31 October 2019

c/ Environment House
23 Kate Sheppard place
Thorndon
Wellington 6011

To the Ministers for the Environment and Agriculture,

Submission of the Horowhenua District Council on Action for Healthy Waterways: A Discussion Document on National Direction for our Essential Freshwater

Introduction

The Horowhenua District Council (the Council) thanks the Ministers for the Environment and Agriculture for the opportunity to make a submission on the Action for Healthy Waterways: A Discussion Document on National Direction for our Essential Freshwater.

The Council makes this submission in recognition of the purpose of local government set out in the Local Government Act 2002, and the role, status, powers and principles under that Act relating to local authorities. In particular, the Council's comments are made in recognition of its functions and responsibilities under the Local Government Act 2002 and the Resource Management Act 1991 (RMA).

The submission was prepared following an analysis of the details of the Essential Freshwater proposal, analysis of viewpoints from primary sector interest groups, discussion and feedback from technical experts.

The Council supports the submission of Local Government New Zealand which has been made on behalf of the Local Government sector, as detailed in the attached Schedule. The Council's submission addresses matters of particular interest and relevance to the Horowhenua District.

General Comments

The Council generally supports the national direction to improve freshwater environments in terms of water quality, the setting of national bottom lines for the health and wellbeing of waterbodies and freshwater ecosystems, and environmental outcomes sought by tangata whenua and communities relating to the restoration of habitats, aquatic life and ecological processes.
The proposed National Policy Statement framework and planning system for freshwater management provides for some flexibility in terms of timeframes to meet the objective, which is critical. This is essential for regions with target catchments\(^1\), to enable sufficient time for local authorities, iwi and communities to discuss and engage in co-designing a vision and pathway to restore degraded waterbodies, and to meet the overarching objective and policies of the National Policy Statement Freshwater Management (NPS-FW).

The Council submits that implementation guidance needs to be prepared to support the work of regional councils to engage with stakeholders, particularly tangata whenua, as they develop a vision to give effect to Te Mana o te Wai and develop a new regulatory framework for freshwater management and freshwater planning decision-making.

A principal concern for Council is the timeframe specified to complete freshwater management plans in our regional context. Within the Horizons Region there are 18 iwi authorities who exercise kaitiakitanga and numerous groups that represent hapū for the purposes of the Resource Management Act 1991 (RMA)\(^2\). Critically, for Horowhenua and its northern neighbour Manawatu\(^3\) the areas over which iwi and hapū exercise kaitiakitanga overlap. In view of the RMA statutory directives to exercise best practice principles for consultation with iwi, it is imperative that the timeframes set for formulating freshwater plans are reasonable, and / or able to be extended in defined circumstances, for example, where there are significant, overlapping areas of interest for iwi stakeholders. The Council submits that the RMA planning process to develop freshwater management plans and the deadline to give effect to the new NPS-FW in 2025 is overly optimistic as to what can be achieved in the regional context. This will more likely be a ten year implementation plan.

Turning to Part 3 Approaches to implementing the NPS-FW objective and policies, the Council is highly concerned about the NPS-FW potentially tasking Regional Councils with sequencing urban development, land use and development and the provision of infrastructure\(^4\). The Horowhenua District Council is well advanced in implementing their Growth Strategy (adopted November 2018), and significant investment has already been made in terms of preparing Master Plans, natural hazard testing, and preparing RMA plan changes. Next year, the Council is likely to notify three separate plan changes associated with this Growth Strategy. Council is concerned that this investment and the timely delivery of urban development capacity may be compromised or wasted if sequencing of urban development is tasked to Regional Councils. In addition, this could result in poorer growth management as the Regional Council would not have the same understanding of the growth pressures and aspirations at a District level. Progressing the Councils’ growth agenda is critical as Horowhenua is the fastest growing district within the Horizons region, with an annual growth rate of 2.0%\(^5\).

In looking to set freshwater objectives with Horizons, Council needs to have sufficient time to talk with our local communities, iwi and stakeholders in an open and transparent way on policy and funding approaches for essential infrastructure, and to make corresponding adjustments to Council’s Asset Management Plans and the LTP 2018-2038, in response to the new national directions. The following paragraph provides a critical example of the urban freshwater management planning issues, processes and timeframes, as they affect Levin Town Centre.

