greater WELLINGTON
REGIONAL COUNCIL
Te Pane Matua Taiao

If calling, please ask for Democratic Services

Council

Tuesday 4 February 2020, 8.30am

Council Chamber, Greater Wellington Regional Council,
Level 2, 15 Walter Street, Te Aro, Wellington

Members

Cr Ponter (Chair)

Cr Staples (Deputy Chair)

Cr Blakeley

Cr Brash

Cr Connelly

Cr Gaylor

Cr Hughes

Cr Kirk-Burnnand

Cr Laban

Cr Lamason

Cr Lee

Cr Nash

Cr van Lier

Recommendations in reports are not to be construed as Council policy until adopted by Council

Council

Tuesday 4 February 2020, 8.30am
Council Chamber, Greater Wellington Regional Council,
Level 2, 15 Walter Street, Te Aro, Wellington

Public Business

Strategy/Policy/Major Issues

Council
4 February 2020
Report 20.22

greater WELLINGTON
REGIONAL COUNCIL
Te Pane Matua Taiao

For Decision

EARLYBIRD OFF-PEAK BUS FARES TRIAL

Te take mō te pūrongo
Purpose

1. To seek Council's approval to initiate an 'Earlybird off-peak bus fares trial' as a way of potentially spreading peak demand on the Wellington City bus network.

He tūtohu
Recommendations

That the Council:

1 **Agrees** to proceed with an Earlybird off-peak bus fares trial to provide off-peak Snapper fares for Metlink bus services prior to 7am on working days.

2 **Notes** that the trial is proposed to begin on Monday 10 February 2020, for a period of four months.

3 **Notes** that the trial will be monitored continually against success criteria to determine whether the trial has been effective in spreading peak demand on the bus network in Wellington City.

4 **Notes** that initial findings will be reported back to Council after three months to determine whether the trial should be extended.

5 **Agrees** that the estimated revenue loss for the four month trial period will be funded from Greater Wellington's reserves.

6 **Notes** that bus operators and the NZ Transport Agency are supportive of the trial.

7 **Notes** that the trial will apply to adult Snapper customers only, and will not be available for cash, Super Gold, or rail passengers.

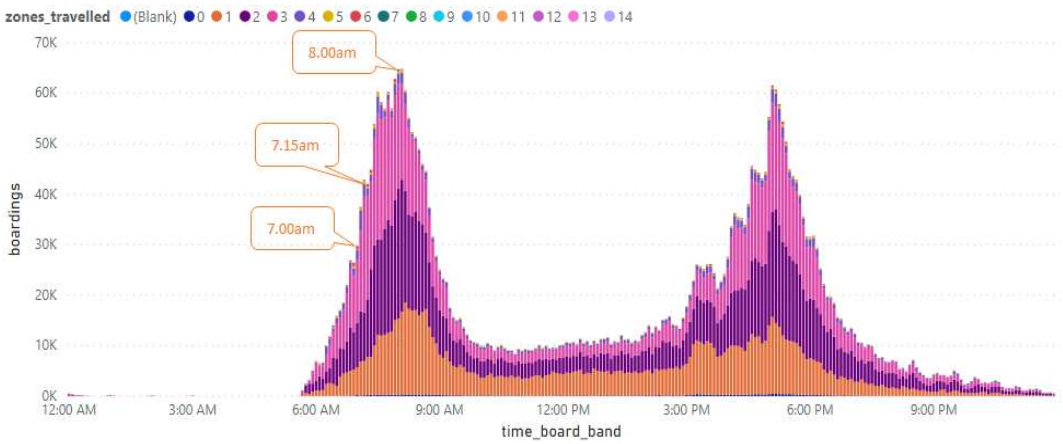
8 **Notes** that the trial will be supported and promoted with a targeted marketing campaign to ensure bus commuters are aware of the trial.

Te tāhū kōrero
Background

2. The Metlink pubic transport network is experiencing ongoing higher than expected patronage growth across the network. Patronage over the last calendar year (January to December 2019) increased by 6.8 percent for bus and 4.8 percent for rail, with an overall increase of 6 percent compared to the previous year.

3. While patronage growth is an intended positive outcome, the nature of growth on the bus network in Wellington City is exacerbating existing capacity issues. This occurs especially during morning peak periods, where the cumulative demand from commuters and returning school children and tertiary students is more acute.

4. The following graph illustrates the nature of peak demand across the bus network, covering the period of 1 February to 31 May 2019.



5. Ongoing and planned improvements to the Wellington City Bus Network review will help to improve supply and service levels in Wellington City; however, the ability to design our way out of the capacity problem is limited over the short- to medium-term. These problems are unlikely to be resolved fully until the national driver shortage issue is dealt with, planned new bus fleet is delivered, and bus priority measures are in place; resulting in improved reliability and punctuality on our core networks. Mass transit will also help to relieve capacity over the long term.

6. We are now looking at other options to help spread the load – hence this paper on using fares and pricing as a demand management tool to influence travel behaviour.

Te tātaritanga
Analysis

The problem, and benefit of solving the problem

7. Peak fares currently apply to all services in the morning on working days (from around 5.15am for bus) until 9am. In the afternoon, peak fares apply from 3pm to 6.30pm. Outside these times a 25 percent off-peak discount applies to all adult Snapper fares (except on after mid-night services).

8. While there are high levels of demand in both morning and afternoon peak periods, acute morning peak demand on core Wellington City routes makes capacity issues most pressing between 7.30am and 8.30am in the morning peak period. Children and tertiary students generally travel at different times in the afternoon, which helps to spread demand and create a wider shoulder peak than in the morning. The existing off-peak period already provides a good incentive for many customers to travel later in the morning (after 9am), early in the afternoon (before 3pm) or later in the evening (after 6.30pm).

9. With spare capacity available on early morning services, an opportunity exists to use fares pricing to incentivise some customers to travel earlier than 7am and spread demand over a wider period in the morning peak. Changing behaviour in this way has potential to assist in managing the capacity issue through better utilisation of the bus network. Depending on the extent of behaviour shift, it also has potential to unlock further capacity during the peak period. Customers would benefit from having more options for travel and a cheaper fare for those who are willing and able to travel earlier in the day.

10. The data from the trial period is also expected to inform the ongoing fares review and next stage of transition to integrated ticketing.

The proposed trial

11. The proposed trial would see the off-peak discount being extended to all adult commuters using a Snapper card on Metlink bus services before 7am. The off-peak fare is 25 percent cheaper than the base (Snapper) fare and between 40 to 50 percent cheaper than adult cash fares.

12. The trial is proposed initially for a four-month period, starting on Monday 10 February 2020, to ensure coverage over the busiest period on the bus network, including 'mad March'.

13. It is proposed that the trial be reviewed on an ongoing basis (a rolling review) against success criteria (paragraph 29 below) to enable officers to determine as quickly as possible whether we are seeing any shift in customer behaviour and costs and trends and to decide whether to recommend continuation or termination of the trial.

14. The targeted customers for this trial are adult bus commuters travelling with a Snapper card with potential to leave slightly earlier. The Earlybird off-peak fare will not be available for cash, rail or SuperGold card customers.

Considerations

15. **Patronage and revenue**: the modelling expectations are that the Earlybird off-peak fare will encourage boardings before 7am to increase by about 7 percent or 13,000 boardings. The majority of boardings (12,000) before 7am are assumed to be existing customers shifting from later services, with the remaining 1,000 boardings assumed to be new customers from other modes.

16. Taking account of the off-peak fare and expectations on patronage, the associated loss in revenue is expected to be around $155,000 (GST inclusive) over the four month trial period. Revenue loss will likely be lower if capacity gains are taken up by new customers in the peak period. If this occurs, revenue loss is expected to be around $118,000 or lower.

17. Key assumptions behind the patronage and revenue modelling include:

    a. 25 percent discount applies for peak trips between 4am and 7am

    b. The modelling uses a lower elasticity than normal to estimate patronage impacts, due to the early time of the off-peak discount

    c. Approximately 12,000 (or 90 percent) of additional boardings are shifts from after 7am (largely within a 15 minutes timeslot after 7am)

d. Approximately 1,000 (or 10 percent) of additional boardings are shifts from other modes

e. Overall positive impact on capacity (i.e. the 12,000 boardings shifting from after 7am to before 7am will not be recovered by extra peak boardings)

f. The patronage and revenue estimates are based on data for the Wellington City bus network. The impacts (patronage and revenue) will be approximately 10 percent higher for the entire bus network.

18. **NZ Transport Agency support:** the NZ Transport Agency has indicated support for the trial, noting alignment with current work it is doing on new Fares Policy guidelines and the relatively minor expected revenue loss associated with the proposed trial.

19. **Capacity**: bus network capacity analysis (using a conservative 10 percent growth factor) indicates that there should be capacity on the majority of services to accommodate expected patronage growth from the Earlybird off-peak fare incentive. The analysis does note that some Wellington City core services departing close to 7am (for example, Route 1 services departing from the Johnsonville area at 6.45am and 6.53am) could experience capacity issues if we get higher than expected growth. Increased peak shoulder services before 7am are planned for routes 2 and 36 services for the April/May timetable changes.

20. The rolling review methodology proposed for this trial will enable close monitoring of capacity of services and expectations around patronage growth.

21. **Implementation**: the proposed trial is relatively easy to implement via a change to the fares table in the Snapper ticketing system. While the problem definition is primarily a Wellington City bus network issue, the change to the Snapper fare table means that the trial will apply to all Metlink bus services around the region. Around 85 percent of peak bus boardings occur in Wellington City, accordingly officers do not expect to see much change in revenue or behaviour elsewhere in the region.

22. **Bus operator support**: bus operators have been consulted and support the trial. Further engagement will occur to ensure drivers are aware of the scope and rules of the Earlybird off-peak fare, including that it is not available for cash fares or SuperGold customers.

23. Subject to the decision to proceed, customers will also be informed of the proposed trial via marketing and social media initiatives. The information will include terms and conditions of the trial and its longevity. Further discussion is provided in the engagement section below.

24. **Marketing and promotion**: customers will be informed of the trial through targeted communications and marketing activities including posters (bus and shelters); messaging via social media; information on our website; and targeted messaging to residents' associations and known shift work employers such as the Wellington hospital. A copy of the poster content is provided as **Attachment 1** (Proposed poster content for the Earlybird off-peak bus fares trial).

25. **Alignment with fares policy**: a new fares policy 'rewarding targeted behaviours' was introduced in July 2018 to encourage more off-peak use and greater uptake of electronic ticketing. This trial aligns well with the new policy by seeking a targeted behaviour change which aims to achieve both outcomes.

26. The trial, by introducing a change for bus travel only, further complicates the fares structure and creates an inconsistency with SuperGold hours. At this stage, however, the expected benefits from an operational and customer perspective are seen to outweigh the need for simplicity. The fact that rail and ferry services operate via separate paper ticketing systems also reduces the extent of potential confusion. In the future, under an integrated fares and ticketing system, we would expect the ticketing system to be agile enough to enable targeted trials such as this across all modes.

27. **Alignment with the Wellington City Bus Network Review (BNR)**: the BNR Action Plan specifically identified this initiative as an option to explore – *Investigate options for spreading peak service demand, such as the option of reducing fares for off-peak before 7am to spread demand.*

28. **Monitoring and review**: the trial will be monitored in an ongoing manner as a 'rolling review'. This will enable officers to track progress early and often, and to identify the main impacts of the trial prior to the four month trial period.

29. The following criteria will be used to determine success or not of the trial:

    a. Reduction in the number of passengers on current over-capacity buses attributed to the fare change, compared to the design capacity between 7.30am and 8.30am

    b. Patronage shift is similar or greater than the modelled expectation

    c. Revenue loss is similar or less than the modelled expectation

    d. General customer satisfaction (this will be a qualitative assessment considering feedback and field observations).

30. An on-board survey towards the end of the trial may be needed to support the assessment.

Nga kōwhiringa
Options

31. The reasonably practical options comprise:

    a. No change to off-peak bus fares

    b. Proposed four month Earlybird off-peak trial for bus only (the recommended option)

    c. Expand the trial to the entire Metlink network to include rail services

    d. Extend the length of the trial to 12 months.

32. The following table summarises the advantages and disadvantages of each option.

Option	Advantages	Disadvantages
No change	No revenue loss	Existing capacity pressures likely to remain or exacerbate with ongoing high levels of patronage growth and limited ability to provide more services No incentive to encourage travel behaviour change to spread peak demand Minimal scope for improvements to customer experience No data to inform transition to integrated ticketing and BNR recommendations
Proposed four month off-peak trial for bus only	Expected to spread demand and relieve capacity at shoulder peak period, improving flexibility and 'give' in the bus network Provides a better value proposition for customers able to travel before 7am Should improve customer experience for customers travelling shortly after 7am through unlocking capacity Supported by the NZ Transport Agency Time period aligns with the busiest period on the bus network, so has most potential to make a difference Trial period is sufficient to enable testing of outcomes with minimal revenue loss	Some expected revenue loss, to be covered from Greater Wellington's reserves Introduces a complication to the fares structure (could be perceived as an equity issue) May create some adverse customer reaction should the trial not be continued
Expand the trial to include rail services	Retains consistent application of the off-peak period across all bus and rail services Provides a better value proposition for 10-trip customers able to travel before 7am	Potential to exacerbate existing capacity issues on rail, which occur much earlier than on the bus network Potential for a perceived negative value proposition from MonthlyPlus pass holders who would not get any benefit from the change Requires staff training and an operational change for ticket inspectors/managers as the off-peak fare is only available via a specialised off-peak 10-trip ticket May result in further revenue protection loss, if results in a move from MonthlyPlus pass to 10-trip tickets
Extend the length of the trial to 12 months	More certainty over a longer period for bus customers affected by the change Longer period for gathering data may provide a better clarity for analysis and	Requires up-front commitment for expectation of larger revenue loss (between $500,000 to $600,000) and associated use of unbudgeted reserves No ability to stop the trial should early monitoring show that the expected

Option	Advantages	Disadvantages
	outcomes	benefits are not being realised Unlikely to be supported by the NZ Transport Agency

33. Officers recommend the option of the proposed four month Earlybird off-peak trial for bus only, as its advantages outweigh the disadvantages.

Ngā hua ahumoni
Financial implications

34. The trial is not expected to result in a material operational saving given that any shift is most likely within the 15 minutes before and after 7am where the capacity issue is less of a concern. The estimated revenue loss for the four month trial period will need to be funded from Greater Wellington's reserves as the Public Transport group of activities is anticipated to be over budget for the year and drawing more than budgeted reserves.

35. However, the amount of revenue loss from the trial is within the current funding envelope and is not expected to move the fare's share of funding below the 'user contribution' target range (35 to 50 percent) set out in the Long Term Plan.

Te huritao ki te huringa o te āhuarangi
Consideration of climate change

36. The matters requiring decision in this report were considered by officers in accordance with the process set out in Greater Wellington's *Climate Change Consideration Guide*.

Mitigation and adaptation assessments

37. There is no need to conduct climate change assessments on these matters. Officers note that the trial (should it be successful) may increase patronage, unlock capacity in the morning peak and enhance the customer experience with public transport.

Ngā tikanga whakatau
Decision-making process

38. The matters requiring decision in this report were considered by officers against the decision-making requirements of Part 6 of the Local Government Act 2002.

Te hiranga
Significance

39. Officers considered the significance (as defined by Part 6 of the Local Government Act 2002) of the matters, taking into account Council's *Significance and Engagement Policy* and *Decision-making Guidelines*. Officers consider that the matters are of low significance.

Te whakatūtakitaki
Engagement

40. In accordance with the *Significance and Engagement Policy*, officers determined that the appropriate level of engagement is 'informing'.

41. Customers will be informed of the trial via targeted communications and marketing activities including: posters (bus and shelters); messaging via social media; information on our website, and targeted messaging to residents' associations and known shift work employers such as the Wellington hospital.

Ngā tūāoma e whai ake nei
Next steps

42. Subject to Council's approval to proceed with the trial, the next steps are to:

    a. Roll out the communications and marketing activities

    b. Inform Snapper and operators of the decision so changes can be operationalised for a 10 February 2020 start

    c. Report back to Council on trial outcomes at its May 2020 meeting.

Ngā āpitihanga
Attachment

Number	Title
1	Proposed poster content for the Earlybird off-peak bus fares trial

Ngā kaiwaitohu
Signatories

Writer	Paul Kos, Manager Public Transport Policy
Approver	Greg Pollock, General Manager Public Transport

He whakarāpopoto i ngā huritaonga Summary of considerations
Fit with Council or Committee's Terms of Reference The Council has authority to make the decisions in relation to fares policies and funding fares initiatives for the Wellington region.
Implications for Māori There are no known impacts for mana whenua.
Contribution to Annual Plan / Long Term Plan / Other key strategies and policies The proposals in this report contribute to the delivery of public transport aspects of the Long Term Plan.
Internal consultation In preparing this report there has been consultation with officers in the Public Transport, Finance and Community Engagement teams.
Risks and impacts: legal / health and safety etc. There are no identified legal or health and safety risks arising from the matters in this report. There are risks that the trial may not achieve what is expected; however, these risks are mitigated by the fact that this initiative is a four month trial. A further decision will need to be made by Council to determine whether the trial will continue past the initial four month period.

Early Bird special available now.

Don't miss out!

Help spread the load. Take the bus to work and Snapper* on before 7am to receive a **25% discount** on your journey with Metlink! Valid for a trial period only from 10 February to 18 May 2020.

metlink on our way

metlink.org.nz | 0800 801 700 | @metlinkwgtn | /metlinkonourway

*NB: The early bird special is valid for **Snapper Card users only. Not valid for cash or SuperGold card users.** The early bird special will run for a trial period of 4 months only during the dates indicated above.

Council
4 February 2020
Report 20.16

greater WELLINGTON
REGIONAL COUNCIL
Te Pane Matua Taiao

For Decision

GOVERNMENT FRESHWATER REFORMS - LETTER TO GOVERNMENT

Te take mō te pūrongo
Purpose

1. To direct officers to draft a letter from the Council Chair to Environment Minister, Hon David Parker, and Agriculture Minister, Hon Damien O'Connor, regarding the Government's proposed freshwater reforms.

He tūtohu
Recommendations

That the Council:

1 **Notes** the Greater Wellington submission on the Government's freshwater reforms (Attachment 1).

2 **Notes** a summary of key themes from the LGNZ regional sector submission in (Attachment 2).

3 **Notes** a summary of national and regional costs of the freshwater proposals as presented by the LGNZ regional sector (Attachment 3).

4 **Directs** officers to prepare a letter from the Chair to Environment and Agriculture Ministers subject to consultation with the chair of Environment Committee and co-chair of Te Upoko Taiao – Natural Resources Plan Committee.

5 **Notes** that the Council Chair will meet with the Environment Minister on Tuesday 11 February 2020.

Te tāhū kōrero
Background

2. Greater Wellington Regional Council (GW) previously submitted on the Government's proposed freshwater reforms (**Attachment 1**). GW supported the over-arching intent of the proposals and, as such, supported the submission from the regional sector.

3. The proposals provide strong (and mostly clear) national direction that we have needed for many years; however, linked to this they do represent the biggest change in land and water management in a generation. Have no doubt that this represents a shock to our social, cultural and economic system – the speed of change will need to be carefully considered; the proposals should also recognise the amount of good work already done in the rural sector.

4. The proposals as drafted place significant costs onto landowners and rate payers. The lack of flexibility means that unnecessary costs are incurred with very limited benefits for water management.

5. The sector submission itself set out the concerns of a very much 'one-eyed view' of the issue (key themes being set out in **Attachment 2**). There has, so far, been a lack of consideration of the social and economic effects of the proposals. The impact on wellbeing could be significant; changes of this significance need to be carefully phased. A summary of the national costs is provided **(Attachment 3**).

