

Hearing Stream 5 (Te Mana o te Wai/Freshwater) – FOREST & BIRD – SPEAKING NOTES

1. Concerns are narrowing considering Supplementary Evidence on behalf of WRC dated 13 November 2023. However, outstanding issues remain, addressed below.

Issue 8: Urban development effects on freshwater and the coastal marine area

2. **FW.3 Urban development effects on freshwater and receiving environments – district plans:** land use matters within TA oversight affect water. NPSFM clause 3.5(4) explicitly tasks territorial authorities with managing the effects of urban development on freshwater. Additional clauses regarding natural inland wetlands and daylighting of streams is warranted. Interrelationship between NPSIB and NPSFM drives better integration. F&B acknowledges that FW.3(k) is similar to clause (h) of Policy 14. Same logic for inclusion of (k) applies to clauses relating to natural inland wetlands and daylighting of streams. *Written subs [11]-[17].*

Issue 9: Earthworks and vegetation clearance

3. **Policy 15 Managing the effects of earthworks and vegetation clearance – district and regional plans:** Must refer to “wetlands” as well as “water bodies”. A logical extension. RMA definition of water body includes fresh water or geothermal water in a wetland. Wetlands subject to estuarine/saline influence within the coastal environment, but outside the CMA, will not be caught by the strict definition of “water body”. *Written subs [21]-[29].*
4. **Policy 41 Managing the effects of earthworks and vegetation clearance - consideration:** must be revised as not directive enough, must accordingly read: “*avoiding adverse effects on aquatic ecosystem health, indigenous biodiversity in water bodies and receiving environments*”. Deletion of “regional” also necessary. NZCPS Preamble acknowledges “activities inland can have a major impact on coastal water quality”.
5. While PC1 is focussed on freshwater/constitutes a Freshwater Planning Instrument, it must still give effect to the NZCPS. NZCPS Obj 1: “to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystem, including marine and intertidal areas, estuaries, dunes and land, by maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.” NZCPS Policy 22(3): “Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry”. Must be consistent with Wellington RPS Policy 37, which contains directive language: “safeguarding the life-supporting capacity of coastal and marine ecosystems by maintaining or enhancing...” *Written subs [30]-[31] (see also [47]-[48]).*

Issue 10: Managing water takes and use

6. **Policy 17 Take and use of water for the health needs of people – regional plans:** F&B notes definition included of “health needs of people” – must delete reference to “water consumed by animals”. As drafted, it could include livestock. Does not align with NPSFM second priority. RMA s14(3)(b)(ii)¹ already covers animals. *Written subs [34].*

¹ “A person is not prohibited by subsection (2) from taking, using, damming, or diverting any water, heat, or energy if – in the case of fresh water, the water, heat, or energy is required to be taken or used for – the reasonable needs of a person’s animals for drinking water”

Issue 11: Protecting and restoring ecological health of water bodies

7. **Policy 18 Maintaining and improving the health and wellbeing of water bodies and freshwater ecosystem health – regional plans:** F&B seeks reinstatement of reference to coastal wetlands as contained in notified version. No justification for their removal. *Written subs [44]-[47].*

8. **Policy 40 Maintaining and improving the health and well-being of water bodies and freshwater ecosystems - consideration:** operative version (Policy 40(b)) contained stronger protection for coastal water and ecosystems: “requiring, as a minimum, water quality in the coastal marine area to be managed for the purpose of maintaining or enhancing aquatic ecosystem health”. Narrowed application to refer to “freshwater” which excludes coastal water.² Clause (b) should refer to managing “water” (c.f. freshwater) and reinstate reference to “aquatic ecosystem health” (or “waterbodies and the health and wellbeing of marine ecosystems” – otherwise gap the policy framework for coastal water and wetlands. Direct discharges to CMA (c.f. to freshwater and then to sea) can occur. In terms of reinstating “water” – this Panel is not constrained by scope of submissions made.³ No justification in NPSFM to weaken protection of coastal water (and wetlands).

² Section 2 RMA: “**freshwater or fresh water** means all water except coastal water and geothermal water”

³ Clause 49(2) of the Part 4 Schedule 1 RMA: “The freshwater hearings panel – (a) is not limited in making recommendations only within the scope of submissions made on the freshwater planning instrument; and (b) may make recommendations on any other matters relating to the freshwater planning instrument identified by the panel or any other person during the hearing”