



National Policy Statement for Freshwater Management Implementation Review

Northland – Te Tai Tokerau

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Contents

Regional overview	5
Review methodology	8
Regional context for freshwater management	9
Planning contexts before the NPS-FM	9
Territorial authorities	9
Iwi and hapū relations	9
Treaty of Waitangi settlements	10
Approach to implementing the NPS-FM	11
Progressive implementation programme	11
Prioritisation	12
National context	13
Achieving the objectives of the NPS-FM	14
Setting freshwater management units	14
Values, objectives and priorities	14
Limit setting and allocation	14
Outcomes	15
NPS-FM progress in major catchments	16
Community engagement	18
Iwi and hapū views	18
Stakeholder views	19
Engaging with iwi	20
Iwi and hapū views	20
Engaging territorial authorities	21
Decision-making	22
Iwi and hapū views	22
Stakeholder views	22
Capacity and capability	23
Council capacity and capability	23
Iwi and hapū capacity and capability	23
Stakeholder capacity and capability	23
Iwi and hapū views	23
Stakeholder views	23

Information and monitoring	24
Stakeholder views	24
Plan implementation	25
Conclusion and recommendations	26

Regional overview

Ranging from Cape Reinga in the far north down to the Kaipara Harbour and Mangawhai, Northland covers nearly 13,300 square kilometres of mostly rolling hill country, narrow river valleys and long stretches of coast. About 46 per cent the land is covered by pasture, 32 per cent is native forest and 14 per cent is exotic forestry, with the remainder divided among horticulture, urban areas and other uses.¹ The land is largely fine clays and thin topsoils, resulting in poor productivity and increased fertiliser use.

The region is characterised by hundreds of short, slow-flowing rivers that drain relatively small catchment areas (figure 1). A notable exception is the Northern Wairoa River, which drains nearly 30 per cent of the region. Northland also contains hundreds of lakes, including more than 400 shallow dune lakes with high ecological importance and complex dynamic hydrology. Most of these are found in clusters on the Aupōuri, Karikari and Poutō peninsulas and in the Dargaville area.

Northland's climate is mild and sub-tropical with 1.5 to 2 metres of annual rainfall. Although plentiful overall, rain is concentrated in autumn and winter, resulting in winter flooding and long, dry summers with reduced river flows in smaller catchments. Droughts occur nearly every three to five years.² Several catchments are highly allocated, placing significant pressure on summertime river flows.³ Most of the total consented water take volume is used for irrigation and public drinking water supply (figure 2).

Groundwater supply is highly variable across the region. The unconfined sandy coastal aquifers recharge quickly but face pressure from saltwater intrusion during dry summers and periods of high use. Denser basalt and greywacke aquifers across the rest of the region recharge more slowly and are less productive.

Water quality varies considerably across the region's many catchments with quality generally degrading in the lower reaches.⁴ Nutrients, such as nitrogen and phosphorus, are primary concerns in the vulnerable dune lakes but less so for most other water bodies. For rivers, *Escherichia coli* and sediment are typically higher priorities. *E. coli* levels in many Northland rivers periodically exceed safe levels for swimming and other primary contact recreation, particularly after rainfall. All but two of freshwater sites monitored for recreation exceeded guideline *E. coli* levels for safe swimming at least once during the 2015/16 summer season.⁵ This is an issue even in some catchments of unmodified native bush, indicating that natural processes are a contributing factor. Sediment, water clarity and turbidity are also elevated in many rivers, impacting on riverine and estuary ecosystems. Most monitored groundwater sources meet national standards for drinking water supply.

¹ Northland Regional Council. 2012. *State of the Environment Report 2012*. Whangārei: Northland Regional Council.

