beef and sheep should be captured if it changes to dairy or forestry and others encouraged stronger controls for forestry to address sediment issues. Others in the community queried whether rules should differentiate between “intensive farming activities” and “intensive land use activities”.

A topic of discussion was whether farmers would be able to return to dairy or other land uses if they wanted to try an alternative land use or to innovate. Some members of the community noted their understanding that farms that have converted to dry stock from dairy, now cannot be brough back into dairy.

Increases to stocking rates as a proxy for intensification

Using stocking rates as a proxy for intensification could be used as a trigger by requiring a resource consent if a farmer wanted to stock at a higher intensity than a specified threshold. It is worth noting that many responses to this option assumed that the purpose would be to manage the level of intensity rather than to use a stocking rate as threshold proxy. Comments on levels of intensity have been integrated into the preceding section: '*Managing the existing level of intensity'*.

Horticulture NZ noted their support of this option.

Despite numeric responses to this option indicating a fairly balanced split between support and disagreement, the majority of written responses indicated concern through to strong disagreement. The key criticism being that stocking numbers do not take into account practices on the ground or ways that impacts are being managed by the farmer. Some consider that low stocked farms with poor practice can have the same (or greater) environmental impact as a well-managed farm holding more animals.

Beef + Lamb consider it to be too complicated and that it may not lead to any reductions in contaminants and that it will also lead to grandparenting and may lock in poor performers and limit opportunities for improved practice. DairyNZ strongly oppose the approach due to too many variables affecting outcomes (e.g. soil, rainfall, breed) and note a lack of evidence for managing risks to the environment. DairyNZ considered that as farmers become more efficient and effective at using their 'good land', slowly the less effective land will be retired or managed less intensively resulting in good pasture becoming more intensive over time.

DairyNZ, Federated Farmers and Fonterra indicated strong opposition to the approach and consider that FWFPs, supported by clear permitted rules, are better positioned to manage intensification risks.

Additional comments

Other comments and suggestions received included:

- considering the biophysical characteristics of the land;
- extending management of intensification to chickens and pigs;
- recognise and support organic farming practices which do not result in such intensive land uses;
- concern expressed for the amount of land going into urban development; and
- that impacts from sediment to be addressed by building more dams.

What should the Council use as considerations for getting a resource consent for intensification?

The current rules under the NES-F identify one key consideration for consenting intensification: evidence to show that the proposed intensification will not result in increases in contaminants to the catchment. The Council understands that this requirement is particularly difficult to satisfy because in most cases, a farmer will not have access to the data to draw from, that preparing such evidence lacks reliable methodology and that the uncertainty leads to high consenting and consultant costs. With these rules coming offline at the beginning of 2025, the Council are wanting to investigate other options to see what could be regionally appropriate. The Council therefore took the opportunity to investigate various other criteria that could be a consideration for intensification proposals. These included:

- evidence to show that intensification will not increase contaminant loads within the catchment;
- a good record of compliance with existing rules and consent conditions;
- good farm practices are established and effective (such as mature riparian planting);
- catchments that show improvements in contaminant loads;
- offsetting the impacts of intensification to decrease contaminant loads within the catchment (such as constructing a wetland); and
- use of adaptive management plans to ensure that practice can adjust to on the ground conditions.

The Council provided the question in Likert format where responders could rank the options from Strongly support to strongly disagree. Responders could also provide written feedback to support their choices.

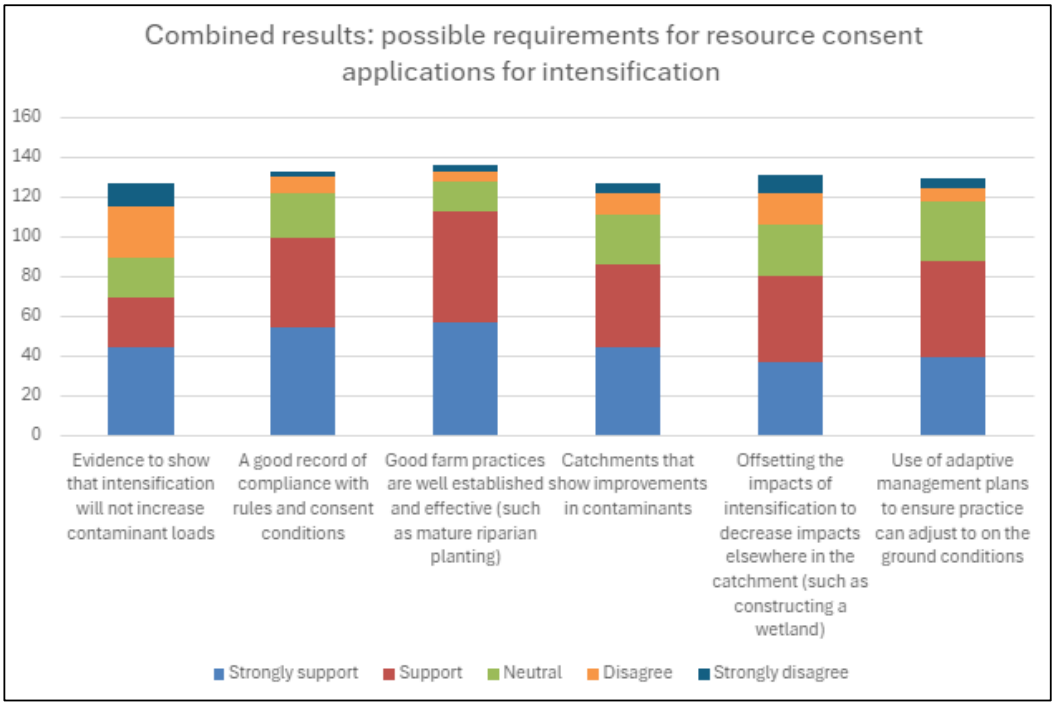

Figure 44: Counts of responses via Likert scale for different criteria to be considered in a resource consent application for intensification.

Each of the options received a higher number of counts in support than disagreement. The establishment of good farm practices ranked the highest and also had the least number of responders who disagreed or strongly disagreed with the consideration. Evidence to show that intensification will not increase contaminant loads in the catchment received the highest number of disagreement responses, however agreement responses were still more common. Points of support and disagreement are discussed in the key themes below.

Evidence to show that intensification will not increase contaminant loads within the catchment

Fish & Game supported this option however did note concerns that it may be locking in already high levels of contaminant losses rather than reducing contaminant loads with the onus falling on the consent applicant to prove reductions. One member of the community considered that this would need to be monitored with everyone being held to the same standard.

Horticulture NZ disagreed with the approach and considered it too complex to be applied to horticulture.

Federated Farmers noted that it is extremely difficult to prove, and another member of the community noted that the approach would create high costs and that they would prefer an approach that didn't rely on expensive justification. To address this issue, DairyNZ recommended the wording be changed to "evidence to show that contaminant losses from intensification will be managed appropriately" to recognise that this is difficult to do for sediment and *E. coli.*

A good record of compliance with existing rules and consent conditions

Horticulture NZ supported this option noting that the NZ GAP EMS programme could be used to achieve and demonstrate compliance. Fish & Game supported the option but noted concerns that a good record of compliance should not take precedence over reducing or eliminating contaminants and so appropriate weighting needs to be applied between this and other criteria.

Other members of the community considered that some sort of grading criteria could be applied. However, Fonterra were concerned that this option may not be an appropriate matter of discretion for the Council to consider on an application.

Federated Farmers and DairyNZ strongly opposed this option with Federated Farmers highlighting that farmers who may be struggling to achieve compliance due to inefficient systems may be prevented from implementing improved systems that could improve environmental outcomes but result in greater production. Essentially, any approach that may restricting profitability was considered to simultaneously restrict options to improve practice. While DairyNZ recognised the principle, they noted concern that compliance is placed on the farm owner, but that staff and contractors can breach compliance. Another concern raised was that farmers may get caught out by changes to national standards or if insufficient guidance or support is provided across regulatory transitions.

Good farm practices are established and effective (such as mature riparian planting)

Despite this option receiving the highest level of support in the numeric analysis it received very little written responses. Horticulture NZ supported this option noting that the NZ GAP EMS programme could be used to demonstrate this criterion. Fish & Game also supported it but noted concerns that some good farm practices, such as riparian planting, may be well intentioned but may not truly be effective if appropriate buffer distances are not employed. In addition, previous comments regarding the value of relying on good farm practices for managing risks to freshwater are taken as general support for this approach, except for those comments in support of using FWFPs instead of consenting requirements.

No written responses expressed disagreement with this option.

Catchments that show improvements in contaminant loads

A number of responders indicated confusion or uncertainty with what this option entailed. DairyNZ suggested that the approach should depend upon the state and trend and that all farms be expected to move towards good management practices relevant to their land use and that additional efforts be required for catchments that are overallocated in specific contaminants. Further, managing intensification should be tailored to catchments based on state, receiving environment and existing land use. Other members of the community reiterated that catchments under pressure should have stricter rules applied.

Other members of the community were concerned that improvements to catchments are not treated as ‘headroom’ for further intensification and subsequent degradation to occur. They considered that improved states need to be maintained for ecosystem health.

Offsetting the impacts of intensification to decrease contaminant loads within the catchment (such as constructing a wetland)

The community provided both comments in support of and against offsetting the impacts of intensification.

It appears that some responders considered offsetting primarily through a financial lens, whereby the retirement of steep hilly areas could be financially offset by increasing economic viability in more productive areas by increasing intensity. Others considered the loss of land to wetland restoration in a similar way where the loss would need to be financially offset by being able to increase production elsewhere. The purpose of the Council's consultation material was to consider offsetting through the lens of freshwater health. This difference of perspective highlights how financial considerations are a key element to farm decision making.

Horticulture NZ considered the approach could work for large properties but is very difficult to apply to small, and they would support a mechanism being developed for smaller properties if possible. One member of the community considered 'insetting' a better term, whereby the offsetting needed to occur within the farm area itself before considering the wider catchment.

DairyNZ considered that it is a sensible way of allowing for better use of more productive land, however noted that it is a complex process to implement with many regulatory barriers to restoring or constructing wetlands. Others thought it was a good principle but should not be favoured at the risk of increasing impacts to catchments.

The strongest push back for the approach came from Fish & Game who (while supporting the construction of wetlands for flood attenuation and improvements in freshwater and ground water quality) considered that the approach would lead to the development of toxic sinks of contaminants that would be released in unpredictable ways and times.

Use of adaptive management plans to ensure that practice can adjust to on the ground conditions

While Fish & Game consider this approach could allow the consenting and compliance process to respond to changes in on the ground conditions, DairyNZ thought that FWFPs would be better placed to identify and implement this intent.

Diversification

Land use diversification involves rethinking the potential of an existing land use to another. In particular for Taranaki this can apply to farmland by adapting part of a farm to support different land uses or modifying existing farm systems. This approach can optimise the use of land, help meet regulations, mitigate risks or provide for other environmental, economic or social benefits, particularly where those land uses are less intensive. As a region Taranaki offers many options for diversification, some of which have recently been explored in Venture Taranaki's Branching Out Study which assessed the viability of new and emerging land uses in the region. The Council seeks to ensure that appropriate activities are provided for in the right locations and that the Proposed supports this process. Through this consultation, the Council engaged with the community, in particular farmers, to gather insights into the types of diversification they have considered and/or implemented as well as the challenges they have experienced in this process. No specific framework or policy approach was presented as part of the consultation, as the focus was on learning from the community to help inform future policy drafting.

What types of diversification have you considered? Are there any that you have implemented? What were the challenges?

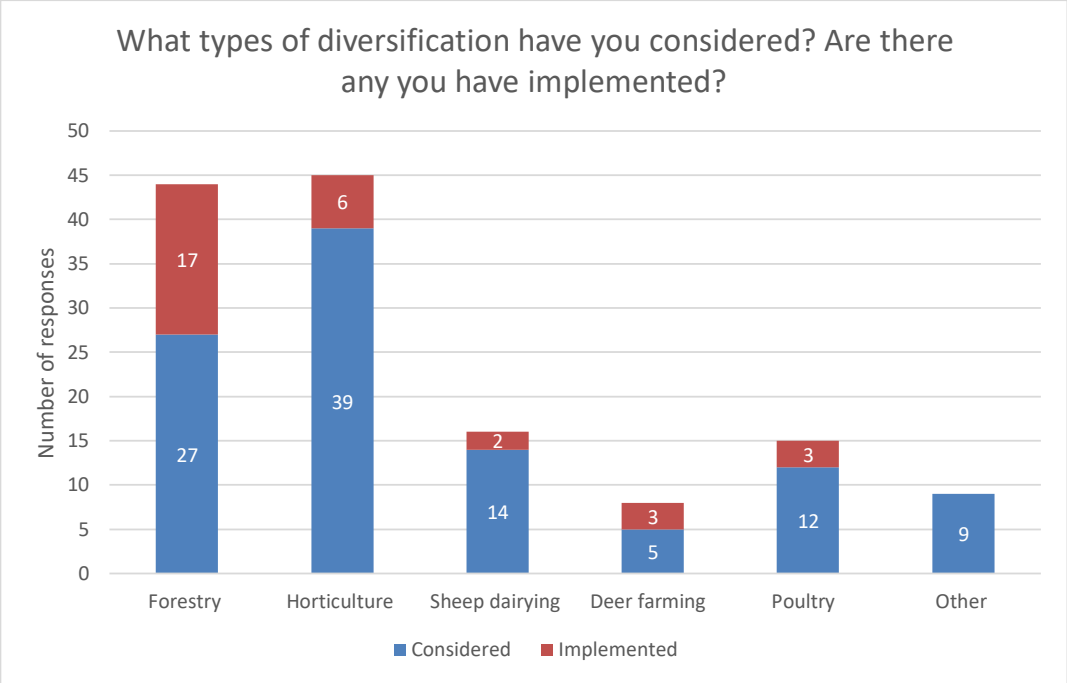

Figure 45: Counts for community responses on options for diversification that they have implemented or considered.

Forestry and horticulture were popular options, however there is a notable gap between consideration and implementation suggesting that while many farmers explore diversification options, fewer carry them out. There was also a large majority in the surveys who chose 'not considered' as an option to the above question.

Are there any other types of diversification you have considered?

When asked about diversification options that the community has either considered or implemented outside of those presented in the preceding graph, the following responses were provided.

1 response each	2 or more responses each	5 responses each
• Farm shop with products grown on farm • Maize (Implemented) • Wind power generation • Bamboo • Oat growers (milk alternatives) • Quarrying • Goat dairy • Tourism • Organic agriculture • Deer - velvet and venison. • Land based aquaponics/aquaculture Hemp farming • Subdivision • Growing grass and cutting supplements for stock. • Verdi NZ – Soil carbon credits • Agroforestry/ Silvopasture • Symbiotic 'farming'' i.e. balancing animal fencing with horticulture for short term small area benefits. • Organic regenerative dairy. • Forage cropping (Implemented).	• Flaxseed & fibre • Market gardens • Solar power generation • Beef (1 x implemented) • Dairy (1 x implemented) • Planting for the ETS	• Manuka

Table 5: Other types of diversification considered

The advocacy special interest group were asked what new land uses the Council could expect to see in Taranaki over the next 10-20 years. The following responses were provided:

- community/Landowner (Public/Private) partnerships models e.g. wetland restoration, biodiversity management or pest free areas;
- renewable energy; and
- horticulture.

What were the challenges to diversification? What types of barriers have you faced in diversifying?

Members of the community were asked what types of barriers and challenges they have faced in diversifying. These are summarised in the following sections of this report.

General challenges

During the consultation, community members frequently cited the costs and resources required to diversification as the primary challenges. These include expenses related to hiring staff, acquiring new machinery and investing time in up-skilling and learning new technologies. Additionally, securing investment for diversification efforts was identified as a significant hurdle.

Regulatory issues were another concern. Community members referenced the amount and stringency of regulations, the complexity of consenting processes and rules governing land-use changes. The location, type of land and climate were also noted as factors that can hinder successful diversification.

Risk aversion and uncertainty were seen as barriers to diversification, with a lack of support being a particular challenge. Despite innovative ideas emerging from the Venture Taranaki Branching-Out program, a member of the community who was involved stated that not much headway was made. Members of the community also felt there was a lack of information and local knowledge about alternative farming options such as horticulture and forestry, tailored to the specific needs of the area. Additional challenges include the unreliability of industries such as sheep farming, movements in supply and demand for certain products and proximity to available markets.

Some members of the community cited the suitability of Taranaki soil and climate higher returns and sound regional economic contribution as reasons for continuing with dairy farming and not exploring diversification. However, members of the community also shared an openness to improved management practices including planting natives.

Forestry challenges

During the consultation, several challenges related to forestry were identified by members of the community. Concerns were raised about issues similar to those faced by Hawke's Bay during Cyclone Gabrielle, particularly the presence of felled trees in waterways that contributed to bridge damage. Specific concerns were also expressed regarding forestry practices, including the effects of sedimentation in rivers, harvesting on steep land, and the impacts of slash. Pest management was highlighted as another challenge, which has led to the loss of tree stock.

One community member shared their experience with attempting to plant tōtara for forestry purposes, only to find that harvesting would be restricted, raising concerns about the land being

locked up or placed under protection. A community member further explained that due to the stringency of freshwater regulation and farming challenges they converted to a production forest. However, they encountered significant challenges, including poor tree survival rates resulting in large portions of the forest remaining in poor condition. A member of the community also noted that relying on planting poplars for carbon credits is impractical, as the required spacing conflicts with other farming objectives, making it a challenging option for diversification.

Tangata whenua raised cultural concerns, with particular unease about the planting of pine forests around tapu places, especially near awa. There was a call for stricter regulation to prevent pine plantations in headwaters and for greater recognition of mauri (life force). Members of the community also noted other challenges in relation to forestry, including constraints due to the size of land and the prospect of forestry leading to food insecurity. Additionally, economic viability was a significant concern, with difficulties noted in reverting forestry land back to previous land uses for production.

Horticulture challenges

Diversification into horticulture also faces challenges, members of the community noting limited access to ancillary activities like pack houses, transportation infrastructure and labour. Additionally, the high costs of establishing operations and the long timeframes between investments and gaining a return prove to be a challenge in horticulture diversification. Compliance costs are also noted by community members as challenges, which also has flow on effects for food affordability.

Additionally, Horticulture NZ state that if greater land use diversification is desired in the region, greater reliability of water supply is needed for horticulture land uses within any flow regime.

General opportunities

In addition to noting the challenges and barriers to diversification members of the community provided insight into their position on diversification, particularly where they see opportunities. These responses do not relate directly to the consultation questions.

Community members expressed support for diversification, particularly when it serves as a good environmental option, such as protecting, maintaining and restoring degraded environments. Suggested options to support diversification included enabling freshwater policy and encouraging the involvement of young farmers. It was noted that actively encouraging entrepreneurs could further promote diversification. Diversification was also supported where it contributed to the local economy by meeting community needs, increasing carbon sequestration, providing employment opportunities for local communities and reducing animal harm. Members of the community supported a Taranaki specific approach to diversification tailored to the economic and environmental context.

To ensure sustainable land use principles, community members suggested adopting a strategic and holistic approach, considering the whole catchment, and identifying the most suitable places for retiring land.

Members of the community also noted the need for flexibility in Council regulations, including rules allowing landowners the option to revert back to dairy farming or other previous land uses if necessary.

Forestry opportunities

Opportunities identified highlighted the need for alternative tree planting options beyond pine. Tangata whenua in particular had an interest in planting native trees, including in riparian zones, and support the reintroduction of indigenous trees that historically grew within their takiwā. Tangata whenua also emphasised the importance of planting rākau that reflect Māori identity. For instance, Rewarewa was suggested as a preferable option to poplar due to its fast growth and benefits in mitigating soil erosion. The Council was encouraged to use iwi, hapū and kaumatua knowledge about what grows best and utilise this in planting recommendations.

Horticulture opportunities

Horticulture was identified by members of the community as a diversification option that offers reduced environmental impacts, particularly in terms of contamination issues that are less problematic for horticulture, such as *E.coli*. Horticulture NZ suggest that any reductions required beyond those gained from good management practices should focus on land-uses outside of horticulture, due to the value and contributions of horticulture to food supply, emissions reductions and economic value.

Horticulture NZ note the proliferation of small market garden and orchards in Taranaki that sell to consumers within the region. Members of the community advocated for horticulture as an opportunity to diversify land uses and make the economy more resilient. Horticulture NZ request that horticulture is prioritized and enabled as a land use, by designing rules that are mindful of the public health benefits of horticulture. Horticulture NZ request that fruit and vegetable growing remain a permitted activity in Taranaki. Further requesting that the rules framework allow growers over 5 ha to meet environmental requirements with a FWFP, delivered via industry assurance. Horticulture NZ cite the work of Venture Taranaki who have recognised the potential for horticulture expansion in Taranaki.

Pig farming opportunities

Members of the community identified pig farming as a potential diversification option, noted due to its ability to be integrated with arable or dairy farming. Some benefits identified include dairy processing byproducts being able to be used for pig feed, and effluent from pig farming can provide nutrients to arable crops. NZ Pork strongly advocated for pig farming as a good diversification option in Taranaki, emphasizing its lower environmental risks and significantly reduced greenhouse gas emissions compared to pastoral farming. NZ Pork supports an enabling rule framework to facilitate this shift.

Animal effluent

Animal effluent contains faecal bacteria and nutrients (nitrogen, phosphorus and potassium) which can degrade water quality. *E. coli* is bacteria commonly measured to indicate whether water is likely to be carrying pathogens that can make us sick. Animal effluent is collected from areas where animals are contained (such as dairy sheds, stockholding areas, laneways and underpasses), stored in an effluent pond, then applied to pasture as a form of fertiliser or, less often, discharged directly to waterways. Most animal effluent in Taranaki comes from dairy farms however other types of farms also produce effluent (including piggeries).

What option do you prefer to phase out direct discharges of effluent to water?

To improve water quality, the Council wants to phase out all remaining discharges of animal effluent directly to water so that, in the future, all discharges will be to land. This question asked members of the community which of three options they preferred:

- **No transition:** All discharges to water must stop when their current resource consent expires. This would give some resource consent holders very little time to transition but more time for others.
- **Staged transition:** All resource consents expiring before a certain date (for example, 2028) can be replaced once with a short-duration consent. This would give people with earlier expiry dates similar transition times to those with later expiry dates and would likely speed up the overall phase out.
- **Individual transition:** All resource consents can be replaced once with a duration based on the individual circumstances of the farm and the upgrades required to shift to a land discharge up to a maximum of 10 years. This would allow for a longer transition period for all current resource consent holders but also delay the improvements to water quality.

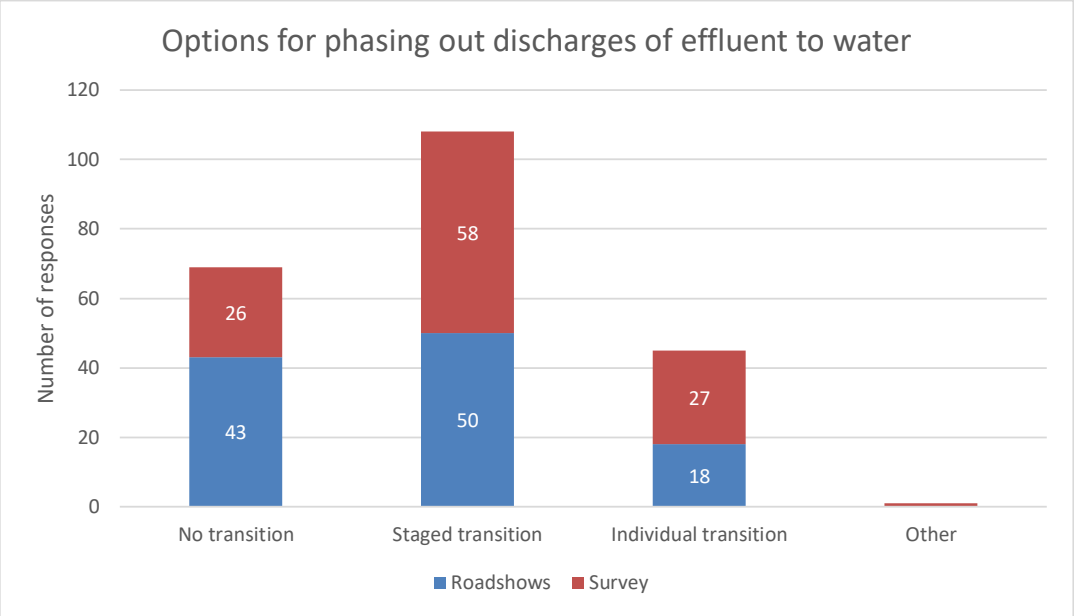

Figure 46: Counts for survey and roadshow responses on options for phasing out direct discharges of effluent to water.

Most people supported a staged transition. Generally, people who chose this option thought it was fairest to all consent holders. Many people believed that the transition to discharging to land had been well-signalled for a long time and that it shouldn't surprise farmers. Fish & Game noted concerns that even with a staged transition, there are still risks of overland flow to water from discharges of effluent to land.

When filling in the survey, people were asked to describe themselves. They could select one or more options, one of which was "Dairy farming". There was a difference in preferences between those who selected "Dairy farming" and those who didn't:

- for those who chose "Dairy farming", 22 people preferred a staged transition, 19 preferred an individual transition, and 11 preferred no transition; and
- for those who did not choose "Dairy farming", 37 people preferred a staged approach, eight preferred an individual transition, and 15 preferred no transition.

