Submission to Package 2 National Direction, Primary Sector
Closing date of Submission: 27 July 2025

Email submission to: ndprogramme@mfe.govt.nz

Contact Details

Helen Brosnan Senior Policy Advisor
E: hbrosnan@fishandgame.org.nz
P: 021486034

Other contributing staff including: Eben Herbert, Jacob Smyth, Ami Coughlan and Nigel Paragreen.

on behalf of
Richie Cosgrove Acting CEO
New Zealand Fish and Game Council

1.0 Executive Summary

Fish & Game Submission to Package 2 National Direction, Primary Sector

Fish & Game is submitting on most elements of the primary sector proposals, emphasising the need to balance economic activity with environmental protection, particularly for water quality and habitat preservation for the species we manage. Our primary concerns centre on sediment runoff, water quality and quantity degradation, and maintaining access to waterbodies for recreation.

National Environmental Standards for Commercial Forestry (NES-CF)

Fish & Game's key concern with commercial forestry is sediment runoff into waterbodies, particularly during harvesting, afforestation, and replanting periods. Successful salmonid spawning requires stony riverbeds with minimal deposited sediment, yet approximately 20% of New Zealand rivers are currently soft-bottomed when research indicates this should be around 2%.

We support the proposed amendments that increase regulatory certainty whilst maintaining environmental protections. However, we maintain that minimum setbacks should be at least 10 metres from waterbodies. The Fish Spawning Indicator Tool requires significant improvement or replacement, as it currently provides incomplete data for fisheries assessments.

New Zealand Coastal Policy Statement (NZCPS)

Fish & Game opposes weakening Section 6(a) protections for natural character in coastal environments. Whilst we acknowledge the need for activities with functional needs to operate in coastal areas, the proposed expansion to include "operational need" risks enabling inappropriate development.

We have significant concerns about promoting aquaculture near wild salmon stocks due to risks of disease transmission, genetic contamination, and nutrient pollution. The coastal marine environment is vital for freshwater fish communities, with healthy estuarine ecosystems supporting food webs essential for large freshwater fish when catchment waterbodies are degraded.

National Policy Statement for Highly Productive Land (NPS-HPL) Our submission recommends minimum 300-metre setbacks from game bird hunting areas to residential development to prevent reverse sensitivity effects.

For Special Agricultural Areas, we are concerned that allowing additional nitrogen runoff creates unfair advantages over other consented activities and risks further degradation of already compromised waterbodies.

Quarrying and Mining Provisions

Fish & Game remains agnostic to quarrying and mining as activities but seeks to manage impacts on hunters, anglers, and the species we manage. Key concerns include direct disturbance of waterbodies, contaminant discharge, sediment runoff, and loss of access to recreational areas.

We recommend clarifying that proposed changes do not apply to river-sourced gravel extraction, which requires different management approaches. The organisation opposes expanding gateway tests to include "operational need" as this prioritises private economic interests over environmental outcomes.

For gravel extraction specifically, we advocate for gravel budgets developed by Regional Councils and support giving rivers space to adjust naturally rather than relying on hard engineering solutions.

Stock Exclusion Regulations

This submission records our opposition to the proposed amendments to Regulation 17 that would exempt non-intensively grazed beef cattle and deer from being excluded from natural wetlands. The proposal lacks quantification of environmental costs and relies on vague examples without defining key terms like "stocking density."

We recommend extending the compliance date from 1 July 2025 to 1 July 2027 for extensive beef cattle and deer, rather than creating permanent exemptions. This provides time-limited flexibility whilst maintaining long-term environmental protections.

Fish & Game Position on Agriculture

Fish and Game supports maintaining strong freshwater protections and opposes returning to the 2017 NPS-FM framework, which fails to provide adequate ecological health protections. We advocate for discretionary or non-complying consenting pathways in degraded catchments to prevent further intensification.

Key recommendations include:

- Reintroducing intensive winter grazing rules
- Maintaining 10-metre minimum riparian setbacks with appropriate vegetation
- Setting environmental flows that prioritise ecological health and precautionary approaches for water allocation limits

2.0 Primary Sector Proposals

Fish and Game submit on most elements of the primary sector proposals as follows:

Section 3 NES-CF

Section 4 NZCPS

Section 5 NPS-HPL

Section 6 Quarrying and Mining

Section 7 Stock Exclusion Regulations

Section 8 Implementation of Primary Sector Instruments

Section 9 Fish and Game Position on Agriculture

Note that this submission should also be read in association with our submission on Freshwater and Infrastructure / REG packages. We have attached a copy of the Freshwater submission to this submission for your reference.

3.0 National Environmental Standards for Commercial Forestry

3.1 Fish & Game interests in Commercial Forestry

Fish & Games' primary interests in commercial forestry relate[1] to

- Impacts on water quality
- Effects of sediment on salmonid habitats and wetlands
- Excessive slash mobilisation in waterways
- Maintenance of fish passage
- Access to waterbodies

Of these, probably the biggest single ongoing issue with regard to commercial forestry is the runoff of sediment into waterbodies from forestry activities. This is most relevant during harvesting, afforestation, replanting, and forest establishment periods.

3.2 Salmonid Spawning

Salmonid (trout and salmon) spawning requires stony riverbeds with very low deposited sediment, as eggs will generally suffer high mortality in areas with even moderate or low amounts of deposited sediment.

The key outcome we want to see in forestry operations is better sediment and erosion control and riparian planting. This will serve to ensure that deposited and suspended sediment runoff is reduced significantly.

Many streams that would have naturally had a stony bed (dominated by relatively coarse gravel or larger substrate) now appear soft-bottomed, which is leading to habitat loss and decreased ecosystem resilience. Around 20% of the length of rivers in New Zealand are currently classified as soft-bottomed. However, research indicates that the number should be around 2%. Where rivers and streams are already 'clogged', sediment entering those systems must be reduced. Ideally, all rivers and streams that originally had stony beds should be restored back to hard-bottomed streams. Thus, water degradation in many locations is caused by suspended and deposited sediment.

[1] DOC Plantation Forestry: Effects on Freshwater, Technical Guidance for RMA Applications

3.3 The Importance of Vegetated Riparian Margins

Vegetated riparian margins provide filtration that reduces sediment, nutrients, and other pollutants from entering water bodies via surface water runoff. Riparian margins of appropriate height also provide some shading which can reduce the ability of nutrients to cause excessive aquatic vegetation. Vegetated margins assist to enhance water quality and visibility which trout need to feed in.

Riparian setbacks, with appropriate permanent riparian vegetation, are a key tool to filter sediment generated from land use activities and restrict it from entering waterways. The effective width of a vegetated riparian margin varies depending on the slope of the land adjacent to the waterbody and the soil type. They should, however, be at least 10 metres. Riparian setbacks should also be vegetated with appropriate low-lying vegetation, so the vegetation is an effective filter. Vegetated riparian margins provide other benefits to waterbodies in addition to sediment filtering, such as providing shade and inputs of wood, leaves and insects into the waterbody, biodiversity benefits and carbon sequestration.

3.4 Forestry Industry and Sediment Minimisation

The role of the forest industry in minimising the export of sediment is to maintain permanently vegetated and appropriately sized riparian setbacks, manage earthworks, and maintain more permanent forest cover on the steepest and most erosion prone land. Five metre afforestation and replanting setbacks alongside wetlands and rivers less than three metres wide are the minimum width when considering mature trees are likely to be more than 30 metres tall and several tons in weight. Using large machinery to remove the forestry crop from such close proximity to waterbodies is likely to have adverse effects, particularly when the machinery can often be operated within the riparian zone as allowed by the NES-CF. Fish & Game maintains that the minimum permitted standard for revegetation and afforestation should be at least a 10m setback.

3.5 Activities Causing Disturbances in the Riverbed

Activities that directly disturb the bed of the river can also destroy spawning habitat, impede migration, and create sediment. These activities should be avoided in trout and salmon spawning and migration river reaches, especially at critical times of the year and when fry are in immobile life stages. Timing works in waterways is critical so that they do not restrict and impact fish spawning during autumn and winter months as they can wipe out younger fish stocks. Schedule

4(4)(5) of the NES-CF refers users to the Fish Spawning Indicator Tool to assess the presence of fish species and spawning habitat around commercial forestry activities. This database is incomplete and currently inadequate as a single source reference for fisheries information. It either needs to be populated with complete data or replaced.

3.6 Environmental Implications for Proposed Amendments

Overall, the discussion document amendments proposed will increase certainty and consistency of regulation around the country and reduce red tape and delays for the forest industry. However, the specific amendments do nothing to improve the adverse environmental effects of commercial forestry.

With regards to the specific amendments proposed Fish & Game have the following submission points.

3.7 Regulation 6 (1) (a) to protect sensitive and unique environments page 20 and Regulation 6 (4a) afforestation

The proposed changes to Regulation 6 reduce the circumstances in which councils can propose more stringent rules than those established in the NES-CF. Fish & Game has no fundamental opposition to this occurring.

3.8 Regulation 69 (5) – (7) to removal of slash on forestry harvest cutover

Fish & Game is not opposed to the concept of reducing the requirements for slash removal where the risk of mobilisation is low. The commercial forestry sector has recently been incurring considerable cost, uncertainty and delay in attempting to fulfil these requirements, often for minimal environmental gain. A slash mobilisation risk assessment should be required across all zones, as there are still pockets of high risk in some green and yellow zones as a result of mapping scale.

3.9 Regulation 10A permitted activity conditions: afforestation management plan

Fish and Game is not opposed to this proposal, providing that existing provisions provide similar environmental outcomes.

3.10 Regulation 77A permitted activity conditions: replanting management plan

Fish & Game is not opposed to this proposal, providing that existing provisions provide similar environmental outcomes.

3.11 Definition of “woody debris” vs “slash”

Slash is defined in the NES-CF as any tree waste left behind after commercial forestry activities. However, large quantities of production forestry waste (woody debris) can be left on the ground, within commercial forests, in high-risk areas due to events that would not be considered commercial forestry activities. This may include the effects of events such as wind throw, snow damage, fires and slips. The NES-CF should deal with the management of these materials similarly to how slash is managed.

3.12 Regulation 71A (b) drafting error

Fish & Game is not opposed to this proposal.

4.0 New Zealand Coastal Policy Statement

4.1 Coastal Marine Zone

Coastal zones form the interface between land and sea, and are dynamic, changeable, spatially heterogenous, physically and socially complex, and interchange energy, water, nutrients, and sediments[2]. The coastal environment is defined as all areas between mean high-water springs and the 12 nautical mile limit plus adjacent coastal land areas.

Section 6 (a) of the Resource Management Act 1991 (RMA) directs the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

Currently the RMA and New Zealand Coastal Policy Statement (NZCPS) create a framework to manage coastal areas to protect natural character, healthy and sustained biological diversity, amenity values and cultural and recreational needs while sustaining resources for the future, protection the life-supporting capacity of air, water, soil, and interconnecting ecosystems, and avoiding remedying or mitigating adverse impacts of resource use and development[1].

4.2 Proposed amendments to Policy 6

The proposed amendments indicate a desire to change national legislation to better enable use and development of coastal environments for priority activities: specifically infrastructure, renewable energy generation, electricity transmission, aquaculture, and resource extraction.

This amendment also proposes moving from allowing those activities which satisfy a functional needs test *(functional need: the need for a proposal or activity to traverse, locate, or operate in a particular environmental because the activity can only occur in that environment)* in favour of satisfying a functional need or operational need *(operational need: the need for a proposal or activity to traverse, locate, or operate in a particular environment because of technical, logistical, or operational characteristics or constraints)*[3].

---

[2] Hart, D. & Bryan, K. (2008). New Zealand coastal system boundaries, connections and management. *New Zealand Geographer*, 64

[3] Ministry for the Environment (2019). *Definitions Standard – Recommendations on Submissions Report for the first set of National Planning Standards*.

Further, it is proposed to amend (policy 6 (2) f) to read: in relation to (2)(c) and (d), recognise that infrastructure, renewable electricity, electricity transmission, aquaculture and resource extraction activities may have a functional need or operational need to locate in the coastal marine area.

4.3 What Fish & Game want to see in Policy 6 amendments

Fish & Game does not want to see Section 6(a) weakened to tip the balance against the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers, and their margins, in favour of inappropriate subdivision, use, and development.

It should be noted that natural character can and usually does include "such things as pasture, exotic tree species, wildlife (both wild and domestic) and many other things of that ilk"[4]. As natural character therefore does not equal pristine, then section 6 (a) of the RMA restricts avoidance only of inappropriate subdivision, inappropriate use, and inappropriate development.

It follows, therefore, that the proposed change in the NPS-CPS Policy 6 indicates a desire to allow and encourage inappropriate subdivision, inappropriate use, and inappropriate development. Fish & Game oppose this no doubt unintended ideology and remain in favour of allowing only appropriate use and development in the sensitive coastal environment.