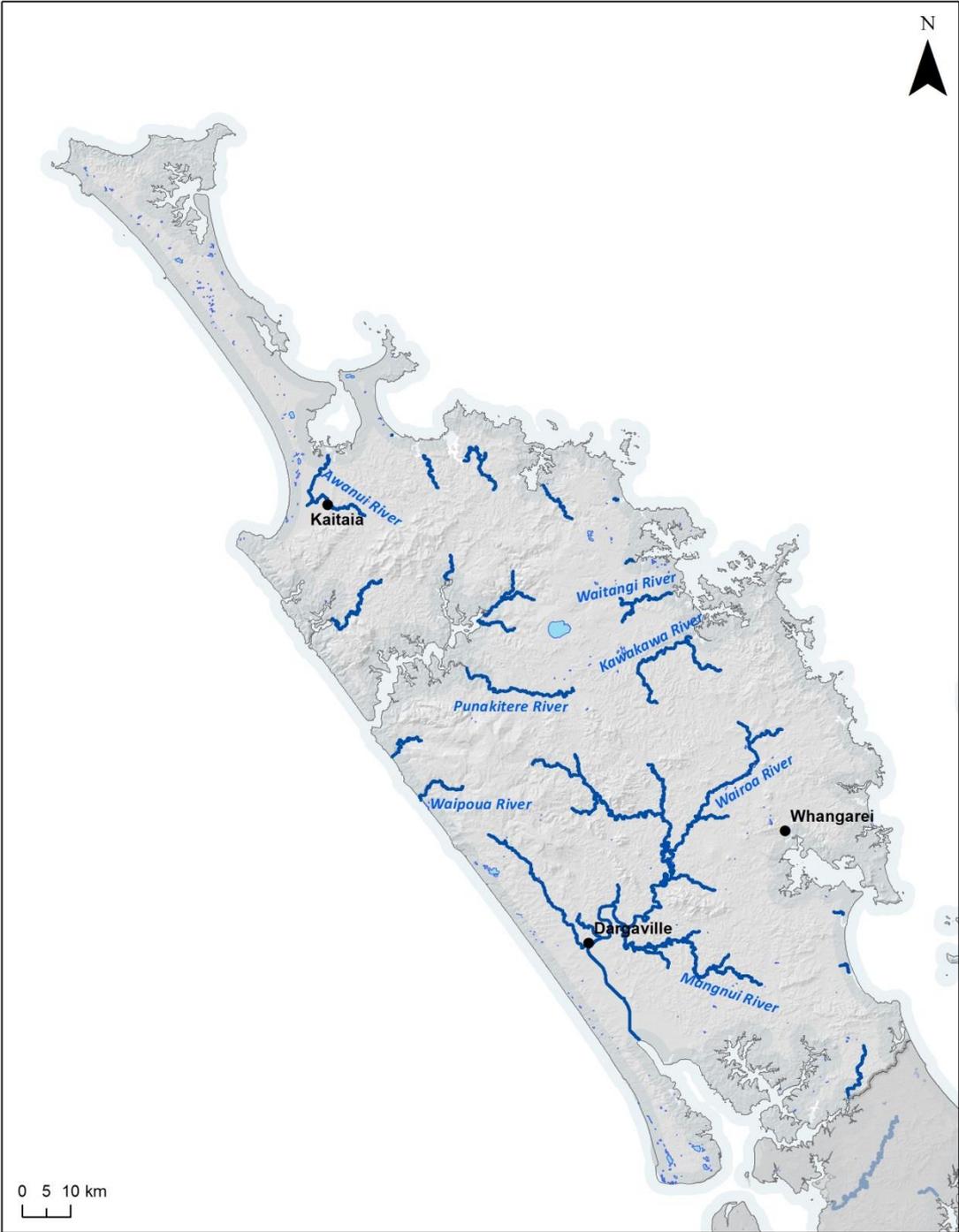
² Northland Regional Council. 2012. *State of the Environment Report 2012*. Whangārei: Northland Regional Council.

³ Information on current allocation levels retrieved from <http://gis.nrc.govt.nz/LocalMaps-Viewer/> (June 2017).

⁴ See Land, Air, Water Aotearoa. No date. *Northland region river quality*. Retrieved from www.lawa.org.nz/explore-data/northland-region/river-quality/ (June 2017).

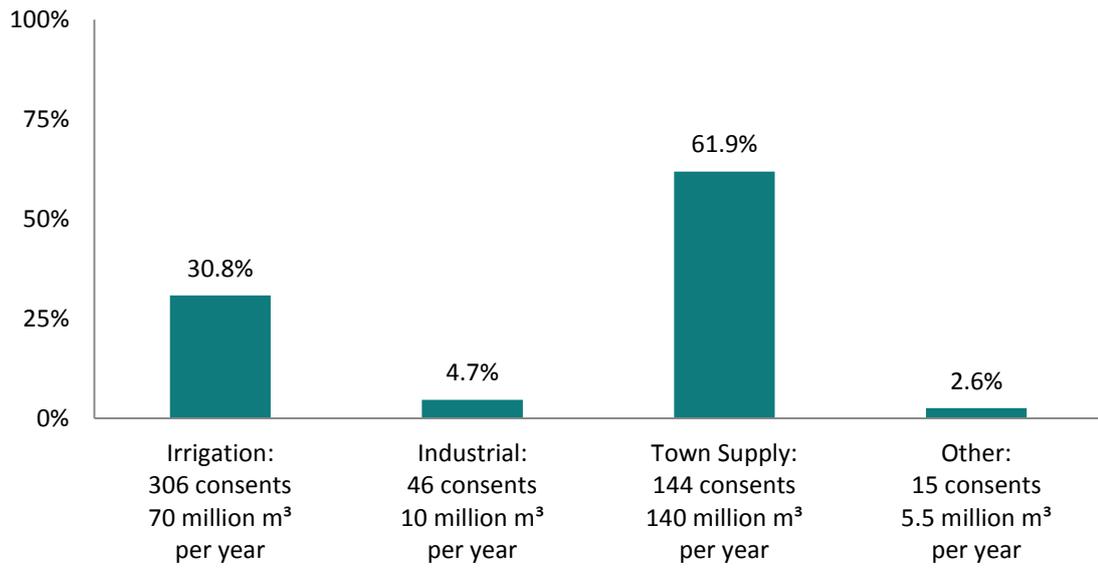
⁵ Northland Regional Council. 2016. *Recreational Swimming Water Quality in Northland*. Whangārei: Northland Regional Council.