The challenges around urban freshwater management, and in particular stormwater management, are pressing concerns for Council as they seek to open up new residential, commercial, and industrial development areas to meet population growth projections. The issues that Council is grappling with span

\(^1\) Horizons One Plan, the combined Regional Policy Statement and Regional Plan for the Manawatu-Whanganui Region.
\(^2\) Directory of Iwi and Maori Organisations (Te Kāhui Māngai), Te Puni Kōkiri, Ministry of Māori Development.
\(^3\) The Manawatu District Council.
\(^4\) Part 3, subpart 1, 3.4 Clauses (2) and (3).
\(^5\) Statistics New Zealand, 2018 Census.
urban and industrial stormwater contaminants, combined stormwater and wastewater discharges, changes in hydrology resulting from increased impervious surfaces and water conditions (quality) and best practicable options to reduce impacts on the receiving environment which includes Lake Horowhenua and tributary streams. The costs to upgrade, construct and consent infrastructure (stormwater and combined stormwater and wastewater infrastructure) to service current and future growth areas and meet national bottom lines, whilst not been fully quantified, is estimated to be in the order of $15-20M and is almost uneconomic relative to the population’s ability to pay.

The Council submits that the policy interaction between urban freshwater management planning and the local government planning processes is further considered – particularly in terms of the implications for infrastructure planning and funding - and that this process interrelationship purposively informs the overall approach to implementing the NPS-FW and the timeframes to execute the NPS-FW.

Concluding comments

The potential economic implications of the Essential Freshwater proposal, without modification, are significant for Horowhenua. It is Council’s view that current landusers (urban and rural) will not be able to successfully plan, finance and execute the necessary changes if the Te Mana o te Wai implementation framework, pathways and notification timeframe remain, unchanged. The current proposal, as it stands, will lead to the potential collapse of our showcase horticulture industry, leading businesses and the underutilisation of our class 1-3 elite soils. It may also impact on Council’s ability to deliver on its housing and economic development plans and especially the development aspirations and plans of tangata whenua.

The next section of the submission considers in more detail the technical implications of the proposals, the implementation challenges and highlights where priority focus should be given.

Specific Comments

- **NPS-FW National Objectives Framework for Managing Freshwater**

  Council supports in principle, the setting of national targets to ensure waterbodies are suitable for Human Contact (including swimming): 71% by 2017, 80% by 2030, and 90% by 2040 as set out in Appendix 3. However, as noted above, Council is concerned that the targets are overly optimistic in some circumstances and that further guidance is required around assessment frameworks for managing freshwater. The Council believes that the national target for primary contact (90% by 2040) is not achievable given the sheer number of long run rivers in New Zealand, our pastoral-based economy, our pattern of urban settlement and known impacts on lowland catchments. In this regard, Council notes there are a number of existing freshwater systems that are worse than the national bottom lines6 and there are numerous priority catchments identified within Regional Policy Statements and Regional Plans.

  Council supports in principle the setting of limits on resource use, subject to the formulation of workable plans, policy frameworks with clear consenting pathways (including transitioning), but notes that further guidance is necessary on the mechanism/assessment framework for determining allocations. This is critical, strategic information for Councils, landowners and industry operating within target catchments who are potentially facing high costs/high risks to secure consents, and to inform their future plans and investments.

  Council supports the inclusion of interim freshwater targets in Regional Plans7, at intervals of not more than 10 years, but submits that further concessions be made for land use activities within target catchments when finalising limits, and the timeframes for developing action plans or making plan changes. The scale

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6 Listed in Appendix 4.
7 The proposed approach when timeframes for achieving target attribute states is long term.
of the adjustments required to effect positive improvements in waterbodies or freshwater ecosystems is likely to be significant and these landowners/leases will require time (and finance) in respect of action plan implementation, for example, undertaking land use changes, changes in stock numbers, strategic land purchases/sales, consenting and so on.

Council submits that significant, direct investment and knowledge transfer is required in Districts like Horowhenua (having two target catchments9), if Government wishes to make substantial progress towards the 2040 target. In the short to medium term, without critical investment from central and regional government, it is almost inevitable that there will be significant land use change (away from food production) in key catchments, with serious and deleterious consequences for our District: adverse impacts on livelihoods, living standards and our communities’ social, cultural and economic wellbeing.

