

## **Appendix 2: Right of Reply Recommended Amendments to Provisions – Hearing Stream 5 – Freshwater and Te Mana o te Wai Rebuttal**

*In accordance with Minute 18, the provisions shown in this appendix are the consolidated set of provisions included within the Freshwater and Te Mana o te Wai topic, including provisions that are not subject to recommended officer amendments. Provisions are shown in the order they appear in the Proposed Change 1 to the RPS document as notified. Recommended new policies are generally located after the amended provisions, according to the relevant chapters of the RPS.*

*Provisions as notified are shown in black text. Additions are underlined and deletions are ~~struck through~~*

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

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

*Right of reply recommended amendments are shown in green text. Additions are underlined and deletions are ~~struck through~~.*

### **Chapter 3.4: Fresh water (including public access)**

#### **Chapter Introduction**

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

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

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

- First, the health and wellbeing of water bodies and freshwater ecosystems as the first priority.
- Second, the health needs of people (such as drinking water)

- Third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.

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

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

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

[...]

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

[...]

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

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

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

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

The RPS includes several policies to give effect to Te Mana o te Wai including specific policy direction that the mana whenua/tangata whenua expressions of Te Mana o te Wai must be recognised and provided for. These expressions underpin the regional response to Te Mana o te Wai. ~~The regional~~

council “must include an objective in its regional policy statement that describes how the management of freshwater in the region will give effect to *Te Mana o te Wai*” (NPS-FM 3.2 (3)). The *Te Mana o Te Wai* objective in this RPS repeats the requirements of the NPS-FM, and then provides how each iwi of the region wishes to articulate their meaning of *Te Mana o Te Wai*.

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

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

**Amend Table 4**

Policy Titles	Page	Method titles	Implementation (*lead authority)
<u>Policy 40: Maintaining Protecting and enhancing the health and well-being of water bodies and freshwater ecosystems aquatic ecosystem health in water bodies – consideration</u>		Method 4: Resource consents, notices of requirement and when changing, varying or reviewing plans	<u>City and district councils</u> <u>Wellington Regional Council</u>
<u>Policy FW.1: Reducing water demand – regional plans</u>		<u>Method 1: District plan implementation</u> <u>Method 2: Regional plan implementation</u>	<u>City and district councils</u> <u>Wellington Regional Council</u>
<u>Policy FW.2: Reducing water demand – district plans</u>		<u>Method 2: Regional plan implementation</u> <u>Method 1: District plan implementation</u>	<u>Wellington Regional Council</u> <u>City and district councils</u>

**Objective 12**

**Objective 12**

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

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

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

- (a) *Mana whakahaere*: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater
- (b) *Kaitiakitanga*: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations

- ~~(c) Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others~~
- ~~(d) Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future~~
- ~~(e) Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations, and~~
- ~~(f) Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.~~

And the Statements of Kahungunu ki Wairarapa and Rangitāne o Wairarapa

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

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

- ~~a) Restores the mana of water and its fundamental role in providing for the current and future health and wellbeing of the environment and the community~~
- ~~(ab) As the first priority, returns water bodies and freshwater ecosystems to, and thereafter maintains them, in a state of tūhauora/good health~~
- ~~b) Protects Maintains the health and wellbeing of waterbodies and freshwater ecosystems from further degradation and improves the health and wellbeing of degraded waterbodies and freshwater ecosystem health~~
- ~~c) Incorporates and protects mātauranga Māori, in partnership with mana whenua/tangata whenua~~
- ~~d) Recognises and provides for the individual natural characteristics and processes of waterbodies and their associated ecosystems~~
- ~~e) Re-establishes Acknowledges and provides for the connections and relationships of mana whenua/tangata whenua connections with freshwater~~
- ~~f) Provides for the ability of mana whenua/tangata whenua to safely undertake their cultural and spiritual practices associated with freshwater, including mahinga kai~~
- ~~g) Includes Actively involves mana whenua/tangata whenua in decision-making in relation to the Region’s waterbodies~~
- ~~(ga) includes engagement with communities, stakeholders, and territorial authorities~~
- ~~(gab) Supports the wellbeing and safety of the community, by providing for the ability to carry out recreational activities, in and around freshwater environments~~
- ~~(gbc) Supports and protects an abundance and diversity of freshwater habitats for indigenous freshwater species and, where appropriate, the habitat of trout and salmon~~
- ~~(gd) Supports the reasonable, sustainable and efficient use of water for activities that benefit the Region’s economy, including primary production activities, innovation and tourism;~~
- ~~h) Applies the Te Mana o te Wai hierarchy of obligations by prioritising:~~
  - ~~i. First, the health and wellbeing of waterbodies and freshwater ecosystems,~~
  - ~~ii. Second, the health needs of people~~

- iii. Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

## **Chapter 4.1 – Regulatory Policies**

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

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

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

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

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

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

(c) identify freshwater management units (FMUs);

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

(i) Kāpiti ~~Whaitua~~

(ii) Ruamaāhanga ~~Whaitua~~

(iii) Te Awarua-o-Porirua ~~Whaitua~~

(iv) Te Whanganui-a-Tara ~~Whaitua~~

(v) Wairarapa Coast ~~Whaitua~~

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

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

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

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

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

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

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

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

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

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

#### **Explanation**

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

#### **Delete Policy 13:**

##### **Policy 13: Allocating water – regional plans**

~~Regional plans shall include policies and/or rules that:~~

- ~~(a) establish allocation limits for the total amount of water that can be taken from rivers and lakes, taking into account aquatic ecosystem health; and~~
- ~~(b) establish allocation limits for the total amount of water that can be taken from groundwater, taking into account the aquatic ecosystem health of rivers, lakes and wetlands, and preventing saltwater intrusion.~~

