

IN THE ENVIRONMENT COURT

ENV-2019-WLG-

WELLINGTON

I MUA I TE KOOTI TAIAO

IN THE MATTER of an appeal under Clause 14 of the First
Schedule of the Resource Management Act
1991 (“the Act”)

BETWEEN **WELLINGTON FISH AND GAME
COUNCIL**

Appellant

AND **WELLINGTON REGIONAL COUNCIL**

Respondent

NOTICE OF APPEAL

Dated: 18 September 2019

NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON PROPOSED WELLINGTON NATURAL RESOURCES REGIONAL PLAN

Clause 14(1) of First Schedule, Resource Management Act 1991

To: The Registrar
Environment Court
Wellington

1. The Wellington Fish and Game Council (“Fish and Game”) appeals against parts of a decision of the Wellington Regional Council on the following plan:

Proposed Natural Resources Regional Plan for the Wellington Region (the “Plan”).

2. Fish and Game made a submission on the Plan.
3. Fish and Game is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Fish and Game received notice of the decision on 31 July 2019.
5. The decision was made by the Wellington Regional Council.
6. The parts of the decision that Fish and Game are appealing are those parts that relate to the provisions in Appendix A to this Notice of Appeal.

7. In addition to the reasons set out in the Appendix A to this Notice, the reasons for the appeal are that the provisions appealed against:
 - 7.1 do not give effect to the Regional Policy Statement (“RPS”) or the National Policy Statement for Freshwater Management (“NPSFM”);
 - 7.2 are inconsistent with Part 2 of the Act; and
 - 7.3 do not enable the Respondent to carry out its functions under section 30 of the Act.

8. Fish & Game seeks the following relief:
 - 8.1 The relief set out in Appendix A;
 - 8.2 Such other changes to the provisions listed in Appendix A that would address the reasons for this appeal; and
 - 8.3 Consequential amendments resulting from granting, or partially granting, the relief sought.

9. Fish and Game attaches the following documents to this notice:
 - (a) A list of names and addresses of persons to be served with a copy of this notice (Appendix B)
 - (b) A copy of its submission and further submission (Appendix C).



Signed on behalf of Wellington Fish and Game Council by Mr Phil Teal (Chief Executive)

DATED this 18th day of September 2019

Address for service:

Email: pteal@fishandgame.org.nz

Telephone: 06 359 0409

Fax: 06 356 2780

Address: Phil Teal, Chief Executive

Wellington Fish and Game Council

292 Featherston Street

P O Box 1325, Palmerston North 4440

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Appendix A

Plan Provision	Reasons for Appeal	Relief sought (Fish and Game)
Definition of “good management practices”	<p>Urine from stock animals is the principle contributor to high nutrient concentrations in rivers.</p> <p>The rural Ruamāhanga sub-catchments are overallocated in respect of nitrate-nitrogen and DRP, and water quality in some other locations does not meet the freshwater objectives for aquatic ecosystem health.</p> <p>The documents and examples on the Council website for GMP’s are not part of the plan itself, and the system for updating and amending them is not covered by Schedule 1 of the Act.</p>	Provide a quantifiable and certain definition of “good management practices” that sets out the point at which such practices become a non-compliant activity or a failure to adequately manage diffuse losses.
Definition of “natural character”	Fish and Game supports inclusion of the concept of “natural processes” within a definition of “natural character”, but additional explanation of the elements of <i>riverine</i> natural character is required in order to provide sufficient clarity.	<p>Add the following words at the end of the definition:</p> <p>“For rivers and streams, this includes river form (including pool, run, riffle and riparian margins) and function (including hydrological regime and fluvial processes).”</p>
Objective O5	Although elements in the Objective are provided for in other Objectives, such as in Objectives O6 and O25, this Objective is required to provide clarity on the <i>hierarchy</i> of matters to be provided for (matters such as the health needs of people, the	<p>Reinstate Objective O5 with amendments from the notified version shown as follows:</p> <p>“Fresh water bodies and the coastal marine area, as a minimum, are managed to <u>prioritise</u>:</p>