Figure 1: Major water bodies in the Northland region



Source: Ministry for the Environment

Figure 2: Water take consents by primary use in the Northland region



Data source: Land, Air, Water Aotearoa

Review methodology

The information and analysis contained in this report are based on evidence collected from a questionnaire completed by Northland Regional Council (NRC), a series of interviews and panel discussions with relevant parties, planning documents and associated reports, and the Ministry for the Environment's ongoing relationships and projects across the region. The overall review team consisted of officials from the joint Ministry for the Environment and Ministry for Primary Industries Water Directorate with the assistance of two independent consultants who are both certified hearings commissioners with more than 30 years of experience in freshwater management.

The review team conducted a series of panel discussions with NRC executives and elected councillors, senior NRC staff, tāngata whenua and stakeholder representatives. The regional stakeholder panel included 11 representatives from a range of interests including territorial authorities, environmental organisations and agricultural sector groups. Most were members of collaborative catchment groups (CMGs). The review hui panel included 10 participants from multiple iwi and hapū who were members of local CMGs or had otherwise been personally involved in freshwater management discussions. However, not all iwi and hapū in the region were represented. Additional interviews and panel discussions were held with representatives from iwi and hapū, CMGs and national sector organisations. Following each meeting, attendees were given the opportunity to revise or supplement the meeting notes to ensure their views were recorded accurately.

While the review team has made efforts to confirm information where possible, much of the information included in the review is based on the accounts and perspectives of those involved and often cannot be verified independently.

Stakeholder and tāngata whenua representatives did not necessarily speak with mandate as official representatives of their iwi, hapū or organisation nor are they presumed to represent all in their wider communities. They were, however, primary sources with direct experience of NRC's work.

Because of varying regional contexts, some issues are considered more or less relevant in different regions. Therefore, some topics that were not raised by NRC, iwi and hapū or stakeholders have been omitted from this chapter.

Regional context for freshwater management

NRC is a relatively small council with a dispersed ratings base. Half of the nearly 170,000 residents live in rural areas. The Northland economy is small relative to other regions and land productivity is low, limiting the resources available to NRC and land owners for freshwater improvements. Median household incomes in the Far North and Kaipara districts are the lowest in the country, and the regional median is \$18,000 below the national median. As a result, NRC is reluctant to raise funds through rates or to burden property owners with costly changes.

In terms of regional water quality pressures, NRC considers accelerated erosion is the primary water quality issue for rivers and estuaries. While NRC has previously focused primarily on hill country erosion, it has shifted its focus toward stream bank erosion because research has suggested that is also a major source of sediment. Nutrients, particularly phosphorous, are an issue for many dune lakes.

NRC expects that a significant increase in water storage will become necessary, especially as climate change is predicted to increase the frequency and intensity of droughts in Northland.

Planning contexts before the NPS-FM

Freshwater in Northland is currently managed under its Regional Water and Soil Plan (2004). The plan has minimum flow limits for rivers that trigger no-take restrictions, but NRC had not allocated volumes of water to be taken. The plan also includes in-stream concentration limits for a number of water quality attributes, including many of those listed in appendix 2 of the National Policy Statement for Freshwater Management (NPS-FM). Two plan changes have occurred since 2004, and NRC embarked on a plan change process for the full plan in 2016.

Territorial authorities

The region includes the Kaipara, Whangārei and Far North districts. Resource limitations are an issue for all three councils but especially for the Far North District Council and Kaipara District Council. Following a costly and contentious wastewater treatment project that left Kaipara District Council deeply in debt, the elected councillors were replaced with commissioners by the Crown from 2012 until the local body elections in 2016.

Iwi and hapū relations

According to 2013 Census data, Māori comprise around one-third of the regional population, with around 11 iwi and nearly 200 hapū in the region.⁶ Internal relationships among the iwi and hapū are complex and often contentious, with a number of hapū challenging the right of iwi leadership and mandated groups to speak on their behalf. These internal challenges have made it difficult for NRC to know who to engage with. NRC is concerned about how it would

⁶ Nine iwi authorities were formally recognised in the Māori Fisheries Act 2004. Twelve entities have been recognised for Treaty of Waitangi settlement purposes.

manage within freshwater limits if Māori expectations for developing their land post-settlement are to be realised. Nine iwi and hapū with rohe (territories) in the Northland region have developed environmental management plans.

Treaty of Waitangi settlements

As of May 2017, the Crown has signed and legislated six Treaty settlements affecting the region. Legislation is currently before Parliament to give effect to a seventh deed of settlement; however, the Bill has been delayed following challenges to the iwi trust board's mandate to negotiate a settlement and accept redress on behalf of hapū. Similar challenges have delayed two other settlement negotiations.

In addition to six legislated settlements and one currently in the House, the Crown is engaged with three further groups including Ngāpuhi (New Zealand's largest iwi).⁷ The Ngāpuhi settlement will be particularly significant for the Northland region.

⁷ Taonui R. 2017. Ngāpuhi, *Te Ara – the Encyclopedia of New Zealand*. Retrieved from www.teara.govt.nz/en/ngapuhi (June 2017).

Approach to implementing the NPS-FM

Progressive implementation programme

NRC has chosen to address NPS-FM implementation by setting default objectives and limits at the regional level. A single integrated regional plan, which is intended to replace the existing Regional Air Quality Plan, Regional Coastal Plan and Regional Water and Soil Plan, was released as a draft for submissions from August to September 2016 before its planned notification in late 2017. The draft regional plan sets freshwater management units (FMUs), default allocation limits for water quantity and in-stream concentration limits for water quality across the region, establishes rules for stock exclusion and other activities and identifies outstanding freshwater bodies. To support the delivery of the integrated regional plan, NRC has restructured its departments to better integrate resource management and reflect the priority that it wants to give to fresh water.