Another difference in preferences is that tangata whenua preferred no transition.

Support for phasing out discharges

Across all of the feedback received, there was support for phasing out discharges of effluent directly to water. The main reasons were to improve water quality and because the change had been signalled for a long time, so it was not a surprise. The strongest support for phasing out discharges to water was from tangata whenua.

Fonterra noted that they generally do not support the continued authorisation of treated effluent discharges to water and are working with their suppliers to phase out discharges to water by 2025. Several people in support of phasing out discharges noted the particular challenges faced by some farmers.

Many dairy farmers commented that they had already invested in infrastructure to allow them to discharge effluent to land and that others in the industry needed to do the same. Some people were frustrated that they had already incurred costs to upgrade systems and that other farmers had not. Several people thought that those discharging to water should "get on with it" and move to discharging to land like most farms had already done. Feedback from the Advocacy Special Interest Group workshop was that relying on people voluntarily shifting to land discharges doesn't work and there is a need for market requirements and industry-led change to facilitate the transition.

While in support, Climate Justice was concerned that shifting to land discharge would divert bacteria loading to indirect discharges and recommended more monitoring of indirect effluent discharges and increased requirements for wider riparian planted margins, particularly on steep gradients and soil types with poor infiltration. There was also concern raised at the Advocacy Special Interest Group workshop about the impacts on groundwater from shifting to discharges to land.

Opposition to phasing out discharges

A minority of the feedback opposed phasing out discharges to water, mostly because people thought the Council was focusing too much on dairy farming and not enough on other sources of *E.coli*. One person considered that effluent in rivers is natural and does not harm the environment so there should be no rules about effluent disposal.

Concerns about financial impacts

Many people, including DairyNZ, Federated Farmers and one person, commented on the variability of individual farm challenges, raising concerns about the cost and practicality of transitioning to land-based discharge, particularly in high-rainfall areas. They highlighted that those farms with major challenges would need more time to explore options. There was concern that for farms with no viable alternative to discharging effluent to water, there would potentially be business closures. Participants in the Primary Production Special Interest Group workshop noted that there is funding available for upgrading infrastructure through DairyNZ's Effluent Fund.

Practicality of discharging to land

Several people highlighted the challenges in areas with high rainfall, where they considered that discharging to land could sometimes be impossible. Dairy farmers, in particular, emphasised the importance of contingency plans for managing effluent during high rainfall events, including discharging to water. There were concerns raised that not all land is suitable for discharging effluent onto. For example, where land is too swampy, or the water table is high and there are potential impacts on groundwater. Responses from those in the farming community highlighted space limitations as another concern with discharging to land, both in terms of neighbouring land (for example, residential land adjoining a site) and the amount of land on a farm that is suitable for effluent application (for example, due to its soils or typography).

Responses at the Advocacy Special Interest Group workshop also highlighted the difficulties faced by farms in high altitude and high rainfall areas, however those people considered that those areas may be unsuitable for many land uses. They thought that continuing to encourage unsuitable land uses in these areas continues the degradation of waterways and is unfair to farmers and the community.

Alternative transition options

A number of people proposed alternative transition options to those presented by the Council:

- **Combination of staged and individual transition:** The most common alternative suggested was to have a staged transition for most of the region, but an individual transition in areas subject to high rainfall where discharging to land is likely to be more difficult. Those suggesting this alternative considered that this would better recognise the particular challenges faced by those farmers compared to farmers elsewhere.
- **Allowing highly treated discharges:** Some people suggested that discharges to water could continue if treated to a high standard.
- **Modified 'no transition':** Fonterra suggested the 'no transition' pathway could be modified by allowing a short-term (five-year) resource consent that could only be granted where a plan exists to have a fully compliant effluent system operational within that period. They considered this pathway could be made available only to farms where slopes and high rainfall make discharging to land more challenging.
- **Modified 'staged transition':** Forest & Bird supported the staged transition option and suggested issuing short term (five-year) resource consents to allow continued operation while upgrades are made.
- **Full phase-out by 2027:** Climate Justice highlighted that discharges to water have been phased out in most other regions, so there should be a hard deadline of 2027 to phase out all remaining discharges to water.
- **Freshwater Farm Plans:** DairyNZ and one person suggested using FWFPs to identify the risks and mitigations for discharging effluent based on a farm's specific system. One person notes this could lower the degree of Council oversight (and therefore cost).
- **Constructed wetlands:** Some people suggested that discharges to constructed wetlands should be excluded from the phase-out as these can be used as a form of treatment. Some people noted, however, that this would need to have limitations.
- **Incentives:** One person suggested using monetary incentives to encourage people to switch to discharging to land.

Some of the alternative options would result in different transition frameworks applying in different parts of the region. Those suggesting the alternatives above supported this, but others (usually farmers) opposed it, considering it would be unfair to have different rules for different places and preferring having one approach for everyone. Many people highlighted the importance of not taking a 'one size fits all' approach, recognising that farm systems and constraints can be very different from farm to farm.

Support for farmers

Common feedback provided was that existing consent holders need clarity about future expectations and certainty about the implications for their own farms. Several requests were made for additional support for farmers, including reliable advice from experts and an education programme ahead of consent renewals. It was often emphasised that every farm is different and,

therefore, faces individual challenges, which farmers will need support to navigate. Others emphasised the need for incentives to help farmers to make changes that are beneficial for the environment.

To what extent do you agree with the proposed approach to replace the current animal-based approach with one that manages liquid and solid effluent?

The Council's current Regional Freshwater Plan has different rules for different types of effluent (dairy, poultry and piggery). The Council is proposing to remove this distinction and instead manage effluent according to whether it is in a liquid or solid form. This question asked members of the community to comment on the extent to which they agreed with taking that approach.

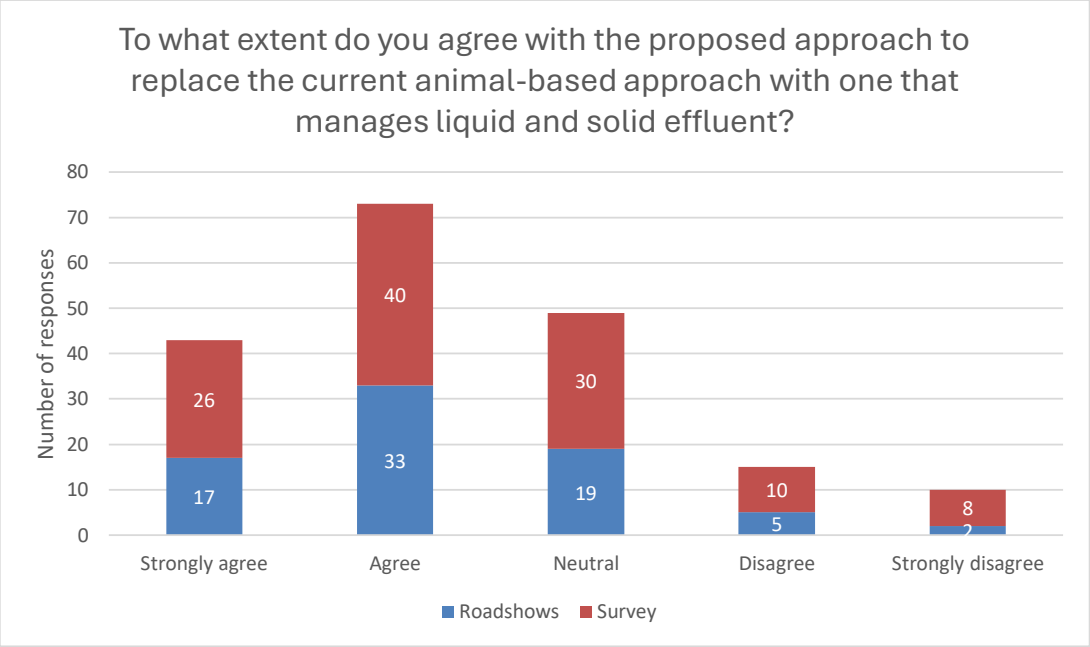

Figure 47: Counts for survey and roadshow responses on replacing the current animal-based approach with one managing solid and liquid effluent.

Most people either agreed or strongly agreed with the proposed approach, and approximately a quarter of all responses were neutral.

Uncertainty

Many people were uncertain about the impact of the proposed approach due to a lack of information on current rules and the effects of the different types of effluent. Because of this, some people considered that they didn't have enough information to know whether the proposed approach would be better or worse. Examples of what constitutes 'solid effluent' and how and where it would be discharged were requested to help people understand the change. Regardless of the approach chosen, people said there needed to be enough lead time and enforcement to enable farms to comply. There was concern about taking a 'one size fits all' approach.

Support for the proposed approach

Those supporting the approach generally agreed that if different types of effluent have different environmental risks, they should be treated differently. Fonterra supported the proposed approach if managing solid and liquid effluent separately would be more efficient and practical for farmers to understand and comply with. NZ Pork and one person agreed that the risks posed by solid and liquid effluent differ, and so the rule framework for managing the risks should be tailored to each type. Both emphasised the importance of clearly defining solid and liquid effluent (including whether solid effluent includes spent bedding or composted material) and avoiding applying dairy-specific rules indiscriminately to other sectors.

Opposition to the proposed approach

Those opposed to the proposed approach generally thought that liquid and solid effluent should not be treated differently as both can be harmful, especially under heavy rainfall when effluent applied to land can run off into water. Others, including DairyNZ, believed that rules should take into account the animal species due to differing feed levels, diseases, and nutrients they carry, as well as the differing forms and compositions of effluent from different animals. Some people considered it too hard to separate solids from liquid and were concerned about the cost of infrastructure needed. One person considered that no rules for managing effluent were necessary because effluent is a natural product and does not pose a risk to the environment.

Alternative options

Some people suggested combining the current approach and the proposed approach, where rules differentiated between liquid and solid within each animal species. Those people thought this would still retain the focus on the differences between animal types while also recognising the different risks posed by liquid and solid effluent.

Do you agree with allowing some small animal effluent discharges to land without resource consent?

Currently, all effluent discharges in Taranaki require resource consent. The Council is proposing to permit some small discharges to land, meaning they would not require resource consent. This question asked whether people agreed with this approach.

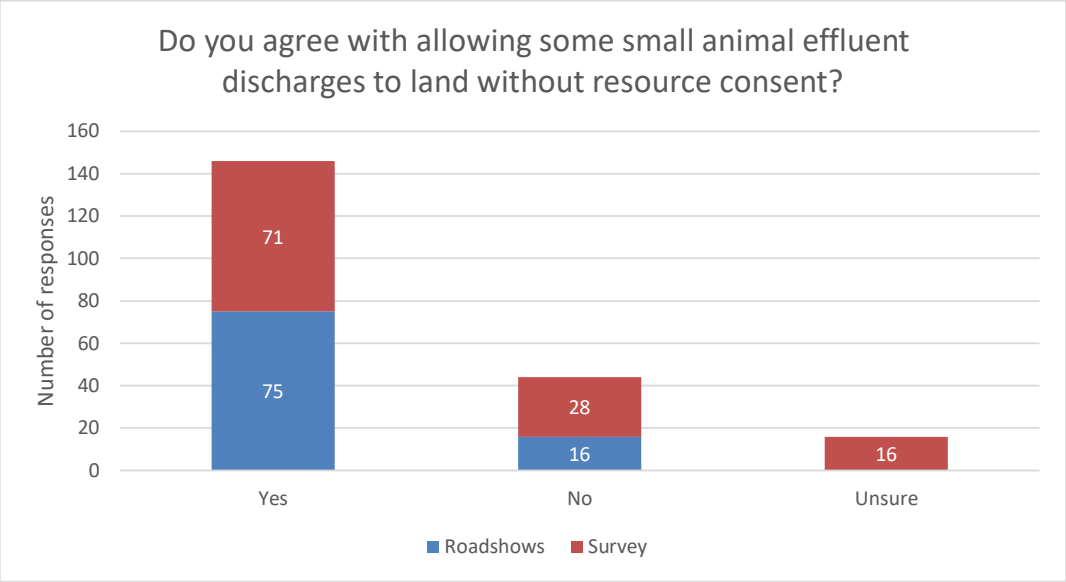

Figure 48: Counts for survey and roadshow responses on replacing the current animal-based approach with one managing solid and liquid effluent.

A large majority of people (71%) agreed that some small animal effluent discharges to land should be allowed without resource consent. Among people in support and opposition, there were a range of concerns raised in the feedback. These are outlined below.

Monitoring, enforcement and cumulative effects

Some people, including Climate Justice, Fish & Game, and Te Korowai o Ngāruahine, questioned how non-consented discharges would be monitored effectively to ensure that people were not discharging more than the maximum volume. They stated that without proper enforcement and monitoring, it cannot be assumed that people would adhere to the limits.

Some people were concerned about the impacts of these discharges on land areas of different sizes and the cumulative effects of allowing multiple small discharges.

Others were concerned that a permitted activity approach would put the onus (and cost) on farmers to prove that they are compliant. One person noted that sand traps sometimes aren't big enough, and there is a risk that they will not be cleaned properly. They suggested including a limit on their size.

Different treatment for different sized farms

Some people said that hardly anyone would have a discharge small enough for this pathway and were concerned that this approach would see lifestyle blocks treated more leniently than dairy farms. This was opposed, with people stating that small farms should be treated the same way as small farms.

Do you agree with the proposed approach of applying Engineering NZ's Practice Notes 21 and 27 to new effluent management systems?

Engineering NZ has produced two practice notes which are considered to be industry standards for dairy effluent design and construction:

- Practice Note 21: Farm dairy effluent ponds; and
- Practice Note 27: Dairy farm infrastructure.

The Council is proposing that all new effluent systems should be designed and constructed in accordance with these practice notes. This question asked people whether they agreed with that approach.

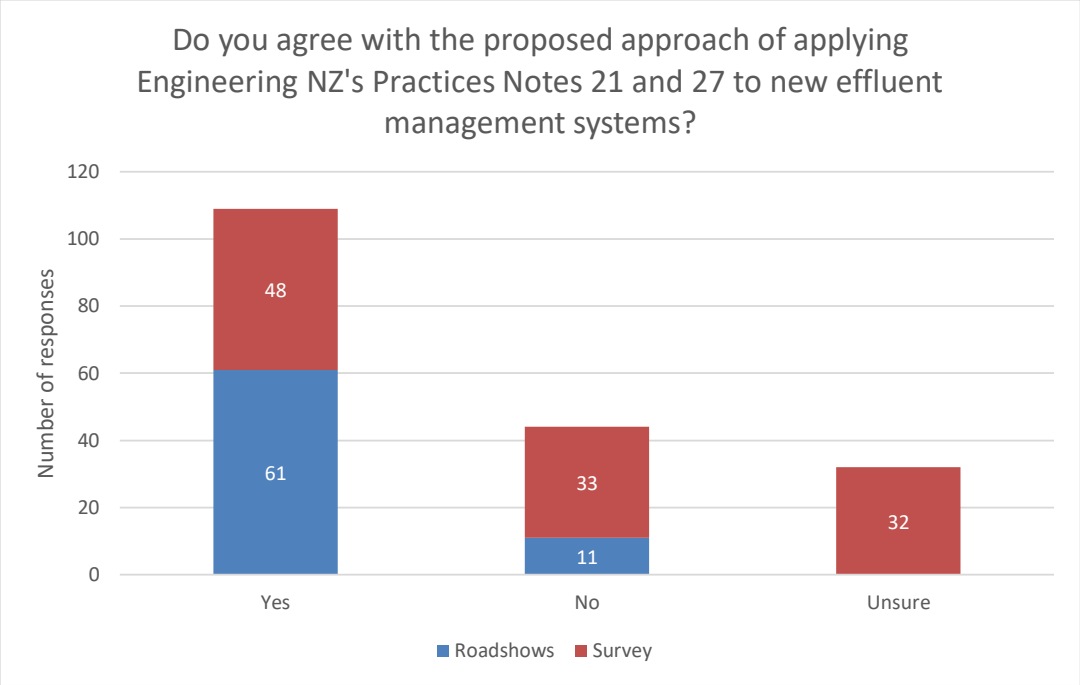

Figure 49: Counts for survey and roadshow responses on the use of Practices Notes 21 and 27.

The majority of people agreed with applying Engineering NZ's Practice Notes 21 and 27 to new effluent management systems. Smaller numbers (24%) opposed the approach. The main reason for opposition, including from Te Korowai o Ngāruahine, was that new systems are more likely to be environmentally friendly, and so the focus should be on existing systems, which are likely to be the ones with historical issues. A minority of people were unsure about their position (17%), mainly because they were unfamiliar with the practice notes and didn't feel they could comment.

Among people in support and opposition, there were a range of concerns raised in the feedback which are outlined below.

Accredited effluent system designers and review of Practice Note 21

DairyNZ stated that, rather than requiring systems to be in accordance with the practice notes, accredited effluent system designers should be used to design and install an appropriate system for the farm to ensure that farmers are receiving the right advice to meet industry standards like the

practice notes. DairyNZ also advised that it is currently undertaking a review of Practice Note 21 in relation to pond seepage testing.

Application to non-dairy effluent

NZ Pork supported the use of standards in the design and construction of new effluent ponds, noting that new ponds are a significant investment for farmers (often upwards of $250,000). However, NZ Pork does not support the application of Practices Notes 21 and 27 to pig farming. They recommend that the rule framework include references to other applicable industry standards to accommodate other types of farm systems.

Too prescriptive

Some people were concerned that the practice notes may be too prescriptive and not allow for novel or localised solutions or for different farming systems.

Do you agree with the proposed approach of requiring visual inspections and management plans for existing management systems?

There are many existing effluent systems in Taranaki and the Council wants to make sure they are operating effectively by requiring visual inspections of these systems and management plans for their ongoing use and maintenance. This question asked whether people agreed with that approach.

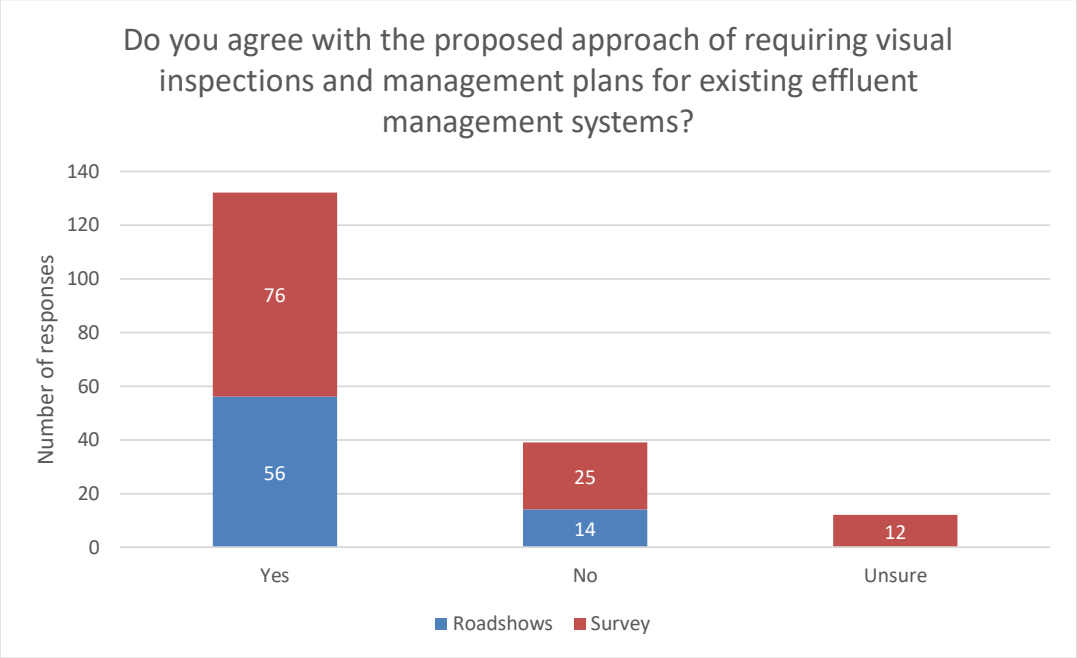

Figure 50: Counts for survey and roadshow responses on using visual inspections and management plans for existing systems.

A large majority (72%) of people agreed that existing systems should have visual inspections and management plans. Feedback from the Advocacy Special Interest Group workshop was that visual inspections should be required on every farm, every year. Some people stated they didn't mind having visual inspections as long as inspectors weren't required to be engineers. One person questioned what management plans would look like and how they could help where a system was

leaky or defective, and another stated that more detail needed to be provided about what a visual inspection would involve and how it was undertaken.

Concerns about duplication

Many people commented on the need to avoid duplication, especially with management plans. DairyNZ considered effluent management plans to be a key part of managing effluent and noted that they have developed industry templates which should be supported by the Council to manage unnecessary duplication. They considered that management plans should be non-regulatory, flexible, and integrated into the farmer's FWFP. Similarly, Fonterra supported using management plans if they were an expected part of the Farm Environment Plan process. They would not support duplication (i.e., a rule requiring resource consent) when Farm Environment Plans should be in place that identify and manage the same risks. Some people stated that management plans are already required elsewhere, so any approach should reduce any double-up for farmers and incorporate what already exists.

NZ Pork supported using effluent management plans to manage the environmental benefits and risks of effluent storage and application to land. They noted that they provide a management plan template for farmers, which includes a map of the property and areas of effluent application, records of all applications, and contingency plans for equipment failure or deferred irrigation. They considered that farmers should have the flexibility to address effluent management risks and opportunities based on their farm's unique characteristics, reducing the compliance burden on farmers.

Concerns about costs and practicality

Some people noted a general concern about the costs of visual inspections and management plans, with those people considering the costs were not needed. Others stated that the annual inspection fee is too expensive. There were questions about whether an expert would be required to prepare a management plan and opposition to that as it would increase costs. Some people requested that management plans be kept simple so that anyone could design them. One person asked who would be considered "suitably qualified" and how often visual inspections would be required, noting concern about the potential for costs.

DairyNZ noted that Practice Note 21 is currently under review and that the review is looking at the management of existing infrastructure through a risk-based approach. DairyNZ stated that they would support farmers being able to demonstrate the risk is managed through a FWFP, which would reduce the unnecessary cost of employing a contractor to come to the farm to inspect a pond. A risk-based approach would consider:

- existing warranties of the liner;
- Effluent Warrant of Fitness assessments and pond leakage testing documentation;
- farmer visual inspections such as frequent leak detection checks, visual inspections for leaks, and simple pond drop tests; and
- the type of pond or system and any failsafe installed.

DairyNZ noted that if a pond is designed and installed in accordance with Practice Note 21, there will often be a leak detection system which can demonstrate compliance and be recorded as evidence in a FWFP, reducing the need for inspection.

NZ Pork and one person raised concerns about the logistics of third-party visual inspections of pig farms, particularly because of the need for stand-down periods following farm visits for biosecurity reasons. They recommended that inspection and maintenance of existing systems be included as a requirement in an Effluent Management Plan and that the Plan holders be given discretion on how to achieve and demonstrate this.

Pond liners and drop tests

Although the Council did not ask any specific questions about the use of pond liners or drop tests, both were raised in relation to the management of existing effluent systems. Several people were concerned about taking a "one size fits all" approach to pond lining. Some considered that if they could demonstrate there was no leakage from their pond, then no liner should be required. Others highlighted that whether a liner is required or not should be based on the particular farm, as linings were not always suited to every site.

One person stated that there are no qualified drop test inspectors in Taranaki, affecting the resources available. Several people highlighted the costs of undertaking pond drop tests and one person questioned whether farmers are legally bound to share the results of a drop test with the Council.

Use of the Dairy Effluent Storage Calculator (DESC) to size effluent ponds

A key part of any effluent management system is having enough storage available so that application to land can be deferred if conditions are not suitable for application. The Council is proposing to determine whether the size of new and existing ponds is sufficient by using the Dairy Effluent Storage Calculator (DESC), which was originally developed by Massey University and Horizons Regional Council with data supplied by NIWA and Plant & Food Research and is now managed by DairyNZ. Three questions were included in the online survey:

- Do you have any concerns about applying DESC to new and existing systems?
- What are your concerns about applying DESC to size new and existing systems?
- Are there any alternatives to DESC that the Council should consider?

The first question was also asked during roadshows and hui, but the second and third were not. Instead, people at the roadshows and hui described their concerns and their suggestions for alternatives to DESC as part of their response to the first question. This feedback was recorded by either community members themselves or Council staff at each session. Some feedback was received through written submissions which commented on the use of DESC more generally. Because of this, and the close relationship between the three questions, they are presented together in this section of the report.