6. The GW submission covered a number of areas:

   a. General support with the intent and direction; but the methods to achieve change are too heavy-handed

   b. Strong national direction is needed, but needs to fit into planning cycle and not undermine current processes

   c. The proposals don't recognise local variability and adopt a one-size-fits-all approach

   d. Little consideration has been given to social and economic impacts of the proposals meaning that the negative effects on wellbeing have been ignored

   e. The proposals are generally at odds with where the whaitua processes are taking us

   f. There is not enough capacity in the sector to deliver the required changes in the short-term.

7. We are already in a process of significant change within our Region. The GW's whaitua programme (set up in response to the 2014 NPS-FM), our response to climate change and building resilient sustainable communities is transforming our relationship with land and water. Our iwi partners and communities expect more from us, and we are already shifting to a new way of working.

8. Even though GW is relatively well placed with our existing whaitua programme; speeding up of these processes means additional planning, consultation, monitoring and reporting work will be required. This will pose a significant implementation challenge for us leading to some hard decisions regarding our resource allocation. Our partners and communities will also face similar challenges.

9. Significantly improving our land and water management will come at a great cost for Councils, our partners, landowners, stakeholders and our communities – reflecting decades of under-investment and central government incentive setting. Placing this burden entirely on rate payers and land owners is unaffordable for many in our community, especially when broader costs are added such as infrastructure costs, rising insurance costs, rising fuel costs, etc.

10. The letter to Ministers enables GW to discuss the direct effects in our region and offer suggestions about how the proposals could be modified to deliver the required changes in a more local, cost-effective and practical way.

Te tātaritanga
Analysis

Too much, too fast and not targeted

11. While GW supports the intent of the proposals, timeframes are too tight which will put pressure on our (and others) ability to deliver. The practicalities of change mean that the limited numbers and capacity of planners, scientists, land managers, contractors, auditors, etc. cannot result in the extent of change in the envisaged timeframe. Significant investment is required from central government in order to achieve the step change required within a generation.

12. Lead-in time to build sufficient capacity is going to be key. Expectations of how much can be achieved in five years needs to be managed. Even if we were to embark on training programmes right now, the trainees would lack the 'on the ground' knowledge and expertise required to understand the multiple challenges rural landowners face and how these might be addressed in the context of the proposals.

13. The current proposals create comprehensive monitoring requirements that significantly increase the resource requirements in this area. Monitoring of *all* attributes in *all* Freshwater Management Units (FMUs) could shift monitoring efforts away from areas where we could offer greater impact through more targeted deployments of resources.

14. GW supports the intent of the freshwater package. The objectives are very similar to the outcomes of GW's whaitua process. However, where we diverge is on the methods on how we achieve the outcomes; a heavy handed regulatory approach will not work for our region. We have a plan, designed through our whaitua process, and we want to stick to it.

Farm planning approaches are costly and not fit for purpose

15. The proposed freshwater reforms introduce freshwater farm plans as a mandatory requirement for all farms. There are divergent views across the regional sector on whether this is appropriate. Certainly farm plans have been in place for over 50 years in the eastern Wairarapa hill country with the major historical focus being on preventing soil erosion whilst maintaining productivity. Since the formation of regional councils in 1989, there has been a mover to consider wider environmental effects of farming.

16. The relatively recent introduction of Farm Environmental Plans into the more intensively farmed areas of the region shifted the focus onto nutrient management and stock exclusion from waterways with the express intention of improving water quality. The traditional hill country plans now focus on the reduction of sediment loads in waterways with intention of minimising the impacts on regional estuaries and coastal environments.

17. The current farm plans and farm environment plans (FEPs) are not mandatory. Staff have used available science to identify the worst catchments and prioritised resources to maximise potential environmental benefits. Whilst we do not object to mandatory FEPs per se, it is vital that we have the flexibility to work with landowners in the catchments that need greatest attention. This flexibility is widely supported by the

regional sector. This prioritisation also applies to the science investments and auditing proposed by the reforms.

18. Mandatory farm plans run the risk of becoming simply a tick-box exercise rather than leading to meaningful change. In addition, mandatory farm plans are not the recommendation of the Ruamāhanga Whaitua Committee. The drive for independent auditing is also of concern; appropriate in some cases but great care must be taken not to undermine the relationship with landowners. Having GW working directly with the landowner means a relationship is established, trust is enhanced and frequent exchange of information both ways is maintained. Costs are likely to be lower than an independent auditing system; the latter requiring significant investment to ensure there is sufficient capability and capacity.

Fixing the legacy effect

19. It is vital that the role that repeated central governments have played in forming today's environment. The 1970s were a decade of 1:1 subsidies for rural landowners to clear land. Significant tracts of NZ, particularly Class 6 & 7 hill country were cleared under these subsidies, all because the government focus at the time was productivity and economic growth. The environmental impacts were hardly ever considered.

20. In the 1980s central government introduced supplementary minimum payments (SMPs) to farmers who were facing bankruptcy post the 1980s economic crash. Again we saw more class 6 & 7 land cleared to expand the stock population.

21. Central government has played a massive part in incentivising landscape-scale change across New Zealand, resulting in significant degradation of our waterways and loss of terrestrial biodiversity. Ratepayers have largely been responsible for trying to reduce these impacts ever since. Very little central government funding has been evident. The Billion Trees programme is probably the single biggest boost for decades, and yet it will also lead to perverse land use outcomes.

Ultimate affordability, infrastructure and the need for all levels of government need to contribute

22. Ratepayers are being asked to provide more and more, yet the proposals provide little analysis of social, cultural and economic impacts. The Government is seeking to address the increasing poverty and hardship in New Zealand, yet it appears one part of Government is not talking to another part about reducing the financial impacts of change on New Zealanders by introducing well thought through, integrated and focused policy change.

23. The simple message to Government is if they want freshwater improvements achieved in the proposed timeframes then they need to incentivise this.

24. On top of all of this are a wide range of proposals from Government covering Three Waters, a new regulatory regime for drinking water, new urban development tools, stronger protection for indigenous biodiversity, local government funding, plus a rethink of the whole resource management system.

25. Recent events in Wellington City has shown the fragile state of our Three Waters infrastructure. Infrastructure investment across New Zealand required to improve

water quality to the necessary standards is a multi-billion dollar problem. Local government alone cannot afford this especially while delivering on Government's competing objectives.

Greater Wellington has already invested heavily, working with Government

26. Over the last ten years, GW has invested heavily in policy and planning for water and land management (see **Attachment 3**). The Proposed Natural Resources Plan (PNRP) was publicly notified in 2015 and has been through a round of public submission, hearings and is now at the appeal stage. The PNRP represented a significant step change in how we manage land and water in a much more integrated way.

27. The Whaitua process was set in as a direct response to implement the requirements of the 2014 NPS-FM. The programme is a significant community-led collaborative process; this takes time and investment. Constant shifts in national direction only makes our job harder meaning that some processes may need to be sped up, creating new risks for implementation.

28. The ethos of the whaitua process is very much 'local solutions for local issues', our catchments are all different which means we need tailor made solutions. The whaitua committees were exposed in great detail to the scientific evidence for these catchments and made decisions that focused investment on the priority solutions. The current central government policy suggests 'one solution fits all' which is out of step with our knowledge.

29. If central government want ratepayers to fund these changes then the notion of 'localism' suggests that the decisions need to made as close as possible to the problem i.e. by local communities. This is the basis of subsidiarity and democracy.

30. We would also stress the importance of the Regional Sector working alongside Government to devise solutions that move New Zealand's land and water management forward, while ensuring our regional communities can reasonably sustain the pace of change. We promote laying a platform for a positive, constructive and effective approach together with Government in the Wellington Region and across New Zealand, and would absolutely welcome this approach.

Ngā hua ahumoni
Financial implications

31. There are no direct financial implications regarding the decision in this paper.

Te huritao ki te huringa o te āhuarangi
Consideration of climate change

32. The matter requiring decision in this report was considered by officers in accordance with the process set out in GW's *Climate Change Consideration Guide*.

Mitigation and adaptation assessments

33. There is no need to conduct climate change assessments on this matter; the letter is supporting GW's submission on the Government's freshwater proposals submitted in October 2019.

Ngā tikanga whakatau
Decision-making process

34. The matter requiring decision in this report was considered by officers against the decision-making requirements of Part 6 of the Local Government Act 2002.

Te hiranga
Significance

35. Officers considered the significance (as defined by Part 6 of the Local Government Act 2002) of this matter, taking into account Council's *Significance and Engagement Policy* and GW's *Decision-making Guidelines*. Officers recommend that this matter is are of low significance, as it supports an existing Council submission.

Te whakatūtakitaki
Engagement

36. Due to the low significance of this matter for decision, no engagement was considered necessary**.**

Ngā tūāoma e whai ake nei
Next steps

37. The next steps from here regarding this matter are:

    a. Officers draft a letter to Ministers to discuss with the Chair

    b. Chair consults with the chair of Environment Committee and co-chair of Te Upoko Taiao - Natural Resources Plan Committee

    c. LGNZ sends letter to Ministers on behalf of sector

    d. GW sends letter to Ministers from Chair

    e. Chair to meet Environment Minister on 11 February

    f. Verbal report-back from the Chair to Environment Committee on 13 February

    g. Undertake any follow-up actions.

Ngā āpitihanga
Attachments

Number	Title
1	Greater Wellington freshwater submission to Government
2	A summary of key themes from the LGNZ regional sector
3	One pager summarising costs of the freshwater proposals

Ngā kaiwaitohu
Signatories

Writer	Matt Hickman, Manager, Environmental Policy
Approvers	Al Cross, General Manager, Environment Management Group Wayne O'Donnell, General Manager, Catchment Management Group

He whakarāpopoto i ngā huritaonga Summary of considerations
Fit with Council's roles or Committee's terms of reference Supporting the Council's submission on the Government's freshwater proposals
Implications for Māori Not from this letter, but significant from the Government's proposals.
Contribution to Annual Plan / Long term Plan / Other key strategies and policies Aligns with GW's Biodiversity and Water Quality goals.
Internal consultation None for this letter; extensive consultation when drafting the Council submission.
Risks and impacts: legal / health and safety etc. Cost implications is the freshwater proposals from Government are unchanged.

greater WELLINGTON
REGIONAL COUNCIL
Te Pane Matua Taiao

29 October 2019

Shed 39, Harbour Quays
PO Box 11646
Manners Street
Wellington 6142
www.gw.govt.nz

Freshwater submissions
Ministry for the Environment
PO Box 10362
Wellington 6143

Submitted to: consultation.freshwater@mfe.govt.nz

Submission on Action for healthy waterways

Please find enclosed the Greater Wellington Regional Council's submission on the Action for healthy waterways proposals.

Feel free to contact me on 04 830 4320 or matthew.hickman@gw.govt.nz if you have any questions or concerns.

Yours sincerely

Matt Hickman
Manager, Environmental Policy
Greater Wellington Regional Council

greater WELLINGTON
REGIONAL COUNCIL
Te Pane Matua Taiao

Greater Wellington Regional Council: Submission

To:	Ministry for the Environment
Submission on:	Action for healthy waterways: Our proposals, your views

1. Reason for submission

1.1 The Greater Wellington Regional Council (GWRC) wishes to make a submission on the Action for healthy waterways: Our proposals, your views document.

1.2 GWRC is **supportive** of the direction of the freshwater package. It signals a direction that is broadly consistent with our whaitua programme. This programme was set up as a means to meet the requirements of the 2014 National Policy Statement for Freshwater Management, especially understanding iwi and community values, and the setting of objectives and limits. However, the timeframes to achieve an increased workload are unrealistic.

1.3 GWRC is currently halfway through this whaitua programme; the message from our iwi partners and communities is clear: all are seeking significant improvement in how we all manage our land and water. Although the direction is similar, the methods to get there differ from the proposals. We have learnt that even though a conversation starts with water quality, it soon broadens to encapsulate all catchment issues. The whaitua process has been powerful in the sense that it provides a 'container' for all these issues to be put on the table.

1.4 We had envisaged a catchment community-led approach leveraging off good management practice, farm planning (as distinct from mandatory farm plans), and investment in ageing infrastructure, all backed up by limits and regulation. We believed that this is the appropriate approach for the pressures in our region. If these proposals go ahead, we will unfortunately be forced to rethink this approach and lose much of the ground we have gained through the processes so far.

1.5 We have provided answers to the questions set out in the discussion document and specific comments on the proposed National Policy Statement for Freshwater Management, the NES-FW and the stock exclusion regulations.

2. Key points of our submission

2.1 Support for the Regional Sector submission

GWRC **supports** the over-arching intent of the proposals and, as such, **supports** the submission from the regional sector.

The proposals provide strong (and mostly clear) national direction that we have needed for many years; however, linked to this they do represent the biggest change in land and water management in a generation. Have no doubt that this represents a shock to our social, cultural and economic system – the speed of change will need to

be carefully considered; the proposals should also recognise the amount of good work already done in the rural sector.

We are already in a process of significant change. The GWRC whaitua programme, our response to climate change and building resilient sustainable communities is transforming our relationship with land and water. Our iwi partners and communities expect more from us, and we are already shifting to a new way of working.

Even though GWRC is relatively well placed with our existing whaitua programme; speeding up of these processes means additional planning, consultation, monitoring and reporting work will be required. This will pose a significant implementation challenge for us leading to some hard decisions regarding our resource allocation. Our partners and communities will also face similar challenges. Significantly improving our land and water management will come at a cost for Councils, partners, landowners, stakeholders and our communities.

2.2 Concern about the impact on our rural communities

While GWRC supports the general direction of these proposals, we are concerned that the speed of change puts an unsustainable burden on our rural communities and does not recognise what has already been achieved.

The Ruamāhanga Whaitua Implementation Programme, developed with our iwi partners and community, envisaged a catchment community approach with all working together to deliver on land and water outcomes. The more regulatory approach, as proposed, will mean we will need to rethink this to some extent.

The direction of change is certainly consistent with our whaitua programme; the main differences being the pace of change, the attribute states that may be relevant, and the methods used to achieve the outcomes sought.

We **recommend** considering a rebalancing between rural and urban requirements. There is continued pressure from both new urban growth and the existing urban footprint. The loss of wetlands and streams is primarily happening due to new urban development; modern urban design methods are available to protect and enhance these threatened systems. The proposals could be firmer in this regard. The proposals do not include some urban contaminants, such as metals, that need to be addressed.

We **strongly support** the direction to district plans regarding the cumulative environmental effects of urban development. Consideration should also be given to clarifying the wording of Sections 30 and 31 of the Resource Management Act to ensure it is totally clear that territorial authorities have a major responsibility in managing the environmental effects from urban development and growth.

2.3 Undue regulation of the region's landowners – not commensurate to the problem

GWRC **opposes** the way certain pollutants are proposed to be managed. The framework around nitrogen is unlikely to be the most efficient and effective means of achieving improved ecosystem health. Dropping a model that has been developed for regions with severe nitrogen problems on other catchments will lead to excessive

costs, a focus on compliance and a reduction in the ability of landowners and communities to innovate.

The proposed options for managing nitrogen are not well suited to our region. GWRC has been developing a plan built around iwi and community-led catchment planning. The Ruamāhanga Whaitua Implementation Programme sets out a plan for the Parkvale catchment, for example (http://www.gw.govt.nz/assets/Ruamahanga-Whaitua/Final-Ruamhanga-WIP-August-2018-Pdf-version.pdf). GWRC wants to stick to this plan and bring the community along with us. This includes reducing nitrogen to the proposed national bottom line. Reducing nitrogen alone will not improve ecosystem health in this catchment. The regulatory approach toward managing nitrogen on farm will not solve issues in this catchment.

GWRC supports the drive to farm planning but **opposes** mandatory farm planning for all. This may be appropriate in some FMU's (particularly where sediment is an issue) but not across all FMUs and all regions.

The proposed systems will result in large compliance costs, both for GWRC and landowners. This will have a knock-on effect to ratepayers. Increases in rates should be focused on infrastructure investment not increases in compliance and monitoring. We need a system that drives innovation; we believe this sits in our whaitua process not in mandatory farm plans, the mandatory use of OVERSEER and a heavy consenting regime.

2.4 Support for Te Mana o te Wai but question the need for a long-term vision

GWRC **supports** clarifying Te Mana o te Wai and introducing a hierarchy for water management. The draft NPS-FM provides clear wording for giving effect to Te Mana o te Wai. It states that Te Mana o te Wai requires the following, and may include other things as determined locally:

a) adopting the priorities set out in the hierarchy of obligations

b) providing for the involvement of iwi and hapū in freshwater management and identifying and reflecting tangata whenua values and interests

c) engaging with tangata whenua and communities to identify matters that are important to them in respect of waterbodies and their catchments

d) enabling the application of broader systems of values and knowledge, such as mātauranga Māori, to the health and wellbeing of waterbodies and freshwater ecosystems

e) adopting an integrated approach, ki uta ki tai, to the management of waterbodies and freshwater ecosystems.

This approach is consistent with GWRC's whaitua programme and the basis of the Proposed Natural Resources Plan. It does provide further certainty for these processes.

The Crown will have to resolve mana whenua water rights to implement Te Mana o te Wai effectively. Treaty settlements have reset expectations that the Crown and Councils protect and provide for mana whenua values. Co-management at all scales is a likely outcome for this. National direction must be provided to enable Councils to provide local leadership to deliver on the Crown's Treaty obligations.

GWRC questions the workability of a single 'vision' in the Regional Policy Statement. The risk with such a vision is that is sits at too high a level to be useful. A vision in itself also has no statutory weight; we **recommend** that such a vision can be articulated at the *catchment or sub-catchment scale* and must sit as an *objective* in the Regional Policy Statement in order to carry the appropriate statutory weight.

2.5 Timeframes are too tight and resourcing limited in the short term

While GWRC supports the intent of the proposals, timeframes are very tight which will put pressure on our (and others) ability to deliver. The practicalities of change mean that the limited numbers and capacity of planners, scientists, land managers, contractors, auditors, etc. cannot result in the extent of change in the envisaged timeframe.

Lead-in time to build sufficient capacity is going to be key. Expectations of how much can be achieved in five years needs to be managed. There currently are not enough commissioners, farm planners, fencing contractors, and so on to meet the level of demand. Even if we were to embark on training programmes right now, the trainees would lack the 'on the ground' knowledge and expertise required to understand the multiple challenges rural landowners face and how these might be addressed in the context of the NES.

GWRC **supports** the introduction of a new centralised water planning hearing process; however we do express concern about the practical application of this. The process will be a significant undertaking for the country, meaning other planning and legal processes will need to be put on hold to free up capacity to concentrate on freshwater matters. Government should consider if all freshwater plans should be notified by **2025** in order to build sufficient capacity (and capability) in the resource management system.

2.6 There is not sufficient Mana whenua capacity to engage in all national and regional processes

Disparity in availability and ability of iwi to partner is a critical obstacle to implementation of Te Mana o te Wai. Equity in participation needs to be addressed. Integration of taiao and mātauranga Māori into resource management will require additional commitment of mana whenua which in turn will require either additional resource or reprioritising of current delivery.

This will also require investment in building the capability and capacity of both mana whenua kaitiaki and Council employees in leading Te Mana o te Wai.

All national direction places expectations and obligations on mana whenua to engage in resource management planning processes. The reality of this means that it's often the same people or group or people that are asked to engage in an endless round of consultation/co-design processes. The system was already at a breaking

point in this regard. Significant central government investment is required to ensure capacity and capability meets the increasing demands placed on all parties.