#### **Explanation**

~~Policy 13 directs the establishment of allocation limits for rivers and groundwater in a regional plan. Allocation limits for rivers are the total amount of water that is available to be taken from a river, including water behind any dam, while taking into account policy 12.~~

~~Groundwater allocation limits must safeguard the needs of dependent ecosystems in groundwater-fed streams and wetlands, and prevent saltwater intrusion.~~

#### **Policy 14: Urban development effects on freshwater ~~and the coastal marine area~~ receiving**

**environments Minimising contamination in stormwater from new development – regional plans**

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

- (a) Enable the active involvement of mana whenua / tangata whenua in freshwater management (including decision-making processes);, and
- ~~(ab) Identify and provide for Māori freshwater values are identified and provided for;~~
- (b) Adopt an integrated approach, ki uta ki tai, that recognises the interconnectedness of the whole environment to determine the location and form of urban development;
- (c) Require the Control of both land use and discharge effects from the use and development of land urban development on freshwater and the coastal marine area receiving environments;
- (d) Identify how to Achieve the target attribute states and environmental flows and levels set for the catchment;
- (e) Require the urban development, including stormwater discharges, earthworks and vegetation clearance to meet any limits set in a regional plan;
- (f) Require that urban development to incorporate water sensitive urban design water sensitive urban design techniques to minimise the generation of contaminants from stormwater runoff, and maximise, to the extent practicable, the removal of contaminants from stormwater avoid adverse effects of contaminants on waterbodies from the use and development of the land is designed and constructed using the principles of Water Sensitive Urban Design;
- ~~(g) Require that urban development located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours;~~
- (h) Require that urban development lot boundaries and new roads for are urban development urban development is is appropriately located and designed and designed to protect and enhance the health and wellbeing of adjacent gully heads, gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries and other receiving environments, including the natural form and flow of the waterbody;
- (i) Require urban development adjacent to natural waterbodies to protect and enhance include riparian margins buffers; for all waterbodies and avoid piping of rivers;
- ~~(ia) avoid the piping of rivers for urban development urban development unless:  
(i) there is a functional need for the activity in that location; and  
(ii) the effects of the activity are managed by applying the effects management hierarchy;~~
- ~~(ii) Require hydrological controls in urban development to avoid adverse effects of runoff quantity (flows and volumes) and maintain, to the extent practicable, natural stream flows;~~
- ~~(k) Require urban development to adopt stormwater quality management measures that will minimise the generation of contaminants, and maximise, to the extent practicable, the removal of contaminants from stormwater; and~~
- ~~(l) Identify and map rivers and wetlands within the area proposed for urban development in partnership with mana whenua/tangata whenua and affected landowners;~~

- ~~(m) require that urban development *urban development* avoids the loss of extent or values of natural inland wetlands, unless; and~~
  - ~~(i) the *urban development* will contribute to a well-functioning urban environment; and~~
  - ~~(ii) the *urban development* will provide significant national, regional, or district benefits; and~~
  - ~~(iii) the *urban development* occurs on land identified for urban development *urban development* in operative provisions of a regional or district plan; and~~
  - ~~(iv) the land proposed for *urban development* is not zoned general rural, rural production, or rural lifestyle; and~~
  - ~~(v) there is no practicable alternative location for the activity within the area of the development; or~~
  - ~~(vi) every other practicable alternative location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and~~
  - ~~(vii) the effects of the activity are managed by applying the *effects management hierarchy*; and~~
- ~~(n) promoting and enabling the daylighting of streams.~~

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

#### Explanation

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

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

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

- (a) ~~Regional Plans shall include policies, rules and/or methods that:~~
  - ~~i. Control the effects of *earthworks and vegetation clearance* to achieve the target attribute states for water bodies and freshwater ecosystems, including receiving environments;~~
  - ~~ii. In the absence of target attribute states, *minimise* silt and sediment runoff into~~

- freshwater and receiving environments, or onto land that may enter water; and
- iii. Minimise erosion.
- iv. manage sediment associated with earthworks

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

- i. Require ~~urban development~~ urban development to follow existing land contours, to the extent practicable;
- ii. Minimise the extent and volume of earthworks required for urban development
- iii. Require setbacks from waterbodies for vegetation clearance and earthworks activities;
- iv. Manage sediment associated with earthworks less than 3000m<sup>2</sup>;
- v. Manage subdivision layout and design.

~~(a) erosion; and~~

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

#### Explanation

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

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

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

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

#### Explanation

Policy 17 gives effect to the objective of the National Policy Statement for Freshwater Management 2020 by prioritising the health and wellbeing of waterbodies first, and then providing for the take and use of water for the *health needs of people*, before other uses of water.

