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25 July 2025

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Dear Sir/Madam

Waikato Regional Council Submission on the National Direction Package 3: Freshwater - Discussion document

Thank you for the opportunity to submit on the National Direction Package 3: Freshwater - Discussion document. Please find attached the Waikato Regional Council's (the council's) submission, formally endorsed by the council on 23 July 2025.

Council recognises the importance of Waikato as a significant region for the country in terms of food production, the location of key national infrastructure, being a critical Upper North Island freight movement node, a centre for national energy generation, a significant area of high metro-growth, and a region rich in diverse natural environments that support many tourism activities. The Waikato also has unique Treaty settlements that need careful consideration in regard to their continued application in the Waikato.

The attached submissions are comprehensive with a wide range of topics covered, elected members held a wide range of views on each of the submissions made. Council's submission points on Te Mana o te Wai were well debated by council, and given the nature of the topic we want to highlight that there is a diversity of perspectives held by elected members. As a collective, however, Council was supportive of the submissions being lodged, emphasizing that a balance needs to be struck between environmental stewardship and a productive and prosperous region.

Should you have any queries regarding the content of this document please contact Katrina Andrews, Senior Policy Advisor, Strategic and Spatial Planning directly on (07) 8590929 or by email Katrina.Andrews@waikatoregion.govt.nz.

Regards,

Tracey May
Director Science, Policy and Information

Submission from Waikato Regional Council on the National Direction Package 3: Freshwater - Discussion document

Introduction

1. We appreciate the opportunity to make a submission on the National Direction Package 3: Freshwater - Discussion document.

2. Waikato Regional Council (the council) recognises that the government is proposing changes to national direction to contribute to the overarching goals of the resource management reform programme. Given the significant scale of change proposed to national direction, we highlight the importance of producing national direction that is clear and workable and provides certainty for local authorities, applicants and communities, in a way that allows it to be as enduring as possible. Having certainty of direction over election cycles would assist with the ability of local authorities to effectively implement national direction in regional and local planning documents in the new system.

3. Overall, the council is generally supportive of the proposed changes. We offer a number of recommendations aimed at addressing specific questions raised in the discussion document and improving implementation, clarity and certainty for local authorities.

4. We provide a summary of our key points below, followed by a table of comments. We have structured our feedback by topic and respond to the specific questions provided in the discussion document. We have included supplementary comments on certain topics where we suggest additional clarification or information may be helpful.

5. As there is not indicative policy drafting available for the Package 3 proposals at this stage in the process, we have not included a column for specific recommended changes within the table in this submission as we have in our submission on the Package 1 and 2 discussion documents.

6. We look forward to future consultation processes on the proposed changes to national direction for freshwater, including on proposed exposure drafts, and would welcome the opportunity to comment on any issues explored during their development.

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Summary of key points - National Direction Package 3: Freshwater

Rebalancing freshwater management through multiple objectives

7. **We support** greater flexibility, and a community-responsive approach to freshwater management. We consider this must be carefully designed to protect the integrity of freshwater ecosystems and to continue to support statutory responsibilities in respect of Te Ture Whaimana o Te Awa o Waikato - the Vision and Strategy (Te Ture Whaimana) for the Waikato and Waipā River catchments.[1]

8. **We recommend** providing for regional variation within the national objective framework (NOF) to ensure the National Policy Statement for Freshwater Management (NPS-FM) reflects community values while maintaining environmental objectives.

9. **We oppose** the rebalancing of freshwater through multiple objectives. The proposed options significantly weaken protections by removing requirements to prioritise the health and wellbeing of water bodies.

10. **We support** efforts to clarify timeframes for achieving freshwater outcome under the NPS-FM. In the Waikato region, freshwater systems are experiencing evidence-based pressures from urban and rural activities, clear and realistic timeframes are essential for:
    a. Community understanding and buy-in
    b. Effective planning and investment by councils and landowners
    c. Accountability and progress tracking.

11. **We support** additional guidance on how to align timeframes with community aspirations and implementation capacity. **We propose** amendments could be made to enable councils to set timeframes that reflect local conditions and capacity, where these will require support through clear justification and ongoing monitoring.

12. **We support** including cost considerations when determining freshwater outcomes under the NPS-FM.

Rebalancing Te Mana o te Wai

13. **We support** retaining Te Mana o te Wai and the hierarchy of obligations within the NPS-FM. Te Mana o te Wai represents a fundamental approach to freshwater resource management while the hierarchy provides clear direction for decision makers.

14. **We agree** with the government's assessment that frequent changes to the NPS-FM have been inefficient, and we support policy settings being enduring.

Providing flexibility in the National Objectives Framework

15. **We support** retaining all four existing compulsory values (Ecosystem health, Human contact, Mahinga kai and Threatened species) as nationally mandatory.

16. **We oppose** removing compulsory national values. We consider removing these values will likely create significant variability across regions and reduce public confidence in the integrity of regional plans.

17. **We recommend** retaining a core set of compulsory attributes while allowing targeted flexibility based on regional relevance and evidence-based practicality.

18. **We support** making total nitrogen and total phosphorus required attributes in rivers, especially those that flow to sensitive receiving environments.

[1] Vision & Strategy - Waikato River Authority

19. **We recommend** consideration should be given to the relationship and potential overlap between the NPS-FM (generally focused on ecosystem effects) and Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG) (toxicity effects focused).

20. **We support** retaining national bottom lines for the core four contaminants and other attributes listed in Appendix 2A.

21. **We support** action plans as a complementary tool but oppose their use as the sole mechanism to meet numeric targets for compulsory attributes.

22. **We oppose** blanket flexibility or removal of national bottom lines, as this risks unmanaged adverse effects. Flexibility must not reduce environmental standards nor compromise the integrity of the national objectives framework.

Enabling commercial vegetable growing

23. We acknowledge the important role CVP plays in the Waikato region in supporting the national domestic vegetable supply and recognise that environmental compliance has implications for the cost of production and that needs to be balanced against freshwater outcomes. Council also supports the use of industry good practice to empower sectors to achieve environmental goals. However**, we do not support** making commercial vegetable production (CVP)[2] a permitted activity through national standards. Making CVP a permitted activity could result in further losses of water quality across the region, including in areas already experiencing water quality issues. It could also prevent the council from meeting Treaty Settlement statutory obligations under Te Ture Whaimana, Te Kaupapa Kaitiaki – Taupō Catchment Plan[3] and considering relevant iwi planning documents[4], such as restoration and management plans addressing freshwater.

24. This approach is also contrary to provisions under the proposed Waikato Plan Change 1 (PC1)[5]. PC1 was developed through a robust Resource Management Act 1991 (RMA) Schedule 1 process, with broad participation and has been strongly debated and negotiated through community consultation and Environment Court processes. The recent interim decision from the Environment Court[6] deemed it appropriate to have a consenting regime for CVP. Further, making CVP a permitted activity will shift the costs for managing water quality to other resource users in the catchment, including farmers, territorial authorities (TAs) and council-controlled organisations (CCOs) (i.e., point source dischargers). This approach may unfairly disadvantage other sectors who will need contribute more to mitigation and restoration of water quality. This approach does not provide for an equitable solution across sectors. Therefore, **we recommend** having a consenting regime for CVP.

25. **We urge** the government to consider the cumulative impact of diffuse discharges and to ensure that any framework includes mechanisms for equitable contribution, including CVP to freshwater outcomes.

26. If the government decides to progress making CVP a permitted activity through national standards, **we strongly recommend** that this should not apply to the Waikato/Waipā and Taupō catchments (due to the Treaty settlement statutory obligations noted above), as well as other areas currently experiencing water quality issues, and other areas that can influence degraded areas such as the Firth of Thames. For other parts of the region, this should be subject to robust (ideally consent) requirements, sector accountability for nutrient losses, and alignment with freshwater management unit (FMU) environmental outcomes and objective catchment-specific risk profiles. The council has concerns that there is insufficient information or evidence to demonstrate that relying solely on farm plans or minimum standards under a permitted regime is sufficient to manage CVP diffuse discharges effectively.

[2] In this submission commercial vegetable production (CVP) means commercial vegetable growing (CVG).
[3] Te Kaupapa Kaitiaki – Taupō Catchment Plan | Waikato Regional Council
[4] Iwi management plans | Waikato Regional Council
[5] Proposed Waikato Regional Plan Change 1 | Waikato Regional Council
[6] InterimEnvironmentCourtDecisionPC1.pdf

27. If CVP is to be made a permitted activity, **we recommend** having provisions for the true recovery of costs associated with compliance, monitoring and enforcement actions.

28. **We recommend** that national direction must allow regional councils to apply more stringent rules (and expansion limits) where necessary to meet local freshwater objectives.

29. **We support** having a policy framework providing for crop rotation (that is not for an expanding area), and **we recommend** that the expansion of CVP should require resource consent with area limits and restrictions on where expansion can occur.

30. **We recommend** aligning the timing of the implementation of the NPS-FM with the implementation of the new resource management system.

Addressing water security and storage

31. **We support** the concept of nationally applicable standards for water security and storage and consider these rules must allow for regional variation.

32. **We support** the standards as currently proposed. However, we consider a key point missing in these standards is guidance on a potential maximum structure.

33. **We recommend** amending the standards to include limitations on maximum size for water storage enabled through national direction.

34. **We recommend** including definitions for small-scale and large-scale water storage.

Simplifying wetland provisions

35. **We do not support** a "farming activities" pathway, and consider it is unclear what may be intended through this pathway. Fundamentally, the allocation of public good resources should be a level playing field. It follows that regulation of its use must be sector neutral and focused on the effects of activities, not who is causing them.

36. **We support** provisions that focus on appropriate regulation of clearly defined activities.

37. **We do not support** removing the requirement to map wetlands. Mapping wetlands provides a clear picture of existing wetland areas and helps identify locations where there has been change in the nature and extent of wetlands.

38. **We recommend** the definition for "natural inland wetland" and "induced wetlands" are refined for clarity.

Simplifying the fish passage regulations

39. **We recommend** the National Environmental Standard for Freshwater (NES-F) differentiates between temporary and permanent culverts.

40. **We recommend** Regulation 70 be improved by deleting condition (g); requiring the assessment of whether something "provides for continuity of geomorphic process" is unclear and difficult to enforce. This condition is redundant if culverts comply under conditions (a) to (f).

41. **We recommend** temporary culvert be defined within the NES-F as a structure installed for no more than 60 days and the conditions on a permitted activity pathway include:
    a. Avoid installation during critical fish migration periods (e.g. recognising location specific patterns).
    b. Prevent perched outlets and excessive water velocity.
    c. Require full removal and site restoration to pre-installation condition.

42. **We recommend** any changes made to non-complying culvert installation or a river reclamation project which are subject to s104D of the RMA are tailored to reflect the unique legal and cultural context of the Waikato River Treaty settlement statutory obligations, including the Taupō Water Settlement and the Waikato and Waipā River settlements.

43. **We oppose** amendments to a range of provisions that will have a detrimental impact on fish passages.

Addressing remaining issues with farmer facing regulations

44. **We support** aligning the reporting timing proposed and consider it essential that reporting periods are aligned with the dairy season.

45. **We recommend** retaining Clause 35 'Compliance with Regional Rules', as it enables regional councils to establish more stringent planning provisions tailored to individual environments, community values and water quality outcomes.

46. **We recommend** regulation 36 could be softened to only require information to be provided to the council upon request.

Including mapping requirements for drinking water sources

47. **We support** establishing drinking water protection zones and a consistent approach to mapping source water risk management areas (SWRMAs) across New Zealand.

48. **We support** centralised delivery and funding for SWRMA work to ensure consistency and to assist with timely implementation. If councils are required to undertake the work themselves, sufficient time must be allowed for inclusion of funding and resourcing in Long-Term Plans. This recognises that the work may not be prioritised without dedicated funding.

49. **We recommend** that SWRMAs be aligned with Earth Sciences New Zealand's DN4 national-scale product.