2.7 Monitoring requirements are onerous and out of date

The current proposals create comprehensive monitoring requirements that significantly increase the resource requirements in this area. Monitoring of *all* attributes in *all* Freshwater Management Units (FMUs) could shift monitoring efforts away from areas where we could offer greater impact through more targeted deployments of resources.

We **recommend** the focusing of effort towards those attributes and/or FMUs that have clear problems as a much more efficient use of monitoring resources. We would like to see the proposals more clearly and consistently recognise that effort should be directed commensurate with the significance of the water quality or quantity issues applicable to each particular FMU.

The management approach suggested through the proposals suggests a strong use of monitoring, evaluation, adaptive management and reporting. At a conceptual level, GWRC **generally supports** this direction. However, we consider that there are more efficient and effective methods to achieve these results. The resourcing and time implications are potentially heavy for the regional council to satisfy them as proposed.

The monitoring and accounting parts of the proposals seem to be highly related and could potentially be harmonised together. Similarly, the detecting deterioration and assessing and reporting sections seem to be about identifying and evaluating causes for the environmental conditions and opportunities to make improvements. They all seem to be about tracking the instream conditions, immediately responding to deteriorations in those through additional action plans and evaluating. But this is often too late - tracking changes in land use and modelling the impact may be a more useful tool in adaptive management.

In some parts of the proposals, there is a strong preference for monitoring data/exclusion of modelled data, while in other parts the value of a range of data sources including monitoring and modelling is recognised. GWRC **suggests** that modelling is a useful tool to provide information across a range of catchment types that don’t have monitoring. This supports a more efficient use of monitoring resources, particularly enabling greater targeting of monitoring towards areas where there are greater risks/issues to the values of the FMU. Such modelling approaches have been successfully used in Auckland, Sydney and Melbourne for example.

We **strongly suggest** that the proposals need to more clearly and consistently recognise the value of modelling information.

2.8 Recognising the status of work to date towards implementing the NPS-FM 2014/2017

GWRC has undertaken significant work in developing a community-led catchment planning approach to understand values and the setting of objectives and limits. Two Whaitua Implementation Programme documents have been completed (Ruamāhanga and Te Awarua-o-Porirua [to be read with the Ngāti Toa Statement]). A third whaitua is underway (Te Whanganui-a-Tara) with two more planned (Kāpiti and Eastern Wairarapa Hills).

GWRC **supports** the continuation of the values, objectives and limit setting process and use of the National Objectives Framework. To achieve implementation of this, GWRC will continue to use our whaitua programme as a means to understand community and iwi values to set objectives and limits. We will leverage off existing completed Whaitua Implementation Programmes to ensure the new requirements are met.

This creates an issue for us when the outcomes of this process do not align with this proposed national direction. A good example of this is the Parkvale catchment. We have a plan for the catchment, articulated as part of the whaitua process. We want to implement this plan. However, a new regulatory regime is proposed for very little beneficial outcome.

GWRC **does not envisage** repeating any processes *or* short-cutting others in order to meet the required timeframes. Additional investment and reprioritisation of resources will be required to meet the shortened timeframe to notify all freshwater plans by the end of 2023. We had originally been working to a target to notify all relevant plan changes by 2025 (in a staged approach). There is an additional opportunity cost here of course; **government should consider** extending some of the shorter timeframes for the national planning standards (such as the RPS completion date) to ensure all councils prioritise freshwater planning processes.

2.9 Opportunities to go wider – water bottling and green infrastructure

One further aspect of national direction that is helpful is national regulation regarding the activity of water bottling. GWRC **requests** that the government consider regulation of water use for water bottling through the National Environmental Standard for Freshwater.

Significant pressure exists at the local and regional level to manage this use more strongly. However, the lack of a legislative framework to enable the targeted management of water bottling activities combined with the lag in planning processes could be overcome with a strong piece of national direction.

There is currently no recommended guidance at a national level about incorporating green infrastructure into policy and planning provisions or on stormwater design and management. GWRC **requests** that the government consider providing this guidance on a national scale.

3. Final statement

Overall, Greater Wellington Regional Council supports the intent of the freshwater package. The objectives are very similar to the outcomes of GWRC's whaitua

process. However, where we diverge is on the methods on how we achieve the outcomes; a heavy handed regulatory approach will not work for our region. We have a plan, designed through our whaitua process, and we want to stick to it.

Thank you for the opportunity to make a submission on the proposed package. Please do not hesitate to contact GWRC to discuss any of the points raised.

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Responses to questions from the discussion document

Overview – the health of our nation depends on the health of our freshwater

Q1. Do you think the proposals set out in this document will stop further degradation of New Zealand's freshwater resources, with water quality materially improving within five years?

No, it will take much longer than 5 years to show a material improvement in water quality.

In respect of GWRC's situation, we have recently reviewed our regional plan and have provisions in the plan that seek to maintain or improve water quality. We also are not experiencing declining trends in water quality or increasing pressures on our water resources. In some cases our waterways are showing improvement.

Q2. Do you think the proposals will bring New Zealand's freshwater resources, waterways and ecosystems to a healthy state within a generation?

The proposals should result in movement toward a healthy state within a generation. Some locations will improve more quickly than that, others more slowly depending on the current state and the pressures on those water resources.

The proposals do not include a requirement to achieve a certain state within a specified timeframe. Therefore, it is uncertain as to whether these proposals would achieve a healthy state within a generation.

Q.3 What difference do you think these proposals would make to your local waterways, and your contact with them?

Gradual improvement over time as per our whaitua process.

Q.4 What actions do you think you, your business, or your organisation would take in response to the proposed measures?

- In essence, there will be 'more' of everything:
    - Lots more research for limit setting, monitoring and reporting.
    - Lots of community engagement including land owner discussions
    - Lots of plan changes
    - Lots more iwi and mana whenua engagement
    - Lots of action plans
    - Lots more farm plans
    - Lots of compliance activity to enforce regulations.
- All of which will require a lot of money and many additional staff.

We support the regional sector's analysis of the increased resourcing requirements of this package.

Q. 5 What support or information could the Government provide to help you, your business, or your organisation to implement the proposals?

We recommend the provision of funding for councils to implement these changes to mitigate very large rate rises which would be unaffordable for many communities. This is especially true in the 3 Waters infrastructure space.

Q. 6 Can you think of any unintended consequences from these policies that would get in the way of protection and/or restoration of ecosystem health?

The focus on certain pollutants (e.g. nitrogen) will drive short-term compliance actions that will not benefit overall ecosystem health.

Possibly knock on effects regarding land becoming unproductive resulting in lower income, lower tax take, land values dropping, reduced rating income meaning less money in the system to pay for improvements.

Q. 7 Do you think it would be a good idea to have an independent national body to provide oversight of freshwater management implementation, as recommended by KWM and FLG?

Not at this stage. This function could be picked up in environmental reporting (StatsNZ and MfE), investigations (PCE and EPA) and a centralised drinking water regulator.

Q. 8 Do you have any other comments?

Not at this stage.

3.1 Te Mana o te Wai

Q. 9 Do you support the Te Mana o te Wai hierarchy of obligations, that the first priority is the health of the water, the second priority is providing for essential human health needs, such as drinking water, and third is other consumption and use?

Yes, this is a much needed shift away from the economic vs environment dichotomy which has not provided for water quality. The hierarchy recognises that water is a primary entity upon which all wellbeing is reliant. It follows that our first and most important obligation is to provide for the health of water.

It also opens up a drive for innovative solutions that achieve a 'win-win' between water and land use. Ultimately we need to shift to a situation whereby good profits can be achieved while protecting land and water. Some of this can be driven by best practice (in both the urban and rural context) but most will need to come from enabling innovation.

Q. 10 Do you think the proposals will have the desired effect of putting the health of the water first?

The Crown will have to resolve mana whenua water rights to implement TMOTW effectively. Treaty settlements have reset expectations that the Crown and Councils protect and provide for mana whenua values. Co-management at all scales is a pre-requisite for this. National direction must be provided to enable Councils to provide local leadership as Treaty partners.

Disparity in ability of iwi to partner is a critical obstacle to implementation of TMOTW. Equity in participation must be addressed. Integration of taiao and mātauranga Māori into resource management will require additional commitment of mana whenua which in turn will require either additional resource or reprioritising of current delivery. It will also require investment in building the capability and capacity of both mana whenua kaitiaki and Council employees in leading TMOTW.

Q. 11 Is it clear what regional councils have to do to manage freshwater in a way consistent with Te Mana o te Wai?

No. Councils need guidance, direction and measures to ensure implementation of TMOTW

The NPSFM must make Councils accountable for "giving effect" to Te Mana o te Wai beyond biophysical parameters for human health and consumptive uses.

Q. 12 Will creating a long-term vision change how councils and communities manage freshwater and contribute to upholding Te Mana o te Wai?

A *regional* vision for TMOTW is working against the principle of devolved responsibility for water quality delivered through localism which GWRC has articulated as the Whaitua process in the PNRP and which has now been devolved as far as FMUs. If we were to develop a regional vision for TMOTW it should be aggregated up from the collective visions of our Whaitua and catchment communities responsible for freshwater management.

3.2 New Māori value

Q. 13 Do you think either or both of these proposals will be effective in improving the incorporation of Māori values in regional freshwater planning?

We generally support proposal 1 and agree mostly with the comments of Te Kāhui Wai Māori regarding both proposals.

Q. 14 Do you foresee any implementation issues associated with either approach?

Investment is required in mana whenua kaitiaki and learning institutions to lead the work of bringing forward mātauranga Māori necessary to implement these proposals at all regulatory spatial scales.

Q. 15 What are the benefits and impacts of either of these approaches?

Proposal 1 Mahinga kai is a fundamental lens into the assessment and management of freshwater for mana whenua that incorporates place, species and activities. There

is a wealth of existing knowledge and expertise that can be further developed into regulatory frameworks and not regulatory provisions.

Proposal 2 Tangata whenua values recognises that whilst sharing generic basis, Māori values for water need to be identified, developed and applied at an appropriate cultural scale in order to capture local conditions, uses, attributes and relevant decision making structures. This is critical to supporting mana whenua leadership and broader community commitment to implementation of TMOTW.

Q. 16 What implementation support will need to be provided?

A national public awareness programme supporting TMOTW as the national lens for freshwater improvement. We need to understand as a nation the need for healthy water and how this is perceived through understanding mahinga kai and tangata whenua values. This will encourage the wider community to reflect on their own values and measures. This could include:

- TMOTW national leadership programme that develops existing and emerging leaders as TMOTW champions and auditors
- TMOTW audit programme.
- National training programme and qualifications for Council staff to develop TMOTW as an integral element of service delivery.
- Recruitment and recognition of "dual competency" staff who can work with mana whenua values and have or develop specific skills and knowledge (mātauranga) supporting TMOTW
- TMOTW understanding developed as a curriculum through all levels of the education system.
- More immediately, existing wānanga and university programmes that focus on Te Taiao Mātauranga Māori learning should be supported to expand and promote their programs.

3.3 New planning process for freshwater

Q. 17 Do you support the proposal for a faster freshwater planning process? Note that there will be opportunity to comment on this proposal in detail through the select committee process on the Resource Management Amendment Bill later this year.

In principle GWRC supports this process. It is becoming increasingly clear that the standard RMA Schedule 1 process takes too long and costs too much for limited additional benefit. The Proposed Natural Resources Plan has taken ten years to get to a decision stage; this is too long.

We believe that the proposed restriction on avenues for appeal will reduce the duration and expense needed to give effect to this important NPS.

However, we have concerns that there are not enough practitioners to complete a parallel hearing process across the country. This applies to both Hearing Commissioners and subject experts. Councils and submitters will all be seeking the same experts meaning that some councils will 'lose out'. This is already happening

as all Councils aim to have limits and objectives in place – a centralised process will expose the thinness of the domestic planning and expert market.

The "major urban centre areas" from the NPS-UD could also benefit from being able to use the freshwater planning process for their plan changes. Managing the effects of urban development on freshwater bodies, ecosystems and sensitive environments is critical to implementing this NPS-FM.

3.4 More integrated management of freshwater

Q. 18 Does the proposal make the roles and responsibilities between regional councils and territorial authorities sufficiently clear?

No. Although we are very encouraged to see the direction to territorial authorities, it's not actually clear who is responsible. Sections 30 and 31 require further clarification. Some planners and lawyers argue that territorial authorities have no role in water quality management because Section 31 is not explicit enough in this regard.

The Resource Management Amendment Bill provides an opportunity to clarify the role of territorial authorities in relation to the cumulative effects from urban development.

3.5 Exceptions for major hydro schemes

Q.19 Does the proposal to allow exceptions for the six largest hydro-electricity schemes effectively balance New Zealand's freshwater health needs and climate change obligations, as well as ensuring a secure supply of affordable electricity?

There are no major hydro schemes within the Wellington region. However, we support the proposal to make exceptions concerning water flow levels and variability for major hydro schemes. We agree that Government has to balance the need to support freshwater ecosystem health with the need to reduce carbon emissions. Continued operation of major hydro schemes is an important part of NZ's efforts to reduce our carbon footprint.

3.6 Attributes

Q.20 Do you think the proposed attributes and management approach will contribute to improving ecosystem health? Why/why not?

GWRC questions whether there might be some redundancy in attributes. A number of the attributes are likely to have strong correlation between them, and/or are likely to require the same responses in order to achieve improvements in their condition. This adds potentially significant additional complexity for community processes to set objectives and adds cost for understanding current conditions and tracking changes over time, for little marginal benefit in terms of providing protection for ecosystem health or justifying additional management responses. We would like to see an ability to focus on the critical few attributes that help describe the current conditions, desired changes and most clearly support/justify the management responses. Focusing on those attributes that are most related to the pressures present within an FMU would also be a more efficient way to deploy council resources, justify actions and reduce complexity for community processes.

There may be scenarios where a target attribute state is not met but other elements of ecosystem health are provided for, such as a non-native species fulfilling a particular ecosystem function, for example a non-native species providing habitat/food for native species.

There may also be scenarios where we need to acknowledge a likely short term deterioration in an attribute state in order to allow longer term improvements. An example might be a transition phase through gorse for retirement of erosion prone land. This might provide a short term increase in nitrogen load as the retirement vegetation grows, but a longer term reduction in both sediment and nitrogen would be expected. These shorter term increase for longer term decrease scenarios need to be acknowledged and provided for.

Q. 21 If we are managing for macroinvertebrates, fish, and periphyton, do we also need to have attributes for nutrients that have been developed based on relationships with aquatic life?

How macroinvertebrates, fish and periphyton respond to nutrients will vary and it will occur through different pathways (e.g. for macroinvertebrates, nutrient levels that effect ecosystem health can play out through a periphyton pathway. This was the case for the stressor specific metrics developed as a part of the MfE macroinvertebrate metrics project). This would mean having one attribute table based on ecological responses would be difficult from an ecosystem health point of view

3.7 Threatened indigenous species

Q.22 Do you support the new compulsory national value?

Yes, we support a new compulsory value for threatened indigenous species because of the significant proportion of New Zealand's native freshwater species that are threatened or declining and the critical need for regional and district planning to identify and protect their habitat. We request that this provision applies to all threatened species that rely on freshwater systems, not just freshwater fish, e.g. river nesting birds and wading species, as well as freshwater plants and invertebrates

3.8 Fish passage

Q.23 Do you support the proposed fish passage requirements?

Yes – The policy provides greater strength to the NZ Fish Passage Guidelines and correlates with the work programme being developed by Greater Wellington Regional Council in response to these guidelines.

One area to consider is how regional councils will reconcile 3.17 (2) b) and c) preventing passage of "undesirable species" while d) taking into account Sports Fish and Game Management Plans? Some further clarity on this will be required.

Q. 24 Should fish passage requirements also apply to existing instream structures that are potentially barriers to fish passage, and if so, how long would it take for these to structures to be modified and/or consented?

Yes, but this would need to recognise and provide for the significant time and cost required to remediate existing structures, as there are many hundreds of structures across NZ that will require attention. Any extension of the existing policy should require regional councils to develop a strategic plan for fish passage remediation, identifying priority structures and or catchments for progressive improvements, recognising the cost-effectiveness of altering structures as opportunities arise with upgrades.

We do not have a record of instream structures that meet the permitted activity rules; although we are starting to identify instream structures and the barrier they pose to fish passage in priority catchments as part of our whaitua process. It would be an incredibly expensive exercise to identify all instream structures across the region and ensure that they meet the new fish passage requirements or make people get a consent.

3.9 Wetlands

Q. 25 Do you support the proposal to protect remaining wetlands?

Yes, we strongly support the provisions to protect New Zealand's remaining wetlands due to the importance of wetlands (for their provision of ecosystem services including reducing impacts of floods, absorbing pollutants, improving water quality; and the habitat they provide for animals and plants); the significant loss of wetlands throughout New Zealand, including in the Greater Wellington Region; and because of the ongoing loss of wetland extent and functionality.

We support the proposal to protect our remaining wetlands and put tighter control on activities that damage them. Requirements to identify natural wetlands, monitor their health, set policies to protect them, and support active restoration all align with GWRC's existing approach. A clear definition of wetlands with associated implementation guidance will be required to remove any uncertainty and ensure consistent application across the country.

We request that provision is made to enable supportive policy pathways for activities associated with wetland restoration, maintenance/improvement of indigenous values and monitoring/research. Under the Proposed Natural Resources Plan, GWRC provides for wetland restoration activities that have been identified in an approved restoration management plan as a controlled activity, with provision to waive resource consent fees. Under the current drafting of the NES, restoration is a discretionary activity – this would override this controlled activity rule and is likely to be a deterrent to wetland restoration. Landowners will exclude stock, and revegetation will occur, but actions such as providing a wetland with the right amount of water are likely to be discouraged by a discretionary consent.

Q. 26 If this proposal was implemented, what would you have to do differently?

GWRC has 190 significant wetlands greater than 0.1ha scheduled in the PNRP. We would need to undertake more research to identify and map wetlands greater than 0.05ha.

We would need to expand our existing wetland monitoring programme to include newly mapped wetlands identified in the 0.05-0.1ha category. We already have a monitoring programme in place and have monitored 90 wetlands to date.

We would need to develop a programme to respond when degradation of the condition of these wetlands is detected.

All of these actions would require consultation, consent and cooperation of landowners with wetlands on their property. In previous research and mapping exercises, 20% of landowners have refused access to their property. This number is likely to increase if rules are seen as being 'too' restrictive.

3.10 Streams

Q. 27 Do you support the proposal to limit stream loss? Why/why not?

We support the direction to avoid infilling of streams and rivers following the internationally-recognised mitigation hierarchy to ensure *at least* a no net loss of river extent or health. However, in some areas there has been a significant loss of stream network due to reclamation/piping, therefore we consider that in these areas the aim of the policy should be to achieve a net gain.

To achieve this, NES 18(1)(d) **must** be amended so that clauses (a)-(c) are linked to (d) with an 'and', otherwise the NES provides a significant pathway for the continued loss of streams [18(1)d refers to "for which there are no practical alternative methods of enabling the activity to take place"]. This means that for every subdivision or new development, a case will be made that there is no practical alternative. This means that there is no certainty or consistency across councils – essentially leaving this to be considered on a consent-by-consent basis. We ask for the removal of (d) as a stand- alone clause (noting that it should be retained as a requirement linked to clauses a-c) to provide certainly and to align correctly with the higher level direction to avoid such infilling.

Q. 28 If this proposal was implemented, what would you have to do differently?

If the two proposals in the NPS and NES for streams were implemented as written, we would have to apply their inconsistency on a consent-by-consent basis.

Q. 29 Do the 'offsetting' components adequately make up for habitat loss?

We consider it needs to be clear how this aligns with the strong avoid objective.

