

27 July 2025

Ministry for the Environment
8 Willis St
Wellington

Proposed National Direction Changes: Package 3 - Freshwater

Thank you for the opportunity to provide comment on the Proposed National Direction Changes: Freshwater.

Overall, Council is not supportive of the proposal (as its focus is too short term) but does support setting national policy direction for managing Freshwater issues. To clarify:

1. We are supportive of the need to protect our freshwater assets in a way that helps us grow sustainably as a district, and to provide support to our population now and into the future. However, we do not see that the proposed changes for this national direction will make significant progress in providing the direction needed to get us there.
2. We believe that freshwater protection and management needs to be approached holistically, with any new NPS and/or NES for Freshwater focusing on putting in place nationally consistent standards, methodologies for measuring compliance with those standards, and with acceptable solutions for achieving them (similar to the approach taken with the Building Act and Code).
3. Our view is that the framework that this creates needs to be enduring and predictable, ideally achieving bipartisan support. This means that any national policy statement objectives and standards should be long-term focused. Such an approach will provide the certainty industry sectors need while also maintaining the 'polluter pays' principle which ensures that property rights do not exempt parties from contributing to mitigation or remediation to the environment arising from their activities.
4. We recommend that any new or amended documents of National Direction for Freshwater seek to rebalance the competing concerns to its sustainable management as per the purpose of the RMA, and, in light of Government's desire to drive primary sector growth, must ensure that the re-balance is not just tipping the scale from one wellbeing to another, to the long-term detriment of them all.

More detailed responses to the Survey questions from the Discussion Document provided online and repeated in **Attachment 1** below.

Yours sincerely



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Mayor
Kāpiti Coast District Council



Darren Edwards
Chief Executive
Kāpiti Coast District Council

Appendix 1

Submission(s) on Proposed National Direction Changes: Package 3 - Freshwater

Question	Response
Section 2: Options for changing national direction for freshwater	
Relationship to wider resource management reform	
1. <i>What resource management changes should be made in the current system under the RMA (to have immediate impact now) or in the future system (to have impact longer term)? From the topics in this discussion document, which elements should lead to changes in the current system or the future system, and why?</i>	<p>At the coalface, the key change that could be made is to provide more consistency in direction nationally. Standards set at this level, need to reflect broad community position on RM matters.</p> <p>Currently, there is too much of the burden placed on local authorities to try and set desired outcomes and appropriate standards which results in conflicts and time delays due to the challenges of community conversations on these issues that should have occurred at higher. National direction setting of standards will provide clarity and certainty on desired outcomes, providing stronger alignment between national objectives and local delivery.</p>
Part 2.1: Rebalancing freshwater management through multiple objectives	
Setting an objective to maintain or improve	
2. Would a rebalanced objective on freshwater management give councils more flexibility to provide for various outcomes that are important to the community? How can the NPS-FM ensure freshwater management objectives match community aspirations?	<p>No - objectives aren't so much at issue. The standards have a more significant impact, causing the delays experienced in development and infrastructure delivery.</p> <p>There are many ways of getting to the objectives, the restrictive standards and institutional structures inherent in the RMA and wider legislative system, are the key barriers to achieving improved outcomes. Local authorities have a wider mandate to consider environmental and economic implications, however, more emphasis on environmental outcomes is placed at regional level. A more balanced priority base is needed so that outcomes in subsequent assessments are less "bipolar" – environment vs business.</p>

Question	Response
<p>3. What do you think would be useful in clarifying the timeframes for achieving freshwater outcomes?</p>	<p>A longer-term horizon that balances progressing change with affordability. In practical terms, a decade based horizon (such as twenty-years) is a likely reasonable timeframe for achieving change in outcomes. It would be important to expect interim milestones to signal change is heading in the right direction. This would enable more intensive investment steps to progress, and ensure embedded change in practices. It is likely that some impacts to improve freshwater quality outcomes will take even longer.</p> <p>This underscores the need for consistent, long-term activity and focus. It will be important to set reasonable national standards that are not changed in the interim period due to political priorities/repriority. The community's expectations for improving environmental outcomes including water quality (recreation, drinking water, ecological condition) should be considered.</p>
<p>4. Should there be more emphasis on considering the costs involved, when determining what freshwater outcomes councils and communities want to set? Do you have any examples of costs associated with achieving community aspirations for freshwater?</p>	<p>Costs are already considered in deciding what freshwater outcomes are delivered, in terms of Council's delivery programmes. Cost is dependent on the issue, for example dredging or planting is part of usual practice and set within a standardised budget usually. However, more fundamental shifts such as changing sewage discharge practice to land would come at significant additional cost.</p>
<p><i>Part 2.2: Rebalancing Te Mana o te Wai</i></p>	
<p><i>We are seeking feedback on options to rebalance Te Mana o te Wai</i></p>	
<p>5. <i>What will a change in NPS-FM objectives mean for your region and regional plan process?</i></p>	<p>Without national objectives and standards, there is no clarity on what lower-level planning documents should be seeking to achieve.</p>