The Council generally supports the direction to expand the list of attributes in Table 1-23. The Council supports in principle the setting of compulsory values (Appendix 1A: Ecosystem Health, Human Contact and Threatened Species) for human contact. The Council notes with respect to the broader values framework, there is an opportunity to consider a 2-tiered approach to implementation: a shorter term policy focus on improving upper catchments for swimming and food gathering activities (water source areas), and a longer term policy focus (with strategic investment) to the long term restoration of lowland catchments of long run rivers, like the Manawatu River.

The Council supports in principle the use of numeric limits are set for (inter alia) Total Nitrogen and Total Phosphorus - Tables 3 and 4. Numeric limits are important for clarity and certainty and to underpin the preparation of action plans. The Council submits that knowledge of the state and capacity of the receiving environment should inform interim wastewater targets, including those for municipal effluent discharges.

The Council submits that in the case of target catchments, progress towards target attribute states will need to have the buy-in of all stakeholders in the Fresh Water Management Unit (FMU). Also, numeric limits/attribute targets will need to be achievable, (including the interim targets) to achieve genuine progress. Council is supportive of a pragmatic approach for consenting, with clear and robust pathways to achieve improved water quality and environmental outcomes, as there are many circumstances where exceedance of limits may be required, for a time. For example, making a change from point source discharge to water to land based disposal. The alternative is a risk that a perverse outcome may result. In the case of the Horowhenua District, adopting a strict approach, without a clear consent pathway (allowing for transitions) could see the collapse of the local productive economy and underutilisation of a significant repository of Class 1, 2 and 3 soils, equating to about 41% of the Horowhenua District.

- **National Environment Standards**

The Council supports the inclusion of a definition for “Enterprises” to recognise and provide for larger corporate farming operations, characterised by multiple landowners; NES, Subpart 3: Definitions.

The Council questions whether there is sufficient resourcing, capability and capacity to achieve the work programme for Farm Plans. The Council queries practicality for all commercial vegetable growers to have Freshwater Farm Plans (FW-FP’s) within 2 years of the NES coming into force, alongside the requirement for other farming operations to have Farm Plans. Noting that these plans have to be certified and audited by appropriately qualified and experienced persons approved by the Minister of Agriculture, and will need to include a risk assessment of vulnerable land; NES, Subpart 3. In the Horizons Region there are approximately 100 growers in total and 40 growers within the target water management sub-zones9.

The Council also has concerns about the requirement for a Discretionary Activity Consent for land use change (10ha or more), for dairying. The Council submits that consideration also be given to a lesser

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8 Ohau and Lake Horowhenua – Surface Water Management Zones and Subzones.
9 Horticulture New Zealand – Horowhenua Statistics.
consent category - Restricted Discretionary Consents - for land use change where there is no intensification proposed, in terms of animal stocking. For example, in the case where farmers and growers are changing their land use balance sheet to increase their ability to meet and / or mitigate emissions for the existing farm operation.

The Council supports in principle the direction provided that OVERSEER will not be required to be used universally for all catchments when preparing FW-FP's apart from a limited number of specified catchments, those in Schedule 1. This recognises and provides for flexibility, which may be appropriate for some farm systems.

The schedule attached provides a comprehensive response to the key elements of the Essential Freshwater proposal referencing the primary submission prepared by Local Government New Zealand.

**Conclusion**

The Horowhenua District Council again thanks the Ministers for the Environment and Agriculture for the opportunity to make a submission on the Action for Healthy Waterway: A Discussion Document on National Direction for our Essential Freshwater.

Overall, the Council supports the general direction but has significant reservations about the implementation framework and the proposed timeframes to achieve the generational step change for freshwater, given the existing capacity constraints in the Local Government Sector and the limited pool of specialist expert advisors nationwide. The Council is also concerned about the potential implications on housing and land development and the future plans and aspirations of our local iwi. The Council believes that a significant funding, operational, institutional and policy support will be required to deliver the Essential Freshwater package, and this resourcing is fundamental if the objective and policies of the NPS-FW are to be realised.

The Council submits that priority should be given to popular lake destinations and the target catchments in lowland river catchments. This will secure the greatest benefits for our communities and iwi.

We look forward to your consideration of this submission. We would be happy to discuss the matters raised within this submission.