The answer here depends on whether the changes to the NES section 18, as requested in our detailed comments on each provision, are accepted. If so then there are limited circumstances in which infilling is possible. This question should refer to application of the full effects management hierarchy (rather than just offsetting) as the most effective approach is the requirement to avoid in the first instance, and only then minimise, then remedy stream loss. We consider that offsetting for projects of the likely scale of nationally significant infrastructure should be required to achieve 'net gain' to provide greater confidence of a good environmental outcome in the face of uncertainty/risk associated with the application of any offset and the time lag between impact and the positive outcomes anticipated. This approach will help to

address cumulative losses over time and space and is consistent to the NES requirement associated with wetlands.

3.11 New bottom line for nutrient pollution

Q. 30 Do you support introducing new bottom lines for nitrogen and phosphorus? Why/why not?

No, GWRC does not support these new bottom lines. We support the regional sector view on this issue.

While the bottom lines mostly work for Wellington region, there are a number of areas nationally where improving nitrogen and phosphorous concentrations to above the bottom line does not improve ecosystem health. In many places, a wider response beyond just managing nutrients is required. A number of places in this region have nitrogen concentrations below the national bottom line. Communities have already set nitrogen objectives at the bottom of the "A band" for nitrogen toxicity. This is the same as the proposed national bottom line.

Q. 31 If this proposal was implemented, what would you have to do differently?

Mostly minimal changes as it lines up with the direction of our whaitua process; but it may force us to focus narrowly on one pollutant type rather than whole ecosystem health.

Q. 32 Do you have a view on the STAG's recommendation to remove the 'productive class' definition for the periphyton attribute?

Yes we do have a view. The spatial differentiation is important. Removing this class would make management in some of our soft sedimentary rock catchments difficult.

3.12 Reducing sediment

Q. 33 For deposited sediment, should there be a rule that if, after a period (say five years), the amount of sediment being deposited in an estuary is not significantly reducing, then the regional council must implement further measures each and every year? If so, what should the rule say?

Estuaries are a particular concern for us (Porirua Harbour being under significant pressure). The whaitua process for Te Awarua-o-Porirua and recent monitoring has highlighted the sedimentation issues for this area. An action plan that links though to clear targets should be the approach here; large weather events are particularly difficult to manage for and this may be the increasing norm with climate change.

Q. 34 Do you have any comments on the proposed suspended sediment attribute?

Why has this been based on turbidity and not suspended sediment? Readings can differ between turbidity metres. The units are also FNU and many turbidity metres read in NTU.

Q. 35 If this proposal was implemented, what would you have to do differently?

It aligns with the direction of the whaitua process but will mean a lot more resources put into monitoring.

3.13 Higher standard for swimming

Q. 36 Do you agree with the recommended approach to improving water quality at swimming sites using action plans that can be targeted at specific sources of faecal contamination? Why/why not?

GWRC supports the use of an action plan to improve water quality at swimming sites.

There are issues with the proposed monitoring regime. The approach is not feasible with current resources and communicates the risk to the public after a sample has been collected and processed. At GWRC we are shifting from the surveillance monitoring approach to a modelling approach based on a relationship with rainfall/riverflow and E.coli levels using several years of data. Warnings are placed on the GW recreational water quality website and give an indication of real time risk to the public.

3.14 Minimum flows

Q. 37 Is any further direction, information, or support needed for regional council management of ecological flows and levels?

Yes. The NPS is not clear enough on what restrictions are expected at minimum (or other) flows including what exceptions there should be (if any) for municipal supply takes.

3.15 Reporting water use

Q. 38 Do you have any comment on proposed telemetry requirements?

This is a positive change and while it will increase compliance workloads initially (ensuring that consent holders have telemetry set up) in the long run it will improve compliance workloads. We support the proposal to mandate telemetry.

3.16 Raising the bar on ecosystem health

Q. 39 Do you have any other comments?

No.

3.17 Draft NPS-FM (see the draft NPS-FM on the Ministry for the Environment's website)

Detailed comments on the draft NPS-FM are provided in the table with this submission.

3.18 Supporting the delivery of safe drinking water

Q. 43 Do you agree with the proposed amendments to the Drinking Water NES? Why/why not?

Yes. Additional protection is needed for group and community water supplies. Amendments reflect some of what is in PNRP, e.g. defining a spatial area for the protection zone based on contaminant transport times. Default zones should only be temporary. Definition of the specific spatial area for each supply by the supplier

should be mandatory at some point e.g. when a water permit is applied for, or reviewed, or within 5 years for existing consents, or when district or regional plans are reviewed.

GW supports the proposal that it requires greater input from territorial authorities to control land use that might affect Community Drinking Water Supply Areas (CDWSA) e.g. subdivision, sewage servicing and stormwater management.

Nitrate needs faster attention as the health effects may be prevalent when levels are lower than the NZDWS, and there is no practicable treatment available, especially to smaller water suppliers.

Q. 44 Are there other issues with the current Drinking Water NES that need to be addressed?

There is a need to accurately identify the 'registered' water supplies. The MoH Register is not accurate and existing activities and land uses in CDWSA may be impacting on water quality, e.g. verified contaminated land, on-site sewage systems.

This standard is based on treatment capability of existing community drink water supply, and there is no requirement for the supplier to meet minimum quality.

Q. 45 Do you have any other comments?

How does this fit with 3 Waters Review?

There needs to be a review of MoH/TA/RC roles in drinking water quality. We suggest centralised management.

There needs to be a requirement for CDWS to meet minimum water quality criteria.

We recommend that individual/small supplies (less than 25 people or 25 and above for less than 60 days) are given the current level of protection for supplies >25 people has under current NES-HDW i.e. that they are notified if something happens or is authorised to occur within the vicinity of their intake that may affect their drinking water.

In those CSWS catchments where it exists, recognise the linkage between surface water and groundwater.

3.19 Better managing stormwater and wastewater

Q. 46 Does the proposed Wastewater NES address all the matters that are important when consenting discharges from wastewater networks? Will it lead to better environmental performance, improve and standardise practices, and provide greater certainty when consenting and investing?

No. A resource consent is authorising what leaves or escapes the network. There is a need to look back into the network to assess suitability, efficiency, effectiveness, capacity, weaknesses, leaks, laterals and sections not owned or managed by the operator etc. Design systems based in the receiving environment not an engineered system 'forced' on the environment.

The focus appears to be, but is not stated, on discharges of wastewater to water. It needs to be clearer to ensure those limits which may not be relevant to discharges to land.

The mechanism needs to integrate with the NES outcomes e.g. discharges of contaminants to land usually have effects on groundwater and surface water quality.

Wastewater systems can or will be some of the largest sources of nutrients in a catchment.

Q. 47 Do you agree with the scope of the proposed risk management plans for wastewater and stormwater operators? Are there other aspects that should be included in these plans?

No – the scope is too simplistic. It adds no more than what is required currently under the resource consent process. Stormwater management plans need to be driven by receiving environment *outcomes*. There is a risk in setting out the scope of a management plan as each will be slightly different.

Stormwater operators (as wastewater operators can do now) need to manage/control what goes into the stormwater system.

GWRC currently has issues with the use of natural waterways as stormwater conduits, i.e. these waterbodies being managed as a stormwater "drain" rather than as an aquatic ecosystem.

Q. 48 What specific national level guidance would be useful for supporting best practice in stormwater policy and planning and/or the use of green infrastructure and water sensitive design in stormwater network design and operation?

GWRC **suggests** that it would be useful to have national level guidance on:

- incorporating green infrastructure into policy and planning provisions or on stormwater design and management

- a national requirement to use Water Sensitive Urban Design principles at all scales of new development and

- retro-fitted solutions for the existing urban footprint .

Q. 49 What are the most effective metrics for measuring and benchmarking the environmental performance of stormwater and wastewater networks? What measures are most important, relevant and useful to network operators, regional councils, communities, and iwi?

A focus on outcomes, or waterbody objectives, rather than network performance is important. A focus on network performance as the key measures will lead to over investment in upgrades in some places and under investment in other places. Investment in network upgrades should be determined based on environment outcomes.

Q. 50 Do you have any other comments?

No.

3.20 Restricting further intensification

Q. 51 Do you support interim controls on intensification, until councils have implemented the new NPS-FM? Why/why not?

Yes we support the proposed controls on intensification which is consistent with the direction of the Ruamāhanga Whaitua Implementation Programme. This programme includes a recommendation to include a new discretionary rule for land use changes that result in an increase in contaminant load into the Proposed Natural Resources Plan for the Wellington Region.

If this direction were to come from Government it could also reduce dispute and litigation between Council and stakeholders over the ways land use change is controlled.

Q. 52 For land-use change to commercial vegetable growing, do you prefer Option 1: no increase in contaminant discharges OR Option 2: farms must operate above good management practices. What are your reasons for this?

GW supports option 1 as this aligns with the Ruamāhanga Whaitua Implementation Programme recommendations to use regulatory means to control land use change and intensification.

Q. 53 How could these regulations account for underdeveloped land, and is there opportunity to create headroom?

This is unclear. There is an ability to create headroom, but this would be made easier if offsetting is allowed for. Clarity around the spatial scale at which water quality is maintained may assist.

3.21 Farm plan options

Q. 54 Do you prefer mandatory or voluntary farm plans (acknowledging that farm plans may be required by councils or under other parts of the proposed Freshwater NES?) What are your reasons for this?

GWRC strongly prefers continuing the voluntary approach to farm plans and prioritising and supporting the development of farm plans in high priority catchments on an FMU-by-FMU basis.

In the Wellington region, our research and modelling shows that sediment is the main contributor to poor water quality and ecosystem health as well as impacting on cultural health values. As a result of this information, both the Ruamāhanga and Porirua Whaitua Implementation Programmes have recommended that farm plans are implemented in the freshwater management units (FMUs) with highest sediment issues (Ruamāhanga) and on properties with erosion-prone land (Porirua). Farm plans would be prioritised and incentivised in these FMUs and in the Ruamāhanga catchment, farm planning would also encompass cultural, economic and social outcomes It is much more effective and efficient to focus on the biggest issues for our region, and the multiple impacts that it has on the values our community wants

to restore and protect. Prioritising farm plans in these particular FMUs will allow for a co-ordinated and targeted response.

Q. 55 What are your thoughts on the proposed minimum content requirements for the freshwater module of farm plans?

The scope of the FP-FW set out in Section 38 of the draft NES is a copy of the Canterbury FEP scope. That scope is developed for a largely flat land, groundwater hydrogeology, nitrogen loss-the-principal-concern setting. This scope is not necessarily relevant to all other parts of NZ. The scope should be developed for a wider range of situations and contaminants. It should also include contaminants from human effluent systems on a property.

Q. 56 What are your thoughts on the proposed priorities and timeframes for roll out of farm plans, as set out in the proposed Freshwater NES?

While it is useful to identify priority areas, it is important to determine what is a 'priority area' which needs further and more broad scoping e.g. assessing nature and scale of the problem, likely cost and time response to achieve improvements etc. This scoping would be more usefully done by a regional council and their community e.g. GWRC's Whaitua process.

We oppose the prioritisation of catchments based on nitrogen alone.

Q. 57 Do you have any comment on what would be required to ensure this proposal could be effectively implemented, including options for meeting the cost of preparing, certifying and auditing of farm plans; and on financing options for other on-the-ground investments to improve water quality?

If farm plans were to be mandatory everywhere, in order to meet the required timeframes it is essential that there are appropriate resources provided by Government to design an appropriate training programme and upskill the certified farm environment planners to prepare these plans. This will also need to be the case for approved auditors. The case for mandatory farm plans everywhere is not a strong one, entailing excessive costs; it would not be the most effective and efficient way of meeting the government's objectives.

GWRC has a long history of strong working relationships with farmers and their farm plans. We strongly encourage these FW-FPs to be farmer led or at least that farmers are integral to the process. In our experience, many farm plans become irrelevant without some level of farmer buy in.

To effectively implement this proposal, there needs to be a co-ordinated integrated approach from industry, land owners, regulators, iwi and the wider community in each catchment (FMU). There needs to be investment in the resource to prepare these plans and investment in the community capacity to uptake, adapt and implement these plans.

3.22 Immediate action to reduce nitrogen loss

General response:

GWRC opposes the specific catchment rules targeting nitrogen only. Our whaitua process focuses on ecosystem health; targeting one pollutant may not be the most effective and efficient way to achieve improved ecosystem health.

The focus appears to be on surface water quality, while groundwater also has high nitrate concentrations that eventually affect surface water, and has human health issues. With the lag time in some groundwater catchments, some may take years to see the effects of nitrogen loss from past and current land use. Nitrate concentrations in water in the Wellington region may increase in some catchments for some time.

Generic response risks over, under or not achieving targets/outcomes. Response needs to be targeted to the specific situations for each catchment. The limits on nutrients need to take into account all inputs – including any additional sources that may not just be current land use.

Q. 58 Which of the options (or combination of them) would best reduce excessive nitrogen leaching in high nitrate-nitrogen catchments? Why?

None of the options would work for GWRC. We have run a 5-year process to develop a plan to deal with such pollutants; the current options in the proposal are the antithesis of our approach. An advisory committee of council, with members covering iwi, TAs and community members has developed an approach that has been received by GWRC. The plan is set out in each Whaitua Implementation Programme – targeted to be the most efficient way of achieving the objectives and limits.

Q. 59 If you are in a high nitrate-nitrogen catchment, what would you have to do differently under these options?

We oppose the heavy regulatory regime being imposed on high nitrogen catchments. This type of regulation would not work in our region; there are very large compliance costs and very narrow benefits. Focusing on one pollutant may not give the best outcomes for ecosystem health. The Canterbury model will not work everywhere in the country.

These options would require best farming practices across all activities that lead to high nitrate loss (as is targeted in the Ruamāhanga WIP), and it would possibly require changing the farm system including reducing stock numbers or land-use change. It will not encourage innovation, but rather lock in the status quo and focus on compliance.

Q. 60 In addition to those already identified, are there other high nitrate-nitrogen catchments that should be subject to these options?

No.

Q. 61 Do you think the action already underway in five regions (identified in section 8.4) will be effective in reducing excessive nitrogen leaching in those high nitrate-nitrogen catchments?

No, the focus on compliance works against innovation. A big part of the Ruamāhanga WIP was working with landowners and communities to drive innovation to meet the desired values and objectives.

The Canterbury model is not appropriate for our region.

Q. 62 Should there be higher thresholds for farms that produce food products in winter, and if so, which food products?

No, best farming practice for winter production should be followed.

Q. 63 What alternative or additional policies could contribute to reducing nitrogen loss?

Promotion of innovation (such as GW's current work with dung beetles), establishment of community driven catchment groups, alternative land uses, produce and farming systems that require a lower intensity.

Q. 64 Do you have any comment on what would be required to ensure this proposal could be effectively implemented?

There is a risk that linking any proposal to nitrogen caps calculated by individual farm nutrient losses modelled in OVERSEER will leave it vulnerable to changes in the OVERSEER model, as well as the inherent margins of error present in the model.

OVERSEER is unreliable in this context and will only drive compliance rather than innovation.

3.23 Excluding stock from waterways

Q. 65 Do you support excluding stock from waterways? Why/why not?

The section heading "excluding stock" does not accurately describe the purpose of these regulations. The issue is managing stock access rather than excluding all stock everywhere.

The draft regulations are convoluted and difficult to understand and interpret.

The only difference between stock exclusion requirements based on land slope is that on 'Non-low slope' land, i.e. land with slope over 5, 7 or 10 degrees, there is no requirement to exclude beef cattle, deer or dairy support cattle from rivers or lakes, where:

- the farm base carrying capacity is <14+ SU/ha, or
- if the farm scale is <14 SU/ha, the paddock scale is <18+ SU/ha.

The base carrying capacity is calculated using Crown Pastoral lease procedure, based on LUC, but with a lot of other considerations and appears very difficult to implement. LUC is 1:50,000 scale and does not definitively describe LUC for an individual farm, or 'paddock'.

All other provisions in the Regulations are the same for 'Low slope' and 'Non-low slope' land.

It would be more efficient for the Regulations to state that they don't apply to cattle deer and pigs in the situation described above, i.e. only apply to stock access to rivers >1m wide and lakes on farms >14 SU/ha farm scale, or >18 SU/ha paddock scale.

The Regulations could be simplified and made more easily understood e.g.

Cattle, deer and pigs must be excluded with a 5m setback from wetlands on all farms.

Implementation:

- *Immediately for wetlands on new pastoral systems*
- *by 2021 for wetlands identified in RPs or DPs,*
- *by 2023 for all other wetlands.*

Cattle deer and pigs must be excluded with a 5m average setback from rivers >1m wide and lakes on farms with >14 SU/ha farm scale, or >18 SU/ha paddock scale.

Implementation:

- *Immediately for rivers and lakes on new pastoral systems*
- *By 2021 for*
  - *Dairy cattle and pigs*
  - *Cattle or deer feeding on irrigated pasture, fodder crops or break-feeding*
- *By 2023 for*
  - *Beef cattle, dairy support cattle, deer*

<u>Concerns with the low-slope map produced by MfE</u>

GWRC has some concerns about the low slope land for stock exclusion map produced by MfE. There is a lack of clarity as to the intent and purpose of this map. Is this the map required to be used and implemented by regional councils or are we able to use our own and potentially more detailed information?

The use of parcels to determine the average slope results in some illogical boundaries for stock exclusion application.

a. An example is the screen grab (attached in Appendix A) where one side of the river is included (and requires stock exclusion) and the other is not though they are owned by the same person and the land is equally flat on both sides.
b. The other is that tree covered areas have been excluded from the parcels which impacts the average slope calculation.

GWRC suggests that a data set like the NZLRI could be a more appropriate data set to use to determine slope and the stock exclusion requirements.

GWRC supports excluding stock from waterways and wetlands when the stock is likely to cause adverse effects on the environment. The rules in our Proposed Natural Resources Plan (decision version) are effects-based, with specific rules in high value areas and a rule using permitted activity conditions to manage adverse effects everywhere else.

Defining stock types in the regulations does not recognise that any livestock, if present in the bed of a waterbody has the potential to cause adverse effects, although the scale of those effects may differ with the type of stock and waterbody. The regulations focus separately on dairy cattle, dairy support cattle, beef cattle, deer and pigs. Access to waterbodies by **all cattle** should be managed in the same way and with the same implementation time limits, as with deer and pigs.

There are other livestock that also have an affinity to water or wallowing, and have potential to cause adverse effects in waterbodies e.g. horses, llamas.

Q. 66 Do you have any comment on the proposed different approach for larger and smaller waterbodies?

Evidence shows that there can be a significant contribution of contaminants from very small tributaries on to larger tributaries of a river, or to a wetlands or a lake. On low-slope land the entire river should be subject to regulations on stock access. On non-low-slope land managing stock access to rivers <1m wide could be part of the farm plan.

Q. 67 Do you have any comment on the proposed five metre setback, or where it should be measured from?

The requirement for a setback is positive for water quality, and potentially biodiversity, however it is important to acknowledge that there will be a large financial cost associated with the larger areas of fencing required to incorporate bigger buffers, not only for farmers but also on councils such as GWRC who support fencing through our wetland programme and contestable funds etc.

A 5m setback ‘on average across a property’ will be difficult to interpret, implement and monitor. These large riparian margins will also require significant maintenance in order to keep them free of infestations of weeds and large investment of planting to prevent large areas being infested. These setbacks should be measured from edge of water body, not the wetted area because this varies greatly.

We have concerns about minimum requirements being imposed on existing fences. What about a fence that has been in place for 20 years around a wetland and it has now expanded to be up to the fenceline, do they have to move it back? And then move it back again when it expands down the track?