Fish & Game acknowledge it is important that activities with a functional need to occur in the coastal environment also need to be able to use those ancillary structures and/or activities which allow it to operate. As such, including an operational need test is appropriate. However, there are concerns that, as drafted, this proposed change to policies 6 (1) e and 6(2) c and d to recognise that priority activities may have either a functional need or an operational need may inadvertently broaden the definition of priority activity to those with only an operational need to be located in the sensitive coastal environment. To avoid this, it is important that those activities with operational requirements for location within the coastal environment must be necessary for the function of activities with functional needs to be there. This applies to all instances in the proposed amendments to the NZCPS which references activities to either a functional need or an operational need to locate in the coastal marine area.

---

[4] Beech, J., Daya-Winterbottom (1997) What is the "Coastal Environment?". Chapman Tripp Sheffield Young, Barristers and Solicitors, New Zealand.

4.4 What does Fish & Game want to see in Policy 8 aquaculture

Fish & Game support the inclusion in 8(b) of taking account of the environmental and cultural benefits of aquaculture activities alongside the social and economic benefits. However, there are also recognised disadvantages to aquaculture, and these also need to be assessed carefully before enabling these activities.

Fish & Game is cognizant of the potential negative environmental impact of aquaculture on the species we manage. Salmon aquaculture contributes to coastal nutrient pollution, exacerbates existing problems from agricultural runoff, sewage discharges and atmospheric deposition; can spread disease, releases toxic compounds, and can interfere with the performance of existing wild salmon stocks[5].

Considering the large gaps in knowledge and the universally acknowledged poor state of health of estuaries and coastal waters, it is recommended that regulatory agencies and policymakers apply the precautionary principle to decisions concerning expansion of finfish (including salmon) aquaculture in coastal waters and to maximising mitigation measures including, restriction on use of pesticides and use of comprehensive environmental assessments[4].

Climate change may also force salmon aquaculture, among other aquaculture activities, further southward into cooler climates, as salmonid species require cool, clean water to thrive. This may input nutrients, antibiotics, benthic waste, pathogens, and attract predators to waters which have been previously unexposed to these. Escaped farmed salmon can pass pathogens to wild stock and alter existing wild gene pools through interbreeding. Salmon pathogens can also be passed to invertebrates, birds, other fishes, plankton, sediments, and can remain in marine sediments for a long time after a salmon farm ceases operation[4].

For these reasons, Fish & Game do not wish for aquaculture to be prioritised or promoted in proximity to wild salmon stocks, or in previously unexposed environments.

---

[5] Milewsky, I. (2005). Impacts of salmon aquaculture on the coastal environment: a review. retrieved from https://www.iatp.org/sites/default/files/Impacts_of_Salmon_Aquaculture_on_the_Coastal_E.pdf

4.5 The importance of the coastal marine environment to Fish & Game

Our license holders value the coastal marine environment for its wetlands, access, and riparian areas for both angling and hunting. Less well known is the wider role the coastal zone plays in allowing for the survival of freshwater fish communities. A healthy estuarine and coastal ecosystem creates food webs which are vital in sustaining large predatory fish (eel species, trout) when their food is limited due to degraded catchment waterbodies, provided connectivity between coast and headwaters is maintained[6]. This research also stated that to support national objectives for restoring freshwater fish communities suggest greater conservation protection focus should be given to restoring and/or reclaiming coastal, estuary and coastal wetland habitats and enhance connectivity to their catchments.

Stewart et al [5] notes that whitebait migrations halved after the 1940's due to fishing, flood protection, and land reclamation. This loss of whitebait also likely represents a significant decline in annual food availability for trout and eels.

Restoring freshwater fish abundance and distribution is an important aspiration for councils, government, iwi, anglers, and communities for cultural, recreational, food gathering, and sense of place reasons. Permitting activities to further impede connectivity, degrade coastal marine habitat, and prevent restoration of wetlands and estuarine habitat will harm these aspirations and are not supported by our conservation efforts.

4.6 Climate change and sea temperatures

Sports fish require cool water to spawn and thrive. Climate change is forecast to increase overall temperatures, leading to an inevitable water temperature rise. Sea warming will result in reduced abundance and survival of sports fish at lower altitudes and particularly in coastal areas. This will not be ideal for migrating species such as salmon that have a time in their lifecycle at the coast, and it should be noted that many trout mobilise throughout river systems to the coastal environment, and some even transition to the marine ecosystem before returning to freshwater as sea-run trout. It is therefore important that activities in the coastal marine zone do not exacerbate either climate change or add additional thermal pressures to estuaries or coastal waters.

---

[6] Stewart, S., Holmes, R., Vadeboncoeur, Y. & Bury, S. (2022). Sea to the mountains: quantifying freshwater eel and trout diet reliance on marine subsidies from upstream migrating fish. *New Zealand Journal of Marine and Freshwater Research*.

Our Freshwater submission provides more detail about issues for salmon and should be read in conjunction with this submission.

4.7 Concluding remarks on proposed changes to the NZCPS

The RMA gives clear direction on the duty to avoid, remedy, or mitigate adverse effects. As such, any activities where the effects on the coastal environment are potentially adverse should be considered carefully for appropriateness, and ability to avoid, remedy, or mitigate these effects. When allowing and planning for future growth, subdivision, and land use, it is vital to minimise adverse effects to the fullest extent practicable and recognise and manage the effects of land uses and freshwater based activities (including discharges) on the coastal marine zone.

Activities which are consented to locate in the coastal environment should have a functional need to be there, or an operational need to allow for the operation of an activity with a functional need to be present.

Such activities should also ensure public access to and along the coastal marine area, wetlands, lakes and rivers is maintained and enhanced, as per Section 6 (d) of the RMA. These activities should also be managed to maintain amenity values, water quality, indigenous biodiversity, valued introduced species, cultural and recreational values, and wetland and riparian habitat quality and extent.

Adverse effects, including cumulative adverse effects, on the natural character of the coastal environment, wetlands, rivers and lakes and their margins, should be: avoided in areas with outstanding natural character and Water Conservation Orders; avoided where they would significantly diminish the attributes and qualities of areas that have high natural character, and avoided, remedied or mitigated in other areas.

Fish & Game look forward to reading amendments which balance requirements for infrastructure, agriculture, aquaculture and other economic and social activities within the overarching need to protect, restore, and/or maintain the natural environment which provide habitat for the species that we manage.

5.0 National Policy Statement for Highly Productive Land

5.1 Including LUC3 Land in NPS-HPL Restricts Green Field Development

The housing crisis will not be solved by including LUC3 land, and the type of subdivision that LUC3 land tends to involve is not usually “affordable”, i.e. this land is often used for lifestyle blocks, not high-density affordable housing.

Fish & Game notes that LUC3 land is often adjacent to rivers, lakes and wetlands and therefore housing in these areas can negatively impact on hunting and fishing recreation if located too close to e.g. a game bird hunting area. These reverse sensitivity effects have occurred when residential use is located without a suitable buffer between existing hunting areas on both private and public land.

Subdivision also provides an opportunity for new access to be created. Some districts provide policy for “bonus lots” or similar policy to require marginal strips or legal access when new subdivisions are created adjacent to or that are able to provide better access to water bodies. We urge you to include these requirements for any subdivision of LUC3 land to provide access through new subdivisions to natural areas and waterbodies.

If you do proceed with greenfield subdivision of LUC3 land, we would like to suggest that adequate buffers and noise protection zones are put in place around wetlands, lakes, and rivers, particularly those used for recreation. These measures are essential for safeguarding ecological values and broader game bird hunting and fishing recreational opportunities. We suggest a minimum 300m setback from game bird hunting areas to any residential development both for reverse sensitivity and as noise buffers.

5.2 New Special Agricultural Areas

Special Agricultural Areas (SAA) are proposed to protect key food growing areas like Pukekohe and Horowhenua. We are mindful that allowing additional Nitrogen run-off for this sector is unfair on other, often consented activities such as dairy farming. This should not lead to specifically identified geographical areas where degraded waterbodies are allowed to degrade further. Better setbacks and riparian planting and Nitrogen loss reduction mechanisms need to be developed to reduce these negative effects.

5.3 Mapping of Land Use Classes

Fish & Game support spatial planning and therefore also support land use classification tools and mapping as part of this body of work.

5.4 Anticipated impacts for Fish & Game

Fish & Game recommend that increased density, rather than more lifestyle living is needed to meet the stated objectives of creating more affordable housing. Fish & Game also recommend that you consider good urban design for all subdivisions: a key aspect of this is creating access through a subdivision for recreation, if there are water bodies present or not. This provides the infrastructure and incentive for people to get out and enjoy nature from their own property.

Fish & Game also promote green design and innovation in greenfield developments that lead to better attenuation of stormwater and therefore higher water quality discharges.

Fish & Game recently also submitted on the wastewater treatment plant standards. Some of our key points include:

- Minimum end of pipe standards (as opposed to maximum) should be used, that allow for more stringent standards to be set to meet receiving environment outcomes.
- Receiving environment standards that provide for community and environmental outcomes.
- Incentivisation of partial or full discharges to land in preference to discharges to water
- More stringent controls on overflows and bypasses.

6.0 Quarrying and Mining Provisions

Fish & Game's feedback on this section is targeted at achieving the policy objective. In the Interim Regulatory Impact Statement[7] sections relevant to Quarrying and Mining (RIS-QM), this is described as:

> *"… to better enable resource extraction and use, including quarrying and mining, while providing for any associated adverse effects to be considered and mitigated."*

Section 1 of the RIS-QM provides additional information which helps interpret this objective. The documents outlined in Section 1 require the consideration and mitigation of adverse effects to be at a standard of achieving good environmental outcomes, responsible environmental protection and management of environmental impacts to the highest standard.

The March 2024 Cabinet agreement directing the matter highlights that enabling resource extraction and use should be achieved while achieving good environmental outcomes:

> *"…develop or amend national direction instruments to unlock development and investment in infrastructure and primary industries including mining while achieving good environmental outcomes…"*

The Minerals Strategy for New Zealand to 2040,[8] released by the Government in January 2025, aligns with the Cabinet agreement. The strategy's vision requires minerals practices to be responsible and sustainable and this is followed through with the 2nd guiding principle of the document:

> *"Responsible: Minerals developments in New Zealand will happen in a responsible manner where environmental protection, the health and safety of our workers, and impacts on regional communities inform all sector initiatives."*

The foreword by the Minister for Resources confirms this intention:

> *"I want New Zealand to be part of the solution. I want us to contribute to resilient and sustainable global minerals supply chains. We can do it on*

[7] Interim Regulatory Impact Statement: Providing a consistent consenting pathway for quarrying and mining affecting significant natural areas, highly productive land and wetlands

[8] A Minerals Strategy for New Zealand to 2040, https://www.beehive.govt.nz/sites/default/files/2025-01/202501%20A%20Minerals%20Strategy%20for%20New%20Zealand%20to%202040.pdf

our terms, with a light touch on the environment, high employment standards, and consistent with Treaty of Waitangi settlements and commitments. The environmental impacts of mining can and will be managed to the highest standard."

With respect to the proposed policy changes, this means that achievement of the policy objective must not only be based on enabling quarrying and mining activities but also doing so in a manner which achieves good environmental outcomes, responsible environmental protection and the management of environmental impacts to the highest standard.

The changes in Package 3 – Freshwater have a significant bearing on the achievement of the policy objective with respect to the values of interest to anglers and hunters. The recommendations provided by Fish & Game below must be read in the context of its recommendations for Package 3.

In isolation, the changes discussed in Package 2 - Quarrying and Mining will not achieve the requirement to achieve good environmental outcomes.

Furthermore, reliance on the effects management hierarchy in the NPS-FM without the clear policy direction that Fish & Game recommends in its Package 3 (Freshwater) response will also not achieve the good environmental outcomes sought by Cabinet, Government and the Minister for Resources.

6.1 Relationship of quarrying with river-sourced gravel extraction and the definition of quarrying

Gravel or aggregate are often sourced from two places – quarries and riverbeds. Riverbed extraction can either be in-stream or on the dry banks of rivers. Both can be done sustainably, with little impact on other resource users such as licence holders and to the benefit of society, depending on the method of extraction and the availability of the resource.

Quarry-sourced gravel depletes a finite resource, creates potential for sediment runoff and often leaves behind a large hole; while river-sourced gravel takes from a typically replenishing resource but in a very sensitive environment. When done poorly or to an excessive extent, even dry bed river-sourced gravel literally removes the habitat for animals in aquatic ecosystems – particularly for invertebrates which are a vital part of the food chain.

There are recreational opportunities associated with gravel extraction and particularly quarrying activities. At consenting stage gravel pit projects should

be designed with remediation and decommissioning in mind. There is opportunity for game bird habitat and trout fish out ponds to be created close to town. There is also opportunity for other recreation such as swimming, water skiing, SUP and sit on top assisted fishing. Suitable planting and public access is also key to ensure that the end stage of these developments can result in environmental enhancement and recreational opportunity. Two examples of such opportunities are Waimea Ponds in Nelson and Lake Roto Kohatu in Christchurch, both decommissioned gravel pits providing fishing opportunity.

