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Ministry for the Environment
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Gisborne District Council – Te Kaunihera o Te Tairāwhiti Submission on National Direction – Package 3: Freshwater

Gisborne District Council (Council) thanks the Ministry for the Environment (MfE) for the opportunity to provide feedback on *Package 3: Freshwater*. Our submission draws on feedback received from a range of Council staff representing different areas of expertise, Council elected representatives, and feedback provided by tangata whenua and local stakeholders through past engagements.

We are aware of other submissions (some more detailed than others) made on behalf of regional councils and the regional sector. **We support** the recommendations made by these organisations. **We also support** the submissions made by mana whenua in our region.

This submission includes:

- An overview of Council and regional context.
- General feedback on Package 3.
- Our responses to questions posed in the discussion document (also submitted through the Ministry's online portal). The responses are appended to this letter to provide a full record of Council's feedback on Package 3.

Nāku Noa nā,

Nedine Thatcher Swann
Chief Executive

Executive Summary

We support the government's intent in delivering infrastructure and housing development and enabling primary sector growth through the national direction packages, including proposals in Package 3.

However, we do have concerns that amendments proposed in Packages 1 to 3 may undermine environmental outcomes and aspirations of tangata whenua and communities in our region. While this submission focuses on proposals for Package 3, we acknowledge the connectivity and cumulative impact of the various national direction proposals on the environment.

Council supports:

- Addressing water security and water storage.
- Streamlining information requirements and removing redundant information.
- Enabling wetland construction.
- National standards and requirements, with flexibility for councils to incorporate region-specific requirements.
- Including mapping requirements for drinking water sources.

Council recommends 5 key changes:

- **Retain Te Mana o te Wai and the hierarchy of obligations** within NPS-FM.
- **Retain regional and local discretion on activities**, which considers the region's geology and landscapes, and reflects tangata whenua and community aspirations.
- **Retain mapping requirement of wetlands**, with extension of deadline to 2040.
- **Clarify the role of Freshwater Farm Plans** in managing commercial vegetable growing and farming activities.
- **Clarify definitions and proposed national standards on various topics**, such as off-stream water storage and farming activities pathway.

We welcome further engagement and collaboration with the relevant Ministries, sectors and tangata whenua to develop a freshwater planning framework that safeguards the environment for the prosperity of current and future generations, while meeting the needs of water users – in particular the people living in these areas. We strongly recommend that any national direction retain regional discretion and avoid blanket regulatory settings that undermine our region's environmental resilience, Treaty obligations or long-term community wellbeing.

1. Overview of Gisborne District Council and Te Tairāwhiti

1.1. We are the unitary authority for Te Tairāwhiti/Gisborne region. Te Tairāwhiti covers a land area of 8,265 square kilometres. Within this is approximately 228,000 hectares of whenua Māori, which is 28% of the total land area in the region. Te Tairāwhiti also contains around 270 kilometres of coastline. Some of the key industries in the region include horticulture, agriculture, fishing and forestry.

1.2. Population growth in Te Tairawhiti has become obvious over the past three years, increasing at a higher rate than expected. The region's population is now over 50,000 and continuing to grow. Most of the region's population is centred in Gisborne City, with the remaining population dispersed across the region in rural settlements and townships.

1.3. Māori represent 56% of the population in Te Tairāwhiti – the highest proportion of any region in Aotearoa. We have four treaty settlements in our rohe (Ngāti Porou, Ngāi Tāmanuhiri, Iwi and Hapū of Te Rohe o Te Wairoa, and Rongowhakaata), with other mana whenua including Te Whānau a Apanui, Te Whānau a Kai, Ngā Ariki Kaipūtahi, and Te Aitanga-a-Māhaki currently in negotiation. There are also approximately 69 hapū located throughout Te Tairāwhiti.

1.4. In addition to Treaty Settlements in our region, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is a key piece of legislation that recognises the rights and interests of Ngā Hapū o Ngāti Porou have with regarding their rohe moana. While legislation and Treaty settlements provide iwi the rights to participate and be involved in resource management, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 empowered Ngā Hapū o Ngāti Porou the rights to be involved in matters of resource management where related to or affecting their rohe moana.

Freshwater in Te Tairāwhiti

1.5. There are several major river catchments and many smaller source-to-sea catchments along the coastal margins of Te Tairāwhiti. The region also includes headwaters of several river catchments that flow into neighbouring regions:

- the Ruakituri, Hangaroa, Mangapoike and Nūhaka rivers flow into Hawke's Bay.
- the Mōtū, Waikura and Whangaparāoa rivers flow into Bay of Plenty.

1.6. We recognise that cultural and ecological values are associated with all waterbodies in the region. Our rivers are home to a wide range of aquatic and riverine species, including many nationally at-risk and threatened species. Te Tairāwhiti is a stronghold for the long-finned eel. Many of the braided rivers north of Ūawa catchment are important breeding areas for a range of threatened bird species, including banded dotterel.