Question	Response
6. <i>Do you think that Te Mana o te Wai should sit within the NPS-FM's objectives, separate from the NPSFM's objectives, or outside the NPS-FM altogether – and why?</i>	TMotW should sit clearly within the NPS-FM as an objective, and guiding tenant of national policy on freshwater management.
7. <i>How will the proposed rebalancing of Te Mana o te Wai affect the variability with which it has been interpreted to date? Will it ensure consistent implementation?</i>	Having a national policy statement with standards will reduce variability due to interpretation / improve consistency in application.
<i>Part 2.3: Providing flexibility in the National Objectives Framework</i>	
Nationally defined thresholds could also be more flexible	
8. Which values, if any, should be compulsory? Why?	All existing compulsory values should be retained, as they are fundamental majority community values associated with water – demonstrated by local community engagement. Also enshrined in other legislation. Others may be left as optional.
9. What would be the practical effect of removing compulsory national values? Do you think this will make regional processes easier or harder?	Having national compulsory values makes it easier to set local policy due to the reduced need for deliberation. Regional processes introduce unnecessary additional steps, making the process harder.
10. Which attributes, if any, should be compulsory to manage? Which should be optional to manage?	<p>Any attributes that are known to be harmful to human health should be compulsory to manage.</p> <p>Any other attributes should be optional. This would simplify requirements.</p> <p>However, data and monitoring is critical to effective management and must be a consideration of compulsory settings. Complex cause-and-effect relationships, with unique</p>

Question	Response
	<p>needs for individual catchments, as well as other factors (e.g. - waterfowl) may complicate achieving outcomes. There are many measurement and data management issues in making the target attribute states helpful in informing decision-making processes. Monitoring and measurement programmes need to be well designed to give us the right information to determine causes of water quality issues and what can be done about them. Monitoring and water quality measures should be based on an integrated catchment approach that seeks to understand and respond to water quality issues affecting particular catchments. National direction that provides a consistent national 'how' to measure rather than the 'what' to measure would be most useful.</p>
11. Which attributes, if any, should have national bottom lines? Why?	Any attributes that are known to be harmful to human health should be national bottom lines (including condition of mahinga kai).
12. To what extent should action plans be relied upon, including to achieve targets for attributes?	Nationally collated action plans could integrate catchment level plans to provide direction that identifies and resolves key target attributes at a catchment level, and ensures a more coordinated approach to addressing water quality issues overall.
13. Should councils have flexibility to deviate from the default national thresholds (including bottom lines) and methods? Are there any other purposes which should be included?	In the main, no. Flexibility to deviate should be on an exception basis to provide flexibility in how to achieve outcomes aligned with the national policy.
<i>Part 2.4: Enabling commercial vegetable growing</i>	
Options	

Question	Response
14. What are the pros and cons of making commercial vegetable production a permitted activity?	<p>If this is a permitted activity, then there is reduced burden for businesses in this industry to operate. However, by doing so we would be giving one sector a right to pollute (an unfair position). This sets a dangerous precedent for other, potentially higher polluting, industries in the future.</p> <p>Further, if standards are not set appropriately, then a shift in cost from industry to community could occur – this would not be desirable. ‘Polluter pays’ should be the originating principle in any assessment of responsibility as a permitted activity. Otherwise, we risk undermining the efforts of others to improve water quality.</p>
15. How do you think policies and/or rules should be designed to provide for crop rotation? Do you think these should be considered within sub-catchments only?	No, industry should have the ability to operate to less prescriptive best practice. Crop rotation done well can reduce reliance on fertilisers, improving soil health and reducing nutrient leaching into waterways. On this basis, there is a profit driver to incentivise crop rotation, and one would have to ask why a rule would need to be in place to drive this.
16. For the proposal to develop nationally set standards, what conditions should be included?	No comment
<i>Part 2.5: Addressing water security and water storage</i>	
Building water storage on land could be made easier	
<p>17. Should rules for water security and water storage be set nationally or regionally?</p> <p>18. Are there any other options we should consider? What are they, and why should we consider them?</p>	<p>A national standard is preferred for consistency purposes, with flexibility built in for cumulative assessment of impact at local level.</p> <p>Whatever the options they need to be rigorously investigated to set a national standard, as a permitted activity status provides no ability to manage cumulative impact across a catchment.</p>