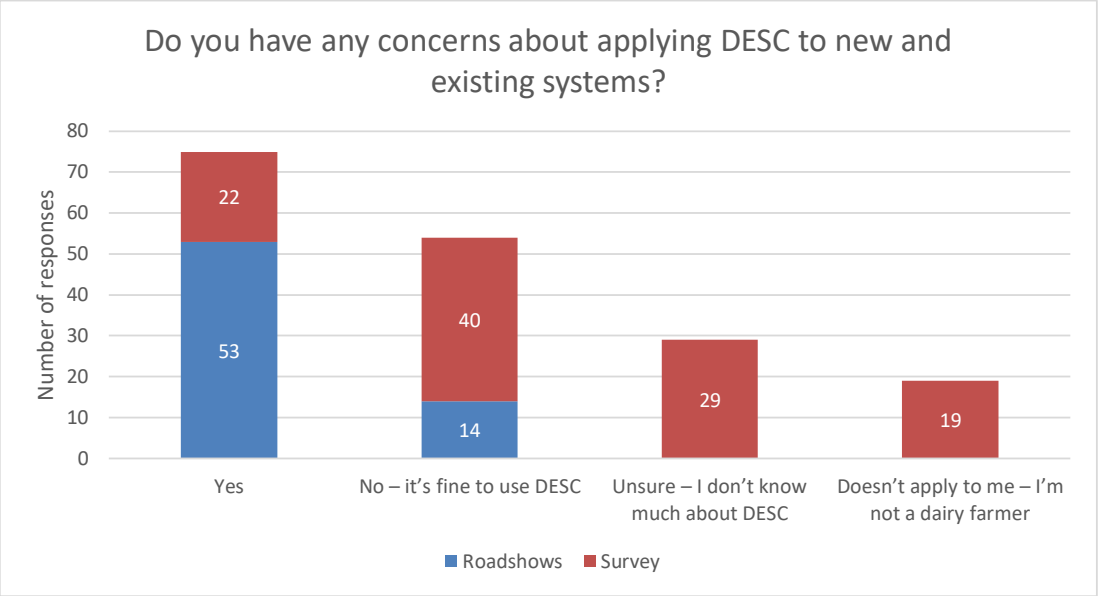

Figure 51: Counts for survey and roadshow responses on applying DESC to new and existing systems.

The answers to this question were mixed. The majority (42%) stated they did have concerns with using the DESC, although the second largest group (31%) stated they thought it was fine to use it. Combined, people who were either unsure or considered the question didn't apply to them made up 27% of responses.

However, the results were different depending on the background of the people answering the question:

- out of the 50 people who responded to the survey and described their background as "Dairy farming":
    - 24 people (48%) thought it was fine to use DESC; and
    - 18 people (36%) had concerns; and
- tangata whenua thought it was fine to use DESC.

Following the previous question, the online survey asked an additional question about people's concerns about using the DESC to size new and existing systems. There were six standard responses people could select from and one 'other' category for those with concerns not described by the six standard options.

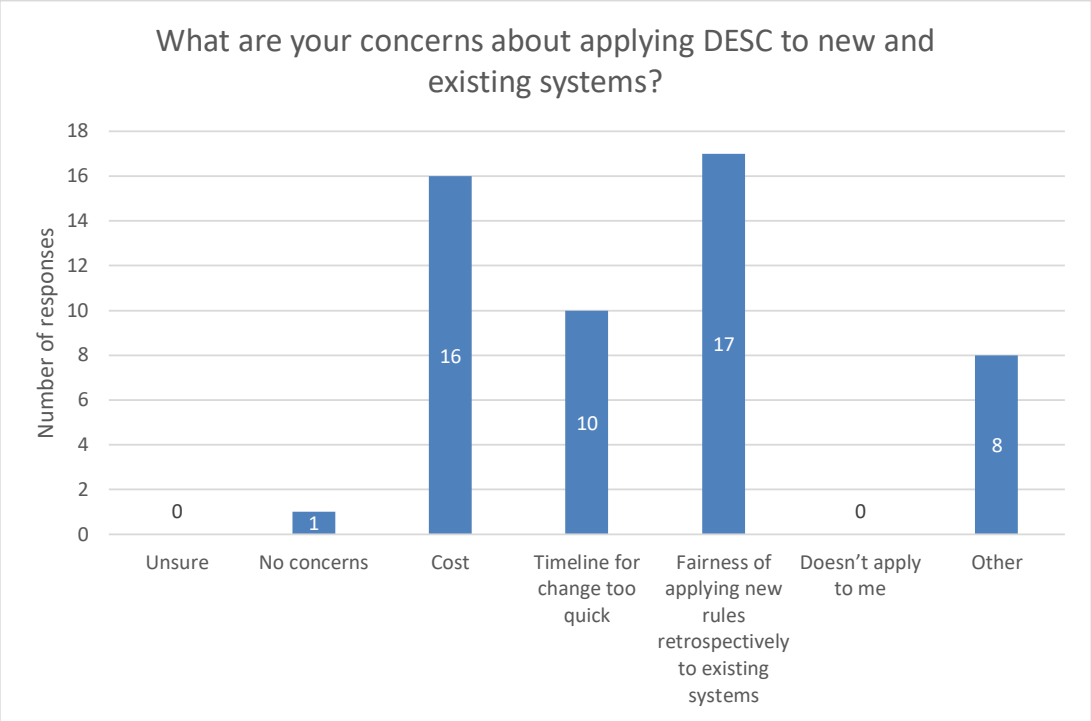

Figure 52: Counts for survey and roadshow responses on concerns about applying DESC to new and existing systems.

The top two concerns people identified across all forms of feedback were about the fairness of applying new rules retrospectively and the costs. The sections below outline the reasons provided for supporting or opposing using the DESC as well as the concerns people had with its use.

The final question relating to the use of DESC was whether there are alternatives to DESC that the Council should consider.

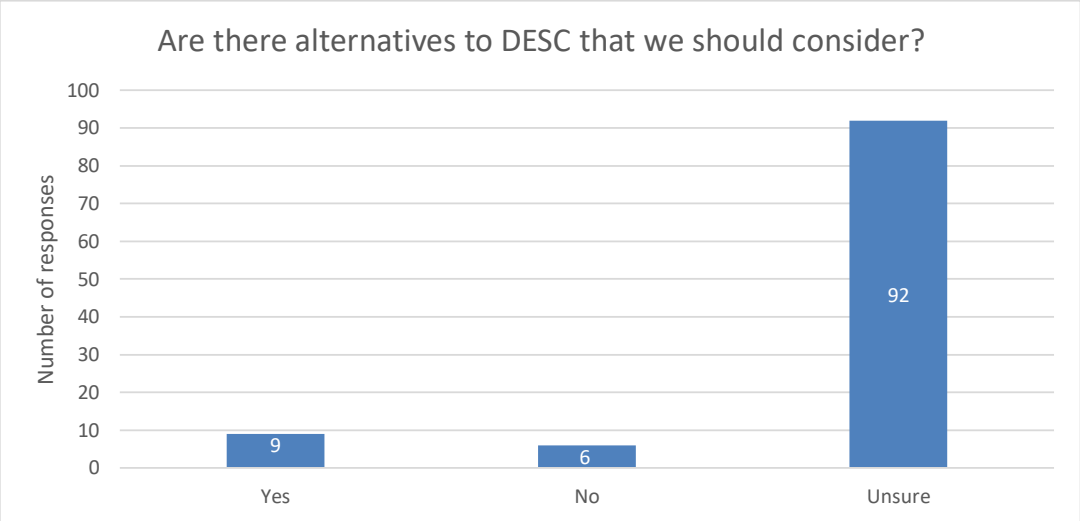

Figure 53: Counts for survey and roadshow responses on alternatives to using DESC.

A large majority of people (86%) were unsure whether there were any alternatives. A small number considered there were no alternatives the Council should consider, and a slightly larger number

considered there were. The alternatives proposed are discussed in more detail in the following section.

Support for using the DESC

Some people noted they were already using the DESC and supported its use. Climate Justice supported using DESC if all components are considered, including the gradient of the receiving land, crop height, and root depth. Several people noted that Fonterra require ponds to be sized using the DESC already. Some people who supported using the DESC highlighted matters about its application that should be considered further:

- **Use of contractors:** One person acknowledged that DESC generally works well but highlighted practical difficulties in entering data when contractors are used to spread effluent to land. They mentioned that the ability to adjust application depth and rates covering large areas quickly is hard to translate into the DESC model.
- **Site-specific information:** One person suggested that actual data (including for water use, days in milk, and realistic soil infiltration testing) be used as inputs to the DESC rather than generic data.

Opposition to using DESC

Most people opposed to using DESC were concerned about costs, fairness, and the timeline for change. Other concerns noted by respondents are described below.

Retrospective application

Several people considered that new standards should be not applied retrospectively. They considered that their existing consents should continue to be honoured and that existing ponds should not have to be reassessed. Some people specifically requested a “grandparenting” regime for existing systems.

Different approaches for different locations

A uniform approach may not be suitable for all areas and different localities, such as swamp land compared to free-draining sandy soil, have different requirements. Several people considered that DESC was not appropriate for high altitude or high rainfall areas.

Impact on existing management practices

Applying DESC standards may undermine current management practices that are already ensuring compliance. Several people felt that if an existing system didn’t meet the DESC standards but was still compliant, then it should be left alone, including one person who stated that they had already spent money on a good functional system in recent years and did not want to have to spend more money on it.

Use of models

Several people were concerned that the DESC relies on a scientific model, stating that there is a lack of knowledge about the model and that models are not reality. One person stated that no one knew anything about the model underpinning DESC and requested that the Council provide more information on how the model works and where it has come from.

Larger ponds

Some people thought using DESC to size ponds would result in the need for larger ponds. One person was concerned about odour issues with larger ponds, and another stated that they were opposed to bigger ponds because they collect more rainfall.

Application to non-dairy effluent

NZ Pork and one person opposed using the DESC for non-dairy effluent as the calculator is specifically designed for dairy operations with dairy-specific input requirements. They recommend using NZ Pork's book value guidelines for effluent generation from different classes of pigs to estimate daily effluent volume and to size piggery effluent ponds according to the expected farm practices (for example, some farms may have short-term storage with weekly off-site disposal while others may irrigate to land). NZ Pork stated that for farms that irrigate to land, ponds should be sized based on data about the approximate number of days that irrigation can occur annually, with a contingency built in for adverse events.

Undertaking DESC calculations and updates to DESC

DairyNZ and Fonterra both recommended using accredited effluent system designers or Effluent Warrant of Fitness assessors to undertake DESC calculations for new systems. DairyNZ noted that a DESC calculation is only as good as the inputs. An accredited designed or Effluent Warrant of Fitness assessor can advise farmers on the system that contributes to the amount of storage required, such as pumping volumes, rates and depths, stormwater diversion, solids separation, and soil risk. If the inputs are wrong, this would significantly impact the output of the DESC calculation. One person described this as "garbage in, garbage out." Additionally, one person considered that the Council should build its capacity to interpret calculations.

DairyNZ noted that they are currently undertaking a research project to update the DESC data to capture the specific catchment context of the farms in high-elevation and high-rainfall areas in Taranaki. This will focus on ensuring that the DESC works for these specific catchment scenarios, including both slope and storage changes.

Uncertainty and lack of knowledge

One theme in the survey and roadshow feedback was uncertainty and a lack of knowledge about DESC, including its development, how it is used in practice, and why the Council was proposing to use it. This was illustrated by some of the questions posed in the feedback, including:

- Why is the DESC preferred instead of the 90-day rule?
- If a pond has been sized by Fonterra, does it need to be sized again using DESC?
- What happens if the pond is only slightly too small?
- What happens if people are going through hardship and can't afford to make changes to their systems?

Alternatives to using DESC

There were a range of alternatives to using DESC suggested, including:

- move away from having storage ponds beside waterways;
- an alternative approach that considers soil type and farming practices;
- emptying ponds more often; and
- allowing farmers to continue using ponds that don't meet DESC standards if they are otherwise compliant.

Additional comments

A number of other comments were received that were not specifically in relation to one of the consultation questions but are still important for the Council to consider. These include:

- DairyNZ consider that effluent application to land should occur in accordance with minimum industry standards as a permitted activity or a FWFP. They strongly suggested the Council meet with industry to develop a clear risk-based permitted activity rule for managing farm animal effluent;
- DairyNZ stated that it would support the Council in forming a working group with industry to ensure alignment with industry practice and standards. This could be formed with supply company representatives, DairyNZ experts and rural professionals or, additionally, discussion through the national effluent advisory committee;
- NZ Pork and one person provided detailed explanations of the different ways piggery effluent is managed on farms which provided important context for their feedback;
- Health NZ supports strategies such as wastewater wetlands and riparian planting to mitigate the effects of discharges;
- Climate Justice recommends increased monitoring of indirect effluent discharges and increased requirements for wider riparian planted margins, particularly on steep gradients and soil types with poor infiltration;
- one person queried whether a farm operator can be liable for breaches of compliance where responsibilities lie with them, instead of the farm owner; and
- one person highlighted the role of the EcoPond effluent treatment system using polyferric sulphate to reduce methane emissions from dairy effluent ponds.

Stormwater

Stormwater has a very specific definition under the National Planning Standards 2019 and "means run-off that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or run-off from the surface of any structure, as a result of precipitation and includes any contaminants contained within". As urban water quality is degraded and the discharge of stormwater from reticulated systems, and small trade and industrial premises which are currently permitted activities, have the potential to transport a significant concentration of contaminants into urban waterways. The Council are recommending a more comprehensive framework for the management of stormwater. Three questions were designed to prompt the conversation and seek community feedback

Do you support the Council moving away from a permissive framework to managing stormwater discharges by volume, type and discharge location?

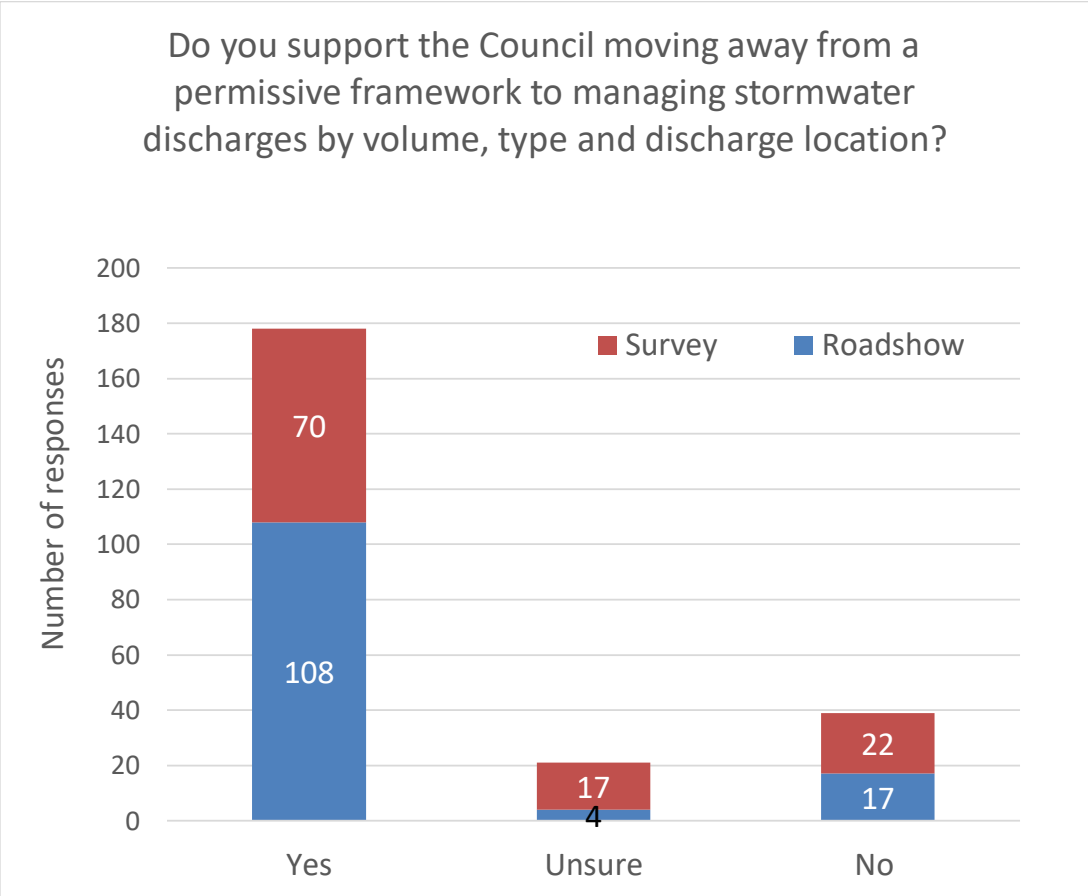

Figure 54: Counts for survey and roadshow responses on levels of support for the Council moving away from a permissive framework to managing stormwater by volume, type and discharge location.

There was strong response from the community in favour of the move away from the permissive framework from reticulated systems, with 75 % of those that responded in the survey and roadshows supporting a more regulated approach.

Support the proposed framework

The community were happy to see those that discharge in the urban environment being held to a higher standard in an effort to address the degradation of urban water quality. The farming community saw this as an important rebalance, as rural discharges have been heavily targeted to date, whilst the perception was that urban discharges appeared to have been overlooked. The urban community were concerned about the quality of their streams and rivers and were pleased to see these issues being addressed.

There was also significant community support for a more comprehensive framework that addressed cumulative impacts and included where appropriate the use of onsite treatment options. Tangata whenua were very supportive of a framework that improves freshwater quality and helps to repair and protect freshwater ecosystems.

Although generally supportive there were some reservations especially in relation to potential costs. Some of the community expressed concerns about the proposed changes leading to increased rates and increased regulation. NPDC supported the management of stormwater by volume, type and location with the proviso that, any framework be easy to administer, practical and not overly bureaucratic or expensive to implement.

Do not support the proposed framework

There were also a number of those that provided comments during the consultation that did not support the proposed approach. Some of the community believed stormwater to be a natural process needing to be channelled away from urban areas regardless of negative environmental outcomes, especially during storm events to reduce the risk of flooding.

Some of the community proposed an alternative approach to keep the permitted pathway but add more stringent requirements to meet limits and thresholds designed to ensure improved freshwater outcomes. STDC had reservations about the requirement of retrospective consenting and voiced a preference for a permitted approach to continue to be applied to existing network discharges. One member of the community wanted to keep the status quo and suggested that the reduction of pollutants be left to the market to drive, as products and processes themselves will eventually become more environmentally friendly.

Urban water quality

Stormwater discharges can contribute to poor urban water quality if not managed appropriately and have been recognised as a problem globally. Overall, the community were supportive of measures that would contribute to improved freshwater outcomes for urban streams and rivers.

Tangata whenua were very keen to be involved in discussions around discharges to waterways and were also keen to see improved collaboration between councils when addressing these types of issues. They expressed concerns that poor urban water quality had significant impacts on mahinga kai and cultural practices. They also wanted to see a cultural lens applied to stormwater discharges and freshwater target setting that recognised the link between the health and wellbeing of communities with the health and wellbeing of water. Many in the community saw education as a

valuable tool in tackling issues related to urban water quality. As making people aware of what they put into the environment is seen to be vital in achieving improved freshwater outcomes. Tangata whenua were supportive of avoiding the use of technical terminology when communicating information about freshwater environments as this can be hard to understand for a non-technical audience.

District councils and industry also saw this as a potential low cost - high benefit tool to help address contaminated stormwater issues. District councils in particular supported this as a more cost-effective way to reduce contaminant loading than costly stormwater treatment systems. One community member highlighted the good work done in some other regions to educate households, once any higher risk areas have been identified through monitoring. This was seen as a great way to involve the community in the clean-up, promote awareness and give them the opportunity to celebrate any wins that they have become a part of. Some of the community were unaware that stormwater had the potential to contaminate freshwater. Of those that were unaware the majority were pleased to see this was being addressed. Some of the community were aware of ongoing issues with stormwater contamination across the country and were supportive of any initiatives that would promote improved urban water quality. Others recognised that due to Taranaki's population and urban spread the issues across the region would be easier to manage and less likely to create significant flooding and contamination problems. As seen in some other regions, due to Hurricane Gabrielle and the February 2023 floods.

Treating new and old developments differently

Although not a specific topic of the consultation, district councils and the community were generally supportive of higher requirements for any new developments, than for existing ones in recognition of the significant challenges to make improvements to pre-existing infrastructure. In general, the community also recognised that aging infrastructure would be the most difficult to address and supported a more stringent approach for new premises, which can be future proofed and designed to include water friendly design and treatment systems.

Stormwater Monitoring

District councils and some of the community were keen to see any monitoring requirements targeted at potential problem areas rather than being comprehensively undertaken on all small discharges regardless of risk, which would be costly. Some of the community expressed concerns that monitoring of reticulated networks was not already being routinely undertaken. Others wanted monitoring to be undertaken as soon as possible to confirm whether stormwater discharges are a problem in Taranaki and if so to what scale.

The coastal environment

Several community members voiced their concerns that contaminants discharged into the freshwater environment eventually enter the marine environment. The mobilisation of plastics through stormwater systems was seen as a particular concern for local rivers, estuaries and the coastal environment. Others in the community were also concerned about stormwater discharging at beaches, from pipes or natural waterways contributing to the poor swimmability in rivers and the coast where people swim and surf.

Stormwater and wastewater overflows

There was concern raised by the community about emergency wastewater discharges occurring following stormwater entering wastewater networks causing them to overflow. The community wanted stormwater and wastewater networks to be kept completely separate to avoid any mixing and/or the need to discharge any partially treated wastewater to the environment. Tangata whenua were especially disturbed by this potential occurrence as they have a particular aversion to human waste entering any freshwater body and want to see these events cease. District councils sought some lenience applied in relation to emergency wastewater discharges caused by stormwater infiltration, which is a recognised problem nationally and that they will continue to address over time.

Over what timeframe should the Council consider transitioning the urban reticulated stormwater network?

Any improvements in a reticulated stormwater network will take time and is likely to be costly. To help district councils plan for any changes required the Council recommend any changes are brought in slowly over an extended period between 5 and 20 plus years. The question posed to the community aimed to get an understanding of how the community feel about this type of approach and whether they support a longer or shorter timeframe.

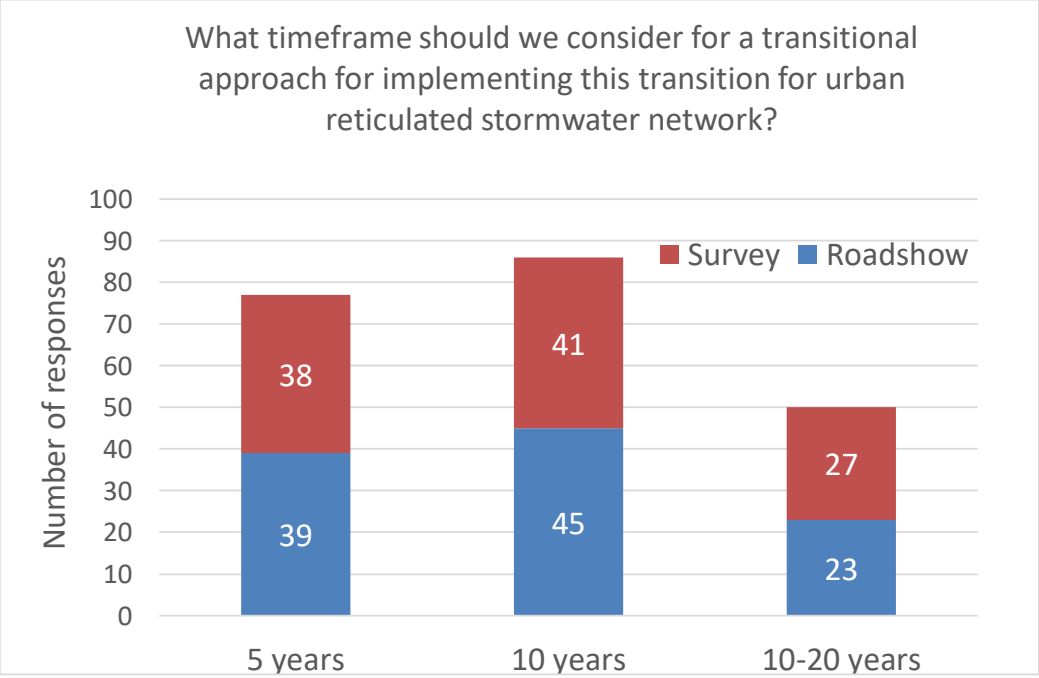

Figure 55: Counts for survey and roadshow responses to which timeframe should the Council consider for a transitional approach for implementing the transition for urban reticulated stormwater networks.

A mixed response from the community on the most appropriate timeframe was received, with strong views from some supporting a short timeframe and others a longer timeframe to enable the cost and efforts be spread over as long as possible. The majority of responses (77%) however did support a time frame of less than 10 years.

Timeframe feedback

In identifying the communities preferred approach for transition varied feedback was received on each of the options proposed and are set out below.

- **Less than 10 years:** There were a lot of the community keen to see any changes done as quickly as possible as stormwater contamination is a well-known issue. Most of the community were in support of a period of no more than 10 years to make any required changes, some wanted to see improvements in less than 5 years. Of those that wanted a shorter timeframe some commented that it was important to see significant improvements sooner and that any easy fixes need to be prioritised, so the improvements are seen well within the 10-year period.

- **More than 10 years:** NPDC are already planning improvements and do not support the Council's proposed timeframes as their investigations indicate 50 plus years being a more realistic goal. They are keen to celebrate small wins over an extended period. STDC were keen to see the 20-year option used and were supportive of new stormwater discharges being treated differently to older ones. Some of the community also recognised a longer timeframe as being the more realistic option.

Costs

Some of the community were keen to give district councils as much time as possible, to alleviate their concerns about rates increases. As longer timeframes mean the costs on the rate payer will be stretched out over a longer period. Some of the community also wanted to see involvement from central government to assist in funding any upgrades.

Do you support the management of stormwater from industrial and trade processes by the level of risk to the environment?

The current Regional Freshwater Plan manages trade and industrial discharges by property size as well as by potential effects on the environment. This does not take into account cumulative impact when multiple small discharges are in close proximity and together can have a significant effect. The Council want to ensure this approach does not inadvertently allow cumulative impacts and have proposed changes to the framework to assess discharges based on risk.

