

Appendix 2: Recommended Amendments to Provisions – Hearing Stream 5 – Freshwater and Te Mana o te Wai Rebuttal

Section 42A recommended amendments are shown in *red text*. Additions are underlined and deletions are ~~struck through~~.

Rebuttal recommended amendments are shown in *blue text*. Additions are underlined and deletions are ~~struck through~~.

Chapter 3.4: Fresh water (including public access) Chapter Introduction

Fresh water is integral to our health, wellbeing, livelihood and culture. Freshwater is essential for our economy and defines our landscape and sustains ecosystems. People value clean fresh water for many reasons – economic, recreational, aesthetic, ecological and cultural. It is a matter of national importance to protect wetlands, lakes, rivers and streams and their margins from inappropriate use and development.

The region’s fresh water has to meet a range of uses valued by the community. There is a range of differing uses and values associated with fresh water. The resource needs to be available to meet the needs of both current and future generations. This range of uses and values leads to multiple pressures on the quantity and quality of the fresh water which can cumulatively impact on the availability and value of the resource for use. This is a complex issue that involves multiple resource users with differing values. A whole of catchment approach is particularly useful for understanding and managing these complexities. It is also important that the flow of water is managed appropriately.

The concept of Te Mana o te Wai is central to freshwater management, as set out in the NPS-FM. Te Mana o te Wai includes a hierarchy of obligations, as follows:

- First, the health and wellbeing of water bodies and freshwater ecosystems as the first priority.
- Second, the health needs of people (such as drinking water)
- Third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.

This hierarchy of obligations, and the broader concept of Te Mana o te Wai, demonstrates the primacy of water and that the health and wellbeing of water impacts the wider environment. Under the NPS-FM, freshwater management must be undertaken in accordance with this hierarchy and principles.

Māori consider fresh water to be a significant taonga (valued resource) that plays a central role in ~~both spiritual and secular realms.~~ In the Māori world view, wWater represents the life blood of the land. The condition of water is a reflection of the state of the land, and this in turn is a reflection of the health of the people.

The management of freshwater requires an integrated approach, ki uta ki tai, that recognises the interconnectedness of the whole environment.

[...]

There are ~~eight~~ seven major discharges of treated sewage to fresh water in the region – one from the treatment plant at Paraparaumu, ~~one from Rathkeale College in Masterton~~, with the rest from the Wairarapa towns of Masterton, Castlepoint, Carterton, Greytown, Featherston and Martinborough. Treated sewage often contains high levels of disease-causing organisms that can make the rivers unsafe for recreational use, as well as nutrients, which can promote nuisance aquatic weed and algal growth. Discharges of wastes into water bodies are of particular concern to tangata whenua because waste, particularly sewage waste, degrades the mauri (life force) of the water body.

[...]

Since 2018, the regional council has been progressing whaitua processes with mana whenua/tangata whenua and community representatives across the Wellington Region to develop Whaitua Implementation Programmes (WIPs) to improve the health of freshwater. There are five whaitua (catchments) in total being Ruamāhanga, Te Awarua-o-Porirua, Whaitua Te Whanganui-a-Tara, Kāpiti, and Wairarapa Coast. The following WIPs have been completed to date:

- Ruamāhanga Whaitua (2018)
- Te Awarua-o-Porirua Whaitua and the Statement of Ngāti Toa Rangatira (2019)
- Whaitua Te Whanganui-a-Tara and Te Mahere Wai o Te Kāhui Taiao (2021)

The WIPs include freshwater values, objectives, outcomes and recommendations which inform freshwater provisions of the RPS and the direction provided to regional and district plans.

The *Te Mana o Te Wai* objective is required by the NPS-FM (3.2(3)): requires the RPS to include an objective that describes how the management of freshwater in the region will give effect to *Te Mana o te Wai*". Each iwi of the region ~~have~~ can expressed what *Te Mana o Te Wai* means to them in their own words and these expressions can be included in the RPS. ~~These expressions of *Te Mana o Te Wai* form part of this objective.~~

The RPS includes several policies to give effect to *Te Mana o te Wai* including specific policy direction that the mana whenua/tangata whenua expressions of *Te Mana o te Wai* must be recognised and provided for. These expressions underpin the regional response to *Te Mana o te Wai*. ~~The regional council "must include an objective in its regional policy statement that describes how the management of freshwater in the region will give effect to *Te Mana o te Wai*" (NPS-FM 3.2 (3)). The *Te Mana o Te Wai* objective in this RPS repeats the requirements of the NPS-FM, and then provides how each iwi of the region wishes to articulate their meaning of *Te Mana o Te Wai*.~~

Note: There are six iwi wishing to express their meaning of *Te Mana o Te Wai* as part of this objective. There are ~~two~~ three expressions of *Te Mana o Te Wai* in this RPS at this time from Rangitāne o Wairarapa, ~~and~~ Kahungunu ki Wairarapa, and Taranaki Whānui. Others will be added either through the Schedule 1 process or in future plan changes.

All policies and methods in this RPS relating to freshwater must contribute to achieving this objective.

Objective 12

Objective 12

Natural and physical resources of the region are managed in a way that prioritises:

- ~~(a) first, the health and well-being of water bodies and freshwater ecosystems~~
- ~~(b) second, the health needs of people (such as drinking water)~~
- ~~(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future; and~~

~~Te Mana o te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this RPS and its implementation. The six principles are:~~

- ~~(a) Mana-whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater~~
- ~~(b) Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations~~
- ~~(c) Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others~~
- ~~(d) Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future~~
- ~~(e) Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations, and~~
- ~~(f) Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.~~

~~And the Statements of Kahungunu ki Wairarapa and Rangitāne o Wairarapa~~

Objective 12 – Te Mana o te Wai in the Wellington Region

~~The mana of the Region’s waterbodies and freshwater ecosystems is restored and protected by ongoing management of land and water that are returned to a healthy state and the ongoing management of land and water:~~