50. **We are generally supportive** of delineating three at-risk zones within each SWRMA. Zones 1 and 2 are practical to map. We suggest Zone 2 may need clarification and Zone 3's groundwater approach could be refined.

51. **We recommend** the mapping approach should account for the difference between groundwater and surface water systems.

National Direction Package 3: Freshwater - Discussion document - Responses to consultation questions

Question	Comments
Relationship to wider resource management reform	
Question 1 - 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)? From the topics in this discussion document, which elements should lead to changes in the current system or the future system, and why?	The broader reform process presents a valuable opportunity to enhance coherence and alignment across the resource management framework. We consider it reasonable and appropriate to make some changes now, prior to comprehensive reform, as they can deliver immediate benefits and provide clarification. However, we propose more fundamental changes should be included as part of wider reform. In particular, changes relating to objectives of the NPS-FM 2020 and specifically, Te Mana o te Wai (TMotW). Some proposed changes to objectives appear to deviate from the core intent of the RMA, which we consider may introduce greater ambiguity and misalignment of policy priorities while we transition from one system to the next. We note the discussion document references concerns around the implementation of TMotW and the hierarchy of obligations . We do not see any evidential basis for these concerns and the narrative in the consultation document differ from what we experience in our implementation of present NPS-FM provisions.
Rebalancing freshwater management through multiple objectives	
Question 2 - Would a rebalanced objective on freshwater management give councils more flexibility to provide for various outcomes that are important to the community? How can the NPS-FM ensure freshwater management objectives match community aspirations?	**We oppose** the rebalancing of freshwater through multiple objectives. We note the proposed options for 'rebalancing' of the hierarchy of obligations embedded in TMotW would significantly weaken protection by removing the clear requirement to prioritise the health and wellbeing of water bodies over uses. The current provisions are well-established and benefit from court guidance that assists interpretation. In comparison the proposed new objective provides for a case-by-case contest between protection of reasonable minimum standards of water quality, and out-of-stream use, which potentially compromises minimum standards, leading to inconsistent application and assessment. We consider this change risks creating a less-certain, more time-consuming regulatory environment, ultimately delaying progress towards freshwater outcomes.

	While **we support** greater flexibility, and a community-responsive approach to freshwater management, we consider this must be carefully designed to manage freshwater in an integrated manner and to ensure our statutory responsibilities in respect of Te Ture Whaimana are able to be fulfilled. We suggest an alternative approach to multiple, potentially competing objectives: **we recommend** the NPS-FM focuses on a single, integrated objective that: • Safeguards the life-supporting capacity of freshwater • Protects the health of people and communities • Maintains or improves water quality • Balances environmental, social, cultural, and economic outcomes This approach would better align with the principle of TMotW while providing a streamlined directive for councils. To ensure the NPS-FM reflects community values while maintaining environmental objectives, **we recommend** allowing for regional variation within the NOF. This is fundamental to ensuring regional councils, along with all landowners and all who do business in catchments, are focussing all their collective resources and efforts on the right interventions. We consider councils should be encouraged to set targeted objectives through regional plans, provided these are consistent with the principals of TMoTW. **We continue to support** integrated engagement processes that involve iwi, stakeholders, and community groups in the planning stages to define shared freshwater outcomes. We seek clarification on the possible wording of one of the proposed objectives. The discussion document states that the components would "not operate as a hierarchy but would require councils to provide for these matters equally within their planning documents". However, the proposed objective says, "safeguard water and enabling communities" while the RMA s5 states "enabling people and communities while safeguarding water". We **recommend** replicating the wording from the RMA to avoid conflict between the hierarchy in legislation and any different interpretations stemming from national direction. Proposed amendments must provide clear guidance for balancing objectives and provide national guidance on how to weigh environmental, cultural, social and economic outcomes in decision-making. This should include provisions for monitoring and adaptive management, ensuring any flexibility has robust monitoring and the ability to adapt plans if freshwater health declines.
Question 3 - What do you think would be useful in clarifying the timeframes	**We support** efforts to clarify timeframes for achieving freshwater outcome under the NPS-FM. In the Waikato region, freshwater systems are under pressure as outlined in the Waikato Regional Council 2022 State of the Environment report[7]. Clear and realistic timeframes are essential for:

[7] Te oranga o te taiao | Waikato State of the Environment 2022

for achieving freshwater outcomes?	• Community understanding and buy-in • Effective planning and investment by councils and landowners • Accountability and progress tracking. The current NPS-FM lacks clarity on what constitutes a reasonable timeframe and how to balance urgency with feasibility, particularly in addressing long-term challenges such as sedimentation and high nutrient loads. We note this is one of the councils most significant implementation challenges, specifically the extent and duration, this directly influence the level of investment by councils, landowners and operators. **We support** additional guidance on how to align timeframes with community aspirations and ability to pay. **We propose** amendments could be made to enable councils to set timeframes that reflect local conditions and capacity, providing these are supported by clear justification and are subject to ongoing monitoring. Timeframes should be developed through engagement with tangata whenua, stakeholders and the public, ensuring the timeframes reflect shared values and priorities. The timeframes must also align with Te Ture Whaimana, which sets long-term goals for river health. Timeframes need to have transparent reporting and adaptive management; we suggest mandating regular reporting on progress and allowing for adaptive timeframes if new science or community needs emerge.
Question 4 - Should there be more emphasis on considering the costs involved, when determining what freshwater outcomes councils and communities want to set? Do you have any examples of costs associated with achieving community aspirations for freshwater?	**We support** including cost considerations when determining freshwater outcomes under the NPS-FM. In the Waikato region, achieving community aspirations for freshwater such as swimmable rivers, restored wetlands, and fish-friendly infrastructure requires significant financial investment by all in the catchment, quantification of the reality of economic impacts of freshwater management interventions are critical. Factoring in costs helps ensure that outcomes are realistic and achievable, communities are engaged and supportive of the implementation pathway, and resources are prioritised effectively, especially in catchments with legacy pollution or complex land use pressures. For example, in the Waikato region, costs associated with fish passage upgrades can be substantial. Retrofitting pump stations and culverts to be fish-friendly (e.g. under the "Pathways to the Sea" strategy) can cost hundreds of thousands of dollars per site, especially where full pump replacement is needed. These costs vary widely depending on site specific factors such as consenting requirements, pump size and if additional infrastructure upgrades are necessary. Extensive riparian planting and fencing has been undertaken in the Waikato and Waipā catchments which requires ongoing investment in planting, fencing, and maintenance, this work has often been supported by public-private partnerships. Consideration of cost into freshwater planning is essential to ensure that community aspirations are not only visionary but also viable.
Additional comments on rebalancing freshwater	**We support** a more flexible, community-responsive approach to freshwater management, but acknowledge this must be carefully designed to protect the integrity of freshwater ecosystems and ensure Treaty Settlement statutory obligations are fulfilled.

management through multiple objectives	The proposed changes will result in a range of unintended consequences: • Proposed changes risk compromising existing environmental protections. The current NPS-FM prioritises the health of freshwater ecosystems. Introducing multiple objectives may weaken the established hierarchy, allowing economic or development interests to override ecological concerns, they need to be considered equally. • Councils and stakeholders may struggle with how to interpret balancing competing objectives, leading to inconsistent decision-making, increased legal challenges, delays in plan-making and consenting. The current framework embeds TMotW as a foundational principle. Rebalancing objectives could be perceived as undermining Māori values and co-governance commitments. Councils may need to revisit and revise freshwater plans and objectives, resulting in additional workload and confusion. Multiple objectives could complicate the use of tools such as Freshwater Farm Plans and limit-setting via the NOF. • Economic or infrastructure pressure could lead to short-term decision making that compromises long-term freshwater health. This is of particular risk in catchment such as Waikato which are under stress from land use, urban growth or effects from climate change.
Rebalancing Te Mana o te Wai	
Question 5 - What will a change in NPS-FM objectives mean for your region and regional plan process?	We have made significant progress in reviewing our regional plan and giving effect to TMotW including through active engagement with stakeholders and our communities. **We agree** with the government's assessment that frequent changes to the NPS-FM have been inefficient, and support policy settings being enduring.
Question 6 - Do you think Te Mana o te Wai should sit within the NPS-FM's objectives, separate from the NPSFM's objectives, or outside the NPS-FM altogether – and why?	**We support** the retention of TMotW and the hierarchy of obligations within the NPS-FM. Te Mana o Te Wai reflects a fundamental approach to freshwater management, recognising healthy water supports healthy communities, while the hierarchy of obligations provides clear direction for decision-making We caution against removing the hierarchy of obligations, or TMotW as it would be erasing a key pillar to achieving environmental outcomes in freshwater for current and future generations.
Question 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	In the Waikato region, Te Ture Whaimana applies to the Waikato and Waipā River catchments. Established through the Waikato River Settlement, Te Ture Whaimana is the primary direction setting document within the Waikato region; Te Ture Whaimana and TMotW are foundational frameworks for freshwater management. Amending TMotW would create complexity by requiring the health and wellbeing of the waterbody in one catchment to be protected and enhanced, while other catchments lack prioritisation. We consider rebalancing TMotW will lead to a fragmented approach and inconsistencies in decision-making across the region.

consistent implementation?	In the current form, TMotW, including the hierarchy of obligations, has provided clear guidance for our freshwater plan review conversations; rarely does feedback disagree with putting the water body first. Feedback is focused on what is required to be done by when, and who should pay for this. The present hierarchy of obligations should remain. Of the options proposed, **we do not support** any in their current form and suggest a modified option one would be more appropriate. The amendment option retains the status quo as per the recent amendment to s104, specifically: • Retain TMotW within the NPS-FM as at present and the hierarchy of obligations as the NPSFM objective • 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 the process steps (3.2 of the NPSFM) for councils in implementing TMotW. We believe this is a balanced approach and will more likely achieve the improvements in water quality over time which the discussion document is seeking.
Providing flexibility in the National Objectives Framework	
Question 8 - Which values, if any, should be compulsory? Why?	**We support** retaining all four existing compulsory values (ecosystem health, human contact, mahinga kai and threatened species) as nationally mandatory. These values reflect critical national interests and enduring commitments under Treaty Settlement statutory obligations and TMotW. As stated in legislation Te Ture Whaimana is the primary direction setting document for the Waikato and Waipā catchment and where there is any inconsistency with national policy it prevails We caution against making freshwater management units (FMUs) optional, as this would risk losing the benefits of a consistent and integrated approach to freshwater management. Without FMUs as a required framework, planning processes may become fragmented, reducing their effectiveness and coherence.The values were strongly supported by communities during the consultation process on the current NPS-FM; we consider making values optional could be redundant and weaken the integrity of the framework.
Question 9 - What would be the practical effect of removing compulsory national values? Do you think this will make regional processes easier or harder?	**We oppose** removing compulsory national values. We consider removing compulsory values will likely create significant variability across regions and reduce public confidence in the integrity of regional plans. We suggest removing national values would make regional processes harder by creating conflict at the values identification stages and increasing the risk of litigation.