Concurrent with the regional plan development, NRC identified five priority catchments and worked with CMGs to prepare catchment plans for each. The regulatory elements of the catchment plans are included as catchment-specific chapters of the draft regional plan and may specify objectives, limits and rules that differ from the regional defaults.

NRC expects to notify its proposed regional plan later in 2017. It considers that the regional plan will largely satisfy the requirements of the NPS-FM; however, it sees room for additional specific catchment approaches in areas where the community feels the regional plan has not addressed local issues or community aspirations adequately. NRC's notified programme for implementing the NPS-FM includes a review of the regional plan with potential for amendment in 2020–24 to address any issues with the plan or insert additional catchment-specific chapters as needed.

NRC outlined its strategy for NPS-FM implementation in its 2015 Progressive Implementation Programme as outlined below.

Table 1: Northland Progressive Implementation Programme (abridged version)

	REGIONAL PLANNING	CATCHMENT-SPECIFIC PLANNING	NON-REGULATORY INITIATIVES
2013	Proposed Regional Policy Statement – council decisions released.	Three catchment groups established.	
2014	Review of regional plans completed.	Two catchment groups established.	
2015	Draft regional plan in development.	Five catchment plans in development (Waitangi, Doubtless Bay, Mangere, Whangārei Harbour and Poutō).	<ul style="list-style-type: none"> • Farm water quality improvement plans. • Environment Fund. • Establish Ngunguru catchment working group.

	REGIONAL PLANNING	CATCHMENT-SPECIFIC PLANNING	NON-REGULATORY INITIATIVES
2016	Draft regional plan released for feedback.	Draft catchment plans released for feedback.	<ul style="list-style-type: none"> • Farm water quality improvement plans. • Environment Fund. • Development of good practice guidelines.
2017	Draft plan revised and Proposed Regional Plan notified.	Regulatory elements of Waitangi, Doubtless Bay, Mangere, Whangārei Harbour and Poutō catchment plans included in notified Proposed Regional Plan.	<ul style="list-style-type: none"> • Implementation of non-regulatory elements of Waitangi, Doubtless Bay, Mangere, Whangārei Harbour, Poutō catchment plans. • Develop dune lake management plans. • Development of good practice guidelines.
2018–20	Data collection and monitoring. Monitor plan.	Assess the need for and/or establish further collaborative catchment planning processes.	<ul style="list-style-type: none"> • Farm water quality improvement plans. • Environment Fund. • Implementation of non-regulatory elements of Waitangi, Doubtless Bay, Mangere, Whangārei Harbour and Poutō catchment plans. • Implementation of Ngunguru working party recommendations. • Implement dune lake management plans. • Promotion of good practice.
2020–24	Plan change (as needed) to address: <ul style="list-style-type: none"> • any further amendments to the NPS-FM • any issues with or gaps in operation of regional plan • further catchment-specific regulatory measures. 	<ul style="list-style-type: none"> • Include regulatory elements of any further catchment plans. • Refine and adjust catchment plans (if needed). 	<ul style="list-style-type: none"> • Farm water quality improvement plans. • Environment Fund. • Finalise and implement any further catchment plans. • Implement dune lake management plans. • Promotion of good practice.
2025	Implementation complete.		<ul style="list-style-type: none"> • Ongoing implementation of non-regulatory measures.

Prioritisation

NRC selected the priority catchments in Mangere, Doubtless Bay, Whangārei, Waitangi and Poutō for early attention based on known water quality or quantity issues, information availability, population or activity pressures, community support for collaboration or political pressures. NRC had originally intended to follow with additional catchments, but, having gone through the process, now anticipates it will only develop catchment-specific plans where communities are not satisfied with the regional approach or where there are significant water quality or quantity issues.

NRC reported that the issues around Northland's water quality and quantity were already a particular concern; however, the NPS-FM has accelerated NRC's plan review process. NRC is concerned that possible revisions to the NPS-FM and the expected National Environmental Standard for Plantation Forestry (under development) may require further changes to plans, consuming more time and resources.

National context

NRC feels that national conversations and policy direction do not match the priorities in Northland and emphasises the need to understand regional contexts. For example, while most of the country has focused on rivers, NRC believes that dune lakes and estuaries are just as important as rivers in Northland. Similarly, NRC is generally more concerned about sediment and *E. coli* than nitrogen and phosphorous – although it does consider nutrients to be an issue in some of the region's high value dune lakes.

NRC also expressed concern about public perceptions of and discussions around water quality. It believes the public often considers that water is less safe than it is. It attributes this misperception to a combination of media attention when water quality surveys find short-term spikes in contaminants and of negative messaging from advocacy groups. It further questions whether the current standards for primary contact recreation accurately reflect actual risk to human health.