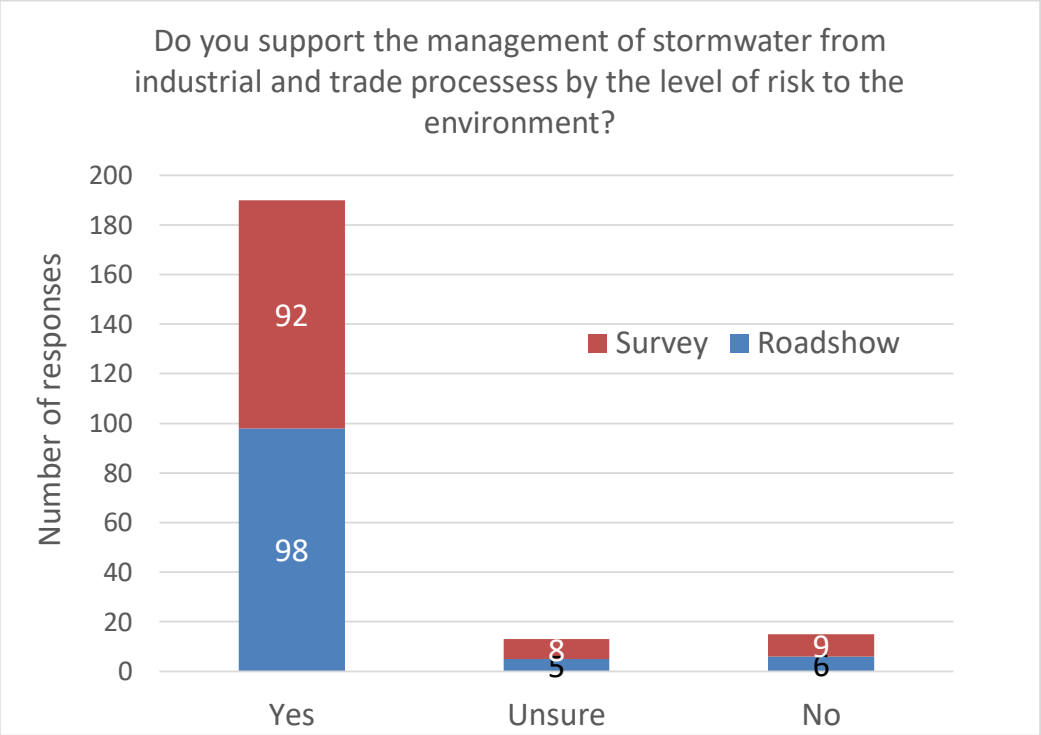

Figure 56: Counts for survey and roadshow responses on levels of support for the management of stormwater from industrial and trade processes by the level of risk to the environment.

A large majority (>80%) of the community supported a move away from a framework based on the size of the premises towards a risk-based framework for any stormwater discharged from trade and industrial premises.

Support the proposed framework

There was very strong support for a framework that manages stormwater discharges by risk from the community, industry, advocacy groups and district councils. Some of the community also thought that as most industrial stormwater discharges already require a consent removing the size of the premises was not seen as an issue. Some of the community although generally supportive but wanted to see any changes done in a sensible manner to avoid unnecessary regulation.

Additional comments

A number of other comments were received that were not specifically in relation to one of the consultation questions but are still important for the Council to consider and have been summarised below.

Stormwater contains low levels of some contaminants but can also pick up more significant quantities of additional contaminants if they are encountered along the flow path. The community provided their concerns in relation to several of these types of potential additions and provided comment on some potential mitigation options. The mixing of hazardous substances and household toxins were recognised as a potential issue for unregulated stormwater discharges. For example, the use of weed killer around streams and rivers was seen as a potential problem by one member of the community, as contaminants could be mobilised by stormwater runoff into streams. Discussions

were also prompted during the roadshows in relation to other substances that have the potential to enter waterways through stormwater discharges. One member of the community was particularly concerned about the potential for pesticides to be mobilised by stormwater runoff. Others voiced concerns around the use of 1080 in Te Papakura o Taranaki due to fears that it was being mobilised into waterways and drinking water supplies by rainfall and stormwater runoff from less permeable surfaces. Fears related to other contaminants, like pharmaceuticals, cleaning products, fertilizers and other household and industrial chemicals were also mentioned by the community during consultation. One member of local industry also questioned if any new rules would intersect with the storage of hazardous materials. Currently addressed as a stormwater rule which automatically triggers the requirement of a consent. These higher risk stormwater discharges are not considered in the proposed framework which is targeted to the discharge of low-risk stormwater from sites that are not used to store dangerous or toxic substances.

Some of the community offered suggestions on additional methods that could be implemented to help reduce the risks of contaminants being mobilised by rainwater. Including the use of detention bunds on farm races, which are areas of reduced permeability due to compaction, where rainfall can pond or be channelled. To prevent contaminants like *E. coli* and nutrients being mobilised and washed into waterways by stormwater runoff. Tangata whenua also suggested more weight be given to the size of the stream when defining mixing zones for example it may be ok to discharge stormwater to a large river but not to a small stream due to the scale of any potential impacts.

Wastewater

Wastewater is produced wherever people live, gather, or work and is managed differently depending on its proximity to urban centres and services. There are three types of wastewater: industrial and trade wastewater (from manufacturing or processing), sewage (human waste) and greywater (typically from bathrooms and kitchens). Contaminants in wastewater, such as sediment, nutrients (nitrogen and phosphorus), bacteria (*E.coli*), and other contaminants, can all degrade water quality if not managed properly. Furthermore, discharges of human waste harm the mauri/mouri of freshwater and diminish tangata whenua values.

Should the Council retain the current approach for managing industrial and trade wastewater activities in the Proposed Plan?

The Council asked the community whether they supported keeping the existing structure for rules managing industrial and trade wastewater discharges in the new Proposed Plan. The existing approach includes maintaining a permitted pathway for low-risk activities to discharge to land and a discretionary consent pathway for more significant activities discharging to land or water. In addition, the community were asked if there were any specific low-risk activities that should be considered when designing a permitted rule for discharging to land.

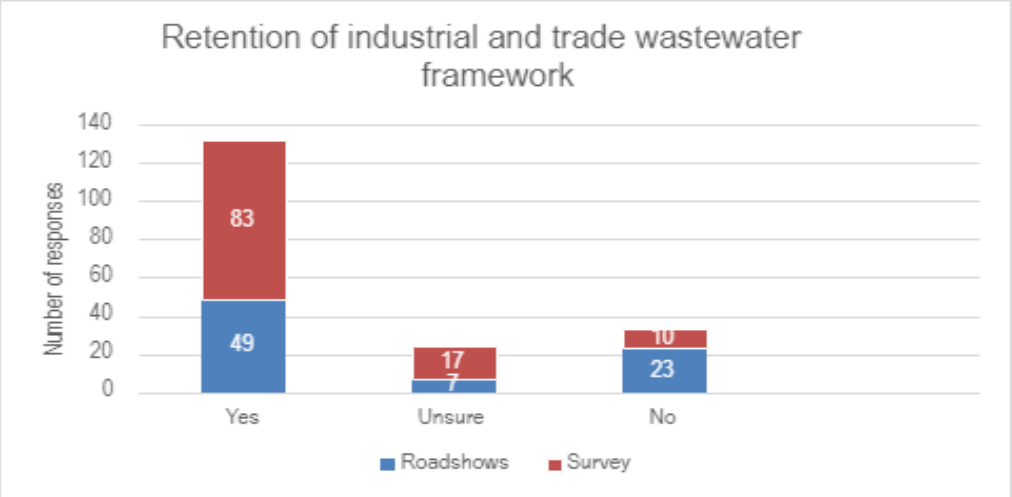

Figure 57: Number of people in the community who responded both via the community roadshows and the online survey on whether they supported maintaining the current rules structure for managing industrial and trade wastewater.

Of those who responded to the survey and roadshows questions, 132 people (70%) answered yes, 24 people (13%) were unsure, and 33 people (17%) answered no. The results show strong community support for retaining the current rules framework for managing industrial and trade wastewater discharges in the Proposed Plan.

Context for retaining or changing the rule pathways

Many in the commerce sector supported keeping the framework, believing it was fit for purpose and recognised that discharging to freshwater will become more difficult in the future. Support to retain the current framework was also indicated in feedback at the roadshow and special interest groups consultation.

There was some opposition to the retention of the current framework for various reasons. Some argued that no permitted pathway should exist for discharges to land. Some people believed that industrial and trade wastewater discharges should be held to the same standards as agricultural activities, advocating for a consistent approach for regulating discharges to water across the Proposed Plan. While others opposed all discharges going to freshwater or groundwater, advocating that there should be no discretionary pathway for discharging contaminants to water.

Effective management of contaminants

Some members of the community agreed with the retention of the current framework for industrial and trade wastewater in the Proposed Plan, but it was made clear that risks from different contaminants must be effectively managed. There were two main perspectives for how well this had been achieved under the current Regional Freshwater Plan. Some people from the commerce community felt like business owners are aware of the types of contaminants they were discharging and managed this adequately. To minimise risk there was some suggestion to see permitted rules tailored to specific industry types. On the other hand, some tangata whenua members expressed concerns that the current system hasn't done enough to protect the environment from these types of discharges in some instances. They feel that their cultural values have not been well integrated into the current Regional Freshwater Plan framework and suggested that ensuring these values are appropriately represented in the Proposed Plan, alongside stronger compliance measures, would address this challenge.

Accounting for adverse cumulative effects

Adequately managing cumulative effects was flagged by a number of respondents. Some advocacy groups agreed with the retention of permitted pathway for discharging industrial and trade wastewater to land but only where rigorous standards to monitor and mitigate cumulative effects was in place. Whilst applying to discharges to land, this also needed to consider impacts on water. There was similar feedback received in relation to consented activities where feedback from the roadshows called for stronger monitoring of consented activities. For some people, the risk of cumulative effects not being managed appropriately was reflected in their opposition to the permitted pathway.

Providing for other low-risk activities

The community offered only a few suggestions on low-risk activities to be considered for inclusion in a permitted pathway under the Proposed Plan. Feedback from parts of the commerce industries, including Horticulture NZ, identified small discharges, wastewater disposal, and horticulture wash water as being potentially suitable for this approach in the Proposed Plan. One company advised that small discharges of wastewater, including cooling water, can be considered a low risk when discharging to land in the proximity to water, depending on the volume of the discharge and the area of land available. Another company acknowledged that they currently manage their wastewater disposal field discharging to land through a permitted pathway and advocated for this approach to be continued. Lastly, Horticulture NZ recommended that fruit and vegetable wash water from hydroponic greenhouses should be allowed under a permitted pathway, as they considered the wastewater primarily is the result of either growing or washing processes and is managed to industry best practice for the discharge.

Which option is your preference for phasing out discharges of existing wastewater treatment plants (WWTPs) to water

There are several wastewater treatment plants that operate across the Taranaki districts and discharge to various land, freshwater, and coastal receiving environments. The Council is currently investigating options to phase out all remaining discharges to freshwater in the Proposed Plan (this excludes coastal discharges because they are managed under the Coastal Plan for Taranaki). It is acknowledged that transitioning existing facilities to discharge only land would be costly and requires careful implementation. Therefore, the Council put forward three options to the community to see what approach for transitioning to land they preferred:

- **Immediate transition:** all consents that currently discharge to freshwater must transition to land when their consent expires.
- **Staged transition:** All consents expiring before a certain date (for example, 2030) can be replaced once, with a short duration resource consent (5 years). This approach would likely provide those with early expiry dates similar transition times to those with later expiry date.
- **Individual transition:** All consents can be replaced once with a duration that is based on the individual circumstances of the district and the changes/upgrades required to shift to a land discharge up to a maximum of ten years. This approach would likely allow for a longer transition period for all current resource consent holders but also delay the improvements to water quality.

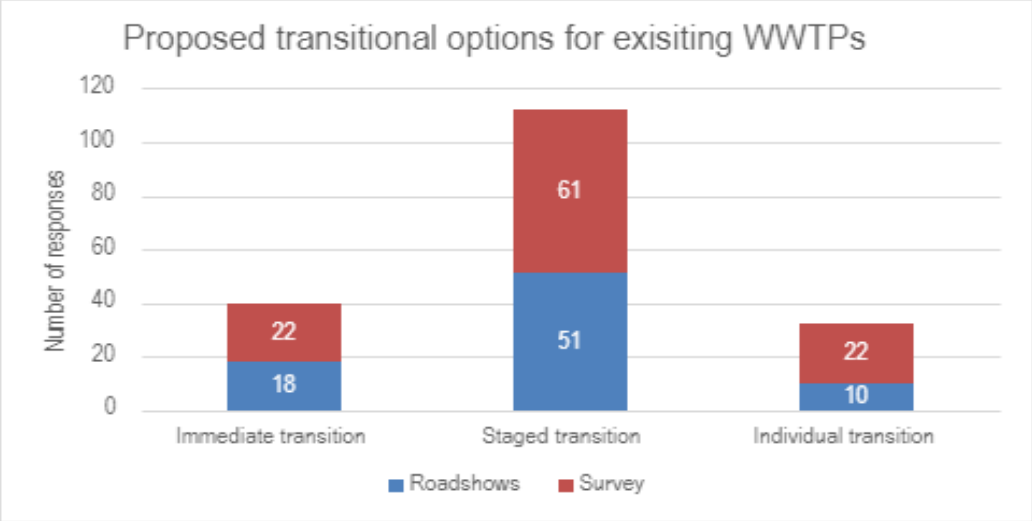

Figure 58: Number of people in the community who responded both via the community roadshows and the online survey to what transition option they preferred for existing WWTPs.

Of those who responded to the survey and roadshows questions, 40 people (22%) answered that an immediate transition was appropriate, 112 people (61%) wanted a staged transition, and 32 people (17%) answered no. The results show a preference for implementing a staged transition approach for phasing out existing wastewater treatment plants discharging to freshwater.

Transitioning options to land for existing WWTPs

Commentary in support for staged transition covered a number of aspects. Many highlighted the allocation of revenue as a key point to why a staged transition is the most appropriate. Stratford and Kaponga WWTPs were specifically identified by Fish & Game as requiring a staged transition for funding challenges. Others supported this transition as a means to provide time for those consent holders with short expiry dates. One person felt that this change was appropriate, even with the associated costs, and they believed the necessary technologies to enhance environmental outcomes are already available.

Feedback received from district councils indicated a strong preference for the individual transition option. They expressed concerns that ground disposal is unsuitable for many parts of Taranaki, especially in winter, and felt that the costs of testing such a change were unjustifiable. Additional comments highlighted the challenges of implementing a wastewater scheme, including the extensive community consultation required, the volume of discharge, and the need for a significant area of suitable land. Some feedback from the roadshow also supported the continuation of discharges to freshwater under an individual transition, if treatment is upgraded to an appropriate standard.

Climate Justice opposed all options presented, arguing that the 2041 phase-out timeline is too extended. Instead, they advocated for a 2030 phase-out and suggested that funding should be sourced through local rates and by lobbying the central government.

No additional comments were provided regarding an immediate transition approach.

Cultural and environmental outcomes

Some feedback expressed strong support for eliminating discharges from WWTPs to water because of its cultural significance or environmental impact. Tangata whenua and Te Whatu Ora recognise the cultural offensiveness and public health benefits for avoiding direct discharges of human effluent to water. Tangata whenua also expressed concerns about the implementation of land-based discharges, particularly the level of pre-treatment that may be required, and they emphasised their desire to be actively involved in the transition process. Climate Justice echoed the support for redirecting WWTP discharges to land, advocating for prohibiting water discharges in the Proposed Plan. Although, they did also acknowledge that certain situations might necessitate a pathway for discharges to water, such as evaporation ponds, methane capture, or wetland treatment. One person provided Rotorua's scheme, which discharges to forestry, as a successful example of WWTPs discharging to land.

Adverse effects from discharging to land

Some of the feedback received during the community roadshows opposed a framework which requires WWTPs to land. Their concerns included the potential for adverse effects of spray drift or contaminated groundwater on people and neighbouring properties, the generation of odour, and the cultural and health impacts on food production. The business community also raised issues with the potential negative perception of human effluent being discharged near production land.

Managing wastewater overflows

Wastewater overflows occur when heavy rainfall overwhelms the capacity of wastewater systems, primarily from stormwater inflow and groundwater infiltration entering the wastewater network. Although overflows were not a focus of this round of consultation, the topic generated significant interest from both the governance SIG consultation and tangata whenua. Districts expressed their concerns should wastewater overflows become a prohibited activity in the Proposed Plan, particularly due to the challenges posed by aging infrastructure. However, they suggested that wastewater overflows should become a permitted or controlled pathway in the Proposed Plan, with management over contaminant loads and a timeline for improvements. Examples of wastewater overflow management approaches from Auckland and Whangarei were provided. In contrast, iwi and Te Whatu Ora opposed the discharge of wastewater overflows and advocated for more restrictive or preventative measures to be implemented to address this issue.

Should existing septic tanks be a permitted or controlled activity in this region?

To enhance water quality and protect human health, the Council has proposed to raise the standards for managing septic tanks in the region. While continuing to explore the methods to achieve this outcome, the Council sought community feedback on whether existing septic tanks should be managed as a permitted or controlled activity.

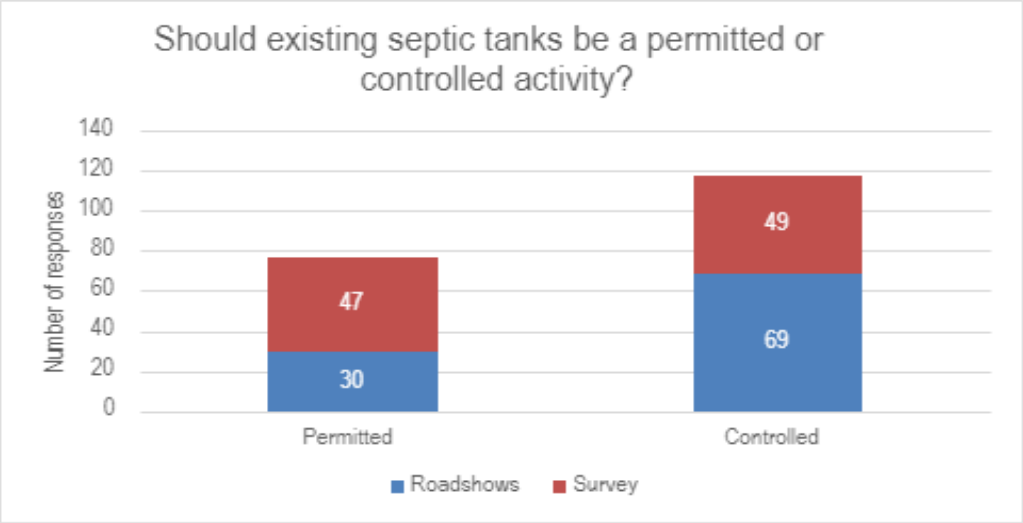

Figure 59: Number of people in the community who responded both via the community roadshows and the online survey on whether existing septic tanks should be managed under a permitted or controlled activity status.

Of those who responded to the survey and roadshows questions, 77 people (39%) answered they thought a permitted pathway was appropriate, while 118 people (61%) considered that existing septic tanks should be managed through a controlled consenting pathway. The results show a preference in favour of regulating this type of activity through a controlled pathway.

Support for a retaining a permitted rule

Support during the roadshows for retaining a permitted pathway for existing septic tanks was received, provided the Council effectively regulates effects and cumulative impacts. Suggestions for achieving this include regular inspections, better collaboration between district and regional councils

to create a streamlined process for service users, establishing adequate performance and Water Source Protection Zone standards, and offering non-regulatory education to encourage individuals to take responsibility for maintaining their own systems. Many people from the community who supported a permitted rule expressed that a blanket approach to regulating septic tanks is unnecessary in this region and would be costly to implement.

Support for introducing a controlled rule

Support for a consenting pathway was deemed necessary by many in the community, as septic tanks can have a significant adverse effect on people and the environment when they are not functioning properly. It was suggested that landowners with a non-compliant septic tank should be provided with a grace period to remedy the issue. Other feedback suggested either a risk based targeted approach or implement a minimum lot size to manage cumulative effects of septic tanks through a controlled pathway could be effective measures to address this problem.

Appropriate management of unreticulated urban centres

Many people from the community felt that the adverse and cumulative effects of septic tanks are less problematic on larger, rural properties, but highlighted that they pose a significant issue in densely populated urban areas without reticulated systems. This sentiment was also captured in the NPDC's submission, they suggested a regional approach needs to be implemented to assess the condition and suitability of existing septic tanks in these type of areas.

Monitoring and evidence base

Feedback received emphasised the need for the Council to have a clearer understanding of the number and locations of septic tanks in the region. People also called for improved collaboration between district and regional councils to share information and avoid over-regulation, with some suggesting that regional requirements be integrated into the district council consent process. Additionally, there was a recommendation for the Council to make investment in developing a strong evidence base to guide future regulatory decisions on this topic.

Maintenance

During the consultation, several people from the roadshows discussed the idea of introducing new maintenance requirements for new and existing septic tanks. Some suggested that inspections should occur every 2-5 years, with one person proposing that the Council provide this service free of charge to landowners. However, others felt that homeowners should have responsibility of knowing when their septic tank needed to be serviced and they did not support making regular maintenance a regulated requirement.

Should pit latrines and composting toilets be enabled through the Proposed Plan?

The Council is considering whether to include permitted rules for pit latrines and composting toilets in the Proposed Plan. The Council sought community feedback on whether these activities should be allowed without requiring a resource consent, provided it can be undertaken in a way that does not negatively impact people or the environment.

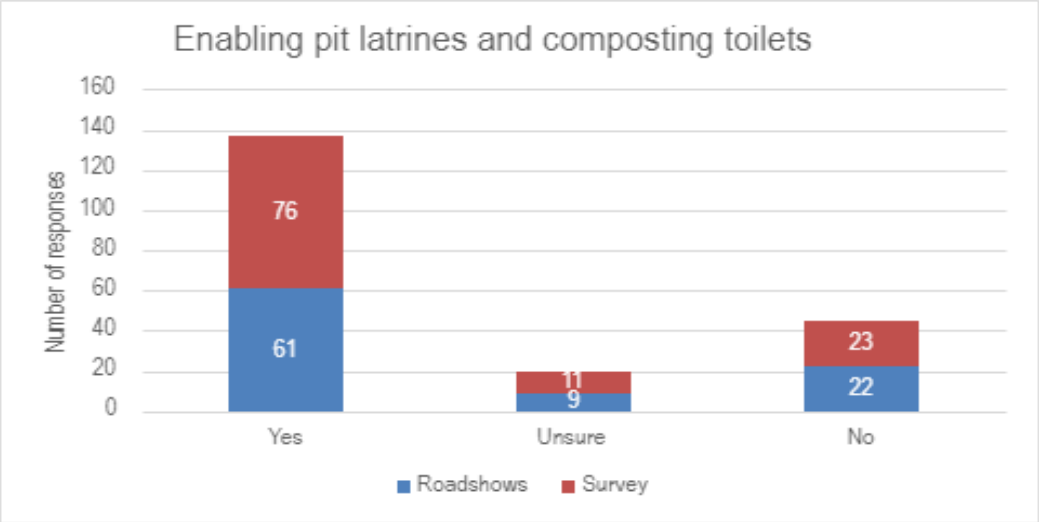

Figure 60: Number of people in the community who responded both via the community roadshows and the online survey on whether pit latrines or composting toilets should be managed under a permitted activity status

Of those who responded to the survey and roadshows questions, 137 people (68%) answered they thought a permitted pathway was appropriate, while 20 people (10%) were unsure and 45 people (22%) were opposed to them being enabled through the Proposed Plan. The results show significant support from the community for introducing a permitted rules pathway for pit latrines and composting toilets in the region.

Enabling pit latrines and composting toilets

Feedback generally supported the idea of permitting pit latrines and composting toilets with appropriate controls, especially in rural or low-risk areas. Some people advocated for their use where they pose no risk to freshwater or groundwater. There were calls for stricter design controls near recreational areas to prevent bacterial contamination and ensure that there are conditions which protects human and environmental health. However, some community members opposed permitting pit latrines and compositing toilets without a consent, while others emphasised the need for clear guidelines to prevent poor practices from occurring.

Managing pit latrines and composting toilets separately

Some of the feedback received suggested that the Proposed Plan should differentiate between pit latrines and composting toilets. Many advocated for regulating pit latrines due to their high risk of contaminating nearby groundwater systems, calling for stricter oversight. In contrast, the proposal to enable composting toilets received more favourable responses overall. Many supported their use as a sustainable option and promoted the conversion of septic tank to composting toilets for improved waste management.

Earthworks

Land disturbance and earthworks include activities such as excavation, drilling, contouring, blading, filling and earth movement and are generally required to prepare land for urban and rural development. If earthworks are not well managed, they can have significant environmental impacts on freshwater quality and aquatic habitats due to the loss of sediment to freshwater. Other environmental impacts of inappropriately managed earthworks can include increased flooding and reduced flood-carrying capacity of rivers and streams due to sediment build-up, land instability, groundwater contamination and effects on drinking water.

The current Regional Freshwater Plan manages the discharge of stormwater and sediment from earthworks but does not include rules for the earthworks activities. The Proposed Plan will introduce a set of rules to address this gap.

To engage with members of the community including iwi and special interest groups on this topic the Council set out a proposed management approach that included a suite of four actions. The Council asked questions about each of the actions and the combination of management options to manage earthwork activities. A specific question was also asked in relation to forestry earthworks.

Do you support the proposed management approach?