Question 10 - Which attributes, if any, should be compulsory to manage? Which should be optional to manage?	**We recommend** retaining a core set of compulsory attributes while allowing targeted flexibility based on regional relevance and scientific practicality. This adaptive approach enables regional councils to implement the NPS-FM effectively while maintaining alignment with national outcomes. Nitrogen, phosphorus, E. coli, and sediment should remain compulsory attributes due to their critical role in ecosystem health and human contact. The cumulative impacts of these attributes often cross FMU and regional boundaries and require national consistency to effectively manage land use pressures. We support maintaining the current distinction between attributes in Appendix 2A (targets/limits) and Appendix 2B (action plans), however, we recommend allowing case-by-case reclassification between these categories based on local variations. **Attributes that should remain compulsory in the Waikato** Most monitored natural lakes in the Waikato region are highly degraded. To support recovery and protect ecosystem health, we suggest the following lake attributes should be retained: • Phytoplankton (algal blooms) • Total nitrogen and total phosphorus • Submerged plants (native and invasive) • Dissolved oxygen. These indicators are primary measures of lake ecosystem condition and should remain mandatory. Similarly, fish and macroinvertebrate communities serve as important integrative indicators of freshwater health. Despite complex stressor relationships, they offer important insights. We support retaining these attributes, except for fish communities in FMUs where known physical barriers (e.g. hydro dams in the Upper Waikato) significantly limit native populations. **We support** making total nitrogen and total phosphorus required attributes in rivers, especially those that flow to sensitive receiving environments. **We recommend** adding the trophic level index (TLI) as an optional attribute for lakes. This is a balancing indicator for lakes that naturally have high phosphorus but low nitrogen. The NPS-FM includes 22 compulsory attributes; not all are equally relevant across Waikato FMUs. A blanket application may strain monitoring resources with little added value. For example, ecosystem health attributes often vary by FMU, while contact recreation attributes are broadly applicable. **We recommend** councils should have discretion to focus on locally relevant attributes, again targeting finite resources where focus will make a difference. We consider the following attributes should remain in the Waikato but with added flexibility on how they apply:

	Periphyton Our council does not currently collect periphyton biomass data under our State of the Environment programme. However, we collect visual estimates of percentage of algal cover during summer ecological surveys, which show low risk at most sites. We propose a targeted application of the periphyton attribute: • Use percentage cover data to identify high-risk sites • Initiate monthly periphyton biomass monitoring at these locations only. This targeted approach provides an efficient method for identifying problem areas without requiring widespread new monitoring effort. This attribute is a clear example of where flexibility is warranted, cost-effective and easily supported by catchment context. *Dissolved Oxygen (DO)(Rivers)* The NPS-FM includes two river DO attributes: • One for sites below point source discharges • One for all rivers. Point source discharges are well regulated in our region, with existing consent conditions and monitoring already in place. This makes the first attribute a low priority for further regional planning. However, the second attribute is highly relevant in parts of the region — particularly lowland streams in the Lower Waikato and Hauraki FMUs — where summer DO levels are a persistent issue. This attribute has been used overseas successfully to drive changes in environments with similar characteristics to the Waikato. We support maintaining this attribute as compulsory. *Gross Primary Production (GPP) / Ecosystem Respiration (ER)* Our council has limited GPP/ER data. We believe the environmental issues these attributes address can be managed through greater emphasis on the existing dissolved oxygen attribute. As such, flexibility to substitute or prioritise these attributes may be justified. *Deposited Fine sediment* Deposited fine sediment should remain compulsory. It is a key ecosystem health indicator for Macroinvertebrate Community Index (MCI) and is very relevant for the Waikato region. It is also an attribute that can be effectively managed through land use practices. However, some well-defined flexibility for where this should apply could be added. *Support for optional attributes in specific contexts* Optional attributes are appropriate where: • An attribute is demonstrably less relevant in a particular FMU • Robust monitoring data is unavailable and difficult to obtain

	• There are important contextual distinctions (e.g. natural versus artificial lakes) not currently recognised in the attribute framework. In these cases, councils should retain discretion to apply optional attributes when needed and to propose appropriate monitoring methods. As previously mentioned, if this flexibility is not appropriately supported with clear national direction to guide it, then making some attributes optional could be problematic. This approach maintains national integrity while allowing regional flexibility and responsiveness — consistent with the purpose and intent of the NOF.
Question 11 - Which attributes, if any, should have national bottom lines? Why?	**We support** retaining national bottom lines for the core four contaminants and other attributes listed in Appendix 2A. National bottom lines play a critical role in ensuring a consistent minimum standard for freshwater across all regions. They have legal effect on the duty to maintain or improve freshwater health. These standards support regional councils in managing cumulative effects and making robust planning and consenting decisions. Removal of national bottom lines would: • Create significant planning uncertainty and inconsistency across regions • Undermine the hierarchy of TMotW and Te Ture Whaimana Furthermore, we consider removal of bottom lines risks normalising recent environmental degradation. Without clear standards, areas in a degraded state may be treated as acceptable baselines, particularly where economic pressure or monitoring limitations make it easier to maintain the status quo. We consider this would undermine the intent of NPS-FM which is designed to prevent this form of environmental normalisation and to drive continuous improvement in freshwater outcomes. If flexibility to deviate from bottom lines is introduced, it must be limited to well-defined, evidence-based scenarios (such as natural sediment levels in volcanic catchments). Deviations must be justified by evidence, should be supported by the community, and have robust safeguards. Any flexibility must not reduce environmental standards nor compromise the integrity of the NOF.
Question 12 - To what extent should action plans be relied upon, including to achieve targets for attributes?	**We support** action plans as a complementary tool but oppose their use as the sole mechanism to meet numeric targets for compulsory attributes. We consider action plans are essential in bridging the gap where scope and effect of regulation is limited. They are also a useful tool for when communities want specific, localised improvements in response to certain issues. For core contaminants and Appendix 2A attributes, regulatory controls and enforceable targets must remain the primary mechanism. Relying on action plans alone risks delays and weakens accountability.

Question 13 - Should councils have flexibility to deviate from the default national thresholds (including bottom lines) and methods? Are there any other purposes which should be included?	**We support** tightly constrained flexibility where justified by: • evidence based science and mātauranga Māori, • natural environmental conditions (e.g. naturally high turbidity), or • innovation in monitoring techniques. Any flexibility must be subject to: • clear national criteria, • transparent consultation and iwi engagement, • withstanding independent science review, and • national oversight. We consider there is value in enabling limited flexibility to adjust thresholds or correct data where local conditions or monitoring constraints justify it. For example, in the suspended fine sediment (visual clarity) attribute, corrections can improve both state assessment and target-setting. In the Waikato region, over 50 percent of monitored sites are classified as C and D bands for suspended sediment. Rivers in the Waikato can have relatively high contributions of coloured (or chromophoric) dissolved organic matter (CDOM). Although CDOM generally accounts for a relatively small proportion of visual clarity, there is value in correcting data (or adjusting banding) prior to classifying states and developing targets for sediment reductions (Figure 1). The NPS-FM suspended sediment uses visual clarity and specifies that turbidity can be converted to visual clarity. There are limitations to a simple regression between turbidity and visual clarity that add to the uncertainty of this attribute. To improve on gap-filling, WRC is trialling field-based transmissometer (i.e. different method) measurements to collect visual clarity data where visual clarity using the black disc method is not possible. We consider it would be beneficial for councils to have the option to develop the best approach where a black disk measurement is not practical.

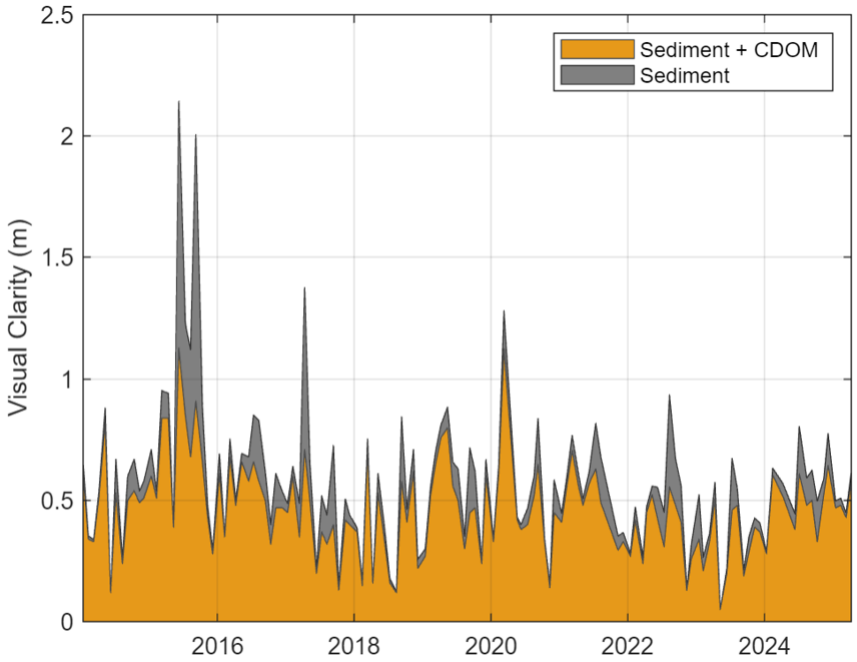


Figure 1 Visual clarity (m) including sediment and coloured (or chromophoric) dissolved organic matter (CDOM) versus sediment only at Mangakotukutuku Stream.

The Interim Regulatory Impact Statement (RIS) provides an example of nitrate toxicity adjustment for water hardness due to underlying differences in geology and hydrology. However, neither the Interim RIS or Package 3 Freshwater documents address the overlap between NPS-FM toxicity attributes and the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG). The ANZG (2024)[8] provides nitrate-adjusted toxicity default guideline values. Similarly, ANZG (2023)[9] provides ammonia toxicity guidelines values with pH and temperature adjustment. **We recommend** consideration should be given to the relationship and potential overlap between the NPS-FM (generally focused on ecosystem effects) and ANZG (toxicity effects focused).

[8] ANZG (2024) Toxicant default guideline values for aquatic ecosystem protection: Nitrate in freshwater, Australian and New Zealand Guidelines for Fresh and Marine Water Quality, CC BY 4.0, Australian and New Zealand governments and Australian state and territory governments, Canberra, ACT, Australia.

[9] ANZG 2023. Toxicant default guideline values for aquatic ecosystem protection: Ammonia in freshwater. Australian and New Zealand Guidelines for Fresh and Marine Water Quality. CC By 4.0. Australian and New Zealand Governments and Australian state and territory governments, Canberra, ACT, Australia.

There is currently a lack of alignment between the nitrogen toxicity guidelines in NPS-FM and ANZG documents, which contributes to regulatory uncertainty. For example, the Ministry for the Environment (2018)[10] guideline acknowledge the absence of a method for adjusting toxicity values to a standard temperature whereas ANZG (2023) states: "*due to the influence of pH and temperature on ammonia toxicity, joint-toxicity models were used to convert toxicity values to, and derive DGVs* [default guideline values] *at, a standard pH and temperature* (United States Environmental Protection Agency (USEPA),[11] 2013[12])." Equation 1 below is derived from ANZG (2023) and USEPA (1999, 2013) documents and provides pH and temperature adjustment – this is not provided in NPS-FM guidance, **we recommend** NPS-FM guidance should provide for pH and temperature adjustment. Figure 2 demonstrates the influence of pH and temperature on ammonia toxicity ANZG default guideline value (DGV), highlighting the importance of pH (primarily) and temperature adjustment.

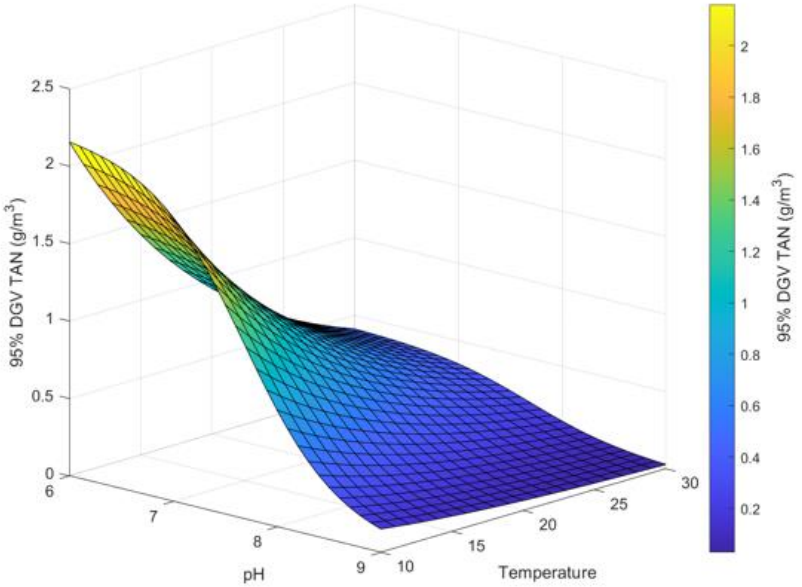
We recommended that an ecosystem attribute for nitrogen is developed. In addition, revision should consider nutrient species (i.e., total versus dissolved metrics), as measures of total nitrogen and phosphorus are more encompassing of river nutrients that can drive eutrophication impacts.