The adverse effects of quarrying and river-sourced gravel extraction are very different, and their management activities must be managed differently as a result.

However, this distinction is not clear in the National Planning Standards. The district-wide matters standard allows earthworks chapters to include *"provisions for quarries and gravel extraction where managed on a district-wide basis"*[9], suggesting that the two activities are distinct and will be managed separately. However, the National Planning Standards definition for 'quarrying activities' and 'quarry' can be interpreted to include the extraction of gravel from rivers.

Reading the RIS-QM and the Package 2 discussion document, it is unclear whether in-river gravel extraction is intended to be subject to these changes or not. Given the activities, adverse effects and management actions are so different, Fish & Game expects that this should have been clearly addressed in the supporting documents.

If in-river gravel extraction is intended to be included in these changes then it makes the consultation process particularly problematic. River-sourced gravel extraction is a controversial issue and will be of interest to the general public. In the common use of the English language, the words 'quarry' or 'quarrying' is associated with aggregate extraction from pits outside the riverbed. These words are rarely used by the public to describe in-river gravel extraction.

It is unreasonable for the public to connect the dots between quarrying and in-river gravel extraction. In all likelihood, the public will not be aware that national direction on such a controversial issue as in-river gravel extraction is subject to change as part of this package, if that is what is intended.

[9] 7. District-wide matters Standard, paragraph 29, page 34

Fish & Game recommends that the National Direction changes relating to quarrying and mining be clarified so that it does not apply to river-sourced gravel extraction. In addition, we recommend that the uncertainty in the National Planning Standards on this issue be resolved.

Fish & Game's feedback in relation to quarrying is written on the assumption that the proposed changes do not include river-sourced gravel extraction.

6.2 Fish and Game Position on Quarrying and Mining

Fish & Game is agnostic to quarrying or mining as activities. The organisation's interest extends simply to managing the impacts of these activities on hunters and anglers and the environments inhabited by the species we manage. Where the adverse effects impose unacceptable impacts on environment, anglers and hunters, Fish & Game opposes the project and/or seeks to apply consent conditions to suitably manage the impacts.

Licence holders' interests in this area centre on protecting fish and game populations and the habitats that they rely upon. Where degradation has occurred, they often want to see these populations and habitats restored. They also have a strong interest in maintaining and enhancing access to water bodies and hunting grounds.

The adverse effects of quarrying and mining that impact on these interests include:

- Direct disturbance of water bodies and hunting areas, such as clearance of vegetation, loss of wildlife habitat, removal of soil, diversion or modification of waterways, dumping of soil and overburden.
- The discharge of contaminants into water bodies. This is often from tailings ponds and rock stacks in the case of mining but can also be sourced from chemical or diesel spills in quarrying activities.
- Sediment runoff from earthworks, which can come from developing pits, roading or constructing buildings onsite.
- Loss of access to water bodies and hunting grounds when quarrying or mining operations move into a new area.

Mining in particular poses significant challenges. The contaminant discharge from mines can contain extremely toxic chemicals, such as cyanide or arsenic in the case of gold mining. In addition to this, the adverse effects of mining operations

often extend well beyond their operational life. When bonds or other mechanisms of to mitigate these long-lasting adverse effects are incorrectly implemented. The mine operator may be long gone and there is no one left to pick up the rehabilitation cost bar the taxpayer.

By way of example, at the Stockton mine on the West Coast, the rehabilitation costs imposed on the taxpayer due to the collapse of the state-owned operator totalled $57 million dollars.[10] One part of this rehabilitation effort in 2023 and 2024 was reported as costing nearly as much as the royalty earnings for coal right across the country.[11]

In another example at OceanaGold's Macraes mine, analysis of their MP4 expansion consent application by the Otago Regional Council's s42A author[12] reveals that the current consent conditions for the operation will impose significant adverse effects on surface water and aquatic ecosystems in mainstem rivers downstream of the mine due to the discharge of contaminants; that these discharges will peak up to 200+ years in the future; that the modelling underpinning the predicted discharges is not reliable; and that there is considerable uncertainty about whether even partial mitigation of future adverse effects will ever be enacted. All this is just looking at adverse effects relating to downstream surface water where licence holders will be impacted. It says nothing of the adverse effects closer to the mine site where terrestrial aquatic ecosystems will be lost completely and endangered animals placed at potential risk.

Imposing the costs of rehabilitation upon the public, through bearing the brunt of inappropriate adverse effects and/or requiring the taxpayer to directly pay for rehabilitation actions, is surely not in the interests of New Zealand as a whole. If the full costs of rehabilitation cannot be integrated into the private operation, then the project is simply uneconomic and should be regarded as such.

Returning to the policy objective, there must be scope within the freshwater national direction to manage mining operations so that the 'good environmental outcomes' can be achieved. Fish & Game's recommendations on Package 3 will provide a solid basis to direct freshwater protection in a manner to ensure mining

[10] https://newsroom.co.nz/2024/12/02/all-of-govts-2024-coal-earnings-spent-treating-damages-at-a-single-mine/
[11] As above
[12] https://www.orc.govt.nz/media/5hieewxp/otago-regional-council-s42a-report-rm24184-macraes-phase-4-9-june-2025.pdf

applications and approvals do not cause inappropriate adverse effects on licence holders and the public.

Fish & Game do not agree that the existing consenting pathway is overly restrictive for quarrying and mining activities given they have the potential for significant adverse effects as described above.

Fish & Game would like to be consulted regarding resource consent applications in the catchments of game bird habitat and trout fisheries.

6.3 Inconsistent terminology and tests across national direction instruments on quarrying and mining

Generally, Fish & Game agrees that consistent terminology across the NPS-FM, NPS-IB and NPS-HPL would be helpful.

For the most of the changes relating to the NPS-IB and NPS-HPL, Fish & Game has no position as they do not impact greatly on the interests of licence holders.

Fish & Game has the following comments on the remainder of the proposed changes with respect to quarrying and mining:

6.3.1 Aligning references to quarrying and mining:

Fish & Game agrees that consistent terminology is helpful here. However, it is important to note that 'ancillary activities' is unhelpfully vague. The example given of removing overburden is reasonable to be included; however, ancillary activities could extend much wider, such as developing roading or constructing buildings – both at the immediate mine site or far away (e.g. worker accommodation in a nearby town). Fish & Game recommends that the phrase 'ancillary activities' definition be refined so it is clear that it relates to activities at the same site as the main activity.

6.3.2 Gateway tests in the NPS-FM does not consider 'operational need':

Fish & Game's experience is that there are functional needs for quarrying and mining activities to occur in certain locations, such as where the resource is available. However, expanding this gateway test to include locating and operating in an environment because of *"technical, logistical or operational characteristics or constraints"* opens the door to applications which prioritise the private, economic well-being of the applicant over the public and environment. This is because it enables circumstances affecting profitability to play a much larger role

in decision making. Fish & Game advises that including operational need in the NPS-FM gateway tests threatens the good environmental outcomes sought by Cabinet and recommends against adopting this proposal.

6.3.3 Other recommendations to align the approach for quarrying and mining

Feedback on this topic has already covered a number of recommendations that are not included in the proposal but which will aid in achieving the policy objective and for which there is scope to address issues. These are:

- Adopting Fish & Game recommendations on Package 3.
- Clarifying the relationship between 'quarrying activities' and in-river gravel extraction in the National Planning Standards.
- Ensuring Fish & Game are consulted with on quarrying and mining proposals in catchment of game bird habitat and trout fisheries.
- Amend the phrase 'ancillary activities' in the National Planning Standards so that it is clear that they are only to occur on the same site as the main activity.

6.4 Significant Natural Areas

Fish & Game promote the use of Significant Natural Areas (SNAs) and oppose the removal of them from the RMA or in policy. We also support that most streams and rivers should include some kind of SNA protection to reduce diffuse discharge of sediment and nutrients into the water body. We note that there are many degraded riparian margins, but do not think that this is a good reason to not include these areas as SNA. Our view is therefore that all riparian margins to natural waterbodies have the ability to be significant natural areas, even if they have recently been degraded and stripped of vegetation. Fish & Game also support and promote the setback rules from SNAs in many planning documents. These allow the SNA to function and not become shaded or infested, for example by adjacent commercially grown pine trees.

6.5 Gravel Extraction

Key issues that Fish & Game are concerned about relating to gravel extraction include:

- Damage to natural form and function of the water body
- Scouring of the bed of the river that may inhibit fish passage

- Disturbance of the bed during trout spawning period between 31 May and 31 August.
- Generation and release of sediment and discharge of sediment to water

Applications need to identify[13] the location of activity, timing of the activity, scale, method, vales at the site, adverse effects that the activity is likely to cause and whether these effects will be avoided, remedied or mitigated.

Gravel plays an important role in the health of rivers and has a role in flood management. It is also an important resource for infrastructure development and maintenance. Our licence holders also benefit from using the roads that are surfaced with the gravel taken from quarries and riverbanks.

6.4.1 Principles

Rivers act as 'sediment conveyors', moving gravel and sediment through their catchments. This movement is not smooth — it happens in pulses, especially during floods, as waves or slugs of gravel move downstream. To manage gravel effectively, it is essential to understand where a river reach sits within its catchment, and whether it lies in a zone of sediment *production*, *transfer*, or *deposition*.

Gravel supply to rivers varies over time, and how gravel moves along the channel depends on the size and frequency of floods. Understanding these fluctuations — gravel *flux* — is critical for responsible gravel management. Reliable, quantified data on gravel loads are needed to assess whether extraction is sustainable or likely to damage river systems.

6.4.2 Recommendations[14]

Gravel budgets should be developed by Regional Councils using high-resolution survey methods to map changes in riverbed topography over time. This includes generating Digital Elevation Models (DEMs) from river channel surveys (both wet and dry) and comparing them across time periods to show how much gravel has moved or accumulated. Bathymetric LiDAR offers the accuracy and scale needed to produce meaningful data.

---

[13] DOC Gravel Extraction from Rivers and Streams, Technical Guidance for RMA and Concession applications.

[14] report by Professor Ian Fuller at Massey University to Environment Southland (December 2023) regarding strategic gravel management

A growing issue in some regions, such as Southland, is vegetation colonising once-bare gravel bars due to smaller floods that deposit fine sediment without moving gravel, allowing plants to take root. Vegetation locks sediment in place, increasing resistance to flows. As a result, only very large floods can mobilise the gravel again. This can lead to the river cutting downwards (incising) or eroding its banks as it struggles to access sediment. The full impacts of this vegetation lock-up are not fully understood.

To address this, gravel management techniques such as bar-top skimming or raking could help remove vegetation and reactivate gravel movement. However, frequent interventions can also destabilise channels, so rivers treated in this way will need more space to safely accommodate increased mobility.

6.4.3 Living with the River

A more sustainable approach than hard engineering, such as rock lining, is to give rivers the space to adjust naturally; in other words, let rivers behave like rivers. This approach will likely be more cost-effective in the long term, although it may require upfront investment (e.g., retiring land to widen the river corridor)[15].

Wider river corridors support more natural processes like bank erosion, bend migration, braiding, and cutoff formation. These features build habitat diversity and resilience to larger and more frequent floods. Confining rivers to narrow channels increases risk to land, infrastructure, and life. Giving rivers space reduces the need for expensive fixes after every large flood.

This shift in river management — from a rigid 'command and control' model to one of *working with nature* — is a long-term, multi-generational change. It must be informed and involve the community. A phased approach is needed to help communities adjust. This should be formalised through Floodplain Management Plans, which map out the transition for each catchment.

6.4.4 Understanding Natural River Dynamics

Effective gravel management requires an understanding of natural river behaviour—how channels shift through erosion, deposition, avulsions, and braiding. Working with these processes means less reliance on artificial fixes, because the river does much of the work itself. While this may make the river corridor look 'messier', these 'messy' rivers are healthier and more dynamic.

---

[15] We also talk about giving rivers room to roam in the National Hazards National Direction section later in this submission.

This approach must be grounded in science, using monitoring data to understand changes in channel form and gravel movement.

6.4.5 Adapting to Climate Change

Larger and more frequent floods are expected with climate change. These may help flush out vegetated channels but will require more space for rivers to move safely. At the same time, more severe droughts are predicted, leading to more unpredictable river behaviour overall.

To manage this uncertainty, we must invest in long-term monitoring of river systems. Only by understanding their natural dynamics can we develop flexible, adaptive management that works *with* rivers, not against them.

6.5 No proposed changes to Effects Management Hierarchy Fish & Game support retaining the Effects Management Hierarchy unchanged.