This question aimed at determining whether there was support for the proposed management approach. Given the nature of this question, binary yes and no responses were received in addition to commentary. The proposed management approach included four actions, these are:

- **Action 1:** Allowing small-scale earthworks, land disturbance and sediment run-off to occur as a permitted activity (no resource consent required);
- **Action 2:** Requiring resource consents for larger scale earthworks, land disturbance and sediment runoff defined as an earth worked area of 2,500m^2 per site in any consecutive 12-month period;
- **Action 3:** Additional management controls; and
- **Action 4:** Erosion and sediment control plans.

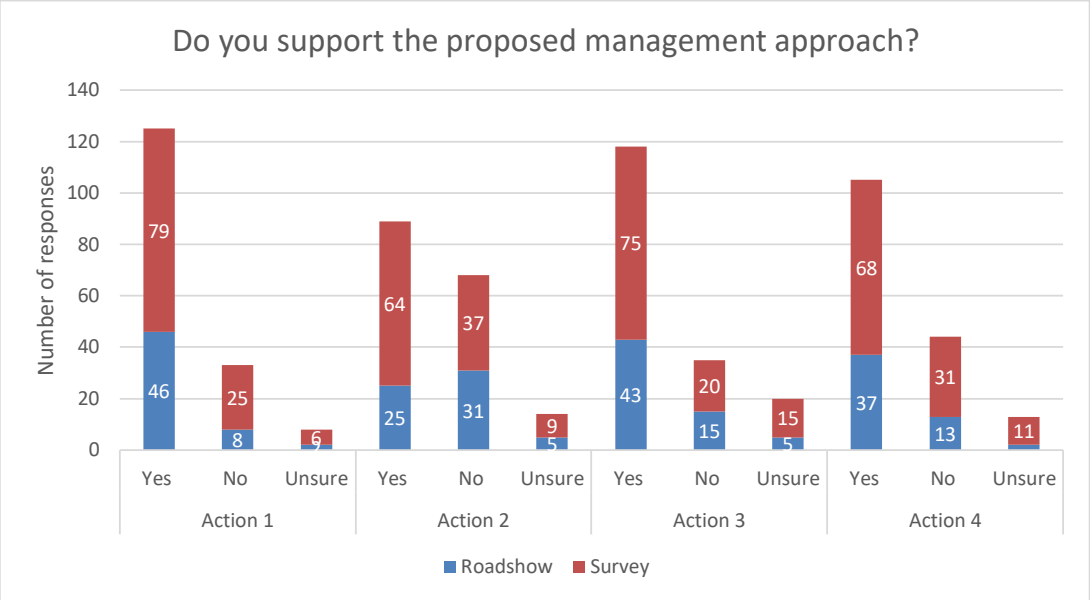

Figure 61: Counts of responses from roadshows and survey results indicating support for the proposed management approach.

Most people indicated support for the proposed management approach. Many responses provided were supported by comments that are discussed in the sections below. Action 2 was the least supported; this was primarily due to many people considering the threshold of 2,500m² per site in any consecutive 12-month period to be too stringent.

General feedback on the proposed management approach

Some community members provided feedback that the approach was appropriate, while others considered the approach should be more or less stringent. One response noted that there was need for improvement in the way that the Council manages earthworks. Other responses opposed the need for a rule framework and consider this could be substituted with requirements to adopt a best practice approach.

The majority of feedback received, including from DairyNZ, Federated Farmers, Fish & Game, Health NZ and Forest & Bird, was supportive of a permitted activity regime for small-scale earthworks. Te Korowai noted that they support Action 1, subject to the definition of 'small-scale earthworks' being developed in consultation with mana whenua. Some community members sought that there be no permitted activity regime for earthworks and that all earthworks, regardless of scale and proximity to sensitive receptors, should require resource consent from the Council. Feedback from Ngā Hapū o Te Atiawa requested that resource consent applications for earthworks should be notifiable. Similarly, where earthworks are proposed adjacent to or directly impacting on a statutory acknowledgement area, or within 200 metres of any significant Ngāruahine site, Te Korowai indicated that they will consider themselves an affected party in accordance with Section 95E of the RMA.

A key action of the proposed management approach is requiring resource consents for larger-scale earthworks, land disturbance, and sediment runoff. The scale threshold proposed for this is 2,500m²

per site in any consecutive 12 months. Some community members supported the scale threshold or sought it was reduced, requiring smaller scale earthwork activities to require resource consent, while others sought it to be increased. In general, those who sought the scale threshold increase raised specific concerns, such as the threshold being too low to enable small-scale activities such as infrastructure maintenance to be undertaken as a permitted activity. Similarly, community members requested that alternative management approaches be developed for day-to-day rural earthworks and earthworks undertaken for industry activities.

Community members generally supported actions to protect sensitive receptors through the proposed management framework. Similarly, actions requiring adherence to an erosion and sediment control plan were also supported. Some responses noted they were unsupportive of erosion and sediment control plans and would rather the management approach be more prescriptive. Feedback from Te Korowai is supportive of the implementation of erosion and sediment control plans and requested they are invited to provide feedback during their development.

A key concern that many community members raised was the additional costs likely associated with the proposed management regime. This included costs related to the preparation and processing of resource consents, costs associated with technical advice required to be obtained and ongoing costs associated with monitoring and maintaining mitigation measures.

What are 'earthworks'?

The majority of feedback received, particularly from rural community members, raised concerns about what activities would be considered 'earthworks' and subject to the proposed management approach. These activities are able to be undertaken as permitted activities (where the applicable permitted activity standards are able to be met) currently but may require resource consent under the proposed management approach. Some feedback suggested that these activities should be excluded from the proposed management approach for earthworks, despite some community members noting that they agree effects of some activities and earthworks are similar. These activities include:

- farm track maintenance and development;
- maintenance and installation of land drainage infrastructure;
- repairing crossings;
- levelling pasture;
- cropping;
- cultivation, including land preparation;
- repair and maintenance of culverts;
- cleaning ponds; and
- contouring of land to support fence lines.

Horticulture NZ and NZ Pork sought to ensure that 'normal ancillary earthworks' do not require resource consent. NZ Pork requested that a number of farm activities also be exempt from consideration under the proposed management approach for earthworks, including maintenance of

existing walking tracks, farm and forestry tracks, driveways, roads, accessways, digging post holes, maintaining drains, troughs, pipe networks, realigning fences, drilling bores, digging offal pits or wallows and burying dead stock and plant wastes.

Despite the majority of feedback seeking specific activities being excluded from the definition of earthworks, feedback was also received seeking activities, such as the recontouring of land, farm quarries, contamination of land from the use of herbicides and pesticides and dumps, to be captured by a proposed rule framework. Feedback from Taranaki iwi and hapū sought that excavation within rivers such as the Hangatahua River and removal of rock for use on land is prevented. Community members also raised concerns that the proposed management approach to earthworks may prevent positive actions associated with other activities. For example, applying animal effluent to land may require re-contouring of land to ensure effluent application to land is uniform. If resource consent was required to undertake the re-contouring of land, this could prevent some from undertaking good management practices.

Duplication with district plan provisions and the NES-CS

Some community members raised concerns that the proposed management approach duplicates provisions in district plans that apply in the region. Feedback from NZ Pork stated that duplicating provisions is an inefficient way to manage resources and is unnecessarily onerous. One community member was particularly concerned that the proposed management approach duplicates regulations of the NES-CS, which is administered by district councils.

Feedback from NPDC noted that some district plans within the region contain provisions related to earthworks, and others do not. NPDC and STDC were supportive of the proposed management approach and consider a cohesive approach to earthworks between councils can provide clarity to resource users, reduce duplication and ensure a more holistic approach to earthworks. To ensure inefficiencies associated with duplication are minimised as far as possible and processes are streamlined, community members suggested that templates could be used with one report for Taranaki Regional Council and district councils.

Additional actions to consider for the proposed management approach

In addition to feedback on the proposed management actions, feedback from the community suggested additional actions that could be considered. These ranged from suggestions to change the entire management approach to a farm-by-farm approach to considering additional actions as part of the proposed management approach. Taranaki iwi and hapū raised concern that wāhi tapu and urupā sites are being disturbed and seek the addition of rules to cease this. Additional actions suggested by the community to consider for the proposed management approach include the addition of:

- a depth threshold;
- a volume threshold;
- a slope threshold;
- a regime that relates to the soil type disturbed by earthworks;
- controls to consider cultural values and culturally significant areas;

- remediation plans for contaminated land;
- controls that enable weather conditions to be considered; and
- natural hazard risk, including consideration of overland flow paths and landslide risk.

Feedback from Ngāti Mutunga, Ngāti Tama and Ngāti Maru, Ngaa Rauru and Ngā Hapū o Te Atiawa suggested the addition of a volume and slope threshold as these are indicators of higher environmental risk from their perspective. Alongside suggestions for controls to consider cultural values and culturally significant areas, feedback from Ngāruahine and Ngā Hapū o Te Atiawa requested that they be consulted to assist with determining culturally significant areas.

Of particular note, Fish & Game sought that earthwork and land disturbance activities that result in sediment discharges to freshwater be subject to monitoring programmes that are simple to use and report, and results be compared against baseline contaminant concentrations. Such programmes should include contaminant triggers that require activities resulting in the discharge to be ceased if triggers are exceeded.

Measures to assist with implementing the proposed management approach

To mitigate some of the concerns raised by community members, some responses provided feedback on how the Council could usefully assist resource users with implementing the proposed management approach.

Some feedback from community members sought that a ‘common sense’ and ‘practical approach’ is required and that resource consent processes should be simple. Another suggestion made was to ensure that advice on resource consents can be obtained quickly via a helpline and flow charts. DairyNZ seeks that the Council focus on education and consider the availability of information (such as information to determine the contamination status of land) necessary to implement the proposed management approach successfully.

What impact will the proposed management approaches have on you?

The purpose of this question was to determine the impact proposed management approaches will have on those undertaking earthwork activities. Qualitative responses were provided to this question.

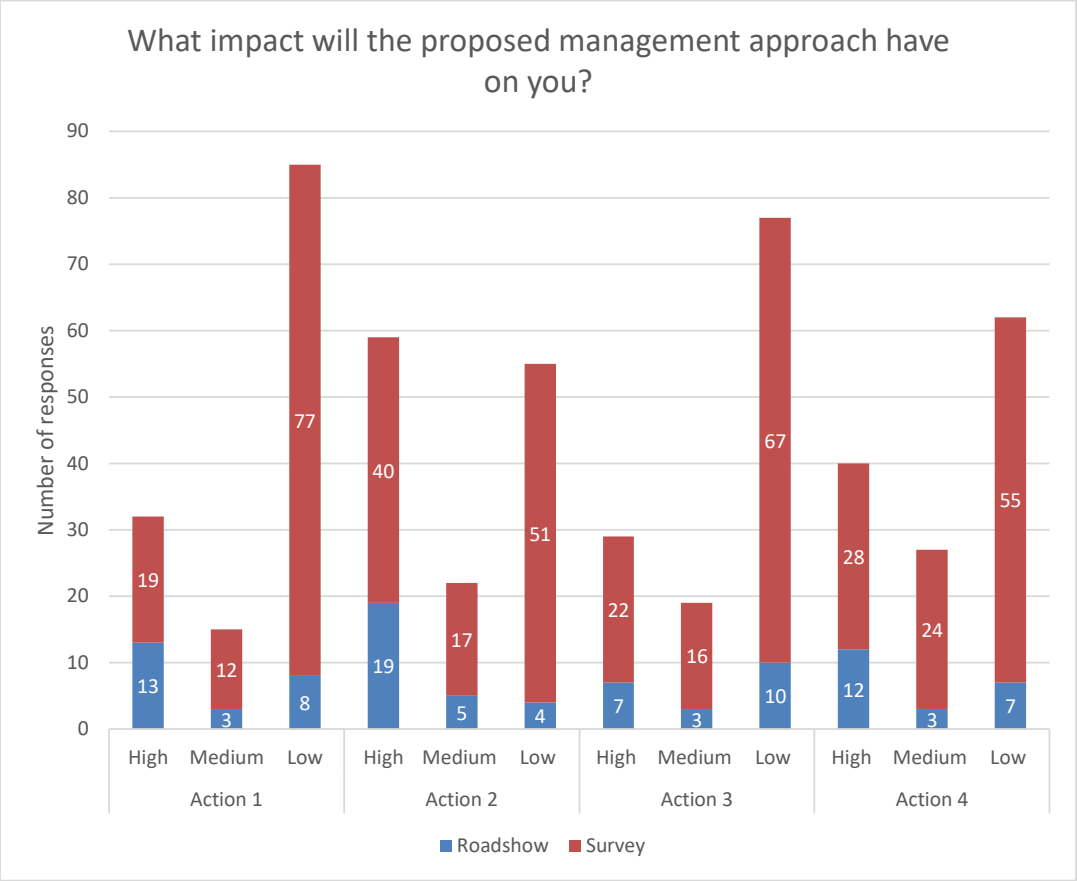

Figure 62: Counts of responses from roadshows and survey results providing feedback on the impact the proposed management approach will have on existing earthworks activities.

*Note * Responses identified as 'high' include those identified as 'very high' in survey results, responses as 'medium' include those identified as 'moderate' in survey results and those identified as 'low' include those identified as 'very low' in survey results.*

Community members indicated that Action 2 would have the highest impact of all actions this was primarily due to many considering the threshold of 2,500m² per site in any consecutive 12-month period to be too stringent. This is followed by Action 4 and Action 3.

Costs

The majority of feedback highlighted costs as being a primary concern. This includes costs to prepare and process resource consents, including any technical input and costs associated with implementing mitigation measures such as erosion and sediment control plans.

Complexity

Complexity of the proposed management approach compared to the status quo was a common concern raised in feedback. Those who raised this concern were primarily concerned about the ability to undertake drainage maintenance and repair works under the proposed management approach. Those who identified the ability to undertake drainage maintenance as a concern desired to see the activity continue without additional regulation.

Availability of information to implement the proposed management approach

Concerns were also raised about the availability of information to implement the proposed management approach. Community members who provided this feedback were generally concerned about the reliability of available information to implement the proposed management approach successfully. This includes the availability of information to:

- determine culturally significant sites; and
- identify contaminated or potentially contaminated land, including the scale and extent of contamination where present.

Disproportionate impacts

Horticulture NZ considered that controls relating to the management of earthworks on contaminated land disproportionately impact horticulture operations, given they are identified on the HAIL.

Do you consider 2,500m² per site in any consecutive 12 months to be an appropriate threshold for large-scale activities? Why?

A key action proposed as part of the management approach is to require resource consent for larger-scale earthworks, land disturbance and sediment runoff. To require this, the proposed action sought to include an area threshold of 2,500m² of earthworks per site in any 12 months. Given the nature of this question, responses were both binary and qualitative.

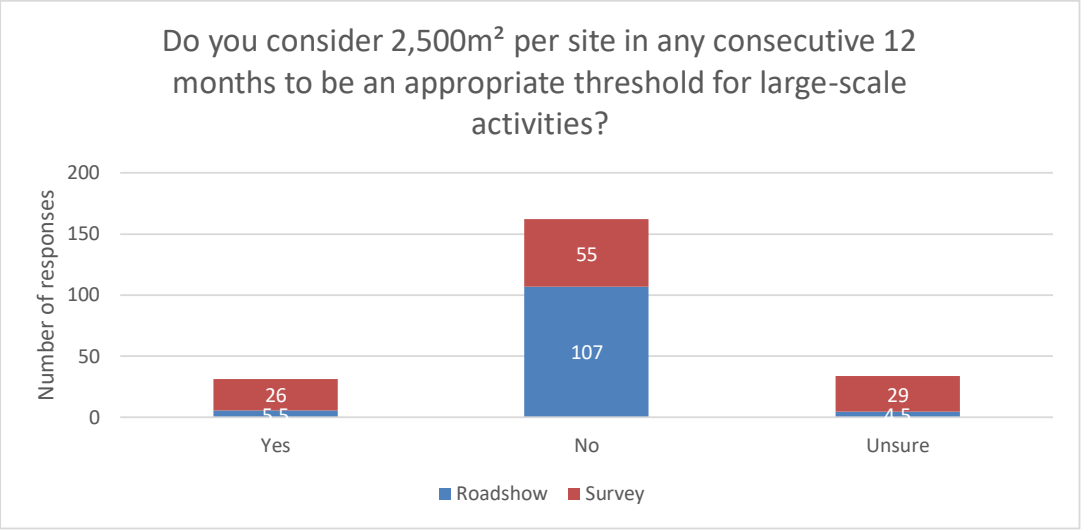

Figure 63: Counts of responses from roadshows and survey results indicating whether the 2,500m² per site in any consecutive 12 months is an appropriate threshold for large-scale activities.

Most community members considered 2,500m² per site in any consecutive 12 months to not be an appropriate threshold for large scale activities. When filling in the survey, people were asked to describe themselves. Most survey respondents that indicated “no” or provided alternative scale thresholds had selected “Dairy farming” or “Sheep and beef farming” indicating that the majority of concerns associated with this action are from the rural community.

2,500m² threshold

Action 2 is to require resource consent for larger-scale earthworks, land disturbance and sediment run-off. Under the proposed management approach, where the area of earthworks exceeds 2,500m² per site in any 12 months, resource consent will be required.

The majority of feedback received on the earthworks and land disturbance topic was in relation to the 2,500m² area threshold. Feedback from the community on this aspect was varied, feedback considered the threshold was too large, too small or should be retained. A number of those who considered the threshold to be too small provided alternative thresholds. These ranged from 5000m² to 50,000m².

Federated Farmers considered the 2,500m² is unlikely to be appropriate for average farm needs, but considers that if farm maintenance activities are excluded, then the threshold may be workable. Fish & Game considered the proposed threshold to be an improvement from the existing threshold of 24,000m³. NPDC did not consider the proposed threshold to be appropriate as earthworks undertaken at this scale have the potential to impact overland flow paths and could fill in flood plains. Te Korowai considered this to be an appropriate threshold if 'earthworks' are clearly defined.

Feedback from the Commerce SIG discussed the scale of earthwork projects undertaken, some participants reported completing between 600-700 earthwork projects annually while others reported undertaking projects on occasion. Some participants stated a preference for 3000m² which is consistent with the earthwork provisions of the NPDC district plan.

What is a 'site'?

Feedback was received from community members, and STDC seeking further clarification on the term 'site'. In particular, feedback questioned how the term would be implemented when applying the threshold on a farm or when undertaking trenching necessary for underground infrastructure.

Alternative scale thresholds

Community members also provided a range of alternative scale thresholds. These were typically provided in cases where the 2,500m² threshold was considered to be too restrictive. There was a wide variety of alternative scale thresholds provided, including:

- capturing slope as a contributing factor;
- a depth trigger in addition to an area threshold;
- setting limits based on property size; and
- increasing the threshold along with guidelines such as 'not too wet'.

One response indicated that instead of a scale threshold, there should be standards requiring no runoff to water bodies, sediment control measures, separation distances to sensitive receptors, soil type, and timing that works with weather.

What on-site practices do you use to manage earthworks?

The purpose of this question was to determine whether those who undertake earthwork activities use on-site practices other than those identified as part of the management approach. Responses provided to this question were qualitative.

A combined total of 53 qualitative responses were provided for this question. Of these, 48 were from the survey, and five were provided at the roadshow. When filling in the survey, people were asked to describe themselves. Most survey respondents who described on-site practices they used had selected “Dairy farming”, some responses were provided by respondents that selected “General public” and “Construction”.

Additional management actions utilised by community members

Community members shared a wide range of additional management actions that were not included in the proposed management approach. These included timing works to avoid wet periods to minimise sediment runoff and timing works to avoid dry periods to minimise dust production. Implementing a wide range of erosion and sediment controls, including clean water diversions, prompt stabilisation of surfaces (via grass seed or crop), staging works, silt fences, buffer strips and constructing sediment traps and pre-settlement areas (such as ponds) to enable sediment to fall out of suspension before discharging to surface water.

Feedback from Te Korowai stated that cultural monitoring can be undertaken by hapū to protect and manage sites of significance at a cost to the regulatory authority or resource consent applicant. Engagement of cultural monitors may be requested where earthworks are proposed to occur within 200 metres of a culturally significant site or where earthwork/land disturbance activities identify that it is required.

Many responses also noted that they typically engage contractors to undertake earthworks and determine necessary erosion and sediment control measures on their behalf.

Industry-specific implementation

Feedback provided by Horticulture NZ stated that growers manage their erosion and sediment control risk using industry codes of practice, such as the “Erosion and Sediment Control Guidelines for Vege Production” and the “Soil Drainage Management Guide.”

Implementation support for Taranaki Regional Council consideration

Some feedback from community members suggested practices that the Taranaki Regional Council should consider when implementing the proposed management approach. Suggestions included the development of guidance material and education seminars for mitigation measures, such as erosion and sediment control. Other suggestions were made to assist with the consideration of cultural values in resource consenting, which included Mauri Compass training, cultural monitors, and consultation with iwi/hapū. Feedback from Taranaki iwi and hapū stated that improving cultural competence among Council staff would assist with resolving their concerns.

Do you undertake any forestry-related earthworks? If so, how would the management options impact your operation?

This question aims to determine the impact of the proposed management approach for forestry-related earthworks. Responses to this question were binary and qualitative.

Feedback

A small amount of qualitative feedback was provided in response to this question. Approximately 95% of survey respondents indicated they do not undertake earthwork activities for forestry operations.

General feedback on forestry-related earthworks responses

DairyNZ stated that small-scale forestry works are common on farms, and farmers tend to rely on forestry contractors to undertake work.

Some feedback from community members responded to this question. A small number of responses noted general concerns with forestry activities, particularly slash. Some responses suggested additional management actions for forestry activities including afforestation being set back 500 metres from water bodies and no more clear felling. One response raised concerns that the community is investing in afforestation under the NES-CF and that a more restrictive framework under the Proposed Plan would incur additional costs.

Some responses highlighted that the Council requires a clear and consistent management approach to forestry. One response sought that the management approach to forestry be informed by using recent reports and inquiries into the impacts of cyclone Gabrielle on forestry activities in the and that further investigation is required.

Fish passage

Fish passage refers to the ability of fish and other aquatic species to move through different aquatic habitats throughout their life cycle. When rivers are fragmented by dams, culverts or other diversions, fish become separated from their breeding grounds, are cut off from food sources or get trapped in unsafe waters. Dams, weirs, culverts and other structures can create physical barriers that prevent/reduce fish.

The Council estimates there may be as many as 30,000 in-stream structures in Taranaki waterways, and expect thousands of these hinder fish passage. Some may require minor upgrades, while others will need complete replacement. The Council is endeavouring to encourage and enable the remediation of existing instream structures that fail to provide for fish passage.

During community consultation the Council sought to understand how they could best enable landowners to remediate fish passage barriers on their property. The Council also sought to understand appropriate timeframes for fish passage barrier remediation goals throughout the region.

How long will you need to undertake remediation works such as upgrading or replacing all the unsuitable in-stream structures on your property?

Under the NPS-FM the Council is required to set fish passage remediation goals and targets throughout the region. This question sought to understand appropriate and realistic timeframes for these goals. Community members could answer using the following options: 1-3 years, 3-7 years, 7-10 years or 10+ years.

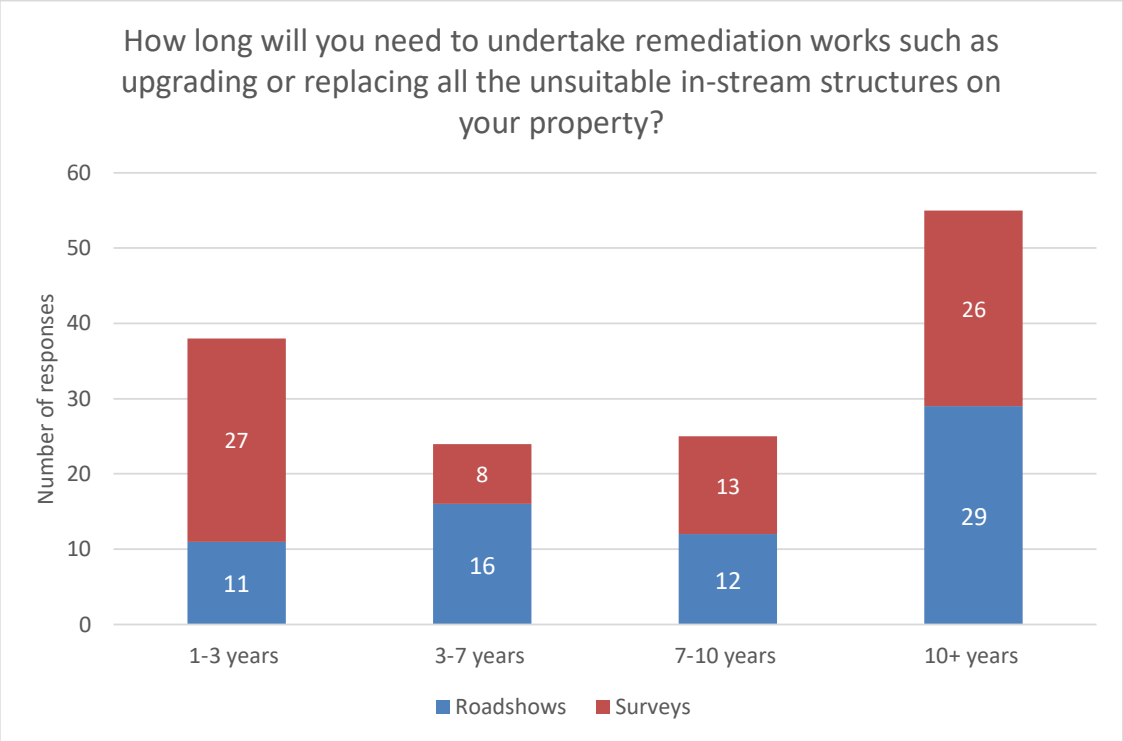

Figure 64: Counts for survey and roadshow responses using a multiple-choice scale to identify the timeframes community members believed were required to remediate instream fish passage barriers.