Yours faithfully,

Chief Executive
### Schedule: Essential Freshwater - Specific Submission Points

<table>
<thead>
<tr>
<th>Proposed Amendments to the NPS-FM</th>
<th>Submission Points</th>
</tr>
</thead>
</table>
| **RMA Amendment: New Plan-making process for Freshwater and re-draft of NPS-FW** | The Council generally supports the direction of this proposal, noting that a truncated Schedule 1 process will deliver a more timely outcome for freshwater management and has the potential to reduce overall costs for all parties. The Council notes that the competency and expertise of Hearing Commissioners appointed to the Hearing Panels will be a strong determinant of the success of the Essential Freshwater proposal (EFP) within the respective regions, and environmental improvements overtime.  

The Council has concerns with the proposal that the Hearings Panel can make recommendations on matters which are beyond scope of the proposed freshwater planning instruments and/or submissions. The Council submits that this aspect of the proposal is contradictory to principles of natural justice and must be reviewed.  

The Council also submits that the proposed 20 working day timeframe for Councils to consider whether to accept or reject the recommendation of the Hearings Panel may not be workable in practice, given the likely size and complexity of reports and related administration requirements. For example, scheduling of post-hearing meetings, mediation meetings and agreements (MoU’s), notice of meetings, agenda production, etc.  

The Council’s key concern with the new plan making process for freshwater are the constraints around Commissioners resources and capacity, which will affect the overall delivery and implementation of the NPS-FW. There are only a limited number of Commissioners with the requisite experience in freshwater management issues. In addition, some Commissioners are already committed to existing regional plan change processes for Freshwater which are underway, or at the hearing stage. The Council submits that further consideration be given to sequencing of the plan-making process, taking into account those regions with priority/target catchments. |

### Draft NPS-FM

| **Part 1.5 Fundamental Concept – Te Mana o te Wai** | The Council generally supports the retention of Te Mana o te Wai as a guiding principle.  

The Council seeks greater clarity on the meaning, intent and process to determine ‘….local interpretation of Te Mana o te Wai’ (referenced in Clause 3.2).  

The Council supports the submission of LGNZ that the local interpretation of Te Mana o te Wai should be part of the National Objectives Framework as this process already requires Council’s to identify values that are important and the outcomes sought, in accordance with Objective 2.1 and the NPS-FM policies. |

**Clause 1.5 - Te Mana o te Wai and a guiding principle.** |

**The principles and hierarchy of obligations** - | The Council supports in principle the hierarchy of |
Expansion of the NPS-FM to address ecosystem health; and adopting ki uta ki tai and matauranga Maori approaches to the management of waterbodies and freshwater systems.

<table>
<thead>
<tr>
<th>Part 2: Objective and Policies</th>
<th>The Council is concerned that the structure, layout and drafting of the Draft NPS-FW does not align well with best practice, which may affect its interpretation and orderly implementation through the NZ resource management system.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 2.2 – Policies:</td>
<td>The Council supports the submission of LGNZ that the NPS-FM proposal - Clauses 2.15, 3.16 and 3.17 - are amended to be more consistent with the RMA (Part 2) and the National Planning Standards, and accords with best practice principles for plan drafting. This will improve clarity, usability and enhance its implementation.</td>
</tr>
<tr>
<td>Policy 1</td>
<td>The Council supports the LGNZ submission seeking further consideration be given to the status of the term ‘give effect to’ in Policy 1 which seems to elevate the status of Te Mana o te Wai, above Part 5 matters of the RMA.</td>
</tr>
<tr>
<td>Policy 4</td>
<td>The Council supports the retained focus on the integrated management of the effects of the use and development of land on water quality. However Council submits that Policy 4 be redrafted to integrate consideration of all matters having effects on waterbodies. The Council supports the submission of LGNZ in this regard, to read: ‘Freshwater, Land use and development are managed in an integrated way, on a whole of catchment basis, including the managing of effects on sensitive receiving environments.’</td>
</tr>
<tr>
<td>Policies 6, 8-11</td>
<td>The Council support the LGNZ submission with regard to Policies 6, 8-11 and the inclusion of policies relevant to rivers and wetlands and reflect the effects management hierarchy.</td>
</tr>
<tr>
<td>Policy 13</td>
<td>The Council supports the LGNZ submission to amend Policy 13 to fairly balance economic, social and cultural wellbeing, and for consistency with the hierarchy of obligations (Objective 2.1). Currently, economic wellbeing appears to be accorded a higher status than the other wellbeing factors.</td>
</tr>
</tbody>
</table>

Clause 3.4 – Integrated Management - Sub | The Council opposes the mandatory direction that |

However, the Council has reservations about the singularity of protection to the health and wellbeing of waterbodies and freshwater ecosystems regardless of local circumstances and implications and also recent case law (NZ King Salmon, Supreme Court).