Question	Response
<p>19. What are your views on the draft standards for off-stream water storage set out in Appendix 2: Draft standards for off-stream water storage? Should other standards be included? Should some standards be excluded?</p>	<p>Council would dispute the suggestion that off-stream water storage (such as storage ponds on farms) would <i>likely</i> have only a minor environmental impact. While this may be the case when compared with in-stream water storage, that is not the same as low impact overall. For this to be determined we need to understand the likely environment effects and how these have been determined.</p>
<p>20. Should both small-scale and large-scale water storage be enabled through new standards?</p>	<p>Unregulated water takes make it difficult if not impossible to effectively manage resource allocation, and presents a significant risk for aa resource which is generally at capacity or over allocated nationally. They should be limited to overflow rainfall rather than permitted pumping from stream baseflow, as there are downstream ecological impacts from reduced stream baseflow.</p>
<p><i>Part 2.6: Simplifying the wetlands provisions</i></p>	
<p>21. What else is needed to support farmers and others to do things that benefit the environment or improve water quality?</p>	<p>Provision of key infrastructure / network utility operators to be able to work within wetland areas with regard to maintenance or with respect to extreme conditions (emergency) required to maintain the efficient and effective management of those assets – supported by appropriate standards. E.g. - to include provisions to provide for conveyance of flood flows that might be impeded through wetland areas, to prevent risk to people and property due to flooding. Including provisions to enable such works to occur before an emergency.</p>
<p>22. What should a farming activities pathway include? Is a farming activities pathway likely to be more efficient and/or effective at enabling activities in and around wetlands?</p>	<p>No comment.</p>
<p>23. What will be the impact of removing the requirement to map wetlands by 2030?</p>	<p>Good information is critical for making informed decisions. We suggest mapping methodologies be standardised (e.g. - ecological characterisation), and central</p>

Question	Response
	government support councils with resources to complete task, rather than dropping the requirement for wetland mapping by 2030.
24. Could the current permitted activity conditions in the NES-F be made clearer or more workable?	We agree with changing the definition of wetland to exclude induced wetlands and support permitted activity status for creating wetlands.
<i>Part 2.7: Simplifying the fish passage regulations</i>	
25. What information requirements are necessary for fish passage? What would the difference in cost be, relative to current information requirements?	No comment.
26. How can regulations for temporary and permanent culverts in the NES-F be made simpler?	This part could be improved to use more simple language particularly in relation to the standards for setting culvert widths and other actions that might be undertaken by non-engineers.
27. Temporary culverts are currently treated the same as permanent ones. If temporary culverts were to be treated differently (eg, had fewer conditions), would it be better to do so through a permitted activity pathway in the NES-F (culverts only), or by allowing councils to be less stringent than the permitted activity conditions for culverts and weirs?	A permitted activity pathway for temporary culverts would be our preferred approach as this would likely result in improved outcomes by making a less risky approach easier and faster to implement. There would still need to have sensible permitted activity standards in place to ensure effective management of potential environmental impacts.

Question	Response
28. Have you encountered similar issues with any other policy or regulation within the NPS-FM or NES-F (eg, rules or gateway tests about river reclamation)?	No comment.
<i>Part 2.8: Addressing remaining issues with farmer-facing regulations</i>	
<p>29. To what extent will it be more efficient to require dairy farmers to report on fertiliser use at the same time of year they report on other matters?</p> <p>30. Has the requirement for dairy farms to report their use of fertiliser already served its purpose, in terms of having signalled a level of unacceptable use that should be avoided – no more than 190 kilograms per hectare per year – and if so, is this requirement still necessary?</p>	No comment
<i>Part 2.9: Including mapping requirements for drinking water sources</i>	
<p>31. Do you think that requiring regional councils to map SWRMAs for applicable drinking water supplies in their regions will improve drinking water safety? Should councils be required to publish SWRMAs?</p> <p>32. Do you think that three zones should be required for each SWRMA, or is one zone sufficient?</p>	No comment

Question	Response
<p>33. What do you think the population threshold should be to require regional councils to map SWRMAs (eg, 100-person, 500-person, or some other threshold)?</p>	