6.6 Avoid, remedy or mitigate tests of the RMA

Fish & Game support the retention of the avoid, remedy or mitigate tests of the RMA and recommend that these tests are carried forward to new legislation. Whilst Fish and Game may in many cases prefer avoidance of hydro-electric dams we accept that there is a consented baseline for existing developments. Fish and Game have also benefited from mitigation from Hydro Electric developments. A good example is the Mackenzie Basin hydro-canal fishery in the Central South Island region. This is a very popular put-and-take salmon fishery located within the manmade hydro canals situated on private land. The two energy generators Meridian and Genesis provide controlled access to the hydro-canals for sports fishing. Mitigation for sports fishing and other recreational opportunities should continue as consent conditions on existing consented hydro-electric developments.

7.0 Stock Exclusion Regulations – Part 2.6

It is proposed that regulation 17 is amended so that not all stock are excluded from natural wetlands that support threatened species. It is proposed that non intensively grazed beef cattle and deer be excluded. The reasoning is that in South Island high country the benefits of excluding stock from these wetlands is disproportionate to the cost.

It would be helpful if this issue was explained better using a mapping tool to describe the extent of the area in the South Island high country that “suffers a

disproportionate cost" for fencing and excluding stock. It would also be helpful to understand the stocking rate that equates to "non intensively grazed" beef cattle and deer so we can better understand what effects could result from not excluding stock.

Regulation 17 of the Resource Management (Stock Exclusion) Regulations 2020 requires that beef cattle, dairy cattle, dairy support cattle, deer, and pigs (excluding feral animals) must be kept out of natural wetlands that support threatened species, as defined in the National Policy Statement for Freshwater Management 2020, by 1 July 2025 at the latest.

The Government is proposing to amend Regulation 17, so it no longer applies to non-intensively grazed beef cattle and deer. The stated reasons are:

1. *The current rule is too rigid and doesn't allow for local circumstances; and*

2. *In some areas, such as the West Coast and South Island hill country, the environmental benefits of excluding stock may not justify the economic cost.*

For background information we have included our Stock Exclusion submission as attachment 2 of this submission.

7.1 Potential negative impacts on natural wetlands from proposed amendments

Fish & Game is opposed to the proposed amendments for the following reasons:

- There has been little to no quantification of the environmental costs of the change — particularly in already degraded catchments — and a lack of transparency around how the trade-offs between environmental benefit and economic cost to primary producers are being assessed.

- For example, the Regulatory Impact Statement assessing the proposed change does not:

- Recognise that New Zealand has lost over 90% of its original wetlands, making them one of the most threatened ecosystems in the country. While

much of this loss is historical, wetland degradation and destruction continue today—for example, in regions like Southland — putting further pressure on biodiversity, water quality, and natural flood protection.

- Provide any detail about the economic costs to the primary sector of excluding extensive beef cattle and deer from natural wetlands that support threatened species.

7.2 Costs Associated with Stock Fencing

Fences required to keep cattle out of natural wetlands which are usually on flat land may be as minimal as a 2-wire electric. Electric fences have been used in New Zealand agriculture for over 50 years and are, in many cases, a more affordable option than the non-electric fencing alternatives. The Ministry for Primary Industries (July 2016) estimated the costs of 2-wire electric fencing on flat land to be approximately $4.67/m, on rolling land to be $4.89/m and on steep land to be $5.94/m.[16]

Fish & Game acknowledge that these costs are likely to have increased since mid-2016. That said, there are also alternatives to permanent fencing, such as temporary electric fencing. The Ministry for Primary Industries estimated the cost of this at $1.27/m if reusable electric fence reels and standards had to be purchased.[17] Once these are purchased the ongoing costs are minimal – mainly labour to erect / dismantle as required and a power source, whether mains, solar, or battery.

Virtual fencing technology, like Halter, also provides practical tools to keep beef cattle out of sensitive areas such as natural inland wetlands. This shows that effective stock exclusion is possible without needing broad exemptions.

---

[16] National Stock Exclusion Study: Analysis of the costs and benefits of excluding stock from New Zealand waterways July 2016 – Table 6: Maximum, average and minimum total per metre fence costs (NZ$) for five fence types over flat, rolling and steep topography. https://www.mpi.govt.nz/dmsdocument/16513- National-Stock-Exclusion-Study-Analysis-of-the-costs-and-benefits-of-excluding-stock-from-New-Zealand-waterways-July2016.

[17] National Stock Exclusion Study: Analysis of the costs and benefits of excluding stock from New Zealand waterways July 2016 – Table 7: Estimated costs of temporary fencing used to exclude stock.

7.3 Wider Benefits of Stock Exclusion Fencing

Any money a farmer spends on building and maintaining stock exclusion to natural wetlands is not lost to the national economy — it supports local rural and provincial communities by creating work for fencing contractors and generating demand for materials and equipment. This is a meaningful benefit, especially at a time when the Government has actively sought to boost regional employment through initiatives like the 'Jobs for Nature' and 'Provincial Growth' funds.

7.4 Direct Impacts of Livestock Grazing

The direct impacts of livestock grazing on natural wetlands are well documented[18] and include:

- Grazing and removal of plant biomass;
- Trampling of vegetation, including damage to roots and soil structure;
- Nutrient loading and bacterial contamination from dung and urine;
- Introduction and spread of invasive plants, weed seeds, and other propagules; and
- Damage to aquatic habitat and impacts on fauna, including birds, invertebrates and fish. Effects include damage to nests, damage to fish spawning areas and reduction in available habitat.

7.5 Light Grazing

The discussion document fails to identify the specific locations, land area, or number of wetlands, including where *"light grazing may be beneficial,"* making it hard to assess the real impact of the proposed change.

---

[18] Reeves, P. N., and Champion, P. D. (2004). *Effects of livestock grazing on wetlands: Literature review.* Niwa Client Report HAM2004-059. Prepared for Environment Waikato, May 2004.

The proposed amendment suggests that light grazing may help manage vegetation, including weeds and intermittent pasture. However, it is important to recognise that grazing often causes more harm than good. For example, stock commonly spread weeds, and they usually only eat tougher weed species when under nutritional stress. Their grazing and defecation add nutrients to wetlands, creating ideal conditions for weed seed dispersal, germination, and growth. Alternatives like targeted herbicide use can effectively control problem plants without the negative impacts of livestock or harm to native wetland vegetation.

Grazing for 'conservation' is not widely accepted, and many studies have shown it can harm wetlands. A comprehensive New Zealand review by Reeves and Champion (2004) found that the effects of grazing vary greatly and should be assessed case by case, based on specific conservation goals.[19]

Fish and Game do not support light grazing of wetlands on land administered and leased by the Department of Conservation or Land Information New Zealand for pastoral grazing. Our assumption is also that the land area will be very large if it involves the above leases.

7.6 Quantify the extent to which extensive beef cattle and deer are already excluded from natural wetlands

The proposed change to Regulation 17 appears to reward extensive beef and deer farmers who have done nothing to prepare, despite the 1 July 2025 compliance date being clearly signalled since enactment in 2020, and unfairly penalises early adopters who have acted in good faith and invested time and resources to comply with Regulation 17.

The Government is proposing a nationwide exemption from Regulation 17 based on vague and unspecified examples from the geographical areas of the West Coast of the South Island and South Island High Country, without defining key terms such as "stocking density" to differentiate high and lower intensity farming of beef cattle and deer.

This blanket approach is difficult to understand given that the Stock Exclusion Regulations already provide for region-specific exemptions, such as the tailored carve-out for the Upper Taieri Scroll Plain in Otago (Regulation 3A). A consistent

[19] Reeves, P. N., and Champion, P. D. (2004). *Effects of livestock grazing on wetlands: Literature review.* Niwa Client Report HAM2004-059. Prepared for Environment Waikato, May 2004.

and transparent approach would favour targeted exemptions based on evidence and specific geographical regions or areas, not sweeping national changes.

There is no clear evidence to support a specific stocking rate of beef cattle and deer in natural wetlands that would protect water quality and ecological values against well documented adverse effects. Likewise, there is no solid basis for relying on a Farm Environmental Management Plan to justify grazing in wetlands without causing ecological harm. Management plans are only effective if they are well conceived, implemented, monitored for compliance and enforced.

7.7 Fish & Game Position on Stock Exclusion

Fish & Game note that the Stock Exclusion Regulations already incorporate a significant amount of 'environmental compromise' to accommodate primary producer interests. For example, the Stock Exclusion currently omit sheep and small or intermittent streams from stock exclusion requirements irrespective of topography, stocking rates, and waterway sensitivity / cumulative degradation.

Small streams account for an average of 77% of the national nutrient load of total river catchments.[20] The omission of small and intermittent streams from stock exclusion requirements makes it impossible to wholly address issues associated with stock access to waterways.

Fish & Game considers the proposed amendment to Regulation 17 premature, as it relies on vague examples and lacks clear evidence or transparency to support significant change.

Instead, Fish & Game recommends keeping Regulation 17 in place but extending its start date for extensive beef cattle and deer from 1 July 2025 to 1 July 2027. While this delay may risk short-term impacts on wetland quality from ongoing grazing, those effects are time-limited unlike the proposed amendment, which would allow such impacts to continue indefinitely.

[20] McDowell, R. W., Cox, N., & Snelder, T. H. (2017). Assessing the Yield and Load of Contaminants with Stream Order: Would Policy Requiring Livestock to Be Fenced Out of High-Order Streams Decrease Catchment Contaminant Loads?. *Journal of environmental quality*, *46*(5), 1038-1047.

8.0 Implementation of Primary Sector Instruments

8.1 NES Implementation

Fish & Game support the immediate implementation of NES change for wetland provisions that enable the creation of wetlands for game bird hunting and generally, both providing benefits to the wider environment from wetland creation.

However, Fish & Game ask you to consider what permitted activity water storage rules will provide for in terms of farming intensification and we ask you to limit further intensification in degrading and degraded catchments. This point is noted in our Freshwater Package 3 submission.

8.2 NPS Implementation

Fish & Game supports the status quo for change made without schedule 1 process provided they are made in accordance with the RMA if that act hasn't been repealed prior.

Overall however we recommend that all changes to national direction / NPS documents are made in one go after the RMA has also been amended.

9.0 Fish and Game Position on Agriculture

9.1 Clean Streams

The clean streams accord was signed by in 2003 by Fonterra and the Minister for the Environment, Ministry of Agriculture and forestry and the regional councils.

Public awareness of the side effects of the rapid change to dairy farming and the side effects of this was highlighted with imagery of water pollution of lakes, rivers and streams.

Fonterra's response to help resolve the situation were five standards:

- cattle must be excluded from 90% of streams, rivers and lakes by 2012;
- 90% of regular crossing points must have bridges or culverts by 2012;
- 100% of farm dairy effluent discharges to comply with resource consents and regional plans immediately;
- 100% of dairy farms to manage nutrient inputs and outputs by 2007; and
- 90% of regionally significant wetlands to be fenced by 2007

The most important and most visible, effluent discharge, hasn't improved significantly since the scheme was introduced. Regional councils that had commenced public consultation processes were reluctant to define "degraded" catchments and to formulate consenting pathways to stop further degradation in those catchments.

9.2 NPS-FM 2014, 2017 and 2020

As more widespread degradation has occurred, each NPS has become more restrictive. The STAG report was provided to inform the latest NPS and many of their recommendations were included (although not all).

Ministry for Environment has confirmed that no new science has been commissioned to argue against the STAG report recommendations. However, they have been directed to return to 2017 NPS as a starting point.

Fish & Game oppose this approach as the 2017 NPS fails to provide protections for freshwater that will provide for ecological health.

9.3 Consenting Pathway for Agriculture

We generally ask for discretionary or non complying consenting pathways in catchments with degraded water quality or overallocation. This serves to protect farmers that are already invested in the catchment but signals that further intensification (and in some cases additional conversions to dairying) is unsustainable. Regions with degraded water quality have already started using this approach. Using a consent pathway with no teeth e.g. controlled activity to control further intensification in degraded catchments will simply result in further degradation and more costs to clean up the water bodies that continue to decline.

The section 104D test in the RMA known as the gateway test will be opened by adding objectives in national direction that promote primary sector production irrespective of existing degradation. There will also be future potential for degradation where intensification is promoted in catchments that are not currently degraded.

Degradation should be defined relating back to outcomes for ecological health. If Target Attribute States provide for lower outcomes than ecological health degradation will occur and continue to deteriorate.

9.4 Protecting Riparian Margins and Stock Exclusion

Fenced and vegetated riparian margins that are wide enough provide a buffer between land use activities and water bodies. This will help protect water bodies by filtering out and processing microbial, nutrient, and sediment contamination which then enhances water quality, visual clarity, and habitat. Fencing water bodies protects them from stock defecating or urinating in them and from damage caused by stock trampling riverbeds and their banks.

The Resource Management (Stock Exclusion) Regulation 2020 (Stock Exclusion Regulations) do not go far enough to protect waterways from stock to achieve the National Objectives Framework outcomes. Regional plans will need to include rules to stop intensified stock rates and heavy hoofed animals accessing all water body types. This includes streams less than 1m in width and wetlands that do not meet the national requirements for riparian setbacks. In minority cases, where low stocking rates, with light hoofed animals, over large areas are concerned, non-fenced water bodies may be acceptable.