1.7. The adverse effects of climate change and natural hazards are also becoming increasingly evident throughout the region. Steep hill country and soft geology have led to significant areas of instability in the region, including around riparian areas of some rivers and streams.

1.8. Rivers that drain eastward, like the Waiapu River, are predominantly slower and braided, with wide valleys carrying heavy sediment loads. Aggradation[1] in these rivers presents an increasing risk of flooding to nearby settlements.

[1] Build up of riverbed material, mostly gravel-sized material. Rivers are in a state of aggradation if the supply is more than take of material out of the river.

2. General feedback on Package 3: Freshwater

2.1. **Council supports in part,** the Ministry for the Environment (MfE)'s proposals for topics listed in Package 3: Freshwater. This section provides high-level feedback for key topics that we have identified as of most importance and of high relevance to Te Tairāwhiti.

Treaty obligations and Te Mana o te Wai

2.2. **Council supports** retaining Te Mana o te Wai and the hierarchy of obligations within the NPS-FM.

2.3. Council is committed to upholding Treaty obligations and Te Mana o te Wai. At the 20 March 2024 Extraordinary Council meeting, Council elected representatives acknowledged and expressed their support by moving to retain the National Policy Statement for Freshwater Management (NPS-FM) 2020 rendition of Te Mana o te Wai (see **minutes**).

2.4. Through freshwater catchment planning engagements to date, advisory group members (including tangata whenua) have expressed their support for Te Mana o te Wai - including the hierarchy of obligations and the 6 guiding principles, as directed in the NPS-FM 2020.

2.5. Retaining Te Mana o te Wai and its hierarchy of obligations will provide councils, tangata whenua and local communities the clarity needed in plan development and through consenting. This, in turn, translates into regional and catchment/FMU level freshwater management framework that ensures the needs of each priority is met according to its rank on the hierarchy.

Key points of concern:

2.6. The removal of the hierarchy exposes Council to the risk of litigation on how the proposed multiple objectives would be assessed against each other. This creates a significant legal and planning risk for councils, who may face inconsistent Environment Court decisions in the absence of a clear statutory framework. There is a major risk that without the hierarchy of obligations, other uses like social and economic can be prioritised above – and at the expense of – the health of the wai.

2.7. We note that Council, tangata whenua and local stakeholders (farmers, landowners, etc) have started discussing how we would give effect to Te Mana o te Wai and its hierarchy of obligations in our respective projects and businesses. Retaining the hierarchy of obligations is cost-effective, efficient and consistent with freshwater management approaches adopted by other councils. Rebalancing Te Mana o te Wai adds to legal uncertainty, but also uncertainty to businesses on planning for future investment, implementing best practices without a clear management framework and outcome to work towards.

Relief sought:

Council strongly recommends the following amendments to Option 1:

- ***Retain Te Mana o te Wai within the NPS-FM as present, including the hierarchy of obligations.***
- Clarify that for the purposes of the NPS-FM and councils needing to 'have regard' to it in consent decision-making, the hierarchy of obligations ~~***does not***~~ apply to consenting decisions and that progressive improvement over time is allowed.
- Retain process steps for councils in implementing Te Mana o te Wai.

Cumulative impacts on environmental and cultural values under an enabled regime

2.8. More activities across packages becoming permitted have implications in managing environmental health. Combined with proposed changes to environmental bottom lines in National Objective Framework, the cumulative impacts of various attributes will lead to a more rapid environmental degradation of the overall catchment health.

2.9. In addition to Treaty Settlements and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, the NPS-FM 2020 further provides tangata whenua (including hapū and whānau) in Te Tairāwhiti to have active involvement (to the extent they wish to be involved) in freshwater management.

2.10. Our high proportion of Māori population and the various legislation that enable tangata whenua in our region, have contributed to the unique governance approach to resource management in Te Tairāwhiti. Te ao Māori is recognised, mātauranga Māori is sought, and voices of mana whenua are heard and respected throughout the various stages of resource management.

Key points of concern:

2.11. We are concerned that low compliance efforts will be promoted under a permissive regime. The resource consent pathway provides Council the opportunity to assess land use risks according to soil type, slope angle, type of waterbody and values such as cultural or ecological. Permitted activity status essentially removes this discretion.

2.12. National direction instruments to date have not properly recognised the regional variation that Te Tairāwhiti needs. An example is forestry activities in Te Tairāwhiti, where the impacts of activities regulated nationally resulted in ecological and hydrological damage to waterways and coastal marine area, and also economic and social impact on our rural communities. Regulations need to better reflect management of activities according to the regional context[2].

Relief sought:

Council recommends retaining regional and local discretion to determine if certain activities should or should not have a "relaxation" of rules. Landowners of any land use activities must be able to demonstrate, with sufficient ecological evidence, that the permitted activities on their land will not have significant adverse effect on the environment – after considering the region's unique geology and landscape. This recommendation aligns with the purpose of the RMA.

