



**SUBMISSION ON: The Proposed National Policy Statement
for Freshwater and the Proposed National Environmental
Standard for Freshwater**

Thursday 31 October 2019

TO: The Ministry for the Environment

NAME OF SUBMITTER: Potatoes New Zealand



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Growers message to the Government and the New Zealand Community

- Potato production and other vegetable production is an essential ecosystem service that supports healthy communities. It is an essential human need. Water is essential for growing vegetables and so is the ability to utilise good land.
- Vegetable production has climate change benefits, when compared to other activities and food security is a very important consideration for climate change adaptation and response.
- Government Ministers have also indicated support for an increase in plant based production systems as an appropriate action for climate change to reduce our impacts.
- Growers are a scarce resource and the numbers of growers are decreasing over time.
- Growers value stewardship of water, land and food chains. Growers have often succeeded previous generations into vegetable growing.
- We need to produce more food in the future than we are producing now. You cannot do that with less land and water, because the Grower community is already highly efficient and resource constrained. The potatoes we grow mainly feed New Zealanders and other valued neighbouring communities such as Australia and the Pacific Islands.
- The Government has signalled it wishes to protect Highly Productive Land to grow food. Growers have long sought this as well. To grow food on highly productive land, water, cultivation and fertiliser is required.
- The NPS Freshwater and the resulting NES must provide a regulatory framework that:
 - Allows people to grow vegetables on highly productive land and ensures an appropriate allocation of resources to allow for the utility of this scarce land.
 - Encourages collective management and cooperation to achieve environmental outcomes.
 - Allows for growth in vegetable production to feed communities in the future.
 - Appropriately manages the right to grow and the social licence through a consenting framework that encourages better stewardship; and provides greater insight to regulators and the public.
 - Requires continuing improvement in environmental performance and manages both cumulative and localised impacts on freshwater.
- PNZ and growers wish to support these outcomes by providing the detailed changes for the NPS and NES Freshwater; that we consider are necessary to ensure a food – secure future for New Zealand.



Executive Summary – Potatoes NZ submission on the Essential Freshwater Review

PotatoesNZ has worked alongside and is generally very supportive of the submission by Horticulture NZ. Some of the methods selected to manage commercial vegetable production differ from the HortNZ submission.

The freshwater reforms proposed in the “Essential Freshwater” review are both a serious challenge and an opportunity for the vegetable sector. All growers and processors share the vision of healthy, clean freshwater and ecosystems. Many aspects of these reforms are supported. Growers, processors and Potatoes NZ are committed to a new era for freshwater management.

For growers and processors to meet the challenges of managing freshwater; they need to see a future for the sector. Growers and processors see that future being in jeopardy at present. An unwillingness to invest is evident and noted to PNZ. This caution to invest is often due to uncertain regulatory outcomes for vegetable growing. Increasingly; this has quite a lot to do with the regulatory approaches adopted by regional authorities for managing freshwater.

What has caused the uncertainty? The potato sector, along-side other commercial vegetable sectors have traditionally been able to rotate crops across a combination of shared, leased and owned land. Seed growers, producers of table products and processed goods all share the need for rotation to prevent disease and poor soil health.

Rotation, based on leasing and land access has been confounded by multiple plan changes in key growing areas. These plan changes are all aimed at halting the declines in freshwater. They seek to do so by restricting land use change, allocating nutrient discharges, restricting freshwater available for allocation and increasing compliance initiatives.

At the same time; growers are aware that fewer young people are choosing vegetable production as a career pathway; in part due to the uncertainty of future. The sector is supportive of national direction that provides consistency; because rotation is becoming increasingly difficult; in the Horizons Region; Canterbury and the Waikato. It is feared that other critical regions will follow a similar regulatory track.

Land and water availability to support healthy rotation practices is in decline. There are some critical constraints that are acknowledged by Government and the Land and Water Forum:

1. Highly Productive land¹ (HPL) is a scarce and finite resource that has been decreasing in supply due to urbanisation and poor protection under the RMA. Government has recently acknowledged this and promulgated national direction for discussion in the form of a National Policy Statement on Highly Productive Land.
2. Available HPL is scarce; and land is expensive to lease. The cost of lease land in Canterbury has doubled² between 2014 and 2019. Growers are often now paying for the water they use from the lessor.

¹ Land Use Capability Classes I,II and III.

² Growers indicate lease prices in the last 5 years in Canterbury have increased from between \$1500-2000/ha to \$3000-4000/ha. The price of water is approximately \$2-2.50 per ml/ha (per cubic metre).

3. Potatoes are a staple food commodity consumed by New Zealanders in many ways. Passing on the increased costs of production is resisted by consumers, and this drives supermarkets and other customers to seek lower prices for commercially grown vegetables.
4. If prices are passed on; communities vulnerable to the effects of poverty suffer the effects most.
5. Water resources are at critical levels in many regions; so access to water is constrained³.
6. Land use regulatory controls have in many cases “grandparented” a nutrient allowance to land based on the prior activity. This cannot be used by the grower in another location.
7. Many potential lessees are constrained by their discharge benchmark; or wary of the effect of allowing the Grower lease on their own Farm Environment Plan, so access to the right land is further constrained.

Advanced machinery and agronomy are critical to the environmental improvements made by the sector. These improvements are now being measured for their effectiveness in managing emissions and discharges. Growers are serious about the food they grow, and intent on getting freshwater right.

The values of stewardship, food security and food production are the reasons why growers and PNZ are determined to improve environmental practices; conduct actual measurement of discharges and to improve them over time through approved farm plans and conditions of consent.⁴ Work is underway currently to provide the sector with direct measurement and decision support tools for leaching of nutrients, and the sector is developing the capacity to store and provide information digitally for a better chain of custody.

Along with Horticulture NZ; Potatoes NZ supports and utilises the NZGAP environmental management system. Potatoes NZ were one of the first horticultural sectors to develop a calculator for nutrient losses; and is currently investing in an emissions project⁵ to assist with nitrogen management.

While Potatoes NZ has provided a permitted activity (with an extensive buffer requirement for natural watercourses and wetlands); it has been problematic working out just how to provide appropriate regulatory oversight to allow a licence for growth under a permitted activity. Consent formalises the responsibilities that go with the authorisations; and provides a framework to manage local and cumulative impacts on freshwater and freshwater ecosystems.

Potatoes NZ is obviously concerned to have clearly drafted regulation. To adequately capture the relief, we have followed the proposed NPS and NES structure and provided “tracked changes” for our proposed relief.

It would be of benefit to the regulator, iwi, growers and the public for there to be more detailed engagement on a tailored NES for Commercial Vegetable Production; but this instrument should consider land use and activity regulations as well as freshwater management.

³ In some bitterly contested cases, water allocation has been reprioritised to other uses; including energy generation, urban water supply, dairy shed washdown and milk cooling.

⁴ This is to be supported by a reporting of performance; for the sake of transparency and tracking progress.

⁵ [PNZ-79 Emissions Taskforce](#)



Potatoes NZ (**PNZ**) wishes to be involved in the development of any NES for vegetable production; but recognises a formal proposal for consultation may take some time.

So in our view, it is best to have a sound regulatory framework within these discussion proposals to safeguard food security; as a precautionary approach.

Connecting the policy instruments under consideration.

The recent MfE discussion document on “Highly Productive Land” has highlighted the importance of maintaining and protecting the versatile soils for commercial vegetable production. This policy framework to protect versatile soils is seemingly absent from the NPS and NES documents. In contrast there are significant changes to the existing approach in regional plans for benchmarking current or existing footprints for land use activities and resource use. It is unclear how this will affect previously set benchmarks in regional plans⁶ as a form of existing use rights.

The proposed provisions for water quality are far more comprehensive than water quantity, particularly in the expectations from the NES standards for farm management to improve freshwater outcomes and the merging of all freshwater objectives in prior NPS on freshwater. The provisions change the weighting for decisions on the adoption of limits to be efficient and effective to being managed to give effect to Te Mana o to Wai.

This submission on both the NPS and NES considers these points and examines options for alternative direction and relief for the proposed text.

⁶ Southland, Canterbury, Waikato, Hawkes Bay, Horizons.

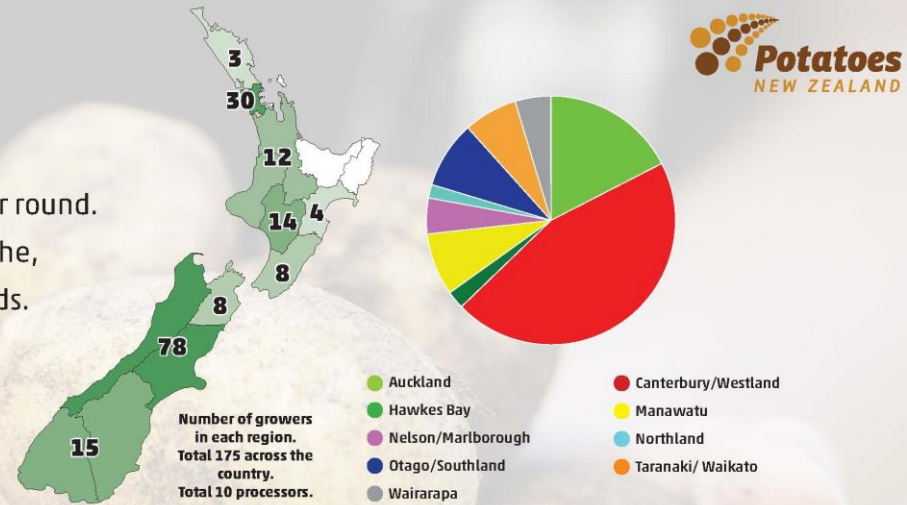
Industry Overview

Potatoes are grown across Aotearoa and harvested year round. The majority of production is in Canterbury and Pukekohe, with other growing regions scattered across both islands.

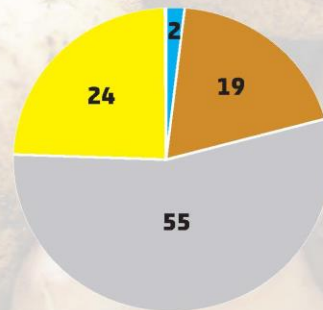
Values

In 2018:

- **527,190 MT** produced from **10,344 hectares**
- Farmgate value **\$160,000,000**
- Produced **9kg per capita** for the year
- **Export** value **\$12,300 per hectare**
- **Total Export** value **\$129,294,999**
- **Domestic Retail** value **\$86,791 per hectare**
- **Total Domestic Retail** value **\$911,314,000**
- **Industry Retail** value **\$99,142 per hectare**
- **2%** of value was **seed**
- **19%** of value was **crisps**

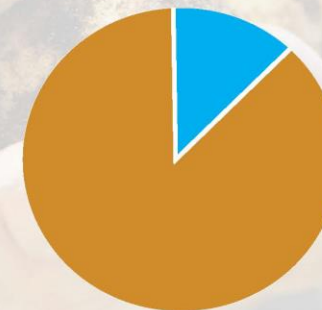


% of total industry value



- seed
- crisps
- processed frozen
- fresh/ware

Industry value \$1,041,000,000



- export wholesale value
- domestic retail value

Detailed analysis – NPS Freshwater as proposed in the MfE discussion documents

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
1	Part 1 Definitions	Compulsory Values	<p>Two extra compulsory values defined:</p> <ul style="list-style-type: none"> • iwi related values – there are 2 options <ul style="list-style-type: none"> ○ “Mahinga Kai” or ○ “Tangata Whenua” • “Threatened Species” 	<p>The proposed values for iwi will improve the ability of Tangata Whenua to positively influence resource management outcomes.</p> <p>In our view it is not clear what the scope of the iwi values in the NPS will be and are likely to be determined through case law on the matter.</p> <p>It also provides two options and this presents some difficulty in interpreting how the values will impact on the rest of the NPS and NES.</p> <p>PNZ recognises and supports the addition of the iwi compulsory values because of the meaning they have to New Zealanders. In essence the values speak to stewardship; an important rural value appropriately provided for in S. 7 RMA 1991.</p> <p>PNZ hopes that in reflecting these values, the importance of stewardship is considered.</p> <p>Our key concern relates to takiwa</p>	<p>An interim announcement from Ministers and Iwi Leaders on their preference <u>regarding the multiple options (in various parts of this NPS)</u> that was publically communicated would be useful; to ensure there was clear understanding of how the option will knit into the proposed NPS.</p> <p>The Minister could potentially also seek and consider views prior to finalising the decision draft.</p>

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				<p>relationships between growers with iwi and hapu within an FMU; and how the relationship can be guided by some terms of reference and resourcing to ensure that a body of good practice can formalise and continually improve the functionality of local communities.</p> <p>In general, this NPS requires significant changes from local communities. It is deserving of some strong oversight and financial support from Government across all parts of the community.</p> <p>The proposed value for 'Threatened species' (and their habitats) has also gained significance and are referred to in policy in some detail and this new compulsory value is also conditionally supported.</p>	
2	Part 1 Definitions	New definitions for "ecosystem health"	The definition of ecosystem health refers to Appendix 1A for and enlarges the scope of the NPS to manage freshwater biodiversity in a more holistic way than the prior	<p>PNZ conditionally supports increasing the scope of the NPS to include the surrounding riparian zones and environment.</p> <p>This definition is circular in some respects overlaps with the new</p>	<p>Support is conditional on the NPS signalling Government intentions to:</p> <ul style="list-style-type: none"> • Provide financial support and guidance for land management and science programmes to develop and move to lower

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			<p>NPS. The new components are:</p> <ul style="list-style-type: none"> • Aquatic life • Habitat • Water quality • Water quantity • Ecological processes <p>These are included in the National Objectives Framework (NOF) as attributes.</p>	<p>“purpose” and use of terms such as “ecosystem services” that includes other activities like food production.</p> <p>PNZ support is conditional on how the NPS aligns with the national policy direction sought for highly productive land⁷.</p> <p>Core to the support in this submission is the <i>recognition of how land and water cannot be separated in consideration at the local level. Policy guidance should protect the utility of highly productive land in terms of resource use.</i></p> <p>All rights must run with the highly productive land to avoid the perverse outcome of land being alienated from essential resources by individual property rights; both in terms of the ability to produce highly valued food and provision of other ecosystem services.</p> <p>Potato growers alongside other</p>	<p>impact practices.</p> <ul style="list-style-type: none"> • Enable natural resource accounting improvements at the catchment, FMU, sub-catchment and enterprise scale. • Provide a definition for “Enterprise”: and include supporting policy that enables collective management of environmental responsibility at a scale chosen by the community.⁸ • Align with the policy direction for highly productive land by explicitly referring to ecosystem services in relation to ecosystem health; under proposed Schedule 1A.