	<p>reasonable needs of livestock and the needs of the waterbody).</p> <p>Retaining a modified version of the Objective (with amendments) would be consistent with the fundamental concept of Te Mana o Te Wai.</p>	<p>(a) <u>first, the health and wellbeing of waterbodies and freshwater ecosystems</u>safeguard aquatic ecosystem health and mahinga kai, and</p> <p>(b) <u>second, the essential health needs of people</u>provide for contact recreation and Māori customary use, and</p> <p>(c) <u>third, the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future in the case of fresh water</u>provide for the health needs of people.”</p>
Objective O19	<p>Additional direction is required beyond that already contained in section 6 of the Act.</p> <p>In the Wellington Region, natural character should be <i>enhanced</i> where it is degraded.</p>	<p>Add the following words (underlined) to the Objective:</p> <p>“The natural character of the coastal marine area, natural wetlands, and rivers, lakes and their margins is preserved and protected from inappropriate use and development, <u>and restored and rehabilitated where degraded.</u>”</p>
Objective O24	<p>Fish and Game supports links to Tables 3.1 and 3.2, but only if adequate water quality objectives are included in those Tables that are stated in numeric as well as narrative terms.</p>	<p>Amend Tables 3.1 and 3.2 (below).</p>
Tables 3.1 and 3.2	<p>Primary and Secondary contact recreation standards in Tables 3.1 and 3.2 need to be amended in order to be consistent with, and implement, the NPSFM.</p> <p>Reliance on a Technical Guidance document that sits outside the plan, to the</p>	<p>Amend Tables 3.1 and 3.2 in accordance with Fish and Game’s original submission (including Appendix 4 to that submission) and the requirements of the NPSFM.</p>

	interpret narrative values in the Tables, is inappropriate as that document is not covered by Schedule 1 of the Act.	
Objective O25	<p>Fish and Game supports links to Tables 3.4 - 3.8 but only if adequate water quality objectives are included in those Tables that are stated in numeric as well as narrative terms.</p> <p>O25 should be amended to include reference to “natural character” as well as mahinga kai and ecosystem health, because natural character is essential for the wellbeing of the water body.</p> <p>(b) in the Objective provides an important guiding element - that it is “more akin to a policy” is not a good reason for its deletion.</p>	<p>Reinstate (b) “<i>restoration of aquatic ecosystem health and mahinga kai is encouraged</i>”.</p> <p>Amend the Tables 3.4 – 3.8 to include numeric as well as narrative standards for all parameters necessary to measure, or manage for, aquatic ecosystem health, in particular for Table 3.4 (below).</p>
Table 3.4	<p>The reasons in the Decision for not including “drivers” such as temperature, DO and nutrient parameters in Table 3.4 is flawed. Whichever way they are described, these parameters <i>do</i> assist with ascertaining whether the ‘safeguard’ outcome is being met.</p> <p>Natural character is essential for the wellbeing of the water body and sufficient scientific work has been undertaken for the Wellington Region to include that as an attribute (under the Habitat Quality Index).</p> <p>Reliance on a Technical Guidance document that sits outside the plan, to the</p>	<p>Amend Table 3.4 in accordance with Fish and Game’s original submission (including in particular Appendix 3 to that submission) and the requirements of the NPSFM. This includes:</p> <ul style="list-style-type: none"> • Adding numeric attributes or parameters for fish, temperature, DO, nutrients (DIN, DRP), water clarity, toxicants, flows, core allocations and sediment. • Adding a Habitat Quality Index in Table 3.4 under a heading “<i>Habitat</i>”, and populate according to the index for natural character. • Adding a narrative attribute for “hydrological variability”.

	<p>interpret narrative values in the Tables, is inappropriate as that document is not covered by Schedule 1 of the Act.</p> <p>The values of “mahinga kai” and “ecosystem health” should not be linked in Table 3.4 - there is no direct scientific correlation between these two values.</p>	<p>Move the value of “mahinga kai” to a separate Table with appropriate attributes/parameters for that value.</p>
O28	<p>Amendments to the Objective in the decision refer to the concept of ‘protecting’ the extent of wetlands, however the extent of wetlands should be <i>maintained and increased</i>.</p> <p>Maintaining and increasing wetland extent in the Wellington Region is essential given the significant decline in wetland extent over time - all remaining natural wetlands meet at least two of the criteria listed in Policy 23 of the Regional Policy Statement 2013 for identifying indigenous ecosystems and habitats with significant indigenous biodiversity values; being representativeness and rarity.</p> <p>Fish and Game is involved in many wetland restoration activities and these should continue to be promoted, including through the rules of the Plan.</p>	<p>Split the Objective into two separate Objectives as follows:</p> <p>O28 “The significant values of natural wetlands are protected. Where the significant values relate to biodiversity, aquatic ecosystem health and mahinga kai, restoration is to a healthy functioning state as defined by Table 3.7.”</p> <p>And:</p> <p>O28A “The extent of natural wetlands is maintained and increased, and their condition is restored”.</p>
Objectives O31 and O35	<p>Tables 3.4 – 3.8 are now relied upon to define what is required to restore something to a “<i>healthy functioning state</i>” however those Tables are inadequate for that purpose. Ecosystem health also</p>	<p>Amend Tables 3.4 – 3.8 to comprehensively cover the concept of <i>healthy functioning state</i> or remove references to the Tables from these Objectives.</p>