Q. 68 Are there any circumstances that are appropriate for allowing exemptions to the stock exclusion regulations? If so, please give examples.

Geography/terrain plays a large role in the practicability of being able to exclude stock from waterbodies and wetlands. Many of our rivers and streams are highly erodible and subject to flooding which can make fencing problematic. Many of our

farms are also partly in the coastal marine area where excluding stock with fences is also troublesome due to the harsh environmental conditions of the coast. There should therefore be common sense exemptions to the stock exclusion regulations on a case-by-case basis, where options could be considered such as offset mitigation in hill country with wetland retention ponds and planting to take up the nutrients.

It is also unclear what happens when livestock are held in a paddock for a short amount of time (e.g. overnight) such as before shearing and what the stock exclusion requirements might be in these cases.

3.24 Controlling intensive winter grazing

Q. 69 Do you prefer Option 1: Nationally-set standards or Option 2: Industry-set standards? Why?

GWRC supports national standards developed with industry input.

Q. 70 For the proposed nationally-set standards, which options do you prefer for the area threshold, slope, setback, and pugging depth components of the policy?

GWRC prefers standards, limits in rules, or consent categories that consider the slope of the land where the activity in occurring adjacent to a surface water body, the width of the set-back area from the water body from which stock are excluded, and the necessity for the set-back area to be in un-grazed vegetation.

These are the three main factors that will influence the movement of sediment and contaminants from the break-feeding area to the water body. Increasing slope increases rate of run-off and a vegetated set-back is needed to slow and filter run-off before it enters water body.

A threshold area (before the rule applies) is not supported, as run-off and effects from a small area or cumulative effects of small areas could be significant. Pugging depth limits will be very difficult to assess, monitor and enforce. It is more efficient to approach this through good practice guidelines in a Farm Plan.

Some of the conditions proposed under Clause 30 for intensive winter grazing will be difficult to monitor and enforce e.g. re-sowing timeframe and the amount of pugging which will be subjective.

3.25 Restricting Feedlots

Q. 71 Do you have any comment on the proposal to restrict feedlots?

It is not clear what the resource consent for a feedlot would be for – land use or discharge to land/air? What effects would be considered? The discussion document states there are about 5 feedlots currently in NZ, but the definition given would include smaller feed pads and herd homes on dairy farms, and intensive farming of chickens both in barns and limited free range (still have barns but access to outside). Time element of the feedlot definition needs strengthening, e.g. is a ‘day’ a continuous 24 hr period?

Some of the conditions proposed for feedlots will be difficult to monitor and enforce e.g. the permeability standard of the sealed stockholding area.

3.26 Reducing pollution from stock holding areas

Q. 72 Do you support the proposal relating to stock holding areas? Why/why not?

While it is useful to specify minimum requirements and best practice for the locations and operation for stock holding areas, including effluent management, this could be incorporated into the Farm Plan, and not separately regulated. It is also unclear as to whether the definition of a stockholding area would include paddocks that contain high densities of stock for a short period of time (e.g. overnight) during a shearing muster for example.

Q. 73 Do you think sacrifice paddocks should be included?

GWRC believe that sacrifice paddocks should not be included. As for stockholding areas, sacrifice paddocks should be managed within farm plans on a case-by-case basis. Requiring a consent for a sacrifice paddock is not practical in some circumstances. Sacrifice paddocks sometimes only happen when weather forces a farmer's hand, therefore they won't apply for a consent and wait 20 working days for processing.

Q. 74 What would you have to do differently if this proposal was implemented?

The proposal in the NES that stockholding areas would require resource consent would set standards for permeability and managing effluent. The Wellington Regional Proposed Natural Resources Plan (pNRP) does not have rules controlling land use for stockholding areas, but has rules managing discharge of collected animal effluent. If the NES requires GWRC to enforce the NES rules, there will likely be a need to 'rationalise' the pNRP rules so overlap/conflict is removed. This may mean having to vary or change pNRP and hence an additional cost.

The discussion document acknowledges "we recognise this may lead to a large number of consent applications, and we are seeking feedback on what would be required to ensure this proposal could be effectively implemented".

There will need to be a significant increase in resources if stock holding areas are managed via a consent process. An **alternative** would be for the NES to specify what best practice for stock holding areas is, and require that this is managed through a farm plan.

Q. 75 Do you have any comment on what would be required to ensure this proposal could be effectively implemented?

As above, specify best practice, include in FP.

3.27 Draft proposed National Environmental Standards for Freshwater

Q. 76 Are the definitions used in the policies accurate, and if not, how do you suggest improving them?

Bankfull discharge and **bankfull** width are not helpful. The RMA defines riverbed and introducing new definitions is unhelpful when it comes to enforcement.

These standards exclude properties <20ha for pastoral or arable or <5ha for horticulture. However, cumulative nitrogen losses from small properties can also impact on water quality as the nitrogen all ends up in same place. Smaller holdings often use fertiliser, can have high stocking density, and higher density of on-site sewage systems. 10 x 20ha farms could have greater water quality impact that a 200ha property, it all depends on how the farm is managed and the practices that are used.

Small properties are also not likely to have a farm plan or use OVERSEER, or use commercial fertiliser applicators, so there is a greater chance of over-application of fertiliser. We recommend a more risk based approach and potentially a lower threshold in those high risk catchments.

Q. 77 What are your thoughts on the proposed technical definitions and parameters of the proposed regulations? Please refer to the specific policy in your response.

Earth disturbance

Planting poles for erosion prevention purposes in or within 10m of a natural wetland is not provided as a permitted activity. This is a key activity of our Land Management Department to help minimise the amount of sediment coming off hill country farms.

The definition of earth disturbance should be amended to provide for planting for erosion prevention purposes under Clause 9(b).

9(B)(iv) planting for erosion prevention purposes.

Clause 21 - Culverts

Permitted activity for culverts

This regulation will be difficult to implement by those who install culverts who will need to have a clear understanding of what is required and what parameters they measure when installing a culvert. Similarly, enforcement officers need to be able to determine if a culvert meets this rule. For example, velocity will be dependent on the amount of water in the river at the time of measurement. Temporal conditions (four-fifths of the time) are impossible to measure without a specified period (e.g. 24 hours / 1 week). Providing for the continuity of geomorphic processes is similarly difficult for a landowner or enforcement officer to prove or disprove. We recommend reconsidering the content and wording of the rule to assist implementation.

Clause 22 – Weirs

Permitted activity clause (e)

This clause is too specific to enforce as a permitted activity.

Remove reference to the rationale for this condition e.g. “to create a hydraulically diverse flow…”).

Clause 30 - Intensive winter grazing

Permitted activity

Remove "as soon as practicable" from permitted activity clause (f).

Clause 34 – Irrigated farming

Permitted activity and discretionary activity

GWRC does not currently maintain a register of the amount of irrigated land, so is not currently in a position to monitor or determine increase in irrigated area.

Dairy cattle

The definition of dairy cattle in the NES is different to the Draft stock exclusion s360 regulations. Ensure consistency here.

Q. 78 What are your thoughts on the timeframes incorporated in the proposed regulations? Please refer to the specific policy in your response.

Part 3 – Farming

All farms to have a certified farm plan by 2025, (except commercial vegetable growers and farms in Schedule 1 areas have to have a farm plan within 2 years). This will be a significant task for GWRC with limited capacity and resources including setting up the auditing service.

Further prioritisation of catchments would be more practicable and achievable as well as being effective at addressing issues and meeting outcomes. It would be more appropriate to set targets for regional councils e.g. to have 50% of farms engaged in Farm Planning within 3 years, 30% have approved and audited farm plans within 5 years etc. In addition, there are not the experienced independent consultants to assist landowners. New graduates won't be up to it in the short term.

3.28 Aligning RMA national direction

Q. 79 Do you think there are potential areas of tension or confusion between the proposals in this document and other national direction? If so, how could these be addressed?

There is still tension between urban development, water quality, wetland protection and the infilling of stream and river beds.

The NES provides a pathway for the continued reclamation of streams (18(1) d refers to "for which there are no practical alternative methods of enabling the activity to take place"). This means that for every subdivision or new development, a case will be made that there is no practical alternative. This means that there is no certainty or consistency across councils – essentially leaving this to be considered on a consent-by-consent basis. We ask for the removal of (d) to provide certainly and to align correctly with the higher level direction to avoid such infilling.

Q. 80 Do you think a planning standard is needed to support the consistent implementation of some proposals in this document? If so, what specific provisions do you consider would be effectively delivered through a planning standard tool?

No more planning standards at this stage.

Specific comments on the Draft NPS-FM

Provision	Support or Concern	Amendment requested
Part 1: Preliminary Provisions		
Section 1.6 - Definitions		
FMU, or **freshwater management unit**, means all or any part of a waterbody or waterbodies, and their related catchments, that a regional council determines under clause 3.6 is an appropriate unit for freshwater management and accounting purposes	GWRC is supportive of the amendments to the FMU definition to include the waterbody and its catchment.	Supportive, no amendment requested.
Outstanding waterbody	Support	
Target	The meaning has changed from existing NPS from referring to a limit to referring to attribute state (objective). This should be made clear.	Define target
Environmental flow and level	Not defined in definitions. Not clear whether environmental flow is same as "minimum flow"	Define environmental flow or add note making it clear the term relates to the common term "minimum flow"
Threatened species taxa that meet the criteria specified by Townsend et al. (2008) for the categories Nationally Critical, Nationally Endangered, and Nationally Vulnerable Species		Add: 'all taxa that rely on freshwater habitat that meet the criteria specified by…
Section 1.7 - Application		
Geographical application	GWRC strongly supports the consideration of coastal receiving environments when managing freshwater.	Supportive, no amendment requested.

Provision	Support or Concern	Amendment requested
	The GWRC process for implementing the NPS-FM 2014 within the Te Awarua-o-Porirua Whaitua catchment has found that the values associated with the harbour have heavily influenced the management of the fresh waterbodies entering the harbour.	
Temporal application	The requirement to maintain water quality is already an objective in the NPS-FM 2011. Therefore the date at which the requirement to "maintain" is measured must be from July 2011, when the NPS-FM was first gazetted. Otherwise, if the date is taken as the gazettal of this latest version of the NPS-FM, there is a tacit acceptance of any decline in water quality over the last decade.	Set the date at which the requirement to "maintain" is measured to 2011.
PART 2: Objectives and Policies		
Objective (2.1) The objective of this National Policy Statement is to ensure that resources are managed in a way that prioritises: a) first, the health and wellbeing of waterbodies and freshwater ecosystems; and b) second, the essential health needs of people; and c) third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.	Support GWRC suggests amending the objective to elevate Te Mana o te Wai to the objective level. All the other policies are working together to achieve this so should be at an objective level rather than sitting on its own at the policy level. Doing this will drive the integration of the other elements of the NPS-FM.	The objective of this National Policy Statement is <u>to give effect to Te Mana o te Wai</u> ensur<u>ing</u> that resources are managed in a way that prioritises: a) first, the health and wellbeing of waterbodies and freshwater ecosystems; and b) second, the essential health needs of people; and c) third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future
Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai	Move to objective 2.1	Incorporate into the objective.
Policy 2: Freshwater is managed through a national objectives framework, in order to ensure that the health and wellbeing of waterbodies and freshwater	Support.	Freshwater is managed through a national objectives framework, in order to ensure that the health and wellbeing of waterbodies and freshwater ecosystems is maintained or improved

Provision	Support or Concern	Amendment requested
ecosystems is maintained or improved		
Policy 3: The condition of waterbodies and freshwater ecosystems is systematically monitored over time, and action is taken to reverse deteriorating trends	Support.	
Policy 4: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchments basis, including the effects on sensitive receiving environments	Support, but suggest that the policy should include the "…effects of the use and development of land and water…"	
Policy 5: Iwi and hapū are involved in freshwater management, and tangata whenua values and interests are identified and reflected in the management of, and decisions relating to waterbodies and freshwater ecosystems	Support but suggest changing the "reflect" to "provide for"	
Policy 6: The national target for water quality improvement (as set out in Appendix 3) is achieved	Support	
Policy 7: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided	Support	
Policy 8: There is no further loss or degradation of natural inland wetlands	*More aspirational policy* Extend Policy 8 to also aspire to an increase in wetland extent and condition, given the significant loss of both wetland extent and	There is no further loss or degradation of natural ~~inland~~ wetlands, their extent is increased, and their condition restored to a healthy functioning state.

Provision	Support or Concern	Amendment requested
	condition across New Zealand. We note that 3.15(7) refers to councils providing for and encouraging restoration, therefore it is important that this is reflected in Policy 8. *Consistent policy approach across all wetlands* We are concerned that Policy 8 applies only to inland wetlands and request a more integrated and consistent approach to the management of all wetlands. An artificial split between the approach to 'inland' and 'coastal' wetlands makes no practical sense. Coastal wetlands have the same range of values as inland wetlands and have also been significantly reduced in extent and condition, therefore the mandate for no further wetland loss/degradation should be extended to apply to both inland and coastal wetlands. We note that the NZCPS does not include strong provisions to prevent the loss of coastal wetlands, merely requiring that significant adverse effects are avoided, and other adverse effects are avoided, remedied or mitigated (Policy 11). We note the particular significance of coastal wetlands as a coastal defence and an important element of climate change mitigation and community resilience strategies, and therefore consider that this is an extra rationale for a stronger policy approach.	
Policy 9: There is no further net loss of streams	Support the objective of no further net loss but, because in some areas there has been a significant loss of stream network due to reclamation/piping, the policy should aim to restore stream length in those areas.	Policy 9: There is no further net loss of streams and, in areas where there has been a significant loss, there is a net gain.
Policy 10: The significant values of outstanding waterbodies are protected	Support but consider that this is an objective rather than a policy. Also the policy should also aim to restore outstanding waterbodies.	The significant values of outstanding waterbodies are protected and restored
Policy 11: The habitats of indigenous freshwater species are safeguarded	Support but submit that it would be helpful if the policy used wording consistent with other policies such as Policy 10 and also aims to restore habitats.	The habitats of indigenous freshwater species are ~~safeguarded~~ protected and restored

Provision	Support or Concern	Amendment requested
Policy 12: Information about the state of waterbodies and freshwater ecosystems, and the challenges to their health and wellbeing, is regularly reported on and published	Support	
Policy 13: Communities are enabled to provide for their economic wellbeing while managing freshwater in a manner consistent with Te Mana o te Wai and as required by the national objectives framework and other requirements of this National Policy Statement	Support, but the policy should also provide for social and cultural wellbeing aligning it more to section 5 of the RMA.	Communities are enabled to provide for their social, economic and cultural wellbeing while managing freshwater in a manner consistent with Te Mana o te Wai and as required by the national objectives framework and other requirements of this National Policy Statement
PART 3: Implementing objectives and policies		
Section 3.2 Te Mana o te Wai		
Section 3.2 (1) "The management of freshwater in our region must be carried out in a manner that gives effect to Te Mana o te Wai, as it is described in the National Policy Statement for Freshwater Management 2019 and understood locally." Section 3.2(2) Every regional council must give effect to Te Mana o te Wai in implementing this National Policy Statement. Section 3.2(3) Te Mana o te Wai must inform the interpretation of:	Greater Wellington strongly supports the inclusion of an objective in respect of Te Mana o te Wai into the regional policy statement.	

Provision	Support or Concern	Amendment requested
a) the objective and policies of this National Policy Statement; and b) the objectives and policies required by this National Policy Statement to be included in local authority policy statements and plan		
Parts 5 -8: Long term vision	Greater Wellington supports the inclusion of a long term vision that gives effect to Te Mana o te Wai but we submit that this should be enabled to be at the catchment or sub-catchment level. A regional-level vision will most likely be generic and difficult to implement. We support the vision sitting in the Regional Policy Statement but given that a vision has no statutory weight, it needs to be framed up as an objective.	Amend wording to enable articulation of vision at the catchment or sub-catchment level. Amend wording to require the vision (at the regional, catchment or sub-catchment level) to be an objective in the regional policy statement. District and regional plans must then give effect to this objective.
Section 3.3 – Tangata whenua roles and interests		
	GWRC supports the engagement of tangata whenua in the management of freshwater but as noted in the main body of the submission providing resourcing to tangata whenua is a priority.	Supportive, but provision must be made to adequately resource tangata whenua to enable effective engagement.
Section 3.4 Integrated management		
	GWRC supports the proposal to give more direction to city and district councils to manage effects of urban development on water.	
Section 3.4(5)	GWRC supports its direction to require wording to this effect in RPSs. The wording of the direction to territorial authorities to manage "the cumulative adverse effects resulting from urban development" is too narrow. Urban development itself could have adverse effects on waterbodies and receiving environments. We submit that the wording is change to be "urban land use and development". Additionally there is inconsistency between the wording of Sections	Amend direction to territorial authorities to require the management of urban land use and development. Provide the option for regional councils to insert the direction as a policy in their RPS. Consider consequential amendments to the Resource Management Amendment Bill to further clarify Sections 30 and 31.

Provision	Support or Concern	Amendment requested
	3.4(5) and (6) it would be helpful if the wording was consistent given territorial authorities must give effect to both the NPS-FM and the RPS. In terms of the structure of our RPS wording of this nature is a policy direction that then must be given effect to through district plan. The method identified in our RPS is the process to amend the district plan.	
Section 3.4(6)	We query whether Section 3.4(6) directs enough urgency with its wording that territorial authorities would only be required to do this 'at the next review' of their plan. Some of these plans may not be reviewed for another 10 years. This lack of urgency does not appear to align with that seen elsewhere in the freshwater package.	Amend direction to territorial authorities to require changes to plans to be publicly notified by 31 December 2025 where the plan change is necessary to give effect to the NPS-FM.
Section 3.5 – Overview of national objectives framework		
Section 3.5	GWRC is generally supportive of the proposed national objectives framework. In regards to section 3.5(2) GWRC supports the engagement with communities and tangata whenua in order to give effect to the national objectives framework and Te Mana o te Wai. However, GWRC submits that there are stages within the process that are purely technical in nature and do not require engagement with communities and tangata whenua.	
Section 3.6 – Identifying FMUs		
Section 3.6 – Identifying FMUs	GWRC supports the FMU approach and the ability to monitor sites that are representative of the FMU.	
(3)(c) location of threatened species	Support but request further guidance regarding how threatened species habitat should be mapped (e.g. minimum map scale, minimum size of habitat to be mapped, and whether this should be mapped as points or polygons).	Support the implementation of this requirement by developing national guidance.