While stock exclusion is an important first step, those excluded buffer areas need to effectively filter runoff from land. Appropriate set back requires at least 10

metres from any permanent river, lake, or wetland, and three metres from the edge of any other river (both intermittent and ephemeral). Riparian margin widths of between 10 – 20 metres should be established and maintained next to more sensitive water bodies such as lakes and wetlands. Large setbacks also ensure there is enough room for flooding and natural erosion processes to occur without undermining fences or planting.

Once stock is excluded from all water bodies and there is enough space between the fence and the water margin to manage and treat run-off in each specific catchment, plant the right type of vegetation to supercharge this protection buffer! For example, dense (native) grasses or other ground-covering species ensure sediment is caught before water flows into streams. Vegetation can provide spawning habitat for example for īnanga, while taller tree species provide shading to keep water temperatures down and prevent algal and macrophyte growth. Vegetation can also help to stop faecal matter and phosphorous getting into water bodies and consequently provide for a range of freshwater values for the wai, freshwater indigenous species, trout and salmon, and for the community. Also think about public places and peoples access to water bodies when planting riparian margins.

We also discuss how setbacks and riparian planting can greatly reduce sediment run off into water bodies from forestry clear fell operations in section three above.

9.5 Swimming and Recreation

We want to maintain and improve water bodies for swimming, and other types of recreation. This requires planning for:

- water quality (measured particularly but not only by microbiological indicator, *E. coli*);
- water quantity;
- river form; and
- access.

In other words, healthy water bodies are places where people want to swim. Ecosystem health supports swimming and recreation.

Swimming and recreation will likely be your communities' most regular, and tangible connection to, and valued use of, freshwater. So, swimming and recreation provide an important link between your community and all other parts

of the NPS-FM and other national direction that may negatively impact on this form of recreation.

The NPS-FM establishes a national goal to make 90 percent of the total length of rivers in Aotearoa New Zealand swimmable by 2040 in Policy 12, (as set out in Appendix 3 of the NPS-FM). Human contact with water through activities such as swimming, and for other recreation or cultural purposes, has always been a central part of all iterations of the NPS-FM, alongside ecosystem health. However, safe access to clean, swimmable rivers in Aotearoa New Zealand is so highly valued by our communities that it was a key driver for redeveloping the NPS-FM.

9.6 Protecting water bodies and freshwater ecosystem health

The following example and overview is provided about the Land and Water Plan process in Otago:

"Land use such as agriculture, forestry and urban expansion increases the level of contaminants, including nutrients, heavy metals and sediment, entering our waterways. This can have detrimental effects on water quality.

Diverting, controlling and extracting water all change the natural flow in, and between, waterways. This can impact freshwater species and ecosystems.

Water quality in rivers across Otago shows a clear spatial pattern related to land cover and land use. Water quality is best at river and stream reaches located in high or mountainous areas with predominantly native vegetation cover. These sites tend to be associated with the upper catchments of larger rivers (for example, Clutha River/Matau-Au, Taieri River and Lindis River) and the outlets from large lakes (for example, Hāwea, Whakatipu and Wānaka). Water quality is generally poorer at sites located on smaller, low-elevation streams that drain pastoral or urban catchments.[21]"

"We began this journey in 2019 when the Minister for the Environment asked the Otago Regional Council to prepare a new Regional Policy Statement and Land and Water Plan. Previous planning rules and regulations were no longer deemed fit to provide protection for Otago's waterways and surrounding environment.

Between 2020 and 2022 we engaged with our community around the visions and values people wanted for our waterways and the land affecting them in this new,

[21] Lakes, Rivers, and Streams | Otago Regional Council

more in-depth Plan. We also spoke with communities about actions that would help us reach positive environmental outcomes – these were that Otago's freshwater and land activities need to be:

- *Healthy for plants, animals, and people and look after our region for future generations*
- *Safe for activities like swimming*
- *Beneficial for activities like fishing*
- *Sustainably managed; and*
- *Respectful of cultural and historical places*[22]*"*

Therefore, consultation has already occurred in many regions, with community values confirmed. These values do not prioritise primary industry over all other values. While we recognise the economic value of primary industries, we urge you to not provide for their adverse effects at the expense of the recreational values for game bird hunting and angling that rely on clean freshwater.

Protecting the health and well-being of water bodies and freshwater ecosystems is the first priority of the NPS-FM. This priority should also sit above other land uses that will have negative effects on freshwater bodies. National direction should continue to direct regional plans to not provide for any more degradation in the health and wellbeing of water bodies and freshwater ecosystems, including no decline in water quality and to phase out overallocation.

Further use and increasing economic activity may be at odds with incrementally reducing the health and wellbeing of waterbodies therefore in some cases a reduction in use is required.

Fish & Game advocates for the habitats of the species that we manage, namely game birds and sports fish. These species live in rivers, lakes and wetlands. This means policy needs to be framed at the same level (as NPS-FM 2020 and other instruments such as stock exclusion regulations, freshwater farm plan regulations) to create policy that results in improved outcomes for freshwater water.

Increasing wetland extent provides for better filtration of runoff and better resilience from flood events and drought. Planting riparian margins provides shade, habitat, increased food resources for fish, and can cool water

[22] Land and Water Regional Plan | Draft Framework to Guide Freshwater and Land Use

temperatures required for fish. Excluding stock from water bodies reduce nutrients going into water bodies.

Ecosystem health is a component of the health and wellbeing of waterbodies. Ecosystem health is defined in the NPS-FM as a compulsory value for all waterbodies and includes five components: water quality, water quantity, habitat, aquatic life and ecological processes. All five of these attributes need to be maintained or improved across the entire country. Attributes for each component of ecosystem health for each type of waterbody and Target Attribute States for each attribute.

9.7 Intensive Winter Grazing

Concerns About the Repeal of Intensive Winter Grazing Rules

Grazing livestock on forage crops such as kale, fodder beet, swedes, and rape during late autumn, winter, and early spring is a high-risk farming practice. It leads to disproportionately high losses of nutrients (nitrogen and phosphorus), faecal bacteria, and sediment across the farm system. It also causes significant soil damage through pugging and compaction and poses risks to animal welfare.

There is no soil type, slope, topography, or physiographic zone where intensive winter grazing can occur without environmental risk — the risks are inherent to the activity.

The recent repeal of key national rules in the NES-F (covering slope, pugging, and land area) has removed essential baseline protections. This has created a regulatory gap, with no consistent national approach to managing intensive winter grazing. Most regions will not address this until at least 2027 through regional plan changes. In the meantime, enforcement is only possible where regional councils already have their own intensive winter grazing rules in place within regional plans (e.g., Canterbury, Otago and Southland).

Fish & Game believes clear, consistent national regulation is essential to ensure regional councils properly manage the environmental effects of intensive winter grazing.

Recommendations:

- Reintroduce the Permitted Activity rule: Fish & Game strongly urge you to reinstate the permitted activity conditions (formerly in the NES-F), particularly covering slope and land area, especially for degraded catchments.

- Use a more cautious activity status. Intensive winter grazing activities that fail to meet permitted activity standard conditions should be classified as *non-complying* rather than *restricted discretionary*. The environmental risks of intensive winter grazing are too high to allow a more permissive status.

- Freshwater Farm Plans are not a substitute. Freshwater Farm Plans cannot currently replace the resource consent process, as there is no robust model for estimating contaminant loss, particularly sediment, from intensive winter grazing activities.

  Freshwater Farm Plans are only effective when they are well designed, properly implemented, monitored, and enforced. They should not be used to avoid resource consent for high-risk, high-impact activities like intensive winter grazing.

Slope

- Slope of the intensive winter grazing area is a key factor influencing sediment loss and should not exceed 10 degrees.

  There is very little, if any, research demonstrating the efficacy of mitigations to reduce diffuse contaminant loss on sloping land beyond a maximum threshold of 10 degrees.[23] Further, modelling by Ministry for the Environment demonstrates that sediment loss increases significantly when intensive winter grazing is undertaken on slopes higher than 10 degrees.

[23] See for example: Zhang, X., Liu, X., Zhang, M., Dahlgren, R., A. (2010). *A Review of Vegetated Buffers and a Meta-analysis of Their Mitigation Efficacy in reducing Nonpoint Source Pollution*. Journal of Environmental Quality.

Riparian Buffers and Setbacks

- Riparian margins should be vegetated and set back at least 10 metres on slopes under 10 degrees.

  Research shows that on slopes less than 10 degrees, a 10-metre vegetated buffer is significantly more effective than a 5-metre buffer, reducing nutrient loss from runoff by up to 70% and sediment loss by up to 80% — the main diffuse contaminants from intensive winter grazing.

- Near sensitive areas like wetlands, estuaries and lakes, setbacks of 20 – 30 metres should be required.

Protect Critical Source Areas

- Intensive winter grazing activities that disturb and de-vegetate soil in critical source areas should be prohibited.

- In South Otago, research shows protecting these areas during intensive winter grazing reduced sediment loss by ~80% and nutrient loss (nitrogen and phosphorus) by 60–70%.

Land Area

- The area used for intensive winter grazing on a farm must be no greater than 50 hectares or 10% of the farm's area (whichever is greater).

9.9 Fish & Game Position on Intensive Winter Grazing

Fish & Game does not support the widespread use of intensive winter grazing, particularly in degraded catchments. Its use has increased in recent decades alongside rising livestock numbers, particularly in Canterbury, Otago, and Southland. Fish & Game advocates alternative wintering practices such as composting barns / herd homes that deliver better outcomes for animal welfare, water quality, and soil health.

9.10 Environmental Flows and Flow Allocation

Fish & Game is concerned that many councils have not carried out the necessary hydrological investigations in many of their catchments and this is leading to the continuation of issuing water take consents resulting in further overallocation. As discussed in our freshwater submission, the key policy that needs to be set is the priority of water takes: who will get freshwater and who will not? Will the river be allowed to retain enough flow and flow diversity (spates, floods, and low flows in season) to provide for ecological health, or will land based activities take priority?

The NPS-FM 2020 prioritises freshwater ecology over other interests. This does not mean that the environment will be held at a pristine state with no water takes permitted. It means that we can only consent a portion of water to other out of stream uses. If we fail to do this, the health of the water body declines. The widespread degradation of waterbodies in New Zealand has elevated the importance of the debate over nutrients and Target Attribute States and setting bottom lines for defining degradation.

Our Environmental Flows and Levels and take limits policy on our waigoodpolicy.org.nz page notes that allocation of more than 20% of Mean Annual Low Flow (MALF) will have a detrimental effect on ecosystem health, while the draft National Environmental Standard for Ecological Flow (draft NES-Flows) suggested a take limit of up to 30-40%.

We note that there are many waterbodies where over 100% of MALF is already allocated, to the detriment of the ecology in that waterbody. Importantly, there is little national direction regarding flow setting and take limits. Furthermore, where a catchment is overallocated review conditions can be used to reduce the quantum or reduce the cut off to ensure that the water body is not over allocated. The NPS requires the phase out of over-allocation and to stop future over-allocation. This direction should continue into new national direction.

Allocation limits need to be set at levels that do not risk ecological tipping points. Precaution is required while setting limits. This means stopping water from being taken out of rivers and groundwater before water quality and quantity issues occur. It is extremely difficult to return water to a river once it has been allocated. Allocating a volume of 30% of MALF has been common practice. Ecosystems may survive for a short time, as they are naturally resilient, but like the human body, the longer periods of time it is under stress, the more impact it will have on the system over time.

We want to see the Presumptive Standard approach used as the method to set environmental flow which requires the allowable rate of water take for a given day is set as a percentage of the naturalised flow for that day. This rate reduces as the natural flow reduces and is applied consistently across the entire flow range.

In New Zealand there has been a heavy reliance on Instream Flow Incremental Methodology (IFIM). However, there are significant limitations to this method that need to be realised, particularly relating to different life cycles of fish species and flow dependant species. It does not consider species interactions and food availability in the system. IFIM is poor in approximating habitat quantity and habitat quality. This leaves a lot of room for interpretation and can create bias in how it is applied.

Fish & Game want to see more direction from government on how ground water and surface water will be managed and the kind of minimum datasets that councils should have to manage their consenting regime. This topic has not been raised in this round of consultation and there has been no mention of the direction that flow setting work will go in Phase 3 RMA work.

9.11 Nutrients

Consenting is the best tool in preventing and restoring degrading and degraded catchments. In degraded catchments a clear signal that further intensification is not appropriate can be signalled with a non-complying activity status.

Controlled Activity consents give no option for holding the line and not allowing further degradation. A Discretionary or Non-Complying activity status is needed to enable councils to halt further intensification and minimise nutrients entering waterbodies.

Diffuse sources of pollution cannot be disregarded when their cumulative effects cause harm to public drinking water supplies and reduce recreation and enjoyment of the natural environment.