Council seeks greater clarity in national direction around a more enabled regime. This is needed to support informed, consistent, cost-effective, and efficient decision-making and avoid unintended consequences in regions. The absence of regional discretion for plantation (commercial) forestry has led to repeated sediment and slash discharges following several major rainfall events in Te Tairāwhiti. The environmental consequences seen in our waterways and coastal environment, and social consequences (destroyed homes and damaged infrastructure) seen more recently in the aftermath of Cyclone Gabrielle should not be repeated again.

[2] The Ministerial Inquiry into Land Use report 'Outrage to Optimism' highlighted more stringent regulation requirements on certain forestry activities in R18 and R27. Link to report: Outrage to optimism CORRECTED 17.05

Commercial vegetable growing

2.13. **Council supports in part,** the government's intent of recognising commercial vegetable growing.

2.14. The Poverty Bay Flats is the largest area of horticultural land in our region, representing the most versatile and productive soils in Te Tairāwhiti. Flood protection, through the Waipaoa Flood Control Scheme, helps maintain the productive and high-value economy in this area. Additionally, due to the length of the Scheme, settlements along the Scheme and Gisborne City also receive flood protection.

2.15. Other fertile flats in the region, such as in the Tolaga Bay area, are currently not in intensive horticulture (which includes commercial vegetable growing) because of the following reasons:

- **the lack of flood protection schemes** for these flats.
- **limited water availability**, with low river flows in summer and groundwater in aquifers that are thin and mostly saline.
- **distance to market**, which is currently reliant on roading and lack of alternative means of transport.
- **workforce constraints** in these rural townships and nearby settlements.

2.16. We anticipate seeing an influx of horticulture into these other flats in the region through the proposed national direction changes across the 4 packages. The government's commitment to addressing water storage addresses the issue of water availability in these catchments.

2.17. The proposed national direction on infrastructure, through recognising and enabling infrastructure, could potentially lead to introduction of flood protection schemes in these other flats, and possibly reinstating or restoring former ports in Te Araroa, Tokomaru Bay and Tolaga Bay instead of roads and bridges vulnerable to natural hazards.

2.18. While workforce constraints remain an issue in the initial short-term, we anticipate that should the other three issues are resolved, the workforce (and supported by housing developments through Package 1 and 4) should not be an issue.

Key points of concern:

2.19. While we support economic growth in the region, we are concerned that with the removal of the hierarchy of obligations to direct councils on the weight of competing values. The intensification of horticulture in Poverty Bay Flats and influx of horticulture to other flats in the region will compromise water quality and water availability in these catchments for current and future generations hampering sustainable prosperity and creating legacy issues future generations will need to address.

Relief sought:

Council strongly recommends the use and implementation of Freshwater Farm Plans (FWFP), alongside regional regulations, to manage adverse effects that arise from commercial vegetable growing. This is preferred over a national standard that assumes an enabled regime is appropriate for Te Tairāwhiti without considering region- or catchment-specific issues and local aspirations.

An alternative recommendation is requiring certification of Freshwater Farm Plans for farms/landowners in catchments identified as high-risk catchments. High-risk catchments may be defined based on current state of water quality, water availability and catchment

geology. This recommendation is to ensure localized oversight remains in place for these high-risk catchments.

Water security and water storage

2.20. **Council supports** the government's intent in addressing water security and enabling water storage. It is important that any regulation in this topic does not restrict multi-owned or used water storage facilities. Areas that are over- or fully allocated like Poverty Bay Flats, or areas with scarce drinking water proportionate to population numbers in rural townships up the coast, will benefit from enabling water storage.

2.21. As a unitary authority with regional (i.e. freshwater regulator) and territorial (managing the supply of treated drinking water) functions, water security has been a top Council priority, with the establishment of the Water Security Programme in 2021 (see **Council Report 21-189**).

2.22. The Water Security Programme includes a regional water assessment to understand how much water is available across Te Tairāwhiti and subsequently studies, looking into possible options on capturing water to bolster supply where it is needed to build regional resilience. Previous research has already confirmed the potential for managed aquifer recharge on the Poverty Bay Flats, and there has been ongoing interest in alternative use of treated storm- and wastewater discharges from Council's treatment plant. For more recent progress update on the Programme, see **Council Report 23-303**.

Relief sought:

Council recommends greater clarification on what scale of water storage will be enabled. This includes site-specific assessment to ensure that the geology and any natural hazard risks is appropriate to warrant a permitted activity status.

Wetland regulations

2.23. **Council supports in part,** the government's intent to simplify wetland regulations and enabling wetland construction. We note that our submission points in this section support our submission on Stock Exclusion Regulations in Package 2: Primary Sector.

