Action for Health Waterways Proposals
Draft National Policy Statement for Freshwater Management
Proposed National Environmental Standards for Freshwater
Draft s360 (Stock Exclusion) Regulations

TO: Ministry for the Environment
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Submission on behalf of the
The Catalyst Group and Perception Planning Limited

About Us

1 This Submission is made by The Catalyst Group and Perception Planning Limited. Together these two consulting companies have experience in freshwater management across Aotearoa New Zealand acting for central government, councils, iwi, environmental interest groups, developers, farmers and the community. Together, we have expertise in planning, policy development, freshwater science and ecology, terrestrial ecology, biodiversity restoration and offsetting, science communication, mātauranga Māori, catchment community group facilitation, farm planning, and the application of all these skills to freshwater management in Aotearoa New Zealand. The primary authors of this submission, Kate McArthur and Helen Marr, teach freshwater management and planning to planners, scientists, engineers and resource managers across the country on behalf of the New Zealand Planning Institute.

2 The Catalyst Group is a multi-disciplinary natural resource management consultancy. Our team work throughout Aotearoa New Zealand across a diverse range of clients, and in the last eighteen months we have worked with ten regional councils, five district councils, the Parliamentary Commissioner for the Environment, Ministry for Primary Industries, Department of Conservation, Ministry for the Environment, multiple iwi, research institutes, NGOs, and numerous landowners. Our senior staff have, and continue to be, involved in a number of national-level projects and several of our team are contributing to the current Resource Management Act re-drafting, the Biological Heritage National Science Challenge, and support to the New Zealand Māori Council
in relation to the tribunal inquiry for freshwater. Also relevant is our ongoing provision of review and oversight to the central government assessment of local authority performance (and structural response) in relation to freshwater and utility management. Several of our team are actively involved in farm planning, including development and review of individual farm plans; review of the use and implementation of farm plan templates and policies, and research and advancement of current farm planning practice. Collectively we have considerable expertise and experience in the development of national policy and regional plans.

Specific to freshwater The Catalyst Group have been involved in advising on the national objectives framework of the NPS FM (2017 amendments), and development of regional plans in Northland, Auckland, Bay of Plenty, Waikato, Hawkes Bay, Manawatū-Whanganui, Wellington, Tasman, Nelson, Canterbury, and Southland. Kate McArthur leads our water practice and is the current President of the New Zealand Freshwater Sciences Society.

Perception Planning are a hybrid team of environmental consultants with extensive RMA, ecology, and iwi environmental planning expertise. Perceptions Planning’s values are based on making a positive difference for our clients and getting great outcomes for the environment and we take great pride in helping clients with projects that need resource management specialists.

Introduction

The primary objectives of the Action for healthy waterways proposals, are to stop further degradation and loss, and reverse past damage. We support the goals of the proposal to improve current management of freshwater and to provide robust regulation, monitoring and enforcement.

Based on our collective experience working in freshwater management across New Zealand, we can see opportunities to improve the proposals in the draft NPSFM, proposed NESF and s360 regulations. We are concerned that in their current form they will not be able to be consistently and robustly implemented, and as a result will fail to achieve the goals of the proposals.

Attached to this submission is proposed redrafting of the draft NPSFM, proposed NESF and s360 regulations. That redrafting is informed by our own experiences and expertise, and (for the NPSFM) by the submissions of other organisations that we have had the privilege of contributing to or reviewing before writing our own submission. These include the submissions of:

- The New Zealand Freshwater Sciences Society
- The Resource management Law Association of New Zealand Inc
- The Environmental Defence Society
Our views and our submission are informed by those submissions, but our submission is not officially endorsed by those organisations. Despite our best efforts, we haven’t been able to incorporate or reconcile all the views of all those organisations in our redrafting, in the time available. However, should it be of use to the independent advisory panel considering the submissions, we would be happy to further consider any information, advice or submissions and continue our redrafting efforts.

**NPSFM Framework**

We have two main concerns with the drafting of the proposal. First that they are unclear or poorly worded, and second, that the framework they present is not coherent or connected.

To illustrate this second point, we have put together a ‘wiring diagram’ of the main components of the draft NPSFM. This is illustrated in Diagram 1.

Diagram 1 shows that key concepts like Te Mana o Te Wai are not well connected to other aspects of the NPSFM. This will mean that the key concept is unlikely to be well-implemented. Other concepts such as ‘aquatic life objectives’ are orphaned and not connected to any other aspect of the NPSFM. The framework for managing water quantity is disjointed.

Our redrafting aims to overcome these deficiencies and provide a more coherent and connected framework, as shown in Diagram 2. Our redrafted framework connects Te Mana o Te Wai explicitly with environmental outcomes and connects environmental outcomes explicitly to attribute states and environmental flows and levels. We link monitoring to environmental outcomes, and importantly, require action and review of the regional plan when monitoring shows environmental outcomes are not being achieved.

We believe that a framework as shown in Diagram 2 will be more effective at achieving the goals of the action for healthy waterway proposals than the current proposals, and we urge the Government to redraft the NPSFM along these lines.

**Redrafting**

We have done redrafting to reflect our preferred framework, and to address issues we have identified, and issues identified in the submissions of other groups. The redrafting we have done is incomplete due to time constraints, but does illustrate potential solutions to problems that have
been identified. We would be happy to assist the independent advisory panel to develop this redrafting further should it be helpful.

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Diagram 2 alternative NPSFM framework