Provision	Support or Concern	Amendment requested
	We note that springs, seeps and ephemeral wetlands contain a high proportion of threatened species; their size is often 0.05ha or less therefore any minimum mapping scale must provide for this. Guidance would also be helpful regarding mapping habitats that are under pressure from collection (i.e. how to mask these sites).	
Section 3.7 – Identifying values and environmental outcomes		
Section 3.7(1) - "must identify the values that apply to each FMU…"	GWRC supports: – the identification of the values associated with waterbodies and freshwater ecosystems – supports the compulsory values Our interpretation of the wording of the NPS-FM 2014 is that values must be identified for all FMUs. This value identification exercise could be undertaken for a single FMU or a group of FMUs. In our experience the process of delineating FMUs, identifying values, and describing freshwater objectives that provide for the values has not been a purely step-wise process. It has been iterative in nature. FMUs were initially delineated on biophysical factors and land-use characteristics. Values were then identified at either an FMU or whaitua scale. Then freshwater objectives were set to provide for the values within each FMU. Finally, a consolidation exercise was undertaken where by FMUS with similarly objectives and management approaches were grouped together. In our experience, the values associated with waterbodies and freshwater ecosystems are often shared across the FMUs within the whaitua. The difference (between FMUs) comes when considering the relative importance of these values when setting objectives to provide for the values within each individual FMU.	Amended wording in the NPS-FM to improve clarity. "Every regional council must identify the values that apply to each FMU, as follows: … (c) any other value as the council considers, after consultation with its community and tangata whenua, applies to <u>an individual FMU or group of FMUs</u>" OR Guidance that supports our interpretation of the wording in the NPS-FM.
	<u>Section 3.7 (2) and (5) environmental outcomes</u>	Use <u>objective</u> instead of environmental outcome

Provision	Support or Concern	Amendment requested
	The use of the terms "environmental outcome" and "objective" is confusing	Support these appear as objectives in regional plans rather than policies
Section 3.7(2)(b)	Does the value of human contact have components articulated in the NPS-FM?	Amend to include components of human contact value.
Section 3.7(4)	GWRC supports the need for attributes to be specific and the allowance for narrative attributes where numeric terms are not possible to define.	Supportive
Section 3.8 – Identifying current attribute states		
Section 3.8 – Identifying current attribute states	In principle, GWRC supports the identification of current state. Particularly Section 3.8(3), which recognises that Councils do not always have complete and scientifically robust data and that, the use of best efforts is sufficient.	
Section 3.9 – Setting attribute states		
Section 3.9 – Setting attribute states	GWRC generally supports setting the value human contact above current state. However, what happens if a river is already in excellent (A band) state? Is it the best use of Council resources to improve that river further? Additionally we are assuming that above current state could still be within the same band.	Support but would appreciate guidance on rivers already in an excellent state and what is expected
	Where do "target attribute states" sit in regional plans	Make it clear that "target attribute states" are objectives in regional plans
Section 3.9 (5) b)	Requires the setting of "interim targets". Does this imply that limits change over time thus allowing a transition of load reductions? The change in the term "target" to be related to attribute state rather than limits makes the limit transition path unclear.	Add note to 3.10 that clarifies that limits may be set to assist achievement of "interim targets" and change over time
Section 3.10 – Identifying limits on resource use and preparing action plans		
Section 3.10(1) – Identifying limits on resource use and preparing action plans	Section 3.10(1)(a) GWRC questions the wording of clause (a) "limit on resource use that <u>will</u> achieve the target attribute state".	Amend wording. "must identify limits on resource use that will <u>contribute to achieving</u> the target attribute state"

Provision	Support or Concern	Amendment requested
	Significant uncertainty exists in relating particular land use changes to environmental outcomes. This is recognised in multiple places throughout the draft NPS-FM (eg, 3.9 (6) b) and c), and 3.10 (4) and (5). However, section 3.10 (1) (a) does not appear to recognise such uncertainty in knowing whether an identified limit on resource use will achieve the target attribute state. We can identify limits that will take us towards the target attribute state, but it's difficult/impossible to say that it will reach that target state – it may hit it, fall short or overshoot. Additionally, it is often difficult to achieve the target attribute state through one limit/response alone – a number of responses are collectively required. The use of "will" could then be used to argue that a given limit alone doesn't satisfy 3.10 (1) a) so shouldn't be there. It would be useful to acknowledge the uncertainty in this.Limits are likely to be one tool in the toolbox that will all work together to achieve the target attribute state. For example: A periphyton objective may be achieved by reducing the nutrient load (by setting and implementing N and P limits), providing shading in places and modifying the minimum flow. The N and P limits may not achieve the objective alone	
Action plans	GWRC supports the use of action plans to achieve target attributes states. We support the location of them outside of the regional plan which allows them to be proactive and reactive allowing for adaptive management without amending the regional plan through a schedule 1 process. Guidance will be critical to the success of this approach.	
Section 3.11 Setting environmental flows and levels		
Section 3.12 Identifying take limits		
3.12 (2)	Not clear enough. Take limits should include the conditions under	Add to (2). Add note to clarify how this relates to the

Provision	Support or Concern	Amendment requested
	which the taking of water will be restricted (and which takes will be restricted), including when taking shall cease (and which takes shall cease).	commonly used term “minimum flow”
Section 3.13 – Monitoring		
	Refer to main body of submission	
(2)(b) Matauranga Maori	We support this requirement but note that it is going to take time and significant resources to enable meaningful involvement of mana whenua in developing and implementing these measures. National guidance would be very helpful.	Support the implementation of this requirement by developing national guidance.
Section 3.14 – What to do if deterioration detected		
Section 31.4(1)	GWRC is supportive of the need for action if a trend is detected indicating deterioration or failure to achieve identified environmental outcomes. GWRC questions what would constitute a declining trend. In addition, trends might continue to decline long after positive action is taken. Modelling can predict whether the action will be good enough. In regards to the direction for action plan it should allow for the amendment of an existing action plan as a response to the deterioration or failure to achieve the identified environmental outcome.	Amend to direct the amendment of an existing action plan. Support the provision of guidance to define what constitutes a declining trend.
Wetland Definitions (NPS 3.15 (1) and NES Section 4)		
Location of definitions	It is unhelpful to have the definitions split across the document. Please locate all definitions at the beginning of the document for clarity and ease of use.	Combine all definitions and locate in section 1.6
Coastal wetland	While there is a definition for ‘coastal wetland’ provided in the NPS, there is no mention of coastal wetlands in subparts (2-9). As requested above, we consider that the NPS-FM policies should also apply to coastal wetlands (including policies to protect them from further loss/degradation, as well as a requirement to map them). We note that including seagrass meadows in intertidal and subtidal	Apply the provisions set out in subparts 2-9 to **coastal natural wetlands**. Remove clause b) seagrass meadows from this definition

Provision	Support or Concern	Amendment requested
	zones as an example of a coastal wetland is not ecologically accurate.	
Constructed wetland	We support the exclusion of constructed wetlands in areas where a natural wetland does not already exist from the definition of a natural wetland, but this should not extend to wetlands constructed for conservation or biodiversity offsetting. These areas should be treated as 'natural wetlands' as their purpose is to provide habitat for valued biodiversity, and they do not require the management activities (e.g. occasional vegetation clearance) that are contrary to the objectives of a natural wetland. Constructed wetlands provide one of the primary mechanisms for extending natural wetland area, and associated ecological and biodiversity values, around the country. Wetlands that have been constructed as an offset requirement associated with a resource consent should be subject to regulatory control to ensure that they continue to provide the agreed offset values. We note that Information Note (pg17) provides a list of examples of constructed wetlands. We consider that these should be specified in the definition for constructed wetland, but excluding wetlands constructed for conservation or biodiversity offsetting.	Specify the constructed wetland types to be excluded from the definition of a natural wetland, but not including wetlands constructed for conservation or biodiversity offsetting. Refer to the PNRP definition for 'natural wetland' clause (b) for possible wording **(b) :** **(i) water storage ponds for** a) public water supply, or b) hydroelectric power generation, or c) firefighting or d) irrigation, or e) stock watering or **(ii) water treatment ponds for** a) **wastewater**, or b) **stormwater**, or c) nutrient attenuation, or d) sediment control, or e) **animal effluent**, or **(iii) beautification, landscaping, amenity,**
Inland wetland	It is unclear why this definition is needed. The provisions apply to 'natural inland wetland' but there is no definition for this. It is unclear why geothermal wetlands are excluded from the definition. Geothermal wetlands are a naturally uncommon ecosystem type – there should be some protective / offsetting	Delete this definition. Develop a new policy provision to apply to geothermal wetlands and provide justification for this.

Provision	Support or Concern	Amendment requested
	mechanisms rather than just a blanket exemption from the NPS. We suggest developing a different policy approach, if necessary, rather than excluding this wetland type from the definition.	
Natural wetland	Exclusions (a) and (b) are similar to exclusions in the PNRP natural wetland definition a) We have found that the terms 'wet pasture' and 'dominated by pasture' lack sufficient definition and we are constantly being questioned/ challenged as to whether wet pastoral areas are 'natural wetlands' or not. Usually the contention is that they are not. We have developed guidance that the determination is that more than 50% pasture species must be present using the nationally recognised pasture species text Pasture and Forage Plants for NZ. Stewart et al, 2014. We recommend adding this detail to the NPS to provide clarity, ensure a consistent interpretation across NZ, and reduce the time and resources used in debating whether an area is a natural wetland and therefore subject to the plan provisions. For this reason we also recommend deleting the clause "or that contains patches of exotic sedge or rush species" as this is very difficult to apply in wetland identification. How big is a patch? This is very hard to assess at a paddock scale. We have found that using the % pasture determination will remove patches of rushes anyway. We note that the exceptions in the definition (for wet areas or 'pasture wetlands' cause some confusion as many of these areas are functioning wetlands as defined by the RMA, providing important ecosystem services (e.g. retention of water, nutrient attenuation). There should be recognition of the values of these areas in the NPS to promote appropriate management of these areas, even if they are not subject to regulatory controls. We note that the intent of excluding 'pasture wetlands' from the PNRP natural wetland definition was to provide for ongoing pastoral	Amend a) to read: wet pasture or paddocks where water temporarily ponds after rain in places dominated by pasture, ~~or that contains patches of exotic sedge or rush species.~~ 'Wet pasture' and 'dominated by pasture' means that more than 50% pasture species (as listed in Pasture and Forage Plants for NZ. Stewart *et al*, 2014) are present. Provide recognition of the ecosystem values of 'pastoral wetlands' (wetlands that meet the Clarkson criteria as 'wetland' but are dominated by pasture) and promote appropriate management to sustain their values. Consider adding a provision so that if a 'pasture wetland' is to be developed for urban use, there is a need to "offset" the lost ecosystem values. b) change the definition for constructed wetland as suggested above Delete c) geothermal wetlands and provide a different policy approach to manage or exempt geothermal wetlands from management.

Provision	Support or Concern	Amendment requested
	farming, however this also enables complete loss of pastoral wetlands for urban use, with no requirement to recompense for the ecosystem services and biodiversity values lost. Consideration should be given to closing this loophole. b) Note our comments on the definition of constructed wetlands above c) It is not clear why there is a blanket exclusion for all geothermal wetlands. Perhaps this is due to the use of these systems for geothermal energy generation? If this is the case, a better approach may be to provide a rule framework for certain activities within these particular systems, or through an exception clause (as provided for large hydro schemes in the NPS). In principle we do not support a blanket exclusion for this wetland type.	
Effects management hierarchy	We strongly support the requirement to follow the internationally accepted effects management hierarchy when considering effects on wetlands (3.15(4)) and streams (3.16(3)). However, the current sequencing of the hierarchy requires an amendment to ensure that effects are minimised before they are remedied. An appropriate effects management cascade recognises that effects must be avoided in the first instance. If they are not avoided they should then be minimised (synonyms include, moderate, reduce, alleviate). Effects that cannot be avoided or minimised should then be remedied (synonyms include rehabilitate, restore, reinstate). Finally, residual adverse effects may be offset or compensated. These three actions (avoid, minimise, remedy) collectively comprise 'mitigation'. The current ordering of the effects management hierarchy allows effects to be remediated before they are mitigated (minimised). This is contrary to the intention of the hierarchy which is to take a precautionary approach to risk management (i.e., avoiding and minimising effects before making good on damage caused). The	Amend to: Effects management hierarchy means an approach to managing the adverse effects of subdivision, use and development that requires that – a) adverse effects are avoided ~~where possible~~; and b) adverse effects that cannot be demonstrably avoided are <u>minimised</u> ~~remedied where possible~~; and adverse effects that cannot be demonstrably <u>minimised are</u> remedied ~~are mitigated~~; and […]

Provision	Support or Concern	Amendment requested
	internationally accepted sequencing of the effects management hierarchy is correctly reflected in Policies P32 and P41 of GW's Proposed Natural Resources Plan. We also suggest using 'minimise' in place of 'mitigate' in the hierarchy because this is the term used throughout the world in the effects management hierarchy. 'Minimise' is also preferable because 'mitigate' is often used in the industry as a collection of avoid, remedy and mitigate actions (i.e., a 'mitigation package'). Furthermore, 'minimise' is more directive than 'mitigate' as minimise means to make something as small or as insignificant as possible whereas mitigate simply means to reduce, lessen or decrease, with no direction as to how far. Lastly, we suggest that the qualifier 'where possible' be removed from parts a) and b) of the definition. This phrase is highly ambiguous, seemingly allowing for any justification for what 'possible' might mean (e.g., possible financially, technically, ecologically?). It is also redundant. Consent applicants, in the general sense, can only ever consider actions that are 'possible'.	
Loss or degradation	Support	
Net gain	Support	
Net Loss	This definition is for 'no net loss', not 'net loss'. In a net loss situation the adverse effects of an activity exceed (rather than 'match') the positive effects.	Amend to read: 'Net loss means the point at which the environmental losses due to the impacts of a specific development project exceed the measurable positive effects from targeted environmental management activities so that, compared to a baseline, there is a net reduction in environmental values over space and time'. Alternatively amend the term defined to read: **No net loss**
Public flood control or drainage (in NES)	Clause (b)… We challenge the appropriateness of providing a more permissive (discretionary activity) pathway for wetland drainage when carried out under the Land Drainage Act 1908 given the limited extent of remaining wetlands and Policy 8 of the NPS –FM which is for no further loss of natural inland wetlands.	Public flood control ~~or drainage~~ And remove clause (b)

Provision	Support or Concern	Amendment requested
	We consider that any wetland drainage, especially of the scale likely to be associated with an activity for the public good, should be a non-complying activity.	
NPS 3.15 Policy		
(2) The loss or degradation of all or any part of a natural inland wetland is avoided	Include specific reference to extent and ecosystem health	Amend to read: The loss of extent or degradation of ecosystem health of all or any part of a natural inland wetland is avoided.
(3)	This qualifier is confusing as it appears to undermine the direction of clause (2), implying that some provisions in the NES for Freshwater allow for wetland loss or degradation. Our understanding is that the only situation in which that could be the case through the NES Freshwater is through exceptions for nationally significant infrastructure. But even in that case standard condition 6(a) requires a wetland net gain from effects relating to nationally significant infrastructure. The qualifier also seems to imply that the policy would not trump 'any more stringent rules that the council…includes in its regional plan'. However, we do not see how regional plan rules can be more stringent than avoiding effects on wetlands, or how that would contradict the policy direction in any case. The other qualifiers around allowing for temporary losses for the purposes of wetland restoration are also seemingly redundant as they are included within the relevant rule wordings in the NES Freshwater.	Remove (3).
(5)(a) wetland mapping (b) wetland inventory	(5)(a) We support the mapping of wetlands but note that it will require significant extra resources for regional councils and query whether there is sufficient wetland expertise available across the country to support councils to map the wetlands in each region. It would be helpful for MFE to clarify expectations as to the level of mapping required. Currently different councils have different ways of mapping wetlands in their region e.g. desktop assessment methods versus full ground truthing/formal delineation of each wetland using the Clarkson methodology.	Add coastal wetlands to (5) In 5(a)(iii) replace ephemeral wetlands with seepage wetlands as a more appropriate example 5(b)(ii) Replace with 'mapped spatial extent' 5(b)(iii) Provide a standardised list of wetland types and guidance on how to classify wetlands which include more than one type e.g. swamps and marshes

Provision	Support or Concern	Amendment requested
	Extend this mapping requirement to coastal wetlands. In 5(b)(ii) Polygon mapping may not be appropriate for very small wetlands. Note that research has shown small wetlands are critical for threatened native species. Replace this clause with mapped spatial extent. 5(b)(iii) and (iv) Provide a standardised list of wetland types and nomenclature for describing ecosystem services and amenity values to ensure national consistency.	5(b)(iv) Provide a list of (minimum) ecosystem services and amenity values to guide the inventory of wetlands
(6) wetland delineation	Support	
(7) restoration	Support – Note the importance of the NES providing for a less onerous rule framework to support and encourage restoration	Ensure the NES Freshwater enables activities carried out for the purpose of wetland restoration in accordance with an approved wetland restoration plan as permitted or controlled activities (as per PNRP Rules R104-R106).
(8) constructed wetlands	Do not use the word 'permit' as it implies it will be a permitted activity without control	Regional councils must <u>provide for</u> the management of …
(9) monitoring	Support Note inconsistency with 3.13 which requires monitoring of flora and fauna – add fauna to clause a. Add a specific requirement to monitor the extent and condition of wetlands that provide habitat for threatened species (as required by 5(a)(ii)) Provide guidance regarding monitoring minimum extent as it is not practical to map wetlands from aerial imagery. Provide a time frame for monitoring change in extent 3.13 also refers to methods to measure matauranga Maori – regional councils while enthusiastic to do this are not sure how. Provide some guidance of how to do this.	Amend 9(a) to read '… at a minimum their extent, vegetation, flora, fauna, hydrology, and …' Add a specific clause to require monitoring of the extent and condition of wetlands that provide habitat for threatened species. Provide guidance on time-frame for monitoring minimum extent e.g., as they are discovered over the next 5 years. Link monitoring of changes in extent to consent monitoring Provide guidance on monitoring matauranga Maori
Information Note	This guidance should be incorporated into the definition for 'constructed wetland' as noted above.	Next to landscaping add beautification and amenity Add 'sediment control' Delete 'conservation or biodiversity offsetting'
NPS 3.16 Streams		

Provision	Support or Concern	Amendment requested
Definitions under 3.15	These definitions should also apply to 3.16 as definitions such as effects management and net gain apply across both these sections.	Relocate the definitions to the beginning of the document to apply across sections.
(1) Add to RPS: "The extent and ecosystem health of rivers and streams in the region, and their associated freshwater ecosystems are, at least, maintained."	To be consistent with NPS policies 2 and 3 (and 9 if amended as requested), the aspiration should also be to improve/restore the ecosystem health of rivers and streams which are degraded and to restore extent in areas where there has been a significant loss.	Amend to read: "The extent and ecosystem health of rivers and streams in the region, and their associated freshwater ecosystems are ~~at least~~ maintained and restored where they have been degraded or reduced in extent."
(2) and (6)	3.16 clauses (2) and (6) are confusing and potentially undermining. The term 'however' implies that the NES includes provisions that might not meet the directive of the NPS.	Delete 3.16 (2) and (6)
(3) The effects management hierarchy is to be used to manage adverse effects on streams (in consent applications)	Support, but note Greater Wellington Regional Council (GWRC) request for amendment of the definition for 'effects management hierarchy' for accuracy and effectiveness	Amend definition for 'effects management hierarchy' as requested under GWRC comments on **Wetland Definitions (NPS 3.15 (1) and NES Section 4)**
(4) Ensure diversions and culverts do not result in a net loss in extent or ecosystem health of a stream	Support – but consider that the wording of (b) culverting a stream, **where that is allowed and as far as practicable** is neither helpful nor necessary. Request that this text is deleted. Clarify that this only applies to a culvert formed for the purpose of creating a reasonable crossing point.	Amend (b) to read: culverting a stream~~, where that is allowed and as far as practicable~~ for the purpose of forming a reasonable crossing point.
(5) Ensure infilling of river or stream beds is avoided, except for three listed activities and there is no other practicable alternative method	Generally support Replace the term 'infilling' with the more commonly used term 'reclamation' and provide a definition for this. Or, as a minimum, provide a definition for 'infilling'. Note that infilling / reclamation of a stream is generally considered to include filling associated with piping (culverts are a form of pipe) and stream diversions. (b) Provide a definition for 'nationally significant infrastructure' so that each region does not have to re-litigate this. Consider requiring a more strategic test for (b). The criteria for deciding whether there are "other practicable alternative methods" most often appears to be one of cost and convenience for the	Replace 'infilling' with 'reclamation' and provide a definition for this. Reclamation means the creation of dry land. (Alternatively provide a definition for infilling). (b) Provide a definition for 'nationally significant infrastructure' – if all definitions are located at the beginning of the NES then the definition in subpart 1 applies. Consider adding more strategic requirements to the 'no practicable alternative test' for nationally significant infrastructure (e.g. the infrastructure is part of a strategic spatial plan agreed with the regional council).