- ~~a) Restores the mana of water and its fundamental role in providing for the current and future health and wellbeing of the environment and the community~~
- ~~(ab) As the first priority, returns water bodies and freshwater ecosystems to, and thereafter maintains them, in a state of tūhauora/good health~~
- ~~b) **Protects** Maintains the health and wellbeing of waterbodies and freshwater ecosystems **from** further degradation and improves the health and wellbieng of degraded waterbodies and freshwater ecosystem health~~
- ~~c) Incorporates and protects mātauranga Māori, in partnership with mana whenua/tangata whenua~~
- ~~d) Recognises and provides for the individual natural characteristics and processes of waterbodies and their associated ecosystems~~
- ~~e) **Re-establishes** Acknowledges and provides for the connections and relationships of mana whenua/tangata whenua connections with freshwater~~

- f) Provides for the ability of mana whenua/tangata whenua to safely undertake their cultural and spiritual practices associated with freshwater, including mahinga kai
- g) Includes Actively involves mana whenua/tangata whenua in decision-making in relation to the Region’s waterbodies
- (ga) Supports the wellbeing and safety of the community, by providing for the ability to carry out recreational activities, in and around freshwater environments
- (gb) Supports and protects an abundance and diversity of freshwater habitats
- h) Applies the Te Mana o te Wai hierarchy of obligations by prioritising:
 - i. First, the health and wellbeing of waterbodies and freshwater ecosystems,
 - ii. Second, the health needs of people
 - iii. Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

New Freshwater policy in Chapter 4.1 – Regulatory Policies

Policy FWXXA – Mana whenua/tangata whenua and Te Mana o te Wai – regional and district plans

District and regional plans shall include objectives, policies, rules or and, where appropriate, other methods to give effect to Te Mana o te Wai, and in doing so:

- (a) Recognise and provide for the mana whenua/tangata whenua Statements of Te Mana o te Wai in Appendix 5, as applicable to the territorial authority area shown in Table X. Regional plans shall apply the mana whenua/tangata whenua statements as relevant to the scope and content of the plan change or review process.
- (b) Partner with mana whenua/tangata whenua in the development of the required district and regional plan objectives, policies, rules or other methods that give effect to Te Mana o te Wai.

Table X: Mana whenua/tangata whenua statements and applicable territorial authority areas

| <u>Mana whenua/tangata whenua statement</u> | <u>Territorial authority area(s)</u> |
|--|---|
| <u>Rangitāne o Wairarapa</u> | <u>Masterton District</u> <u>Carterton District</u> <u>South Wairarapa District</u> |
| <u>Kahungunu ki Wairarapa</u> | <u>Masterton District</u> <u>Carterton District</u> <u>South Wairarapa District</u> |
| <u>Taranaki Whānui</u> | <u>Wellington City</u> <u>Hutt City</u> <u>Upper Hutt City</u> |

Explanation

Policy FWXX sets out the requirements of local authorities in developing regional and district plans in relation to the Mana Whenua/Tangata Whenua Statements of Te Mana o Te Wai in Appendix 5. These statements provide important guidance and information about what Te Mana o te Wai means to mana whenua/tangata whenua across the region. Local authorities must apply Policy FW.XX to give effect to

[Te Mana o te Wai insofar as it relates to their respective functions under sections 30 and 31 of the RMA.](#)

New Freshwater policy in Chapter 4.2 – Regulatory Policies – Matters to be considered

Policy FWXXB: Mana whenua/tangata whenua and Te Mana o te Wai – consideration

[When considering an application that relates to freshwater for:](#)

- (a) [resource consent, have regard to; or](#)
- (b) [a notice of requirement, have particular regard to](#)

~~[, or a change, variation or review of a regional or district plan, have regard to](#)~~ [the mana whenua/tangata whenua Te Mana o te Wai Statements contained in Appendix 5, as applicable to the territorial authority area shown in Table X.](#)

Table X: Mana whenua/tangata whenua statements and applicable territorial authority areas

| <u>Mana whenua/tangata whenua statement</u> | <u>Territorial authority area(s)</u> |
|--|--|
| Rangitāne o Wairarapa | Masterton District Carterton District South Wairarapa District |
| Kahungunu ki Wairarapa | Masterton District Carterton District South Wairarapa District |
| Taranaki Whānui | Wellington City Hutt City Upper Hutt City |

Explanation

[Policy FWXX sets out the requirements of local authorities when assessing an application for resource consent in relation to freshwater and how they must consider the Mana Whenua/Tangata Whenua Statements of Te Mana o Te Wai in Appendix 5. These statements provide important guidance and information about what Te Mana o te Wai means to mana whenua/tangata whenua across the region. Local authorities must apply Policy FW.XX insofar as it relates to their respective functions under sections 30 and 31 of the RMA.](#)

New Freshwater policy in Chapter 4.1 – Regulatory Policies

Policy FW.X Hydrological Control for urban development – regional plans

[Regional plans shall include policies, rules and/or methods for urban development that require hydrological control to avoid adverse effects of runoff quality and quantity \(flows and volumes\) and maintain, to the extent practicable, natural stream flows. Hydrological control standards must be set for greenfield, brownfield, and infill development as follows:](#)

- (a) [For greenfield development:](#)

- i. the modelled mean annual runoff volume generated by the fully developed [site area](#) must not exceed the mean annual runoff volume modelled from the site in an *undeveloped state*
 - ii. the modelled mean annual exceedance frequency of the [2-year Average Recurrence Interval \(ARI\)](#), [50% annual exceedance probability \(AEP\)](#) so-called ‘channel forming’ (or ‘bankfull’) flow for the point where the fully developed area discharges to a stream, or via a stormwater network that discharges to a a stream, must not exceed the mean annual exceedance frequency modelled for the same site and flow event arising from the area in an *undeveloped state*.
- (b) For brownfield and infill development:
- i. the modelled mean annual runoff volume generated by the fully developed [area site](#) must *minimise* any increase from the mean annual runoff volume modelled for the site in an *undeveloped state*, as far as practicable
 - ii. the modelled mean annual exceedance frequency of the [50% annual exceedance probability \(AEP\)](#) peak flow event [2-year ARI](#) so-called ‘channel forming’ (or ‘bankfull’) flow for the point where the fully developed area discharges to a stream, or stormwater network, shall be reduced to *minimise* any increase from the mean annual exceedance frequency modelled for the same site and flow event in an *undeveloped state*, as far as practicable.