	includes flow, habitat, ecosystem processes and aquatic life.	
Objective O44	<p>This Objective is not sufficiently directive and does not adequately recognise the multiple issues around managing land use activities.</p> <p>Land use should occur in a manner that is consistent with achieving the Plan’s freshwater objectives, and any ancillary discharges must meet the requirements of s70 of the Act.</p>	<p>Amend the Objective to read:</p> <p>Land use activities, including those that occur on, or involve the use or disturbance of, soil, are managed to:</p> <ul style="list-style-type: none"> (a) Safeguard the life-supporting capacity of soil; (b) Maintain and, where they have been degraded, enhance the desirable physical, chemical and biological characteristics of soil that enables a range of uses; (c) Avoid, remedy and mitigate accelerated erosion; and (d) Contribute to safeguarding the life-supporting capacity and preserving the natural character of interconnected surface water bodies and their margins, groundwater and the coastal marine area.”
O46 and O47	<p>The objectives should be certain and measurable, and refer back to the outcomes expressed in Objectives O24 and O25, with adequate freshwater objectives in Tables 3.1, 3.2 and 3.4 (in particular).</p> <p>For Objective 47, it is essential that sediment-related parameters be included in these Tables.</p>	<p>Amend Objectives O46 and O47 as follows:</p> <p>“The runoff or leaching of contaminants to water from discharges to land is minimised <u>to the extent required to be consistent with the outcomes in Objectives O24 and O25.</u>”</p> <p>“The amount of sediment-laden runoff entering water is minimised <u>to the extent required to be consistent with the outcomes in Objectives O24 and O25.</u>”</p>

<p>Policy P5 Review of existing consents</p>	<p>If over-allocation is found to exist, it will need to be phased out through reviews of existing consents. This should be signalled prior to the completion of the Whaitua processes.</p>	<p>Retain the notified version of Policy P5 with the following amendments:</p> <p>The conditions of existing resource consents to discharge contaminants to fresh water or coastal water, and to take and use water, may <u>will</u> be reviewed pursuant to section 128 of the Resource Management Act 1991. The Regional Council will generally initiate reviews of consent conditions when monitoring results or other evidence demonstrate a review is required, or in respect of future changes to the Plan.</p>
<p>P6 Common expiry and review dates</p>	<p>Common expiry and review dates are essential for managing cumulative adverse effects and should not be 'optional', or only considered on a case-by-case basis.</p>	<p>Amend the policy to <i>require</i> consents to be granted with a common expiry or review date within a whaitua or sub-catchment in the circumstances set out in (a) and (b) of the Policy.</p> <p>Set common catchment expiry and review dates for each whaitua or sub-catchment.</p> <p>Amend (a) to make it clear that consent will not be granted if it causes a catchment or sub-catchment to become over-allocated.</p>
<p>Policy 31</p>	<p>Although Fish & Game's submission requested that this Policy refer to the numerical and narrative freshwater objectives in the section 3 Tables, that was only on the basis of the adequacy of those Tables to provide for the objectives of water quality, water quantity and natural character.</p>	<p>The link to the Tables should be removed unless the Tables are amended to provide adequate water quality objectives in numeric, as well as narrative terms, to provide for the values of the NPSFM and contained in the Plan.</p>