Our waigoodpolicy page provides specific information on nutrients. Our Freshwater submission also includes recommended Target Attribute States for Lakes and Rivers. These recommendations are key to managing primary sector externalities and therefore our Freshwater submission should be read in tandem with this Primary Sector submission.

10.0 Conclusion

10.1 Fish & Game is prepared to work collaboratively with the Government to produce national direction. We are mindful that to be sustainable, development needs to be carried out within environmental limits.

10.2 Fish & Game would like to continue to work with you particularly on the solutions regarding the following issues:

- Sediment run off and forestry
- Best practice for Gravel extraction
- Avoiding contamination associated with mining
- Timeframes for stock exclusion
- Reducing discharges from Intensive Winter Grazing
- Existing overallocation
- Nutrients (although this is covered in our freshwater submission)

We look forward to continued discussion leading up to the release of the national direction instruments and new legislation.

Attachments

Attachment 1:	About Fish and Game and the species that we manage
Attachment 2:	Stock Exclusion submission 2023
Attachment 3:	Freshwater National Direction Submission

Response ID ANON-7EHM-VFYP-P

Submitted to Developing an exception from the low slope map for lower intensity farming - Te whakarite aweretanga mai i te mahere rōnaki heke mō te mahi pāmu ngāwari
Submitted on 2023-07-13 19:56:14

Submitter details

1 Submitter name

Individual or organisation name:
New Zealand Fish and Game Council

2 What is your contact email address?

Email:
hbrosnan@fishandgame.org.nz

3 Are you submitting as an individual or on behalf of an organisation?

Organisation

4 Which region are you in?

Select your region:
Not applicable – national organisation

5 Please choose any you are associated with:

Academic or subject matter expert, Other

Other: please specify here:
Mandated under the Conservation Act - see detail in submission

Section 1: Introduction and context

Read Section one: Introduction and context - HTML format

Section 2: Defining lower intensity farming for the purpose of an exception

1 Do you consider stocking rate (ie, SU/ha) is an appropriate measure to define lower intensity farming or do you recommend a different approach?

No

Please explain your answer here:

Response: Livestock density is a somewhat useful measure of farming intensity because it indicates the concentration of animals in an area. However, livestock density overlooks other factors, such as land use, inputs (e.g., fertiliser application, imported supplementary feed, irrigation, pesticide / herbicide application), and management practices (e.g., intensive winter grazing), providing an incomplete assessment of overall farming intensity.

Fish & Game has the following concerns about defining lower intensity for the purposes of creating an exemption from the Regulations, based on stock rates:

a. The adverse effects of livestock on aquatic habitat and water quality are well recognised. Excluding livestock from waterways is a fundamental good component practice to avoid adverse effects on waterways. Fish & Game considers that the current Regulations, which do not provide an exemption for lower intensity farming on low slope / low altitude land, already provide a significant measure of flexibility and 'environmental compromise'. For example, current Regulations exclude sheep, 'small streams' irrespective of slope and elevation and 'wide rivers' outside the low slope map from stock exclusion irrespective of topography, stocking rates, and sensitivity / cumulative degradation of water quality and riparian / instream habitat. It is unclear how creating a further exemption to livestock exclusion requirements progresses Te Mana o te Wai, as giving effect to it requires the health and wellbeing of waterbodies to be the first priority. It is noteworthy that the discussion document does not include any consideration of or reference to the Te Mana o te Wai objective.

b. There is insufficient evidence to support a particular stocking rate for the purpose of avoiding adverse effects on water quality and riparian / instream habitat.

c. Adoption of any numeric metric for the purposes of creating an exemption to the Regulations risks manipulation / 'gaming', particularly if there is higher economic cost / loss associated with compliance with the Regulations.

d. Proposing to measure stocking across the whole farm may underestimate livestock intensity because it includes non-agricultural or unused areas. A more accurate approach is to measure stocking across the effective area, which is the actively used agricultural portion of the farm.

e. The proposal excludes sheep for the purposes of determining stock density. This is likely to understate stocking density in cases of mixed livestock farming incorporating sheep, cattle and / or deer.

f. It is unclear what would happen in the case of annualised variations in stocking, such that the exemption threshold was intermittently breached.

If this option is proceeded with, Fish & Game would want to see a mechanism on the title acknowledging the exemption to the Stock Exclusion Regulations. For example, a covenant or land improvement agreement would need to be registered on the title to make it clear to future landowners that the low incumbent stocking rate is the justification for not excluding cattle and deer from waterways and fencing waterways.

Where a low stocking rate is present, a New Zealand Farm Assurance Programme Plus or SLUI Farm Plan (Horizons Regional Council) would still provide better criteria for exemption than the Freshwater Farm Plan.

2 What do you think is the appropriate stocking rate threshold (in SU/ha) for the definition of lower intensity farming?

Please explain your answer here:

Response: Fish & Game understand that the scale of land that the proposed exemption could apply to is around 300,000ha and therefore the significance of this proposed change to riparian / instream habitat could be significant. It is noteworthy that this information has not been provided by Ministry for the Environment in assessing the proposed exemption and the implications / effects of it.

Fish & Game have not had a chance to look at an ideal stocking rate per Ha in detail, or gain confirmation from consultants in the time provided for this submission. However, Fish & Game are concerned about the use of “per year” and “over the whole farm” because, livestock are often strategically moved between properties for grazing purposes and therefore may not be on the farm for a whole year. For example, livestock could be intensively grazed on fodder crop on a block for only 4-6 weeks, a practice known as “winter grazing”. Alternatively, young stock may go to a grazing block for 1.5 years.

As discussed, “over the whole farm” is also an overly permissive metric as much of the farm may not be able to be used for production either because of its topography, ability to grow grass season to season, or has existing environmental covenants taking the land out of production. Therefore, a more precise land area is needed than “over the whole farm”. The whole farm block needs to discount land areas that have rivers, wetlands, planted trees in gullies, and only use land area as a fraction of what portion of the year it is usable for production. The whole farm also needs to differentiate between intensive stocking on low land areas and lower stocking in the hills.

Fish & Game would want to have stocking rates defined at the paddock scale, for defined times. They need to be measured 'in the paddock' the stock and waterbody are in, not across the whole farm. If this doesn’t happen you can have a low stocking rate across the farm but nevertheless mob stock a paddock with livestock having unfettered direct access to waterways.

A common paddock stocking rate used in plans for this purpose is 18 (See Hawkes Bay Regional Council and PC1 examples). Fish & Game think this is a high stocking density as a 3ha paddock could have 12 beef cows in it, all with unrestricted direct access to any waterways within it.

This is why any exception to the Regulations needs to be accompanied by a Freshwater Farm Plans that sets out how they will discourage livestock from direct access tothe stream, e.g., provision of reticulated stock drinking water and in paddock shade to attract livestock away from the riparian and instream habitat.

Therefore, as much as Fish & Game are open to more precise stocking rate calculation, we do not agree that a simplistic calculation can be used to achieve the environmental outcomes sought. To use a stocking rate calculation would need to be done with a lot more thought and precision then presented in thie consultation document. FIsh & Game are, however, open to further discussions on this idea. That said, there needs to be much greater emphasis by Ministry for the Environment on the environmental consequences of its proposed exemption, including with reference to Te Mana of te Wai and achievement of hauora, before any decision is made.

3 Do you think there should be different stocking rate thresholds for beef cattle and deer, or one threshold for all stock types?

Please explain your answer here:

Response: Yes, Fish & Game think the sheep and beef standard stocking rates should be used as this gives a representation of the relative intensity that an animal of an assumed weight will have on the ground. Using one threshold for all stock types does not provide the detail necessary to gain a meaningful stocking rate of the operation. For example, stocking rates provided by the industry include 1.9 for a hind, beef cow 4.4, lamb 1, Bull 5, steer 4.5 stock units.

Different stocking rates

4 Is there any other information that you think we should consider in relation to developing an exception for lower intensity farming?

Please write your answer here:

Response: Each regional council appears to have their own different definition of “low intensity farming”, “High intensity farming” and solution for regulating it. This makes sense as different places will have different issues and more specific approach will be needed, particularly if water quality and riparian / instream habitat associated with a particular catchment is degraded. Therefore, providing a one size fits all approach across the country, including a nominated percentage that are exempt from the Regulations is not a simple matter if the intent is to give effect to Te Mana o te Wai and to

achieve hauora (health) of the water. Hauora is both a continuum and a state with the desired outcome progressing toward this.

5 Do you consider that there are any situations where an exception for lower intensity farming should not apply, and the map should continue to apply?

Please explain your answer here:

Response: Yes, Fish & Game consider that there are situations where the exemption for lower intensity farming should not apply, and the map should continue to apply for the following reasons:

a. The proposed blanket exemption entirely disregards the potential presence of waterbodies that:

-are sensitive environments or the habitats of rare and endangered indigenous fish species, many of which are non-migratory;

-have recognised instream values, such as spawning habitat for both indigenous fish species, trout, and salmon;

-have significant cultural, recreational, and amenity values; or

-degraded by land use activities, including livestock access to them.

This includes waterbodies that have internationally or nationally recognised values, e.g., RAMSAR sites or waterbodies with Water Conservation Orders.

b. The proposed exemption appears to conflict with Te Mana o te Wai and achievement of hauora (health) of the water. It is noteworthy that the discussion document is silent regarding Te Mana o te Wai and hauora.

6 Do you have any views on how those specific situations should be identified?

Please write your answer here:

Response: Yes, the only available process to do this is via Fresh Water Farm Plans. The Fresh Water Farm Plan Regulations do not, however, have a robust methodology or criteria for identifying or applying exceptions. Fish & Game do not think there should be any further movement from the required 10m stream setback and wetland area defined in the regulations.

7 Is there information that is readily available to farmers and councils to support the implementation of an exception based on stocking rates?

No

How is/should this information be used or shared by farmers and councils?:

Response: No, stocking rate information will be held by the landowner, who may consider it commercially sensitive and be reluctant to release it. Unless specific stocking rate rules apply in a region, regional councils will not generally hold this information nor be able to compel its production. If a landowner wishes to avail themselves of the exemption, it is unclear how provision of the stocking rate will be compelled and ground truthed for the purposes of transparency and legitimacy.

Year to year stocking rates will vary depending on non-exhaustive factors, such as climatic conditions and feed availability (e.g., drought), economic conditions (including costs of inputs, e.g., fertiliser and imported supplementary feed, and profitability), breeding productivity, and costs of traded / replacement livestock. All of which makes use of stocking rate as a single metric of intensity an overly simplistic approach.

Section 3: Using certified freshwater farm plans

8 Do you consider that certified freshwater farm plans should be used as the basis for an exception, or an alternative, to the map and associated requirements to exclude stock?

Yes

Please explain your answer here:

Response: Yes, however, Fish & Game are concerned about the time delays associated with this, including specific criteria and links back to the regional planning frameworks that would need to be developed to ensure good freshwater outcomes. The Freshwater Farm Plan Regulations would need to be amended to achieve this.

Response: Further amendment of the Freshwater Farm Plan Regulations to provide the level of specificity required around stock exclusion exemptions will delay the necessary actions occurring even more. Fish & Game are also concerned that the Freshwater Farm Plans will not be targeted enough to provide enough change to achieve environmental outcomes needed, including hauroa. Additionally, Fish & Game are not confident that the Freshwater Farm Plan author or certifier will have sufficient expertise to assess the riparian and instream values, including the adverse effects of livestock access to them, and the adequacy or otherwise of alternatives to livestock exclusion.

Permitting livestock access to waterbodies via a freshwater farm plan to address the risk of adverse effects is untested and only likely to be effective if such plans are well conceived, carefully implemented, monitored for compliance and strictly enforced. For example, a freshwater farm plan would need

to avoid de-vegetation of the bed and banks, pugging or alteration to the profile of the bed and banks.

9 Is there any other information that you think we should consider?

Please write your answer here:

Response: Yes, in the Taieri scroll plain, linking Freshwater Farm Plans to a broader wetland plan that spans multiple properties could be helpful. Direction would need to come down from the LWRP.

As well as developing a methodology for exception, Ministry for the Environment should focus on identifying specific properties that would quality for exemption. Without this analysis it is impossible to get a feel for the scale of the proposed exemptions so Fish & Game can adequately assess if the proposal will undermine the intent of the Regulations.

Section 4: Stock exclusion for natural wetlands

10 Do you consider that an exception for lower intensity farming systems, or the alternative approach using certified freshwater farm plans, should apply more broadly to natural wetlands?