Explanation

Policy XX requires regional plans to require hydrological control of urban development in order to manage water quantity and water quality as a result of stormwater runoff from impervious surfaces on a site. Hydrological control provides multiple benefits in terms of managing the frequency of small frequent runoff events that impact on stream resilience and freshwater ecosystem health, maintaining and improving water quality through diverting stormwater from streams as well as supporting resilience during and after intense rainfall events. Different requirements apply to [greenfield and brownfield developments](#). [The 2-year Average Recurrence Interval](#) reflects ‘channel forming’ or ‘bankfull’ flows which is the flowrate that defines the stream structure. Flows in excess of this flowrate can breach stream banks and engage adjacent flood plains where present. [Policy XX](#) provides guidance about the outcomes that should be achieved from hydrological control, rather than

the specific solutions that should be used. This approach enables solutions to be developed that are appropriate based on the characteristics of a particular area or site and supports flexibility and innovation.

Policy 12: Management ~~purposes for~~ of surface-water bodies – regional plans

Regional plans shall give effect to *Te Mana o te Wai* and include objectives, policies, rules and/or methods that:

- (a) ~~require that water quality, flows and water levels, and the aquatic habitat of surface water bodies are to be managed for the purpose of safeguarding aquatic ecosystem health; and~~
- (b) ~~manage water bodies for other purposes identified in regional plans.~~

(a) are prepared in partnership with mana whenua / tangata whenua, and through engagement with communities, stakeholders and territorial authorities, and enable the application of mātauranga Māori ;

(aa) adopt an integrated approach, ki uta ki tai

(b) contribute to ~~achieving the any relevant~~ long-term visions for freshwater ;

(c) identify freshwater management units (FMUs);

(c) manage freshwater through the following ~~freshwater management units (FMUs) whaitua~~ which are shown on Map X:

(i) Kāpiti Whaitua

(ii) Ruamahanga Whaitua

(iii) Te Awarua-o-Porirua Whaitua

(iv) Te Whanganui-a-Tara Whaitua

(v) Wairarapa Coast Whaitua

(ca) identify part FMUs that require specific management within the ~~FMUs whaitua~~ identified in clause (c), in partnership with mana whenua/tangata whenua, and for each part FMU:

- (i) Identify values and environmental outcomes for each value as objectives
- (ii) Identify attributes for each value and the baseline states for those attributes as objectives
- (iii) Identify target attribute states for each attribute that achieve the environmental outcomes
- (iv) Set environmental flows and levels that will achieve environmental outcomes and long-term visions for freshwater, and

(v) Identify limits on resource use, including take limits that will achieve the target attribute states, flows and levels

(d) identify values for every FMU and part FMU, and environmental outcomes for each value as objectives;

(da) For each value identified in clause (d), identify attributes and the baseline states for those attributes

(e) For each attribute identified in clause (da), identify target attribute states that achieve environmental outcomes, and record their baseline state;

(f) set environmental flows and levels that will achieve environmental outcomes and long-term visions for freshwater;

(g) identify limits on resource use, including take limits that will achieve the target attribute states, flows and levels and include these as rules;

(h) identify non-regulatory actions that will be included in Action Plans that will assist in achieving target attribute states (in addition to limits); and

(i) identify non-regulatory and regulatory actions in Actions Plans required by the NPS-FM

Explanation

Policy 12 gives sets out the key elements of giving effect to the national direction set by the National Policy Statement for Freshwater Management 2020, including sections 2.2, 3.2 and 3.8-3.17.

Policy 14: Urban development effects on freshwater ~~and the coastal marine area receiving environments~~ Minimising contamination in stormwater from new development – regional plans

Regional plans shall give effect to Te Mana o te Wai and include objectives, policies, rules and methods for urban development including rules, must that give effect to Te Mana o te Wai and in doing so must:

(a) Enable the active involvement of mana whenua / tangata whenua in freshwater management (including decision-making processes);, and

(ab) Identify and provide for Māori freshwater values are identified and provided for;

(b) Adopt an integrated approach, ki uta ki tai, that recognises the interconnectedness of the whole environment to determine the location and form of urban development;

(c) Require the eControl of both land use and discharge effects from the use and development of land urban development on freshwater and the coastal marine area receiving environments;

(d) Identify how to Achieve the target attribute states and environmental flows and levels set for the catchment;

(e) Require the urban development, including stormwater discharges, earthworks and vegetation clearance to meet any limits set in a regional plan;

- (f) Require ~~that urban development~~ to incorporate water sensitive urban design techniques to minimise the generation of contaminants from stormwater runoff, and maximise, to the extent practicable, the removal of contaminants from stormwater ~~avoid adverse effects of contaminants on waterbodies from the use and development of the land is designed and constructed using the principles of Water Sensitive Urban Design;~~
- ~~(g) Require that urban development located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours;~~
- (h) Require that ~~urban development~~ ~~lot boundaries and new roads for~~ are urban development ~~is is appropriately~~ located and designed ~~and designed~~ to protect and enhance ~~the health and wellbeing of adjacent~~ ~~gully heads, gully heads,~~ rivers, lakes, wetlands, springs, riparian margins and estuaries ~~and other receiving environments, including the natural form and flow of the waterbody;~~
- (i) Require ~~urban development~~ adjacent to natural waterbodies to protect and enhance ~~include~~ riparian ~~margins~~ ~~buffers;~~ for all waterbodies and avoid piping of rivers;
- ~~(ia) avoid the piping of rivers for urban development unless:~~
- ~~(i) there is a functional need for the activity in that location; and~~
- ~~(ii) the effects of the activity are managed by applying the effects management hierarchy;~~
- ~~(i) Require hydrological controls in urban development to avoid adverse effects of runoff quantity (flows and volumes) and maintain, to the extent practicable, natural stream flows;~~
- ~~(k) Require urban development to adopt stormwater quality management measures that will minimise the generation of contaminants, and maximise, to the extent practicable, the removal of contaminants from stormwater; and~~
- ~~(l) Identify and map rivers and wetlands within the area proposed for urban development in partnership with mana-whenua/tangata-whenua and affected landowners;~~
- ~~(m) require that urban development avoids the loss of extent or values of natural inland wetlands, unless; and~~
- ~~(i) the urban development will contribute to a well-functioning urban environment; and~~
- ~~(ii) the urban development will provide significant national, regional, or district benefits; and~~
- ~~(iii) the urban development occurs on land identified for urban development in operative provisions of a regional or district plan; and~~
- ~~(iv) the land proposed for urban development is not zoned general rural, rural production, or rural lifestyle; and~~
- ~~(v) there is no practicable alternative location for the activity within the area of the development; or~~
- ~~(vi) every other practicable alternative location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and~~
- ~~(vii) the effects of the activity are managed by applying the effects management hierarchy; and~~
- ~~(n) promoting and enabling the daylighting of streams.~~

