Introduction

1. This submission is on behalf of The Surveying Company in relation to the Ministry for the Environment proposed Freshwater package including Action for healthy waterways discussion document; Proposed National Policy Statement – Freshwater Management and the Proposed National Environmental Standards for Freshwater.

2. The Surveying Company (TSC) is a multi-disciplinary land development consultancy that has been providing specialist Planning, Surveying and Civil Engineering services throughout the Waikato and Auckland Region for the past 30 years. The Company has a particular interest in the area covering the Waikato, Hauraki and Auckland Council jurisdictions, where it has managed land use and land development projects for clients covering a wide range of urban and rural activities.

3. TSC have had ongoing involvement with the preparation, administration and implementation of the District and Unitary Plans for these regions and are familiar with
both historic and current resource management issues facing these areas having worked
with clients across the rural production section including dairy, poultry, equine, dry stock
and horticultural industries. This has resulted in a continuous association with rural
production activities, which has provided TSC with a thorough understanding of issues
faced by the rural sector.

4. The Auckland and Waikato Regions have experienced substantial urban growth over the
past 15 years and TSC have been involved in the design and development of medium to
large scale residential subdivision and development projects ensuing a firm understanding
of the development and growth issues that affect resource management planning.

5. The Surveying Company will not gain a competitive advantage in trade competition
through the lodgement of this submission.

Proposed National Policy Statement for Freshwater Management (NPS-FM)

6. TSC is in general support of the preliminary provisions relating to the fundamental concept
of Te Mana of Te Wai but seek more certainty around how this concept is given effect to.
In particular, further clarification around what constitutes ‘other things as determined
locally’ should be provided. Additionally, there is a lack of certainty should reliance be
based on engagement with tangata whenua and communities to identify matters of
importance around waterbodies and their catchments.

7. A key concern we also have is how the concept of Te Mana o Te Wai achieves the balance
sought by the Resource Management Act 1991 (the Act) in its definition of ‘sustainable
management’ and the provisions of Section 5 for social, economic, cultural and
environmental outcomes. We currently feel that Te Mana o Te Wai gives priority to the
health of water over and above enabling people and communities to provide for their
social, economic and cultural well-being.

8. TSC feel careful consideration should be given to achieving a more equal balance for not
only environmental, but also social, economic and cultural outcomes to ensure the
National Policy Statement for Freshwater Management is effective and better aligned with
Section 5 of the Act. This balance is essential so as not to undermine the purpose of the
RMA.

9. With regard to the proposed Objective, Policies and Monitoring provisions set out in Part 2
of the proposed NPS-FM, TSC make the following comments:

- In line with the comments above, the prioritisation of one of the elements
  identified within s5 of the Act above another is inappropriate and contradictory to
  the Purpose of the Act. Reference should be included in the Policies for social,
  economic, cultural as well as environmental outcomes to achieve the balance
carefully set out under section 5 of the Act.
• A clear and robust social and economic as well as environmental analysis of implementation is a necessity to support the proposed hierarchy of obligations. However, it is our view that this has not been undertaken to allow a clear understanding of what is being proposed, so that in reality, the implementation of Te Mana o te Wai will pose significant issues for regulators and landowners when interpreted at a Regional level, resulting in uncertainty, time delays and costs.

10. With regard to the implementation of the objective and policies as set out in Part 3, TSC make the following comments:

• To avoid issues arising in implementation, further clear and structured direction and clarification should be provided on the proposed requirement for engagement with community and tangata whenua at ‘every stage of the process’ (s3.5(2)). There is a risk that some views will be prioritised over others within a local environment without this clarification.

• S3.8(3) directs regional councils to identify a current state using information available, including information obtained from ‘other sources’ where no complete and scientifically robust data exists. TSC are concerned that any supporting data must be scientific and robust and should not be ambiguous and open to interpretation in this manner, rather, that interim measures should direct for the gathering of data to facilitate the development of a sound regulatory framework.