2.24. Less than 2% of pre-human wetlands remain in Te Tairāwhiti. A report published in 2020 detailed that a further 15% of those remaining were lost between 1996 and 2018[3]. Council has completed provisional LiDAR-derived mapping and is in the process of validating this mapping with expert ecological assessment of oblique aerial imagery.

2.25. Through freshwater catchment planning engagements to date, tangata whenua and advisory groups have agreed that wetlands are nature-based solutions with multiple functions linked to key ecosystem services. They include water storage (above ground and then seepage into aquifers below), filtration and purification of water, supporting biodiversity and taonga species and more. In a region like Te Tairāwhiti, wetlands can act as natural buffers absorbing shock and reducing downstream damage and their loss not only accelerates environmental decline but exposes communities to increased natural hazard risk and reactive costs.

[3] The root causes of wetland loss in New Zealand: An analysis of public policies and processes. The National Wetland Trust (2020)

2.26. **Council supports** retaining the wetland mapping requirements[4]. **We agree** that there are difficulties in wetland mapping, primarily due to the cost of ground-truthing in line with the field-focused **MfE Wetland Delineation Protocols** and completing the mapping by the 2030 deadline. However, **we disagree** with the rationale of removing the mapping requirement[5]. Wetland mapping is essential to any meaningful monitoring effort and supporting discussions on green infrastructure as part of stormwater and flooding hazards[6].

Key points of concern:

2.27. We are concerned that a blanket, permissive pathway for farming activities could result in scope creep, and the introduction of farming activities contrary to Policy 6 of NPS-FM 2020[7]. The pasture exclusion clause and associated assessment methodology are a technically robust method of determining wetland presence/absence. Removal of the pasture exclusion clause is likely to compound the uncertainty inherent in wetland identification.

2.28. Removing the mapping requirement removes the mandate for this work at the regional governance level. This stalls mapping efforts already in progress and leads to sunken costs for councils that have started work to meet the mapping requirement, including this Council. Removing this mandate also weakens our ability to meet monitoring and reporting obligations under the NPS-FM and limits our capacity to partner meaningfully with tangata whenua using credible spatial data.

2.29. The Manaaki Whenua Landcare Research (MWLR) developed **Wetland delineation using desktop methods: a guide** for Ministry for the Environment (MfE), which can be better advocated for among regional councils as the nationally consistent methodology. This guidance (referred to as MfE-Agreed Guide in the rest of this submission) sets out a clear pathway for regional councils to meet the NPS-FM mapping requirements and provide a national standard for wetland data attribution.

2.30. **We believe** that the MfE-Agreed Guide partially mitigates these concerns by clarifying that ground-truthing is only required where uncertainty or dispute arises.

Relief sought:

We propose the following amendments to the proposal:

- **Council strongly recommends** the use and implementation of Freshwater Farm Plans (FWFPs), alongside regional regulations, in managing farming activities in Te Tairāwhiti.
- **Council recommends** stronger thresholds for permitted farming activities (in addition to use of FWFPs) to minimise negative effects on wetlands.
- **Council recommends** retaining the pasture exclusion clause[8] in the definition of 'natural inland wetland' instead of replacing the clause with a 'farming activities pathway.
- **Council strongly recommends** retaining the requirement for councils to map natural inland wetlands, but mitigate the mapping burden by:
    - Introducing a two-step mapping and validation approach that:
        - clarifies desktop delineation in accordance with the MfE-Agreed Guide will satisfy the NPS-FM mapping requirement in the first instance.

[4] Clause 3.23 of NPS-FM 2020

[5] That the removal of the mapping requirement will allow councils the flexibility to develop their own evidence bases to support monitoring and implementation of freshwater regulations.

[6] This is to align with proposals identified in the proposed national direction on infrastructure.

[7] Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

8 Option A3, Interim-RIS-Simplifying-the-wetland-provisions-in-the-NPS-Freshwater-Management-and-NES-Freshwater.pdf

- limits the requirement for further validation (ground-truthing) to instances of uncertainty or dispute, which can be addressed on a case-by-case basis, for example, through the Consenting-Freshwater Farm Plan-Compliance pathway.
- Extending the mapping deadline to 2040.

Drinking water supply

2.31. **Council supports** the government's intent in identifying and better managing Source Water Risk Management Areas (SWRMAs).

2.32. Cyclone Gabrielle in 2023 have highlighted our region's vulnerability. Drinking water supply to Gisborne City was cut off, following landslips that led to pipe failure and sediment contaminating 2 out of the 3 Mangapoike dams that function as the main supply for Gisborne City. The supplementary supply, Waipaoa Water Treatment Plant, also suffered from structural failure. Water restrictions were in place and lasted 45 days, affecting businesses and residents alike, until the issues with the damaged pipes and the Waipaoa Water Treatment Plant were resolved[9].

2.33. The key takeaway from Cyclone Gabrielle is we need to be actively managing land use activities in a way that considers the region's context and aspirations of the people living in the area. The reason the impacts were severe is due to a combination of poor land use practices in close proximity to our main drinking water supply source and distribution network, and soft geology of the region.