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

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

- ~~(a) — managing freshwater in a way that gives effect to Te Mana o te Wai;~~
- ~~(b) actively involving mana whenua / tangata whenua in freshwater management (including decision-making processes), and~~
- ~~(ba) identifying and providing for Māori freshwater values are identified and provided for;~~
- ~~(bb) adopting an integrated approach, ki uta ki tai, that recognises the interconnectedness of the whole environment to ensure that ecological health of freshwater is managed using an integrated, ecosystem wide approach~~
- ~~(bc) incorporating the use of mātauranga Māori to protect and restore ecosystem health,~~
- ~~(c) — ensuring there is no further loss of extent of natural inland wetlands and coastal wetlands, their values are protected, and their restoration is promoted;~~
- ~~(d) — achieving environmental outcomes, target attribute states and environmental flows and levels;~~
- ~~(e) — avoiding the loss of river extent and values to the extent practicable;~~
- ~~(f) protecting the significant values of outstanding water bodies~~
- ~~(g) protecting the habitats of indigenous freshwater species are protected;~~
- ~~(ga) protecting the habitat of trout and salmon, insofar as this is consistent with clause (g).~~
- ~~(h) — Freshwater is allocated and used efficiently, all existing over allocation is phased out, and future over-allocation is avoided;~~
- ~~(i) promoting the retention of retaining in-stream habitat diversity by retaining natural features – such as pools, runs, riffles, and the river’s natural form to maintain in-stream habitat diversity;~~
- ~~(j) promoting the retention of retaining natural flow regimes – such as flushing flows;~~
- ~~(k) promoting the protecting and reinstating of riparian habitat;~~
- ~~(l) promoting the installation of off-line water storage;~~
- ~~(m) measuring and evaluating water takes;~~
- ~~(n) — discourage restricting avoiding the reclamation, piping, straightening or concrete lining of rivers unless:  
~~(i) there is a functional need for the activity in that location; and~~  
~~(ii) the effects of the activity are managed by applying the effects management hierarchy~~~~
- ~~(o) discourage restricting stock access to estuaries, rivers, lakes and wetland;~~
- ~~(p) discourage restricting the diversion of water into or from wetlands – unless the diversion is necessary to restore the hydrological variation to the wetland;~~
- ~~(q) discourage restricting the removal or destruction of indigenous plants in wetlands and lakes; and~~
- ~~(r) restoring and maintaining fish passage where appropriate. — except where it is desirable to prevent the passage of some fish species in order to protect indigenous species, their life stages, or their habitats.~~

## Explanation

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

### Policy 18A: Protection and restoration of natural inland wetlands – regional plans

Regional plans shall include policies, rules and/or methods to protect the values of natural inland wetlands, promote their restoration, and avoid the loss of extent of natural inland wetlands, unless:

- (a) the loss of extent or values arises from any of the following:
  - (i) the customary harvest of food or resources undertaken in accordance with tikanga Māori
  - (ii) wetland maintenance, restoration, or biosecurity (as defined in the National Policy Statement for Freshwater Management)
  - (iii) scientific research
  - (iv) the sustainable harvest of sphagnum moss
  - (v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
  - (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
  - (vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or
- (b) the loss of extent or values is a result of use and development within natural inland wetlands that:
  - (i) is necessary for the purpose of the construction or upgrade of *specified infrastructure* that will provide significant national or regional benefits; or
  - (ii) is necessary for the purpose of *urban development* that contributes to a well-functioning urban environment (as defined in the National Policy Statement on Urban Development 2020), and:
    - a. the *urban development* will provide significant national, regional or district benefits; and
    - b. the activity occurs on land that is identified for *urban development* in operative provisions of a regional or district plan; and
    - c. there is no practicable alternative location for the activity within the area of the development, or every other practicable location in the area of the development would have equal or greater adverse effects on a natural inland wetland; or
  - (iii) is necessary for the purpose of quarrying activities and the extraction of the aggregate will provide significant national or regional benefits; or

- (iv) the activity is for the purpose of the extraction of minerals (other than coal) and ancillary activities and the extraction of the mineral will provide significant national or regional benefits; or
- (v) the activity is necessary for the purpose of constructing or operating a new or existing landfill or cleanfill area and:
  - a. The landfill or cleanfill area:
  - b. will provide significant national or regional benefits; or
  - c. is required to support urban development as referred to in Policy 14(m); or
  - d. is required to support the extraction of aggregates as referred to in clause (b)(ii),
  - e. is required to support the extraction of minerals as referred to in clause (b)(iii); and
  - f. there is either no practicable alternative location in the region, or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and
- (vi) in relation to clauses (b)(i) to (b)(iii), there is a *functional need* for the activity to be done in that location; and
- (vii) in all cases, the effects of the activity will be managed through applying the *effects management hierarchy*; and
- (viii) where the activity will result (directly or indirectly) in the loss of extent or values of a natural inland wetland:
  - a. require an assessment of the loss of extent or values of the wetland in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity values; and
  - b. if *aquatic offsetting* or *aquatic compensation* is applied, require compliance with principles 1 to 6 in Appendix 6 and 7 of the National Policy Statement of Freshwater Management 2020, and have regard to the remaining principles in Appendix 6 and 7, as appropriate; and
  - c. ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and
  - d. ensure that any conditions of consent apply the *effects management hierarchy* including conditions that specify how the requirements in clause (b)(vii)c. will be achieved.

#### Explanation

Policy 18A gives effect to clause 3.22 of the National Policy Statement for Freshwater Management 2020 by setting out the circumstances under which the loss of extent and values of natural inland wetlands may be appropriate.

#### **Policy 18B: Protection of river extent and values – regional plans**

Regional plans shall include policies, rules and/or methods to avoid the loss of river extent and values, unless:

- (a) there is a *functional need* for the activity in that location; and
- (b) the effects of the activity are managed by applying the *effects management hierarchy*; and
- (c) where clauses (a) and (b) apply, and the activity will result (directly or indirectly) in the loss of extent or values of a river:

- (i) require an assessment of the loss of extent or values in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity; and
- (ii) if aquatic offsetting or aquatic compensation is applied, require compliance with principles 1 to 6 in Appendix 6 and 7 of the National Policy Statement for Freshwater Management 2020, and have regard to the remaining principles in Appendix 6 and 7, as appropriate; and
- (iii) ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and
- (iv) ensure that any conditions of consent apply the effects management hierarchy including conditions that specify how the requirements in (c)(iii) will be applied.

#### Explanation

Policy 18B gives effect to clause 3.24 of the National Policy Statement for Freshwater Management 2020 and provides direction for the content of regional plans in managing the loss of river extent and values. The policy requires the avoidance of the loss of river extent and values, unless there is a functional need and the effects management hierarchy has been applied.