• We have a good understanding of the resourcing pressures faced by Councils through the work we undertake and are concerned that Regional Councils will not have the resourcing to effectively and efficiently implement the proposed framework. Where industries have existing frameworks that are established which implement industry best practice and are proven to be effective, we feel consideration needs to be given to the utilisation of these frameworks to alleviate potential resourcing issues in a cost and time efficient manner.

11. For the avoidance of doubt and uncertainty, TSC consider that the definition of natural wetland as proposed under Subpart 3 – Specific Requirements should be amended to specifically exclude the following:
• Sediment retention ponds and water storage ponds (i.e irrigation dams);
• Riparian buffers;
• Constructed riparian buffers.

12. Additionally, the requirement to identify and map wetlands naturally less than 0.05ha in size in our opinion should be amended to only apply to existing wetlands in a region that are 2ha or greater in size. This will align with the class size of a small wetland as set out in the Landcare Research Wetland Delineation Protocols.
13. TSC support the intention of the provisions proposed under s3.16, however seek that s3.16(5) is amended to include culvert construction in or on the bed of the river of stream in recognition that provided these structures satisfy regional rules around land disturbance and fish passage.

14. With regards to the provisions of Part 4 – Timing, TSC are very concerned that the consultation period for the NPS-FM has been too short and not allowed adequate time for assessing and fully understanding the impacts, outcomes, implementation and practicality of the proposed provisions. We request that a robust analysis determining social, economic, cultural and environmental impacts is undertaken with provision made for a second round of consultation.

15. Additionally, as addressed above, we are concerned that the timeframes specified are unachievable for many Regional Councils given a lack of resourcing and internal capability. It is for this reason that provision should be made for industry bodies to work in collaboration with Regional Councils to effectively achieve the desired outcomes of the NPS-FM.

16. In terms of the Attributes requiring limits set out in Appendix 2A, TSC make the following comments:

- We are of the opinion that further analysis should be undertaken to better understand the impacts of the proposed new or amended attributes and bottom lines and the relationship these have to aquifers, streams and in stream DIN levels. This will enable insight into the realistic achievability of the attribute states and whether both natural processes and local influences have been considered or need to be considered.

- We are concerned that blanket provisions will not best achieve the desired outcomes of the NPS-FM and therefore request that consideration is given to specific freshwater body type in its catchment context, where specific local influences and contributing factors can be taken into account when determining attribute levels.

Proposed National Environmental Standards for Freshwater (NES-FW)

Part 1 Preliminaries

17. s(3) Charges for monitoring: We note that it is difficult to provide more certainty on the amount of monitoring charged, however we request this section is amended to include reference to any such charge ‘being fair and reasonable’.
Part 2 Wetlands, rivers and fish passage

Subpart 1 - Wetlands

18. s(4) Definitions for subpart 1: We consider that the definition of *natural wetland* should be amended to specifically exclude sediment retention ponds and water storage ponds, riparian buffers and constructed riparian edges in order to avoid potential interpretation issues.

19. s(7) Vegetation destruction – discretionary activity: We request that this standard is amended to clarify that it applies only to indigenous vegetation enabling exotic vegetation, including identified pest species, to be removed as a permitted activity subject to compliance with other relevant regional or district plan rules.

20. s(7) Vegetation destruction – discretionary activity: We consider a discretionary activity status is too stringent for this activity where it has the purpose of restoring or maintaining the natural wetland (activity a). We support this activity having a Controlled Activity status where specified matters of control are set out, providing more certainty for the applicant while managing potential effects.

21. s(7) Vegetation destruction – discretionary activity: We consider a discretionary activity status is too stringent for activities and b - e. We support this activity having a Restricted Discretionary Activity status where specified matters of discretion are set out, providing more certainty for the applicant while managing potential effects. We request that additional activities are included within this provision including the ability to removed vegetation within 10m of a wetland where it is required for access, namely the installation of farm tracks, culverts and bridges. These activities are necessary for enabling use of land and complying with the stock exclusion provisions. These activities should be allowed subject to matters of discretion to provide more certainty for the applicant while managing potential effects.

22. S(8) Vegetation destruction – non-complying activity: We consider a non-complying activity status is too stringent for this activity where it has the purpose of restoring or maintaining the natural wetland.