Regional plans shall include policies, rules and/or methods that protect aquatic ecosystem health by minimising ecotoxic and other contaminants in stormwater that discharges into water, or onto or into land that may enter water, from new subdivision and development.

Explanation

Policy 14 manages the effects of urban development, including the effects of contamination in stormwater, earthworks and vegetation clearance from new and existing subdivision and development to halt and reverse the degradation of freshwater and ~~coastal water in receiving environments.~~

Policy FW.3 Urban development effects on freshwater and ~~the coastal marine area receiving environments~~ – district plans

District plans shall include objectives, policies, and methods including rules for urban development, that give effect to *Te Mana o te Wai* and section 3.5(4) of the NPS-FM, and in doing so must:

- ~~(a) Partner with mana whenua / tangata whenua in the preparation of district plans;~~
- ~~(b) Protect and enhance Māori freshwater values, including mahinga kai;~~
- (c) Partner with Provide for mana whenua / tangata whenua and recognise and provide for their relationship with their culture, land, water, wāhi tapu and other taonga;
- (d) Incorporate the use of mātauranga Māori to ensure the effects of urban development are considered appropriately;
- (e) Adopt an integrated approach, ki uta ki tai, that recognises the interconnectedness of the whole environment to determine the location and form of urban development;
- (f) Integrate planning and design of stormwater management to achieve multiple improved outcomes – amenity values, recreational, cultural, ecological, climate, vegetation retention;
- (g) Consider the location, layout and design of urban development in relation to effects on freshwater and ~~the coastal marine area receiving environments of subdivision, use and development of land;~~
- ~~(h) Consider the use and development of land in relation to target attribute states and any limits set in a regional plan;~~
- (i) Require that Water Sensitive Urban Design principles and methods are applied during consideration of subdivision, including the extent of impervious surfaces and ~~in the control of~~ stormwater infrastructure;
- ~~(ia) Require urban development to be designed, constructed and maintained to achieve hydraulic neutrality.~~

- ~~(j) — Require that urban development is located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours;~~
- (k) Require that urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries;
- (ka) Identify aquifers and drinking water source areas in the district and include information about how urban development in these areas is managed in the region;
- ~~(l) Require riparian buffers for all waterbodies and avoid piping of rivers;~~
- ~~(m) — Require hydrological controls to avoid adverse effects of runoff quantity (flows and volumes) and maintain, to the extent practicable, natural stream flows;~~
- ~~(n) — Require efficient use of water;~~
- (o) Manage land use and development in a way that will minimise the generation of contaminants, including in relation to the choice of building materials, and the extent of impervious surfaces;
- ~~(p) — Consider daylighting of streams, where practicable; and~~
- ~~(q) — Consider the effects of land use and development on drinking water sources.~~

Explanation

Policy FW.3 requires district plans to manage the effects of urban development on freshwater and the coastal marine area receiving environments.

Insert a new definition of ‘hydraulic neutrality’

Hydraulic neutrality: managing stormwater runoff from subdivision, use and development through either on-site disposal or storage, so that peak stormwater flows and volumes are released from the site at a rate that does not exceed the modelled peak flows and volumes from the site in an undeveloped state, in the 10% AEP and 1% AEP modelled design rainfall events including the predicted impacts of climate change.

Policy 42 – Effects on freshwater and the coastal marine area receiving environments from urban development ~~Minimising contamination in stormwater from development — consideration~~

When considering an application for a regional resource consent that relates to urban development the regional council must give effect to *Te Mana o te Wai* and in doing so must have particular regard to:

- (a) Adopting an integrated approach, ki uta ki tai, that recognises the interconnectedness of the whole environment to determine the location and form of urban development;
- (b) Protecting and enhancing mana whenua /tangata whenua freshwater values, including

- mahinga kai, in partnership with mana whenua/tangata whenua;
- (c) Providing for mana whenua/tangata whenua and their relationship with their culture, land, water, wāhi tapu and other taonga;
 - (d) Incorporating the use of mātauranga Māori to ensure the effects of urban development are considered appropriately;
 - (e) The effects of use and development of land on water, including the effects on receiving environments (both freshwater and the *coastal marine area*);
 - (f) The target attribute states set for the catchment;
 - (g) The extent to which ~~Require that~~ the *urban development*, including stormwater discharges, ~~earthworks and vegetation clearance~~ meets any limits set in a regional plan and the effect of any exceedances;
 - (h) The extent to which ~~Requiring that~~ urban development ~~is located and designed and constructed using the principles incorporates~~ Water Sensitive Urban Design techniques to minimise the generation of contaminants from stormwater runoff, and maximise, to the extent practicable, the removal of contaminants from stormwater ~~avoid adverse effects of contaminants on water bodies from the use and development of the land;~~
 - ~~(i) Require that urban development located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours;~~
 - ~~(i) Require that urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries; The extent to which the urban development is located and designed ~~location of lot boundaries and new roads to protect~~ and enhances the health and wellbeing of adjacent rivers, lakes, wetlands, springs, riparian margins, and receiving environments, including the natural form and flow of the waterbody.~~
 - (k) The extent to which ~~Require~~ hydrological controls ~~to avoid~~ *minimises* adverse effects of runoff quantity (flows and volumes) and maintain, to the extent practicable, on natural stream flows;
 - (l) The extent to which ~~Requiring~~ urban development incorporates stormwater quality management that will *minimise* the generation of contaminants, and *maximises*, to the extent practicable, the removal of contaminants from stormwater;
 - (m) ~~Requiring~~ The provision of riparian buffers *for urban development* adjacent to natural waterbodies ~~for all waterbodies and avoid piping of rivers;~~
 - ~~(ma) The extent to which the development avoids piping of rivers and whether there is a *functional need* for the activity in that location;~~
 - (n) The practicability of ~~D~~ daylighting rivers within the area proposed for urban development area, where practicable;
 - (o) ~~The extent to which rivers and wetlands within the area proposed for urban development have been mapped, and whether the scale of the urban development necessitates such mapping~~ Mapping of rivers and wetlands;
 - (p) Efficient end use of water and alternate water supplies for non- potable use;
 - (q) ~~P~~rotecting drinking water sources from inappropriate use and development; and
 - ~~(r) Applying a catchment ~~an integrated management~~ approach to wastewater networks~~