Provision	Support or Concern	Amendment requested
	infrastructure provider. We would like to have a result that strategically addresses longer-term management requirements for river and stream corridors and includes consideration of bridge upgrades, public (pedestrian/cycle) accesses and clustering services.	
NPS 3.17 Fish Passage		
(1) Include aquatic life objectives to achieve diversity and abundance of fish in all or specified streams	Support but consider that this objective is broader than just fish passage and should be part of, or additional to, the ecosystem health objective required by 3.16(1). Amend 3.17(1) to focus on fish passage. The suggested amendment is based partly on the NZ Fish Passage Guidelines and partly on objectives in the GWRC Proposed Natural Resources Plan (PNRP). If 3.17 retains the term "aquatic life", add a definition as per the attribute detailed under Ecosystem Health in Appendix 1A (a)	Shift this objective to form part of existing 3.16(1) Amend 3.17(1) to read (or similar): Every regional council must make or change its regional plan to include an objective to require: Efficient and safe upstream and downstream passage of all aquatic organisms and life stages resident in a waterway with minimal delay or injury, except where existing barriers are important for the protection of indigenous fish and kōura populations. If 3.17 retains the term "aquatic life", add a definition as per the attribute detailed under Ecosystem Health in Appendix 1A (a)
(2) Objective must identify: a. Valued species b. Undesirable species Streams where passage of undesirable species to be impeded	Support but consider that this information is too detailed to be required "When preparing the objective" but is actually part of the work required to implement the objective e.g., this is critical information required to consider applications in step 3 and to inform the work programme detailed in 5.	Amend wording "~~When preparing~~ To achieve the objective, regional councils must …
(3) Consent considerations for new consents	Support the intent of this information being provided as part of the consenting process. (b) the term 'adjacent" is unclear – could be taken to mean streams next to; rather than upstream/ downstream or adjoining reaches. Regardless we disagree with this clause as existing barriers may be remediated in future and therefore should be not used as a reason to not address an existing impediment.	Delete (b)

Provision	Support or Concern	Amendment requested
	(d) target this to the fish species that are present or for which the habitat is suitable.	Amend (d) to read …. leading to ~~a high diversity of~~ passage opportunities for fish <u>species that are present or for which the habitat is suitable</u>.
(4) Work programme to improve fish passage	Strongly support this provision but add more details as to how, when and by whom. Ideally this work programme should be developed in collaboration with key stakeholders, such as major infrastructure owners or managers.	Add how, when, who: - How - using an appropriate fish passage assessment tool) (preferably the one created by NIWA), - When (add a timeframe by when the work programme must be initiated) - By who. E.g. Regional councils, <u>in conjunction with major infrastructure owners</u>,
(5) Matters to be included in work programme	Support - These are important steps to address the fish passage issues associated with existing structures. In (c) add in liaison with other parties to recognise that this needs to be a collective, interagency work programme for each region, rather than the responsibility falling solely on regional councils as there are other major asset owners who need to play an important role in addressing fish passage of existing structures e.g. Wellington Water, TLA's etc. It will be others who will do the actual remediation.	(c) Add 'in liaison with other parties'
(6) Records	Support – Suggest that regional councils should be required to use the NIWA fish passage assessment tool to record data.	Clarify whether records should be kept using the NIWA fish passage assessment tool
Section 3.18 Primary contact sites		
Section 3.18 Primary contact sites	GW supports the identification and management of primary contact sites for both risk to human health and aesthetic factors. The PNRP includes water clarity, sediment cover and heterotrophic growths. GW supports the use of representative sampling sites.	Amend section 3.18(3) to allow for the use of a predictive risk based model to communicate the human health risk of contact with water in real time.

Provision	Support or Concern	Amendment requested
	The proposed monitoring regime is not feasible with current resources and communicates the risk to the public after a samples has been collected. At GWRC we are shifting from the surveillance monitoring approach to a modelling approach based on a relationship with rainfall/riverflow and E.coli levels using several years of data. Warnings are placed on the GW recreational water quality website and give an indication of real time risk to the public.	
Appendices		
General comments		
Appendix 1A: Compulsory values		
3. Threatened species This refers to the extent to which an FMU that supports a population of threatened species has the conditions necessary to support the continued presence and survival of the threatened species. The basic conditions relate to aquatic habitat, water quality, and flows or water levels, but may also include specialised habitat or conditions needed for only part of the life-cycle of the threatened species.	We strongly support a new compulsory value for threatened indigenous species to ensure that regional planning identifies and manages their habitat. It is important to clarify that this provision applies to all threatened species that rely on freshwater systems, not just freshwater fish, e.g. river nesting birds and wading species, as well as freshwater plants and invertebrates.	Add a clause to the definition for 'threatened species' to clarify that this value includes all threatened species that rely on freshwater habitat.
Appendix 1B Other values		
List of other values -	Wetlands (especially peatlands) have significant values for carbon	Add new value 'Carbon sequestration' – The freshwater

Provision	Support or Concern	Amendment requested
	sequestration. Natural form and character: (v) clarify that it is culturally significant species that are indigenous to the area that reflect natural form and character	management unit provides (or has the potential to provide) significant value for climate change mitigation. Under Natural form and character: Amend v. to read: the presence of culturally significant species indigenous to the FMU/place.
Table 1 - Phytoplankton	No Comment	
Table 2 – Periphyton (trophic state)	In periphyton guidance documents it clearly states a regional model is more desirable and accurate than a national model. How should regional periphyton classes for river types be taken into account? The current periphyton attribute states don't correct for reference state or rec class With the addition of DIN and DRP as compulsory attributes for ecosystem health nutrient criteria are now redundant and should be removed. Presumably, DIN and DRP attributes are designed to manage for all aspects of ecosystem health not just macroinvertebrates.	Amendments to allow for the use of regional models. Remove the requirement to development nutrient criteria where DIN and DRP attributes have been identified.
Table 3 – Total nitrogen	No comment	
Table 4 – Total phosphorous	No comment	
Table 5 – Dissolved inorganic nitrogen	It is not clear how the attribute state numbers were generated or where they come from. How do they relate to ecosystem health, are they robust? Were they benched marked against multiple indicators of ecosystem health or just macroinvertebrates? Are macroinvertebrate indices the correct indicator to relate DIN too? Why does the attribute not account for natural variability (i.e. sediment attribute).	
Table 6 – Dissolved reactive phosphorous	As above with dissolved inorganic nitrogen. GWRC's Wainuiomata River at Manuka Track is an untouched, fully forested catchment site located in a water reserve. It is in a reference	

Provision	Support or Concern	Amendment requested
	state, however, under this ecosystem health attribute it would be classified as a 'C' attribute state. The narrative for the 'C' attribute does not align with actual ecosystem health at this site. The attribute is clearly not robust and needs to be corrected for geology.	
Table 7 – Ammonia toxicity	No comment	
Table 8 – Nitrate toxicity	This attribute is now redundant as to achieve the bottom line for DIN it would mean that each river and stream nation-wide would be in the A band for nitrate toxicity.	Remove this attribute.
Table 9 – Dissolved oxygen	No comment	
Table 10 – Suspended fine sediment	GWRC strongly support that this attribute corrects for REC class. However, we question why has this been based on turbidity and not suspended sediment concentration? Turbidity has been shown to be a poor measure of suspended sediment and not scientifically robust. Readings can differ between turbidity metres. The units are also FNU and many turbidity metres read in NTU. Variability between metres means sites will be assigned to incorrect bands. Suspended sediment concentration (SSC) and visual clarity (black disc) have been demonstrated to have greater accuracy and reproducibility than turbidity. Three years of nation-wide SSC data collection followed by attribute development would have been a much better approach.	
Table 11 – E.coli	No comment	
Table 12 – Cyanobacteria	No comment	
Table 13 – MCI (1 of 2)	How is an assessment made when QMCI is in one band and MCI in another? Pick the lowest band? This has occurred with some of our sites. How should regional MCI classes for rivers types be taken into account? For example at GWRC we have river type classification for	Clarification

Provision	Support or Concern	Amendment requested
	MCI and some our sites change class when compared to the national classification in this table. Should this be taken into account when investigating the deterioration? If this is the case it may cause confusion for the public because on the national table would be saying it isn't good, but then using a more accurate classification it actually isn't as bad. Keen to discuss this more	
Table 14 – MCI (2 of 2)	EPT should be excluding hydroltylidae as these are tolerant taxa.	Confirmation should be added to this effect
Table 15 – Fish	It is very pleasing to see fish specifically mentioned as an ecosystem health attribute and the Fish-IBI shows promise as an indicator of the state of fish communities. However, since its inception, the Fish-IBI has rarely been used as indicator in NZ and it has not undergone a robust validation process to analyse its usefulness and determine its, if any, limitations. Such a validation process, using data collected in a standardised manner, is greatly needed to justify the usefulness of this indicator at both regional and national scales. Further documentation and guidance is required to ensure that national and regional IBI calculators are used in appropriate way and how/why certain decisions were made, e.g., in regards to indigenous fish values, why is the presence of salmonids excluded from the introduced species impact score within the multi-metric IBI? How have the thresholds proposed been developed? Thresholds proposed nationally are significantly different from thresholds developed regionally. Similar to the comment for MCI above, how do we take into account differences in outputs from regional and national IBIs. In particular, should this be taken into account when investigating the deterioration? If this is the case it may cause confusion for the public because on the national table would be saying it isn't good, but then using a more accurate classification it actually isn't as bad. Keen to	

Provision	Support or Concern	Amendment requested
	discuss this more In the footnotes for the table it is noted that sites should be sampled at least annually. Could more justification be provided for this approach? It's likely in many streams that fish communities won't changes within a year unless there is a change to landuse or habitat. Given this tri-biannual monitoring may be more appropriate and then state if built up over time to detect trends across monitoring cycles. **Note – the same could be said for all ecosystem health reporting attributes. This is the approach used in the sustainable river audit in Australia which uses a similar ecosystem health approach** Currently the Fish-IBI is stated as only applying to wadeable rivers and stream – which reflects that the only standardised method document is for wadeable rivers and streams. Fish are also components of non-wadeable rivers and also lakes and wetlands. While standardised monitoring and reporting methods are not available for these habitat types, inclusion of some sort of state (potentially a narrative) is important to provide guidance for regional councils who are developing monitoring methods for these habitat types.	
Table 16- submerged plants (native)	GWRC is concerned that this attribute will be difficult to monitor as there is currently only one provider and approx. 500 lakes nation - wide that could be classified as needing an action plan.	
Table 17 – Submerged plants (invasive species)	No comment	
Table 18 – Deposited fine sediment	No comment	
Table 19 – Dissolved oxygen	From Dec – March temperature will influence dissolved oxygen levels. How will this be taken into account when setting a limit?	

Provision	Support or Concern	Amendment requested
	If it is just an action plan would the effect of temperature be explored during an investigation related to the action plan?	
Table 20 – Lake bottom DO	No comment	
Table 21 – Mid-hyolimnetic DO	-Greater clarity is needed, is this to be done for all stratifying lakes or just those over a certain depth?	
Table 22 – Ecosystem metabolism	No comment	
Table 23 – E.coli during bathing season at Primary contact sites	As the table is based on surveillance monitoring it isn't fit for purpose or models which are used to communicate risk to the public (e.g. Auckland safeswim and GWRC model which are validated with survey data to make predictions of health risk). A model approach is more appropriate for communicating risk as it lets the public know the risk before going swimming. Based on our first year trial of the model in GW it has performed well with minimal false results As more models are being used an action plan table should be created related to model data to manage primary contact site rec water quality. We are happy to work with MfE on this.	

Feedback on proposed NES for Freshwater (specifically, Part 2 Wetlands, rivers and fish passage)

Provision	Support or Concern	Amendment requested
Subpart 1 - Wetlands		
4 Definitions for subpart 1 (consistent with feedback on definitions for the draft NPS-FM		
Constructed wetland	We support the exclusion of constructed wetlands in areas where a natural wetland does not already exist from the definition of a natural wetland, but this should not extend to wetlands constructed for conservation or biodiversity offsetting. These areas should be treated as 'natural wetlands' as their purpose is to provide habitat for valued biodiversity, and they do not require the management activities (e.g. occasional vegetation clearance) that are contrary to the objectives of a natural wetland. Constructed wetlands provide one of the primary mechanisms for extending natural wetland area, and associated ecological and biodiversity values, around the country. Wetlands that have been constructed as an offset requirement associated with a resource consent should be subject to regulatory control to ensure that they continue to provide the agreed offset values. We note that Information Note (pg17) provides a list of examples of constructed wetlands. We consider that these should be specified in the definition for constructed wetland, but excluding wetlands constructed for conservation or biodiversity offsetting.	Specify the constructed wetland types to be excluded from the definition of a natural wetland, but not including wetlands constructed for conservation or biodiversity offsetting. Refer to the PNRP definition for 'natural wetland' clause (b) for possible wording (i) water storage ponds for a) public water supply, or b) hydroelectric power generation, or c) firefighting or d) irrigation, or e) stock watering or (ii) water treatment ponds for f) **wastewater**, or g) **stormwater**, or h) nutrient attenuation, or i) sediment control, or j) **animal effluent**, or (iii) beautification, landscaping, amenity,
Natural wetland	Exclusions (a) and (b) are similar to exclusions in the PNRP natural wetland definition a) We have found that the terms 'wet pasture' and 'dominated	Amend a) to read: wet pasture or paddocks where water temporarily ponds after rain in places dominated by pasture, ~~or that contains patches of exotic sedge or rush species.~~ 'Wet

	by pasture' lack sufficient definition and we are constantly being questioned/ challenged as to whether wet pastoral areas are 'natural wetlands' or not. Usually the contention is that they are not. We have developed guidance that the determination is that more than 50% pasture species must be present using the nationally recognised pasture species text Pasture and Forage Plants for NZ. Stewart et al, 2014. We recommend adding this detail to the NPS to provide clarity, ensure a consistent interpretation across NZ, and reduce the time and resources used in debating whether an area is a natural wetland and therefore subject to the plan provisions. For this reason we also recommend deleting the clause "or that contains patches of exotic sedge or rush species" as this is very difficult to apply in wetland identification. How big is a patch? This is very hard to assess at a paddock scale. We have found that using the % pasture determination will remove patches of rushes anyway. We note that the exceptions in the definition (for wet areas or 'pasture wetlands' cause some confusion as many of these areas are functioning wetlands as defined by the RMA, providing important ecosystem services (e.g. retention of water, nutrient attenuation). There should be recognition of the values of these areas in the NPS to promote appropriate management of these areas, even if they are not subject to regulatory controls. We note that the intent of excluding 'pasture wetlands' from the PNRP natural wetland definition was to provide for ongoing pastoral farming, however this also enables complete loss of pastoral wetlands for urban use, with no requirement to recompense for the ecosystem services and biodiversity values lost. Consideration should be given to closing this loophole. b) Note our comments on the definition of constructed	pasture' and 'dominated by pasture' means that more than 50% pasture species (as listed in Pasture and Forage Plants for NZ. Stewart *et al*, 2014) are present. Provide recognition of the ecosystem values of 'pastoral wetlands' (wetlands that meet the Clarkson criteria as 'wetland' but are dominated by pasture) and promote appropriate management to sustain their values. Consider adding a provision so that if a 'pasture wetland' is to be developed for urban use, there is a need to "offset" the lost ecosystem values. b) change the definition for constructed wetland as suggested above Delete c) geothermal wetlands and provide a different policy approach to manage or exempt geothermal wetlands from management.

	wetlands above c) It is not clear why there is a blanket exclusion for all geothermal wetlands. Perhaps this is due to the use of these systems for geothermal energy generation? If this is the case, a better approach may be to provide a rule framework for certain activities within these particular systems, or through an exception clause (as provided for large hydro schemes in the NPS). In principle we do not support a blanket exclusion for this wetland type.	
Vegetation destruction	The definition for vegetation destruction is unclear. Given longstanding debates around the interpretation of 'significant' under the RMA we would advise against reusing this ambiguous term. The controls should relate to the destruction of any indigenous vegetation that is appropriate for the wetland type. Our suggested replacement is consistent with the PNRP; we have developed guidance as to what 'typical of the area and wetland type' means by providing species lists for each wetland type, where appropriate tailored to specific parts of the Wellington Region.	Replace with… means 'clearance, damage or modification of indigenous vegetation that is typical of the area and wetland type'.
5 Standard wetland monitoring obligation		
	(1) Support the importance of requiring monitoring; this should be compulsory for all activities requiring a consent, thus remove 'If" from the beginning of the sentence. (a) some of the attributes listed as minimum requirements may not be relevant to the activity that the consent is being granted for (e.g construction of a vehicle track would not obviously lead to a change in nutrient status. This is a costly thing to measure therefore inappropriate to require its monitoring). Remove the brackets and leave attributes to the discretion of the regional council. Also add 'extent' as an attribute to be monitored along	Add to (1) The consent holder must prepare and implement a monitoring plan to: Reword (a) monitor the condition and extent of the wetland using attributes that are relevant to the conditions and risks associated with the consent application (b) provide the results of monitoring to the consent authority ~~at least annually, or~~ in accordance with the time frame stipulated in the monitoring plan

	with condition. (b) annually is too onerous a requirement for smaller activities for both the applicant and for the council to manage the data. Also this is an open-ended requirement – these details are better determined by requiring preparation of a council approved monitoring plan as part of the consent. (c) the monitoring plan should include thresholds of concern for ecological decline which when triggered require the consent holder to advise a specified regional council contact and implement a remediation plan. Also add in a requirement to do some remediation if damage is identified.	(c) advise the regional council if the monitoring triggers a threshold of concern identified in the monitoring plan and carry out remediation actions in response *(or similar words)*
6 Standard conditions for nationally significant infrastructure		
6(a)	We strongly support the direction to require offsets that redress the effects of significant national infrastructure on wetlands to achieve a net gain outcome. This is required to achieve NPS-FM Policy 8. This should also relate to effects of activities on rivers and fish passage.	Extend this provision to also apply to subparts 2 and 3. Amend standards to include 'rivers' and 'fish passage' as matters, alongside wetlands, to which offsets must achieve a net gain outcome.
Add provision 7A Activities associated with wetland restoration		
Add a new section supporting and providing for wetland restoration where this is carried out according to a council approved restoration management plan	The PNRP provides for wetland restoration where this is carried out according to a council approved restoration management plan (Rule R106), with provision to waive consent fees. GW has developed guidance and support for this rule. This provision provides a strong incentive for people to undertake restoration, removing barriers associated with the resources required to apply for discretionary/non-complying consents. This is consistent with Policy 3.15(7) in the NPS-FM to provide for and encourage restoration. If provision isn't made in the NES then PNRP Rule R105 will no longer apply.	Add an extra section to support wetland restoration where this is carried out in accordance with a council approved restoration management plan. E.g. Activities for the purpose of restoring a wetland are controlled activities provided the activities are stipulated in and carried out in accordance with an approved wetland restoration management plan.
7 Vegetation destruction – discretionary		
a)	Request that the small-scale removal or control of pest plants should be enabled as a permitted activity, subject to good practice conditions, recognising the importance of this activity and something councils wish to enable without unnecessary	Provide a new category to provide for vegetation destruction in the following circumstances as permitted activities: (a) for the purpose of restoring or maintaining the natural

	constraint. Rule R105 of the PNRP allows for the control of plant species that are not typical of the area and wetland type as a permitted activity, subject to conditions such as using only hand-held machinery. It will not be helpful if the NES overrides this provision. Also as part of the hearing process for the PNRP we fielded requests to enable the selective removal of a plant or part of a plant from a wetland for the purpose of Māori customary use or the reasonable use of an individual (e.g. flax weaving or medicinal use).	wetland when carried out in accordance with a restoration plan that has been approved by the regional council or a specific rule in a regional plan. (b) the selective removal of a plant or part of a plant for the purpose of Māori customary use or the reasonable and non-commercial use of an individual.
8 Vegetation destruction – non-complying		
Support		
9 Earth disturbance – meaning		
Earth disturbance	Recognise the impact of vehicle compaction on wetlands Provide for some limited disturbance to enable scientific investigations and monitoring clause (b) excludes earth disturbance associated with planting of indigenous plants for restoration purposes, installing fence posts or removing pest or weed vegetation using handheld tool. Does this mean that these disturbances are permitted under NES?	add to 9(a) including by '<u>vehicle compaction'</u> 9(b) add new <u>iv. carrying out scientific investigations and monitoring</u> Add some clarity around the status of earth disturbances associated with planting indigenous plants for restoration purposes, installing fence posts or removing pest or weed vegetation using handheld tool.
Earth disturbance for drainage	Controls for earth disturbance for drainage should also apply to widening existing drainage ditches	..involves making new drainage ditches or deepening <u>or widening</u> existing drainage ditches
10 General earth disturbance – discretionary activity		
	Support the 10m set back – this is consistent with the setback required by the NES-Plantation Forestry Make provision for archaeological and scientific investigations and monitoring	Add a new sub-clause to 10(1) <u>e) for the purpose of archaeological and scientific investigations and monitoring</u>