23. s(10) General earth disturbance – discretionary activity: In line with the above, general earth disturbance in, or within 10m of any part of a wetland for restoration or maintenance of a natural wetland should be given a Controlled Activity Status. This will avoid discouraging restoration activities and provide more certainty for the applicant while enabling effects to be assessed and managed.

24. s(10) General earth disturbance – discretionary activity: It is considered that the discretionary activity status for all other activities under this standard should be amended to a restricted discretionary activity status with matters of discretion specified enabling
potential effects to be assessed and managed. We request that additional activities are included within this provision including the ability to undertake general earth disturbance within 10m of a wetland where it is required for access, namely the installation of farm tracks, culverts and bridges. These activities are necessary for enabling use of land and complying with the stock exclusion provisions. These activities should be allowed subject to matters of discretion to provide more certainty for the applicant while managing potential effects.

25. s(11) General earth disturbance – non-complying activity: TSC request that the activity status for this standard is amended to a discretionary activity to better align with the above submission point.

26. s(12) Earth disturbance for drainage – discretionary activity: A 100m setback for earth disturbance for drainage works is considered to be too severe with a setback of 50m from a natural wetland more reasonable. It is our view that the activity status for this activity be amended to a restricted discretionary activity with matters of discretion restricted to potential effects.

27. s(12)(3) We request additional provision to cover drainage and flood control works required to be undertaken as part of urban development on greenfield sites. The provision should cover flood and drainage infrastructure that will become public drainage and flood control on completion of a development. Provision should also be given for regionally significant infrastructure.

28. s(13) Earth disturbance for drainage – non-complying activity: TSC request that the activity status for this standard is amended to a discretionary activity to better align with the above submission point.

29. s(14)– Earth disturbance for drainage - prohibited activity: TSC request that the activity status for this standard is amended to a non-complying activity. We consider the activity status is too stringent and that it is impossible to foresee every situation where earth disturbance for drainage may be required. The activity could have severe consequences for innovative and positive development. Consequential amendment to (c) to include regionally significant infrastructure required in accordance with the submission point (27) above.

Subpart 2 – River bed infilling

30. s(18) Infilling bed of river: We consider a discretionary activity status is too stringent for this activity where it has the purpose of restoring or enhancing the natural values of the stream or of any adjacent or associated ecosystem. We support this activity having a Controlled Activity status where specified matters of control are set out, providing more certainty for the applicant while managing potential effects.
31. s(18) Infilling bed of river: TSC request that allowances are made for the installation of culverts and stock crossing structures where they are able to satisfy regional rules around land disturbance and fish passage.

Part 3 Farming

Definitions for Part 3

32. TSC consider that further clarification should be given to the different definitions of farming activities as currently they are interlinked and have to potential to be confusing when applying the proposed standards. In this respect there needs to be a clear distinction in the farming activity definitions. The following amendments are suggested:

- The current definition of Commercial vegetable production is retained with consideration given to specifying ‘outdoor’ commercial production.
- ‘Horticultural farming’ is removed from the definition of Farm.
- The definition of Horticultural farming is amended to exclude commercial vegetable production.

Subpart 1 Livestock Control

33. TSC consider that a stocking ratio should be specified in all provisions under this subpart. Consideration of flexibility of land uses needs to be undertaken and enabled where effects can be mitigated through both Good Management Practices and a Farm Environment Plan.

Conclusion

34. The Surveying Company thank you for the opportunity to provide feedback on the proposed Freshwater policies and regulation. In general, we support the intention of these proposal subject to the modifications outlined in this submission.

35. We feel careful consideration should be given to achieving a more equal balance for not only environmental, but also social, economic and cultural outcomes to ensure the National Policy Statement for Freshwater Management is effective and better aligned with Section 5 of the Resource Management Act.

36. It is our opinion that the consultation period for these policies and regulation has been too short and not allowed adequate time for assessing and fully understanding the impacts, outcomes, implementation and practicality of the proposed provisions. We request that a robust analysis determining social, economic, cultural and environmental impacts is undertaken with provision made for a second round of consultation.