<p>Policy P38</p>	<p>Although the recreational values of wetlands are recognised in Policy P37, this policy should recognise that many wetlands are restored in the Region for the purpose of creation of gamebird habitat and recreational hunting opportunities.</p> <p>The Policy is important to Fish and Game’s wetland restoration activities, including in relation the associated rules that promote such activities.</p>	<p>Amend the Policy as shown:</p> <p>“The restoration of natural wetlands and the construction of artificial wetlands to meet the water quality, aquatic ecosystem health and mahinga kai objectives set out in Tables 3.7 and 3.8, to provide habitat for indigenous flora and fauna, <u>to provide gamebird habitat and recreational hunting opportunities</u>, and to carry out the physical and ecological functions of natural wetlands, shall be encouraged and supported.”</p>
<p>Policy P65 and associated rule(s)</p>	<p>Policy 65 “Minimising effects of rural land use activities” should refer to information gathering requirements, that would be included as conditions on any permitted activity rules or resource consents granted for such activities, so that Council has the necessary information to manage cumulative effects from these activities.</p>	<p>Insert in Policy P65:</p> <p>“Conditions will be placed on all permitted activity rules and resource consents authorising the discharge of nutrients onto or into production land that require the following information to be collected and provided to the Regional Council:</p> <ol style="list-style-type: none"> a. The OVERSEER, or equivalent model approved by the Chief Executive of the Greater Wellington Regional Council, input and output files for the property, as well as all receipts and ‘proof of placement’ records for all fertiliser and imported/exported stock feed; b. Description of ownership and name and contact details of contact person c. Physical address d. Legal description of the land e. Map(s) or aerial clearly showing:

		<ul style="list-style-type: none"> i. the boundaries of the property or land areas comprising the farm or land areas of the property, ii. land use cover (e.g. pasture, riparian, trees etc) iii. The location of permanent or intermittent rivers, streams, lakes, drains, ponds or wetlands <p>f. Information detailing:</p> <ul style="list-style-type: none"> i. The site area to which the farming activity relates; ii. Monthly stocking rates (numbers, types and classes) including breakdown by stock class; iii. Annual yield of arable or horticultural produce iv. A description of the farm management practices used on each block including: <ul style="list-style-type: none"> 1. Ground cover - pasture, crops, fodder crops, non-grazed area (including forestry, riparian and tree areas) and any crop rotation; 2. Stock management - lambing/calving/fawning dates and percentages, any purchases and sales and associated dates, types and age of stock, including receipts for all transactions; 3. Fertiliser application - types and quantities per hectare for each identified block, taking into account any crop rotation, including fertiliser purchase receipts and 'proof of placement' records for all fertiliser application;
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<p>Additional policies in Discharge to Land & Water Chapter under 4.8.1</p>	<p>The policies, rules and other methods in the plan are inadequate to manage the cumulative adverse effects of rural land use activities to achieve the Objectives, including Objectives O24 and O25.</p>	<p>Include a new Table, ‘Table X’, headed “<i>Subcatchment Nutrient Loads</i>”, showing the subcatchment nutrient loads that would need to be met in order to achieve the compulsory values of ecosystem health and human health for recreation, based upon Fish and Game’s original submission, in particular Appendix 9 to that submission (“<i>Ecosystem Health and Nutrient Concentrations for Wellington Rivers and Streams</i>”).</p> <p>Insert the following new policies:</p>

		<p>Policy #1</p> <p>Land use activities and associated discharges of contaminants in subcatchment Zones A-M shall be managed to ensure that the catchment load limits in Table X are not exceeded where they are currently met and, where they are not currently met, a pathway toward improvement is commenced.</p> <p><i>Policy P#2: Consent decision-making for diffuse discharges</i></p> <p>When considering and making decisions on resource consent applications for non-point source discharges of contaminants from farming activities in subcatchment Zones A-M, the Regional Council must have regard to the following matters:</p> <p>a) The extent to which the proposed activity, in combination with other permitted or consented non-point and point source discharges, will result in the limits in Table X for that sub-catchment being met; and</p> <p>b) In sub catchments where the limits in Table X are exceeded, information to demonstrate that the proposed activity will contribute proportionally to reducing contaminant discharges over time, taking into account the estimated nutrient loads in the relevant subcatchment and the catchment at the time the application is made.</p> <p>Policy P#3:</p> <p>In sub-catchment Zones where the nitrate-nitrogen and DRP load limits in Table X are exceeded, the Regional Council must:</p>
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		<p>a) begin phasing out the exceedance through consent review and renewal processes; and</p> <p>b) not allow any new point source discharges or non-point source discharges.</p>
<p>Policies P70 and P71</p>	<p>The decisions-version has deleted the standards previously contained in Policy 71, leaving a policy-gap for point source discharges and a lack of mechanism for achieving Objective O25.</p> <p>Standards or limits to achieve aquatic ecosystem health and mahinga kai outcomes are necessary, in relation to the adverse effects of individual point source discharges. The inclusion of numeric objectives for attributes such as temperature and macrophyte cover will enable the Council to determine whether the management of point source discharges is meeting the anticipated outcomes of the plan. It is not appropriate to rely on parameters the Whaitua committees, that have not yet been determined.</p> <p>Although Fish & Game’s submission requested that this Policy refer to the numerical and narrative freshwater objectives in the section 3 Tables, that was only on the basis of the adequacy of those Tables to provide for appropriate objectives for water quality, water quantity and natural character.</p>	<p>Amend P70 to state:</p> <p>Where an objective in Table 3.4, Table 3.5, Table 3.6, Table 3.7 or Table 3.8 of Objective O25 is not met, point source discharges to water shall be managed in the following way:</p> <p>(a) for an existing discharge that contributes to the objective not being met, the discharge is only appropriate if:</p> <ul style="list-style-type: none"> (i) an application for a resource consent includes a defined programme of work for ensuring that the point source discharge to water is consistent with achieving the objectives and limits in the Plan, including the water quality objectives in Tables 3.1 – 3.8, over a reasonable time; and (ii) demonstrates that the proposed activity will contribute proportionally to reducing contaminant discharges to levels that will result in the limits (loads) in Table X being met over a reasonable time; and (iii) meets the standards set out in this Policy. <p>Include a Table X showing the subcatchment loads for nutrients that would need to be met to achieve the compulsory value of ecosystem health, “<i>Subcatchment Nutrient Loads</i>”, based upon Fish and Game’s original</p>