The Council supports the submission of LGNZ and proposed changes to drafting to Clause 2.1 to be more consistent with Section 5 of the RMA. In addition, the need to clarify what the meaning or effect is of providing for ecosystem health (ie is it achieving natural/reference condition, maintaining national bottom lines or improving ecosystem health in accordance with the national objectives framework process) and also what needs are considered to be ‘essential health needs of people’.

Part 2: Objective and Policies

Clause 2.2 – Policies:

Policy 1

Policy 4

Policies 6, 8-11

Policy 13

Clause 3.4 – Integrated Management - Sub
| Clause (2) and (3) | regional policy statements must...”... sequence regional or urban growth, land use and direction, and the provision of infrastructure”.

The Council submits that the proposed approach to implementing the objective and policies as set out in Clause (2) and (3) fails to take account of the circumstances or implications prevailing in a particular regional context.

Of significant concern, Clauses (2) and (3) taken together fundamentally overrides statutory and democratic rights of Council’s and communities to determine these matters for themselves, aligned to a District’s vision of sustainable development. |
| Clause 3.5, 3.6/3.7 - Freshwater Management Units (FMU’s) | The Council supports the continued focus on FMU’s as the appropriate unit for freshwater management and accounting purposes under the NPSFM.

It strongly supports close liaison with communities and a priority focus being accorded to communities in identified target catchments. This will ensure that the most appropriate objectives, policies, rules and methods are derived ie social durability. |
| Clause 3.9 (Clause (4) a, (5) and (6)) – Timeframes - The ability to set long term timeframes for the achievement of target attribute states. | The Council strongly supports this direction. This is critical to the social license and durability of the NPS-FM.

The Council also supports the LGNZ submission (Clause 3.8) that the planning framework needs to recognise uncertainty and adopt pragmatism and/or precautionary principles when making decisions when setting target attribute states and timeframes for achieving target attribute states. This is particularly important for long run rivers which have target catchments where interventions will take longer to show in monitoring data.

The Council submits that Clause (6) be amended to explicitly recognise the fundamental characteristics of rivers and their catchment environments, so that due consideration is given to, existing land use and development including the urban settlement patterns and the existing consent landscape (number of consent holders, consent terms & conditions etc) for freshwater, when setting target attribute states and timeframes. |
| Clause 3.10 – Action Plans - The express provision for requiring action plans. | The Council supports the LGNZ submission that target attribute states need to be derived together, somewhat concurrently, and is an iterative process.

Adopting an adaptive management approach, through Action Plans, is supported in principle. This approach encourages Councils to monitor consider cause and effect, try different management interventions, and monitor to assess impact is sensible when dealing with highly complex biological systems. This approach implicitly recognises that freshwater systems do not react in predictable ways and that cause and effect |
relationships can be multi-dimensional meaning that simple single-action responses may be ineffective.

However, it is important to recognise that some outcomes sought in Action Plans are beyond the control of Regional Councils and outcomes will potentially be subject to external factors, which are also variable, budget pressures, natural hazard events, climate events, etc.

The Council submits that further clarification is required about the process of formulating Action Plans, timeframes and prioritisation. The Council also submits that Action Plans are prioritised over time and that any Regional prioritisation is sequenced to focus effort, endeavour and investment towards target/priority catchments. Aligned to this submission, Council seeks first priority focus to upper reaches of long run river to achieve timely results (goals for swimmability) whilst concurrently undertaking programmes of works/investment in lowland catchments, as these river systems will take longer timeframes to achieve target attribute states.