2.34. **We are concerned** that the impacts of a more enabled regime (through the other packages and in this package) will conflict with the intention of this freshwater objective.

Relief sought:

Council recommends that the activity status for the permitted activities occurring near or within any of SWRMA zones with certain probability of affecting water quality in these SWRMA zones be subjected to further scrutiny. Land use within SWRMAs should be subject to a reverse sensitivity test, in situations where existing water supply risk must be considered prior to enabling land use intensification.

Closing summary

The events of Cyclone Gabrielle highlighted our region's vulnerability to national resource management regulations that do not consider the regional context, the health of the environment, and aspirations of tangata whenua and communities.

While Council supports elements of the proposals in Package 3, we have some significant reservations. We emphasise that regional and local discretion is critical to ensure that activities are managed according to regional context – rather than a blanket, permissive approach.

We encourage the Ministry to consider our submission and reflect the recommendations that support the growth and wellbeing of Te Tairāwhiti. We welcome further engagement and collaboration with the relevant Ministries, sectors and tangata whenua to develop a freshwater planning framework that safeguards the environment while meeting the needs of water users – in particular the people living in these areas. Without regionally appropriate

[9] City water pipeline fixed | Gisborne District Council

safeguards, these proposals risk repeating historical regulatory failures with irreversible cultural, ecological and economic consequences for Te Tairāwhiti.

APPENDIX 1: RESPONSES TO PACKAGE 3 QUESTIONS

Section 2: Options for changing national direction for freshwater
1a. What resource management changes should be made in the current system under the RMA (to have immediate impact now) or in the future system (to have impact longer term)?
We recommend that councils are provided clear direction during this transition period that meets the needs of tangata whenua and community under operative RMA framework while future-proof for the new dual RM framework.
Part 2.1 Rebalancing freshwater management through multiple objectives
2a. Would a rebalanced objective on freshwater management give councils more flexibility to provide for various outcomes that are important to the community?
Unsure Rebalancing through multiple objectives appear flexible, but at operational level there remains uncertainty on how regional councils will balance competing values (set through the multiple objectives) in a fair and equitable manner while exposed to the risk of litigation.
2b. How can the NPS-FM ensure freshwater management objectives match community aspirations?
Protection of environmental health is essential to meet other uses – such as drinking water, cultural practices, recreational and economic use. Councils require clear and ambitious freshwater management objectives that can meet community values and aspirations, effectively managing waterbodies, while seeking progressive improvement on condition of the waterbody beyond the environmental bottom lines. Collectively, this ensures all users can benefit from what the waterbody can provide us.
3. What do you think would be useful in clarifying the timeframes for achieving freshwater outcomes?
We recommend the following points: • Enable councils to set timeframes that reflect local conditions and capacity, provided that these are supported by clear justification and are subject to monitoring. • Factor in climate change scenarios as there is the possibility of climate change implications outpace our proposed mitigations. For example, the potential risk of a restoration project taking longer than the original timeframe because of climate change.
4a. Should there be more emphasis on considering the costs involved, when determining what freshwater outcomes councils and communities want to set?
Unsure We are unsure how or what "more emphasis" would look like. But we are aware that if we don't act now (or in a defined timeframe) to meet freshwater outcomes, costs to the environment and the community will still exist and accumulate over time.
Part 2.2 Rebalancing Te Mana o te Wai
5. What will a change in NPS-FM objectives mean for your region and regional plan process?
Changing the NPS-FM objectives lead to uncertainty on how competing values weigh against each other within the planning framework.
6. Do you think that Te Mana o te Wai should sit within the NPS-FM's objectives, separate from the NPS-FM's objectives, or outside the NPS-FM altogether?
Within the NPS-FM's objectives **We support** retaining Te Mana o te Wai and its hierarchy of obligations within the NPS-FM. Te Mana o te Wai and hierarchy of obligations are integral to freshwater management, providing councils clarity on how competing values should be weighed in freshwater planning and decision-making.
7. How will the proposed rebalancing of Te Mana o te Wai affect the variability with which it has been interpreted to date? Will it ensure consistent implementation?
Our people understand that we are living in a highly modified environment ever since people arrived and settled in Aotearoa and Te Tairāwhiti.

Through our freshwater catchment planning engagement to date, the different groups we have engaged with (tangata whenua, advisory groups, catchment groups and local stakeholders) understand that Te Mana o te Wai does not require councils to achieve pristine water quality.
The proposed rebalancing of Te Mana o te Wai, i.e. removal of the hierarchy of obligations, will lead to inconsistent implementation of managing competing freshwater values across the country.

Part 2.3 Providing flexibility in the National Objectives Framework

8. Which values, if any, should be compulsory? Why?

We support retaining all four compulsory values: Ecosystem Health, Human Contact, Mahinga Kai, Threatened species.