⁷ Proposed National Policy Statement for Highly Productive Land

⁸ ECAN definition is most useful in the view of PNZ

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				<p>commercial vegetable growers are providing important services to New Zealanders and other communities by producing staple food supplies that are necessary for community function and wellbeing. Vegetable production requires strong stewardship of very finite highly productive land.</p> <p>The most critical elements of this stewardship relate to the nature of rotation and soil health. This requires considerable movement across land parcels involving leasing, risk assessments and controls at each individual location.</p> <p>Regulatory Controls which confound the business relationships that support leasing agreements between landowners and lessees must be avoided at all cost.</p>	
3	Part 1 Definitions	New Definition of “ecosystem services”	Added to support a holistic approach to NPS provisions.	<p><i>PNZ supports the inclusion of this and linkage of ecosystem services to ecosystem health in Schedule 1A;</i> ecosystem services includes provisioning services; such as vegetable supply.</p>	<p>Retain the definition of ecosystem services and add text to include ecosystem services in the definition specified in Schedule 1A below.</p> <p>Ecosystem health</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>Vegetable supply is essential for human health. Human health is directly and positively correlated with good ecosystem health.</p> <p>Vegetable supply is reliant on the life supporting capacity of soil; and highly productive land is being recognised in related national policy direction.</p> <p>Currently Schedule 1A does not link ecosystem health to land; however all the controls cascading from this NPS relate to land. It is appropriate not to entirely disconnect ecosystem health from the ecosystem services freshwater provides.</p>	<p>In relation to a waterbody in an FMU, ecosystem health refers to the extent to which the FMU supports an ecosystem appropriate to the <u>type ecosystem services of a waterbody</u> (eg, river, lake, wetland, or aquifer). There are 5 biophysical components that contribute to freshwater ecosystem health, and it is necessary that all of them are managed. They are:</p> <p>Water quality – the physical and chemical measures of the water, such as temperature, dissolved oxygen, pH, suspended sediment, nutrients and toxicants.</p> <p>Water quantity – the extent and variability in the level or flow of water.</p> <p>Habitat - the physical form, structure and extent of the waterbody, its bed, banks and margins, riparian vegetation and connections to the floodplain.</p> <p>Aquatic life – the abundance and</p>

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					<p>diversity of biota including microbes, invertebrates, plants, fish and birds.</p> <p>Ecological processes – the interactions among biota and their physical and chemical environment such as primary production, decomposition, nutrient cycling and trophic connectivity.</p> <p>In a healthy freshwater ecosystem, water quality, quantity, habitat and processes are suitable to sustain appropriate indigenous aquatic life, as would be found in a minimally disturbed condition (before providing for other values).</p> <p>PNZ also recommend that the definition for ecosystem services is amended to include a definition of essential health needs for communities as follows:</p> <p>e) <u>essential health needs for communities</u> (e.g. the essential <u>drinking water and sanitation needs of people, the ability of highly productive land to enable food security in relation to food production</u>).</p>

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4	Part 1 Definitions	<p>New Definition</p> <p>“Environmental Outcome”</p> <p>environmental outcome means an environmental outcome for an FMU, or for individual waterbody or freshwater ecosystem that is described as required by clause 3.7</p>	<p>Developed to replace reference to “Freshwater Objectives” found throughout previous NPS. Environmental Outcomes must be expressed for the 4 compulsory values and <i>may be</i> for other values. Any “Outcome” must be expressed as an Objective in a plan and be numeric “where possible” as defined by clause 3.7</p>	<p>There has been significant confusion in development and implementation processes in regional plan instruments over freshwater objectives and their relation to ‘higher order’ Plan Objectives.</p> <p>The proposed changes are very significant change and we believe useful in removing the confusion created by the term “freshwater objective”.</p> <p>PNZ questions whether or not other values will actually ever be included, given the resourcing, proposed timelines and limitations within proposed changes to Schedule 1.</p> <p>The process for identifying and including the other values is already complicated and it is not clear what recourse will be available for communities that consider their “non –compulsory” values are not reflected in environmental outcomes for their FMU.</p> <p>Historically commercial vegetable</p>	<p>PNZ notes and supports the direction for a new national body to oversee water. This proposal supported by the Kahui Wai Maori and Freshwater Leaders Group recommend the establishment of an independent national body to oversee freshwater management implementation.</p> <p>PNZ recommends a Te Mana o Te Wai Commission to oversee Council implementation of the NPS & NES.</p> <p>Including RMA regulations that establish the commissions role to oversee and arbitrate water related process matters to balance the regulatory demands of Council with community expectations for resource management.</p> <p>Appropriately enable and resource the Commission to respond to legitimate grievances raised when values are not appropriately recognised and provided for, or when communities are hampered by a regional authority’s failure to implement freshwater outcomes</p>

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				<p>supply values have been discounted at the FMU or catchment level because of the lack of national direction on the importance of vegetable supply from highly productive land; and the connection of this land with water.</p> <p>PNZ recommend that engagement and decision making processes for environmental outcomes, are not lost with merit appeal rights.</p> <p>The tighter timeframe is to ensure regional plans which comply with the NPS requirements are in place by 2025, may clash with the community engagement process envisaged in the NPS discussion documents.</p> <p>Communities need to have legitimate expectations about recourse to an independent agency if there are process issues which emerge from these changes.</p> <p>The expectations in the NPS for resolving and concluding environmental outcomes are very significant and under significant time</p>	<p>which reflect communities nationally and locally.</p>

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				<p>pressure.</p> <p>Many regional councils will simply fail to have these plans in place by the deadline or there will be an erosion in the level of local engagement or structural plans at a regional scale as a holding pattern.</p> <p>These consequence of Councils failing to deliver on the NPS will fall on resource consent holders who are subject to the interim provisions of the NPS and NES as they seek to initiate and continue resource use.</p>	
5	Part 1 Definitions	<p>Definition of FMU</p> <p>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</p>	See notes below for Clause 3.6	The new process to identify FMU's and to align monitoring networks to more appropriately measure and manage an FMU obtaining freshwater objectives is supported conditionally.	<p>PNZ conditionally supports these measures with the following additional amendments:</p> <ul style="list-style-type: none"> • Include identification of Highly Productive Land within the FMU • Monitoring sites to reflect the freshwater management objectives for the FMU <p>See topic 18 for details</p>

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		clause 3.6 is an appropriate unit for freshwater management and accounting purposes.			
6	Part 1 Definitions	<p>New Definition for Wetlands:</p> <ul style="list-style-type: none"> • inland wetlands has the meaning in clause 3.15 • natural wetland has the meaning in clause 3.15 • as well as “constructed wetland”. 	Refers to Clause 3.15 – which defines wetlands according to the Act with some exceptions.	<p>PNZ supports the definitions and the spatial orientation by mapping required by RC’s.</p> <p>PNZ also supports the guidance on dispute resolution referred to in external Landcare Research guideline documents.</p>	<p>This is conditionally supported by PNZ.</p> <p>We support the intention for the definitions and the actions for Council proposed in clause 3.15.</p> <p>However we recommend that the wetland maps sit outside regional planning instruments and the NPS directs a method to achieve this.</p> <p>The method will require publication every 5 years of wetland maps and these may be reviewed and confirmed through a public consultation process.</p> <p>See Topic 23 for details</p>
7	Part 1 Definitions	<p>New definitions for NPS limits:</p> <ul style="list-style-type: none"> • limit refers to 	A limit is now a “limit on resource use” or a “take limit”.	PNA supports the clear linking of water quantity provisions within the proposed NPS to water quality provisions.	Signal the intention to develop section 360 regulations for hydrological accounting; to support local decision making on resource use

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		<p>either a limit on resource use or a take limit</p> <ul style="list-style-type: none"> limit on resource use means a limit as defined in clause 3.10 	<p>A “Limit on resource use” is now explained in 3.10. The section refers to Appendix 2A (NOF water quality attributes).</p> <p>An “Environmental Flow or level” is defined in 3.11.</p> <p>A “take limit” is defined in 3.12.</p> <p>All take limits are expressed in terms of meeting an Environmental flow or level (3.12).</p> <p>All the definitions are linked.</p>	<p>However, in our view the NPS does not appropriately link policies on the setting of quantity limits to requirement for efficient allocation in proposed Policy 7.</p> <p>One key change from the existing NPS is the removal of reference to a limit providing for the “maximum amount of resource available that allows a freshwater objective [environmental outcome] to be met”.</p> <p>PNZ supports the changes in general, but seeks to ensure that there is better connection to the requirement to be efficient (Policy 7, Part 2 of the proposed NPS) and enable ecosystem services to the greatest extent possible; once the needs of waterbodies and essential needs are met through TMOTW.</p> <p>Many existing regional plan exhibit limits that simply provide a limit on resource use. This is particularly the case of groundwater. A very good example (but by no means the only</p>	<p>and development.</p> <p>Enable better natural resource accounting in FMU’s where ground and surface water hydrology; and nutrient fluxes are not appropriately measured and modelled; through financial support for developing regions to build better natural resource accounting systems.</p> <p>Decisions sought also relate to Topic 19 of this table (on Environmental Flows and Levels 3.11) and Topic 28 below in this table on accounting frameworks.</p> <p>PNZ recommend that a Water Commission is tasked with (or MfE and MPI in the interim) publishing an annual analysis of regional limits on resource use and environmental flows and levels existing in current plans and the relative compliance with the NPS.</p>

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				<p>example) is the Gisborne Freshwater Plan; where aquifers in the Poverty Bay Flats specify a take limit but not an environmental flow or level.</p> <p>Often this is done when there is a poor natural resource accounting system; and the linkages between flows, levels and loads and a resource allocation cannot be made or expressed as a limit.</p> <p>PNZ has observed inefficient and precautionary allocation and believe it is extremely likely to continue in poorly resourced regions. This impacts on regional development negatively due to deferred investment and will hamper the Government's regional development programme if not managed carefully.</p> <p>PNZ also notes that many plans will not be compliant with the proposed NPS in terms of water quality; either because:</p> <ul style="list-style-type: none"> • in the case of a limit on resource use it is not expressly tied to a Schedule 	

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				<p>2A water quality attribute; and</p> <ul style="list-style-type: none"> • in the case of a take limit it is not clearly linked to an environmental flow or level. • Few if any limits on resource use are paired to allocation determined by natural resource accounting. <p>PNZ estimates that more surface water quantity take limits will comply with the NPS than groundwater quantity take limits.</p>	
8	Part 1 Definitions	<p>Definition of “overallocation”</p> <p>over-allocation, in relation to both the quantity and quality of water, is the situation where the water:</p> <p>a. Has been allocated to users beyond a limit on resource use or a take limit;</p>	<p>Overallocation is now defined as:</p> <p>a) is beyond a limit on resource use or a take limit; or</p> <p>b) is being used to a point where one or more target attribute states is not being met.</p>	<p>PNZ notes that the NPS stipulates a requirement to define environmental flows and levels and relate a take limit to the achievement of water quantity allocation.</p> <p>There is no reference to exceedances of environmental flows in relation to a take limit. There should be a connection if a take limit is required to support the environmental flow.</p> <p>PNZ recommends an explicit link between target attribute states and</p>	<p>Redefine overallocation by introducing two extra qualifying clauses.</p> <p>Amendments:</p> <p>“over-allocation, in relation to both the quantity and quality of water, is the situation where the water:</p> <p>... c. <u>is allocated to users where an exceedance of an environmental flow or level occurs more than</u></p>

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		or b. Is being used to a point where one or more target attribute states is not being met.		environmental flows and levels. Without this link, a take limit may relate to anything at all. This is not supported.	<u>once in a ten year reporting period; or</u> d. <u>is utilised to a point where one or more target attribute states is not being met.</u>
9	Part 1 Definitions	Extended definition for Te Mana o te Wai	Now defined in Clause 1.5	Clause 1.5 relates the priority hierarchy. It significantly elevates the status and priority of iwi rights and interests in freshwater; particularly by defining governance as “mana whakahaere”. The meaning this implies may be the subject of considerable dispute and misinterpretation within the community. In our view it would be better defined (if at all possible to do so) to avoid years of case law jurisprudence to determine a definition.	PNZ recommend that a definition is included in clause 1.6 for the meaning of “mana whakahaere” in relation to application within the proposed NPS.
10	Part 1 Definitions	“Terrestrial Environment”	Any land above MHWS (Mean high water springs)	Used in the next section to define scope of NPS.	PNZ supports the definition.
11	Part 1 Definitions	Threatened Species	Same as Act		PNZ supports the definition.