including partnering with mana whenua as kaitiaki and allowance for appropriately designed overflow points where necessary to support growth and consideration of different approaches to wastewater management to resolve overflow.

Policy FW.1: Reducing water demand – regional plans

Regional plans shall include policies, rules and/or methods to reduce demand ~~of~~ **for** water from ~~registered water suppliers and users~~ community drinking water supplies and group drinking water supplies, including:

- (a) ~~provisions addressing requiring a reduction in public and private water losses, including leaks targets for the reduction of water losses and leaks from~~ community drinking water supplies and group drinking water supplies;
- (b) ~~provisions~~ requiring efficient end use of water for new developments;
- (c) ~~provisions addressing promoting~~ alternate water supplies for non-potable uses, particularly in the summer months; and
- (d) ~~requiring~~ water conservation measures, particularly in the summer months.

Explanation

Policy FW.1 requires regional plans to address the reduction of demand in community drinking water supplies or group drinking water supplies ~~municipal water supplies~~.

Policy FW.2: Reducing water demand – district plans

District plans shall include policies, rules and/or methods to reduce demand ~~of~~ **for** water from ~~registered water suppliers and users~~ community drinking water supplies and group drinking water supplies, including where practicable:

- (a) ~~provisions improving the efficiency of the end use of water on a per capita basis for new developments; and~~
- (b) ~~provisions~~ requiring promoting alternate water supplies for non-potable use in new developments, such as the requirement to install rainwater tanks.

Policy FW.5: Water supply planning for climate change and urban development – consideration

When considering a change, variation or review of a regional ~~or district~~ plan that relates to urban development, local authorities the regional council must give effect to Te Mana o te Wai, and particular regard shall be given to:

- (a) climate change impacts on community drinking water supplies and group drinking water supplies, including water availability and demand and the potential for saline intrusion into aquifers;
- (b) demand from future population projections;
- (c) development of future water sources, storage, treatment and reticulation; and
- (d) an integrated approach, ki uta ki tai, in the protection of existing and future water sources.

Explanation

Policy FW.5 requires water supply planning to adequately considered including the impacts of climate change and new urban development.

Policy FW.6: Allocation of responsibilities for land use and development controls for freshwater

Regional and district plans shall recognise and provide for the responsibilities below, when developing objectives, policies and methods, including rules, to protect and enhance the health and well-being of water bodies and freshwater ecosystems:

- (a) Wellington Regional Council has primary responsibility for freshwater. Wellington Regional Council shall be responsible for the control of the use and development of land for the purposes of ~~water quality and quantity~~ the maintenance and enhancement of water quality and ecosystems in water bodies, and the maintenance of water quantity.
- ~~(b)~~ In relation to wetlands, Wellington Regional Council is responsible for managing land use within, and within a 100m ~~margin~~ setback of natural wetlands as directed by the NES-F 2020, as well as areas adjoining and/or upstream of a wetland for the purpose of protecting wetlands;
- ~~(ba)~~ Wellington Regional Council is responsible for earthworks and vegetation clearance in riparian margins of water bodies.
- (c) ~~City and district councils~~ Territorial authorities are responsible for the control of land use and subdivision. ~~City and district councils~~ Territorial authorities must include objectives, policies, and methods in district plans to promote positive effects, and avoid, remedy or, or mitigate adverse effects (including cumulative effects) of land use and subdivision on the health and wellbeing of water bodies, freshwater ecosystems and receiving environments (as required by NPS-FM 3.5 (4)). They must carry out their responsibility in regard to the NPS-FM through their functions under Section 31 of the RMA.

Explanation

Policy FW.6 outlines the allocation of responsibilities for land use and development controls for freshwater between Wellington Regional Council and territorial authorities.

Policy FW.7 – Water attenuation and retention in ~~Wairarapa rural areas~~

Promote and support water attenuation and retention in rural areas of the Wairarapa including:

- (a) ~~nature based solutions~~ including slowing water down in the landscape and increasing groundwater recharge (riparian management, wetland enhancement/restoration, flood management); and
- (b) built solutions including storage at community, farm, and domestic (rain tanks) scales, groundwater augmentation, built retention (wetlands, bunds) while ensuring appropriate consideration of the health needs of people.

Explanation

Policy FW.7 ~~supports the implementation of the Wairarapa Water Resilience Strategy by~~ promoting ~~ing~~es and supports ~~ing~~s natural and built solutions to attenuate and retain water in rural areas.