9. What would be the practical effect of removing compulsory national values? Do you think this will make regional processes easier or harder?

The compulsory values support the hierarchy of obligations by identifying health of the wai and health of people are important and should be reflected as such.
If these values become optional, there is a high risk that councils are unable to provide the regulatory framework needed to ensure these values are managed according to their status as compulsory values.

10. Which attributes, if any, should be compulsory to manage? Which should be optional to manage?

We support retaining all attributes, as its current status, in the NPSFM.
There should be a pathway or opportunity for regional councils to make some attributes optional to manage as it is costly for a council like this Council to monitor all attributes, and if monitoring the attribute provides little value or it's not highly relevant to the region.
We recommend adding temperature as compulsory attribute, which is a good indicator for Dissolved Oxygen and biodiversity.

11. Which attributes, if any, should have national bottom lines? Why?

We support retaining national bottom lines for all attributes.
Bottom lines are important as it highlights the state and trends in the waterbody, and leads to discussion of what requirements (regulatory and non-regulatory) are needed to address state and trends.

12. To what extent should action plans be relied upon, including to achieve targets for attributes?

We see that action plans do not replace regulation (i.e. limits), but rather action plans complement the regulatory framework to achieve targets and environmental outcomes for the catchment.

13. Should councils have flexibility to deviate from the default national thresholds (including bottom lines) and methods?

Unsure
Regional context is important to determine if councils should deviate from default national thresholds and methods.
NPSFM should have clear criteria for councils to ensure deviating is not a way of continuing environmental degradation.
Greater flexibility may be possible if linked to clear and measurable environmental outcomes.

Part 2.4 Enabling commercial vegetable growing

14. What are the pros and cons of making commercial vegetable production a permitted activity?

Pros:

- **Sends signal to horticulture industry** that this activity is enabled and supported on government level, by providing growers the confidence to invest and plan without facing delays or uncertainty in consenting
- **Streamlines processes and avoids unnecessary regulatory barriers** for well-established, lower-risk operations
- **Eases workload** for resource consent teams

- **Provides environmental safeguards** – if the permitted activity conditions are well-designed permitted activity conditions (e.g. setbacks, soil management, nutrient limits)

Cons:

- Reduces councils' ability to assess, monitor and manage cumulative effects of activities on the environment. This includes soil health, water quality, sediment loss and biodiversity. This is of particular concern in areas of intensive commercial vegetable production such as Poverty Bay Flats.
    - **Risks to water quality**, especially water quality in catchments where waterbodies already degraded (i.e. overallocated, discharge-wise). Intensification can lead to increase rates of contaminants, herbicides and pesticides seeping into groundwater networks.
    - **Risks on water availability**, for example in Poverty Bay Flats where most water sources are either fully allocated or overallocated. Water storage (in Part 2.5) may somewhat alleviate this issue.
- Expansion of horticulture into other flats in the region not currently in horticulture due to reasons like lack of flood protection scheme and limited water availability. The proposals throughout the 4 national direction packages enable these activities – however the cumulative adverse effect on the environment has not been well-considered in any of the national direction proposals.

15a. How do you think policies and/or rules should be designed to provide for crop rotation?

Assessing "reasonable and efficient use" becomes complex when crop types and their water demands vary from season to season. A one-size-fits-all water demand assessment is not appropriate for operations with frequent or flexible crop rotation.
Paper allocation becomes difficult to manage and reduce when consented volumes are based on a range of potential crop scenarios, rather than fixed crop types.
Assessing water storage requirements is equally challenging, as infrastructure may be under- or over-sized depending on the rotation pattern, climatic conditions, or intended crop mix in any given year.
We recommend the following points**:**

- Enable flexible water use by allowing consents to reflect a range of crop types and seasonal variability.
- Require water use efficiency plans or irrigation management plans that set out intended crop types and justify volume estimates, while allowing for reasonable flexibility.
- Require metering and reporting, so actual use over time can inform allocation reviews, support adaptive management, and help reduce paper allocation in a far and evidence-based manner.
- Recognize rotational land use in policy by incorporating clear guidance on how to determine reasonable water needs for variable cropping systems, rather than relying on statis land-use assumptions.

15b. Do you think these should be considered within sub-catchments only?

No
We believe these should be at both catchment and sub-catchment scale, supported by Freshwater Farm Plan framework. The approach then recognizes the connectivity between and within the different domains, leading to a holistic management approach.

16. For the proposal to develop nationally set standards, what conditions should be included?

We recommend recognizing regional and local discretion and ensuring notification clause extends to both Council and tangata whenua.
This is to allow regional and local knowledge into the discussion to ensure the permitted activity is, indeed, appropriate to retain its activity status in a region like Te Tairāwhiti.