#### **Policy FW.1: Reducing water demand – regional plans**

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

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

#### **Explanation**

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

#### **Policy FW.2: Reducing water demand – district plans**

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

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

## Explanation

Policy FW.2 requires district plans to address the reduction of demand in community drinking water supplies or group drinking water supplies ~~municipal~~ water supplies.

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

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

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

margins and estuaries;

(ka) Identify aquifers and drinking water source areas in the district and include information about how ~~urban development~~ *urban development* in these areas is managed in the region;

(l) ~~Require riparian buffers for all waterbodies and avoid piping of rivers;~~

(m) ~~Require hydrological controls to avoid adverse effects of runoff quantity (flows and volumes) and maintain, to the extent practicable, natural stream flows;~~

(n) ~~Require efficient use of water;~~

(o) Manage land use and development in a way that will minimise the generation of contaminants, including ~~in relation to the choice of building materials, and the extent of impervious surfaces;~~

(p) ~~Consider daylighting of streams, where practicable; and~~

(q) ~~Consider the effects of land use and development on drinking water sources.~~

#### **Explanation**

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

#### **Policy FW.4: Financial Contributions for urban development – district plans**

~~District plans shall include policies and rules that require financial contributions to be applied to subdivision and development as a condition of the resource consent where off site stormwater quality and quantity treatment is required, as set out in a~~

~~Stormwater Management Plan (required as a condition of a network discharge consent for that catchment). The district plan policy shall outline how a fair share of the cost is determined, and the nature of the contribution. A financial contribution will not be required where a development contribution (as required by a Development Contribution Policy under the Local Government Act) has been collected from the same development for the same purpose.~~

~~Note: financial contributions cannot be imposed against Minister of Education or Minister of Defence~~

#### **Explanation**

~~Policy FW.4 requires financial contributions, or alternatively development contributions to be collected for the construction of catchment scale stormwater solutions, so that urban new urban development pays their fair share.~~

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

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

~~(a) Recognise and provide for the mana whenua/tangata whenua Statements of Te Mana o te~~

Wai in Appendix 5, as applicable to the territorial authority area shown in Table X. Regional plans shall apply the mana whenua/tangata whenua statements as relevant to the scope and content of the plan change or review process.

- (b) Partner with mana whenua/tangata whenua in the development of the required district and regional plan objectives, policies, rules or other methods that give effect to Te Mana o te Wai.

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

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

### Explanation

Policy FWXX sets out the requirements of local authorities in developing regional and district plans in relation to the Mana Whenua/Tangata Whenua Statements of Te Mana o Te Wai in Appendix 5. These statements provide important guidance and information about what Te Mana o te Wai means to mana whenua/tangata whenua across the region. Local authorities must apply Policy FW.XX to give effect to Te Mana o te Wai insofar as it relates to their respective functions under sections 30 and 31 of the RMA.

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

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

~~(a) —~~ For greenfield development:

- ~~i. —~~ the modelled mean annual runoff volume generated by the fully developed site area must not exceed the mean annual runoff volume modelled from the site in an undeveloped state

ii. ~~the modelled mean annual exceedance frequency of the 2-year Average Recurrence Interval (ARI) 50% annual exceedance probability (AEP) so-called 'channel forming' (or 'bankfull') flow for the point where the fully developed area discharges to a stream, or via a stormwater network that discharges to a stream, must not exceed the mean annual exceedance frequency modelled for the same site and flow event arising from the area in an undeveloped state.~~

(b) ~~For brownfield and infill development:~~

i. ~~the modelled mean annual runoff volume generated by the fully developed area site must minimise any increase from the mean annual runoff volume modelled for the site in an undeveloped state, as far as practicable~~

ii. ~~the modelled mean annual exceedance frequency of the 50% annual exceedance probability (AEP) peak flow event 2-year ARI so-called 'channel forming' (or 'bankfull') flow for the point where the fully developed area discharges to a stream, or stormwater network, shall be reduced to minimise any increase from the mean annual exceedance frequency modelled for the same site and flow event in an undeveloped state, as far as practicable.~~

### **Explanation**

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

## Chapter 4.2 – Regulatory Policies – Matters to be considered

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

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

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

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

**Policy 40A: Loss of extent and values of natural inland wetlands – consideration**

When considering an application for a regional resource consent for use and development within natural inland wetlands the regional council must not grant consent unless:

- (a) there will be no loss of extent of natural inland wetlands and their values will be protected; or
- (b) any loss of extent or values, arises from any of the following:
  - (i) the customary harvest of food or resources undertaken in accordance with tikanga Māori
  - (ii) wetland maintenance, restoration, or biosecurity (as defined in the National Policy Statement for Freshwater Management)
  - (iii) scientific research
  - (iv) the sustainable harvest of sphagnum moss
  - (v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
  - (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
  - (vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or
- (c) any loss of extent or values is a result of use and development within natural inland wetlands that:
  - (i) is necessary for the purpose of the construction or upgrade of *specified infrastructure* that will provide significant national or regional benefits; or
  - (ii) is necessary for the purpose of urban development that contributes to a well-functioning urban environment (as defined in the National Policy Statement on Urban Development 2020), and:
    - a. the urban development will provide significant national, regional or district benefits; and
    - b. the activity occurs on land that is identified for urban development in operative provisions of a regional or district plan; and
    - c. there is no practicable alternative location for the activity within the area of the development, or every other practicable location in the area of the development would have equal or greater adverse effects on a natural inland wetland; or
  - (iii) is necessary for the purpose of quarrying activities and the extraction of the aggregate will provide significant national or regional benefits; or
  - (iv) is for the purpose of the extraction of minerals (other than coal) and ancillary activities and the extraction of the mineral will provide significant national or regional benefits; or