No

Please explain your answer here:

Response: Fish & Game does not consider that a blanket exception for lower intensity farming systems, or the alternative certified freshwater plans, should apply to natural wetlands for the following reasons:

a. The extent of natural wetlands is greatly diminished in New Zealand and the deterioration and loss and deterioration of natural wetland extent is ongoing.1

b. Natural wetlands are ecologically and culturally important ecosystems, therefore risks of adverse effects on them should be avoided wherever possible. In this case, Ministry for the Environment expressly acknowledges that the information in support of allowing stock access to and grazing of natural wetlands is “currently anecdotal”. Significantly, the anecdotal information relied upon to support the proposals has not been provided – this means the veracity of it cannot be tested. Resultantly, it is unclear how the proposals progress Te Mana of Te Wai, including prioritizing the health and well-being of natural wetlands.

c. Natural wetlands in New Zealand have developed without the presence of grazing animals. Grazing wetlands for conservation purposes, including managing weeds and preventing pastoral encroachment, is far from a universally accepted practice. Many studies demonstrate negative effects of grazing wetlands.

d. There is insufficient evidence to support a particular stocking rate in wetlands to protect water quality and ecological values. Similarly, there is insufficient evidence for preparing a Farm Environmental Management Plan in support of grazing stock in a natural wetland without causing ecological damage.

In a thorough review of grazing in New Zealand wetlands, Reeves and Champion (2004) found that the impacts of grazing vary greatly. They suggest that decisions regarding grazing should be tailored to the conservation goals specific to each site. The authors noted that while grazing can help control exotic woody weeds, it may also hinder the growth of native wetland plants.

e. Livestock grazing in natural wetlands can itself spread weeds by trampling on indigenous vegetation, creating bare patches where weed seeds can take root. Livestock movements through wetland areas can also dislodge weed seeds, which can then be carried by water, wind, or attach to the animals themselves, further spreading the weeds. Additionally, seeds can survive livestock digestion and be dispersed through manure, which provides enhanced fertility encouraging weed growth.

Fish & Game experience is that livestock will only browse woody weeds, particularly broom and gorse, if forced in the absence of more palatable feed and that trampling by hoof action to suppress woody weeds requires intensive mob stocking.

f. By excluding livestock from natural wetlands three major types of contaminants can be reduced: pathogens / microbial contaminants from direct deposition of urine and faeces, sediment from livestock disturbing and carrying soil into the wetland, and nutrients (nitrogen and phosphorus) by direct deposition of urine. Additionally, stock exclusion can also prevent damage to indigenous vegetation and wetland habitat by grazing / trampling, including effects on fauna, including birds, invertebrates, and fish (effects can range from damage to nests, disturbance and damage to spawning sites, and reduction in available habitat). Excluding livestock from natural wetlands is a fundamentally component of good practice and fences to exclude cattle may be a minimal as a 2-wire electric and can be achieved at relatively low cost.2 .

Additionally, alternatives to grazing of natural wetlands by livestock to control introduced weeds exist, e.g., ground based / aerial chemical application or physical removal. Conversely, permitting livestock access to and grazing of natural wetlands via a freshwater farm plan to address the risk of adverse effects is untested and only likely to be effective if such plans are well conceived, carefully implemented, monitored for compliance and strictly enforced.

11 Are there any situations where any exception, or the alternative approach using certified freshwater farm plans, should not apply?

No

Please write your answer here:

Response: It is unclear to Fish & Game how widespread the genuine need for an exemption is across the country, particularly in the absence of Ministry for the Environment sharing the anecdotal evidence it relies upon to support the proposal. As it stands, the proposed wetland grazing exemption appears to be a solution searching for a problem. For example, it has recently been determined through Environment Court appeals on the proposed Southland Water and Land Plan that it is inappropriate to create a permitted activity for grazing of livestock, including sheep, in natural wetlands.

Fish & Game does, however, consider that there may be highly individualised and specific wetland locations where a livestock grazing exemption may be appropriate. Fish & Game expect these to be exceedingly rare, if they exist at all.

In this regard, Fish & Game in the Otago region is open to discussing the creation of a bespoke exemption and alternative approach for the Taieri scroll plain, where there is a history of livestock grazing within thousands of natural inland wetlands. There would, however, be much work required to adequately satisfy Otago Fish & Game that an exemption allowing livestock grazing within Taieri scroll plain is appropriate. Otago Fish and Game is continuing to explore what good management of this wetland looks like with stakeholders, landholders and mana whenua in the area.

To date, this process is in its infancy, with the parties yet to have serious discussions or find consensus about potential actions, or even the seriousness of the anecdotal issues raised so far.

Because of this, it would be inappropriate to use the experience of the Taieri to shape national regulation. A specific exemption at a national level should not, however, be used to render an incumbent regionally specific requirement to exclude livestock redundant.

Another alternative approach to the proposed exemptions is to require resource consent as a non-complying activity for livestock grazing of wetlands or access to waterbodies that does not comply with the incumbent regulations, which could be achieved by amendment to the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. Non-complying activity status would allow a robust consideration of the adverse environmental effects of the proposed livestock grazing activity and the relevant objectives and policies. Fish & Game would want to be consulted on any such consent applications would prefer to see a wetland or sub-catchment approach, rather than a fragmented approach involving consideration of an individual property.

12 Is there any other information that you think we should we consider in relation to wetlands within lower intensity farming systems?

Please write your answer here:

Using a stock to fencing cost ratio is not a fair way to look at these exclusions. Most adverse effects from livestock entering water bodies are externalised, creating a serious issue of inequity with the environment assuming the risk. The outcomes Fish & Game are seeking is improved water quality, removal of stock from spawning grounds / riparian margins and wetland restoration (amongst other gains). Additionally, any expenditure by individual farmers to construct and maintain livestock exclusion will flow through rural and provincial communities associated with employment of fencing labour and the purchase of fencing materials / equipment.

Fish & Game are concerned about the far-reaching consequences of the proposed exemptions and the detail that needs to be worked through to present either option as workable to achieve hauora.

Fish & Game welcome further discussion on the proposed options and further consultation on the proposed changes.

Section 5: Other issues

13 Do you consider the definition of a permanent fence is too prescriptive, and that other fence types should be included?

Yes

Please explain your answer here:

Response: Fish & Game is open to discussing alternative and potentially cheaper forms of livestock exclusion other than permanent fencing – the key point being that the focus should be on exclusion of livestock from waterbodies rather than the prescriptive methodology to achieve it. For example, temporary electric fencing can be used to exclude livestock from waterways at relatively low cost, is simple to erect / relocate, and can be powered by a variety of means (mains electricity, solar, and / or battery). Additionally, new and emerging forms of stock exclusion, such as virtual / GPS fencing utilising stimuli, has the potential to allow bespoke stock exclusion, particularly if cost decreases over time.

14 Do you agree that amendments to the stock exclusion regulations should clarify that the map and associated requirements to exclude stock do not apply on slopes that are greater than 10 degrees?

Not Answered

Please explain your answer here:

Response: Yes, Fish & Game agrees for reasons of certainty / clarity that amendments to the Regulations should clarify that the map and associated requirements to exclude stock do not apply on slopes that are greater than 10 degrees. It should, however, be emphasised that landowners must take steps through Freshwater Farm Plans to avoid adverse effects associated with livestock access to waterbodies. Additionally, landowners who wish to exclude livestock from waterbodies on land with slopes greater than 10 degrees should not be discouraged from doing so.

15 Are you aware of any other issues with the stock exclusion regulations that should be addressed? And if so, why?

Please write your answer here:

Response: Yes, Ministry for the Environment needs to adequately assess its proposed exemptions against the Te Mana o te Wai objective, which priorities:

a. First, the health and well-being of waterbodies and freshwater ecosystems;

b. Second, the health needs of people; and

c. Third, the ability of people and communities to provide for their social, economic, and cultural well-being.

Fish & Game is concerned that Ministry for the Environment is prioritising the financial costs to regulated farmers (a subset of the third priority) over the health and well-being of water bodies and freshwater ecosystems (the first priority). It is not Fish & Game's understanding that Te Mana of te Wai is to be applied in this manner.

Provide general feedback

Any general feedback on the consultation

Add your comments, ideas, and feedback here:

Fish and Game Mandate and references to our submission

Fish and Game is the statutory manager for sports fish and game, with functions conveyed under the Conservation Act 1987. The organisation is an affiliation of 13 separate Fish and Game Councils – 12 regional Councils and one national Council. Together, these organisations represent roughly 140,000 anglers and hunters.

The sports fish and game resource managed by Fish and Game is defined and protected under the Conservation Act and the Wildlife Act 1953. The species within include introduced sports fish and a mix of native and introduced waterfowl and upland game.3

Fish and Game is entirely funded by licence holder fees and private contributions, meaning the delegated function of managing the species for the public good is funded entirely by the users. It is a democratic 'user pays, user says' organisation. Using this system, the organisation funds public good research to ensure fisheries and game populations are managed sustainably; undertakes compliance with the licencing system; and contributes to public planning processes.

In relation to planning, the Councils share a similar function to advocate on behalf of anglers and hunters and to advocate in the Councils' interest, including their interest in habitat. Overwhelmingly, the advocacy sought by anglers, hunters and their elected Council representatives has been to seek environmental protection and restoration of degraded ecosystems. This makes sense as anglers typically have a great deal of lived experience on water bodies and therefore are highly attuned to changes, which to date have overall been for the worse.

At the direction of its licence holders, Fish and Game has become one of the nation's best-known advocates for freshwater ecosystems.

To achieve this, Fish and Game staff includes planning and policy specialists. The local-facing structure of the organisation, combined with generally low turn-over rates and a focus on freshwater means that these staff are experts in freshwater policy and its implementation.

References:

Landcare Research 2017: An analysis of wetland loss between 2001/02 and 2015/16. Landcare Research Contract Report LC2798. Prepared for the Ministry of the Environment.

Ministry for Primary Industries Stock Exclusion Costs Report, Prepared for Ministry for Primary Industries by the Agri Business Group, January 2016.

Reeves, P. N., and Champion, P. D. (2004). Effects of livestock grazing on wetlands: Literature review. Niwa Client Report HAM2004-059. Prepared for Environment Waikato, May 2004.

Robertson H. A, Ausseil A-G, Rance B, Betts H and Pomeroy E. (2018) Loss of wetlands in Southland, New Zealand. New Zealand Journal of Ecology 43(1): 3355.

Upload supporting documentation

Upload documentation:
No file uploaded

Consent to release your submission

1 Do you consent to your submission being published on this website?

Yes

2 If yes to the above, clearly state if there are parts of your submission that you do not want published.

If yes to the above, clearly state if there are parts of your submission that you do not want published.:

not applicable

About Fish and Game

1.1 Fish and Game is the statutory manager for sports fish and game, with functions conveyed under the Conservation Act 1987. The organisation is an affiliation of 12 regional Councils and one national Council. Together, these organisations represent approx. 130,000 anglers and hunters.

1.2 The sports fish and game resource managed by Fish and Game are defined and protected under the Conservation Act and the Wildlife Act 1953. The species within include introduced sports fish and a mix of native and introduced waterfowl and upland game[1].

1.3 Our vision, purpose and values are illustrated below:

1.4 Fish and Game is entirely funded by licence holder fees and private contributions, meaning the delegated function of managing the species for the public good is funded entirely by the users. It is a democratic '*user pays, user say*'s organisation. Using this system, Fish and Game funds public good research to ensure fisheries and game populations are managed sustainably; undertakes compliance with the licencing system; and contributes to public planning processes to ensure that hunters and anglers values are recognised and provided for.

1.5 In relation to planning, Fish & Game have the statutory function to advocate for hunters and anglers values and ensure that the habitats of gamebirds and sports fish are provided for. At any one time we may have around 150,000 licence holders, and a larger number (approximately 300,000) that are transient licence holders. The habitat we specifically advocate for includes lakes and rivers that contain trout and salmon (and other sports fish) and wetlands where game bird hunting occurs.

[1] Most New Zealanders refer to these species as 'game birds', distinguishing them from other types of large game, such as deer or pigs. The Wildlife Act 1953 defines these birds simply as 'game' and this phrase is used in the context of this submission.

Fish and Game in Resource Management

2.1 Fish and Game works to provide for the ongoing enjoyment of hunting and freshwater fishing assets, the maintenance (or enhancement) of public access to rivers, lakes, and wetlands for hunting and fishing, and the protection of the habitat of trout and salmon.

2.2 Hunting and angling require legal and physical access both to habitats and the resource itself. Maintenance and enhancement of access is critically important to the pursuits of our licence holders. The maintenance and enhancement of public access to and along lakes and rivers is listed in the RMA 1991 as a matter of national importance.

2.3 We see the opportunity for proposals to be required to provide improved access both to their sites and other nearby areas that involve hunting or fishing values as a form of mitigation for any loss of values on site. We seek that Fish and Game are consulted as an expert advisor where gamebird and or sports fishery values could be impacted. We can work with government officials to ensure outcomes that achieve both economic imperatives, along with recognising and providing for hunting and fishing values.

2.4 We specifically seek the protection of:

i. habitat of trout and salmon.
ii. maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers where sports fishing and game bird values exist.
iii. preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins where sports fishing and game bird values exist.
iv. Recognition and provision for freshwater angling/game bird hunting and amenity values.