Policy 15: ~~Managing~~ Minimising the effects of earthworks and vegetation ~~disturbance~~ clearance – district and regional plans

Regional and district plans shall ~~include policies, rules and/or methods that control earthworks and vegetation disturbance to~~ minimise the extent necessary to achieve the target attribute states for water bodies and freshwater ecosystems including the effects of these activities on the life-supporting capacity of soils, and to provide for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga manage the effects of *earthworks* and *vegetation clearance*, as follows:

(a) Regional Plans shall include policies, rules and/or methods that:

- i. Control the effects of *earthworks* and *vegetation clearance* to achieve the target attribute states for water bodies and freshwater ecosystems, including receiving environments;
- ii. In the absence of target attribute states, *minimise* silt and sediment runoff into freshwater and receiving environments, or onto land that may enter water; and
- iii. *Minimise* erosion.
- iv. manage sediment associated with *earthworks*

(b) District Plans shall include policies, rules and/or methods that:

- ii. Require *urban development* to follow existing land contours, to the extent practicable;
- iii. *Minimise* the extent and volume of earthworks required for *urban development*
- iv. Require setbacks from waterbodies for *vegetation clearance* and *earthworks* activities;
- v. Manage sediment associated with *earthworks* less than 3000m²;
- vi. Manage subdivision layout and design.

~~(a) — erosion; and~~

~~(b) — silt and sediment runoff into water, or onto land that may enter water, aquatic ecosystem health is safeguarded.~~

Explanation

An area of overlapping jurisdiction between Wellington Regional Council and district and city councils is the ability to control earthworks and vegetation ~~clearance disturbance, including clearance~~. Large scale earthworks and vegetation ~~clearance disturbance~~ on erosion prone land in rural areas and many small scale earthworks in urban areas – such as driveways and retaining walls – can cumulatively contribute large amounts of silt and sediment to stormwater and water bodies. This policy is intended to minimise erosion and silt and sedimentation effects associated with these activities.

New definition of ‘vegetation clearance’

Vegetation clearance: The clearance or destruction of woody vegetation (exotic or native) by mechanical or chemical means, including felling vegetation, spraying of vegetation by hand or aerial means, hand clearance, and the burning of vegetation.

Vegetation clearance does not include:

(a) any vegetation clearance, tree removal, or trimming of vegetation associated with the Electricity (Hazards from Trees) Regulations 2003, and

(b) any vegetation clearance or vegetation disturbance covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, and

(c) any vegetation clearance associated with the repair and maintenance of existing roads and tracks, and/or

(d) the removal of an individual shrub or tree or a standalone clump of trees or shrubs no larger than 20m².

Policy 41: ~~Managing Controlling~~ Minimising the effects of earthworks and vegetation clearance disturbance – consideration

When considering an application for a regional resource consent, ~~notice of requirement, or a change, variation or review of a regional or district plan,~~ for earthworks or vegetation clearance particular regard shall be given to ~~controlling earthworks and vegetation disturbance by~~ to minimise:

~~(a) erosion; and~~

(a) the extent to which the activity *minimises* erosion;

~~(b) the extent to which considering whether the activity will achieve any relevant environmental outcomes and target attribute states set for the FMU or part FMU; silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained; and~~

~~(c) where suspended sediment limits have been set in a regional plan, and the activity cannot meet those limits, avoiding discharges to water bodies, and to land where it may enter a waterbody; where limits for suspended sediment are not met.~~

(ed) in the absence of environmental outcomes, target attribute states, or limits for suspended sediment for the relevant FMU or part-FMU, the extent to which silt and sediment runoff into water, or onto or into land that may enter water, will be *minimised*.

(e) the extent to which the activity results in adverse effects on aquatic ecosystem health, indigenous biodiversity in water bodies and receiving environments.

Explanation

Policy 41 applies to regional resource consents that involve *earthworks* and *vegetation clearance*. The policy intent is to manage both rates of erosion and sediment runoff into waterbodies. The policy recognises that it may not be possible in all cases to avoid the effects of these activities, but nevertheless requires that the effects be *minimised*. The policy also recognises that there may be a

period of time where environmental outcomes and target attribute states for a FMU have not yet been set in the regional plan, and in these cases, there remains a requirement to minimise silt and sediment runoff into water.

~~An area of overlapping jurisdiction between Wellington Regional Council and district and city councils is the ability to control earthworks and vegetation disturbance, including clearance. Large scale earthworks and vegetation disturbance on erosion prone land in rural areas and many small scale earthworks in urban areas — such as driveways and retaining walls — can cumulatively contribute large amounts of silt.~~

~~Minimisation requires effects to be reduced to the extent reasonably achievable whilst recognising that erosion, siltation and sedimentation effects can not always be completely avoided.~~

~~This policy provides for consideration of earthworks and vegetation disturbance to minimise erosion and sediment runoff prior to plan controls being adopted by regional and district plans in accordance with policy 15. This policy shall cease to have effect once method 31 is implemented and policy 15 is given effect to in regional and district plans.~~

~~Policies 15 and 41 are to ensure that Wellington Regional Council and district and city councils integrate the control earthworks and vegetation disturbance in their regional and district plans. Method 31 is for Wellington Regional Council and district and city councils to develop a protocol for earthworks and erosion from vegetation disturbance. The protocol will assist with implementation of policies 15 and 41.~~

~~Some activities — such as major road construction — are likely to require resource consents from both Wellington regional council and district or city councils, which will work together to control the effects of the activity.~~

~~Vegetation disturbance includes harvesting plantation forestry.~~

Policy 17: ~~Water allocation~~ Take and use of water for the health needs of people – regional plans

~~Regional plans shall include policies, rules and/or methods to ensure the allocation that prioritises the health and wellbeing of the waterbody and freshwater ecosystems first, and then prioritises any take and use of water from any river or groundwater source provides sufficiently for the *health needs of people, including:*, including: The health needs of people include:~~

- ~~(a) the taking of water by any statutory authority that has a duty for public water supply under any Act of Parliament;~~
- ~~(b) the taking of water for reticulation into a public water supply network;~~
- ~~(c) the taking of water for community supplies; and~~
- ~~(d) the taking of water for marae and papakāinga.~~

Explanation

Policy 17 gives effect to the objective of the National Policy Statement for Freshwater Management

2020 by prioritising the health and wellbeing of waterbodies first, and then providing for the take and use of water for the *health needs of people*, before other uses of water.