- (v) is necessary for the purpose of constructing or operating a new or existing landfill or cleanfill area and:
    - a. The landfill or cleanfill area;
    - b. will provide significant national or regional benefits; or
    - c. is required to support *urban development*; or
    - d. is required to support the extraction of aggregates as referred to in clause (b)(ii),
    - e. is required to support the extraction of minerals as referred to in clause (b)(iii);  
and
    - f. there is either no practicable alternative location in the region, or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and
  - (vi) in relation to clauses (c)(i) to (b)(iii), there is a *functional need* for the activity to be done in that location; and
  - (vii) in all cases, the effects of the activity will be managed through applying the *effects management hierarchy*; and
- (d) For any activity listed in clauses (b)-(c), other than sub-clause (b)(i), the council is satisfied that:
- (i) The applicant has demonstrated how each step of the *effects management hierarchy* will be applied to any loss of extent or values of the wetland (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity values; and
  - (ii) Where *aquatic offsetting* or *aquatic compensation* is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7 of the National Policy Statement of Freshwater Management 2020, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate; and
  - (iii) There are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes;  
and
  - (iv) Suitable conditions will be applied to the consent (if granted) that apply the *effects management hierarchy*, require the monitoring of the wetland at a scale commensurate with the risk of the loss of extent or values of the wetland, and specify how the requirements in clause (d)(iii) will be achieved.

### **Explanation**

Policy 40A sets out the matters that must be considered and applied when assessing a resource consent for activities within natural inland wetlands and when loss of extent and values of natural inland wetlands will be considered. In all other cases the loss of extent and values must be avoided. The policy gives effect to Clause 3.22 of the NPS-FM but will cease to have effect when Policy 18A has been given effect in the regional plan.

### **Policy 40B: Loss of river extent and values**

When considering an application for a regional resource consent for use and development within rivers the regional council must not grant consent unless:

- (a) There will be no loss of river extent and values; or
- (b) There is a *functional need* for the activity in that location; and
- (c) the activity will be managed by applying the *effects management hierarchy*; and

- (d) the applicant has demonstrated how each step in the *effects management hierarchy* will be applied to any loss of extent or values of the river (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity; and
- (e) if *aquatic offsetting* or *aquatic compensation* is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7 of the National Policy Statement for Freshwater Management 2020, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate; and
- (f) there are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve conservation outcomes; and
- (g) Suitable will be applied to the consent (if granted) that:
  - (i) apply the *effects management hierarchy*
  - (ii) specify how the requirements in clause (f) will be achieved.

#### Explanation

Policy 40B applies to resource consents for activities in rivers and aims to ensure these activities result in no loss of extent of rivers unless there is a *functional need* for the activity in that location and the *effects management hierarchy* has been applied. Policy 40B gives effect to clause 3.24 of the NPS-FM but will cease to have effect when Policy 18B has been given effect in the regional plan.

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

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

- ~~(a) — erosion; and~~
- (a) *the extent to which the activity minimises erosion;*
- ~~(b) — the extent to which considering whether the activity will achieve any relevant environmental outcomes and target attribute states set for the FMU or part FMU; silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained; and~~
- ~~(c) — where suspended sediment limits have been set in a regional plan, and the activity cannot meet those limits, avoiding discharges to water bodies, and to land where it may enter a waterbody; where limits for suspended sediment are not met.~~
- ~~(ed) in the absence of environmental outcomes, target attribute states, or limits for suspended sediment for the relevant FMU or part-FMU, the extent to which silt and sediment runoff into water, or onto or into land that may enter water, will be minimised.~~
- (e) the extent to which the activity results in adverse effects on aquatic ecosystem health, indigenous biodiversity in water bodies and receiving environments.

## Explanation

Policy 41 applies to regional resource consents that involve earthworks and vegetation clearance. The policy intent is to manage both rates of erosion and sediment runoff into waterbodies. The policy recognises that it may not be possible in all cases to avoid the effects of these activities, but nevertheless requires that the effects be minimised. The policy also recognises that there may be a period of time where environmental outcomes and target attribute states for a FMU have not yet been set in the regional plan, and in these cases, there remains a requirement to minimise silt and sediment runoff into water. Policy 41 shall cease to have effect once Policy 15(a) has been given effect in the Regional Plan for all FMUs in the region.

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

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

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

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

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

~~Vegetation disturbance includes harvesting plantation forestry.~~

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

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

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

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

- (p) Efficient end use of water and alternate water supplies for non- potable use;
- (q) Pprotecting drinking water sources from inappropriate use and development; and
- (r) Applying a catchment an integrated management approach to wastewater networks including partnering with mana whenua as kaitiaki and allowance for appropriately designed overflow points where necessary to support growth and consideration of different approaches to wastewater management to resolve overflow.

### Delete Policy 43:

#### **Policy 43: Protecting aquatic ecological function of water bodies – consideration**

~~When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:~~

- ~~(a) — maintaining or enhancing the functioning of ecosystems in the water body;~~
- ~~(b) — maintaining or enhancing the ecological functions of riparian margins;~~
- ~~(c) — minimising the effect of the proposal on groundwater recharge areas that are connected to surface water bodies;~~
- ~~(d) — maintaining or enhancing the amenity and recreational values of rivers and lakes, including those with significant values listed in Table 15 of Appendix 1;~~
- ~~(e) — protecting the significant indigenous ecosystems and habitats with significant indigenous biodiversity values of rivers and lakes, including those listed in Table 16 of Appendix 1;~~
- ~~(f) — maintaining natural flow regimes required to support aquatic ecosystem health;~~
- ~~(g) — maintaining fish passage;~~
- ~~(h) — protecting and reinstating riparian habitat, in particular riparian habitat that is important for fish spawning;~~
- ~~(i) — discouraging stock access to rivers, lakes and wetlands; and~~
- ~~(j) — discouraging the removal or destruction of indigenous wetland plants in wetlands.~~