11 General earth disturbance – non-complying activity		
	Support the activity status of non-complying for these activities We note that the exceptions in the definition for natural wetland (for wet areas or 'pasture wetlands') means that many areas that are functioning wetlands as defined by the RMA, with important ecosystem services (e.g. retention of water, nutrient attenuation), have no protection under the NES. We note that the intent of excluding 'pasture wetlands' from the PNRP natural wetland definition was to provide for ongoing pastoral farming, however our experience is that this also enables complete loss of pastoral wetlands for urban use, with no requirement to recompense for the ecosystem services and biodiversity values lost. Extension of the earth disturbance controls to apply to any wetland would provide protection of these areas and their associated values from being totally lost.	Add a new clause that applies to any wetland as defined by the RMA to protect their ecosystem services
12 Earth disturbance for drainage – discretionary activities		
(a) Establishment of natural hydrological regime of a wetland as a consent condition	It is important that qualified wetland ecologists and /or hydrologists are employed to carry out the necessary evaluations of the effects of an activity as part of a resource consent application, however this is not something that forms a condition of a consent.	Change this to a requirement for applications for a resource consent rather than a condition of consent.
(2)	Incorrect references here?	(2) Any resource consent granted for ~~general~~ earth disturbance <u>for drainage</u> <u>(c) ..</u>for the duration of the ~~land~~ <u>earth</u> disturbance …before the start of the~~ land~~ <u>earth</u> disturbance
(3)(b)(i) result in a greater than 0.1m change beyond the wetland's annual median water level	In many cases there will be no information readily available on annual median water levels within a wetland. How will this be assessed? This also applies to other sub clauses(10(2)(a), 13(b)(i)) .	
13 Earth disturbance for drainage – non-complying activity		

Support		
14 Earth disturbance for drainage – prohibited activity		
Support		
Subpart 2 – River bed infilling		
18 Infilling bed of river		
(1) Infilling for specified activities (restoration, NSI, flood prevention or erosion control) is **discretionary**	(b) amend the wording to be consistent with the wording in NPS 3.16(5)(b) Add a further clause to enable infilling for the purpose of forming a reasonable crossing point as a discretionary activity (if infilling includes culverts) The following is **critical -** Clause (d) should be an 'and' not an 'or' so that for these activities to be discretionary there must be no other practical option. This is required to be consistent with NPS 3.16(5). As drafted, this policy applies to **any** activity for which there is no practical alternative. Hopefully this is a drafting error, if not then the intent of NPS-FM Policy 9 will not be realised as this is a large loophole that will be readily exploited. Also note the slight difference in wording with NPS-FM which refers to no other practicable alternative method of providing for the activity. Amend for consistency.	Amend (b) as follows: ~~done for the purpose of building, maintaining, or operating~~ necessary to enable the development, operation, maintenance, or upgrade of new or existing nationally significant infrastructure (c) required for the purposes of flood prevention or erosion control; ~~or~~ and* *retain 'or' if new (d) is added as requested below Add new (d) required to form a reasonable crossing point; and Amend existing (d) (possibly new e) to read: "in respect of (a) to (c) *(possibly d)* ~~for which~~ there are no ~~practical~~ practicable alternative methods of ~~enabling the activity to take place~~ providing for the activity"
(2)(a)offset to achieve a no net loss	Amend to match the sequential order of terms as GWRC has requested for the definition of "effects management hierarchy" Specify what 'no net loss' applies to. The NPS-FM 3.16(1) refers to extent and ecosystem health of rivers and streams, and associated freshwater ecosystems. Offsetting for large developments (e.g. projects of the likely scale associated with nationally significant infrastructure)	Amend (2)(a) as follows: a) to the extent that the adverse effects cannot be avoided, minimised, or remedied, ~~mitigated,~~ any residual adverse effects on the extent and ecosystem health of the river must be offset to achieve a no net loss, and preferably a net gain. Offsets associated with nationally significant infrastructure must achieve a net gain.

	should be required to achieve a 'net gain' to provide more confidence of a good environmental outcome in the face of the uncertainty/risk associated with the application of any offset and the time lag between impact and the positive outcomes anticipated. We note that NES 6(a) 'Standard conditions for nationally significant infrastructure' requires offsetting for residual adverse effects on a natural wetland associated with nationally significant infrastructure must achieve a net gain. This should be a consistent requirement in NES subpart 2. We note that a number of countries, such as the UK, are moving away from the no net loss (NNL) objective of offsetting, and focusing on net gain for a range of environmental values. Demonstrating ecological net benefit as part of economic activity aims to address cumulative losses over time and space.	
(2)(b) monitoring	Monitoring is required of 'condition' in (i) and 'ecological condition' in (ii). There is no definition provided for either of these thus there is a lack of clarity about what needs to be monitored. NPS-FM includes a definition for ecosystem health in Appendix 1a, therefore we suggest using this term in both (i) and (ii)	Redraft 18(2)(b) (i) monitor the ~~condition~~ ecosystem health of the river… (ii) ….demonstrates that the ~~ecological condition~~ ecosystem health of the river is declining
(3) Infilling is **non-complying**	Support	
Subpart 3 – Fish Passage		
(19) Application	The NES requirements for fish passage for existing structures should be consistent with those of the Freshwater Fish Regulations (i.e., all culverts and fords built post 1 January 1984 must not impede fish passage without a permit and regulation. S44(2) requires that all culverts and fords built before and after 1983 must be maintained to prevent the development of fish passage barriers). This subpart should also apply to existing structures when	Request that MFE carries out further discussion with DOC to ensure that the NES requirements are aligned with changes being proposed as part of the Indigenous Freshwater Fish Amendment Bill regarding management of existing fish barriers. Clarify that this subpart also applies to existing structures

	consent expires – to ensure upgrade. Provisions should be added to encourage remediation of existing fish barriers, including provision of easier consenting pathways for activities that aim to restore instream aquatic habitat, such as remediation of fish barriers. 19(2) We question whether the minimum standards for structures should apply to ephemeral watercourses.	when consent expires (to ensure remediation) or when structures which might not be consented are being upgraded. Add a clause to enable use of a controlled activity for activities associated with fish barrier remediation which are to be carried out in accordance with an approved fish passage management plan (by either the Minister of Conservation or the regional council) (see Proposed Natural Resources Plan Rule R106 as an example). Consider adding a sentence that Clauses 21 and 22 do not apply to ephemeral watercourses. 19(2)(a) Clarify what the standard fish passage information is.
(20) Definitions	Culvert – We question use of the term 'culvert' as defined as the definition does not correlate with the way culvert is defined by Greater Wellington – we consider a culvert to be a pipe associated with forming a reasonable stream or river crossing point.	Reconsider use of the term culvert to describe the pipes and structures referred to in (a) and (b) of the definition and ensure that the term and definition are consistent with the use of the term culvert in the NZ Fish Passage Guidelines.
(21) Culverts	Support (1) as it seems to have some consistency with the minimum standards for culvert design as set out in the NZ Fish Passage Guidelines referred to in the NPS. (3)(a) is not a condition that would be put on a consent but is a critical matter that would be considered in evaluating whether or not a consent should be granted. Add a standard provision for all discretionary activities that the asset owner must maintain the structure to provide for fish passage at all times.	We recommend that the permitted activity rule uses the exact wording of the minimum standards for culverts, weirs, flap gates dams etc as written in the NZ Fish Passage Guidelines and note that many clauses are missing: e.g. Appendix G (2)(a)(b)(e)(f)(h)(i)(j) 21(3)(a): Delete 21(3), 22(3), 23(2): Add a standard provision for all discretionary activities that the structure shall be maintained to provide for fish passage at all times.

	It is important that the information required in 3(b) is captured for use by the NZ Fish Passage Assessment Tool national data base, and not just lodged with regional councils. Note that Greater Wellington Regional Council does not currently require notification when a permitted structure is constructed and therefore it would require a lot of resources to set up and maintain a system and data base to ask or receive information on permitted activity instream structures. Similarly, it would be very difficult for us to identify existing permitted structures and ensure that they meet the new fish passage requirements or make people get a consent. This would be a significant task.	Add a clause to specify that it is the role of the consent holder to enter the information required by 3(b) into the NZ Fish Passage Assessment Tool national data base. (and repeat this clause for the following activity sections)
(22) Weirs	Support (1) as seems to have some consistency with the minimum standards for weir design as set out in the NZ Fish Passage Guidelines referred to in the NPS. (1)(c) We consider that <4m is too large a fall height for a permitted activity. Under the PNRP the limit is <0.5m. The effects of this scale of structure should require assessment through a consenting process and not be a permitted activity.	Replicate wording in NZFPG. Note missing equivalent clauses from NZFPG Appendix G 3(a)(c)(f)(g)(h) (c) Reduce the fall height to <0.5m Add a clause requiring information to be added to the NZFP national data base
(23) Passive flap gates	(2)(a) is unnecessary as compliance with all regional rules is something that will form part of the consent's substantive evaluation and in itself is inappropriate as a 'condition'	Replicate wording in NZFPG. Add clause requiring information to be added to the NZFP national data base
(24) Dams, fords, non-passive flap gates	This provision is seriously lacking in detail – dams and fords are the structures that have the greatest risk of forming barriers to fish passage and therefore should be non-complying activities There is no reference to size – does this provision apply equally to small or large dams? Add consent status as for the other structure types.	Add a consent status Replicate wording in NZFPG. Add clause requiring information to be added to the NZFP national data base

Appendix A

Map showing illogical stock exclusion requirements on a farm in the Wairarapa – Attached to question 65.

Attachment 2 to Report 20.16

Summary of key themes from the LGNZ regional sector

Without prioritisation we risk setting the system up to fail

The sector admires the ambition behind these proposed reforms, but are deeply concerned by the plan to do everything at once everywhere. New Zealand as a country does not have the capacity to implement the package in full in the timeframes proposed. Meeting timeframes will likely occur at the expense of public engagement, co-governance commitments with iwi/Māori, and will limit the depth and robustness of analysis and evaluation. While regional councils can, and will, build capacity to meet future needs, this takes time.

The see phasing/prioritisation/sequencing of freshwater reforms to the most at risk regions and catchments as a critical requirement to overcome capacity and constraint limitations so national capacity is focused on the biggest risks first. That will require moving the plan-making deadline for low risk regions/catchment past 2025 while the sector concentrates its resources on the most at-risk catchments. The sector also asks for a strong commitment from the Government to assist with a meaningful implementation package including access to, and alignment with, national science programmes.

The reform is hugely disruptive to existing work programmes. In many cases, the fastest progress to improve water outcomes will be made by regions continuing to pursue their current work programmes and planning timeframes. When considering setting priorities we encourage taking into account these existing work programmes.

The NPS-FM requires engagement with tangata whenua in the management of water and 'at every stage' in implementing the NOF process. Tangata whenua values and interests must be identified and reflected in management of the waterbodies. These obligations will likely establish high expectations amongst Māori that many regional councils may struggle to meet - at least in the initial plans required by 2023. It is likely that tangata whenua will themselves not be well positioned to participate as expected and will likely need considerable support. In that context it may over-promise and unfairly expose councils to criticism of not delivering on something that may simply not be feasible in the time available. Where Treaty Settlements have resulted in regionally-specific water management arrangements, the relationship of those arrangements to new obligations under the EFW package is unclear and potentially unhelpful in progressing settled expectations.

We need to take communities with us

In implementing the water management framework councils will face many decisions about how far to go, and how fast to make change. It is not clear what, if any, weight councils can place on the social, cultural and economic costs in those decision-making processes. Councils have a statutory obligation to consider all four well-beings when making decisions and this is entirely appropriate when assessing policies that affect the overall well-being of communities. However, the NPS-FM appears to have stripped out the fulsome consideration of policy impacts on a community, in favour of environmental considerations. The concept of social and economic well-being appears only once in the NPS-FM (in Policy 13) and then it is limited by the overriding need to give effect to Te Mana o te Wai.

The sector is also concerned about how do we provide for future development capacity. The draft NPS-FM renders all catchments in the country 'fully allocated' for contaminants that would cause a deterioration in any of the 23 attributes. It is difficult to see a consenting pathway for any new and

additional contaminant discharge that does not first involve councils creating 'headroom' by achieving reductions in contaminant losses from existing users or, by requiring individual consent applicants to somehow offset their new discharge. This may lead to unintended consequences, such as constraining development potential in urban areas, and thereby further limiting already constrained housing supply. The 'flexibilities' that are part of the current NPS are to be removed. Clarity is sought about the way forward and whether the cost of providing for future growth has been considered.

Our waterbodies need tailored fixes

Over 30 years of freshwater science tells us no two rivers are alike, nor are the factors affecting their health. The sector seeks tailored freshwater solutions to target the factors affecting freshwater ecosystem health, rather than a one-size-fits-all approach.

The draft NPS-FM identifies 23 attributes that provide a framework for management and which must be monitored. Monitoring all these attributes will be a significant task, and impose additional costs on communities, even when in some cases the specific attributes being monitored on some waterways have no meaningful impact on the health of that system. Separately, there is the expectation that all catchments will meet national bottom lines for some attributes, such as nitrogen (DIN) and phosphorus (DRP), when available science tells us that meeting these thresholds will not improve ecological health in some waterbodies.

In addition, setting attributes such as Fish-IBI, LakeSPI and ecosystem metabolism appear premature because the science is still evolving and/or their applicability and appropriateness varies according to the nature of waterbodies. Applying these attributes as proposed could lead to perverse outcomes and impose unnecessary costs.

There needs to be greater recognition and ability for regions to devise local solutions to local problems. One size fits all solutions often provide no solution at all.

Letting councils and communities choose the best way

In many cases the package imposes obligations on regions that may not be the most effective or efficient way to address the need. Examples include the requirement for action plans on an attribute-by-attribute basis when preparing such plans on a catchment-by-catchment basis might be more efficient. Other examples include requirements for accounting systems, monitoring and reporting requirements that may be duplicative and, in some respects, impractical and/or of low value. Similarly, the proposal for a 'long-term vision' will be unlikely to add value but will divert resources from more important water planning work.

Improvements in land and water management can only proceed as fast as constraints and resources allow us. The sector wish to work with the Government on meeting the goal within existing capacity constraints across the system (not just in regional councils), and growing it over time so that we lift the quality of the environment for future generations to enjoy.

The costs of the NPS-FM & Action for Healthy Waterways

Taking care of what matters to our region does come at a cost. This is a snapshot of some of the costs associated with the freshwater reform:

Tangata whenua

- Significant increase in costs associated with meeting enhanced obligations for tangata whenua engagement, Mātauranga Māori monitoring and identification of tangata values and interests given the 168 unique iwi/hapu – Council relationships estimated at between **$20,000-$50,000 per planning area** (of which there are 70 across the country; in the Wellington Region we have 5 Whaitua for eg).

Discharges

- The cost of existing discharges will increase significantly. Benchmarking for nitrogen alone is estimated to cost between **$2,000 to $10,000 per farm.**

Consenting

- **Up to 10,000** additional consent applications with associated increase in staff and or consultants and contractors for consent processing, administration and compliance monitoring.

Monitoring

- **$23.5M** per annum in monitoring new attributes such as: - submerged native plants and invasive species (excludes costs to store and report data).
- Urgent establishment/expansion of information systems on wetlands, land use, farm practices, structure, fences etc to monitor compliance with the NES.

Infrastructure

- Substantial investment in infrastructure upgrades to improve water quality and more is needed.

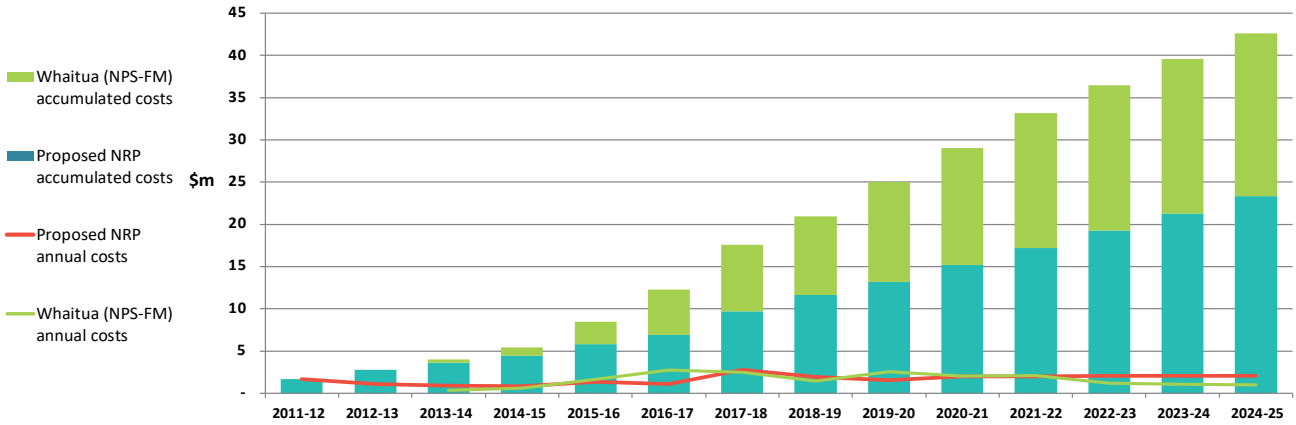
Plans

- Farm Environment Plans have insufficient capacity of skilled professionals to produce plans within required timeframes.
- Farm plans have been estimated to cost $625M
- Funding of government appointed planning commissioners.
- Bringing forward **$45M** in spending on regional plans – this represents a **50% increase** in costs in the 2021/22 and 2022/23 years (excluding costs to revisit catchment limit setting process already done or in train).

Staff resourcing

- **50 new FTE** per annum until 2023 – a 40% increase .
- The cost of implementing the stock exclusion regulations is estimated at $775M.
- Existing investment in operational work-programmes and partnerships to improve water quality is in the order of **$14M per annum** of goods and services supported by **125 FTE** – which is already anticipated to double over the 2018-2028 LTP period.

PNRP and Whaitua (NPS-FM) expenditure



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