This graph demonstrates that most community members, 38%, preferred a timeframe of 10 or more years for completing remedial works. The next most popular choice, supported by 27% of community members, was 1-3 years. Timeframes of 7-10 years and 3-7 years received 18% and 17% support, respectively.

In summary, online survey participants generally favoured either 1-3 years or 10+ years for remediation, whereas attendees at the roadshow predominantly supported the 10+ year timeframe.

Bespoke remediation timeframes

There was significant support for the remediation of fish passage throughout the region. The community largely favoured remediation targets that considered the specific needs of each structure, with many advocating for a realistic, fit-for-purpose approach rather than a one-size-fits-all solution. Community members often mentioned that simple and cost-effective remediation projects could be completed within 1 to 3 years. However, they suggested that larger, more expensive projects (e.g., those costing $10,000 or more), such as the complete removal and replacement of a structure, should be allocated a timeframe of 10 or more years for completion.

Risk based prioritisation

The community emphasized the importance of targeting and prioritizing remedial efforts on the most problematic structures and at-risk aquatic environments. It was recommended that prioritization be based on a risk versus cost assessment. The community encouraged the Council to focus on structures in the lower reaches of catchments to achieve quick improvements in fish

migration and spawning habitats. Conversely, there are certain environments, and river reaches where remediation should not be a priority. For example, streams with no fish species, streams with overtly abundant fish life, and streams with natural barriers such as waterfalls may not require immediate intervention. Additionally, some fish passage barriers should remain in place as they help protect sensitive species from predatory fish.

Support for urgent remediation

As shown in the numerical analysis, several community members supported the remediation of fish passage barriers within 1-3 years. Community members recognized the cumulative impact that individual barriers can have and therefore advocated for urgent, timely action. Some members also wanted landowners to prioritize fish passage remediation over other property or business expenditures. Fish & Game encouraged the Council to focus on restoration efforts for trout and indigenous fish species. Other community members called for high-risk rivers, as well as river reaches flowing through urban and industrial sites, to be prioritized. The Council was urged to incorporate an expectation for the urgent remediation of fish passage barriers into the Fish Passage Action Plan or the Proposed Plan.

Support for longer timeframes

A substantial proportion of the community held a contrasting view, advocating for longer timeframes for the remediation of fish passage barriers. Numerical analysis indicated that 38% of the community preferred remediation timeframes extending beyond 10 years, with some suggesting that 20 years or more would be a realistic timeframe. Many cited the high cost of remediating existing instream structures as prohibitive. Some members were also opposed to making structure remediation compulsory. DairyNZ recommended deferring the notification of the Proposed Plan beyond the proposed mid-2025 date, citing the need for discussions with affected communities about fish passage remediation as a key reason for the delay. Additionally, a minority of community members believed that fish passage remediation was unnecessary, as they felt fish could navigate around the barriers.

How can the Council support you to remediate fish passage barriers on your property?

During community consultation the Council sought to understand how they could best enable landowners remediate fish passage barriers on their property. They were also given the opportunity to present their own ideas.

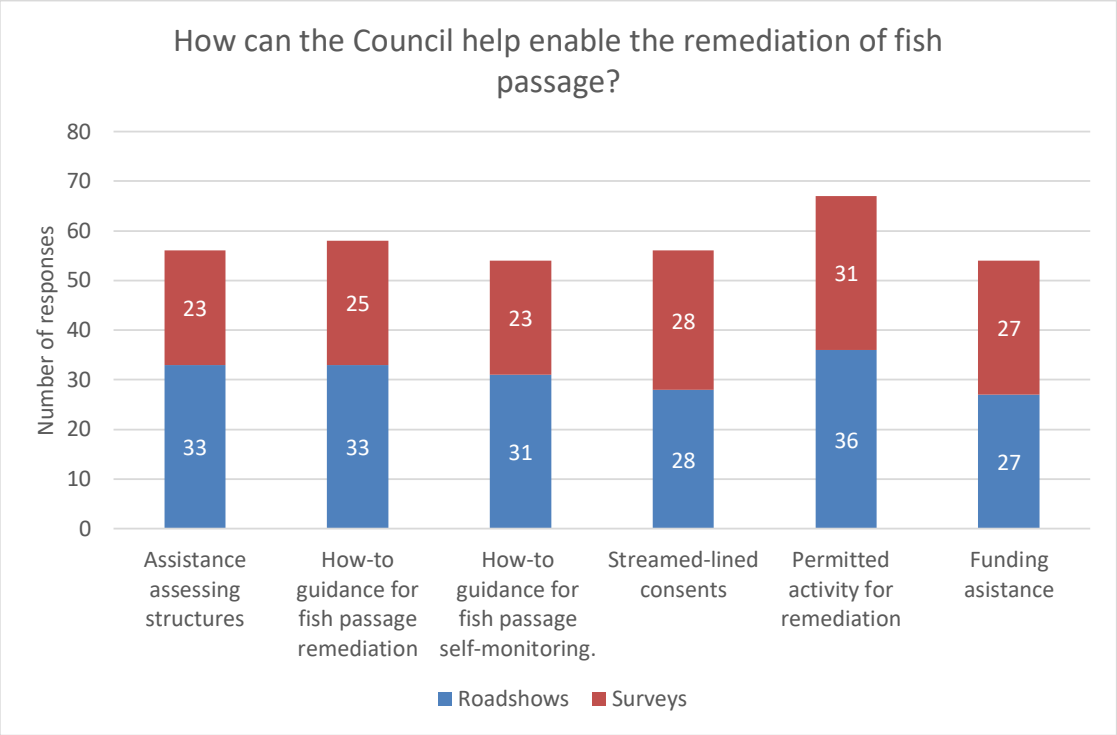

Figure 65: Counts of survey and roadshow responses using a multiple-choice scale to identify the support mechanisms community members felt would be most helpful for remediating in-stream fish passage barriers.

This graph shows that the community generally responded positively to the full range of support options presented by Council. Although support for each option was relatively even, a permitted activity pathway for remediation activities was the most commonly chosen option. Feedback on these options is provided below. Additionally, many community members proactively offered further ideas and solutions for addressing fish passage remediation throughout the region.

On-site structure assessments

There was notable support for the Council's involvement in assessing in-stream structures. Many recommended on-site physical and visual assessments, with some suggesting that Council Land Management officers could provide this support. A consensus emerged that successful fish passage remediation will require the Council's support and guidance on-site. However, a minority of the community expressed concerns about inviting Council staff or others onto their property.

Best practice guidance and educational tools

There was strong support for guidelines that communicate consistent and enduring best practices for remediation. Some landowners were unsure if fish passage barriers were present on their property and expressed a need for guidance to better understand what these barriers look like. Many community members encouraged the Council to focus on providing guidance and education before considering regulatory measures in the fish passage space.

It was noted that as fish passage has not previously been a focus for the region, it would be beneficial for the Council to employ educational tools and demonstrate to the community the expected standard for fish passage remediation. The Council was encouraged to provide targeted

education to rural professionals including workshops, webinars and guidance material. The community sought education efforts that demonstrate the minimum standards for remediation, replacement or alteration of in-stream structures. Some community members felt that there was an evident lack of understanding about culvert installation and necessary remediation. Community members encouraged the Council to showcase 'model' fish passage structures that provide an example of effective fish passage remediation, they also requested species information be shared so that the public may become educated as to each fish species' fish passage needs.

Funding assistance

Feedback on funding assistance through targeted rates was mixed. While many community members supported the idea of funding assistance, some were hesitant to fully endorse it without detailed information on how the Council would implement it. Others opposed targeted rates, viewing them as inequitable. A minority felt that since fish passage remediation is primarily a government priority, the costs should be borne by government rather than private landowners.

Reduced resource consenting burdens

There was widespread support for reducing resource consenting burdens, particularly through a permitted activity pathway for replacing, maintaining (including debris clearing), and upgrading culverts and in-stream structures. Some individuals cited a fear of non-compliance with national and regional regulations as a key reason for delaying in-stream remedial works. Many community members believed that permissive pathways with fewer conditions would encourage landowners and farmers to enhance fish passage throughout the region. They felt that the Proposed Plan should facilitate remedial works, especially since most culverts in need of upgrading would have been compliant with relevant rules at the time of installation. Fish & Game critiqued the current Regional Freshwater Plan for making the removal of orphaned structures overly onerous and recommended using the successful removal of the Timaru Stream weir as a template for other orphaned structure removals. However, one community member cautioned the Council to ensure that easier activity pathways do not misalign with iwi management plans and Policy 3.24(1) of the NPS-FM.

Regulatory tools

During consultation, several regulatory tools were highlighted as potential means to encourage the remediation of fish passage. FWFPs were suggested as a possible tool for enforcing fish passage requirements in a tailored and bespoke manner suited to each farm's specific circumstances. It was noted that under the current Regional Freshwater Plan, in-stream structures that fail to provide for fish passage are non-compliant with Rule 52 and thus require a resource consent under Rule 64. Theoretically, this should incentivize landowners to address fish passage barriers; however, it has not achieved this outcome. Concerns were raised that the Council is not adequately conducting compliance checks on in-stream structures, allowing fish passage barriers to go undetected. Additionally, there were worries that consent conditions are not being drafted in a way that sufficiently protects fish passage.

Other solutions

Several community members provided creative solutions for addressing fish passage throughout the region. One idea was to implement a remediation hierarchy within the Proposed Plan that ranks the Council's preferred methods of remediation from most to least favoured. Another suggestion was

for the Council to work intensively with one catchment community to restore fish passage, with the aim of using this catchment as a model for the region. Some iwi and hapū expressed a desire to be involved throughout the development of the regional fish passage action plan. Additionally, a community member recommended that the Council collaborate with Fish & Game on fish release programs to promote the breeding and presence of fish species throughout the region.

Challenges, objections and concerns

Some community members had reservations and concerns regarding the restoration of fish passage. Several community members opposed including waterways with natural fish passage barriers, such as waterfalls, within a remediation plan. They argued that remediation efforts in these areas might have limited benefits due to preexisting natural barriers upstream or downstream. Others worried that in-stream works and alterations to the stream bed could lead to further environmental issues and create new fish passage barriers downstream.

Additionally, some private property owners were reluctant to invest in fish passage remediation until structures owned by a district council and Waka Kotahi were addressed. There was also concern that Council or nationally owned structures on or adjacent to farmland should not be the responsibility of landowners.

The community highlighted the significance of piharau, inanga and eel and encouraged fish passage be restored to a standard that protects these species.

Observations

The consultation process provided a unique opportunity for Council staff to meet with community members to discuss their concerns, criticisms and issues relating to freshwater management. It was the first consultation of its kind held by the Council noting the significant reach (both spatial and numerical).

Although a significant resourcing commitment (with at least 4 policy staff, 4 science staff and 2 communications staff in attendance at each roadshow event) it is clear that the approach aided the community in being more informed of policy options and science developments. Council staff commented on the value of being face to face with the community and having a forum that enabled individual conversations to evolve and local concerns to be flagged. Although tense at times, the majority of interactions were positive.

Tangata whenua hui provided a unique opportunity for Council to meet kanohi ki te kanohi with iwi, hapū and whanau. The preparation of these hui were supported by iwi kai mahi who ensured appropriate tikanga and assisted Council to prepare a format and structure that worked at each location. Cultural safety for both Council staff and tangata whenua was key. All of these contributed to creating an environment where the views and perspectives of tangata whenua could be openly expressed. That Council staff could also ask questions and seek clarification was a great benefit to better understanding the views and perspectives of tangata whenua.

Special interest workshops had varying levels of success and staff take on board some of the criticisms of that process, noting that some workshops did not have sufficient time to go through the set material, questions from the floor and workshop tasks. Despite these limitations, staff believe that these workshops contributed to industry bespoke submissions being more informed and able to provide high quality feedback and have aided the establishment of relationships between staff and stakeholders.

Generally speaking, analysis of numeric responses indicated that roadshow attendees provided less ‘neutral’ responses than those who participated online. It is possible that ‘neutral’ responses indicate uncertainty with forming an opinion (which was expressed from time to time during the roadshow), and that uncertainty or confusion was able to be clarified in conversations with Council staff. While survey responses enabled people to participate in the consultation at their convenience, quality of responses varied significantly. In many cases, Council staff would have liked to seek clarification from responders on their intent which was not possible in the format.

Key policy and science next steps

The feedback received during the consultation period will guide the next steps for Council's programme in drafting a new the Proposed Plan. It is acknowledged that the volume and quality of feedback means there is a lot to work through. However, it is important to provide the community, where we can at this point, an indication of how the information received has been taken on board.

Set out below is a summary of the next steps, noting that in some instances detail will continue to evolve as the process progresses. The next steps have been grouped under three main headings, and where relevant to a particular consultation topic this has been identified.

Engagement and collaboration

- Continue to work with tangata whenua on how the future proposed plan will recognize and integrate mātauranga Māori and mahinga kai, including in plan implementation. Also continue to work closely with Pou Taiao in all policy development and refinement.
- Set up a working group with district councils to discuss policy approach to stormwater and wastewater networks. Specifically cover the following:
    - Explore the challenges and feasibility of potential policy options, specifically wastewater treatment to land and treatment of stormwater.
    - Implications of separating stormwater and wastewater to address wastewater overflow risk, and explore management and consenting approach to wastewater overflows.
    - Explore details of the planned network upgrades across the region.
    - Stormwater monitoring opportunities and constraints.
- Further discussions with district councils to explore opportunities to collaborate on various topics to ensure duplication is minimized between the two planning frameworks. Specific topics include earthworks and septic tank management.
- Stand up a working group with key industry and community representatives to explore the opportunity to develop a Riparian Planting Action Plan.
- Undertake further discussions with relevant stakeholders in relation to the earthworks provisions to test future policy options. Stakeholders to include tangata whenua, industry groups, district councils and farming, forestry and earthwork contractor representatives.
- Set up an effluent working group with key industry and community representatives to refine policy direction.
- With the community and tangata whenua, investigate ways to explore how on-site assistance may be provided through a fish passage action plan for monitoring and remediation of fish passage.

Policy direction

- Ongoing commitment to exploring opportunities to incorporate mātauranga Māori within the plan development and implementation, along with providing for Mahinga Kai through the setting of targets.
- Pending further science investigations in relation to finalising the draft TAS, updates to the policy direction will need to be made to reflect any changes to timeframes or interim targets set.
- Linked with science investigations, progress farm practice policy options to undertake an analysis of the most effective good farm practices for Taranaki. This will consider the following:
    - identification of high-risk activities and associated management options
    - possible contaminant load reductions
    - ease of implementation
    - implementation timeframe.
- A number of areas of interest were identified that are beyond the content of the consultation process, to address these policy work will be undertaken in the following areas:
    - Investigate taking a catchment lens where possible in setting policy direction
    - set criteria for the identification of outstanding waterbodies, and a framework for the protection and management of their values
    - develop a groundwater framework that deals with two aspects – 1) groundwater quantity management framework and 2) managing land use impacts on groundwater quality.
    - introduce water source protection zones, that will be protected and managed from adverse effects of activities of risk
    - develop receiving water quality standards – this may include receiving water standards, end of pipe standards, application of mixing zones and management of cumulative effects.
    - develop a suite of oil and gas provisions
    - identification of activities where FWFP can be linked to the rule framework, including exploring where permitted activities may be enabled when linked to a certified FWFP.
- Investigate and identify the opportunity for non-regulatory programmes to support policy direction, particularly in relation to the uptake of good farm practice across the region.
- Progress further work in relation to economic analysis of policy positions as drafting is refined. This will need to specifically focus on potential impacts from any good farm management built into the framework in order to achieve TAS.

- Continue to explore policy direction to manage intensification but acknowledge that limits on stocking rates in particular are unlikely to be undertaken as part of this plan due to the significant uncertainty and information requirements to implement.
- Progress Scenario 3 in relation to surface water allocation, and specifically consider the following aspects of the policy framework
    - efficiency requirements in relation to water takes, including how catchments may need to prioritise water reductions in times of low flow.
    - identification of groundwater allocation and opportunities to prioritise where appropriate. This will link with further science work in relation to groundwater allocation and long-term sustainability.
    - work with tangata whenua to consider how cultural flows could be developed and implemented.
- Progress with policy direction to phase out dairy effluent discharges to water and develop options for Council to consider, including:
    - a region-wide staged transition (preferred option from the overall consultation feedback); and
    - largely region-wide staged transition, but with an alternative individual transition pathway for farms where the transition will be difficult, to allow extra time to plan for transition or land use change (preferred equally to staged transition by dairy farmers and a commonly suggested alternative option).
- Clarify which parts of an effluent management approach could apply to non-dairy effluent and which may need an alternative approach, along with further consideration of the application of DESC (especially to existing ponds) and the role of the DairyNZ Effluent WOF programme.
- Progress with developing a policy framework which allows small animal effluent discharges to land via a permitted pathway.
- Investigate how many small-scale trade and industrial premises would be caught by progressing with a policy approach to remove permitted activity pathway for properties under 0.5 hectare and focus more on contaminant risk in relation to stormwater discharges.
- Investigate taking different policy approaches to the management of septic tanks in relation to rural areas versus more densely populated urban areas. Consider key parameters such as land characteristics and size, proximity to receiving environment and cumulative effects in any future framework.
- Proceed with policy framework to manage earthworks through the regional plan, however undertake further investigations to refine approach, including:
    - Reviewing what activities would be considered ‘earthworks’.
    - Review the 2,500m2 per site in any 12-month consecutive period threshold.
    - Consideration of exclusion to t enable some rural earthworks to occur.

  - Investing using depth, volume and or slope threshold and actions that enable consideration of natural hazard risk.
  - Reviewing available information on forestry activities in Taranaki.
- Proceed with drafting of provisions which support and encourage remediation works to occur for fish passage.

Science investigations

- Continue existing work programme to review the existing monitoring network to support Council in moving towards a wider spatial coverage in the future. Work with mana whenua in identifying opportunities for mātauranga Māori considerations.
- Identify actions to progress the draft TAS process for those attributes part of the consultation, this includes:
    - additional mitigations to be investigated (potentially modelled), specifically in relation to additional good farm practice actions impacts on *E.coli*, nutrients and sediment, as well as overall ecosystem health achievement.
    - investigate to what extent nutrient criteria can and should be used in achieving TAS for periphyton
    - continue investigation to examine effects of mitigation scenarios on individual *E.coli* criteria and consider alternative criteria to the 95th percentile metric and which account for flow conditions, along undertake further work to refine the aspirational long – term targets for *E.coli* beyond 2035.
- Progress work on remaining attributes, specifically those relevant to ecosystem health, including macroinvertebrates, fish and phytoplankton, so that a more holistic approach can be presented in future work.
- Focus on more effective communication in relation to climate change considerations, noting that all technical reports identified how climate change had been considered in the investigations undertaken.

Programme next steps

This engagement has been extremely insightful and has provided Council staff with necessary information to progress policy development, mindful of community expectations. Feedback received from this round of consultation will be taken in account alongside previous engagement results, the Council's scientific data, and legislative requirements. This combination will be used to further refine and inform the development of the freshwater framework for the Freshwater chapter of Taranaki's Regional Policy Statement and for the Proposed Plan.

The next steps for Council is to develop, assess and analyse policy options that will lead to policy drafts being prepared. Along with that Council will also finalise its draft target attribute states and complete any further science investigations necessary to be able to do so.

Separate to any targeted consultation identified in the previous section '*Policy and science next steps*', broader public consultation period is unlikely to be undertaken in the remainder of 2024. The community can expect further engagement in the first half of 2025. More information will be made available as to exact timing as soon as possible.

Should you wish to discuss any matters concerning this report or the freshwater programme, please email policy@trc.govt.nz.

Appendix 1: List of figures

Appendix 2: List of tables

Freshwater Consultation report back

Lisa Hawkins
Taranaki Regional Council

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Engagement overview

What on:

Draft Target Attribute States (TAS) and proposed management approaches

When:

10th of June through to the 2nd of August 2024

Why:

Respond to the NPS-FM and to inform drafting of proposed Land and Freshwater Plan

How:

- an online survey via the 'have your say' website;
- community roadshows;
- tangata whenua workshops;
- Special Interest Group (SIG) workshops; and
- bespoke submissions.

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Quick stats

- 230 surveys completed;
- 16 community roadshows held with 549 people in attendance and over 1,100 points of feedback received;
- 7 hui with tangata whenua were held with approximately 70 people in attendance;
- 13,066 views of the 'have your say' website;
- 142,680 people reached through radio advertising audience;
- 662,481 impressions and reach on social media;
- 9,158 reactions / comments / shares;
- 2 TRC media releases; and
- 12 media stories.

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General Feedback

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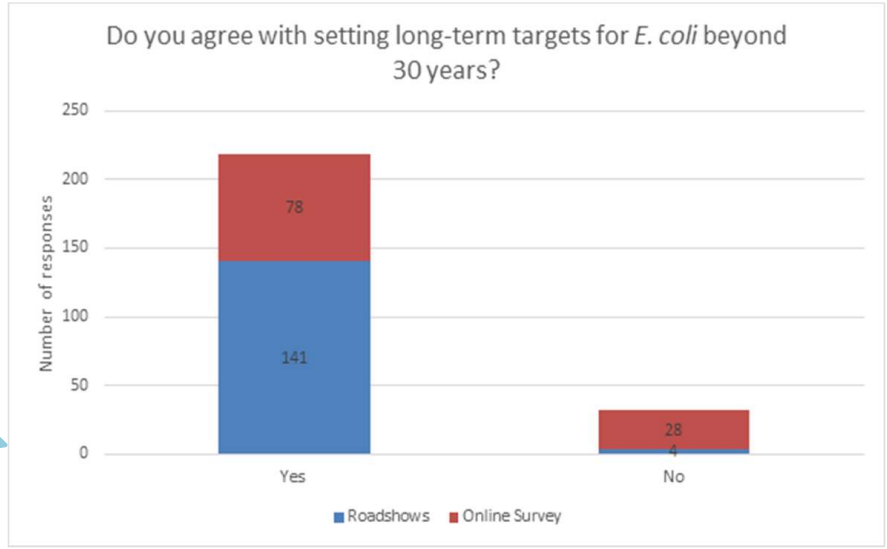
General Feedback

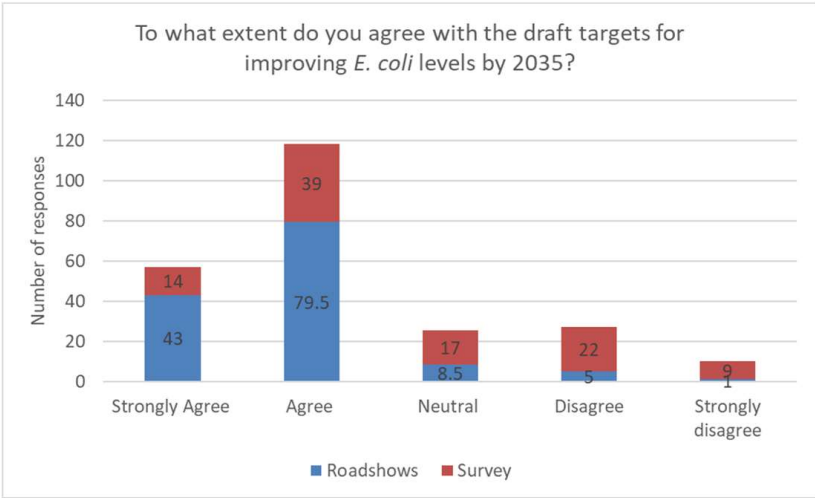
- Timeframes to make improvements
- Freshwater values and character
- Monitoring sites and data availability
- Plan review process
- Climate change
- Outcomes for freshwater health

E. coli

Feedback

87% support for the setting of long-term targets for *E. coli* beyond 30 years.





73% support for the *E. coli* draft 2035 TAS.