#### **Explanation**

~~This policy identifies key elements of habitat diversity that are essential for healthy aquatic ecosystems to survive and be self-sustaining.~~

~~When areas of habitat in one part of a river or lake are degraded or destroyed by people’s activities, critical parts of the ecosystem may be permanently affected, with consequential effects elsewhere in the ecosystem. Specific policies and regional rules can set out where it is important to retain habitat for ecological function. Remedying and mitigating of effects can include offsetting, where appropriate.~~

~~-Application for a resource consent refers to all types of resource consent. Policy 43 shall cease to be considered for resource consents processed by the Wellington Regional Council once policies 18 and 19 are given effect to in a regional plan. Policy 43 shall continue to be considered by city and district councils when processing resource consents, notices of requirement and making changes, variations or reviewing district plans.~~

~~The rivers and lakes with significant amenity and recreational values listed in Table 15 of Appendix 1 were identified by the community as places that are regularly used for recreational activities.~~

The rivers and lakes with significant indigenous ecosystems were selected using indicators of aquatic invertebrate community health, the diversity of indigenous migratory fish species, the presence of nationally threatened fish species and the location of inanga spawning habitat. The criteria used to assess rivers and lakes with significant indigenous ecosystems are given in Appendix 1.

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

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

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

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

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

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

**Explanation**

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

**New Freshwater policy**

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

When considering an application that relates to freshwater for:

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

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

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

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

**Explanation**

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

## Chapter 4.3: Allocation of Responsibilities

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

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

- (a) Wellington Regional Council has primary responsibility for freshwater. Wellington Regional Council shall be responsible for managing the direct effects of the use and development of land on waterbodies and receiving environments including discharges of contaminants, implementing the National Objectives Framework of the NPS-FM 2020, managing the effects of stormwater runoff volumes on freshwater ecosystem health, and protecting and enhancing riparian margins ~~the control of the use and development of land~~ for the purposes of ~~water quality and quantity~~ the maintenance and enhancement of water quality and ecosystems in water bodies, and the maintenance of water quantity.
- (b) In relation to wetlands, Wellington Regional Council is responsible for managing land use within, and within a 100m ~~margin setback~~ of natural wetlands as directed by the NES-F 2020, as well as areas adjoining and/or upstream ~~of a wetland~~ for the purpose of protecting wetlands;
- ~~(ba) Wellington Regional Council is responsible for earthworks and vegetation clearance in riparian margins of water bodies.~~
- (c) ~~City and district councils Territorial authorities are responsible for the control of land use and subdivision. City and district councils Territorial authorities~~ City and district councils are responsible for managing the effects of urban development on the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments insofar as it relates to stormwater management and managing the design and materials of development (such as roof materials and impervious surfaces) that may affect the health and wellbeing of waterbodies. ~~must include objectives, policies, and methods in district plans to promote positive effects, and avoid, remedy or, or mitigate adverse effects (including cumulative effects) of land use and subdivision on the health and wellbeing of water bodies, freshwater ecosystems and receiving environments (as required by NPS-FM 3.5 (4)). They must carry out their responsibility in regard to the NPS-FM through their functions under Section 31 of the RMA.~~
- (d) Wellington Regional Council and city and district councils have joint responsibility for the location and design of urban development in relation to waterbodies and receiving environments, and the protection and enhancement of waterbodies and receiving environments from the effects of urban development insofar as this relates to their respective functions under section 30 and section 31 of the RMA.

## Explanation

Policy FW.6 outlines the allocation of responsibilities for land use and development controls for freshwater between Wellington Regional Council and territorial authorities. There are some areas of responsibility that overlap and in these cases the Wellington Regional Council and territorial authorities shall work together to develop plan provisions and operational arrangements to provide for the coordinated management and control of subdivision, use and development to maintain, and where required improve, the health and wellbeing of waterbodies and freshwater ecosystem health. This includes working collaboratively at different scales, such as during structure planning, rezoning, subdivision, and site-development, so that the location, layout and design of development is managed in an integrated manner.

## Chapter 4.4.: Non-regulatory policies

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

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

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

## Explanation

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

## Chapter 4.5: Methods to implement policies

### Regulatory methods

#### Method FW.1: Freshwater Action Plans

Prepare Freshwater Action Plans in partnership with mana whenua / tangata whenua, and through engagement with communities, stakeholders and territorial authorities city and district councils, as required by the NPS-FM to contribute to achieving the target attribute states set in the NRP, for each whaitua no later than December 2026. The freshwater action plans may describe both regulatory and non-regulatory measures to achieve target attribute states. will outline non-regulatory measures, which, along with limits and other rules, will achieve target attribute states. Where an action plan is required by the NPS-FM it shall contain both regulatory and non-regulatory actions.

Implementation: Wellington Regional Council

### Non-regulatory methods – Integrating Management

**Method FW.2: Joint processing of resource consents for urban development or regionally significant infrastructure consents that relate to freshwater**

When processing resource consents for urban development or regionally significant infrastructure that affect freshwater, ~~the Wellington Regional Council, district and city councils and territorial authorities~~ city and district councils shall:

- (a) jointly process publicly notified resource consents (where both regional and district consents are publicly notified) for urban development and regionally significant infrastructure;
- ~~(ab) engage early with mana whenua/tangata whenua about the effects of the proposal on freshwater~~
- (b) encourage resource consent applicants to engage with mana whenua/tangata whenua early in their planning
- (c) collaborate on pre-application processes;
- (d) collaborate on the processing of non-notified resource consents;
- (e) collaborate on monitoring of consent conditions; and
- (f) exchange information and data to support integrated management.