Achieving the objectives of the NPS-FM

Setting freshwater management units

In the pre-notification draft plan, NRC proposed to set FMUs based on geophysical characteristics rather than catchment or socio-cultural boundaries and to have separate river FMUs for quantity and quality. This was because the region has hundreds of short run rivers with similar geophysical characteristics that mainly flow directly into estuaries or to the coast and some larger catchments that have differing geophysical characteristics within them. NRC has proposed grouping rivers into two FMUs for river water quality based on slope. It has proposed three FMUs for river water quantity, which are divided into small, large and coastal rivers. Lakes have been grouped into two FMUs based on depth, and aquifers have been grouped into four FMUs according to whether they are mapped or unmapped and coastal or non-coastal. Outstanding freshwater bodies have been proposed as a separate FMU. We understand that NRC may be re-evaluating this approach to FMU definition.

Values, objectives and priorities

NRC sees sediment and *E. coli* as a higher priority than nitrogen or phosphorous in most parts of the region. According to the Council, many Northland waters will not meet the standards for primary contact, even with optimal mitigation practices. Therefore, it has set a regional default objective for secondary contact for recreation; however, it has left room for different objectives in local areas if recommended by the local CMGs.⁸

NRC has identified eight rivers and twelve lakes as outstanding freshwater bodies for protection according to their ecological values and use for recreation. The rivers had already been identified as priorities under the existing Regional Water and Soil Plan and are mostly on Department of Conservation land. Outstanding lakes were identified following research conducted by the National Institute of Water and Atmospheric Research and NRC.

Limit setting and allocation

Draft limits for water quantity and for most of the water quality attributes in appendix 2 of the NPS-FM have been set in the draft regional plan.⁹ NRC expressed frustration that the Government has not given clear instruction as to the definition of water quality limits. Specifically, it notes that the term 'limit' has been interpreted differently by different councils. NRC has elected to set in-stream maximum or minimum concentration limits rather than attempt to define, measure or allocate contaminant loss limits at the catchment or property scale.

⁸ Note that the review was conducted before the release of the Clean Water discussion document, which announced the Government's objectives for swimming and proposed amendments to the NPS-FM.

⁹ Periphyton limits have been included for outstanding rivers but not for other FMUs, because NRC does not believe it has sufficient data to do so at the time of writing. In-stream concentration limits are included for all other attributes in appendix 2 of the NPS-FM.

In anticipation of future changes in national policy and standards, NRC has decided not to specify numeric attribute states for sediment, clarity or other quality indicators not currently included as attributes in appendix 2 of the NPS-FM. NRC is concerned that, if it was to set limits for these, new national standards could later force it to revise the plan. Because it is a small council, it is concerned about its capacity to manage repeated policy changes. Instead, its approach is to focus on controlling the contaminants without linking directly to a numeric limit.

The Regional Water and Soil Plan includes minimum flows for rivers but not allocation limits for water quantity. The draft plan proposes new minimum flows as well as water quantity allocation limits, which are set at the greater of either the current allocation level or a percentage of mean annual low flow.¹⁰ NRC considers that setting allocation limits in this manner is consistent with guidance related to the proposed National Environmental Standard on Ecological Flows and Water Levels (2008).

NRC further considers that no waterbodies are over allocated under this definition and, therefore, that plan provisions to phase out over allocation are not required. However, maps produced by NRC indicate that limits set at current allocation levels may actually exceed 100 per cent of mean annual low flow in some rivers.¹¹ In one part of the Waitangi catchment, the estimated permitted and consented volume is around 168 times the mean annual low flow. If the indicative models prove to be accurate, NRC's approach to limit setting and allocation for water quality may not be consistent with requirements in Part B of the NPS-FM for councils to phase out existing over allocation.

Outcomes

NRC focuses much of its resources on non-regulatory methods to accomplish outcomes because it believes these will be more effective than regulation in addressing some water quality issues, particularly for sediment control. NRC offers to write farm-scale water quality improvement plans at no cost, and, for farms that have farm plans, it provides subsidies for fencing and poplars to stabilise highly erodible land. At the time of writing, NRC had completed more than 600 of these farm plans. It has established a working group in the Ngunguru catchment to develop a work programme for sediment control. It has also undertaken sediment control projects including wetlands and sediment detention bund construction and poplar planting.

¹⁰ The percentage varies, depending on FMU classification, ranging from 10 per cent for outstanding rivers to 50 per cent for large rivers.

¹¹ Information on mean annual low flows and current allocation levels retrieved from <http://gis.nrc.govt.nz/LocalMaps-Viewer/> (June 2017).

NPS-FM progress in major catchments

DOUBTLESS BAY

Doubtless Bay was a late addition to the list of priority catchments, chosen primarily because of community interest and support from the Far North District Council.

The draft catchment plan varies from the default regional requirements by:

- requiring that dairy cows and pigs be excluded from all permanently flowing waterways from the date the regional plan becomes operative, and beef cattle, dairy support and deer in hill country by 2025 (required under the default regional rules by 2025 and 2030 respectively)
- making pastoral land use on highly erodible land a controlled activity after 1 January 2025 unless an NRC-approved erosion control plan has been developed
- requiring all takes from Lake Waiporohita to obtain resource consents as a discretionary activity
- applying the rules and limits established in the regional plan for the coastal FMU to the entire catchment. That is, requiring that rivers that would otherwise be classified as 'small rivers' adhere to the more stringent minimum flow and maximum allocation limits for coastal rivers.

These are supported by non-regulatory provisions. The draft catchment plan was opened for submissions alongside the draft regional plan during August to September 2016. NRC intends to notify a proposed plan later in 2017.