Part 2.5 Addressing water security and water storage

17. Should rules for water security and water storage be set nationally or regionally?

Regional

We support national standards where applicable – but allowing for regional variation. Climate change projections have determined that its influence on different parts of the country will differ.
In many cases, off-stream water storage is permitted in our region. Rules are triggered when: a water user intends to build a dam in a flood hazard overlay, or through the solid discharge rule where it is a Restricted Discretionary activity to discharge greater than 500m^2 of soil or fill.
Poverty Bay Flats is fully allocated, and for certain river systems, overallocated. We are keen to encourage shared water storage on the PBF, so we want to ensure that any controls won't restrict multi-owned or used water storage facilities.

19a. What are your views on the draft standards for off-stream water storage set out in Appendix 2: Draft standards for off-stream water storage?

We provide our feedback for the listed standards as follows:

- ***Standard 1***: doesn't align with rationale provided in the appendix. Critical source areas do not include floodable areas identified in flood hazard overlays. Some refinement needed, such as if overland flood flow paths should be included or not. Might be difficult to achieve as many dams might be in ephemeral flow paths, which would be critical source areas.
- ***Standard 4***: seek clarification as this standard is not easy to understand.
- ***Standard 5***: while support intention of impermeable layer, what is the definition of impermeable layer in this context? Most things leak to a certain extent, some more than others. Standards should have some kind of threshold or ongoing requirement to demonstrate the amount of leakage.
- ***Standard 6***: unclear purpose of this standard. Is it flood risk in the event of failure?
- ***Standard 7***: seek clarification as usually Council will require some kind of monitoring method to determine if the water used for an activity (e.g. irrigation) is, only, from the off-stream water storage and not including other unconsented source.
- ***Standard 8***: support, which would mean operative solid discharges rule won't be triggered.
- ***Standard 9***: clarify the definition for ecologically significant vegetation? Is there a link to the NPS for Indigenous Biodiversity?

20. Should both small-scale and large-scale water storage be enabled through new standards?

We recommend the following points**:**

- Clarify/include definition of small- and large-scale water storage
- Require site-specific assessment that considers if the scale of water storage is appropriate to the size of river/stream the water is drawn from, and the supporting infrastructure according to scale of water storage.

Part 2.6 Simplifying the wetlands provisions

21. What else is needed to support farmers and others to do things that benefit the environment or improve water quality?

That national level funding to extend to Te Tairāwhiti, not only to other regions just because farms in our region don't have as big of a scale as some other regions.
Our farmers need access to information. The removal of wetland mapping requirement, at a regional scale, will mean that farmers are then reliant on national scale mapping to develop solutions addressing finer resolution issues on their farms.

22a. What should a farming activities pathway include?

Freshwater Farm Plans central to the pathway, where certifier working with farmer to identify what solutions/actions is needed to address farm-specific issues, and if these solutions require a consent.
Freshwater Farm Plans complement regulatory framework, addressing farm-specific issues with farm-specific solutions that contribute to wider catchment health.
Stronger thresholds for farming activities pathway to minimize negative cumulative effects on wetlands.

22b. Is a farming activities pathway likely to be more efficient and/or effective at enabling activities in and around wetlands?

Unsure
We seek clarification on what is "farming activities pathway".

23. What will be the impact of removing the requirement to map wetlands by 2030?

Removing the mapping requirement also removes the mandate for this work at the regional governance level. This stalls midstream mapping efforts and lead to sunken costs for councils that have started work to meet the mapping requirement, including this Council.
The Manaaki Whenua Landcare Research (MWLR) developed **Wetland delineation using desktop methods: a guide** for Ministry for the Environment (MfE), which can be better advocated for among regional councils as the nationally consistent methodology. This guidance (referred to as MfE-Agreed Guide in the rest of this submission) sets out a clear pathway for regional councils to meet the NPS-FM mapping requirements and provide a national standard for wetland data attribution.
We believe that the MfE-Agreed Guide partially mitigates these concerns by clarifying that ground-truthing is only required where uncertainty or dispute arises.
Council strongly recommends retaining the requirement for councils to map natural inland wetlands, but mitigate the mapping burden by:

- Introducing a two-step mapping and validation approach that:
    - clarifies desktop delineation in accordance with the MfE-Agreed Guide will satisfy the NPS-FM mapping requirement in the first instance.
    - limits the requirement for further validation (ground-truthing) to instances of uncertainty or dispute, which can be addressed on a case-by-case basis, for example, through the Consenting-Freshwater Farm Plan-Compliance pathway.
- Extending the mapping deadline to 2040.

24. Could the current permitted activity conditions in the NES-F be made clearer or more workable?

We recommend recognizing regional and local discretion, and ensuring notification clause extends to both Council and tangata whenua.
This is to allow regional and local knowledge into the discussion to ensure the permitted activity is, indeed, appropriate to retain its activity status in a region like Te Tairāwhiti.
We also recommend addressing the relevant flow regime and the effects on water quantity for the proposed permitted activity standard for wetland construction. This may involve a non-consumptive take (limited in volume and length).

Part 2.7 Simplifying the fish passage regulations

25a. What information requirements are necessary for fish passage?