Implementation: Wellington Regional Council, ~~and territorial authorities district and city councils.~~

**Method 30: Implement the ~~Prepare a~~ harbour and catchment management strategy for Porirua Harbour**

Implement the ~~Prepare a~~ harbour and catchment management strategy for Porirua Harbour, in partnership with mana whenua/tangata whenua, to address the restoration of Porirua Harbour and reduce the discharge of sediment, nutrients and contaminants into the harbour.

Implementation: Wellington Regional Council, Porirua City Council and Wellington City Council

**Method 31: Protocol for management of ~~earthworks and~~ air quality between local authorities**

With interested parties prepare protocols and definitions to guide changes to district and regional plans to avoid gaps, uncertainty and unnecessary overlaps in the regulation of:

- ~~(a) — earthworks, including vegetation disturbance, cultivation and harvesting; and~~
- ~~(b) — management of odour, smoke and dust.~~

Implementation: Wellington Regional Council\* and city and district councils.

**Method 34: Prepare a regional water supply strategy**

With interested parties ~~p~~ Prepare a regional water supply strategy, in partnership with mana whenua / tangata whenua, and consultation with communities, to guide local authorities on how to:

- (a) improve and maximise efficient allocation of water including economic, technical and dynamic efficiency; sustainable water use
- (b) reduce leakage and wastage from reticulation systems;
- (c) encourage efficient use of water including through onsite storage;

- (d) secure sustainable water supplies for communities across the region, preparing for climate change, water scarcity, population growth and improving operational resilience;
- (e) plan additional sources of water, including through storage (including raintanks), treatment, and distribution systems, while considering the health needs of people;
- (f) manage water demand including through demand management and water conservation programmes and security of supply; and
- (g) developing methods to protect future and existing sources, taking into account the requirements of Taumata Arowai. rural and urban water quality
- (h) implement water safety plans and other requirements of Taumata Arowai as appropriate
- (i) Apply ki uta ki tai to source protection.

*Implementation: Wellington Regional Council\* ~~and city and district councils,~~ and water infrastructure providers*

Note: Method 34 shall cease to have effect on the date that the Wellington Water Services Entity is established, under the Water Services Entity Act 2022.

#### **Method FW.X: Engagement with Water Regulators**

Engage with Taumata Arowai and the water services economic regulator (when established) to ensure a consistent approach to Te Mana o te Wai, including consideration of limits, measures, targets and relationships, particularly where there are overlaps in functions and roles.

Implementation: Wellington Regional Council

#### **Non-regulatory methods – information and guidance:**

##### **Method FW.X: Technical Guidance for Stormwater Management in Urban Development**

Prepare technical guidance for stormwater management in ~~urban development~~ urban development, in collaboration with ~~territorial authorities~~ city and district councils and Wellington Water, that addresses hydrological control and hydraulic neutrality processes, methods, devices, and outcomes for application in the integrated planning and design of ~~urban development~~ urban development.

Implementation: Wellington Regional Council.

##### **Method FW.XX: Best practice guidance for managing urban development effects on freshwater**

Develop best practice guidance for managing the effects of ~~urban development~~ urban development on waterbodies and freshwater ecosystems.

Implementation: Wellington Regional Council

#### **Non-regulatory methods – identification and investigation**

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

Review water allocation policy in the regional plan so that:

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

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

Implementation: Wellington Regional Council

## **Chapter 5: Monitoring the Regional Policy Statement and progress towards anticipated environmental results**

### *Objective 12 Freshwater Anticipated Environment Results*

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

### *Objective 13 Freshwater Anticipated Environmental Results*

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

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

### *Objective 14 Freshwater Anticipated Results*

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

### **Appendix 3: Definitions**

#### **New definition of ‘aquatic compensation’**

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

#### **New definition of ‘aquatic offset’:**

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

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

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

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

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

#### **New definition of ‘community drinking water supply’**

**Community drinking water supply:** A drinking-water supply that is recorded in the drinking-water register maintained by the Chief Executive of the Ministry of Health (the Director-General) under section 69J of the Health Act 1956 that provides no fewer than 501 people with drinking water for not less than 60 days each calendar year.

#### **New definition of ‘earthworks’**

**Earthworks:** means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

#### **New definition of ‘effects management hierarchy’**

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

(a) adverse effects are avoided where practicable; then

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

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

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

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

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

#### Insert a definition of ‘functional need’:

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

#### **New definition of ‘group drinking water supply’**

**Group drinking water supply:** A registered drinking water supply that is recorded in the drinking water register maintained by the Ministry of Health (the Director-General) under section 69J of the Health Act 1956 that provides more than 25 people with drinking water for not less than 60 days each calendar year.

#### **New definition of ‘health needs of people’**

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

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

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

#### **New definition of ‘hydraulic neutrality’**

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

#### **Definition of ‘Hydrological controls’**

**Hydrological control:** means the management of a range of stormwater flows and volumes, and the frequency and timing of those flows and volumes, from a site or sites into rivers, lakes, wetlands, springs, riparian margins, and other receiving environments in a way that replicates natural processes for the purpose of reducing bank erosion, slumping, or scour, to protect freshwater ecosystem health and well-being.

#### **Hydrological controls**

~~For greenfield development:~~

(c) ~~the modelled mean annual runoff volume generated by the fully developed area must not~~

exceed the mean annual runoff volume modelled from the site in an undeveloped (pastoral) state

- (d) the modelled mean annual exceedance frequency of the 2-year Average Recurrence Interval (ARI) so-called 'channel forming' (or 'bankfull') flow for the point where the fully developed area discharges to a stream must not exceed the mean annual exceedance frequency modelled for the same site and flow event arising from the area in an undeveloped (pastoral) state.