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12	Part 1 Application	Geographic application	Now includes harbours and estuaries within definition of receiving environment.	<p>PNZ conditionally supports the increased scope; but seeks that prior to inclusion the increased scope is supported by developing attributes directly related to the health of harbours and estuaries.</p> <p>There is currently no direction on setting appropriate attribute states for coastal marine receiving environments or coastal wetlands.</p>	<p>PNZ recommends defining attributes that are related to coastally influenced receiving environments (such as Seagrass, shellfish beds) prior to increasing scope; and ensure there is an action plan approach taken to managing exceedances of attribute states for marine environments.</p> <p>This will provide clear guidance for limits on resource use which are linked to reducing the attribute states for these new coastal receiving environments.</p>

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13	Part 1 Application	Temporal Application	<p>Sets a national benchmark for current / existing vs. new as the date the NPS is gazetted. Referred to in:</p> <ul style="list-style-type: none"> • Policy 2 (maintain and improve all attributes from current state. • Implementation method 3.21 Assessing and reporting on downward trends • Policy 7 – all “existing” overallocation is phased out • Implementation method 3.12 c) on identifying take limits “whether existing consents will be reviewed to ensure compliance with environmental flows and levels”. • Implementation method 3.17 (4) in 	<p>PNZ supports the setting of a holistic baseline that determines the state of resources at the ‘commencement date’ this policy statement come into effect.</p> <p>Given that all plans are to be in place by 2025 and transitional provisions exist in the NES it will be important to extinguish (by s55(2) deeming provisions the complexity of multiple benchmark dates in plans that relate to prior NPS versions.</p>	<p>Retain as notified.</p> <p>Make consequential amendments in policies and methods to ensure the purpose of the temporal application date is clear.</p> <p>Provide clear direction and guidance to transition legacy regional plans into compliance with NPS 2019, as opposed to the previous NPS Freshwater 2017.</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			<p>relation to fish passage barriers</p> <ul style="list-style-type: none"> • Implementation method 3.15 requirement to maintain inland wetlands and to have existing wetlands mapped • Implementation method 3.20 in relation to accounting systems 		
14	Part 1 Application	Deeming provisions for immediate effect under section 55(2) of the RMA.	<p>Relates to the methods and statements to be inserted into plans without use of the First Schedule process (s. 55 RMA) 3.2(1) and 3.15 (2) explicitly referred too.</p> <p>The section is unclear about other matters and</p>	<p>PNZ supports the use of transitional provisions but considers there should be clarity in the wording to avoid confusion.</p> <p>Clause 1.8 only identifies 2 definite inclusions into the transitional provisions.</p> <p>It is unclear if the clause is intended to</p>	<p>PNZ requires clarification of clause 1.8 by identifying clearly (and without qualifying language) all parts of the proposed NPS that are to be included as transitional deemed provisions.</p>

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			<p>used the two stated sections as examples.</p> <p>PNZ remain unclear about: 3.2(5) Vision? 3.4(5) Urban? And what other matters are to be deemed in as transitional under s.55.</p>	apply more broadly.	
15	Part 2 Objectives and policies	Stated Objective for NPS	<p>All previous NPS Objectives replaced with a single Objective. Sets priority strata for the management of resources:</p> <ol style="list-style-type: none"> 1. Waterbody and freshwater ecosystems 2. Essential health needs of people 3. Everything else 	<p>It is noted that freshwater ecosystems almost certainly include land surrounding the waterbodies; for example through inclusion of habitat and ecological processes.</p> <p>Appendix 1A describes the biophysical components to be considered in measuring freshwater ecosystem health, and the term ecosystem health should be appropriately linked to this Appendix in the text.</p> <p>PNZ has suggested some amendments to Schedule 1A.</p>	<p>PNZ supports NPS Objective on the basis that amendments are made to ecosystem services, to include food production (including vegetable production) as a function of the essential health needs of communities.</p> <p>Adopt the amended definition for essential health needs of communities suggested by PNZ above. (Section 9 of the Table).</p>
16	Part 2 NPS Policies	NPS Policies 1 to 13	<p>Policy 1: Give effect to Te Mana o te Wai; Policy 2: The health and wellbeing of</p>	PNZ conditionally supports these policies (with amendments) if allowance is made within allocation	Establish an independent Water Commission to oversee Council implementation of the NPS & NES, ensuring in regulations that it is

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			<p>waterbodies and freshwater ecosystems is maintained or improved;</p> <p>Policy 3: Waterbodies must be monitored systematically and deterioration must be reversed over time.</p> <p>Policy 4: Integrate management so effects are considered on a whole of catchment basis.</p> <p>Policy 5: Iwi and hapū values and interests are identified and reflected in decisions and management.</p> <p>Policy 6: National target for water quality improvement (Appendix 3) is achieved;</p> <p>Policy 7: Freshwater is allocated and used</p>	<p>limits and environmental flows for vegetable production, particularly vegetable production on highly productive land.</p> <p>The only policy exceptions currently are for the named hydroelectric power systems, government related activities and any natural biophysical conditions which effect attribute states.</p> <p>It does appear that if lenience is to be provided for roads then some leniency should also be provided to critical elements of the New Zealand food chain.</p> <p>There is also an unpopulated “table of catchments” that are currently below bottom lines. Nothing is in the table at present – RC’s may set a target lower than a national bottom line for a timeframe set in this Appendix. It is not clear how this table will be populated.</p> <p>Key policy omissions include:</p> <ul style="list-style-type: none"> Guidance on the importance 	<p>established to oversee water related matters for the general good of the public.</p> <p>PNZ has recommended above in section 4 of this table that it is essential for the functioning of the NPS to appropriately resource the Water Commission to respond to legitimate grievances raised when values are not appropriately recognised and provided for, or when communities are hampered by a regional authority’s failure to implement the NPS correctly.</p> <p>The NPS Polices will be important directing instruments for a Water Commission.</p> <p>To enable the function of the NPS and the proposed Water Commission the Policies are recommended to be amended as follows:</p> <p>Policy 2: Freshwater is managed through <u>the establishment of environmental flows and levels</u> and a national objectives framework, in</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			<p>efficiently, all existing over-allocation is phased out, and future over-allocation is avoided;</p> <p>Policy 8: No further loss or degradation of natural inland wetlands;</p> <p>Policy 9: No further net loss of streams;</p> <p>Policy 10: Outstanding waterbodies are protected;</p> <p>Policy 11: The habitats of indigenous freshwater species are safeguarded;</p> <p>Policy 12: Information regularly reported on and published;</p> <p>Policy 13: The economic wellbeing of communities is considered only once all other matters are met.</p>	<p>of setting environmental flows and levels to manage water quantity</p> <ul style="list-style-type: none"> Guidance to set limits on resource use relative to desired attribute states 	<p>order to ensure that the health and wellbeing <u>ecosystem services</u> of waterbodies and freshwater ecosystems is are maintained or improved;</p> <p>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; <u>the utility of highly productive land; the provision of ecosystem services; and the essential health needs of people;</u></p> <p>Policy 7: <u>Environmental flows and levels are set to allocate and efficiently optimise resource use while achieving environmental outcomes, and Ffreshwater is allocated and used efficiently,</u> all existing over-allocation is phased out, and future over-allocation is avoided;</p> <p>Policy 12: <u>Accounting frameworks for natural resources are established and improved over time, and Information on the adoption of management</u></p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
					<u>practices</u> , the state of waterbodies, and -freshwater ecosystem <u>health and environmental outcomes</u> are regularly reported on and published;
17	Part 3 Implementation methods Subpart 1	Transitional deeming provisions to be inserted under s55(2)	<p>3.1 describes the set out of the methods</p> <p>3.2 TMOTW to be incorporated in RPS as described in NPS preamble; and as “understood locally” following consultation with locals and tangata whenua.</p> <p>3.2 also directs a long term vision incorporated in RPS of how TMOTW will be “given effect to”.</p> <p>Waterbodies must then be assessed against the vision. “Use and</p>	<p>PNZ supports the concept of Te Mana o Te Wai being interpreted locally, as long as there is clear national direction on the importance of maintaining the utility of highly productive land.</p> <p>Maintaining the utility of highly productive land and in turn food security for communities often requires a national perspective, similar to other values such as energy generation and transmission.</p> <p>It remains unclear how the community will be adequately consulted if there is to be a significant increase in plan changes prior to 2025.</p> <p>Particularly because the proposed NPS seeks to remove some of the democratic constraints on process by removing the right to appeal on merit to the Environment Court.</p>	<p>Establish an independent Water Commission to oversee Council implementation of the NPS & NES, ensuring in regulations that it is established to oversee water related matters for the general good of the public.</p> <p>Appropriately resource the Commission to respond to legitimate grievances raised when values are not appropriately recognised and provided for, or when communities are hampered by a regional authority’s failure to implement the NPS correctly.</p> <p>Ensure the Vision for Te Mana o Te Wai is incorporated into RPS’s at least 2 years prior to the commencement of a Plan Change to implement the NPS Freshwater.</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			<p>development rules” must then be described to give effect to vision (<i>landuse controls</i>).</p> <p>Urban development also required to give effect to vision.</p> <p>3.3 Outlines how tangata whenua rights and interests are to be considered in freshwater.</p> <p>3.4 Outlines how integrated management will be achieved “ki uta ki tai” and directs Council’s to put methods in plans to avoid, remedy or mitigate adverse effects on receiving zones</p>	<p>To balance this lack of access to engagement a stronger level of accountability is required and as noted earlier in this submission (see section 4 above in this table) requires stronger independent oversight and recourse to a complaints and resolution procedure.</p> <p>This is particularly true if a narrow set of appointed Commissioners will hear a significant number of these plan changes in the short circuited process.</p> <p>Relying on judicial review for recourse is not an option. Judicial review will disadvantage impoverished communities due to the high costs associated with commencing and completing action.</p> <p>PNZ asserts the role of an independent Commission is a necessary safeguard to protect the rights and interests of New Zealanders.</p> <p>PNZ is uncertain about how the Vision</p>	

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				<p>for Te Mana o Te Wai is to be incorporated into Regional Policy Statements – ie</p> <p>Is it to be considered a deemed provision (under section 55(2)?</p> <p>By what date must it be inserted if the plan changes are to be complete by 2025?</p>	
18	Subpart 2 National Objectives Framework	Outline of National Objectives Frameworks (NOF) process	<p>3.5 Outlines the steps taken to give effect to the NOF:</p> <ul style="list-style-type: none"> • Set FMU’s • Values /attributes defined • Flows and levels set • Interventions implemented • Monitoring <p>3.6 FMU’s have new identification requirements:</p> <ul style="list-style-type: none"> • sites to be used for monitoring attributes; • primary contact sites; • the location of habitats 	<p>PNZ conditionally supports the outlined process as long as there is independent oversight and recourse to an independent Commissioner with appropriate powers to investigate and resolve grievance that can be justified.</p> <p>The previous NPS had adequate safeguards in terms of the Objective and Policies in Part CA. If no oversight is to be provided in the form PNZ is seeking, we recommend the reinsertion of Objective CA and the accompanying policies.</p> <p>All stages required to be set up in consultation with the community and tangata whenua to achieve TMOTW.</p>	<p>PNZ recommends the following steps to ensure the robust and resilient identification of values, environmental outcomes and setting attribute states and limits.</p> <ol style="list-style-type: none"> 1. Establish an independent Water Commission to oversee Council implementation of the NPS & NES, ensuring in regulations that it is established to oversee water related matters for the general good of the public. 2. Appropriately resource the Commission to respond to legitimate grievances raised when values are not

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			<p>of threatened species;</p> <ul style="list-style-type: none"> outstanding waterbodies; inland wetlands (see clause 3.15). <p>3.7 RC's are to identify values and environmental outcomes.</p> <ul style="list-style-type: none"> Compulsory values (Appendix 1A) Other values (Appendix 1B) Any other values Councils must identify environmental outcomes <p>3.8 Identify current attribute states; then define target attribute states.</p> <ul style="list-style-type: none"> No attributes for water quantity (refer section 3.11 environmental flows and levels) Data variability Absence of data 	<p>So what is the process for this now Obj CA3 is deleted?</p> <p>In developing these provisions the Govt. is aware that not all the information desired will be available. No minimum standard has been required for the information used to identify attribute states, determine environmental outcomes and to set limits.</p> <p>Of real concern to PNZ (given the importance of natural resource accounting) is that natural resource accounting tools are only to be "taken into account".</p> <p>A lack of natural resource accounting has been a significant barrier to the implementation of existing NPS allocation provisions for water quality and quantity; and also to regulating the responsibilities for managing contaminants in a rational way.</p>	<p>appropriately recognised and provided for, or when communities are hampered by a regional authority's failure to implement the NPS correctly.</p> <p>3. If an independent watchdog for freshwater processes is not established, PNZ does not support the new proposed structure and seeks maintenance of the appeal rights regime and the retention of Objective CA and the related policies from the prior NPS.</p> <p>4. Ensure that the identification process for FMU's identifies land defined as highly productive. Amend Clause 3.6(3) to include extra subclause f) <u>the location of highly productive land</u>.</p> <p>5. Recognise the NPS for Highly Productive Land by providing a process for considering national direction on highly productive land; and identify the freshwater resourcing required to support continued utility of highly</p>

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			<p>3.8 and 3.9 sets out how RC's determine current attribute states and set target attribute states that:</p> <ul style="list-style-type: none"> • Are greater than the current state ("Above") if the value relates to Human Contact • Are at or above for any other value • Be above any national bottom line (some exceptions) • Connections to process 3.9(6) and confidence in data <p>Achievement of target attributes must be over any time but every ten years requires an interim target.</p> <p>3.10 Requires limits on resource use to be set via methods and action plans the achieve target attribute states when</p>		<p>productive land within each FMU.</p> <p>6. Amend Clause 3.6 when identifying the monitoring sites within each FMU, by requiring the monitoring sites 3.6(4)(a) to be representative of the values of a FMU.</p> <p>7. Include a review function in Clause 3.10(5) by inserting a new subclause c) where a take limit or a limit on resource use relies on limited data, Council must review the limit within 5 years</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			required.		
19	Part 3 Implementation methods Subpart 2 National Objectives Framework	3.11 Environmental Flows and Levels	Environmental flows and levels must be set To support the 3.7 “freshwater outcomes” developed. Specified as a level, flow rate/s and variability of the flow.	<p>PNZ observe that for groundwater this has not often been achieved.</p> <p>There is a real danger of misalignment between environmental flows, level and environmental outcomes; particularly in under-resourced regions. The provisions need to include explicit guidance on how it should be achieved.</p> <p>All freshwater management requires the fundamental building blocks of a natural resource accounting model.</p> <p>Almost all of these require a hydrological model at the base of them; so it is recommended a s.360 regulation be promulgated that describes good practice criteria and minimum standards for hydrological modelling to be accepted as evidence.</p>	<p>PNZ supports these provisions conditional to the amendments made to the supporting clauses.</p> <p>PNZ also recommends that Government signal the intention to develop a section 360 regulations for hydrological accounting to support the accounting method; and to support local decision making on resource use and development.</p> <p>We believe that section 360 regulations for hydrological and natural resource accounting will enable better freshwater accounting in catchments where ground and surface water hydrology are not appropriately measured and biophysical relationships are complex.</p> <p>These decision support tools require financial support for developing regions to build better natural resource accounting systems.</p>