<table>
<thead>
<tr>
<th>Clause 3.12 – Take Limits</th>
<th>The Council seeks clarification of the concept of limit, in respect of Takes. Currently, this is not clear in the EFW proposal.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Clause 3.13 - Monitoring</strong></td>
<td>In principle, Council supports matauranga monitoring. However, we have some reservations about the potential costs and feasibility of implementation. The Council supports the proposed amendment to Clause 3.13 (2) that Methods for monitoring progress towards achieving target attributes states and identified values.... Include supporting development an reporting of</td>
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<td></td>
<td>a) measures of the health of indigenous flora and fauna; and</td>
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<td></td>
<td>b) matauranga Maori monitoring in the region. The Council notes, in respect to the latter sub-clause b) that iwi Maori have their own matauranga and it may not be appropriate for Regional Council Monitoring plans to take a lead on specifying how matauranga monitoring will occur.</td>
</tr>
<tr>
<td><strong>Clause 3.14 – Where deterioration is detected.</strong></td>
<td>The Council supports the LGNZ submission to amend Clause 13.4 (1) to more clearly define what detecting a trend indicating deterioration means and also Clause 14 (2) to require Regional Council’s to investigate the cause of deterioration, assess options and to develop an Action Plan to address a decline, within the ambit of its control.</td>
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<td></td>
<td>This is a pragmatic response and recognises that in some cases a declining trend may be due to natural causes, climate changes causes, and potentially lags in the hydrological systems.</td>
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<tr>
<td>Clause 3.15 - Wetlands</td>
<td>The express inclusion of the effects management hierarchy for wetlands (meaning effects that cannot be avoided, remedied or mitigated must be off-set or compensation considered).</td>
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<tr>
<td>The Council supports the LGNZ submission seeking amendments to the definitions and clauses to better align with the RMA and National Planning Standards.</td>
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<tr>
<td>The Council strongly supports enabling provisions for strategic growth areas and in specific circumstances where methods to avoid, remedy or mitigate adverse effects of land use (for example from urban development) on waterbodies and sensitive receiving environments are proposed i.e, application of water sensitive urban design.</td>
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<thead>
<tr>
<th>Clauses 3.16 - Streams</th>
<th>The express inclusion of the effects management hierarchy for streams and for the no net loss approach. The clear direction in respect of no net loss and offsets will assist in making and defending decisions on plans.</th>
</tr>
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<tbody>
<tr>
<td>The Council submits that the Definitions for “Net Loss” and “Net Gain” need review to improve clarity, usability and support implementation practice.</td>
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<tr>
<td>The Council strongly supports enabling provisions for strategic growth areas where water sensitive urban design and similar effective methods are proposed.</td>
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<thead>
<tr>
<th>Clause 3.23 – Exception for naturally occurring processes</th>
<th>The exceptions available for setting target attribute states below the national bottom-line where current state is due to naturally occurring processes. Seeks to appropriately recognise circumstances outside Council’s and resource users control, and recognise what is generally established practice.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Council submits that greater clarity is needed on what evidence will be required for determination as an exception and how this will be received. Potentially there are significant resource implications for some Regions depending on what is required to demonstrate this.</td>
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<tr>
<th>Part 4; 4.1 – Timing – Clause (4)</th>
<th>The acceptance that existing plan provisions may meet the new requirements even if different terminology is used (and wholly new plans are not necessarily required).</th>
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<tbody>
<tr>
<td>This is a logical and pragmatic response.</td>
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<thead>
<tr>
<th>Appendix 1A – Compulsory Values</th>
<th>The inclusion of threatened species as an attribute; Mahinga Kai value</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Council supports this direction in principle.</td>
<td></td>
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<tr>
<td>The Council supports the direction of the LGNZ submission but notes that consideration needs to be given to how these values will be taken account of in a future state. For example, where these values are affected by climate change (or in scenarios, where ‘managed retreat is being proposed).</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Appendices 2A and 2B – Tables 1, 3 and 4</th>
<th>The Council support the LGNZ submission seeking the clarification of the monitoring requirements to determine attribute states for the various attributes in Tables 1, 3 and 4.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Council supports the submission of LGNZ with respect to these Tables and proposed changes.</td>
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<thead>
<tr>
<th>Tables 10, 11 and 23, 12, 13 - 22</th>
<th>The Council supports the submission of LGNZ with respect to these Tables and proposed changes.</th>
</tr>
</thead>
</table>

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<thead>
<tr>
<th>Draft NES-FM</th>
<th>The Council supports the LGNZ submission in respect of:</th>
</tr>
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<tbody>
<tr>
<td>Part 2 – Wetlands, Rivers and Fish Passage</td>
<td>Part 2 – Subpart 1 Wetlands, general, Regulations 5, 6, 7-8, 10-13, Regulations 12-13: 12 (3) b and 13 (b); and The identification and mapping of wetlands; and</td>
</tr>
</tbody>
</table>
Part 3 - Farming

**Farm Plans** – All farmers and growers to have a farm plan to manage risk to freshwater by 2025

The Council supports mandatory Farm Environmental Plans (FEP’s) or similar Industry Plans (with comparable standards) as an effective method to manage environmental risks on-farm and improving water quality outcomes overtime. Farm planning is an approach that has the support of most primary sector industry groups.