		<p>submission, in particular Appendix 9 to that submission.</p> <p>Include appropriate standards/limits to be achieved after reasonable mixing, including for QMCI, water clarity, temperature, DO, BOD, POM, nitrate and ammonia toxicity (similar standards were previously in P71).</p> <p>Amend Section 3 Tables as sought (above).</p>
Policy P99	<p>Aspects of the policy relating to effects on ecosystem health, water quality and aquatic habitats have been deleted or weakened and are no longer adequately managed through the policy.</p> <p>For livestock access policies, inclusion of small waterways below 1m in width (including headwater, intermittent and ephemeral streams) is important for ensuring impacts on freshwater ecosystem health are reduced or avoided.</p>	<p>Amend P99 so it directs protection of aquatic habitat and water quality, restoration where necessary, and a management framework for stock access that to achieve that.</p> <p>Provide more detailed guidance for livestock access, particularly for those water bodies that are not Category 1 surface water bodies, including headwater, intermittent and ephemeral streams.</p>
Policy P101	<p>Livestock exclusion, and clearly expressed setback requirements for cultivation and breakfeeding, are two of the simplest and most direct ways of protecting waterbodies from pollution. These should be mandated by clear policy direction.</p> <p>.</p>	<p>Clarify what is an “appropriate setback distance”.</p> <p>Where stock are to be excluded from a waterbody through the placement of a permanent fence, ensure setback distances are greater than 5m and take into account the sensitivity of the receiving environments and habitats such as those in Schedules A and I of the Plan.</p> <p>Require a 10m setback distance from inanga or trout spawning sites.</p>

Policy P105	<p>This Policy for the protection of trout habitat has been subsumed under Policy P31 but the new Policy 31 misses out important elements of P105 as notified.</p> <p>Retaining Policy P105 is necessary to have regard to the matter in section 7(h) of the Act.</p>	<p>Retain the notified version of Policy P105:</p> <p><i>“Policy P105: Protecting trout habitat</i></p> <p>Particular regard shall be given to the protection of trout habitat in rivers with important trout habitat identified in Schedule I (trout habitat). The effects of use and development in and around these rivers shall be managed to:</p> <p>(a) maintain or improve water quality in accordance with the objectives in Table 3.4 and Table 3.5 of Objective O25; and</p> <p>(b) minimise changes in flow regimes that would otherwise prevent trout from completing their life cycle; and</p> <p>(c) maintain the amount of pool, run and riffle habitat; and</p> <p>(d) maintain fish passage for trout; and</p> <p>(e) minimise adverse effects on the beds of trout spawning waters identified in Schedule I (trout habitat).”</p>
Policy P111 and associated rules	<p>A “limit” in the NPSFM is “the maximum amount of resource use available, which allows a freshwater objective to be met” and environmental flows and/or levels are “a type of limit which describes the amount of water in a freshwater management unit (except ponds and naturally ephemeral</p>	<p>Amend Policy 111 and associated rules to provide for a two-tiered system so that water saving measures are undertaken well before minimum flows are reached.</p>