We suggest nutrient species for both nitrogen and phosphorus ecosystem effects should be considered. The NPS-FM (2020) includes Dissolved Reactive Phosphorus (DRP), and the initial drafting of the NPS-FM included DIN. Nutrient attributes should consider total forms (i.e. Total Phosphorus and TN), as total concentrations tend to act more conservatively. Furthermore, in the Waikato region, there are instances of sites with low DRP (graded as A or B band) characterised by high median TP concentrations more than 0.1 g/m^3 (e.g. Komakorau Stream[13]), and sites with high TN (more than 1 g/m^3) with Total Kjeldahl Nitrogen (TKN) fractions more than 50 percent (e.g. Mangakotukutuku Stream[14]).

Equation 1 $$TAN_{(pH8,\ T20)} = 10\text{^}\left(log_{10}\left(\frac{TAN_{pH}}{\frac{0.0676}{1+10^{7.688-pH}}+\frac{2.91}{1+10^{pH-7.688}}} \right) - \left(-0.028(T-20)\right) \right)$$

Where:
TAN_{pH8} = TAN standardised to pH of 8 (no temperature standardisation)
$TAN_{pH8,\ T20}$ = TAN standardised to pH of 8 and temperature of 20°C
TAN_{pH} = uncorrected TAN
pH = representative pH

[10] Ministry for the Environment 2018. MfE (2018). A guide to attributes in Appendix 2 of the National Policy Statement for Freshwater Management 2014 (as amended 2017). Wellington: Ministry for the Environment. Accessed from: Guidance on the National Policy Statement for Freshwater Management 2014 | Ministry for the Environment.
[11] USEPA (1999) Update of ambient water quality data criteria for ammonia. EPA-822-R-99-014. Office of Water, Office of Science and Technology, Washington, DC.
[12] USEPA (2013) Aquatic life ambient water quality data criteria for ammonia – freshwater 2013. EPA-822-R-18-002. Office of Water, Office of Science and Technology, Washington, DC.
[13] https://www.lawa.org.nz/explore-data/waikato-region/river-quality/waikato-river/komakorau-stm-at-henry-rd
[14] https://www.lawa.org.nz/explore-data/waikato-region/river-quality/waikato-river/mangakotukutuku-stm-rukuhia-at-peacockes-rd-mci_swq

	T = representative temperature (°C)  **Figure 2 Water temperature and pH variation for the Australia New Zealand Guidelines (ANZG) 2023 default guideline value (DGV) of 0.33 g/m^3 for 95% species protection.** The current NPS-FM already allows limited flexibility, such as setting attributes below bottom lines where hydroelectric schemes affect outcomes. However, this places a technical burden on councils to prove causality, which is often a contested process. Further guidance in these situations would be helpful. **We oppose** blanket flexibility or removal of national bottom lines, as this risks unmanaged adverse effects.
Additional comments on the National Objectives Framework	We suggest additional amendments can be made regarding NOF Structures and Clauses: • Attribute versus Direction - We consider some outcomes may be better achieved through directive language rather than numeric attributes – specifically where local conditions or lag times make measurements difficult (e.g. nutrient loss). • Clause 1.6 - Best Information - **We support** retaining this clause but recommend clarifying what constitutes “best available” and whether local knowledge or mātauranga Māori can trigger review of default thresholds.

	• Clause 3.8 - FMUs and special features - **We recommend** additional guidance could help councils define "representative" monitoring for FMUs without requiring exhaustive coverage. • Clause 3.20 – Responding to degradation: We consider this clause should be retained and strengthened to require early intervention and clear thresholds for action. • Clause 3.29 - Accounting for contaminants and water: **We support** retaining this clause and consider it a critical precursor to future allocation frameworks and support further alignment with national allocation workstreams. Language updates - **We support** aligning terms like 'targets' and 'limits' where possible, However, caution is needed to avoid unintended confusion. For example, 'limit' implies a firm boundary, while 'target' can imply aspiration.
Enabling commercial vegetable growing	
Question 14 - What are the pros and cons of making commercial vegetable production a permitted activity?	We acknowledge the important role CVP plays in the Waikato region in supporting the national domestic vegetable supply and recognise that environmental compliance has implications for the cost of production and that needs to be balanced against freshwater outcomes. Council also supports the use of industry standards to achieve sound environmental management. We are aware of work that multiple Ministries are doing across the primary sector to support the use of sector standards and good practice guides, we would encourage the government to integrate this work strongly with the resource management reform programme. **We support** developing a framework where regional decision-makers, tangata whenua, industry and communities retain the flexibility to determine how to balance freshwater outcomes with domestic vegetable supply. **We do not support** making CVP a permitted activity through national standards. If the government decides to progress with this approach, **we strongly recommend** that it should not apply to the Waikato/Waipā and Taupō catchments as well as other areas in the region currently experiencing water quality issues as well as other areas that can influence degraded areas such as the Firth of Thames. Making CVP a permitted activity will shift the costs for managing water quality to other resource users in the catchment, including farmers, territorial authorities and council-controlled organisations (i.e., point source dischargers). This approach will unfairly disadvantage other sectors who will need contribute more to mitigation and restoration of water quality. This approach does not provide for an equitable solution across sectors. **We recommend** having a consenting regime for CVP. We consider that having a controlled activity status for existing CVP and a discretionary activity for expanded CVP would be more appropriate to manage these activities, as the council would have more control around scale and adverse effects on freshwater, including controlling efforts to give effect to our Treaty Settlement obligations, including

	meeting the objectives of Te Ture Whaimana, Te Kaupapa Kaitiaki – Taupō Catchment Plan and take into account relevant iwi planning documents, such as restoration and management plans addressing freshwater. We consider that providing vegetable growers with a permissive pathway will result in other resource users in the catchments, both rural and urban, having to compensate for the CVP not contributing equally to meeting water quality targets. As a result from the proposed permitted activity regime, CVP activities will not be contributing their share of investments for mitigation and restoration of water quality. However, the targets to arrest deterioration will still need to be met, and if not by CVP then by other activities. This means that other activities will need to make reductions to offset CVP discharges and effectively there will be more costs imposed on all other users. This will result in further costs for point source dischargers such as the dairy, sheep and beef industries as well as TAs and CCOs and consequentially to all others using these services. Therefore, we consider that a permitted activity regime for CVP is not an equitable solution. In the context of Te Ture Whaimana (the primary direction-setting policy for the Waikato River Catchment), a consenting regime is the appropriate response to what is a relatively high-risk activity, which enables much closer regulatory scrutiny and oversight compared to a permitted activity approach. A national roll-out of permitted activity rules for CVP would cut across the measures that the Waikato region's affected communities have collectively deemed, and which the Proposed Plan Change 1 Environment Court interim decision[15] has determined, to be appropriate, and will substantially increase the risks of contaminant loss associated with CVP generally. A permitted activity approach is premised on establishing a rule or other regulatory mechanism containing uniformly relevant, appropriate and enforceable standards which would need to be adhered to. It is evident to us that, given the complexities of CVP operations, it is not possible to specify such standards. This matter has been extensively canvassed through PC1 process. **We recommend** MFE to review the recent PC1 Environment Court interim decision referenced above and evidence from all sectors placed before the Environment Court discussing this matter. In summary, concerning the interim decision: • The Court emphasised that all farming sectors must be treated equally. It rejected any suggestion that one sector is more important or should be treated more leniently than others. Each sector contributes significantly to the region and to New Zealand, and the plan must maintain internal consistency and coherence to avoid unfair disadvantage to any sector.

[15] InterimEnvironmentCourtDecisionPC1.pdf

"We accept that the CVP sector contributes less overall loads of the four primary contaminants in the PC1 area as a whole than the dairy and dry stock farming sectors. However, as stated in our minute dated 23 February, "CVP land use activities can discharge high levels of nitrogen and we want to be satisfied that the PC1 provisions require CVP to play its part in achieving Te Ture Whaimana, much as dairy farming activities discharging high levels of nitrogen are required to do". Put simply, individual single operating CVP units can contribute high nitrogen loads per ha, which can be broadly similar to those from high leaching dairy units." [extract from para 653]

- While the Court acknowledged the importance of Certified Vegetable Production (CVP) and the need for PC1 to support its continuation, this support must be subject to appropriate environmental controls, just as with other farming activities.

- The Court noted that dairy and drystock farming have defined methods for demonstrating reductions in nitrogen losses. For both effective management and fairness, a suitable method for measuring nitrogen reductions in CVP must also be established.

We consider that permitted activity rules are generally reserved for those activities with low environmental impact, or those with consistent and predictable effects which can be easily remedied or mitigated, which is not the case with CVG. It is well known that CVP can impact freshwater ecosystems, including with disproportionally high inputs relative to activity land area. Making CVG permitted, while acknowledging the relative significance of the impact this activity has on water quality compared to other land uses, does not readily conform to the permitted activity expectation. There are parts of the Waikato region that are experiencing significant water quality issues (more on this below), and we consider that enabling CVG as a permitted activity could diminish water quality further. We consider that this does not align with permitted activity expectations.

As recognised in the Interim RIS, CVG is an intensive land use that poses significant risks of sediment and nutrient discharges. It is typically concentrated in catchments already overallocated for discharges. The processes and requirements in Proposed Waikato Regional Plan Change 1 (PC1)[16] are a critical step toward giving effect to Te Ture Whaimana. Permitting intensive farming without adequate safeguards risks undermining the restoration and protection of the Waikato, Waipā and Taupō catchments.

Introducing a permitted activity status for CVP is inconsistent with the provisions under PC1, and as a result, this will undermine efforts to give effect to Te Ture Whaimana, which provides for the restoration and protection of the Waikato and Waipā River catchments.
PC1 was developed through a robust RMA Schedule 1 process, with broad participation and investment. Its purpose, in part, is to give effect to Te Ture Whaimana and it establishes specific requirements for CVP in the Waikato and Waipā river catchments. The success of

[16] Proposed Waikato Regional Plan Change 1 | Waikato Regional Council

	PC1 relies on every farming sector contributing to the reduction of contaminant losses. This has required careful consideration of the unique characteristics of each farming activity in the Waikato catchment and the development of policies tailored to each. For CVP, this has resulted in a "lesser level" regulatory approach (controlled activity) for existing operations and a more rigorous regime (discretionary or non-complying) for expansions (within limits). We are concerned about the proposal for permitting commercial vegetable growing (referred to as Commercial Vegetable Production in PC1) under nationally set standards, particularly where these override regional plan requirements (i.e. PC1) or compromise the ability to achieve target attribute states and freshwater outcomes. This position reflects the high-discharge nature of the CVG, and the degraded water quality observed in areas with concentrated CVP, including instances where drinking water exceeds Maximum Acceptable Values. Having a blanket permitted approach will be contrary to PC1 and will undermine significant work already commenced and result in losses of water quality. Further it will impact on the council's ability to meet its Treaty Settlement obligations under instruments that require improvements in water quality such as Te Ture Whaimana and Te Kaupapa Kaitiaki and other relevant iwi planning documents. We acknowledge the important role CVP plays in the Waikato region in supporting the national domestic vegetable supply. However, continuing intensive CVP practices relies heavily on the freshwater's assimilative capacity for diffuse discharges of contaminants. In the Waikato, CVP is mostly located in the northern Pukekohe and Pukekawa areas as well as in the Matamata-Piako district. The Lower Waikato FMU, which includes Pukekohe, and Pukekawa, contains some of the highest concentrations of commercial vegetable growing in New Zealand. These areas also record some of the highest nitrate levels in groundwater within the region and in some cases, the drinking water standards are not being met. CVP operations are also undertaking rotations and expanding into catchment areas that drain into sensitive environments, such as the Whangamarino wetland catchment, lakes, wetlands, and the Firth of Thames. Without appropriate controls, CVP has expanded (more recently outside the more traditional areas) with soils less suited to vegetable production and into areas with sensitive receiving environments, such as the Hauraki FMU that discharges into the Firth of Thames (which has been recognised as a degraded water body under the proposed Waikato Regional Coastal Plan). Some of these areas may also be unsuitable for long-term production due to climate change impacts, such as increased flooding, or because the level of service provided by drainage infrastructure does not meet the needs of CVP. For other parts of the region, such as the West Coast and Coromandel FMUs, further detailed analysis is required to determine whether permitted activities are appropriate. While there may be opportunities to provide for limited CVP expansion, this should be subject to robust (ideally consent) requirements, sector accountability for nutrient losses, and alignment with FMU environmental outcomes and objective catchment-specific risk profiles. The council has concerns that there is insufficient information or evidence to demonstrate that relying solely on farm plans or minimum standards under a permitted regime is sufficient to manage CVP diffuse discharges effectively.