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20	Part 3 Implementation methods Subpart 2 National Objectives Framework	3.12 Take Limits	Can be expressed as volume <u>or</u> rate. Take limits are set to support the flows and levels identified in the previous method (3.11).	<p>PNZ questions why volume <u>or</u> rate and not both are specified when appropriate. For groundwater the rate may be less important. For surface water the volume may be less important.</p> <p>However often both are 'attributes' of take limits. The policy should be clear on what is required for sound management of the natural resource.</p>	<p>PNZ recommend that clause 3.12 is amended to specify that take limits must be described as both a volume and a rate when the resource use is greater or equal to 75% of the estimated environmental flow or level.</p> <p>PNZ seeks to amend clause 3.12(2) by adding a new final sentence.</p> <p><u>Where the resource use is greater or equal to 75% of the estimated environmental flow or level, Council must specify both the total volume and the rate for the environmental flow or level.</u></p>
21	Part 3 Implementation methods Subpart 2 National Objectives Framework	3.13 Monitoring in general	Must incorporate Maturanga Maori and health of indigenous flora and fauna now. Also requires close attention to long term trends. Must connect inputs to freshwater outcomes developed under 3.7.	<p>The new monitoring requirements appear to change the status of riparian zones and encourage more indigenous planting.</p> <p>Because riparian measures are best taken locally, it is likely to encourage an increase in monitoring and reporting conditions on consents to take water; along with a corresponding demand for conditions</p>	<p>Add a new clause to method 3.13:</p> <p><u>“(4) Every regional council must include in its regional policy statement, in respect of its monitoring and reporting record:</u></p> <ul style="list-style-type: none"> • <u>the number of hectares of indigenous vegetation planted on private land,</u> • <u>the rates collected from private land planted in</u>

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				<p>of consent that require riparian management to receive renewals of consents for take and use.</p> <p>PNZ supports better methods to improve environmental outcomes and freshwater ecosystem health.</p> <p>However this will often occur on private land and there should be incentives to retire land suitable for improvements to freshwater.</p> <p>To improve the success of implementing this NPS, directives relating to RPS policies are required; and access to grants that have scope which goes beyond fencing and providing trees.</p> <p>Significant effort is required to maintain riparian planting; and there should be some incentive for landowners to reduce biosecurity risks and control invasive pests and weeds.</p>	<p><u>indigenous vegetation.</u></p> <ul style="list-style-type: none"> • <u>Any rates rebate that is provided to the landowner for indigenous planting.”</u>
22	Part 3 Implementation	3.14 Action Plans	Action plans to amend trends must be developed by RC's where a	PNZ supports the concept of action plans where there is a deteriorating trend.	PNZ request that MfE publish guidance on interpretation of the NPS giving timeframes for determination

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	methods Subpart 2 National Objectives Framework		<p>deteriorating trend is detected.</p> <p>PNZ note there is a table of attributes attached to this method indicating which target attributes are to be utilised for this method.</p>	<p>However there is no guidance on what constitutes the correct number of measures for identification of a deteriorating trend. Quite simply what is a ‘deteriorating trend’?</p> <p>PNZ has examined existing data sets and at short temporal steps a trend looks significant, however over a longer term the trend is lost due to natural variability.</p> <p>What defines a trend should relate to method 3.13; noting that particular attention must be paid to long term trends. This will be particularly important for identification of trends caused by long term climate shifts (for example the Interdecadal Oscillation).</p> <p>If action plans and not limits are required for some attributes (for example <i>E. coli</i>) there still should be a corresponding requirement to maintain and improve the attribute in accordance with Policy 2.</p>	<p>of a trend; that are tailored to the natural fluctuations present in individual attributes.</p> <p>Also that clause 3.14(1) is amended to improve the method:</p> <p>(1) If a regional council detects a trend indicating a deterioration in any attribute state, or a failure to achieve identified environmental outcomes for values or components, it must prepare an action plan for halting, and if possible reversing, the deterioration.</p>
23	Part 3	Clause 3.15	Controls on inland	PNZ generally supports the idea of	PNZ recommend making the

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	Implementation methods Subpart 3 Specific requirements	Wetlands	<p>wetlands required. There is also a new definition of “natural wetland” as well as other wetlands. The definition is from the Act with specific exclusions for:</p> <ul style="list-style-type: none"> • Wet paddocks / pasture dominated by exotic sedges / rushes • Constructed wetlands • Geothermal wetlands <p>Describes the identification process for all wetlands and requires Resource Consents for alterations and to map these if they are greater than .05 ha (500 m²) or smaller if the type of wetland is naturally smaller eg. Ephemeral.</p> <p>Dispute resolution determined by Landcare Research protocol.</p>	<p>mapping and protecting wetlands; but seeks some refinements to the method that are in our view important.</p> <p>To begin with, it is unclear why only exotic sedges and rushes are identified in wet paddocks and pasture: if it is a rare native sedge it would be covered under the “threatened species provisions”.</p> <p>The mapping tasks for regional councils may be difficult if ephemeral wetlands must be included too and exercise of the dispute process may make the method less effective.</p> <p>In example a 500m² wetland if symmetrical would have radius of 12.6m or 25m across.</p> <p>Any smaller will make the mapping exercise difficult to perform and compliance non-falsifiable for either the regional council or private landowners.</p>	<p>following amendments to Method 3.15:</p> <p>“(1) [...] natural wetland means a wetland as defined in the Act (regardless of whether it is dominated by indigenous or exotic vegetation), except that it does not include:</p> <ol style="list-style-type: none"> wet pasture or paddocks where water temporarily ponds after rain in places dominated by pasture, or that contain patches of exotic sedge or rush species; or constructed wetlands; or geothermal wetlands [...] <p>(5) Every regional council must, in respect of natural inland wetlands, and may in respect of constructed wetlands,</p> <ol style="list-style-type: none"> identify and map wetlands in its region that are: <ol style="list-style-type: none"> 0.05 hectares or greater in size; or known to contain threatened species; or of a type that is naturally less than 0.05 ha in size (such as

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					ephemeral wetlands or springs); and [...]”.
24	Part 3 Implementation methods Subpart 3 Specific requirements	Clause 3.16 Streams	<p>Deeming provisions for streams - must be maintained or improved as a minimum, both in terms of ecosystem health and extent.</p> <p>Concept of “effects management” hierarchy introduced (to mainly deal with past oversight of urban streams).</p> <ul style="list-style-type: none"> • No diversion / culverting provided for that will result in a net loss of extent; • The ability to undertake works for flood protection; and • Erosion is provided for unless prevented by the NES. 	<p>PNZ conditionally supports the proposal but some changes are required to make the method more workable for rural communities.</p> <p>It should be clear that access to land for rural production purposes is provided for; particularly access ways which were existing and lawfully established prior to the gazetting of the NPS and NES FW.</p>	<p>PNZ request the following changes to Method 3.16:</p> <p>“3.16 Streams [...]</p> <p>(5) Every regional council must make or change its regional policies and plans to ensure that the infilling of <u>existing</u> river or stream beds is avoided, unless there are no other practicable alternative methods of providing for the activity, and it is part of an activity:</p> <ul style="list-style-type: none"> a) designed to restore or enhance the natural values of the stream or of any adjacent or associated ecosystem; or b) necessary to enable the development, operation, maintenance and upgrade of nationally significant infrastructure; or c) required for the purposes of flood prevention or erosion control; <u>or</u>

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					d) <u>Is required for the purpose of maintaining legal access to a property.</u>
25	Part 3 Implement ation methods Subpart 3 Specific requireme nts	3.17 Fish passage	Fish passage barriers are to be removed where RC's have identified they impeded the movement of native fish.	PNZ supports the removal of fish passage barriers.	Retain as notified
26	Part 3 Implement ation methods Subpart 3 Specific requireme nts	3.18 Primary contact sites	Swimming locations are to be identified and a specific monitoring programme to be developed for the summer. <ul style="list-style-type: none"> • Weekly e.coli monitoring and reporting • If 1 sample > 260 cfu sampling to daily • If 1 sample > 540 cfu public notified 	PNZ supports this amendment.	Retain as notified.
27	Part 3 Implement ation methods	3.19 Water allocation	Councils to develop criteria for transfers. Council to identify methods for efficiency	PNZ supports the use of a method to manage transfers and efficiency but considers some changes are required to make the method more applicable	PNZ request the following changes to Method 3.19: 3.19 Water allocation

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
	Subpart 3 Specific requirements		Council to claw back overallocation so that the <u>limits on resource use and take limits are reduced to levels that meet the objective and policies of this National Policy Statement.</u>	to other activities that may improve overallocation. In particular, there is a real need to encourage group management of freshwater resources and some irrigation infrastructure also deserves consideration in the rule framework.	<p>(1) Every regional council must make or change its regional plan to include criteria for:</p> <ul style="list-style-type: none"> a) deciding applications to approve transfers of water take permits; and b) <u>collective management of water allocation in groups and/or enterprises;</u> c) deciding how to improve and maximise the efficient allocation of water. <p>(2) Every regional council must identify in regional plans methods to encourage the efficient use of water; and to <u>promote collective management of water.</u></p> <p><u>(2A) Every regional authority must identify the highly productive land within each FMU; and adopt policies and methods providing for the utility of highly productive land.</u></p> <p>(3) Regional councils must define a timeframe within which over-allocation is phased out, and methods</p>

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					to achieve that, so that the limits on resource use and take limits are reduced to <u>comply with the environmental flows and</u> levels that meet the objective and policies of this National Policy Statement.
28	Part 3 Implementation methods Subpart 3 Specific requirements.	Clause 3.20 Accounting	Accounting systems are required, and the level of endeavour is to be scaled to be commensurate with the management of effects required for the FMU. Must include both quantity and quality, loads, limits, water abstracted etc. Synthesis report from RC's required every 5 years (3.21)	PNZ considers that the accounting policies of both regional and central government are generally inadequate for the planned government work programme in the NPS and in particular those related to allocation of resources. It remains the missing and critical building block in the development of sound resource management decisions. It seems inconsistent that so little coordination or leadership is being provided by government agencies in this area. NPS policies are however gradually improving and the policy on accounting within this proposed NPS is a small step up.	PNZ recommend as discussed above that Govt. signal the intention to develop section 360 regulations for hydrological accounting within the accounting method. There is a clear need to support local decision making on resource use and development. Changes are required to regional policy to enable better freshwater accounting in catchments where ground and surface water hydrology are not appropriately measured and modelled. To assist this actually occurring new funding is required to provide financial support for developing regions to build better natural resource accounting systems.

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				<p>Natural resource accounting requires the development of integrated biophysical models that are continuously improved through data collection to help predict spatial and temporal changes in the impacts of climate, soil, weather and ultimately land-use.</p> <p>They are critical to:</p> <ol style="list-style-type: none"> (1) developing links between environmental outcomes and environmental flows, levels; limits on resource use and take limits; (2) estimating the fate of contaminants beyond the root zone; (3) allocating responsibility for discharges and ensuring water taken and used is within take limits and limits on resource use; (4) Predicting the trajectory of freshwater resources in flux when landuse change or subdivision, use and development proposals are being considered and authorised; (5) Supporting the development and cost benefit analysis required to 	<p>PNZ recommend amending Method 3.20 as follows:</p> <p>3.20 Accounting systems <u>(X1) Every regional council must make or change their regional policy statement to the extent needed by 2023 to provide for the integrated management of resource by: “requiring every FMU where regional authorities have estimated that resource use is greater than 80% allocated relative to take limits and limits on resource use; to develop a decision support tool for public use to support implementation of NPS FW Method 3.20”.</u></p> <ol style="list-style-type: none"> (1) Every regional council must operate and maintain, for every FMU for which target attribute states and limits have been or are being set,: <ol style="list-style-type: none"> a) a freshwater quality accounting system; and b) a freshwater quantity accounting system.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>by communities tasked with developing limits and attribute states; and determining the local expression of environmental outcomes to support Te Mana o Te Wai; and</p> <p>(6) Establishing numeric estimations of natural resources available for allocation.</p>	<p>(2) The purpose of the accounting systems is to provide the baseline information required:</p> <ul style="list-style-type: none"> a) for setting target attribute states, environmental flows and levels, and limits; and b) to assess whether an FMU is over-allocated or not; and c) to track over time the cumulative effects of activities (such as the granting of resource consents). <p>(3) The accounting systems must be maintained at a level of detail commensurate with the significance of the water quality or quantity issues applicable to each particular FMU.</p> <p>(4) Every regional council must make information from those systems available to the public, regularly and in a suitable form, for every FMU for which target attribute states have been, or are being, set.</p> <p>(5) The freshwater quality accounting system must (where</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
					<p>possible), for each FMU, record, aggregate, and regularly update information on the measured, modelled, or estimated:</p> <ul style="list-style-type: none"> a) loads, concentrations, or both, of relevant contaminants; and b) where a load or concentration has been set on the amount of a contaminant that is acceptable in a waterbody, the proportion of that amount recorded at monitoring sites for that contaminant; and c) sources of relevant contaminants; and d) the amount of each contaminant attributable to each source. <p>(6) The freshwater quantity accounting system must, for each FMU, record, aggregate, and regularly update information on the measured, modelled, or estimated:</p> <ul style="list-style-type: none"> a) amount of freshwater take; and b) the proportion of freshwater taken by each major category of use; and