	<p>water bodies) which is required to meet freshwater objectives”.</p> <p>Provisions that allow takes below the minimum flow, for example for root stock, should be deleted and replaced by a two-tiered regime that requires measures to be put in place prior to minimum flows being reached. This would enable continued takes for essential consumptive uses, while still meeting the requirements of the NPSFM.</p> <p>Even section 14(3)(b) takes are not unlimited and “<i>must not have, or be likely to have, an adverse effect on the environment</i>”.</p> <p>Water storage during high flows to provide for the essential needs during periods of low flow, should be promoted, as these may be used to supplement water such that flow “limits” are not breached.</p>	
<p>Policy P117 and equivalent policies/rules within the Whaitua chapters for supplementary allocation including WH.R1, K.R1 and R.R1</p>	<p>Flows above median flow have substantial benefit to downstream groundwater recharge, channel formation and natural character, as well as to aquatic life.</p> <p>The application of the 50% supplementary allocation rule at the point of abstraction has the potential to lead to a significant departure from the natural flow regime, including the magnitude of the median flow and the frequency of flushing flows.</p>	<p>Add the following words to Policy P117 after the words “<i>provided flushing flows and a portion of flow above the median flow remains in the river.</i>”</p> <p>“and provided that it can be demonstrated that a supplementary allocation take will not, either by itself or in combination with other takes:</p> <p>a. result in an increase in the frequency or duration of minimum flows;</p>

	<p>Flushing flows are not defined. Further guidance is required around the discretion to grant such supplementary allocations.</p> <p>Public input is needed into the setting of supplementary flow regimes due to potential adverse effects on values including recreational (including input from statutory agencies such as Fish and Game).</p>	<p>b. lead to significant departure from the natural flow regime, including the magnitude of the median flow and the frequency of flushing flows;</p> <p>c. cause more than minor adverse effects on the freshwater environment including ecosystem health, freshwater fish, mahinga kai and Māori cultural values; or</p> <p>d. limit the ability of anyone to take water under a core allocation.”</p> <p>Supplementary allocation applications be subject to public or limited notification (including to the Wellington Fish and Game Council).</p> <p>Include the above requirements in the equivalent supplementary allocation policies (and rules) in the Whaitua Chapters of the Plan.</p> <p>Consequential amendments to Schedule V (below).</p>
<p>New Policy in Section 4.9 and in Whaitua Chapters</p>	<p>The end use of taking water for irrigation can have significant adverse effects on water quality, threatening the achievement of the Objectives of the Plan relating to the maintenance and enhancement of water quality.</p> <p>This matter should be considered in any discretionary activity application for water take.</p>	<p>Include as a new Policy in Section 4.9 of the Plan, and in Whaitua equivalent policies:</p> <p>“When allocating water, consideration will be given to the actual and potential effects of any discharges that are associated with the use of the water.</p> <p>Allocation will not occur where the associated use, including discharge(s) from such use, would fail to provide for the freshwater objectives in Tables 3.1 – 3.8 or other established values for the catchment, whether considered individually or cumulatively.”</p>

<p>Ruamahanga Policy R.P2</p>	<p>The definition of core allocation in the Ruamahanga catchment should not rely on the amount already allocated under consent.</p> <p>If it is found that existing takes do represent a situation of over-allocation then consent reviews would need to occur, to meet the requirements of Policy B6 NPSFM.</p>	<p>Amend the Policy by deleting (a) as follows:</p> <p><i>“Policy R.P2: Core allocation in the Ruamāhanga Whaitua</i></p> <p>The maximum amount of water available for allocation from rivers (including tributaries), Lake Wairarapa (including tributaries), and groundwater in the Ruamāhanga River catchment, above the Lake Wairarapa outflow, and in the Lake Wairarapa catchment, at the time an application is made for resource consent to take and use water, shall not exceed whichever is the greater of:</p> <p>(a) the total amount allocated by resource consents, or</p> <p>(b) the allocation amounts identified in Tables 7.3-7.5, except for the taking and use of water identified in Policy P117 at flows above the median flow.”</p>
<p>Rule R42 (and previous Rule R69)</p>	<p>There is no evidence that this rule for “Minor Discharges” would manage cumulative adverse effects in a way that would achieve the water quality Objectives of the Plan, prior to Whaitua processes being completed.</p> <p>In this respect the Plan</p> <ul style="list-style-type: none"> • Fails to give effect to the RPS; • Lacks clear description of how multiple contributors to water quality under this Rule are to be collectively managed; 	<p>Delete Rule R42</p>