	We note that the discussion document recognises that there may be other constraints under the RMA that cannot be fully considered unless further legislative changes are made. For example, meeting the test under section 70 of the RMA, meaning councils may not be able to include a permitted activity rule where listed adverse effects already occur or are likely to occur. We acknowledge the intent to provide national direction for CVP to support domestic supply of vegetables, but we have concerns about progressing this in the absence of the broader resource management reform and a new system to resource management. Additionally, we acknowledge that permitting CVP is challenging under the current RMA framework, particularly where adverse effects are more than minor, or do not meet the s70 requirements for permitted activities. Therefore, we are concerned about changes to national direction under the RMA and how these may need to evolve under the freshwater management reform. Without other mechanisms and appropriate controls, such as certification and/or auditing of farm plans, or the use of area caps on expansion, as well as restrictions on where CVG can rotate or expand to, there are likely to be additional risks and challenges in managing CVG under a permitted activity and/or supported through an industry scheme framework. If vegetable production was to be a permitted activity, then **we strongly recommend** as mentioned above, that it should not apply to the Waikato/Waipā and Taupō catchments as well as other areas in the region currently experiencing significant water quality challenges such as sensitive receiving environments. However, where CVP is allowed as a permitted activity it may be appropriate to be supported by a spatial mechanism or by physical parameters to support crop type and rotations while managing its effects. This should be based on modelling (e.g. Soil and Water Assessment Tool [SWAT]) to spatially reallocate crop rotations within commercial vegetable catchments to reduce TN, TP, and sediment losses based on catchment properties (e.g. soil type, rainfall, typography) and coupled with Best Management Practices (BMPs) to achieve economic and environmental targets in commercial vegetable catchments. We consider that setting national conditions for CVP as a permitted activity risks establishing a minimum baseline that prevents regions from addressing their specific challenges. This approach may not align with community and tangata whenua aspirations or Treaty settlement obligations. Regional plans are better suited to address local biophysical challenges and reflect community values. In the Lake Taupō catchment (Chapter 3.10 of the operative Waikato Regional Plan), like other land uses, CVP is required to operate under the cap-and-trade market in order to establish or expand within the catchment. If CVP is to be made a permitted activity, **we recommend** having provisions for the recovery of costs associated with compliance, monitoring and enforcement actions. If not, councils will be unable to recover these costs. Another issue with the permitted activity approach is that councils may not know which operations are operating under a permitted activity. The onus for provision of information to comply with permitted activity status should entirely be borne by those undertaking CVP and not by ratepayers or anyone else.

	Although intensive vegetable growing areas supply produce beyond their own regions, delivering national-level benefits, the environmental costs (especially to freshwater) are borne locally. This dynamic may justify national policy intervention, but **we stress** that it must not override the rights of local and regional communities to suitable water quality and ecosystem health. This could be viewed as inconsistent with the principle of property rights being promoted in the national approach, where local communities are effectively losing their right to clean water. **We recommend** that if national direction is pursued, it should focus on supporting the domestic supply of fresh vegetables. Any management approach should consider whether the level of control should distinguish between domestic share of supply and export production. While export production contributes financially to the sector, decision makers should consider whether this justifies compromising community freshwater quality objectives. Blanket permitting existing CVP may not align with the reality that these two streams may have different environmental impacts and policy needs. We consider that the advantages are limited to the benefits of greater certainty and lighter regulation for CVP operations. However, these benefits are outweighed by the dis-benefits. *Advantages of making CVP a Permitted Activity* • Permitted activity status removes the need, and cost of a resource consent, reducing direct regulatory costs for commercial vegetable growers, however the actual cost of implementing required mitigations to meet permitted activity conditions may be significantly higher. There is a perception that permitted activity status equates to less regulatory requirements, allowing growers to continue business as usual. In some cases, the cost of consent is only a small portion of the overall compliance cost. The cost of implementing the required mitigations to remain within permitted activity rules, and or reduce discharges may still be substantial and vary significantly by region and operation size. As a result, the reduction in regulatory oversight (by not requiring a consent) may not necessarily lead to more efficient or effective outcomes. • While this option may be suitable for areas where there are no significant water quality or ecosystem health problems, which is not the case for key CVG areas in the Waikato, the permitted activity pathway is unlikely to meet the mandate provided by the community and tangata whenua to improve water quality, nor does it provide a strong imperative for the sector to change behaviour nor a reduction in nutrient loads. *Further disadvantages of making CVG a Permitted Activity* • A nationally applicable permitted activity for CVP would have significant adverse impact in the Waikato region. Specifically, it would undermine PC1, the focus of which is to improve the health of the Waikato/Waipā river catchment.

	• Given the complexities of CVP operations, it is evident that establishing uniformly relevant, appropriate, and enforceable standards is likely not feasible. • This approach relies heavily on voluntary compliance and goodwill, which has historically proven insufficient to drive meaningful behaviour change or environmental improvement. • Past regional plans have operated under permitted activity regimes (including CVP) that failed to achieve behaviour change or improvements in environmental outcomes. This is likely due in part to a lack of awareness of requirements and the absence of regulatory backing. • Relying on enforcement and monitoring to support, or as a backstop for, a permitted activity framework is not efficient nor effective if the underlying regulations are not sufficiently stringent or well-designed. If the regulatory framework lacks the necessary level of intervention, water quality may continue to decline while planning processes take time to respond. We consider that there is a real risk that freshwater ecosystems will not be protected. • Equity and Sector Consistency: o CVP operations can contribute high nitrogen loads per hectare, comparable to, or even exceeding, those of high leaching dairy farms. If other high-discharging sectors like dairy are required to obtain consents, allowing CVG to operate as a permitted activity could be seen as inequitable. o Applying more lenient regulatory treatment to one sector over others based on perceived relative importance risks creating a sense of inequity and undermining sector-wide support for freshwater improvements, especially when all land and water user consider themselves important to the region and to New Zealand. o As mentioned above, providing commercial vegetable growing with a permitted activity regime will result in further costs for others in the catchment. This will shift the costs of managing water quality to other activities. We consider that a consenting regime for CVP is far more beneficial. Other benefits of a Controlled or Consent-Based Approach, include: o Consent requirement reflects the intensive nature of CVP (which has the highest per-hectare contaminant discharges, particularly nitrogen and sediment) and the complexity of growing operations (e.g. crop types, ownership structures). o Consents provide a structured opportunity for councils to assess proposed actions suitable for the farm's context and appropriate for the catchment's water quality challenges. This evidence-based analysis gives both councils and communities greater confidence that growers are taking meaningful steps to reduce their environmental impact. o The consent process can support more bespoke solutions tailored to the specific context of each growing operation. o A controlled activity, where consent is required but must be granted, could offer a balanced approach maintaining oversight while providing certainty for growers. o The consent process could also provide better quality information for councils to collect valuable information to inform future planning and non-regulatory initiatives, supporting continuous improvement in water quality outcomes.

Question 15 - How do you think policies and/or rules should be designed to provide for crop rotation? Do you think these should be considered within sub-catchments only?	*How do you think policies and/or rules should be designed to provide for crop rotation?* If the intent is to permit CVP where it is not expanding in area, **we support** having a policy framework providing for crop rotation. It is important to encompass fallow land not actively in a CVP crop (but as part of the land available). Allowing crop rotation maximises growing efficiency, limits soil damage, better enables disease and pest management, and lessens the amount of land used for CVP in a given year. Existing CVP operations, e.g. not expanding from historical baseline use (total area and sub-catchment), must be subject to conditions. **We recommend** that the expansion of CVP should require a resource consent (without delay) with area limits and restrictions on where expansion can occur. We consider that generally, the tool used to measure contributions to nitrogen loss reduction should be linked either to the property (which is fixed in location) or to the enterprise (which, by definition, may operate across different properties). For crop rotations, the latter is likely to better support CVP. **We recommend** that any national approach should align (or not apply in the Waikato, Waipā and Taupō River catchments) with PC1, most importantly that the approach and thresholds established that defines or designates (i.e. defined by description in the provisions) "rotation" and "expansion" is consistent with PC1 provisions to reduce legal uncertainty and confusion as to what requirements apply to growing activities. We consider that information gaps remain a key challenge. There is limited data on the location and nature of CVG in the Waikato region. We note that independent research is also needed to assess grower adoption of technologies and innovations and the extent of good management practice adoption, what those practices are, and how intensification and land-use changes have supported the sector to continue meeting domestic fresh vegetable demand, possibly within the same or smaller land area footprint. Additionally, national standards should be informed by independent, evidence-based information. Relying solely on sector-provided data risks producing an incomplete national direction that fails to adequately protect water quality. Regional council plan development would also benefit from these independent studies. We consider that if the intent is to permit CVP where it is not expanding, then **we recommend** encompassing fallow land not actively in a CVP crop (but as part of the land available). *Comments on the proposed approach in PC1 to provide for crop rotation* PC1 is an example of a consent-based rules approach that supports crop rotation. A common concern raised about PC1 is the perception that if a grower moves to a new leased or owned paddock, this movement triggers an expansion rule, requiring a new consent. Under PC1, however, the approach is not confined to a specific property but instead to the existing area extent within each sub-catchment. As

	long as growers remain within this defined baseline and sub-catchment that the baseline is within (and any other rule standards), no new consent is required. Expansion beyond this area would require a more restrictive consent, within the area limits. Policy direction provides for the flexibility to undertake crop rotations on multiple and/or changing properties. All growers are required to have a consent, a Farm Environment Plan (FEP), and to follow good farming practices such as sediment management, as part of a FEP. Additionally, this approach allows flexibility in choosing the baseline year for expansion, includes fallow land, and supports crop rotation within a sub-catchment. However, the controlled activity status for existing CVG was seen as necessary to strike a balance between providing growers with certainty (as consent must be granted) and giving the community confidence that environmental targets would be met. The consent process also allows for scrutiny of FEPs and applications, acknowledging the intensive nature of CVG and the complexity of growing operations, including crop types and ownership structures. *Do you think these should be considered within sub-catchments only?* **We support** an approach that limits the spatial scale of crop rotation to the sub-catchment level. Localised impacts on surface and groundwater from CVG are evident from our council's State of the Environment (SoE) monitoring sites, particularly in the Pukekohe and Pukekawa growing areas. These reports show that areas with concentrated CVP are experiencing degraded water quality, including instances where drinking water exceeds Maximum Acceptable Values (MAVs). A management approach at a scale larger than the sub-catchment, such as FMU, may not adequately capture these types of risks or effects. Allowing rotation or expansion flexibility at broader scales could lead to the concentration of vegetable production in certain areas, potentially undermining efforts to achieve water quality targets. We consider that if an area cap is introduced, it should apply within the grower's existing sub-catchment. Allowing CVG to shift "existing area" across an entire FMU could enable growers to move out of historically used sub-catchments, where environmental effects are better understood, and into new, potentially more sensitive areas. This could undermine water quality outcomes and create new pressures in parts of the FMU that have not previously supported CVG. By default, if rotation exceeds the existing CVG area, regardless of whether a cap is in place, it should be treated as expansion and require a resource consent. Additionally, regions may use different terminology for spatially defined areas, and in some catchments, particularly those influenced by coastal or estuarine environments, mapping and monitoring spatial areas can be challenging. Therefore, we recommend that these areas should be considered spatially, with flexibility to reflect local context.