New definition of 'health needs of people'

Health needs of people: The amount and quality of water needed to adequately provide for people's hygiene, sanitary and domestic requirements. It does not include:

(a) water used outside, (e.g. for irrigation, vehicle or house washing or hosing), other than ~~but not including~~ water consumed by animals, or

(b) water used by industry as process water or cooling water.

Policy 44: Managing water takes and use to give effect to *Te Mana o te Wai* ~~ensure efficient use—~~ ~~consideration~~

When considering an application for a regional resource consent to take or use water, ~~notice of requirement~~, or a change, variation or review of a regional plan that relates to the ~~to~~ take and use water, *Te Mana o te Wai* must be given effect to so that: ~~particular regard shall be given to:~~

- (a) Māori freshwater values, including mahinga kai are provided for;
- ~~(ab)~~ Early engagement occurs with mana whenua/tangata whenua;
- (b) sites of significance, wāhi tapu and wāhi tupuna are protected;
- ~~(ba)~~ Integrated management, ki uta ki tai is considered
- ~~(bb)~~ The habitats of indigenous freshwater species are protected,
- ~~(bc)~~ The habitat of trout and salmon is protected, insofar as this is consistent with clause (bb)
- (c) Environmental flows and levels, including variability of flows, are achieved;
- (d) Where take limits have been set, take limits are achieved ~~not exceeded~~; Take limits are achieved that provide for flow or level variability, safeguard *ecosystem health*, provide for the life cycle needs of aquatic life, and take into account environmental outcomes;
- (e) ~~whether the applicant has demonstrated that ~~†~~~~the volume of water sought is reasonable and justifiable for the intended use, including consideration of soil and crop type when water is taken for irrigation purposes;
- (f) ~~requiring the ~~€~~~~Consent holders are required to measure and report the actual amount of water taken; ~~and~~
- (g) ~~requiring the ~~€~~~~Consent holders ~~to~~ adopt water conservation and demand management measures and demonstrate how water will be used efficiently; and
- (h) ~~†~~There is consideration of alternate water supplies for non-potable water use such as storage or capture of rainwater for use during the drier summer months

Method 48: Water allocation policy review ~~investigate the use of transferable water permits~~

Review water allocation policy in the regional plan so that:

- (a) Freshwater is allocated and used efficiently;
- (b) All existing over-allocation is phased out and future over-allocation is avoided;
- (c) ~~Avoid allocating w~~Water allocation limits set in the regional plan are not exceeded beyond a limit;
- (d) ~~improve~~ water allocation efficiency is improved, –including consideration of transferable permits;
- (e) ~~provide for~~ iwi and hapū rights, ~~and~~ interests and responsibilities are provided for;
- (f) alternatives to the first in first served approach to water allocation are considered
- ~~(g) –provide for~~ equitable allocation of water is provided for;
- (h) water allocation policy supports adapt to climate change adaptation;
- (i) land use change to lower emission or more climate resilient uses is promoted;
- ~~(j) –government direction on water allocation is considered; and~~
- ~~(k) –all matters regarding giving effect to the NPS –FM are considered~~

Investigate whether allowing water permits to be transferred will provide a more equitable use of allocated water.

Implementation: Wellington Regional Council

Policy 18: ~~Maintaining Protecting and enhancing improving restoring ecological health the health and wellbeing of water bodies and freshwater ecosystem health of water bodies~~ – regional plans

Regional plans shall include policies, rules and/or methods that give effect to Te Mana o te Wai, and in doing so protect-maintain and improve enhance-restore the ecological health health and wellbeing of water bodies and freshwater ecosystem health of water bodies, including by:

- ~~(a) –managing freshwater in a way that gives effect to Te Mana o te Wai;~~
- (b) actively involving mana whenua / tangata whenua in freshwater management (including decision-making processes), and
 - ~~(ba) identifying and providing for Māori freshwater values are identified and provided for;~~
 - ~~(bb) adopting an integrated approach, ki uta ki tai, that recognises the interconnectedness of the whole environment to ensure that ecological health of freshwater is managed using an integrated, ecosystem wide approach~~
 - ~~(bc) incorporating the use of mātauranga Māori to protect and restore ecosystem health,~~
- (c) ensuring there is no further loss of extent of natural inland wetlands ~~and coastal wetlands~~, their values are protected, and their restoration is promoted;
- ~~(d) –achieving environmental outcomes, target attribute states and environmental flows and levels;~~
- (e) avoiding the loss of river extent and values to the extent practicable;
- (f) protecting the significant values of outstanding water bodies

- (g) protecting the habitats of indigenous freshwater species ~~are protected~~;
- (ga) protecting the habitat of trout and salmon, insofar as this is consistent with clause (g).
- ~~(h) Freshwater is allocated and used efficiently, all existing over allocation is phased out, and future over allocation is avoided;~~
- (i) ~~promoting the retention of~~ retaining in-stream habitat diversity by retaining natural features – such as pools, runs, riffles, and the river’s natural form to maintain in-stream habitat diversity;
- (j) ~~promoting the retention of~~ retaining natural flow regimes – such as flushing flows;
- (k) ~~promoting the protection and reinstatement of~~ riparian habitat;
- (l) ~~promoting~~ the installation of off-line water storage;
- (m) measuring and evaluating water takes;
- (n) ~~discourage~~ restricting avoiding the reclamation, piping, straightening or concrete lining of rivers unless:
 - (i) there is a functional need for the activity in that location; and
 - (ii) the effects of the activity are managed by applying the effects management hierarchy
- (o) ~~discourage~~ restricting stock access to estuaries, rivers, lakes and wetland;
- (p) ~~discourage~~ restricting the diversion of water into or from wetlands – unless the diversion is necessary to restore the hydrological variation to the wetland;
- (q) ~~discourage~~ restricting the removal or destruction of indigenous plants in wetlands and lakes; and
- (r) restoring and maintaining fish passage ~~where appropriate~~ except where it is desirable to prevent the passage of some fish species in order to protect indigenous species, their life stages, or their habitats.