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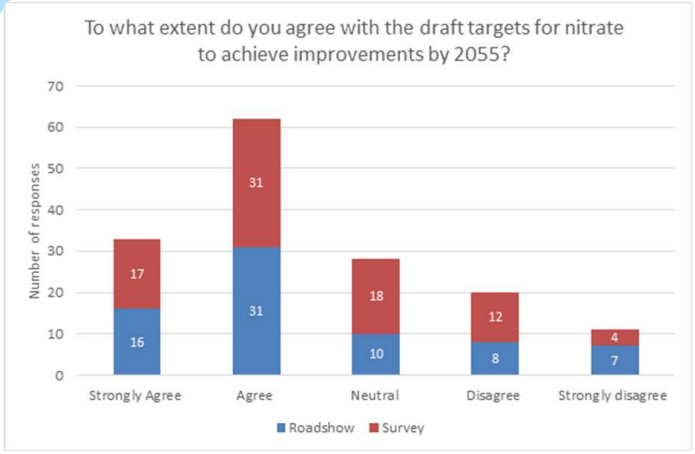
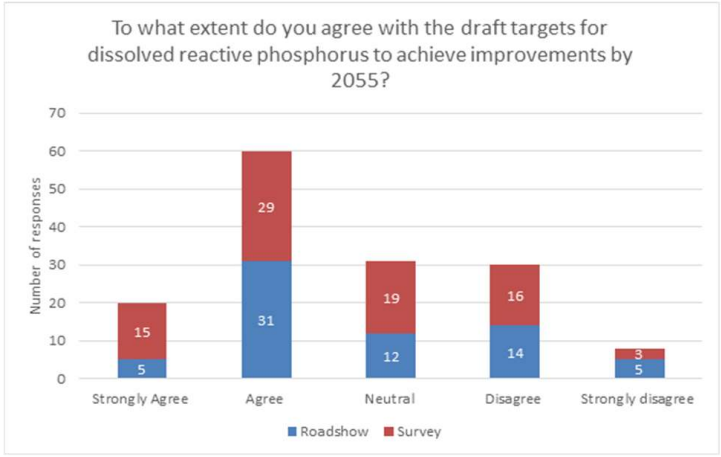
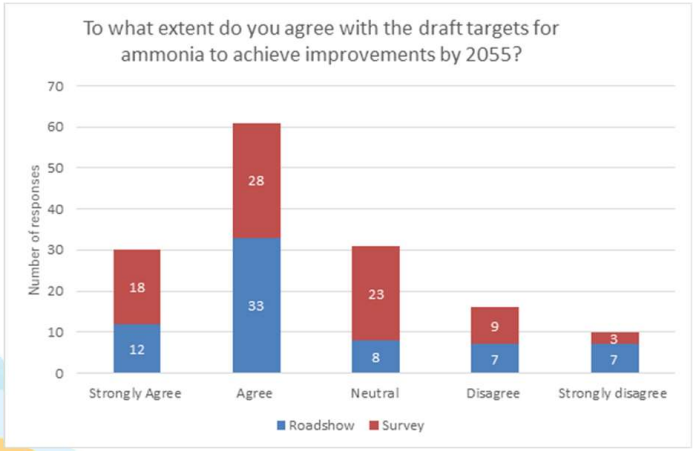
Nutrients

Feedback







Agreement reasons

- Protect freshwater, human health and drinking water.
- Balances aspiration with achievability.

Disagreement reasons:

- Seeking a stronger/faster approach
- Seeking a softer/longer approach

Other/neutral responses

- Targets too abstract for comment
- Disagreement with process

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Periphyton targets and nutrient criteria

- Periphyton target received mixed feedback
- Dairy NZ submission particularly focused on the approach to arriving at periphyton targets and nutrient criteria to support targets
- Industry advised against using nutrient concentrations as proxies for ecosystem health
- Support for broader indicators of ecosystem health
- More work to do in identifying how targets can be achieved with support for GFP as well as some support for nutrient management tools

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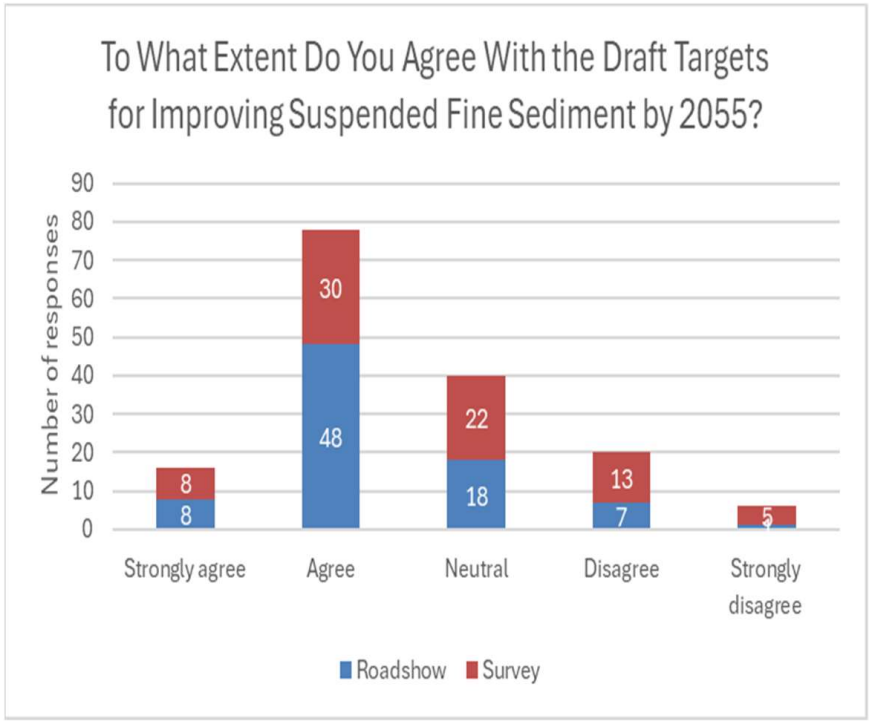
Sediment

Feedback on Suspended Fine Sediment (SFS)

59% supported the draft TAS for SFS 2035.

25% were neutral about the draft TAS for SFS 2035.

16% opposed the draft TAS for SFS 2035.



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Water allocation

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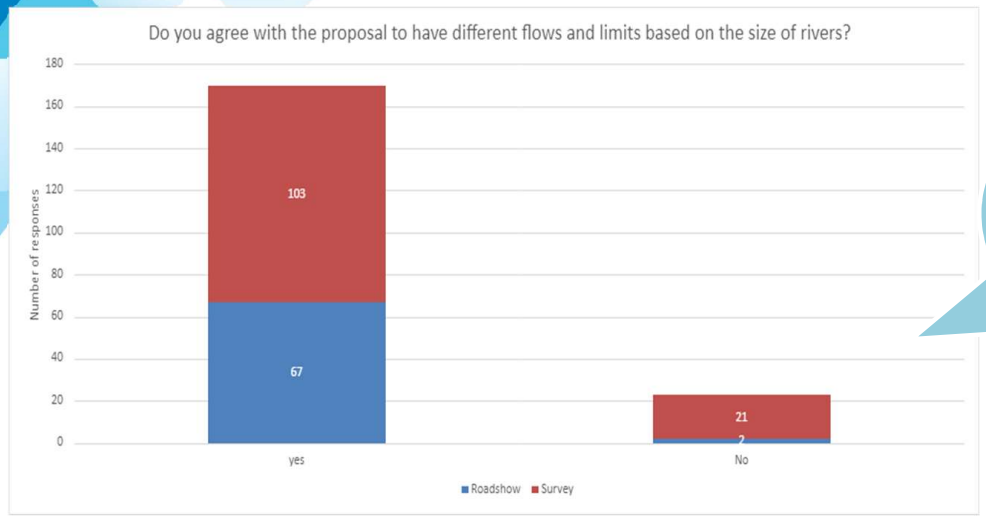
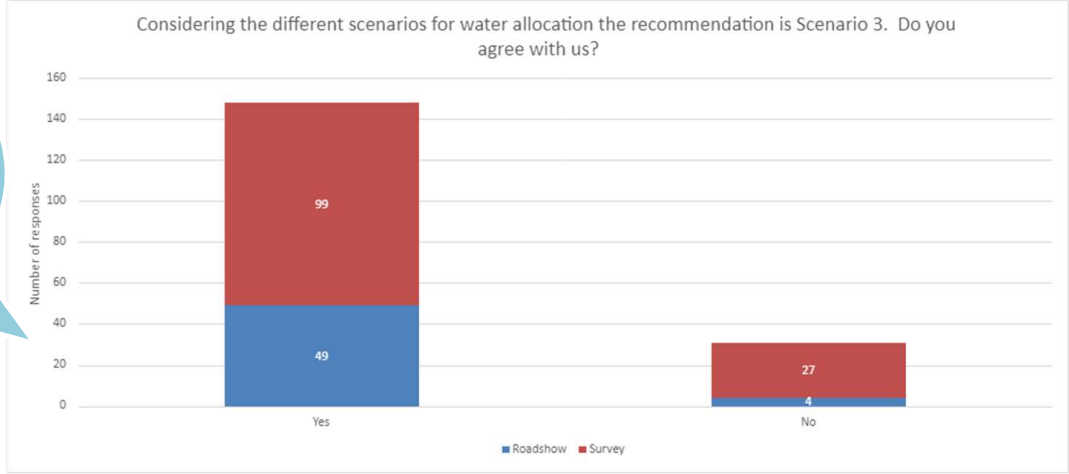


There was strong support for the Councils proposed approach to have different flows and limits based on river size

83% of respondents supported the Councils recommended approach



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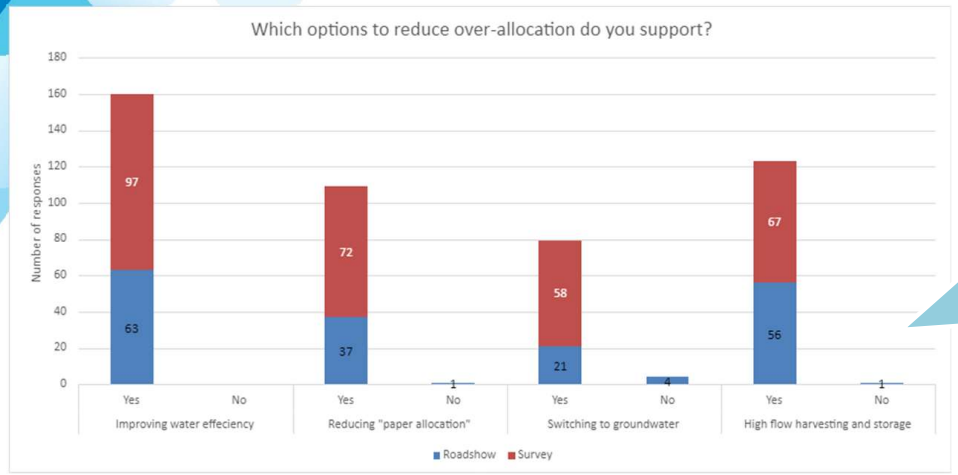
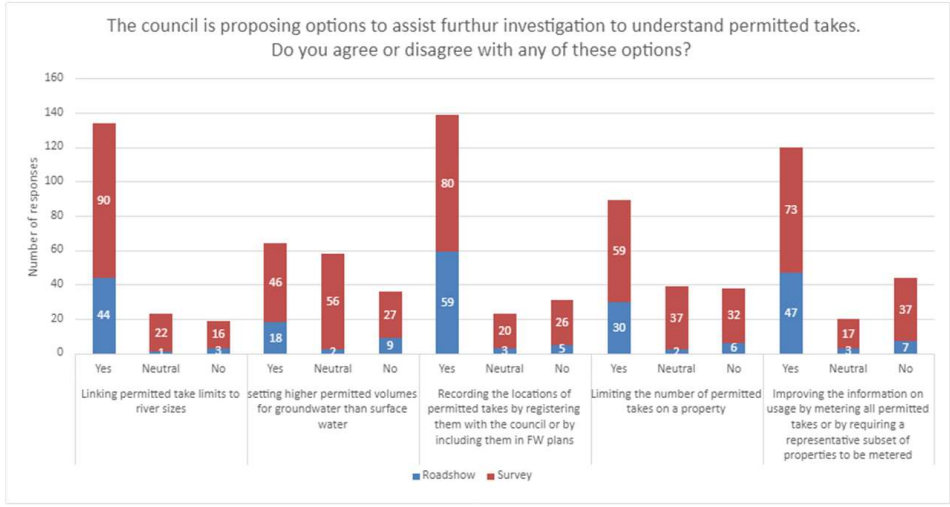


There was strong support for all the methods proposed to help reduce over-allocation

There were mixed views on the most appropriate methods to collect information on permitted takes



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Farm practices

Good farm practice

Riparian planting

Freshwater Farm Plans

Managing Intensification

Diversification

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Good Farm Practices – What we heard

Good Farm Practice	Percentage uptake from people that responded
Riparian Planting	99%
Minimizing intensive winter grazing	97%
Planting clover and plantain	86%
Retiring unsuitable grazing land	96%
Bridging stock crossing points	90%
Fencing off critical source areas	90%
Directing track and bridge runoff	86%
Deferring effluent discharge for optimal conditions	85%
Sediment traps, retention ponds, bunds	82%
Poplar planting	52%
Feed pads, stand-off areas, herd homes	52%

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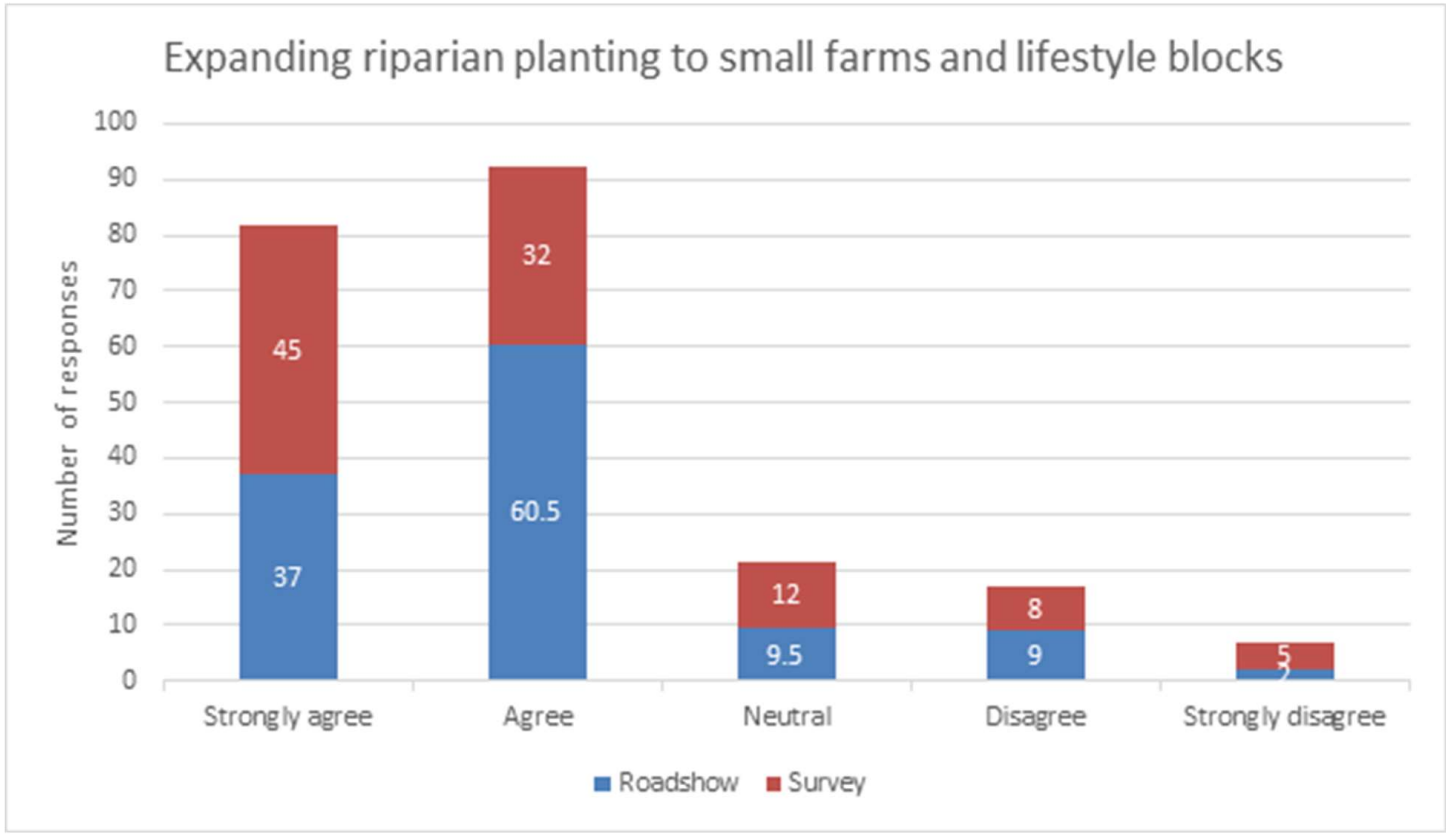
Good Farm Practices – Challenges

- Initial investment costs and ongoing resourcing (incl labour and upskilling)
- Land suitability
- Regulatory constraints (incl resource consenting)
- Weather events
- Loss of productive land

Riparian Planting



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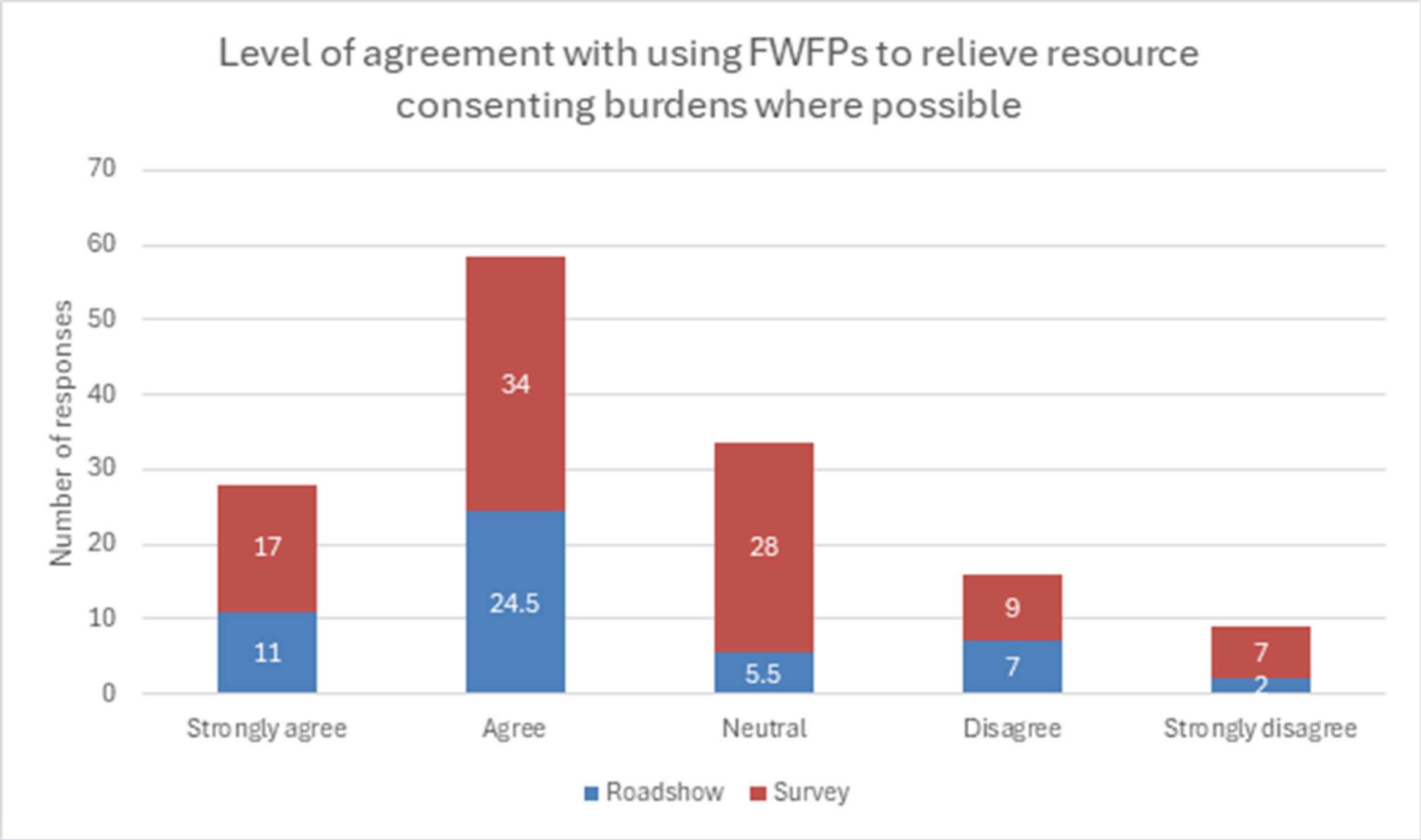
Freshwater Farm Plans



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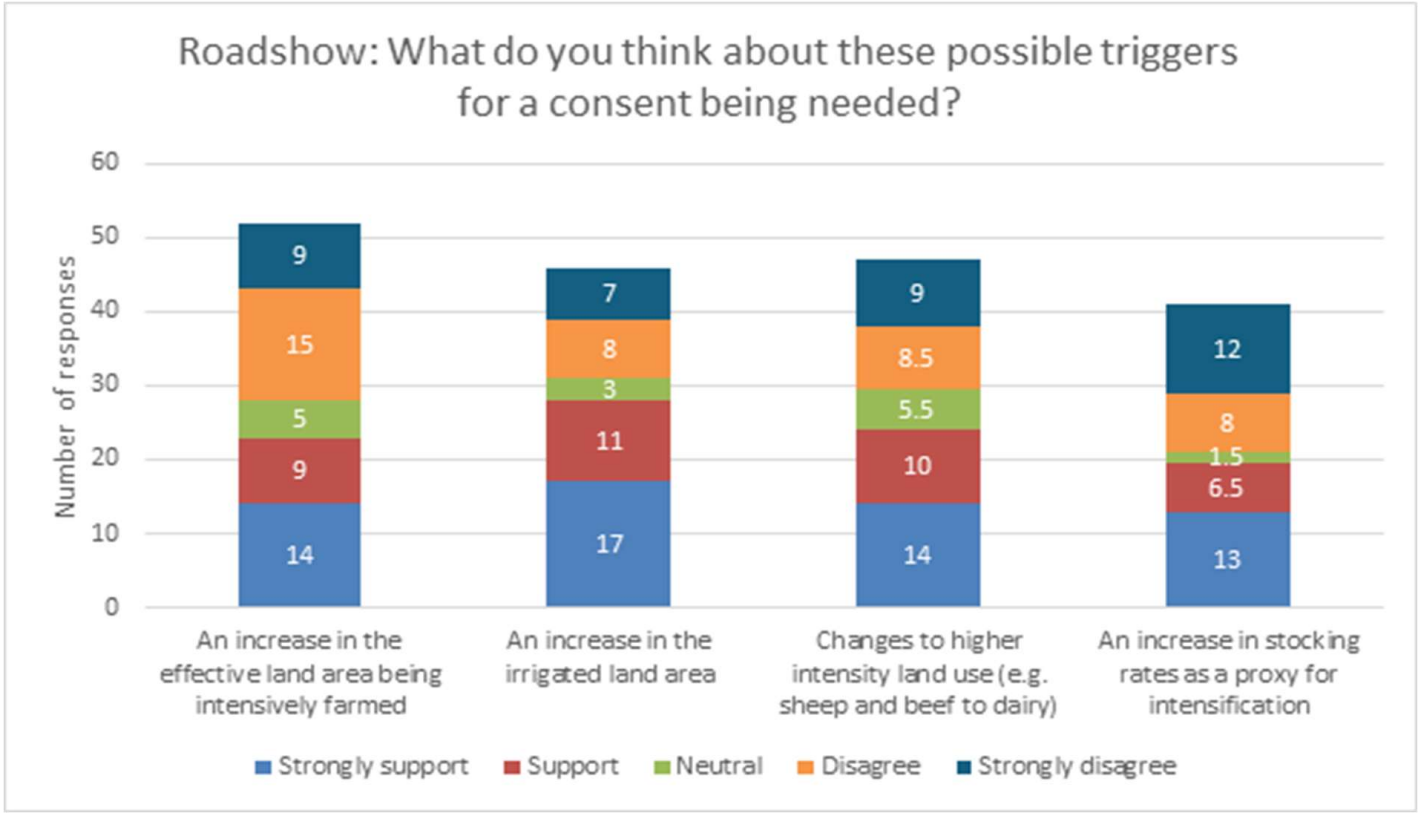
Managing Intensification: 1



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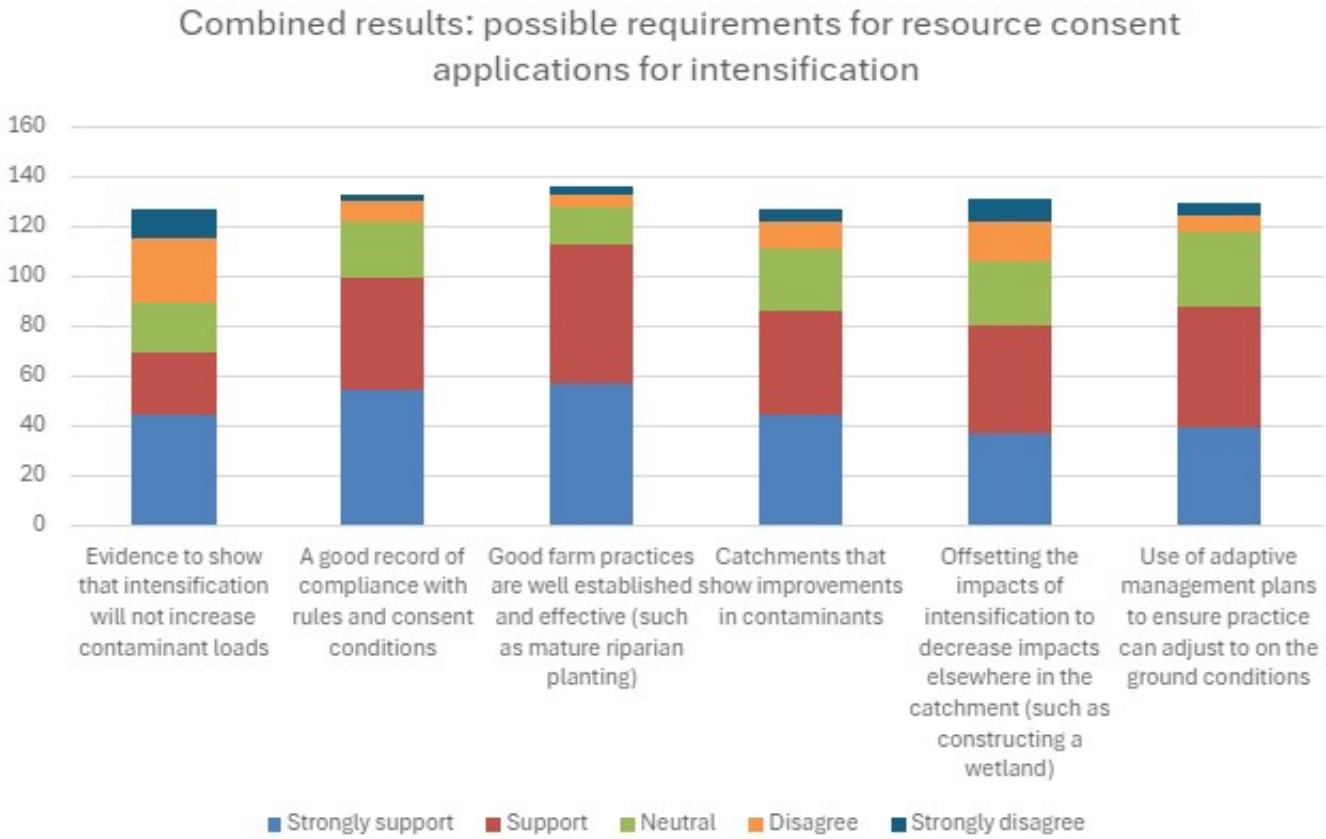
Managing Intensification: 2