MANGERE

Mangere was chosen as a priority catchment because, although it has shown improvements in recent years, the river has among the poorest water quality of monitored rivers in the region.

The draft catchment plan rules vary from the default regional requirements by:

- extending stock exclusion rules to include beef cattle, dairy support cattle and deer in hill country rivers (not only in lowland rivers as per the draft regional plan)
- making pastoral land use on highly erodible land a controlled activity after 1 January 2025 unless an NRC-approved erosion control plan has been developed
- retaining the existing minimum flow limits and allocation levels. That is, not raising minimum flow limits or lowering maximum allocated volumes to the more stringent levels set under the regional plan defaults.

These are supported by non-regulatory provisions. The draft catchment plan was opened for submissions alongside the draft regional plan during August to September 2016.

POUTŌ PENINSULA

The draft catchment plan rules vary from the default regional requirements by:

- making new plantation forestry greater than 5 hectares per property a restricted discretionary activity within the catchments of outstanding dune lakes
- allowing higher permitted take volumes for takes from dune lakes that are not outstanding freshwater bodies (subject to conditions).

These are supported by non-regulatory provisions, including supporting further research into dune lake water systems and the effectiveness of sediment traps.

The catchment plan also identified an additional outstanding freshwater body. The Poutō CMG will continue to work with NRC to develop a plan for outstanding freshwater bodies in the catchment. The draft catchment plan was opened for submissions alongside the draft regional plan from August to September 2016.

WAITANGI

The draft catchment plan rules vary from the default regional requirements by:

- requiring that dairy cows and pigs be excluded from all permanently flowing waterways from the date the regional plan becomes operative, and beef cattle, dairy support and deer in hill country by 2025 (required under the default regional rules by 2025 and 2030 respectively)
- making pastoral land use on highly erodible land a controlled activity after 1 January 2025 unless an NRC-approved erosion control plan has been developed.

These are supported by non-regulatory provisions. They also include supporting the development of Māori land within minimum flow and allocation limits, and recommending that commercial eel harvesting be stopped in the catchment and supporting projects to rebuild eel populations while trout be treated as an invasive pest species within the catchment.

The draft catchment plan was opened for submissions alongside the draft regional plan during August to September 2016.

WHANGĀREI HARBOUR

The draft catchment plan varies from the default regional requirements by:

- setting an objective for primary contact recreation during the summer swimming season in regionally significant swimming sites within 10 years
- requiring that all dairy cows, pigs, beef cattle, dairy support cattle and deer be excluded from all waterways upstream of swimming sites mapped in the plan within two years from the date the regional plan becomes operative
- requiring erosion control plans for areas of highly erodible land by 1 January 2025.

These are supported by non-regulatory provisions, including recommending that Whangārei District Council map the urban stormwater network and include provisions for stormwater filtration.

The draft catchment plan was opened for submissions alongside the draft regional plan during September 2016.

Community engagement

For the overall regional plan, NRC has followed a relatively traditional consultative approach. Alongside the regional plan development, NRC established CMGs to develop catchment-specific objectives and management methods in the five priority catchments described above. A sixth group was later created with a specific focus on developing an erosion and sediment management plan for the Ngunguru catchment.

Each CMG consists of one regional councillor and one district councillor from the relevant district council, with other members nominated by sector groups, tāngata whenua, recreational and environmental groups and the wider community.¹²

NRC reports that it has given all who wish to be involved the opportunity to do so but acknowledges that there are some who feel dissatisfied with the process. It believes that some dissatisfaction is inevitable and complaints about being excluded often reflect internal disagreements within iwi, hapū or stakeholder organisations rather than NRC's engagement efforts.

NRC has seen the CMGs as generally positive but may not repeat the process in all catchment areas because of the high level of resources required. NRC will likely only form CMGs and draft catchment-specific plan variations where local communities feel the regional plan does not adequately address their context and needs. However, NRC did not specify how these communities would be identified.

Iwi and hapū views

As discussed further below, the tāngata whenua we spoke to at a review hui were critical of the way NRC engages with the community. They did not believe that their views were being reflected in plans or at the resource consent level. Instead, they believed that their presence in the CMGs was not influential. They reported feeling outnumbered and drowned out by primary industry representatives, who they believed were overrepresented and held greater influence with NRC.¹³

» This is the community speaking
– we've got to listen. «

NRC staff member

¹² The number of sector representatives varied across groups. For example, the Whangārei group comprised one regional councillor, one district councillor, four representatives from iwi and hapū with rohe in the catchment, two nominees from the dairy sector, two nominees from the dry stock farming sector, one nominee from the forestry sector, one representative of other industry interests, one nominee from recreational interests, one nominee from environmental interests and five members from the wider community.

¹³ Tāngata whenua representatives outnumbered those nominated to represent each primary sector; however, they argued that many community representatives were involved in, or closely aligned with, the primary industries, in effect giving these sectors greater representation.

Stakeholder views

Stakeholders we spoke to were generally positive about NRC's engagement efforts through the CMGs and praised Council staff.

They expressed concern about the effectiveness of the groups, their representativeness and their ability to influence decisions. Many CMG members reported being confused about the role and process of the groups in relation to the regional plan. Some argued that it would have been more useful to have the draft regional plan completed first so as to have a starting point to work from.