The Council advises that within the Horizons Region, there are an estimated 100 growers and 40 in the target water management sub-zones.

The Council has significant concerns about the practicality, in terms of technical capacity and delivery, for all commercial vegetable growers to have Freshwater Farm Plans (FW-FP’s) within 2 years of the NES coming into force, alongside the requirement for other farming properties. Noting that these plans have to be certified and audited by appropriately qualified and experienced persons approved by the Minister of Agriculture, and will need to include a risk assessment of vulnerable land; NES, Subpart 3.

Livestock control regulations –

- Standards for Feedlots
- Standards for Stock Holding Areas
- Intensive winter grazing

The Council supports the LGNZ Submission in terms of their grave issues around enforceability of the draft regulations relating to feedlots, sacrifice paddocks, other stock holding areas and intensive winter grazing.

The Council supports the approach of considering the FW-FP tool to control these on-farm management practices, as outlined in the LGNZ submission.

Sub Part 2 - Intensification decision making - Criteria based on contamination loss baseline.

Regulation 32 - Intensification Regulations

The Council supports the LGNZ submission and the issues raised.

The Councils seeks a comprehensive review of SubPart 2 and Regulation 32.

Sub Part 3 – FW-FPs

Regulations 37, 38 (3), 41, 40

The Council supports the LGNZ submission and seeks amendments to clarify that existing FEP’s which meet the content requirements of the Regulation and/or otherwise meet the requirements of the relevant Regional Plan are FW-FP’s. This is a pragmatic response.

The Council supports the LGNZ submission on these regulations and seeks the amendments requested, and/or to similar effect.

Sub Part 4 – Nitrogen Cap (N Cap)

The Council has similar concerns about the enforceability of the N Cap proposal and hence supports the LGNZ submission on Sub Part 4.

Section 360 Regulation

Stock Exclusion from Waterbodies –

- Large Waterways, Wetlands and Lakes

National regulation for stock exclusion from water bodies is strongly supported. The Council considers that strong leadership is required on this matter. It is one of the most effective measures for reducing contaminants (especially
Exclusion with 1m minimum and 5 m average setback across property by 2021 for dairying or 2023 for other landuses (where low slope land – less than 5 degrees)

For slope greater than 5 degrees the above rules apply to paddocks used for winter grazing. Dairy, or intense stock numbers (14 su/ha farm scale or 18 su/ha paddock)

For existing fences, farmers have until 2035 if 1 minimum an average setback is more than 2m.

- Small (non-accord) Waterways: addressed through farm environmental plans
  - **Mapping of low slope land**

- **Setbacks for Rivers And Wetlands**

- **Exemptions**

- **Enforceability, and Cost Recovery**

E-coli) in waterbodies.

The Council is supportive of the averaged width approach as this provides flexibility for farmers and growers to target investments to areas at greater risk, for example, water source areas.

The Council supports the LGNZ submission seeking a clear definition of the term stock exclusion, and broadening the scope so as to provide for permanent, temporary and even virtual fencing. This is a pragmatic response.

The Council supports the LGNZ submission with respect to utilising the most accurate technologies available for mapping, to support the intent of the S 360 Regulations (mapped stock exclusion layers).

The Council supports the LGNZ submission with respect to the proposals for new Setbacks from Rivers and Streams.

The Council strongly supports the enabling of exemptions to be granted by Regional Councils on an individual farm or wider catchment basis. This will be essential and is a pragmatic response.

The Council supports the LGNZ submission with respect to having a pathway for enforcing the regulations and the provision for cost recovery under the S 360 Regulations. These matters are critical in terms of the practical implementation of the EWF package and the achievement of the Objective and Policies of the NPS-FM and freshwater planning system.