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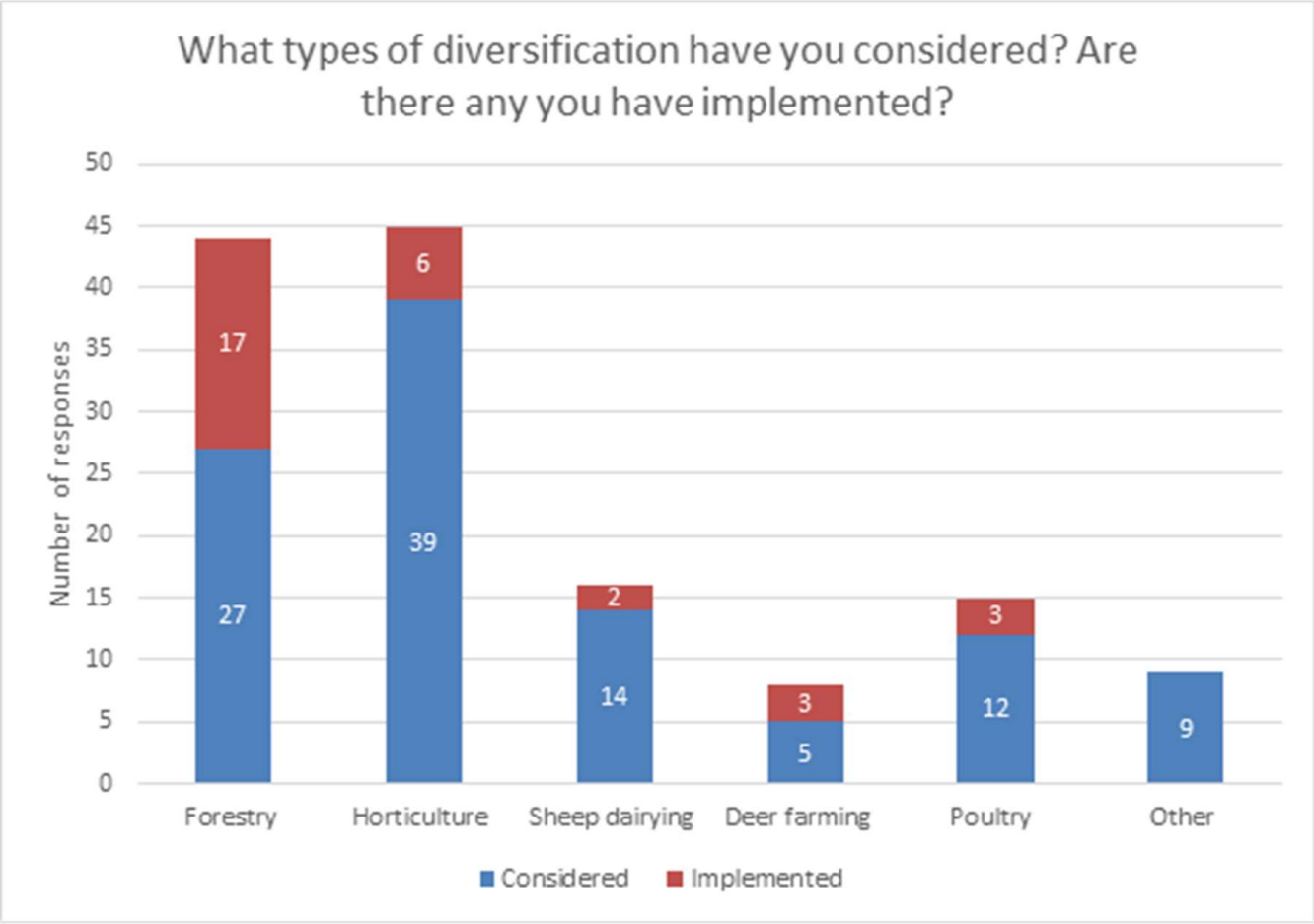
Diversification – What we heard



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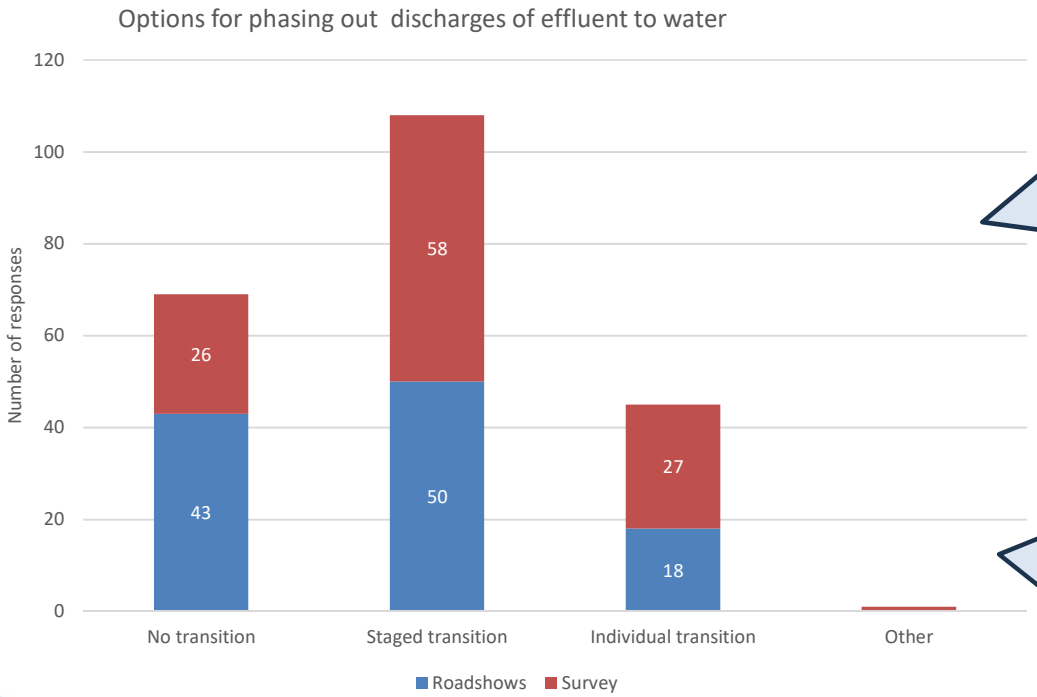
Animal effluent

Phasing out discharge of effluent to water



Generally, there was support for phasing out direct discharges of effluent to water.

Overall, most people supported a staged transition

The main concerns raised were regarding the cost and practicality of discharging to land, especially for those in high rainfall areas

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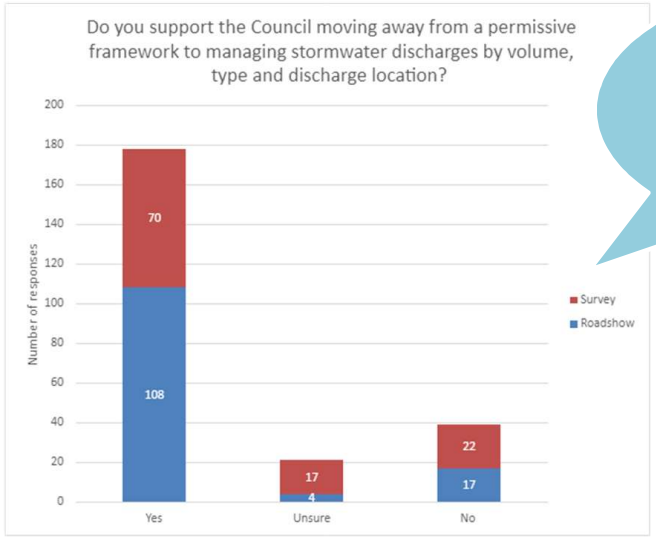
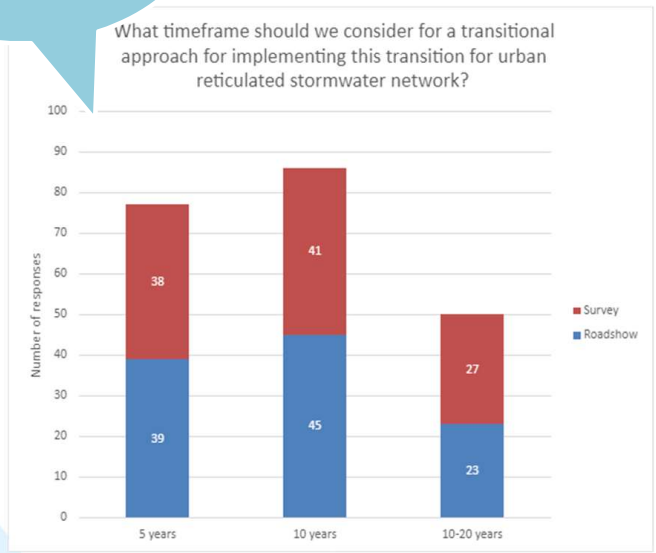
Stormwater

Feedback

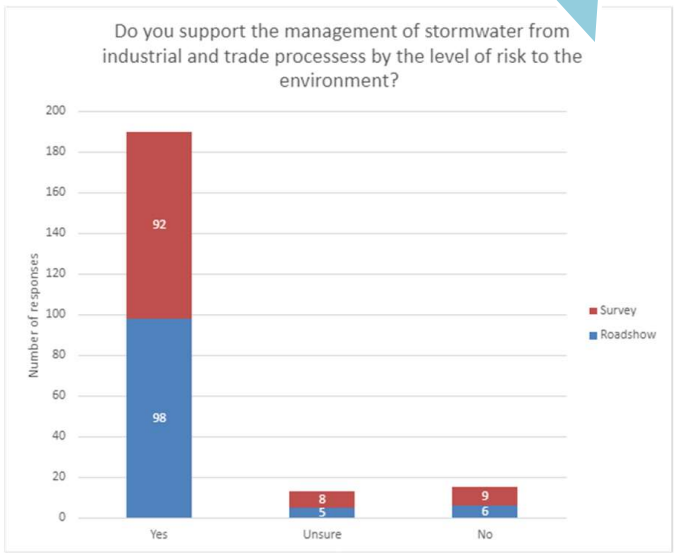


The community generally supported the proposed framework to manage reticulated networks by volume, type and location

There were mixed views on how long any transition should take



The community supported the proposed framework to manage industrial and trade stormwater dependant on the level of risk.



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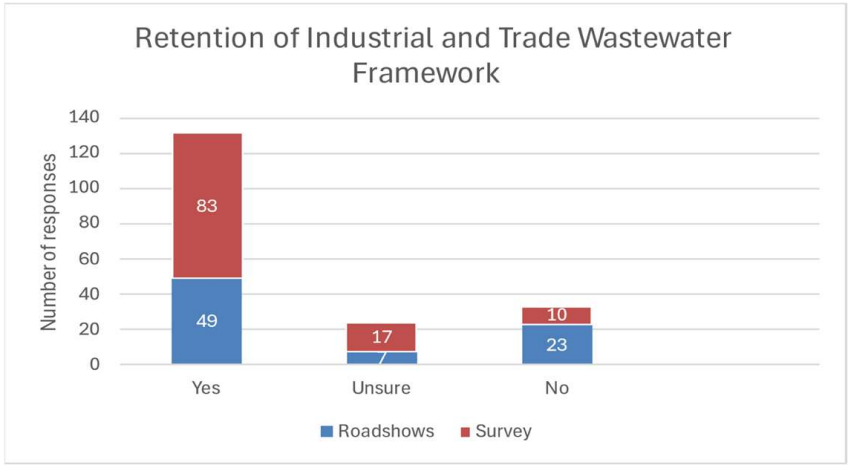
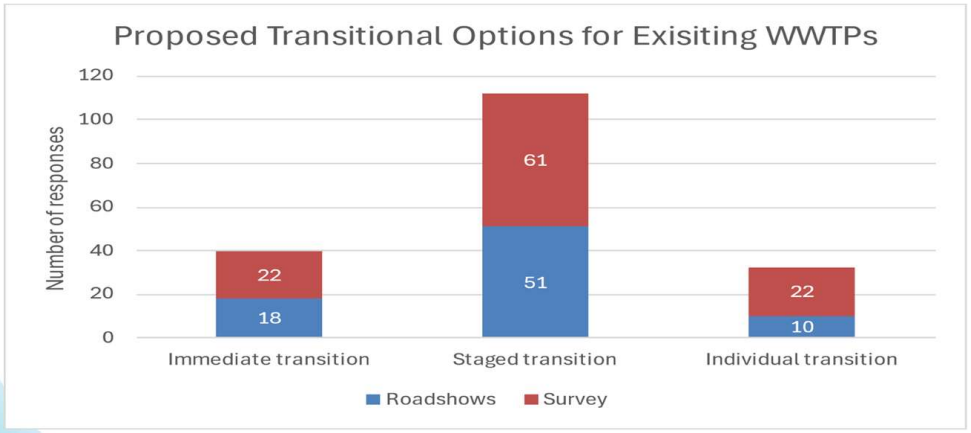
Wastewater

Feedback

70% supported retaining the current framework for managing I & T wastewater





61% supported a staged transition for redirecting existing WWTPs to land

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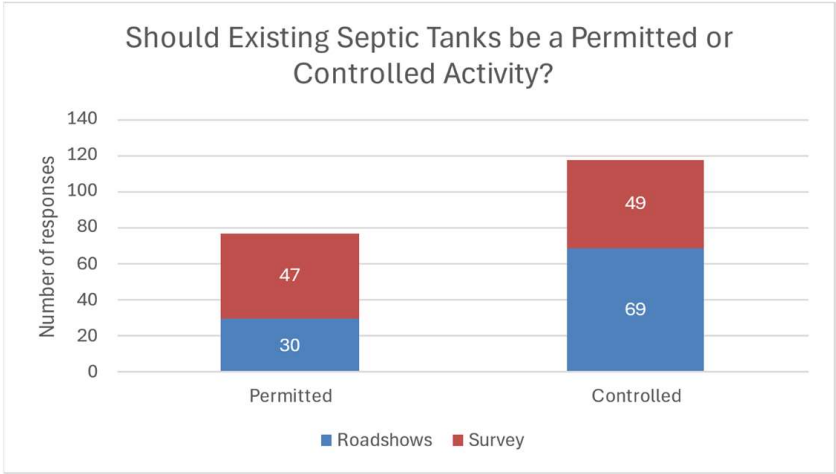
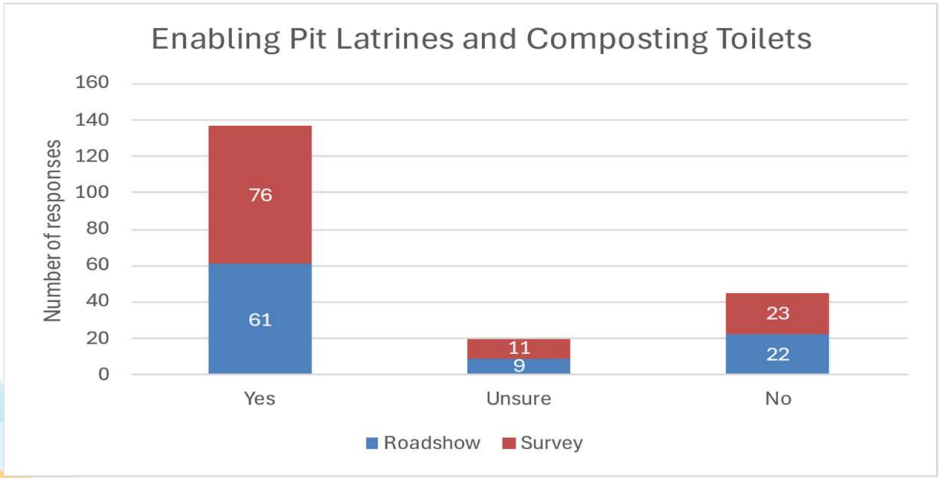
Feedback

61% supported existing septic tanks being a controlled activity





68% supported a permitted pathway for pit latrines and composting toilets

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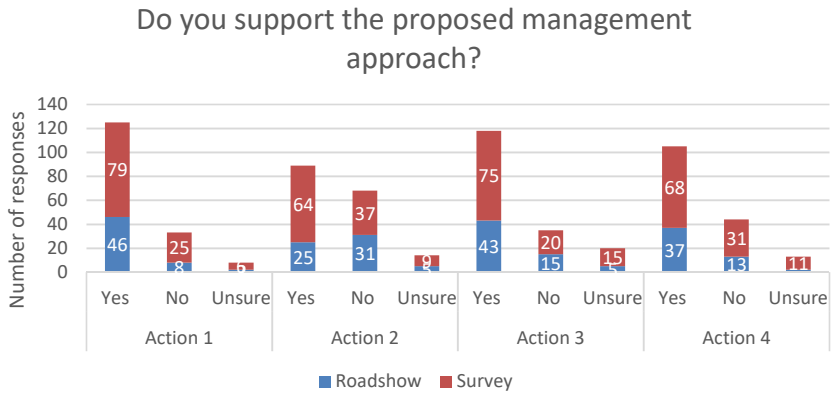
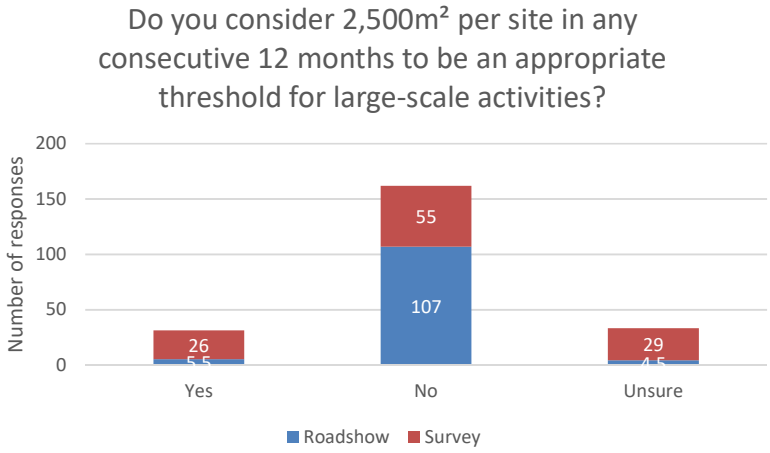
Earthworks

What we heard



Most community members considered 2,500m² per site in any consecutive 12 months to not be an appropriate threshold for large scale activities

Most people indicated support for the proposed management approach



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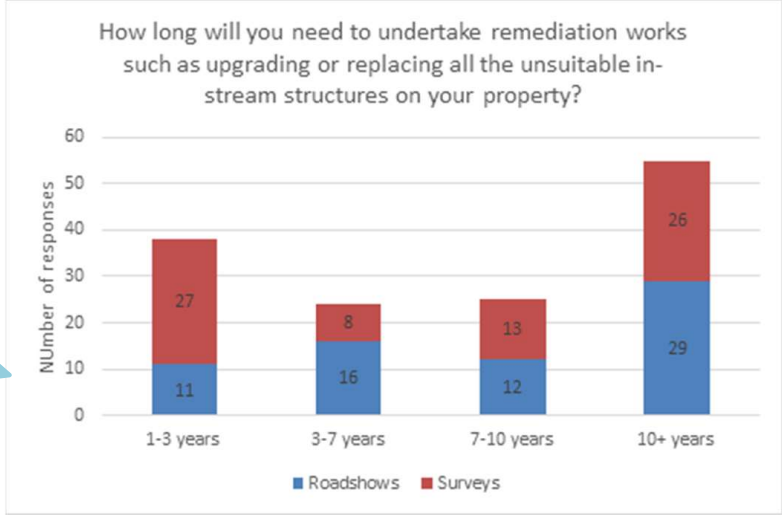
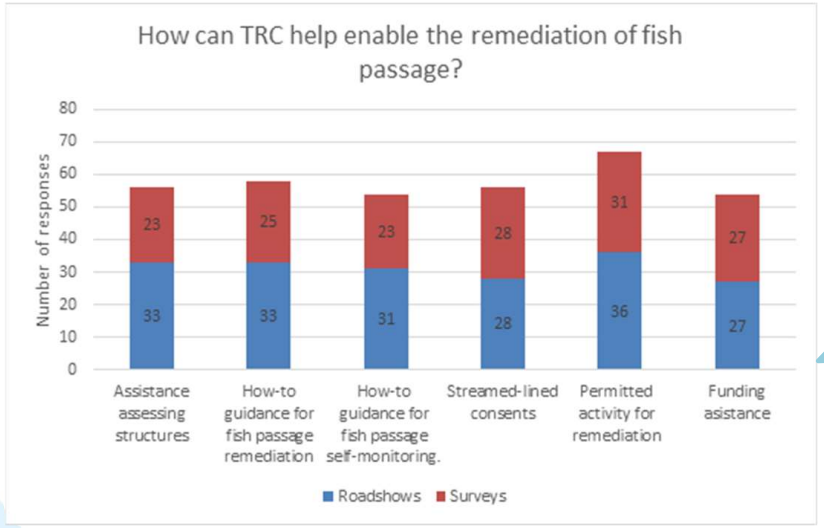
Fish passage

Feedback

38% responded 10+ years. 27% responded 1-3 years.





Strong favor for the full range of support mechanisms

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Next Steps

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Engagement and Collaboration

- Continued work with tangata whenua
  - Policy development across all areas
  - mātauranga Māori
  - mahinga kai
  - Fish passage
- Working group with District Councils;
  - stormwater & wastewater
  - Duplication risk – earthworks / septic tank
- Working group with community / industry
  - Riparian Planting Action Plan
  - Earthworks
  - Animal effluent
  - Fish passage

Policy Direction

- Ongoing commitment to incorporate mātauranga Māori and mahinga kai
- Identify effective good farm practices to consider
  - identification of high-risk activities and associated management options
  - possible contaminant load reductions
  - ease of implementation
  - implementation timeframe.

Policy Direction

- Confirm policy direction on
  - Applying catchment lens where possible
  - Outstanding waterbodies
  - Groundwater allocation and water quality
  - Source water protection zones
  - Receiving water quality standards
  - Oil and gas provisions
  - Freshwater Farm Plans and their application

Policy Direction

- Continue management of intensification options
- Water allocation – progress with scenario 3
  - efficiency requirement.
  - groundwater allocation opportunities
  - cultural flow opportunities.

Policy Direction

- Animal Effluent
  - Staged transition phase-out
  - Individual transition to phase-out
  - Application of DESC / Dairy NZ WoF
    - Non-dairy effluent alternative
  - Permitted Framework for small animal effluent discharges

Policy Direction

- Stormwater
  - Progress small-scale trade and industrial premise approach by contaminant risk
- Wastewater
  - Investigate policy options for rural vs urban areas for septic tank management
- Earthworks
  - Proceed with policy framework
    - Review 'earthwork' activities and 2500m2 threshold
    - consider exclusion of some rural earthworks
    - Depth, volume and slope thresholds
    - Wāhi tapu sites
- Fish passage
  - Proceed with drafting provision supporting remediation

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Science investigations

- Review existing monitoring nework
  - Work with tangata whenua
- Progress existing TAS investigations
  - Additional mitigation consideration
  - Nutrient criteria development
  - Alternative criteria for *E. Coli*
- Progress remaining attribute work
- Climate change considerations

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Questions??

Kia uruuru mai

Karakia to close meetings

Kia uruuru mai	Fill me with
Ā hauora	Vitality
Ā haukaha	Strength
Ā haumaia	Bravery
Ki runga, Ki raro	Above, below
Ki roto, Ki waho	Within, outwards
Rire rire hau	Let the wind blow and bind
Paimārie	Peace upon you

Nau mai e ngā hua

Karakia for kai

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

AGENDA AUTHORISATION

Agenda for the Policy and Planning Committee meeting held on Tuesday 15 October 2024

Confirmed:

4 Oct, 2024 11:20:57 AM GMT+13

A D McLay

Director Resource Management

Approved:

4 Oct, 2024 8:41:06 AM GMT+13

S J Ruru

Chief Executive