	Further, we recommend that resource consent should be required for expansion or area. The use of expansion caps and clearly mapped areas may be more appropriate than applying standards to only parts of a region. Without this, there is a risk that CVG could shift into areas already over-allocated in terms of assimilative capacity. We stress that in some sub-catchments or FMUs, such as sensitive receiving environments, existing water quality and ecosystem health, there should be no provision for CVG expansion due to the environmental constraints. *Note on scale re PC1:* The Decisions Version of PC1 includes expansion limits set at the sub-catchment scale, beyond the existing CVG caps already applied at that level. However, the Environment Court's interim decision accepts that expansion can occur at the FMU scale. Existing CVP capped areas (max baseline year) continue to apply at the sub-catchment level; that is the baseline cap is set individually for each operation within each sub-catchment.
Question 16 - For the proposal to develop nationally set standards, what conditions should be included?	**We do not support** nor consider it feasible to develop a sufficiently specific, enforceable and nationally applicable set of standards for CVP. However, if national standards proceed, **we recommend** the following conditions be included: • For area caps**:** Existing CVP area should be capped based on a baseline year/s in identified sub-catchments (this could include fallow land to support flexibility for rotations). Expansion beyond this cap should require consent/a more stringent consent. • Minimum standards**:** Include clear, enforceable standards for setbacks, cultivation practices, and nutrient management. Nationally set standards could include a minimum baseline, but this must be set at an appropriate and meaningful level, not vague nor overly lenient. We consider that the standards must be strong enough to ensure environmental outcomes are achieved and maintained. Standards should not be set solely to accommodate existing growers. Instead, they should reflect the minimum expectations that all CVG must meet in order to be permitted. Industry guidance highlights the importance of infrastructure and mitigation measures, such as inceptor drains, bunds, sediment retention pond, and grass swales. Although the specific choice of mitigation may vary depending on site conditions, this should not remove the obligation to implement effective practices. These measures must: 1. Stop or control water entering the paddock 2. Reduce or minimise the risk of soil erosion on paddock (e.g. cultivation) 3. Manage the water and sediment that moves off the paddock 4. Manage nutrient application, including maintaining appropriate Olsen P levels through regular soil testing. • **We recommend** the standards be risk-based, taking into account factors such as slope, soil type, high risk erosion land and or proximity to waterbodies. Examples of minimum standards and or Best Management Practice (BMP)/Good Management Practice (GMP) are: ○ No cultivation and direct drilling of seed or fertiliser within 5 metres of the bed of any waterbodies

	○ Where the land is being cultivated for CVG, there is no cultivation within a landscape feature Critical Source Area ○ Establish and maintain vegetated or grass buffer strips for cultivated land with a minimum X m wide on paddock sides, and minimum X m wide at the bottom of paddocks ○ No fertiliser to be discharged to land within five metres from the bed of any river, lake, or a natural wetland, or drain (whether water is present or not) ○ If soil Olsen P levels exceed the target range for near-maximum pasture production for soil type and crop type as per the Nutrient Management for Vegetable Crops in New Zealand,[17] no capital or maintenance phosphorus fertiliser applications will occur until Olsen P levels are below this figure ○ Install appropriately sized vegetated inception drains or benched headlands across the paddock slope to divert runoff from paddocks or the catchment above the vegetable crop or cultivated paddock ○ Install diversion bunds along paddock edge to actively manage water flow onto or off paddock. • Risk-Based Thresholds**:** Consider using a risk-based rule threshold for standards to apply regarding distance from waterways and slope. If including a risk threshold, we suggest high-risk CVP should require consent (or additional minimum standards apply). Only farms meeting minimum standards should be eligible for permitted activity status. For example, the Vegetated Buffer Strips Code of Practice[18] includes a risk assessment decision tree that may be a starting point for risk and slope thresholds. • Farm Plans: **we recommend** requiring robust, independently audited farm plans. These should not replace consent requirements for expansion or intensification. • Consent for Expansion: **we recommend** that resource consent must be required for any expansion, intensification, or rotation into "new" areas where there is currently no CVP. These activities should not be permitted by default. • Spatial Restrictions: **we recommend** that in some sub-catchments or FMUs, there should be no provision for CVP expansion due to environmental constraints. Where expansion should, and perhaps could, occur may depend not only on overall allocated areas, but also on other biophysical and contextual parameters, such as Land Use Capability (LUC), sensitive receiving environments, and areas currently below national bottom lines (NBLs). *Activity Status and Risk-Based Approach* As mentioned above in question 14, we consider it more appropriate to have a consenting regime for CVP. Therefore, **we recommend** that the choice of activity status (e.g. permitted, controlled) for CVP should be based on several key factors: • The water quality status of the relevant FMU

[17] Reid JB and Morton JD 2019. Nutrient Management for Vegetable Crops in New Zealand. HortNZ Nutrient-Management-for-Vegetable-Crops-in-NZ-Manual-Feb-2020.pdf

[18] Agrilink 2021. Vegetated Buffer Strip Code of Practice. Agrilink for the Vegetable Research and Innovation Board Vegetated Buffer Strips Code of Practice - VR & I

	• The risk of adverse effects, including cumulative impacts • Whether the activity is existing or represents new or expanded land use. We consider that a blanket permitted activity status for existing CVP does not account for these critical differences and may risk undermining regional efforts to improve water quality. *Farm Plans and Certification* If farm plans are used as a condition for permitted activity status, they must be supported by a robust and credible process. This includes: • Independent certification by appropriately qualified professionals to council-approved standards • Council authority to require corrections to deficient plans and revoke certification where necessary. CVG permitted activity national regulations should not provide for the use of alternative actions in a farm plan to meet rule conditions. This is best addressed via consent given the intensive and complex nature of the sector and inadequacy of information and independent data on behaviour and the gaps in knowledge about mitigation efficacy. *Reductions and Accountability* We consider that establishing a reliable framework (tool, model for nitrogen loss or risk) for accounting for nutrient reductions will be challenging. Therefore, **we recommend** developing a framework that: • Clearly identifies where reductions in nitrogen losses will occur • Specifies which sectors are responsible for those reductions • Ensures that expansion or movement into new areas requires consent and is addressed through regional plans • Accounts for the location of CVP, particularly in catchments with sensitive receiving environments such as lakes and wetlands, nitrogen risk or priority catchments. We consider that there must be clarity on who is accountable for contaminant losses from CVP. Without this, other sectors may be required to create "headroom" for CVG to continue discharging at current or increased levels. CVP must actively reduce contaminant losses, not simply maintain the status quo. *Regional Flexibility and Local Context* **We recommend** that national direction must allow regional councils to apply more stringent rules (and expansion limits) where necessary to meet local freshwater objectives. This allows for consideration of: • Local water quality baselines and targets

- Regional biophysical constraints and climate change impacts
- Tangata whenua values, community values, and Treaty Settlement obligations.

National standards should support consistency where appropriate but must not override the ability of regions to respond to their specific challenges.

Industry Schemes and GMP/BMP

We support efforts to reduce duplication of effort and using industry guidance and support programmes, such as the New Zealand Good Agricultural Practice (NZGAP) Environmental Management System add-on as a starting point. However, **we do not consider it appropriate to** rely solely on industry-led programmes, such as NZGAP, for setting regulation standards, certification, and auditing. These schemes are fundamentally forms of self-regulation and have rarely succeeded without strong standards and compliance support from regulators. While they may offer administrative efficiency, they are not always robust or accountable enough to protect long-term freshwater values. For example, NZGAP add-on is still in the early stages of implementation; although registration to the scheme is increasing (i.e. grower registers operation, pays application fee and is sent information pack with FEP template), few farm plans have reached the audit stage, making it too early to assess whether they are driving meaningful behaviour change or simply resulting in a "tick-box" approach.

We consider that simply requiring growers to implement Good Management Practices (GMP) or Best Management Practices (BMP) will not necessarily achieve the desired environmental outcomes. Many practices are general, difficult to monitor, and challenging to enforce. There are GMP and BMP that have been identified as part of various plan processes, however there is little data or evidence confirming the efficacy of those practices in minimising or reducing contaminant loss. **We recommend** undertaking further research and work before any conditions can be included with any certainty that they are suitable controls for minimising contaminant loss.

We understand that the sector has developed guidance material over many years and the monitoring results reflect that water quality has continued to decline. Whilst there are likely gains to be made by supporting growers to adopt mitigations in this guidance, without the appropriate regulation, some practices such as applying fertiliser as a risk management strategy are unlikely to change due to the high perceived risk of not meeting market requirements.

Data, Tools, and Modelling

Given the limitations of existing models like Overseer for CVP (due to rotation and crop variability), **we recommend** that national direction should not restrict regional councils from using alternative tools. These may include:

- Land area as a proxy for intensity

	• Risk-based scorecards • Regional modelling approaches. We consider that these tools can help estimate individual contributions to discharges and support more effective management. We note that the Overseer model was updated in response to the Overseer review, addressing matters related to vegetable production. This included a review and update of existing crops, the addition of four new crops, and improvements to account for field losses and, where appropriate, dressing losses.
Additional comments on commercial vegetable growing	*Timing National Direction* We consider that it may be premature to require regional councils to implement an amended NPS-FM before the new resource management legislation is in place. Aligning the objectives of the reformed NPS-FM with the new legislative framework would ensure greater coherence and effectiveness. The discussion document notes that new legislation replacing the RMA will establish an allocation framework. This framework should be used to manage increased discharges from the CVG sector and allocate those discharges appropriately. We recognise that there may be merit in delaying the introduction of new provisions, including those in the NPS-FM, until broader resource management reform is complete. The ongoing uncertainty presents challenges for engaging with the sector and progressing regional plan development to meet the 2027 freshwater plan change deadlines. Therefore, **we recommend** aligning the timing of the implementation of the NPS-FM with the implementation of the new system. *Further Policy Context on Te Ture Whaimana* The three 'River Settlement Acts'[19] collectively establish Te Ture Whaimana as the primary direction-setting document for the catchment, and a key mechanism for achieving the overarching purpose of the legislation. The importance of Te Ture Whaimana as the primary direction setting document in the catchment is reinforced through provisions within the Acts, which, among other things, state that Te Ture Whaimana: • Prevails where inconsistent over any national policy statement; • Is deemed part of the Waikato Regional Policy Statement and must be given effect to through the regional planning process; and • That rules in planning instruments (i.e. PC1) that give effect to Te Ture Whaimana, prevail over national environmental standards where its requirements are more stringent.