Stakeholders observed that some CMGs had relatively few community or environmental group members and were concerned this would lead to later legal challenges during the formal Schedule 1 plan processes.

Stakeholders considered that the involvement in the CMGs of both volunteer community representatives and professional sector representatives created power imbalances within the CMGs, particularly because members representing industry sector groups were generally better resourced financially and in terms of technical knowledge. Notwithstanding that, the community groups were very appreciative of the sector groups sharing their technical understanding. Local sector representatives and community members participated in good faith but some expressed concern that local decisions were being undermined or directed by national level industry bodies.

Stakeholders also reported that, although the groups included tāngata whenua representatives, they were poorly resourced and their attendance was irregular.

One was particularly concerned that national regulation being prepared for forestry would override their work in terms of regional rules specific to Northland conditions and water bodies in their catchment.

Engaging with iwi

NRC reports that it has made substantial efforts to engage with Māori. The Council formed the Te Tai Tokerau Māori Advisory Committee with 26 iwi and hapū representatives to advise on tāngata whenua issues, and it reserves a seat on its Environmental Management Committee and four seats on each of the CMGs for representatives nominated by iwi and hapū. In developing the draft regional plan, NRC held multiple hui to identify tāngata whenua management concerns and members of the advisory committee were seconded to the regional policy committee to provide advice on tāngata whenua issues. NRC also commissioned research into tāngata whenua values for fresh water and engaged Māori resource management practitioners to assist in reviewing and developing relevant plan provisions.

NRC noted that the contextual challenges described above complicate its ability to engage meaningfully with Māori. NRC also feels that some iwi and hapū are not taking opportunities for engagement afforded to them. It reports, for example, that tāngata whenua representatives to the CMGs were often absent from meetings.

Iwi and hapū views

There are contrasting views from iwi and hapū in the region about their experiences of engaging with NRC. Some iwi and hapū in the region were positive about their relationships with the Council. They praised NRC staff for their engagement and appreciated the advice they received from Council experts. In contrast, those who attended the review hui did not believe that NRC's engagement efforts were genuine and expressed considerable anger, particularly towards the elected regional councillors.^{14, 15}

Although NRC provides avenues for Māori to participate, and language addressing mātauranga Māori is included in the draft regional plan, hui participants we spoke to saw their participation as symbolic and lacking the ability to influence decisions.

They believe that their voices are ignored in favour of those from industry. They felt that the Māori specialists engaged by NRC to speak on their behalf did not have the authority to do so and misrepresented their values. They reported frequent dismissive and culturally offensive statements by elected councillors, reflecting a culture within NRC that they feel is hostile to Māori.

► ...we as Māori, when we sit at the table, we're there to be decorative, do the karakia, be part of a so-called working group. It doesn't seem to be like that. Everything's already got an outcome. ◀

Review hui participant

¹⁴ Although outside the scope of this review, we must also note that the representatives expressed anger towards central government and raised unresolved grievances related to Treaty of Waitangi claims and national legislation. Some of the issues discussed in this section have been the subject of Wai 1040 and Wai 2358 proceedings.

¹⁵ Note that the review hui was held before the 2016 local body elections, in which three incumbents were replaced and one did not run for re-election.

Engaging territorial authorities

Relationships between the regional council and district councils have been strained at times. District council representatives were concerned that their council would not be able to afford the costly infrastructure upgrades they say the draft regional plan would require. Some stakeholders we spoke to believe that the regional and district plans are not well aligned, which creates requirements that may conflict or be counterproductive.

Decision-making

NRC emphasised its commitment to reflecting as best it can the decisions made in the CMGs at the catchment level; however, it also sees a need to manage expectations, correct technical misunderstandings and steer the groups away from impractical ideas.

Iwi and hapū views

Hui participants we spoke to do not believe that their input adequately influenced decision-making and that it was not reflected in policy or plans. Although present for discussions and represented in the CMGs, they believe that Māori values and interests were ignored and the decisions made were largely predetermined.

The hui attendees argued that NRC does not respect their statutory rights or understand mātauranga Māori well enough to represent their views in plans.

Stakeholder views

Stakeholder representatives we spoke to were unsure why NRC chose a more collaborative process for certain catchments but used a traditional consultative process for the draft regional plan. They appreciated NRC's efforts with the CMGs but expressed concern about how much influence their discussions had on the final outcomes. According to the stakeholders, NRC directed discussion and selected issues to be addressed, causing them to feel that decisions had been predetermined. They reported that few parts of the final draft catchment plans could clearly be connected to CMG recommendations. CMG members saw the groups as being effectively consultative rather than a truly collaborative process; however, some acknowledge that a consultative approach could be sufficient if the result reflects their views.

CMG members also acknowledged limitations in what the groups could accomplish. Some complained of difficulty balancing community opinions and beliefs against scientific evidence.

Capacity and capability

Council capacity and capability

As a smaller council, NRC faces significant capacity challenges and is concerned about how its spending will affect rate payers. One reason for the Council's recent restructure was to embed water management across the organisation and to spread the burden of NPS-FM implementation. NRC estimates that it has increased staff by 15 to 20 full-time equivalent positions due to the increased focus on water management. Although positive about the CMG process, NRC questions whether the significant resources required will prove justified. With the draft regional plan approaching completion, NRC is also concerned that any revisions to the national policy will require it to re-do work.