For brownfield and infill development:

- (a) the modelled mean annual runoff volume generated by the fully developed area must, when compared to the mean annual runoff volume modelled for the site prior to the brownfield or infill development, be reduced as far as practicable towards the mean annual runoff volume modelled for the site in an undeveloped state
- (b) the modelled mean annual exceedance frequency of the 2-year ARI so-called 'channel forming' (or 'bankfull') flow for the point where the fully developed area discharges to a stream, or stormwater network, shall be reduced as far as practicable towards the mean annual exceedance frequency modelled for the same site and flow event in an undeveloped state.

***Insert new definition of 'maximise':***

**Maximise:** Means to make as large or great as reasonably practicable. Maximised and maximising have the corresponding meaning.

***Insert new definition of 'minimise':***

**Minimise:** Reduce to the smallest amount reasonably practicable. Minimised, minimising and minimisation have the corresponding meaning.

**New definition of 'specified infrastructure'**

**specified infrastructure** means any of the following:

(a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)

(b) regionally significant infrastructure

(c) any water storage infrastructure

(d) any public flood control, flood protection, or drainage works carried out:

(i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or

(ii) for the purpose of drainage by drainage districts under the Land Drainage Act 1908

(e) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990

(f) ski area infrastructure

**New definition of 'undeveloped state'**

Undeveloped state: The modelled grassed (pastoral or urban open space) state of the site prior to ~~urban~~ development-urban development

#### **New definition of 'vegetation clearance'**

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

Vegetation clearance does not include:

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

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

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

(d) the removal of an individual shrub or tree or a standalone clump of trees or shrubs no larger than 20m<sup>2</sup>.

#### **Appendix 5: Statements of Mana Whenua/Tangata Whenua – Te Mana o te Wai expressions**

Statement of Rangitāne o Wairarapa Te Mana o te Wai expression

[....]

Statement of Kahungunu ki Wairarapa Te Mana o te Wai expression

[...]

#### **Amendment to Statement of Rangitāne o Wairarapa Te Mana o te Wai expression**

...A notable example of this is from the writings of Whatahoro Jury:

***Ko Waiōhine ko Ruamāhanga ēnei e wairua tipu mai i Tararua maunga e oranga e te iwi.***

***These are Waiōhine and Ruamāhanga. They are like mother's milk flowing out of the Tararua mountains for the prosperity of the people.***

***Nā Whatahoro Jury 1841-1923***

#### **New Statement of Taranaki Whānui Te Mana o te Wai expression to into new Appendix 5:**

**Statement of Taranaki Whānui Te Mana o te Wai expression**

**He Whakapuaki mō Te Mana o te Wai**

Te Kāhui Taiao have drafted a number of statements that outline a local approach on how to give effect to Te Mana o te Wai in Te Whanganui-a-Tara. With respect to Section 3.2 of the National Policy Statement for Freshwater Management 2020, the following statements are the proffered objectives of Taranaki Whānui that describe how the management of freshwater in the region will give effect to Te Mana o te Wai. In Te Whanganui-a-Tara the care of freshwater gives effect to Te Mana o te Wai when:

1. Taranaki Whānui can exercise kaitiakitanga and lead freshwater and coastal management decision-making.
2. Taranaki Whānui can implement and practice traditional rangatiratanga management techniques, for example; rāhui to protect the mana and mōuri of water
3. Taranaki Whānui are resourced to be active and have an integral presence as Ngā Mangai Waiora (ambassadors for water) in Whaitua monitoring and management
4. Taranaki Whānui are visible in the management of mahinga kai and riparian and coastal areas through nohoanga (camp) and other cultural practices.
5. The mōuri and life-supporting capacity of water in Te Whanganui-a-Tara enables the customary practices of Taranaki Whānui such as tohi (baptism), whakarite (preparing for an important activity/event), whakawātea (cleansing) manaakitanga (hospitality) at a range of places throughout the catchment.
6. Taranaki Whānui can serve manuhiri fresh and coastal mahinga kai species by 2041.
7. The wellbeing and life of the wai is primary.
8. The mana (dignity and esteem) of water as a source of life is restored and this includes regarding and respecting all waterbodies (including āku waiheke), repo (wetland) and estuaries as living entities, and naturalising, naming, mapping, and protecting each.
9. Freshwater is cared for in an integrated way through mai i uta ki tai, from te mātāpuna (the headwaters) to the receiving environments like the Parangarehu Lakes, Hinemoana (the ocean), Te Whanganui-a-Tara (Wellington Harbour) and Raukawakawa Moana (the Cook Strait).
10. All freshwater bodies are managed holistically to allow them to exhibit their natural rhythms, natural form, hydrology, and character.
11. Freshwater bodies can express their character through a range of flows over the seasons.
12. There are sufficient flows and levels to support connectivity throughout mai i uta ki tai and between rivers and their banks to support spawning fish.
13. Key areas like te mātāpuna (headwaters), estuaries and repo (wetland) are prioritised for protection and restoration so that they are once again supporting healthy functioning ecosystems.
14. Mahinga kai species are of a size and abundance to be sustainably harvested.
15. Areas that are not currently able to be harvested (for example; coastal discharge areas and others) are able to be harvested by 2041.

16. Te Awa Kairangi, Waiwhetū, Korokoro, Kaiwharawhara, the Wainuiomata river and its aquifers are declared 'Te Awa Tupua' (an indivisible and living whole, incorporating all its physical and metaphysical elements) and given 'legal personhood' in legislation.

17. Te Awa Kairangi, Wainuiomata and Ōrongorongo are publicly acknowledged for the part they play in supporting human health through their contribution to the municipal water supply.