[19] Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010; Ngā Wai o Maniapoto (Waipā River) Act 2012

	Policy Design **We recommend** that effective policy design must be supported by clear implementation pathways and robust monitoring frameworks. Without these national direction may fail to deliver meaningful environmental outcomes or assist behaviour change on the ground. The challenges of applying a one-size-fits-all national standard have already been demonstrated through the NES-F. While intended to manage high-risk activities during regional plan development, the NES-F has led to duplication, inconsistency, and limited behavioural change with delays from changes to the provisions. This cycle of amendments and uncertainty has created challenges for both councils and farmers. **We recommend** including mechanisms in the policy design that actively drive behaviour change. Simply enabling vegetable growing without requiring measurable improvements provides little incentive for better practices. Anecdotal evidence and monitoring data show that some growers continue to engage in poor practices, inconsistent with industry guidance. This highlights the need for stronger policy and accountability measures. We consider that ideally, CVG expansion and intensification should be managed at the regional level. This reflects the distinct challenges related to biophysical conditions, water quality, and ecosystem health in different regions. However, if national direction includes provisions for expansion, **we recommend** also including constraints, such as requirements to reduce discharges, demonstrate measurable reductions in risk, and consider some form of offsetting for any additional discharges from expansion by the sector, where appropriate. This approach aims to place responsibility for increased discharges on the sector itself, rather than on other land uses which would otherwise have to contribute more to mitigate increased discharge or communities accept reduced water quality improvements to accommodate sector intensification. We consider that including "crop rotation" directly in the objective may unintentionally narrow the policy focus and imply it is the only or preferred method for enabling domestic supply. **We recommend** having a more outcomes-focused objective that would allow regional councils and communities to determine the most appropriate methods for managing CVG. Embedding specific practices risks oversimplifying complex systems that may not reflect regional differences or future innovations. We note that crop rotation is included as an example in the policy example in the interim RIS, which is a more appropriate place for such detail than in the objective itself. While the interim RIS includes fruit growing alongside vegetable growing, the discussion document refers only to vegetables. We agree that fruit growing should not be included, as it is a lower-discharge activity and may serve as a land-use change option for reducing environmental impacts.
Addressing water security and storage	
Question 17 - Should rules for water security and	Within our region, we are in the early stages of developing a bespoke water security strategy. **We support** the concept of nationally applicable standards for water security and storage; these rules must allow for regional variation.

water storage be set nationally or regionally?	Additionally, different regions will face variable water allocation circumstances. For example, flow harvesting for water storage is prohibited upstream of the Karāpiro dam in the Waikato to protect water volumes for hydro-electricity generation. Application of a national standard without allowing for regional variation would be counter-productive in this instance.
Question 18 - Are there any other options we should consider? What are they, and why should we consider them?	We consider the scope of this proposal is limited. The full implications of enabling off-stream water storage cannot be assessed without addressing water allocation, take and use. Water security is inseparable from water allocation and is not limited to augmenting supply (i.e. storage). Excluding this from discussion prevents meaningful changes in ensuring water security in New Zealand's future. We note that provision of off-stream storage (damming) of water falls within scope of the restrictions in s14 of the RMA, therefore must either be permitted by a rule in a plan, or an NES, or by a resource consent. Those are the only current regulatory options. We suggest that a nationally applicable standard is the most efficient mechanism of those available and is feasible here, at least for small/farm-scale storage, as we consider standards can be devised that are relevant and implementable irrespective of location within New Zealand.
Question 19 - 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? Should other standards be included? Should some standards be excluded?	In the absence of detailed analysis, the standards generally appear to be well considered and appropriate. **We support** the standards as currently proposed. However, we consider a key point missing in these standards is guidance on a potential maximum structure. **We recommend** amending the standards to include limitations on maximum size for water storage enabled through national direction.
Question 20 - Should both small-scale and large-scale water storage be enabled through new standards?	It is difficult to respond this question, as the discussion document does not provide definitions for small-scale or large-scale water storage. **We recommend** the inclusion of definitions for small-scale and large-scale water storage. We see greater scope for a national regulation for small or farm-scale storage, which could be defined by reference to volumes of water and/or geographic area coverage, and we suggest further consideration be given to this matter. Large-scale structures may have a more significant impact on multiple environmental factors in the area around the site and increase the chance of unintended hydrological effects. We consider focusing on off-stream water storage will have a lower environmental impact. However, the benefits of focusing on off-stream water may be offset if large-scale storage is permitted.

Simplifying the wetlands provisions	
Question 21 - What else is needed to support farmers and others to do things that benefit the environment or improve water quality?	We consider allowing some low impact activities may be beneficial, but caution that activities need to be carefully managed, especially those in wetland areas. We welcome the opportunity to provide additional comments when a list of activities is proposed. While out of scope of the NES-F wetland provisions, we support reinstatement of the general prohibition on the grazing of wetlands in the Stock Exclusion Regulations. We acknowledge the confusion for landowners who are required to have a rigorous wetland protection scheme in place that requires consent for many activities, while stock are permitted to enter and graze wetlands without restriction.
Question 22 - What should a farming activities pathway include? Is a farming activities pathway likely to be more efficient and/or effective at enabling activities in and around wetlands?	**We do not support** a "farming activities" pathway, and consider it is unclear what may be intended through this pathway. Fundamentally, the allocation of public good resources should be a level playing field. It follows that regulation of its use must be sector neutral and focused on the effects of activities, not who is causing them. We assume the intention of the proposed pathway is that any vegetation clearance, land disturbance, drainage or earthworks in or within the vicinity of natural wetlands which are associated with a "farming" purpose would be included. Our primary concern is that regulation of the same activities would differ depending on who is performing the activity. We regard this as poor regulatory practice. We note it would be practically difficult to 'ringfence' farming as a distinct purpose on rural land and could lead to undermining of the intent to protect extent values of natural wetlands. Removing the exclusion from the definition of 'natural inland wetland' would mean that many more pasture-dominated wetlands would now qualify as natural inland wetlands. While some activities would be permitted under the proposed 'farming pathway', this change could mean that a significantly greater number of wetlands would be subject to the restrictions in the NES-F. Potential impacts on vulnerable habitats and ecosystems may arise from activities permitted under a farming activities pathway. However, without clarity on which activities will be permitted it is difficult to assess the full extent of potential impacts. **We support** provisions that focus on appropriate regulation of clearly defined activities. If a farming activities pathway was to proceed, we would advocate for: 1. Clear and consistent regulation of activities regardless of land use purpose. 2. Retention of the pasture exclusion in the wetland definition but consider simplifying it by removing clause (e)(ii), to reduce complexity while maintaining protection for threatened species. 3. Mandatory ecological assessments for any permitted activities near wetlands to ensure accurate identification and protection.

	4. Explicit exclusion of high-impact activities (for example drainage, earthworks) from any permitted farming provisions unless subject to strict oversight (for example Regulation 52).
Question 23 - What will be the impact of removing the requirement to map wetlands by 2030?	We acknowledge mapping wetlands is a complex and resource-intensive task that demands technical expertise, extensive fieldwork and ongoing updates. However, **we do not support** the removal of the requirement to map wetlands. If this requirement was to be removed, we would advocate for the introduction of a phased mapping approach that focuses on high-value and vulnerable wetlands, rather than removing the requirements entirely. Alternatively, we suggest having wetlands mapped at national level would ensure consistency and enable nationwide comparisons and data. Nationally mapped wetlands would provide a better understanding what is happening regionally and also if the Waikato is over or under represented in particular wetland types. Mapping wetlands provides a clear understanding of what currently exists and helps identify any areas where wetlands have been lost. This information is helpful for monitoring purposes and informing landowners and consultations about the presence of wetlands on properties. We consider mapping enables protection and prevention of adverse impacts and provides more robust and consistent monitoring data. We suggest, rather than removing this requirement, national guidance be provided on the standardising of wetland mapping. This approach would ensure national consistency and support better long-term environmental outcomes.
Question 24 - Could the current permitted activity conditions in the NES-F be made clearer or more workable?	**We recommend** the definition for "natural inland wetland" and "induced wetlands" are refined for clarity. The discussion document highlights the intention to "remove the pasture exclusion from the definition of a 'natural inland wetland'" and instead permitting farming activities that can occur in and around wetlands. We do not consider this an effective solution to the identified problem. If the clause is to be removed, the practical application of the definition of 'wetland' as recommended by MfE Guidance documents, in particular, the Wetland Delineation Protocols (WDP), is highly complex and requires specialist scientific input with a significant potential time and cost implications. In our experience, practically applying the definition has led to problems and uncertainties. The current definition and guidance for "natural inland wetland" is broad in reach. We consider the removal of this definition will continue to widen the broad reach of the definition and exacerbate this particular issue. Furthermore, as noted amongst the numerous criticisms of the definition by the Environment Court in *GWRC v SL Adams and others* [2022] NZEnvC 25, the WDP methodology does not provide the level of certainty required by the regional council in undertaking its coastal marine environment functions in regard to the NES-F 2020. We consider that the definition of "natural inland wetland", along with the WDP (guidance which the Environment Court noted had no legal weight), should be reconsidered in its entirety.

	The definition for "induced wetland" should also be reconsidered, however, we caution that amendments of the definition could lead to more wetland areas not being protected. We consider induced and "low value" wetlands have many benefits, including hydrological benefits, even if the ecological value is deemed low. Many wetlands within the Waikato region are degraded; allowing "low value" wetlands to be removed or impacted could lead to a significant decrease in our overall wetland extent and value rather than the preferred option of improving, or at a minimum maintaining current wetland values across the region.
Simplifying the fish passage regulations	
Question 25 - What information requirements are necessary for fish passage? What would the difference in cost be, relative to current information requirements?	We follow both national and regional frameworks for fish passage, particularly under the NES-F and New Zealand Fish Passage Guidelines. Key information requirements currently include structure-specific data such as type and dimensions of the structure (e.g. culvert, weir, ford), gradient and slope, water depth and velocity, presence of baffles or ramps, upstream and downstream connectivity). We also hold records regarding environmental context, fish species present or likely to be present, seasonal migration patterns (e.g. tuna/eel migration), habitat type and quality and information around the construction and maintenance details such as materials used. We have monitoring and compliance tools such as the Fish Passage Assessment Tool (FPAT), eDNA sampling (planned from 2025), and sensor fish injury and mortality testing for new pump types under the Pathways to the Sea project. The council's Pathways to the Sea strategy also emphasises prioritising catchments based on fish mortality, cultural values, and habitat features and installing fish-friendly pumps to develop a regional fish passage strategy with continued development in collaboration with other councils, stakeholders and iwi. According to the interim RIS, the proposed simplifications to fish passage rules aims to reduce compliance costs. While we agree that current information requirements may exceed what is necessary for basic compliance, we propose a streamlined approach that balances regulatory efficiency with ecological responsibility. A standardised compliance checklist should be adopted for culvert constructors, supported by a tiered monitoring system for ecologically sensitive areas. This approach aligns with the Pathways to the Sea strategy and leverages existing council data to minimise administrative burden while safeguarding fish passage. We consider the information requirements must be sufficient to assess compliance with Regulation 70 and supported by contextual ecological safeguards, i.e.: • Confirmation that fish passage is maintained (condition (a)) • Confirmation that the culvert is laid parallel to bed slope (condition (b)) • Confirmation that x-sectional water velocity is not increased (condition (c)) • Culvert and bed widths ("s" and "w") and confirmation that (d)(i) or (ii) are complied with (condition (d)) • Confirmation that 25% of culvert diameter is below the bed (condition (e)) • Confirmation that substrate is present and stable over the full culvert length (condition (f)) • Confirmation regarding continuity of geomorphic processes (condition (g)).

	We consider a minimal compliance checklist aligned with Regulation 70 is acceptable only if supplemented by contextual ecological safeguards For ecologically sensitive zones, a tiered monitoring system could be considered. Tier 1 would require standardised declaration form for culvert constructors confirming compliance with Regulation 70. Tier 2 would require contextual ecological data (e.g. migration patterns, habitat type) auto-populated from council databases/GIS for sensitive zones. This would include contextual ecological information such as: • Seasonal migration relevance (such as tuna migration windows) • Habitat type and connectivity (upstream/downstream) • Catchment prioritisation (aligned with the Pathways to the Sea strategy). We do not consider the requirement to provide information on culverts should be removed as this will increase burden on councils to independently collect information. We do not currently hold specific cost estimates specific to fish passage under the NES-F. Regarding our existing infrastructure under the Pathways to the Sea strategy we acknowledge full retrofitting of fish-friendly infrastructure is not financially feasible at the same time; prioritisation will be key to address environmental effects to stagger costs over time.
Question 26 - How can regulations for temporary and permanent culverts in the NES-F be made simpler?	We acknowledge under the current NES-F there is no differentiation between temporary and permanent culverts, with both subject to strict environmental regulations. **We recommend** the NES-F differentiates between temporary and permanent culverts, including lower-cost standards, for example for short-term installations (e.g. during construction), provided they are removed promptly and monitored. We consider Regulation 69 in its current form is onerous and could be amended to specify: • a general standard requiring fish passage to be maintained throughout the life of the consent, and • reasonable expectations in relation to monitoring and maintenance that must be carried out. This could include a regular inspection focused on compliance with design standards and conditions of consent; a requirement to undertake maintenance work as required to maintain compliance with culvert design standards and conditions; five-yearly engineering inspection; and certification that standards/conditions are met. **We recommend** Regulation 70 be improved by deleting condition (g). Requiring the assessment of whether something "provides for continuity of geomorphic process" is unclear and difficult to enforce. This condition is redundant if culverts comply with conditions (a) to (f).