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
					<p>c) where a take limit has been set, the proportion of the allocation taken.</p> <p>(7) In this section, freshwater take refers to all takes, whether metered or not, whether subject to a consent or not, and whether authorised or not.</p>
29	Part 3 Implementation methods Subpart 4 Exceptions	3.22 Hydroelectric Schemes	<p>Exceptions to NPS for large schemes: Waikato, Tongariro, Waikaremoana, Waitaki, Manapouri and Clutha.</p> <p>Exceptions for naturally occurring processes.</p> <p>Exceptions for really degraded waterbodies identified by RC's (unpopulated Appendix 4).</p>	<p>The importance of renewable energy generation cannot be underestimated. Renewable energy generation does not come without significant impact; however the Government has made a special case for renewable energy through national policy statements over time.</p> <p>The Government has signalled through policy the protection of highly productive land in national policy. PNZ considers that vegetable supply is similarly important to communities; and similarly important in terms of mitigating the impacts of climate change.</p> <p>PNZ conditionally supports the</p>	<p>Retain the exemptions framework only if vegetable production receives an enabling framework on highly productive land.</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>exemption for renewable energy. But it is no more important than the food security provided through vegetable production.</p> <p>PNZ doesn't support the exceptionalism of renewable energy, as being more deserving of particular direction from Government.</p> <p>If there is no enabling regulatory pathway for vegetable production the exemptions should in general be deleted.</p>	
30	Part 4 Timing	4.1 All plans and policies implemented	<p>Date has changed from 2030 to 2025. Where they are not established an alternative method to Schedule 1 is envisaged. The approach will probably be similar to the ECAN approach.</p> <p>If any RC is of the view that their plan is up to the task is entitled to remain with what they have – but the onus will be on the RC to</p>	<p>Removing the natural justice protections of merit appeals presents significant concerns for PNZ.</p> <p>The removal of merit appeal rights exert significant responsibilities for local government agencies.</p> <p>It is reasonable to expect that some poor decision making will be encountered within local communities. This is why PNZ is calling for an Independent Water Commission (see relief requested</p>	<p>In summary PNZ supports the NPS proposal on the basis of:</p> <p>(1) Provide additional contestable funding open to both public and private parties to develop local freshwater accounting and decision support tools for determining freshwater outcomes and limit setting; at all scales within all FMU's and any sub-catchment.</p> <p>(2) Provide additional contestable</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			prove they do not require change.	<p>above in Topic 18 of this table).</p> <p>All sectors, iwi and technical specialists will be stretched to provide the resourcing for informed and constructive scientific input to the truncated processes. Efforts to improve natural resource accounting will require use of all public and private science resources to inform the construction of NPS compliant plans and the development of the local Vision for Te Mana o Te Wai. We understand that a support package has been prepared for Local Government but this should be open and contestable to public and private syndicates.</p> <p>At the same time it is likely that local and regional government will be required to invest heavily in monitoring, measuring and reporting. The strain on the resource planning system will be considerable.</p> <p>The truncated processes must be supported by Central Government to avoid unintended consequences of</p>	<p>funding for regional authorities and communities seeking to develop and re-design monitoring networks to monitor all new attributes and more adequately measure trends and environmental outcomes within FMU's and sub-catchments.</p> <p>(3) Establish an independent Water Commission to oversee Council implementation of the NPS & NES, ensuring in regulations that it is established to oversee water related matters for the general good of the public.</p> <p>(4) Appropriately resource the Commission to respond to legitimate grievances raised when values are not appropriately recognised and provided for, or when communities are hampered by a regional authority's failure to implement the NPS correctly.</p> <p>If an independent watchdog for freshwater processes is not</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>poor community outcomes from insubstantial planning frameworks.</p> <p>Resourcing should also be provided to Regional Councils to support accounting, monitoring and FMU identification initiatives.</p> <p>The consequences of setting limits that are poorly informed by science in catchments and FMU's with significant development are particularly likely to undermine the economic opportunities in developing regions.</p> <p>Natural resource accounting at the catchment scale has not been widely adopted. Developing better accounting will require public – private partnerships and contestable funding should be made available to support these partnerships.</p>	<p>established, PNZ does not support the new proposed structure and seeks maintenance of the appeal rights regime and the retention of Objective CA and the related policies from the prior NPS.</p>
31	Notes for NOF attributes	NOF Tables	<p>1. Dissolved Inorganic Nitrogen (DIN) for rivers. Bottom line is 1mg/kg median, 2.05 mg/kg 95%.</p>	<p>With the exception of the new attribute states for Dissolved Inorganic nitrogen (DIN) and Dissolved Reactive Phosphorus (DRP); PNZ generally supports the new attributes proposed to improve the measure of ecosystem</p>	<p>PNZ propose that Govt. adopts the proposed new attributes with the exception of the DIN attribute.</p> <p>Solutions are either:</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			<p>2. New DRP (Dissolved Reactive Phosphorus targets.</p> <p>3. Suspended fine sediment (turbidity) attributes now there across 12 differing river types (appendix 2c 1&3).</p> <p>4. New MCI and Fish attributes.</p> <p>5. Submerged native and exotic plant attributes added.</p> <p>6. New e. coli and cyanobacteria attributes. Note new strata proposed with 5 levels as compared to 4 – blue, green, yellow, orange, red.</p> <p>7. New deposited sediment attributes for</p>	<p>health and human health.</p> <p>The new attribute targets for DIN and DRP appear low, and there appears to be some doubt about what they will achieve.</p> <p>There has obviously been disagreement among advisory groups about the preferred approach with the Regional Councils expressing strong views about the inappropriateness of the new target attribute states for DIN. There is also significant caution within the regulatory impact statement (RIS) about the preferred option due to the lack of economic impact analysis available due to the timing of delivery for the technical reports.</p> <p>Despite the absence of a complete analysis the RIS has made some observations about impact. The interim RIS statement notes:</p> <p><i>“the proposed bottom line for DIN will introduce stricter objectives in some lowland agriculturally-dominated</i></p>	<p>A) Delete Table 5 from Schedule 2A and make consequential amendments</p> <p>OR</p> <p>B) Reconsider the DIN attribute by seeking and considering further views following completion of the RIS in terms of the economic impacts. The economic impacts should also be considered at a finer scale.</p> <p>And/or</p> <p>C) Change the minimum intervention for the DIN Limit in the table attached to 3.14 to read “<u>Limit or Action Plan</u>”.</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			<p>wadeable streams (% cover).</p> <p>8. New general dissolved oxygen classes developed for rivers and lakes.</p> <p>9. New “ecosystem metabolism” attribute for rivers is basically another DO measure. Grams of O₂ metre⁻²/day⁻¹.</p>	<p><i>areas. The most affected regions would be Waikato, Canterbury and Southland, with large load reductions also required in some catchments in Manawatū-Whanganui and Taranaki. Reductions in yield of over 50 percent would be required in many catchments (refer to Figures 4 and 5 above)”.</i></p> <p>The Regional Councils have collectively (RMG) suggested that an adaptive management approach should be applied; and that the DIN attribute lends itself to an action plan as opposed to a limit on resource use. They have not proposed an alternative level for the attribute, preferring to understand the economic impacts better before proposing one. PNZ agrees with this approach.</p> <p>Science advisors have noted that if the proposed DRP attributes are applied; there will be a difficulty measuring what band you are in; because the differences are approaching detection limits or the margin for error in measuring processes.</p>	

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
32	Appendix 1A	Broad definition for – Ecosystem Health	Defines ecosystem health expressly in terms of the freshwater resource	PNZ considers that healthy ecosystems by definition provide ecosystem services including provisioning services. This has been previously referred to (and additional explanation is provided) in Topics 9 and 13 of this relief table.	<p>Amend Appendix 1A as follows:</p> <p>1 Ecosystem health In relation to a waterbody in an FMU, ecosystem health refers to the extent to which the FMU supports an ecosystem appropriate to the type of waterbody (eg, river, lake, wetland, or aquifer)- <u>and the ecosystem services provided to the FMU by the waterbody.</u></p> <p>There are 56 biophysical components that contribute to freshwater ecosystem health, and it is necessary that all of them are managed. They are:</p> <p><i>Water quality</i> – the physical and chemical measures of the water, such as temperature, dissolved oxygen, pH, suspended sediment, nutrients and toxicants.</p> <p><i>Water quantity</i> – the extent and variability in the level or flow of water.</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
					<p><i>Habitat</i> - the physical form, structure and extent of the waterbody, its bed, banks and margins, riparian vegetation and connections to the floodplain.</p> <p><i>Aquatic life</i> – the abundance and diversity of biota including microbes, invertebrates, plants, fish and birds.</p> <p><i>Ecological processes</i> – the interactions among biota and their physical and chemical environment such as primary production, decomposition, nutrient cycling and trophic connectivity.</p> <p><u><i>Ecosystem services – clean abundant water contributes to the essential health needs of people.</i></u></p> <p>In a healthy freshwater ecosystem, water quality, quantity, habitat, and processes and ecosystems services are suitable to sustain appropriate indigenous aquatic life, and the <u>essential health needs of people</u> as</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
					would be found in a minimally disturbed condition (before providing for other values).
33	Appendix 1B	Other national values	The value for irrigation, cultivation and food production has significantly less weight than before, with the new interpretation of Te Mana o Te Wai and the addition of new compulsory values and attributes.	<p>PNZ is aware there is a desire to curb excessive effects on water quality from primary production. This is evident from the almost singular focus on Objectives and Policies that address the effects of primary production; with a small number of exceptions.</p> <p>Unfortunately, there seems to be a heavy focus on reducing the importance of provisioning services; (food security and food production) as a way of reducing the environmental effects of excessive primary production; despite our dependence and reliance on these essential human health requirements.</p> <p>Derogating from the value by linking it strongly to irrigation is a real concern. Irrigation is not a value of communities; it is a tool used to produce food. PNZ cannot understand why irrigation is so strongly</p>	<p>PNZ has reviewed the values framework closely and believe that while there is a comprehensive value set which support environmental outcomes, there is a significant gap in the framework for providing for essential the health needs of people.</p> <p>PNZ strongly support inserting a new value: Mahi mara / Food security and cultivation</p> <p>Highly productive land within the FMU retains access to freshwater while managing water quality; to ensure utility for arable, fruit and vegetable production.</p> <p>The stewardship of highly productive land is essential for the protection of ecosystem services derived from the use of water on highly productive land.</p> <p>This requires a consequential</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>emphasised in this value? The Government has recently released national direction around highly productive land. This has not been done to protect the value of irrigation; it has been done to preserve the productive capacity of finite high class soils; (for food production).</p> <p>PNZ strongly disagrees with the inclusion of vegetable production within this value; particularly expressed in this way. It is a complete rejection of the values deeply held by growers; of stewardship, of food security and culture derived from long involvement in these endeavours.</p> <p>Significant change is being sought from rural communities. Growers will be more open to that change if their values are more adequately recognised in national policy. Recognising the values of high production land is a good start; but vegetable production requires access to the means of production including access to water.</p>	<p>amendment to the value for Irrigation, cultivation and food production:</p> <p>“Irrigation, cultivation and food production – The freshwater management unit meets irrigation needs for any purpose.</p> <p>Water quality and quantity would be suitable for irrigation needs, including supporting the cultivation of food crops, the production of food from domesticated animals, non-food crops such as fibre and timber, pasture, sports fields and recreational areas.</p> <p>Attributes will need to be specific to irrigation and food production requirements.”</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>If such a value is to be recognised it should come with responsibilities; the potential for adverse effects on water quality must be well managed through a tailored regulatory approach to vegetable production.</p> <p>The knowledge base of the grower community is an essential national asset. In our view this deserves a more holistic treatment of a cultivation value and we suggest that cultivation and food production is removed from this value and retained in another value as described in the relief sought. The previously utilised value for “mahimara” is a more apt description of this value; referring to the knowledge and culture of cultivation for food production.</p>	



Evaluation for the NES 2019

The NES provides a detailed regulatory pathway for any activity impacting a wetland or stream; and many farming activities. The application of the NES in most cases only affects activities established post commencement date of the NES.

National Rules are laid out as bottom lines. There are new rules for pastoral farming; compulsory farm plans and potentially nitrogen benchmarking. Strict control is placed on stream and wetland management (drainage, damming, diversion, take and use of water, discharge, reclamation, culverting, fish passage).

Very large buffers from wetlands are required for many activities. Some activities such as dairy farming and intensive grazing practices are strongly regulated. Land disturbance activities have strict controls which will impact on any project not part of the exceptions framework.

Nationally significant infrastructure (tending to be facilities managed by government or highly regulated) and hydroelectric facilities are not required to meet the same conditions as other activities. There is an exemption pathway provided that allows for degradation with "offsetting" for public drainage networks and flood protection activities.

The NES asserts a comprehensive message that intensification of farming is to be **avoided**. Wetlands and streams are to be either **maintained or enhanced**. The definition of intensification defines certain activities as risky for intensification. These include dairy farming; intensive sheep and beef, increases in scale of irrigation and intensive stock regimes.

For horticulture and commercial vegetable production the signals are as follows:

- A pathway is provided as one option for increased commercial vegetable production with consent. The other option proposed is no increase. The Government is seeking feedback on which option to choose.
- For commercial vegetable production, if a "no increase" framework is picked, a nitrogen assessment will probably be required.
- The increase of irrigation area beyond 10 hectares requires consent as a discretionary activity under the proposal. Increase will require an FEP and will need to meet other conditions.
- Development and construction of irrigation schemes may be impacted by the land disturbance and wetland rules if they are not signalled as projects deserving national significance or exception.
- There is no clear regulatory pathway for land use change to permanent horticulture. It is unclear how the NES applies to these conversions.
- There is a clear signal that allocation of water quality (in particular nitrogen discharges) is a next step the Government wishes to take.



It is clear that the direction taken by Government will significantly influence the prospects for horticultural land use and there is a limited window for horticultural interests to ensure the regulatory framework provides a certain future.

The following table provides detailed analysis by PNZ on the proposed NES for Freshwater

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
32	Part 1 Preliminary Clause 1	Clause 1 - General Definitions: Commencement date, Definitions in NPS FW 2019	Mirrors the commencement date in the NPS (see above for commentary. Terms defined in the NPS are utilised with the same definition here.	As discussed in the NPS submission discussions above, the baseline for existing and new seems to be set differently to current plans and policies. This will create confusion with current plans that are no longer compliant (in terms of the benchmark periods already set for existing use). PNZ's view is to support the simplicity of providing a single benchmarking date for existing and new activities, this will result	Retain the commencement date text in Preliminary Clause 1.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				in considerable regulatory cost savings and benefits.	
33	Part 1 Preliminary Clause 2	Clause 2 –Stringency of Standards	Rules can be set more stringently in plans, but not more leniently.	<p>PNZ is strongly supportive of a consistent and standard regime for commercial vegetable production, and considers it unlikely to be realised under a permitted activity regime.</p> <p>A permitted activity regime does not provide the level of discretion or control over activities required for many regional authorities.</p> <p>PNZ could only support a permitted activity when localised and cumulative effects can be managed appropriately; and in our</p>	PNZ recommend that the standard of rules has the ability to provide a consistent level of stringency across regions by managing localised and cumulative effects through varying consent status as sought below in Subpart 2 for clause 36.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>view this is difficult to do so.</p> <p>PNZ question the durability of providing a permitted activity option when this most likely to be superseded in NPS compliant plans.</p>	
34	Part 1 Preliminary Clause 3	Clause 3 – Cost recovery	Makes it clear that Councils can charge for the recovery of costs associated with regulating permitted activities within this NES.	<p>PNZ has some concern for cost recovery changes, due to the complex charging relationships between the RMA and the LGA (Local Govt. Act.). There is a diverse set of charging arrangements across territorial authorities and regional councils.</p> <p>The control in the NES as stated in clause 1 provides limited direction on how or who would be charged. This may delay</p>	<p>PNZ recommends the following relief:</p> <ul style="list-style-type: none"> • Provide interim guidance on cost recovery to regional and local authorities. • Review RMA s.150 and s. 36 related to charges and simplify the cost recovery framework prior to allocation review.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				the ability for cost accounting on the monitoring envisaged by NES and stop Councils resourcing the monitoring.	
35	Part 2 Wetlands, rivers, and fish passage Clause 4	Definitions relating to Wetlands	<p>The differing wetlands are defined.</p> <p>Nationally significant infrastructure is defined.</p> <p>Existing hydroelectricity schemes are defined.</p> <p>Natural wetlands and constructed wetlands are defined.</p> <p>Constructed wetlands may include drains or may not. It will depend on whether it is determined they are “in a place where a natural</p>	<p>The purpose of defining hydro and national significance will be to provide an easier pathway through the Freshwater Regulations for these facilities and for Government owned and managed infrastructure.</p> <p>PNZ questions:</p> <ul style="list-style-type: none"> • are these exceptions desirable? • Is this effects based? <p>The definition of natural wetland needs to be looked at closely – definition in Act applies with exceptions – the</p>	<p>PNZ recommends the following relief:</p> <ul style="list-style-type: none"> • Review the exemption pathway for Government infrastructure, taking into account the need to protect wetlands; and the need for leadership to encourage the significant changes sought from the rural sector. • Make changes to the definition of “natural wetland” to match the amendments sought by PNZ in the NPS definition. • Remove the word “exotic” from the definition.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			<p>wetland does not already exist”.</p>	<p>pasture exception is only for land dominated by “exotic” sedge or rush species.</p> <p>PNZ observes that people will debate whether the wetland is natural or constructed in a range of cases.</p> <p>The usual questions of “does it already exist” will be defined given the commencement date effect.</p>	
36	<p>Part 2 Wetlands, rivers, and fish passage</p> <p>Clause 4</p>	<p>Definitions for public flood control / drainage; standard wetland monitoring obligation; vegetation destruction.</p>	<p>Public drainage systems will have an alternative pathway for regulation.</p> <p>A standard wetland monitoring obligation will be attached to consents – described in Clause 5.</p>	<p>PNZ notes that a significant proportion of NZ’s productive land has been developed through public and private drainage schemes. While these have unfortunately led to the loss of large tracts of wetlands (>90%), these land areas still have high water</p>	<p>PNZ recommends the following amendments:</p> <p>public flood control or drainage means work carried out:</p> <ul style="list-style-type: none"> a) for flood control or flood protection purposes, by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation

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			<p>Vegetation destruction is defined as “any significant indigenous vegetation” being removed.</p>	<p>tables and are prone to flooding. The coordination of private systems of drainage has been a significant problem in the past. It is difficult to say what the effect of differing regulatory pathways will be on coordination or where it will leave the maintenance of private drainage systems.</p> <p>PNZ suggest that questions will be asked as to what makes indigenous vegetation “significant”.</p>	<p>and Rivers Control Act 1941; or</p> <p>b) for the purpose of drainage works by drainage districts, under the Land Drainage Act 1908; <u>or</u></p> <p>c) <u>Any drainage works on private land that are coordinated in partnership with the management of public stormwater systems.</u></p> <p>vegetation destruction means destroying any <u>locally significant indigenous vegetation (Council will publish technical guidelines for significant indigenous vegetation).</u></p>
37	<p>Part 2 Wetlands, rivers, and fish passage</p> <p>Clause 5</p>	Standard wetland monitoring obligation	Requires at least annual monitoring of wetlands where the condition is included in any consent granted under the NES – and reporting to the	PNZ acknowledge the onus on a consent holder to monitor and report loss of wetland function as opposed to action being undertaken	Retain the standard clause.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			regional council if the monitoring indicates ecological decline.	through investigation by the regulator.	
38	Part 2 Wetlands, rivers, and fish passage Clause 6	Standard conditions for nationally significant Infrastructure	Allows for an offsetting process to avoid remedy or mitigate adverse effects on wetlands (option not available for other activities).	The NPS 2019 seeks the protection of wetlands; and introduces a distinction created by the definition is artificial; when the effects are considered. Given the very small areas of remnant wetlands, PNZ questions whether these exemptions are justified. Currently most RPS contain policy savings for infrastructure.	PNZ Recommends reconsidering the exemptions process for nationally significant infrastructure.
39	Part 2 Wetlands, rivers, and fish passage Clauses 7, 8	Discretionary Rule Vegetation destruction (7) Non complying Activity	Provides a 10m buffer to natural wetlands for any vegetation destruction (defined see point 36) and requires a discretionary pathway	PNZ notes that much depends on the definition of vegetation destruction and this is not strong due to the ambiguity of the term “significant”.	Retain the rules notified See the changes sought for ‘significant vegetation’ above.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
		Rule Vegetation destruction (8)	for consent for Nat Sig Inf., Flood control and drainage and hydro as well as beneficial or low impact uses. All other activities default to non-complying consent pathway.		
40	Part 2 Wetlands, rivers, and fish passage Clause 9	Earth disturbance definitions	Creates a 10m cultivation buffer around a natural wetland where any disturbance including cultivation requires a discretionary consent. The exemptions apply as noted above for other activity classes. 2 definitions: general earth disturbance and earth disturbance for drainage (deeper or	PNZ observes that in developing its national guidelines that setbacks have not necessarily been demonstrated as the only effective mechanisms to manage the discharge of sediment (or nutrients) in the case of cultivation on minimal slopes (flat land). They may prove to be effective at restoring ecosystem function depending on what the	Amend the definition for earth disturbance : earth disturbance means the disturbance of earth (including soil, clay, sand, rock, and peat),: <ul style="list-style-type: none"> a) including by moving, removing, placing, blading, cutting, excavating, cultivating, filling, excavating, or gardening it; but b) not including disturbance in the course of: <ul style="list-style-type: none"> i. planting indigenous plants for restoration purposes; or ii. installing fenceposts; or

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			new drainage channels).	<p>treatment of the buffer is (if it is planted in indigenous vegetation and maintained for pests), ecosystem function may improve but there appears to be no incentive for this approach.</p> <p>Without incentives for buffers to be active mitigation tools, they may just revert to weeds.</p> <p>The setback areas should incorporate the allowance for sediment retention structures and other erosion and sediment control practices.</p>	<p>iii. removing pest or weed vegetation using hand-held tools.</p> <p>iv. <u>The installation and maintenance of erosion and sediment control infrastructure.</u></p> <p>earth disturbance for drainage means earth disturbance that involves making new drainage ditches or deepening existing drainage ditches; <u>unless the drain is a new interception or diversion drain for the purpose of managing erosion and sediment discharges.</u></p>
41	Part 2 Wetlands, rivers, and fish passage Clause 10	Discretionary Rule – General earth disturbance	For the exemption activities engaging in land disturbance within 10m of a natural	PNZ questions why is there no controlled or restricted discretionary activity standards?	<p>PNZ recommends the following amendments:</p> <ul style="list-style-type: none"> Retain the rule if the relief is granted on the definition of earth

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			<p>wetland.</p>	<p>This will become important as there will be many rural landowners who may choose to avoid consent application due to perceived complexity in the consenting process.</p> <p>Without triaging the risks through the appropriate range of effects, what is the status of existing rules in plans?</p> <p>It could be wise to also develop a permitted activity standard for activities which can be managed with de minimus effects.</p> <p>We note that the annual median seems a typo?</p>	<p>disturbance.</p> <ul style="list-style-type: none"> • Consider the development of a controlled (or restricted discretionary) activity standard for works designed to restore ecosystem function and control/manage discharges. • Change the requirement for the trigger of diversion effects on wetland (Clause 10.2 (a)) to a change by 0.1m of either: <ul style="list-style-type: none"> • an annual minima; or • annual average season difference • and make consequential amendments where it appears in other clauses.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>Surely the critical measure for Life supporting capacity would be the annual minima?</p> <p>Or the difference of the seasonal averages?</p> <p>The difficulty will be establishment of the existing baseline and the vulnerability of nearby activities to natural fluctuations caused by changes in climate.</p>	
42	Part 2 Wetlands, rivers, and fish passage Clause 11	Non complying Rule - General earth disturbance	Sets a standard for the Rule to apply: “results in the reclamation of land, or infilling, or damage to or destruction of the natural wetland’s natural hydrological regime, form, function,	PNZ note that urban activities are subject to this rule as well as rural activities. The rule suite is holistic because it includes any activity not covered by an exemption.	Retain the rule if the relief is granted on the definition of earth disturbance.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			ecosystem services, amenity values, or ecological values". Applies to any activity other than those exempted (Clause 10).		
43	Part 2 Wetlands, rivers, and fish passage Clause 12	Discretionary Rule – Earth disturbance for drainage	Exempted activity pathway for drainage activities (beyond the scale of status quo) within 100m of a natural wetland.	It may need to be clarified in guidance how existing rules outside the 100m buffer will apply now once the mapping exercise is completed and published.	PNZ recommend providing interpretive guidance to regional authorities on the NES; incorporating guidance on how the NES standards fit with existing earthworks rules in plans.
44	Part 2 Wetlands, rivers, and fish passage Clause 13	Non complying Rule - Earth disturbance for drainage	Pathway for non-exempted activities undertaking drainage (beyond the scale of status quo) within 100m of a natural wetland.	There will be much interest in the development of maps for natural wetlands as is required under the NPS by 2025. It will be difficult to estimate the cost of the new restrictive activity rules without these maps	Retain the rule as notified.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				being established.	
45	Part 2 Wetlands, rivers, and fish passage Clause 14	Prohibited Activity Rule - Earth disturbance for drainage within a natural wetland.	Exemptions listed are the standard exemptions.	PNZ supports the requirement to protect wetlands and recognise the need to have a prohibited status rule.	Retain the prohibited activity rule.
46	Part 2 Wetlands, rivers, and fish passage – Water Take Activities Clause 15	Definition for <i>water take activity</i> for Clauses 16 & 17. Relates to taking, using, damming or diverting water.	Limits the application of the following rules to activities that have an adverse effect on natural wetland flows and the resulting values. Initial trigger for rule is .1m change “beyond” the median water level of the wetland.	PNZ observe from plans and landholder experience around New Zealand that only the most well-known wetlands will have a median water level established. As above in clause 10 PNZ questions the compliance trigger for changes in level.	Consider changing the compliance trigger for changes in level. <i>(Row 41 of this table)</i>
47	Part 2 Wetlands, rivers, and fish passage	Discretionary Rule – water take activities affecting natural	Exempted activity (beyond the scale of status quo).		Retain the rule as notified. <i>Note recommendation for trigger value (Row 41 of this table)</i>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
	Clause 16	wetlands			
48	Part 2 Wetlands, rivers, and fish passage Clause 17	Non complying Rule – all water take activities affecting natural wetlands not covered by the exemptions regime.	Pathway for non – exempted activities.		Retain the rule as notified. <i>Note recommendation for trigger value (Row 41 of this table)</i>
49	Subpart 2 River bed infilling Clause 18	Discretionary Rule – River bed infilling Non complying default also in this clause.	Provides a discretionary pathway for flood prevention and erosion control activities and some other activities if offsetting can achieve no net loss.	Same comment as for permitted activities comment for point 41, 42, 43 above.	Retain the rules as notified.
50	Subpart 3 Fish passage Clause 19	Application of this section does not cover certain activities	Refers to construction post commencement date. Culverts and weirs are ok on rivers identified by regional councils where it is desirable to impede the passage of		Retain the rule as notified.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			undesirable fish.		
51	Subpart 3 Fish passage Clause 20	Definitions for this subpart.	bankfull discharge defined bankfull width defined culvert defined culvert span defined flap gate defined passive flap gate defined standard fish passage structure information defined		Retain the definitions as notified.
52	Subpart 3 Fish passage Clause 21	Permitted activity - culverts	Activities are permitted if they meet all the conditions below: <ul style="list-style-type: none"> permitted by a rule in an existing plan. Provides for the “natural level” of fish passage. Does not exceed certain water 		Retain the rules as notified.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			<p>velocities.</p> <ul style="list-style-type: none"> • < 1.3 x width for streams less than 3m wide • > 1.2 x width of stream where stream > 3m wide • Where culvert is open bottomed • Stream bed present in culvert • Provides for movement of debris and sediment • Council notified and certain info provided. <p>Discretionary rule for all other activities</p>		
53	Subpart 3 Fish passage Clause 22	Permitted activity – weirs in rivers	<p>Gives the permitted activity standard for weirs in rivers.</p> <p>Generally covers weirs</p>	Note the RMA definition of river includes both intermittently and permanently flowing – but excludes <i>artificial watercourses</i> (including	Retain the rule as notified.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			<p>less than 4m constructed to set standards. Includes notification requirement.</p> <p>Default to Discretionary in same clause.</p>	<p>an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canals).</p>	
54	<p>Subpart 3</p> <p>Fish passage</p> <p>Clause 23</p>	<p>Non complying activity – passive flap gates</p>	<p>Has minimum standards for all consents granted</p>		<p>Retain the rule as notified.</p>
55	<p>Subpart 3</p> <p>Fish passage</p> <p>Clause 24</p>	<p>Information provision requirement – Dams, fords and non-passive flap gates.</p>	<p>This provision is unusual as it appears not to be a rule – rather an information provision standard for people undertaking these activities</p>		<p>Retain the rule as notified.</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
56	Part 3 Farming Clause 25	Definitions for Part 3 annual forage crop	A crop grazed in situ, including brassicas, and beet and root crops; but not including perennial pasture, short-rotation grass species, and cereal crops		Retain the definition as notified.
57	Part 3 Farming Clause 25	Definitions for Part 3 approved farm environment planner	Refers to Clause 40 defining an approved person to produce a FW - FP	PNZ supports a national certification and approval process.	Retain the definition as notified.
58	Part 3 Farming - Clause 25	Definitions for Part 3 approved auditor	Refers Clause 41 for definition		Retain the definition as notified.
59	Part 3 Farming Clause 25	Definitions for Part 3 arable farming	Farming where the predominant activity is growing any of the following crops for harvest: <ul style="list-style-type: none"> a) grain cereal, legumes, or pulse grain; b) herbage seed; c) oilseed; d) crops grown for 	<p>“Predominant” is uncertain for rotational crops – is it > 50%? By area or yield?</p> <p>Potato production could be arable or commercial vegetable depending on where it is.</p> <p>Arable cropping is also</p>	PNZ request that potato cropping is generally considered to be a commercial vegetable production activity and should be retained within the definition of commercial vegetable production.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			seed multiplication; e) maize grain, maize silage, cereal silage, and mangels	commonly combined with Potato production as a mitigation within the rotation.	
60	Part 3 Farming Clause 25	Definitions for Part 3 certified FW-FP	An FW-FP that has been certified by an approved farm environment planner in accordance with clause 40	<p>Seems to require a modular approach to a farm plan, explicitly focussed on freshwater as a standalone module</p> <p>PNZ supports the management of freshwater but notes that the current NZGAP compliance system does not match with the requirement for a standalone model.</p> <p>The system is integrated across a broad range of management practices and actions.</p> <p>PNZ support the attention and focus on</p>	Amend Clause 40 as described below in Row 91.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				freshwater risks and mitigations, however would want to avoid duplication or extracting for a standalone FW-FP.	
61	Part 3 Farming Clause 25	Definitions for Part 3 commercial vegetable production	The commercial production on a horticultural farm of vegetable crops for human consumption	The concept of being grown on a horticultural farm is difficult to understand, given the wide range of rotations; and the prevalence of sharing and leasing.	The definition should match other plans that have based a definition on the Commodity Levy Order; for vegetables. The definition should include the production of potatoes.
62	Part 3 Farming Clause 25	Definitions for Part 3 critical source area	A landscape feature such as a gully, swale, or depression that accumulates runoff from adjacent flats and slopes and delivers it to surface water		Retain the definition as notified.
63	Part 3 Farming Clause 25	Definitions for Part 3 dairy cattle	Definition excludes dairy support		PNZ has no comment
64	Part 3	Definitions for Part 3	Any cow not currently		PNZ has no comment