Many culvert applications processed to date are for short or intermittent waterways, with low likelihood of supporting migratory species.
We agree that the level of technical detail required may be disproportionate to the scale of the proposed culvert activity.
We support filtering information requirement through a risk-based approach, which considers:

- Stream order or flow permanency.
- Fish habitat presence or potential presence, with reference to mapped fish distribution.
- Type and scale of the proposed structure.

The risk-based approach will filter/allow low risk culverts to proceed without onerous assessment while maintaining protection for key habitats.
At the minimum, **we recommend** the following as key information requirements:

- Classify desirable and undesirable fish species in the region, along with taonga species.
- Identify life stages of these fish and their seasonal migration routes.
- Provide overview of existing fish passage structure types that support fish migration, and any planned or impending structures designed to improve fish passage.
- Identify structure conditions and any improvement/maintenance requirements.

25b. What would the difference in cost be, relative to current information requirements?

We believe that cost can only be considered after a field survey has been conducted to assess fish migration routes, the type of structures and maintenance estimated.

26. How can regulations for temporary and permanent culverts in the NES-F be made simpler?

We recommend the following points:

- Create a clear and consolidated permitted/not permitted culvert checklist.
- Specify the structure requirements for all migration routes.
- Differentiate temporary and permanent structures.
- Introduce an online portal where consent holders can update their structure specifications (dimensions), coordinates, river/stream name, type of structure (permanent/temporary) and photos that make it easier for monitoring purposes.
- Take into account any bylaws for flood protection scheme.
- Different management approach where related to cultural/customary significant sites (e.g. consent required, or just rely on tangata whenua engagement/approval).
- Avoid breeding seasons or considered a priority to avoid any major activity that can affect the direct or indirect impact on the fish habitat or ecological significance of that area.
- Bundle consent or global consent for repetitive structure maintenance activities.
- Develop guidance, hold training workshops.

27. Temporary culverts are currently treated the same as permanent ones. If temporary culverts were to be treated differently (eg, had fewer conditions), would it be better to do so through a permitted activity pathway in the NES-F (culverts only), or by allowing councils to be less stringent than the permitted activity conditions for culverts and weirs?

We believe that permitted activity pathway is feasible, provided that the rules are clear, enforceable, and any environmental impacts can be monitored.
For longer term temporary culvert installation, e.g. temporary use of the structure for four weeks in a year), we believe the conditions include a comprehensive Environmental Management Plan (EMP), which covers:

- environmental impacts,
- mitigation strategies,
- temporary measures,
- maintenance schedules and follow-up.

This ensures that even short-term structures are responsibly managed and monitored.
However, we believe our suggestions will depend on the definition of 'temporary culverts', and we will provide more detailed submission when the exposure draft is released.

Part 2.8 Addressing remaining issues with farmer-facing regulations

29. To what extent will it be more efficient to require dairy farmers to report on fertiliser use at the same time of year they report on other matters?

We support aligning reporting with the farming calendar.

30. Has the requirement for dairy farms to report their use of fertiliser already served its purpose, in terms of having signaled a level of unacceptable use that should be avoided – no more than 190 kilograms per hectare per year – and if so, is this requirement still necessary?

Unsure
We note that dairy farming isn't a major industry in Te Tairāwhiti. We have only 2 dairy farms, both located in the Mōtū catchment.
Sheep and beef farming is dominant in our region's hill country due to the slopes in our region and the limited water availability that are needed for dairy farming.
However, we support other councils' submissions where dairy farming is a major industry in those regions.

Part 2.9 Including mapping requirements for drinking water sources

31a. Do you think that requiring regional councils to map SWRMAs for applicable drinking water supplies in their regions will improve drinking water safety?

Yes
We support mapping SWRMAs, but we see mapping as the first step to improve drinking water safety. The map will require planning framework to safeguard drinking water and compliance checks to ensure activities that affect water quality are managed.

We note that we do not have management oversight over all drinking water supplies – only Gisborne City, Te Karaka and Whatatutu. Other drinking water supplies in the region are private schemes.
31b. Should councils be required to publish SWRMAs?
Yes
32. Do you think that three zones should be required for each SWRMA, or is one zone sufficient?
Three zones We believe that the three zones will ensure activities are appropriately managed according to the zone criteria. However, we recommend mapping approach to account for the difference between groundwater and surface water systems. We welcome further discussions between MfE and the groundwater-SIG to ensure this is well-captured in the methodology.
33. What do you think the population threshold should be to require regional councils to map SWRMAs (eg, 100-person, 500-person, or some other threshold)?
500-person Our population is dispersed across Te Tairawhiti, with most living in Gisborne City, others in rural townships and the rest in small farming settlements. For our region, **we believe** it is most appropriate that we undertake a staged approach to mapping, starting from 500-person threshold (Phase 1) and then moving to map 100-person threshold (Phase 2).