Iwi and hapū capacity and capability

Iwi members report significant issues with capacity and capability for participation. They often lacked the capacity and capability to process the large volumes of technical information and the understanding of planning language necessary to participate effectively in discussions.

Stakeholder capacity and capability

Stakeholders all found capacity to be a limitation to their participation and a barrier to good decision-making. Northland's dispersed population means that participation required travel and significant time commitments for many representatives. Participants frequently reported struggling to read and interpret the large volume of information within limited timeframes. This was especially true for unpaid community, non-governmental organisation or tāngata whenua representatives.

Iwi and hapū views

Hui participants we spoke to felt that NRC did not understand their rights as tāngata whenua or the Council's obligations under the Treaty of Waitangi and their Treaty settlements. Where tāngata whenua values were addressed, hui participants felt that NRC staff did not understand mātauranga Māori sufficiently to represent it accurately.

Stakeholder views

Stakeholders felt that NRC was overstretched in trying to tackle the regional plan and five collaborative groups at the same time. Council staff reportedly struggled to run a collaborative process at first but have learned through the experience. Stakeholders also questioned NRC's capacity to manage the large volume of science required.

Information and monitoring

Information necessary for effective management is lacking in some areas. The region has hundreds of small rivers, lakes and wetlands, making it prohibitive for NRC to research and monitor each individually. For example, NRC monitors water quality in 27 of the more than 400 dune lakes in the region. In addition, the National Institute of Water and Atmospheric Research monitors the ecology in 83 lakes. NRC considers this number sufficiently representative to enable management.

Stakeholder views

Stakeholders questioned NRC's capacity for research and wondered why it was not partnering more with non-governmental organisations and industry to work more efficiently. Some also questioned the quality of existing Council data.

CMG members generally agreed that it would have been helpful to have more science available at the start of the collaborative groups because it was a barrier to discussion in some instances. On the other hand, they also felt it was important that the CMGs had driven the research objectives and identified the questions to be asked.

Plan implementation

Because the proposed regional plan is not due for public notification until later in 2017, and it will take time for Resource Management Act 1991 processes to be completed, NRC is currently focused on non-regulatory methods and implementation of the current regional plans.

The community's capacity to implement proposed changes is limited and of concern to NRC. Because of the relatively low productivity of Northland farms, the costs of stock exclusion and other measures are relatively more burdensome on land owners than in other regions. NRC has attempted to address land-owner capacity by offering farm environment plans free of charge and providing subsidies for fencing and riparian planting for those farms with completed plans. With the proposed regional plan still in draft form, the full effects of the final plan on communities, and their ability to implement changes, are as yet unknown.

Capacity among the region's three territorial authorities is low and they have little ability to increase revenue through rates increases without creating significant impacts on communities. As a result, they will struggle to fund necessary infrastructure improvements. In addition, water quantity limits will have serious implications, particularly for communities that rely on small rivers for their drinking water supply.

Conclusion and recommendations

The following are the views of government officials about NPS-FM implementation in the region.

- It is clear that NRC has made significant progress towards implementing the NPS-FM in its draft regional plan. Depending on the final content, the requirements of the NPS-FM for the entire region could be satisfied well before 2025.
- By formulating a plan with regional defaults but allowing local groups to recommend variations appropriate for the needs of the catchment, NRC has taken a pragmatic approach to implementation that uses scarce Council resources efficiently.
- NRC's approach to water quantity limits and allocation is highly permissive. Although new takes from fully or over-allocated water bodies are designated non-complying activities, the draft plan sets allocation limits such that no water bodies would be considered as over allocated. The draft plan does not appear to have provisions to phase out existing over allocation as required under Policy B6 of the NPS-FM.
- The Ministry supports NRC's decision to use collaborative groups in priority catchments and recognises that this approach is new for the Council. We agree, however, with stakeholders when they say these groups would more accurately be described as consultative rather than collaborative and believe there should be more transparency about the role of the groups and how their recommendations will be carried through to the formal plan-making process. We are also concerned about the possible inequalities in representation and resourcing and how this may lead to decisions that do not fairly reflect the full range of community views.
- We acknowledge that the complexity of Northland iwi relationships makes engagement a challenge for NRC. We are also aware that capacity and capability issues can prevent iwi and hapū from taking full advantage of the opportunities presented by NRC to be involved. Nevertheless, while not all iwi and hapū in the region participated in the review hui, those that did had strong views about what they see as a negative approach of NRC toward Māori, in particular, a lack of capability, desire or effort to understand Māori values.
- Unless important relationship issues can be resolved, there is a risk that Part D of the NPS-FM, and the other directions to councils to 'involve' iwi and hapū in freshwater management, to 'work with' iwi and hapū to identify tāngata whenua values and interests in the region, and to reflect tāngata whenua values and interests in management decisions, cannot adequately be given effect. We suggest further effort is given to resolving these issues by all involved because it is only through reconciliation that the main intent of the NPS-FM will be able to be met.
- Council capacity and capability have been stretched by the planning and implementation process.
- Getting sufficient monitoring data, and funding research is a challenge in the region, largely due to resource limitations and the regional geography and water body profile.