	Alternative approaches could explore streamlining information requirements to focus on data that directly affects fish passage (e.g. slope, flow, outlet height). Alternatively, a tiered risk-based approach and application of stricter rules to identify high-risk areas (e.g. critical fish habitats) and a more lenient pathway in low-risk areas could be introduced.
Question 27 - Temporary culverts are currently treated the same as permanent ones. If temporary culverts were to be treated differently (e.g., 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 suggest a permitted activity with relevant conditions specifically for temporary culverts as a feasible option. **We recommend** temporary culvert is defined within the NES-F as a structure installed for no more than 60 days and the conditions on a permitted activity pathway include: • Avoid installation during critical fish migration periods (recognising location specific patterns) • Prevent perched outlets and excessive water velocity • Require full removal and site restoration to pre-installation condition. Additionally, there could be a low-risk exemption clause to allow councils the discretion to exempt ultra-short-term installations (e.g. less than seven days) from the NES-F scope if they meet specific low-risk criteria, such as no alteration to natural flow. This approach provides clear, nationally defined pathways, allowing for practical feasibility, ensuring temporary culverts are managed responsibly without unnecessary regulatory burden.
Question 28 - Have you encountered similar issues with any other policy or regulation within the NPS-FM or NES-F (e.g., rules or gateway tests about river reclamation)?	**We recommend** any changes made to non-complying culvert installation or a river reclamation project which are subject to s104D of the RMA are tailored to reflect the unique legal and cultural context of Waikato River Treaty settlement obligations. For example, including representatives from our council, iwi and the Waikato River Authority to help applicants navigate the process and consider separate pathways for minor reclamation works that have negligible environmental or cultural impact.
Additional comments on simplifying the fish passage regulations	We consider the proposed changes to fish passage rules in the NES-F could lead to several unintended consequences summarised below: **We oppose amendments** to ss63(3), 64(3), 65(3), 66(3) and 67(3) of the NES-F *c*ombining information requirements across structure types: Proposed amendments will lead to a loss of nuance in the provisions for different structures (for example culverts, weirs, fords) affecting fish passage in distinct ways. Single information requirements might oversimplify and fail to account for these differences

	resulting in regulatory ambiguity. Councils and developers may struggle to interpret how a unified rule applies to specific structure types, leading to inconsistent implementation. **We oppose amendment** to ss62(3), s64(3), s67(3) of the NES-F, removing non-critical information (e.g. construction material): These changes overlook indirect impacts; while these changes may not directly impede fish, they can influence durability, erosion, or habitat suitability, which indirectly affects fish passage. This results in reduced data for councils to evaluate future assessments, omitting such details in the evaluation process which could limit the ability to conduct comprehensive environmental reviews or adaptive management mechanisms over time. Culvert shape fundamentally influences velocity through the culvert and the variation in velocity across the structure. Velocity is perhaps the most important barrier to fish passage, as fish have limitations on swimming speed and endurance. The material a weir is made from is fundamental to determining its passability to fish. A concrete weir is almost certainly less passable than one constructed of rock rubble. A metal weir is almost certainly less passable than both the others. This is due to the differences in material roughness, space and uniformity of flow over the structure. The material a ford is made from is fundamental to determining its passability to fish. A concrete ford is almost certainly less passable than one constructed of rock rubble. This is due to the differences in material roughness, space and uniformity of flow over the structure. **We oppose amendments** to regulation 70(2)(e) of the NES-F to replace the 25 percent diameter requirement with one third for circular or 300 mm for boxed culverts**:** Proposed change could result in design misapplication: without clear guidance, newer culvert designs might be used inappropriately in sensitive habitats. This can result in increased installation without adequate oversight, which could lead to a surge in installations that cumulatively degrade fish passage. We suggest there should be a provision for box culverts in the provisions, and 300mm is a good default minimum embedment for box culverts. This is covered in New Zealand Fish Passage Guidelines Version 2 (Frankin et al 2024). **We oppose amendments** removing regulation 70(2)(b), (c) and (g) of the NES-F; removing requirement at 70(2)(f) that the substrate is stable: Culvert positioning, bed substrate and water velocity is a critical factor for fish movement. Removing these conditions could result in culverts that are technically compliant but functionally impassable. This may result in species-specific impacts as some fish species are more sensitive to velocity changes; this could disproportionately affect native or endangered species. **We oppose in part** differentiating temporary versus permanent structures within the NES-F**:** we oppose a new blanket permitted standard for temporary structures, as structures may then become semi-permanent, without strict oversight. Temporary installations (e.g. for gravel extraction) could remain longer than intended, causing prolonged disruption. A permitted pathway for all temporary structures also risks inconsistency across regions, legal uncertainty for applicants and an administrative burden on councils to justify deviations from national standards. Additionally, this creates compliance monitoring challenges. Councils may lack resources to track and enforce the removal or compliance of temporary structures, leading to habitat degradation. As described below, one alternative could include a specific permitted activity

	pathway for temporary culverts, rather than relying on council discretion to be less stringent. A nationally defined permitted activity pathway ensures that temporary culverts are regulated in a way that is proportionate, predictable, and environmentally responsible.
Addressing remaining issues with farmer-facing regulations	
Question 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** the alignment of the reporting timing proposed. We acknowledge the biggest issue for farmers failing to comply with Ncap reporting is that the reporting period differs from diary season dates. If the rule remains, it is essential that reporting periods are aligned with the dairy season 1 June – 31 May.
Question 30 - Has the requirement for dairy farms to report their use of fertiliser already served its purpose, in terms of having signalled 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?	We highlight the interim RIS acknowledges the presence of a synthetic nitrogenous fertiliser cap in the NES-F has resulted in a reduced application of synthetic nitrogen fertiliser in parts of New Zealand. As this cap has driven positive change, we suggest retaining the 190 KgN/ha limit in regulation 33 to ensure this trend remains positive. **We recommend** retaining Clause 35 'Compliance with Regional Rules', as it enables regional councils to establish more stringent planning provisions tailored to individual environments and community values/water quality outcomes. In the Waikato and Waipā FMUs, PC1 specifies fertiliser application rates appropriate to those FMUs. As an additional point, adherence to this provision regulation 36 should be a condition requirement of permitted activity for regulation 33 which permits the s15 discharge. Without that link, the logic of the rule framework is confusing as it is not clear what offence (under s338) has been committed if there is a failure to submit information, nor does an obvious pathway exist to authorise the activity via resource consent if the farmer could not/chose not to comply with Regulation 36. **We recommend** regulation 36 could be softened to only require information to be provided to the council upon request.
Including mapping requirements for drinking water sources	
Question 31 - Do you think that requiring regional councils to map SWRMAs for applicable drinking water supplies in their regions will improve	**We support** the establishment of drinking water protection zones and a consistent approach to mapping source water risk management areas (SWRMAs) across New Zealand. However, we suggest there should be flexibility for regional customisation, supported by documented rationale, to reflect the unique features of each region. We recognise in combination with multi-barrier protection of source water, the identification of SWRMAs and management of activities within identified zones is an important tool for improving drinking water safety.

drinking water safety? Should councils be required to publish SWRMAs?	We consider SWRMAs should be published. The current approach to publish SWRMAs, relying on the planning cycle, presents challenges. A faster, more flexible approach that incorporates robust peer review and formal council endorsement is needed. We suggest a five-year timeframe to delineate over 500 SWRMAs is reasonable. There may be opportunities to publish some SWRMAs earlier; online publication could support enabling staged or progressive release. Our council has recently completed LiDAR coverage across the region. This data provides detailed elevation information and enhances the accuracy of SWRMA delineation, which is important in understanding surface water flow paths, catchment boundaries, and potential contaminant transport routes. Compared with previous datasets, LiDAR reduces uncertainty in mapping and provides more consistent, evidence-based decision-making. It enables councils to define SWRMA with greater confidence. **We recommend** that SWRMAs be aligned with Earth Science New Zealand's DN4 national-scale product (currently being developed with MfE funding) to ensure national consistency and to utilise improved data, such as the latest LiDAR derived digital elevation models and enhancements like hydro flow corrections where available. If provided for in the new resource management system, **we would support** a system that allows for online publication and updating of these areas. This would enable timely updates and addition of new identified SWMRAs without the need to wait for a formal planning process and associated timeframes. There may be specific challenges in delineating SWRMAs that should be considered before regulations are finalised. These include the availability of information, technical complexity, and delays associated with formalising SWRMAs through processes such as Schedule 1 of the RMA or gazetting. The ability to publish SWRMAs in a timely manner, without requiring Schedule 1 processes, could reduce delays and allow for a more responsive system. However, it is important to acknowledge that SWRMAs can have significant implications for communities and water suppliers, and these impacts must be carefully managed. We acknowledge the significant resourcing required from regional councils to delineate water supplies, develop bespoke SWRMAs, and amend existing plans to align with the proposed NES-DW amendments. We **support** the intent of the proposed amendments. However, the estimated costs, potentially in the hundreds of thousands of dollars, represent a significant burden on regional councils. These costs include delineating SWRMAs, developing bespoke SWRMAs, and, if included in the final proposal, amending regional plans through the Schedule 1 RMA process. Given the scale and complexity of this work, we **recommend** if a shorter timeframe is being considered, the government should either undertake the mapping directly or provide targeted funding to support councils in delivering this work. Alternatively, the council notes

	that any new requirement of this nature would need to be incorporated into a Long-Term Plan business case and is subject to community consultation and prioritisation. Without direct funding or centralised delivery, the earliest realistic start for this work would be mid-2027, contingent on decisions made through the Long-Term Plan process.
Question 32 - Do you think that three zones should be required for each SWRMA, or is one zone sufficient?	**We are generally supportive** of delineating three at-risk zones within each SWRMA. The first two zones are practical and appropriate to map. We consider further clarity may be needed for Zone 2 and refinement of the approach to groundwater in Zone 3. For example, it may be more appropriate to consider a 20- or 50-year time-of-travel timeframe as a starting point, rather than applying the entire groundwater catchment. Zone 3 could also be further refined, particularly in how it applies across different hydrological contexts. **We recommend** the mapping approach should account for the difference between groundwater and surface water systems, as these require distinct approaches to source water management. Mapping challenges also vary depending on the water source and regional characteristics. For example, Waikato is a large, intensively farmed catchment, whereas Wellington sources its drinking water from the top of the catchment. These differences influence how zones are defined and managed. Additionally, consideration is needed of how the use and potential overlap of these zones may interact with consenting processes, to avoid unnecessary complexity or duplication. Our council has undertaken preliminary test mapping using the current guidelines and welcomes the opportunity to provide technical input to help refine the delineation of SWRMAs.
Question 33 - What do you think the population threshold should be to require regional councils to map SWRMAs (e.g., 100-person, 500-person, or some other threshold)?	We recognise the application of this approach to smaller suppliers creates a problem due to the large and lack of information for many. **We propose** a simpler, interim approach with a population threshold of 500 people to delineate source water zones while longer-term solutions are developed. We support a more staged rollout, with the national approach starting with supplies serving 500+ people, followed by a second phase that extends to smaller providers. This approach allows time for learning, refinement, and addressing any implementation challenges before expanding the requirements more broadly.