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
	Farming Clause 25	dairy support	being milked but intended for milking that is not on the milking platform farm		
65	Part 3 Farming Clause 25	Definitions for Part 3 drainage ditch	Artificial water course (excluding swale).		Retain the definition as notified.
66	Part 3 Farming Clause 25	Definitions for Part 3 effective hectare	Area of a farm on which animals are actively grazed.		PNZ has no comment
67	Part 3 Farming Clause 25	Definitions for Part 3 enterprise	one or more parcels of land held in single or multiple ownership to support the principle land use, or land on which the principle land use is reliant, which constitutes a single operating unit for the purposes of management	<p>The functionality of an enterprise is an important plank of commercial vegetable production for PNZ.</p> <p>As such the definition and its use in the NES and widely in regional plans is critical.</p> <p>Will this definition apply broadly to farming</p>	<p>PNZ request to change the definition of enterprise:</p> <p>“enterprise means <u>an aggregation of</u> one or more parcels of land held in single or multiple ownership <u>that to</u> support the principle land use, or land on which the principle land use is reliant, which constitutes a single operating unit for the purposes of management. “</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>activities?</p> <p>Or is it confined to one of the activities within this Part of the NES?</p> <p>We note the ECAN definition is potentially simpler to understand and more relevant.</p>	
68	Part 3 Farming Clause 25	Definitions for Part 3 farm	A property, area of land, or enterprise used for pastoral farming, horticultural farming, or arable farming, other than a farm engaged in intensive indoor primary production		Retain the definition as notified.
69	Part 3 Farming Clause 25	Definitions for Part 3 farm year	Year 1 July – 30 June		Retain the definition as notified.
70	Part 3 Farming	Definitions for Part 3 FW-FP	The Freshwater Module of a Farm Plan, as provided for in subpart		See relief sought in relation to Clause 40

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
	Clause 25		3 of this Part		
71	Part 3 Farming Clause 25	Definitions for Part 3 horticultural farming	horticultural farming means farming where the predominant activity is growing food or beverage crops for human consumption (other than arable crops), or flowers for commercial supply	All the definitions overlap? This will create significant confusion. Definition is not referred to in any other location?	PNZ recommend this definition is deleted or changed. Ensure the definition is modified to reflect permanent cropping and flower production and greenhouses and glasshouses. Ensure definitions do not overlap as they currently do.
72	Part 3 Farming Clause 25	Definitions for Part 3 intensive winter grazing	Grazing on annual forage crops between May and Sept inclusive		PNZ has no comment on the definition
73	Part 3 Farming Clause 25	Definitions for Part 3 low-slope land	To be defined in a MfE mapping tool	3 slope class limits proposed as options all less than many current plans – 5,7,10 degrees provided as options. Scale of mapping may be an issue as usual.	A 15 degree slope threshold is supported by current planning approaches; and PNZ seeks the threshold to be 15 degrees.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
74	Part 3 Farming Clause 25	Definitions for Part 3 pastoral farming	“Predominant activity” of grazing stock		PNZ has no comment on the definition
75	Part 3 Farming Clause 25	Definitions for Part 3 pugging	The process of penetration into soil surface by the hooves of grazing animals in wet conditions, causing direct damage to pasture and soil structure		PNZ has no comment on the definition
76	Part 3 Farming Clause 25	Definitions for Part 3 stockholding area	A permanent or semi- permanent area, covered or uncovered, that is constructed to hold livestock at a stocking density that precludes the maintenance of pasture or vegetative groundcover, and: a) includes feedpads, winter pads, standoff pads,		PNZ has no comment on the definition

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			<p>loafing pads; but</p> <p>b) does not include areas used for animal husbandry purposes, such as stockyards, milking sheds, or woolsheds.</p>		
77	Part 3 Farming Clause 26	Application of Part 3	<p>Sets de minimus of:</p> <p>a) pastoral farms of less than 20 hectares;</p> <p>b) arable farms of less than 20 hectares;</p> <p>c) horticultural farms of less than 5 hectares.</p> <p>Where this section of the NES does not apply.</p>	PNZ sees no issue with a minimum size being applied but suggests that the area standard could be 4.1 ha for commercial vegetable production if it was considered important to reflect current regional instruments.	Retain the minimum areas as notified
78	Part 3 Subpart 1 – Livestock control Clause 27	Discretionary activity rule - feedlots	<p>Threshold of 80 days in a year use for the purpose of hand or mechanical feeding</p> <p>Setback conditions</p>	Minimum conditions applied – 50 m buffer from any bore, <u>drainage ditch</u> , the CMA or waterbody.	PNZ has no comment on the rule

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			<p>Effluent disposal condition</p> <p>Triggers requirement for FW-FP to be implemented sooner than 2 years from commencement of NES.</p>		
79	Part 3 Subpart 1 – Livestock control Clause 28	Permitted and discretionary rules – sacrifice paddocks	<p>Defines and requires 50m exclusion buffer from water sources and cannot include a critical source area.</p> <p>Discretionary Activity rule has requirement for early adoption of FEP for any consent application.</p>		PNZ has no comment on the rule but generally supports the management of this activity.
80	Part 3 Subpart 1 – Livestock control Clause 29	Restricted discretionary and discretionary rule – other stock holding	Similar format to discretionary – but limit of 30 days holding in 12 month period.		PNZ has no comment on the rule but generally supports the management of this activity.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			Default to discretionary if matters of discretion not met.		
81	Part 3 Subpart 1 – Livestock control Clause 30	Permitted; Restricted discretionary and discretionary rules - Intensive winter grazing	PA sets benchmark slope of 1-15 degrees. Must be less than 30ha. Direction of grazing top to bottom. No critical source area. Options for 20m and 5m exclusion buffer from freshwater or drainage ditch. Re-sown in 1 month. No pugging > 10/20 cm over 50% of paddock. RDA applies for same scale of activity that exists prior to commencement date (2013-2019 benchmark period).	Intensive winter grazing in certain areas that is not a permitted activity or a restricted discretionary activity may be a discretionary activity – see clause 33.	PNZ has no comment on the rule but generally supports the management of this activity.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			DA default.		
82	Part 3 Subpart 2 - Intensification Clause 31	Application area	Any area not covered by an NPS compliant plan is subject to the intensification provisions.	<p>The NPS compliance requirement is set out clearly.</p> <p>PNZ observe that some regional plans would meet the test in principle for the 2017 NPS but all will not meet the 2019 NPS test.</p> <p>Most plans will fail at least part of this standard.</p> <p>Given the increases to the NOF and tightening of the policy framework for environmental outcomes in the 2019 NPS, PNZ recommend using only the one benchmark.</p> <p>The concept of a sunset clause on intensification provisions is generally supported as incentive to</p>	<p>PNZ recommends deleting clause 31(2)(a) as this will generate two policy development stages across regions in New Zealand.</p> <p>Further PNZ recommends a Te Mana o Te Wai Commission to oversee Council implementation of the NPS & NES.</p> <p>Including RMA regulations that establish the Commission's role to oversee and arbitrate water related process matters to balance the regulatory demands of Council with community expectations for resource management.</p> <p>Appropriately enable and resource the Commission to respond to legitimate grievances raised when values are not appropriately recognised and provided for, or when communities are hampered by a regional authority's failure to implement freshwater outcomes which reflect communities nationally and locally.</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>produce compliant plans; but it must be recognised that some recourse must be had for communities to ensure that local communities do not bear the cost of non-compliant councils not undertaking plan changes.</p> <p>PNZ notes and supports the direction for a new national body to oversee water. This proposal supported by the Kahui Wai Maori and Freshwater Leaders Group recommend the establishment of an independent national body to oversee freshwater management implementation.</p>	
83	Part 3 Subpart 2 - Intensification	Limit on consent duration	Any consent granted prior to 2030 under this section must expire Dec	Puts the onus on users of land to ensure the Council has an NPS	PNZ supports the ability to obtain resource consent for uses on land in the transitional period while

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	Clause 32		<p>31 2030.</p> <p>Any consent granted under this section post 2030 must be for 1 year in duration only.</p>	<p>compliant plan.</p> <p>Given the large number of 'moving parts' in water policy at present the ability to seek consent under these transitional provisions is a pragmatic response. PNZ support the ability to obtain a bridging consent to cover the period from 2025 to 2030. As many growers are concerned with the uncertainty in the Govts discussion documents for allocation principles for natural resources.</p>	<p>Council's prepare and complete their next generation plans to give effect to the NPS 2019.</p> <p>Our support for the transitional provisions is based on the recommended changes to clause 36 for commercial vegetable production during this time.</p> <p>As there is considerable uncertainty we believe a consent term which covers the period of change is important.</p> <p>We also stress the importance of a National Water Commission as noted above is required to appropriately safeguard against this expiry date.</p> <p>As the penalties in this regulation, for incompleteness of a compliant plan fall on the applicants, It may also be necessary to impose impacts that directly fall on Council; such as a direct call in process to the EPA for plan preparation and hearings.</p>
84	Part 3 Subpart 2 -	Discretionary rule -	In "certain areas" this activity is discretionary		PNZ has no comment on the rule but generally supports the management of

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
	Intensification Clause 33	Intensive winter grazing within certain areas	if beyond scale of benchmark period (2013-2019).		this activity.
85	Part 3 Subpart 2 - Intensification Clause 34	Permitted and discretionary Rules – Irrigated farming	Increased area of land irrigated is Permitted if the increase <10ha. Breach of the 10ha limit is a discretionary application.	<p>The rule assumes that irrigation is intensification – and this is clearly not always the case.</p> <p>The consent application appears additional to any take requirement for consent but covers many aspects of the use consent.</p> <p>What is happening to Take and Use activities under section 14 to avoid duplication?</p> <p>PNZ recommend changes to horticultural farming definition could provide an exclusion as an option to avoid .</p>	<p>PNZ does not support a blanket rule relating to irrigation.</p> <p>The management of the water quality effects is critical to good management practice.</p> <p>The proposed rule is not effects based as efficient irrigation for commercial vegetable production is one of the more effective mitigations for nitrogen leakage as it provides for plant uptake and export.</p> <p>Delete Clause 34; or exclude commercial vegetable production and potato production from the rule.</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
86	Part 3 Subpart 2 - Intensification Clause 35	Permitted, Discretionary Rules - High-risk land use changes	<p>Application of the clause is to any increased use of land post commencement :</p> <p>a) land that was used for arable, sheep, deer, or beef farming (old use) is changed to being used for dairy support (new use);</p> <p>b) land that was used for arable, sheep, deer, beef, or dairy support farming (old use) is changed to being used for dairy farming (new use);</p> <p>PA standard is >10ha converted to dairy.</p> <p>Default is discretionary.</p>	<p>PNZ notes the proposed clause for regulation does not include Commercial Vegetable Production; which should be included because the change in activity will automatically increase microbial discharge risk.</p> <p>No reference to benchmarking here – see FW-FP.</p>	<p>Amend Clause 35 as follows:</p> <p>35 (1) This clause applies to any farm in which any of the following changes, from an old use to a new use, occur after the commencement date:</p> <p>land that was used for <u>commercial vegetable production</u>, arable, sheep, deer, or beef farming (old use) is changed to being used for dairy support (new use);</p> <p>b) land that was used for <u>commercial vegetable production</u>, arable, sheep, deer, beef, or dairy support farming (old use) is changed to being used for dairy farming (new use);</p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
87	Part 3 Subpart 2 - Intensification Clause 36	Permitted, Discretionary Rules – Commercial Vegetable Production (CVP)	<p>Allows for existing farm area within a “freshwater management unit” to be permitted within the cap of the benchmark period (2013-2019).</p> <p>If the area of land increased from the benchmark period discretionary consent application is required. The DA has a limitation of an FW-FP and must not increase the “average” discharge of all 4 contaminants (N, P, Sed, Bacteria) <i>for the farm</i> between 2013-2019.</p>	<p>The proposed regulations for rules to manage the commercial vegetable production sector allows for existing farm area within a “freshwater management unit” to be permitted within the cap of the benchmark period (2013-2019).</p> <p>If the area of land increased from the benchmark period discretionary consent application is required. The DA has a limitation of an FW-FP and must not increase the “average” discharge of all 4 contaminants (N, P, Sed, Bacteria) <i>for the farm</i> between 2013-2019.</p>	<p>PNZ is concerned with the proposed approach and a preferred option for amendment is outlined below.</p> <p>Permitted activity</p> <p>(1) Any land use for commercial vegetable production by a farm since the commencement date is a permitted activity if the following conditions are met:</p> <ol style="list-style-type: none"> a. the commercial vegetable production occurs on Highly Productive Land; or b. the total area of land in commercial vegetable production does not exceed the greatest total amount used for vegetable growing in that freshwater management units by the farm in any one farm year between the 2013/14 and 2018/19 farm years; c. the land in commercial vegetable production includes 10m buffers for any river, lake or natural