	<ul style="list-style-type: none"> • Lacks effective management of non-point source discharges of nutrients; and • Fails to commence an effective framework to deliver water quality improvements in degraded water bodies prior to the notification of the Whaitua Chapters of the Plan. 	
Rules 94 and 95	<p>For cultivation and break-feeding:</p> <p>There is no technical reason to support the reduction in setback width from 5 m on slopes less than 3 degrees.</p> <p>A 10m setback for rivers/streams with important trout habitat (Schedule I), is more appropriate and consistent with Policy 105 (if it is retained as sought above) and/or Policy 31.</p> <p>Reliance on the section 70 narrative standards is uncertain and more certain standards should be included or the notified version of Rule 24 should be retained (“no” sediment-laden surface water resulting from the activity flow to a waterbody).</p>	<p>Reinstate the setback to 5 m on all slopes as a minimum.</p> <p>Impose a 10m setback for rivers/streams with important trout habitat (Schedule I).</p> <p>Assign measureable and enforceable numeric standards for the conditions, that fulfil the narrative requirements of s 70 of the Act.</p>
Rule 97	Sheep should not be allowed to graze in wetlands as a permitted activity	Remove the exclusion enabling sheep to graze in significant natural wetlands from paragraph (a).
Rules 99	It is understood that the setback distances in the Resource Management (National Environmental Standards for Plantation	The exclusion for plantation forestry should be amended to refer to “the Resource Management (National Environmental Standards for Plantation

	Forestry) Regulations 2017 are to be the subject of review(s).	Forestry) Regulations 2017 <u>or corresponding replacement regulation(s).</u> ”
R100	<p>Vegetation clearance on erosion-prone land should occur at least 10m from rivers/streams with important trout habitat as contained in Schedule I, due to the potentially significant effects of sediment on trout habitat and trout spawning.</p> <p>It is understood that the setback distances in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 are to be the subject of review(s).</p>	<p>Provide for a 10m setback for rivers/streams with important trout habitat as contained in Schedule I.</p> <p>The exclusion for plantation forestry should be amended to refer to “the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 <u>or corresponding replacement regulation(s).</u>”</p>
Rule 102	<p>Reclamations and drainage of these areas, increasing loss of streams and loss of wetlands, is inconsistent with the purpose of the Act and the NPSFM.</p> <p>To focus the policy on Schedule A and C sites, raises doubt around the strength of the ‘avoid’ policy for all other beds of lakes and rivers and natural wetlands – including those identified in Schedule I.</p> <p>If scheduled sites <i>are</i> to be included in Policy P 101, they should be included in a way that excludes the exceptions from applying to them.</p> <p>Urban development should not be included as an exception to Policy P102’s direction</p>	<p>Remove the reference to Schedule A and C sites.</p> <p>Delete item (b) (previously (c)).</p>

	to avoid reclamation and drainage of beds of lakes and rivers.	
Rules 104 – 108 Wetlands	<p>Previously rules 104 - 108 applied to “natural wetlands” however they now only apply to “significant natural wetlands”. The reason appears to be that all natural wetlands in the Wellington Region are significant, however the Decision also reasons:</p> <p><i>“We acknowledge, however, that the term [“natural wetland”] still has a place at the objective and policy level, because those provisions envisage that all natural wetlands (and not just those identified or defined as significant or outstanding wetlands in the proposed Plan) will still be protected, either via:</i></p> <p><i>(a) triggering consideration under the relevant policy; or by</i></p> <p><i>(b) (other) methods in the proposed Plan relating to wetland identification and restoration.”</i></p> <p>The terminology should be consistent between the rules and the objectives/policies. Removing the reference to “natural wetlands” raises questions for plan readers regarding the broad applicability of these rules.</p>	Reinstate the reference to “natural wetlands” in Rules 104 – 108 as in the notified version of these rules.