Explanation

Policy 18 lists a range of actions that will protect and restore the health and wellbeing of water bodies and freshwater ecosystem the ecological health of water bodies. The ecosystem health of water bodies is dependent on water quality, water quantity, habitat, aquatic life, and ecological processes. To be a healthy freshwater ecosystem, all five components support and sustain indigenous aquatic life. Habitat diversity, which is described in clauses (a), (b) and (c), is essential for aquatic freshwater ecosystems to survive and be self-sustaining. When areas of habitat in one part of the river, lake or wetland are degraded or destroyed by activities described in clauses (e), (f), (g) and (h), critical parts of the ecosystem may be permanently affected with consequent effects elsewhere in the ecosystem.

Insert a definition of ‘functional need’:

Functional need: the need for a proposal or activity to traverse, locate or operate in a particular environment because that activity can only occur in that environment.

New definition of ‘effects management hierarchy’

Effects management hierarchy: in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:

(a) adverse effects are avoided where practicable; then

(b) where adverse effects cannot be avoided, they are minimised where practicable; then

(c) where adverse effects cannot be minimised, they are remedied where practicable; then

(d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, *aquatic offsetting* is provided where possible; then

(e) if aquatic offsetting of more than minor residual adverse effects is not possible, *aquatic compensation* is provided; then

(f) if *aquatic compensation* is not appropriate, the activity itself is avoided.

New definition of 'aquatic compensation'

Aquatic compensation: a conservation outcome resulting from actions that are intended to compensate for any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, remediation, and aquatic offset measures have been sequentially applied.

New definition of 'aquatic offset':

Aquatic offset: a measurable conservation outcome resulting from actions that are intended to:

(a) redress any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, and remediation, measures have been sequentially applied; and

(b) achieve no net loss, and preferably a net gain, in the extent and values of the wetland or river, where:

(i) no net loss means that the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type and location of the wetland or river; and

(ii) net gain means that the measurable positive effects of actions exceed the point of no net loss.

Policy 40: ~~Maintaining~~ **Protecting-Maintaining and **improving enhancing** the health and well-being of water bodies and freshwater ecosystems ~~aquatic ecosystem health in water bodies~~ – consideration**

When considering an application for a regional resource consent, the regional council must give effect to *Te Mana o te Wai* and in doing so must have particular regard shall be given to:

- (a) requiring ~~that~~ **managing** water quality, flows and water levels and aquatic habitats of surface water bodies ~~are managed~~ in a way that ~~gives effect to *Te Mana o Te Wai* and~~ **maintains protects** and **improves enhances** the health and well-being of waterbodies and the health and wellbeing of freshwater ecosystems for the purpose of safeguarding aquatic ecosystem health;
- (b) ~~that,~~ requiring **managing as a minimum, freshwater quality in the coastal marine area is to be managed** in a way that **protects maintains** and **improves enhances** the health and well-being of ~~waterbodies and the health and wellbeing of marine ecosystems receiving environments.~~ **for the purpose of maintaining or enhancing aquatic ecosystem health; and**
- (c) managing water bodies and the water quality of coastal water for other purposes identified in regional plans.

- (c) providing for mana whenua / tangata whenua values, including mahinga kai;
- ~~(ca) partnering with mana whenua/tangata whenua~~
- ~~(d) maintaining or enhancing the functioning of ecosystems in the water body;~~
- (e) ~~maintaining~~ maintaining or enhancing the ecological functions of riparian margins;
- (f) minimising the effect of ~~the proposals such as gravel extraction, exploratory drilling, flood protection and works in the beds of lakes and rivers~~ on groundwater recharge areas that are connected to surface water bodies;
- (g) ~~maintaining~~ maintaining or enhancing the amenity and recreational values of rivers and lakes, including those with significant values listed in Table 15 of Appendix 1;
- (h) protecting the ~~values of rivers and lakes that have~~ significant indigenous ecosystems and habitats with significant indigenous biodiversity values ~~of rivers and lakes, including those listed as identified~~ in Table 16 of Appendix 1;
- (i) ~~maintaining~~ maintaining natural flow regimes required to support aquatic ecosystem health;
- (i) ~~maintaining~~ maintaining or enhancing space for rivers to undertake their natural processes;
- (k) ~~maintaining~~ maintaining fish passage;
- (l) protecting and reinstating riparian habitat, in particular riparian habitat that is important for fish spawning;
- (m) ~~discouraging~~ restricting stock access to estuaries rivers, lakes and wetlands; and
- (n) ~~discouraging~~ avoiding the removal or destruction of indigenous wetland plants in wetlands;
- ~~(o) avoiding the loss of river extent or values, to the extent practicable~~
- ~~(p) ensuring there is no further loss of extent of natural inland wetlands, and their values are protected;~~
- ~~(q) protecting the habitat of indigenous freshwater species~~
- ~~(r) protecting the habitat of trout and salmon, insofar as this is consistent with clause (q).~~

Policy 40 provides criteria for considering regional consents to protect the health and wellbeing of waterbodies, particularly during the transition period before regional plans are changed to give effect to the NPS-FM.

Freshwater Anticipated Environmental Results

Objective 12 Freshwater Anticipated Environment Results

1. Freshwater quality and quantity in the Wellington Region is managed in accordance with the principles of Te Mana o Te Wai and over allocation in relation to both the quantity and quality of freshwater is phased out ~~as soon as practicable~~ over time.

Objective 13 Freshwater Anticipated Environmental Results

1. Macro-invertebrate diversity ~~and sensitive macroinvertebrate taxa abundance~~ in rivers and lakes is maintained ~~improving, improved where degraded, or otherwise maintained,~~ across the Region.

4. ~~There is no loss of existing fish habitat, nor reduction in fish populations and diversity.~~ The protection of Existing fish habitat supports healthy fish populations, and the diversity of valued fish fauna is maintained or increased across the region.

Objective 14 Freshwater Anticipated Results

1. Freshwater quality and quantity in the Wellington Region is managed in accordance with the principles of Te Mana o Te Wai and over allocation in relation to both the quantity and quality of freshwater is phased out as soon as practicable over time.