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				<p>PNZ note the proposed NES text has this “Option” worked through – it is one of 2 options referred to in the discussion document.</p> <p>Option 1 requires no increase in nutrient loss.</p> <p>Option 2 provides for increase in CVP as a discretionary activity. If Option 2 is chosen CVP will not require an NDA. If Option 1 is chosen CVP will very likely require an NDA and will probably have controls along the lines of those proposed for pastoral farming in Part 3 Subpart 4 (point 93 in the briefing below).</p> <p>The proposed DA is not</p>	<p>wetland; measured as the median distance from the riparian edge within the commercial vegetable production land.</p> <p>Controlled Activity</p> <p>(2) Any land use for commercial vegetable production by a farm since the commencement date which does not meet the conditions in subclause 36(1) is a controlled activity subject to the following conditions are met:</p> <ol style="list-style-type: none"> a. commercial vegetable growing operations operate at good management practice; b. the commercial vegetable production rotation (unless a farm enterprise) is within a single FMU; c. a certified FW-FP is submitted as part of any application for resource consent; and d. If commercial vegetable

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>clear. How will “average be judged and what farm is being referred to – is it the CVP enterprise or the pre-existing land use on the farm being utilised to enable the increase?</p> <p>PNZ is deeply concerned that the proposals are inconsistent with recent Government policy for highly productive land⁹ (HPL) . They also appear to lack the acknowledgment in recent plans of difficulties in regulating the requirement for rotation. Canterbury Regional Council have recently recognised the particular constraints that apply to commercial vegetable</p>	<p>growing operations are managed as an enterprise, a rotation management plan is submitted with any application.</p> <p>The Council reserves control over the following matters:</p> <ul style="list-style-type: none"> i. The methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; ii. The timing for mitigation actions required within the FW-FP; iii. The term of the consent; iv. The content of a rotation management plan; v. The monitoring, reporting and review requirements for mitigation actions required within the FW-FP. <p><i>Applications will generally be</i></p>

⁹ NPS for Highly Productive Land discussion document 2019

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				<p>growing operations (including the need to rotate crops to avoid soilborne diseases and for growing locations in close proximity to processing facilities) and provide a nutrient management framework that appropriately responds to and accommodates these constraints while improving or maintaining water quality.</p> <p>The CVP sector is actively developing collectivised approaches to regulatory compliance; along the lines of an enterprise type of resource consent (similar to irrigation schemes) pathway.</p>	<p><i>considered without notification, without the need to obtain the written approval of affected persons.</i></p> <p>Restricted Discretionary Activity</p> <p>(3) Any land use for commercial vegetable production which does not comply with subclause 36(2) or the establishment of a new commercial vegetable growing operation, or any expansion of an existing commercial vegetable growing operation within Highly Productive Land areas is a restricted discretionary activity. The following matters are reserved for Council discretion:</p> <ul style="list-style-type: none"> i. The content and certification of the FW-FP; ii. The location of growing activities on Highly Productive Land; iii. The nitrogen, phosphorus and sediment discharges of

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				<p>Accompanying this PNZ is investing in direct measurement tools and better farm environment plan support. We seek the ability to collectivise grower efforts to improve water quality by enabling a consent pathway for enterprises across FMU's; as a discretionary activity.</p> <p>CVP is a unique farm system where land parcels are often leased from landowners for CVP requiring routine changes in land use over the term of rotation which may last from 6months to several years. The rotation cycle means that effects are distributed spatially and temporally</p>	<p>the farm that result from the land use will not increase the baseline discharges of those discharges within a FMU;</p> <ul style="list-style-type: none"> iv. The methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; v. The timing for mitigation actions required to manage discharges associated with the activity; vi. The term of the consent; vii. The content of a rotation management plan; and viii. The monitoring, reporting and review requirements for mitigation actions required within the FW-FP. <p><i>Applications will generally be considered without notification, without the need to obtain the written approval of affected persons.</i></p>

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>across the catchment. Although they are confined in general to the versatile soils in HPL within FMU's.</p> <p>PNZ does not support the proposed rule framework for managing land use change for CVP.</p> <p>An alternative regulatory framework is required to provide for 1 - A national planning approach is important because:</p> <ul style="list-style-type: none"> • Growing vegetables is a nationally integrated food system • Healthy Food is essential for New Zealand's wellbeing and food security 	<p>(4) Discretionary Activity</p> <p>Any land use for commercial vegetable production which does not comply with subclause 36(3) or the establishment of a new commercial vegetable growing operation, or any expansion of an existing commercial vegetable growing operation outside Highly Productive Land areas is a discretionary activity.</p>

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				<ul style="list-style-type: none"> • A nationally consistent approach to regulation for commercial vegetable growing will improve investment decisions <p>The principles for a rule framework for Commercial Vegetable Production are:</p> <ul style="list-style-type: none"> • Recognition that export and domestic vegetable growing is integrated across NZ's regions and consistent regulation is required • Production is located on Highly Productive Land (HPL) • Support existing vegetable growing with the ability for expansion within 	

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>environmental constraints</p> <ul style="list-style-type: none"> • Risk based approach to good management practices aligned with NZGAP • Crop rotation supported within HPL • Expansion of commercial vegetable production with HPL when values in the catchment are met and supported. • Consented activities to provide security and consistently assess risks • Enterprise consents supported by industry led decision support tools • Consents are granted to operator(s) not landowner's and can 	

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>be transferred</p> <ul style="list-style-type: none"> • Additional risk assessments and mitigation action for sensitive catchments • Farm Environment Plans which are nationally consistent, independently audited and certified. <p>The relationship of FW-FP for CVP in the rules is not included here.</p>	
88	<p>Part 3 Subpart 3 – Freshwater Module in Farm Plans (FW-FP).</p> <p>Clause 37</p>	Application of Subpart 3	<p>FW-FP required within 2 years of commencement for all:</p> <p>a) farms used for commercial vegetable production;</p> <p>b) farms in the catchments and subcatchments</p>	<p>It needs to be made explicit that this is a standard. PNZ sees real difficulties with this standard being attached to a permitted activity.</p> <p>All vegetable growers are to have an FW-FP within 2 years of the commencement date.</p>	<p>Delete the term “horticultural farming” from the NES and replace with “Low impact horticulture”.</p> <p>The definition needs to include – permanent crops such as fruit and avocados; glass house production and seed production.</p> <p>Make it clear what the status of Clauses 37 and 38 are: Are they</p>

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			<p>identified in Schedule 1; c) farms in the Kaipara catchment that are on highly erodible land.</p> <p>All other farms <u>this standard applies to</u> require FW-FP by 2025</p>	<p>How will the FW-FP be assessed in terms of the proposed methods for managing commercial vegetable farming?</p> <p>PNZ are confused with the addition of a new term of 'Horticultural farms'?</p> <p>If a farm is identified in the definitions does the NES apply if referred to nowhere else?</p> <p>The rotation practices for potato production mean that land use for commercial vegetable production is often on pastoral land leased for a single year. The remaining 5 to 12 years of the rotation may be in dairy or grazing.</p>	<ul style="list-style-type: none"> • Regulations • Standards • Permitted Activity Rules <p>Where a FW-FP is required to meet the permissions of a permitted activity; demonstrate how a Regional Council will determine the effect of the activity is less than minor.</p>
89	Part 3 Subpart 3 –	Content of FW-FP	Detailed description of	PNZ notes the	PNZ request that Clause 38 is amended

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
	Freshwater Module in Farm Plans (FW-FP). Clause 38	Clause 38	FW-FP requirements	<p>identification of sites on HAIL. HAIL includes all horticultural land without limitation.</p> <p>Generally the reference to HAIL is questionable as HAIL includes all horticultural land. In practice; only land grown on pre 1985 (when organochlorine use was phased out) should be regarded as potentially hazardous.</p> <p>PNZ support the attention provided to a risk assessment and data collection prior to regional, FMU and sub-catchment natural resource accounting frameworks as outlined in the NPS.</p> <p>PNZ believe the systematic connection of</p>	<p>as follows:</p> <p>38 Content of FW-FP (1) Every FW-FP must include at least the following:</p> <ul style="list-style-type: none"> a) the physical address of the farm; b) the legal description of the land; c) the farm identifier (if any); d) the name, address, and contact details of the land owner; e) the contact details of the person responsible for overseeing the implementation of the FW-FP; f) reference to every relevant resource consent, along with the date it was granted and the date (if any) on which it expires; g) mapping requirements that meet the requirements of subclause (2); h) a risk assessment that meets the requirements of subclause (3); i) action points that address the

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
				<p>risk with the receiving environment is a robust approach to determine the effectiveness of mitigations and to provide the data for future accounting tool.</p> <p>PNZ has invested significantly in understanding the linkages between production activities and losses of nutrients.</p> <p>PNZ believe the content of the FW-FP should align to industry decision support tools and focus on risk assessment, targeted mitigations, performance monitoring and adaptive management.</p>	<p>risks identified under subclause (3) and meet the requirements of subclause (4);</p> <p>j) for farms in the catchments and subcatchments identified in Schedule 1, action points to reduce nitrogen discharges in accordance with subclause (5).</p> <p>(2) The mapping required in an FW-FP must, whether using maps, aerial photography, or both, clearly show the following:</p> <ul style="list-style-type: none"> a) the boundaries of the property; b) the boundaries of the main land management units within the property; c) location of soil types, <u>including soils vulnerable to nitrogen leaching</u>; d) location of permanent or intermittent rivers, streams, lakes, drainage ditches, ponds, overland flow paths, and wetlands; e) the locations of groundwater, including depths to saturated layers, and recharge zones; f) The locations of erosion prone

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
					<p>land;</p> <ul style="list-style-type: none"> g) the location of source protection zones for human drinking water; h) the location of riparian vegetation and fences (including virtual fences) adjacent to waterbodies; i) the location on all water bodies where stock access or crossing occurs; j) the location of land management practices identified in subclause (3) including any critical source areas for contaminant loss. <p>(3) The risk assessment part of the FW-FP must identify and assess the risk of contaminant losses from the farm, with consequent impacts on freshwater ecosystem health, associated with any of the following activities carried out on the farm:</p> <ul style="list-style-type: none"> a) land management activities occurring on or near the locations referred to in subclause (2)(c) – (j); b) previous or existing land uses

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
					<p>that may be hazardous, such as:</p> <ul style="list-style-type: none"> i. offal pits and farm dumps; ii. land on which an activity or industry described in the Hazardous Activities and Industries List (<u>other than commercial vegetable or fruit production converted after 1985</u>) is being, or has been, undertaken; c) management of erosion-prone land; d) management of land vulnerable to nitrogen loss to a waterbody; e) management of soil loss resulting from land disturbance; f) irrigation; g) stock management and exclusion (including assessment of appropriate setbacks), especially near waterbodies, drainage ditches, and riparian margins; h) fertiliser and effluent management; i) management of contaminant

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					<p>loss as a result of land disturbance;</p> <ul style="list-style-type: none"> j) management of activities required by this Standard to have a FW-FP; k) risks to waterbodies evaluated by decision support tools. <p>(4) The action points in an FW-FP must address the risks identified under subclause (3) and set out the actions that the person implementing the FW-FP is undertaking, or will undertake, to avoid, remedy, or mitigate the loss of contaminants, along with timeframes for those actions.</p> <p>(5) The action points in an FW-FP must set out the actions (with timeframes where relevant) that the person implementing the FW-FP is undertaking, or will undertake, to avoid, remedy, or mitigate the loss of contaminants in accordance with:</p> <ul style="list-style-type: none"> a) any relevant plan rule; or b) where there are no relevant plan rules, adaptive management principles appropriate for the farm type,

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					size and operation to meet environmental outcomes for the FMU.
90	Part 3 Subpart 3 – Freshwater Module in Farm Plans (FW-FP). Clause 39	Obligations Clause 39	There is an obligation to provide the module to the regional council if requested.	It is considered that the requirement to maintain a separate module may be onerous and the provision of records may be difficult when they are abstracted for multiple purposes on the enterprise.	PNZ request that Clause 39 is amended as follows: “39 Obligation to provide <u>make available</u> FW-FP if required The person who is responsible for an FW-FP must, on request by the relevant regional council, provide a copy of <u>make the FW-FP available to Council for viewing</u> as soon as practicable.”
91	Part 3 Subpart 3 – Freshwater Module in Farm Plans (FW-FP). Clause 40	Certification	Ministerial certification process with listed standards. A certification programme is to be provided.		Retain the Clause as notified.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			FW-FP completion to be reported by certifier to Council		
92	Part 3 Subpart 3 – Freshwater Module in Farm Plans (FW-FP). Clause 41	Audit	Certifiers to be audited. Auditor to be approved by Ministers.		Retain the definition as notified.
93	Option to include Part 3 Subpart 4 – Management of nitrogen in Schedule 1 catchments. Clause 42-48	NDA (Nitrogen assessment) requirement for pastoral farming activities in Schedule 1 catchments	Schedule 1 has 13 catchments: Taharua River (Hawke’s Bay) Waipao Stream (Northland) Mataura River (Southland) Oreti River (Southland) Waimatuku Stream (Southland) Aparima River	This is a clear signal of the desire by Government to tackle allocation. Nitrogen baselines established first in first served as grandparenting may have a clear advantage for some sectors. It is prudent to calculate and match the baseline period for land use across a term equivalent to the monitoring period as this	Provide an transitional approach for commercial vegetable production (including potato cropping) as requested above. PNZ do not support the development of a nitrogen reference point, that does not require the collection of information that can be used to establish a factually based allocation framework.

Ref	Section	Topic	Meaning of change	Discussion	Decision sought
			<p>(Southland)</p> <p>Waihopai River (Southland)</p> <p>Waingongoro River (Taranaki)</p> <p>Motupipi River (Tasman Region) Piako River (Waikato Region)</p> <p>Waihou River (Waikato Region) Parkvale Stream (Wellington) Upper Rangitaiki and Otangimoana Rivers (Bay of Plenty).</p> <p>Nitrogen baselines will be required for pastoral farming activities, They will be required utilising OVERSEER with approved NMP advisers.</p> <p>2018-2019 is the</p>	<p>provides the relationship between land use and observed effects.</p> <p>PNZ notes that on any landuse not controlled if there is risk. This includes urban and peri-urban activities.</p> <p>If applied nitrogen baselines will ultimately dictate the flexibility of rural land use and affect the price of rural land.</p> <p>PNZ prefer a science based approach to allocation where potential and quantified risks are compared with observed effects and changes required to meet environmental outcomes determined by the local values for Te Mana o te</p>	

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			<p>benchmark year. Activities judged to be in exceedance of the locally set threshold values (regional Councils to undertake) will be controlled activities for 5 years with the matter of control being N loss.</p>	<p>Wai and ecosystem services.</p>	