Rule R.R1	<p>The matters of discretion do not provide for the integrated management of water quantity and water quality.</p> <p>For any take or use of water in the Ruamāhanga Whaitua, the matters for discretion should include reference to potential effects of the use of water for achieving water quality goals.</p>	<p>Include as new matters of discretion in the rule:</p> <ul style="list-style-type: none"> • The actual and potential effects of any discharges that are associated with the use of the water; and • Consideration of the take and any associated use and/or discharge(s) collectively in order to avoid, remedy and mitigate adverse effects on the environment and to provide for the values for the catchment.
Method M7	<p>Method M7 sets out the Council's intention to amend the Plan to include outstanding rivers and lakes, following a review of relevant RPS criteria used to identify outstanding rivers and lakes for indigenous ecosystem values, use of an expert panel to develop and apply criteria for outstanding recreational values, and working with territorial authorities to develop and apply criteria for outstanding landscape values.</p> <p>Given its statutory functions and relevant expertise, it is appropriate that Fish & Game be represented on this expert panel.</p>	<p>Clarify that Fish and Game will be represented on the expert panel referred to in Method M7.</p>
New Method	<p>Fish and Game seek the inclusion of a Habitat Quality Index in Table 3.4 (above) that has been developed for the Wellington Region. Such an Index will be useful for State of the Environment reporting as well as to guide implementation planning, and allow implementation effectiveness to be assessed.</p>	<p>Insert Method M10a: Natural Character</p> <p>Wellington Regional Council will work in partnership with Department of Conservation, the Wellington Fish & Game Council, research institutes, universities, non-Government agencies, community groups and iwi authorities as required to develop an integrated research, monitoring and reporting programme on the natural character of the Region's rivers. The programme will support the delivery and refinement of</p>

		the natural character objectives, policies and methods in the Plan, including the natural character narrative and numerical fresh water objectives in Table 3.4 of the Plan. The outcomes will be reported in the Council State of the Environment Report and also guide implementation planning and allow implementation effectiveness to be assessed
Schedule A	<p>The Schedule does not comprehensively include all Outstanding Waterbodies in the Region and does not contain all the values of those waterbodies listed.</p> <p>Although the plan, through Method M7, indicates that there will be a process to identify further outstanding waterbodies, it needs to be clear that this will not <i>only</i> be for waterbodies that meet “indigenous ecosystem values”. For example, Lake Wairarapa (already listed) has important values for recreational hunting of gamebirds, however the value listed is “wildlife habitat” under an <i>indigenous</i> ecosystem heading. The Water Conservation (Lake Wairarapa) Order 1989 was applied for by the predecessor to Fish and Game, being acclimatisation societies, and the Decision on the Order in 1987 records in its reasoning the importance of Lake Wairarapa to recreational values and gamebird habitat.</p>	<p>Clarify that Outstanding Waterbodies may be included in Schedule A now, or in the future, for reasons additional to the “indigenous ecosystem values” criteria currently set out in Schedule A.</p> <p>For the Lake Wairarapa listing, add the value of “gamebird habitat and recreational hunting opportunities” under a ‘non-indigenous’ heading.</p>
Schedule I	“Important Trout Fishery Rivers and spawning waters” are included in Schedule I, but that Schedule does <i>not</i> contain an	In Schedule I, under the reference to Maps 22a and 22b, insert the following additional Note (or words to a similar effect):

	exhaustive list of such sites. This point should be clarified in the Schedule.	“Note: This Schedule is not exhaustive. Important Trout Fishery Rivers and spawning values may exist in waters not listed in this Schedule.”
Maps 22a and 22b	<p>(Important Trout Fishery Rivers and Important Trout Spawning Waters, for the purpose of Schedule I).</p> <p>Although there is a footnote to these maps showing they are not complete and a better version of the maps are available online through GIS, it would be possible (and preferable) to include better versions of the maps in the Plan.</p>	Amend Maps 22a and 22b to more accurately show the locations of Important Trout Fishery Rivers and Important Trout Spawning Waters.
Schedule V	<p>The Schedule should contain a clear and concise methodology for setting management points, trigger points, and flow bands to provide for the needs of the waterbody (achieving Objectives O24 and O25) before providing for out-of-stream uses. For example:</p> <ul style="list-style-type: none"> • Set a management point for a tributary; • Define trigger points and bands for that tributary; • Ensure that each subsequent flow band is left for the river. 	Amend Supplementary Allocation methodology consequential to relief sought for Policy P117 and associated rules (above).

Appendix B

List of persons to be served with a copy of this Notice

Greater Wellington Regional Council

RegionalPlanAppeals@gw.govt.nz

Minister of Conservation

kanton@doc.govt.nz

All submitters and further submitters at their addresses for service listed on Greater Wellington Regional Council website
(Excel files updated on 2 September).

Appendix C

Copy of Fish and Game's submission and further submission