What does Fish & Game do?

Fish & Game NEW ZEALAND

Who are we? **Fish & Game New Zealand manages, maintains and enhances sports fish and game birds and their freshwater habitats in the best long-term interests of anglers, hunters and all New Zealanders.**

Our vision

A New Zealand where freshwater habitats and species flourish, where game bird hunting and fishing traditions thrive and all New Zealanders enjoy access to sustainable wild fish and game resources.

Together, let's ensure a thriving future for fishing and game bird hunting!

What we do

- Manage fishing and hunting regulations
- Conduct research to monitor fish and game bird populations
- Collaborate with communities to protect natural habitats
- Provide educational programmes and resources
- Advocate for valued habitats and species
- Negotiate and maintain access for anglers, hunters and all New Zealanders

fishandgame.org.nz

#ReWild

What does Fish & Game do?

Species management: We monitor and survey species populations; set season regulations; and sustainably manage pressure on the resource.

Habitat protection: Advocate and take action to protect and enhance lakes, rivers, streams and wetlands; and secure 'national park' status to important rivers through Water Conservation Orders.

Access and participation: Negotiate and advocate so all New Zealanders can access our natural places; maintain access signage, information and brochures; organise fishing and hunting events and classes.

Public awareness: Maintain public advocacy; schools programmes; website and newsletters; community liaison; promote the right of licensed anglers and game bird hunters to pursue their chosen pastime.

Compliance: Recruit, train, equip and coordinate warranted rangers, to educate and enforce regulations to ensure the fish and game resource is sustained.

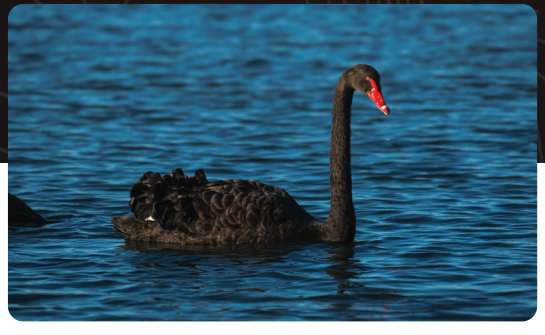
Licensing: Provide a nationwide licensing system with a range of licence categories and sales channels that makes it easy to buy a licence. We are solely funded by licence holders.

Council: Hold public meetings of elected licence holders to approve regulations and budgets, set policies and provide governance for the Fish & Game system.

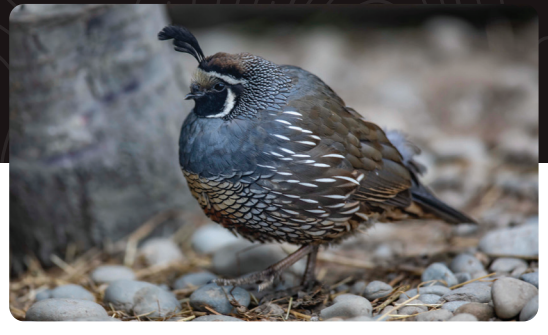
Coordination and planning: Provide research, planning and reporting; financial management and general coordination across Fish & Game New Zealand.

fishandgame.org.nz **#ReWild**

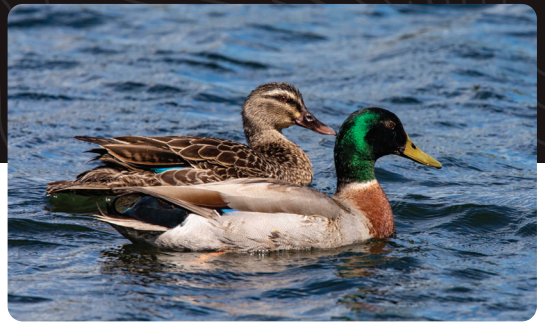
Species we manage



Black Swan Kakianau

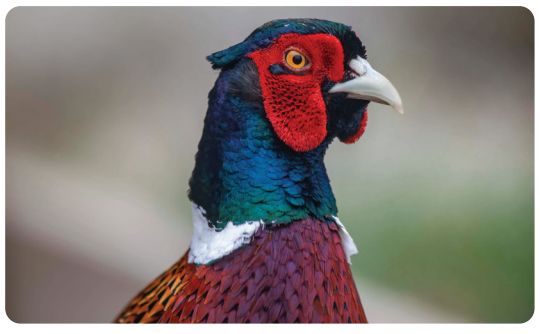


Californian Quail Koitareke



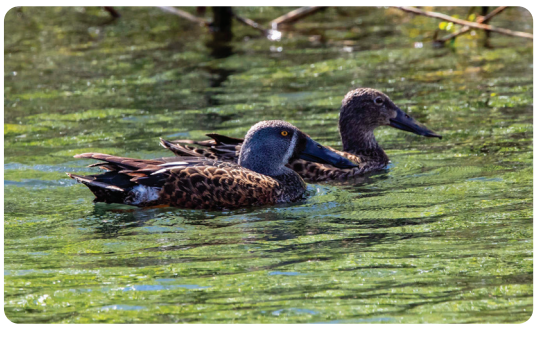
Mallard Rakiraki

Paradise Shelduck Pūtakitaki



Pheasant Peihana

Pūkeko



Shoveler Kuruwhengi

Chukar

Grey Duck Pārera

Brown Trout

Rainbow Trout

Chinook Salmon

Sockeye Salmon

Brook Trout

Tiger Trout

Perch

Tench

Fish & Game NEW ZEALAND ™

fishandgame.org.nz

27 July 2025 (to be submitted 25th July 2025)
Submission to freshwaterND@mfe.govt.nz

Contact Details

Helen Brosnan Senior Policy Advisor
E: hbrosnan@fishandgame.org.nz
P: 021486034

on behalf of
Richie Cosgrove Acting CEO
New Zealand Fish and Game Council

1.0 Executive Summary

1.1 Fish & Game Submission to Package 3 National Direction, Freshwater

Fish & Game strongly supports the NPS-FM 2020 version, which aligns with our statutory obligations and priorities for managing sports fish and game bird habitat. We oppose the proposed "rebalancing" that would weaken freshwater protections and create regulatory uncertainty. Our submission emphasises that healthy ecosystems are essential for sports fish and game bird populations whilst supporting significant recreational and tourism economic benefits.

1.2 Rebalancing Freshwater Management through Multiple Objectives

Fish & Game opposes replacing the current hierarchy (Objective 2.1) with multiple, co-equal objectives. The existing hierarchy appropriately prioritises freshwater ecosystem health, which is fundamental to the well-being of species we manage and the recreational economy they support.

1.3 Problems with Multiple Objectives: Co-equal objectives would delegate critical balance decisions to regional councils, creating increased uncertainty, more appeals, lengthy delays, and higher costs. This risks undermining national coherence through regulatory inconsistency across regions and could impact organisations like Fish & Game that operate across regional boundaries.

1.4 Recommended Approach: We support flexibility in implementation timeframes and consideration of economic costs, provided ecosystem health remains the priority. Reasonable timeframes for improving water quality must be set to prevent continued degradation. Section 3.11 provides for interim targets every 10 years at most are required with a 30 year example in section 3.3. Therefore we support carrying forward the already clar timeframes from the NPS-FM2020.

1.5 Rebalancing Te Mana o te Wai

Fish & Game opposes removing or diluting the hierarchy of obligations under Te Mana o te Wai. The current framework reflects the fundamental principle that water health underpins all other values, including human and economic use.

1.6 Regulatory Impact Statement: None of the three consultation options align with the RIS recommendation to retain the NPS-FM 2020 Te Mana o te Wai

concept with clarifications. The RIS approach would address identified issues without substantially altering the existing framework.

1.7 Policy 15 Repositioning: The NPS-FM 2020 Policy 15 already clarifies that communities can provide for their wellbeing consistently with the National Policy Statement. This policy could be repositioned higher to emphasise its importance without removing the hierarchy.

1.8 National Objectives Framework Flexibility

Fish & Game opposes increased flexibility that weakens consistency and creates inefficiencies. We support retaining focus on "health and well-being" of waterbodies rather than reverting to 2017's narrower "water quality" focus.

1.9 Alternative Simplification: If change is required, we propose retaining national bottom lines whilst reducing compulsory attributes to: sediment, nutrients (nitrogen and phosphorus), microbial pathogens (E. coli), macroinvertebrates, and dissolved oxygen. This approach maintains accountability and comparability whilst reducing monitoring costs.

1.10 Scientific Basis: The Auditor-General and OECD emphasise the need for consistent, reliable environmental data and standardised national frameworks. Deviation from national standards should only be permitted where science demonstrates ecological rationale, not for economic or political expediency.

1.11 Commercial Vegetable Growing

Fish & Game conditionally supports enabling commercial vegetable growing with strict safeguards:

- No expansion in degraded or over-allocated catchments
- Integration with ecological limits and catchment capacity
- No incentivisation of large-scale water storage schemes
- Assessment of cumulative effects beyond farm boundaries

We oppose relying solely on freshwater farm plans for compliance, as effects extend beyond farm boundaries and require comprehensive cumulative assessment.

1.12 Water Storage and Security

Fish & Game supports small-scale, off-stream water storage (maximum 20,000m^3, 4m depth) for existing land use and community resilience, but opposes enabling agricultural intensification through large scale water storage.

Intensification Concerns: Many businesses will increase production to pay for storage costs, leading to higher nutrient, sediment, and microbial contamination levels. This is particularly concerning in degraded catchments.

Required Safeguards: Water storage must be limited to single users, located on the property, used only for stated purposes, with no increase in irrigated area and no change in activity character, scale, or intensity.

Environmental Flows: Storage schemes must not compromise minimum flow levels essential for trout, salmon, and game bird habitat survival. The Rangitata irrigation scheme demonstrates how poor planning can degrade key habitats and alter braided river morphology.

1.16 Wetland Provisions

Fish & Game supports differentiating between constructed and natural wetlands whilst maintaining strong protections for natural wetlands.

Wetland Construction: We support the definition of wetland construction as "artificially engineered areas that mimic wetland functions where one did not previously exist" and new permitted activity standards for wetland construction.

Natural Wetland Protections: We oppose removing mapping requirements by 2030 and support retaining established setbacks based on hydrological and groundwater expert recommendations. Removing setbacks because "landowners don't like them" won't improve water quality or increase wetland extent.

Monitoring Requirements: We oppose devolving wetland monitoring to councils without national standards. Consistent monitoring protocols are essential for national data aggregation, international reporting obligations, and effective protection of remaining wetlands.

1.17 Fish Passage Regulations

Fish & Game supports simplifying information requirements whilst maintaining essential protections. We oppose removing water velocity conditions due to their strong relationship with fish passage capability.

Culvert Length Concerns: Nothing in proposals addresses culvert length, potentially permitting very long culverts as permitted activities. We recommend maximum 5-metre length limits for permitted activity status.

Undesirable Species: As managers of sports fish, we seek stronger legislative voice for advocating fish passage for species we manage, including both salmonid and coarse fish species.

1.18 Synthetic Nitrogen Fertiliser Standards

Fish & Game argues the current 190kg N/Ha/year cap is too high, constraining only 9% of dairy farms. We recommend:

- Reducing the standard to 120kg N/Ha/year for half of dairy farms that are not irrigated; a consenting pathway is needed for irrigated farms in degraded catchments.
- Implementing soil-specific input controls
- Using fertiliser company sales data per catchment with robust environmental monitoring
- Applying non-complying resource consents with sinking lid nitrogen limits in degraded catchments

1.19 Economic Benefits and Climate Change

Angling Economics: Freshwater angling contributes $66.2-81.2 million annually to GDP, supporting 952-1,168 jobs nationwide and generating $10.6-13.0 million in GST revenue.

Climate Impacts: Fish & Game commissioned research shows nine native species face extinction risk under severe climate change, with brown trout ranges reducing by 30-40% and rainbow trout by 17-24%. Marine ecosystem decline affects salmon populations, with spawning down 31-68% across indicator rivers.

2.0 Rebalancing Freshwater Management through multiple objectives

2.1 Fish & Game supports the version of the National Policy Statement for Freshwater Management (NPS-FM) notified in 2020. The values and priorities within this 2020 version align best with our priorities and statutory obligations.

2.2 Fish & Game supports reforming the NPS-FM after the new resource management system is in place. It is inefficient to implement the freshwater reform package before the resource management reforms. The NPS-FM will need to give effect to the Resource Management Act replacement; therefore, it is logical to finalise the higher-order document before reforming National Policy Statements.

2.3 Fish & Game have provided comments and recommendations below in the event that the amendments to the NPS-FM proceed as proposed.

2.4 Fish & Game are opposed to replacing the current hierarchy (Objective 2.1) with multiple, co-equal objectives.

2.5 The proposed rebalancing involves introducing a new objective to the NPS-FM that is based on the wording of the 2017 version. The new objective would direct councils to *safeguard the life-supporting capacity of freshwater and the health of people and communities, while enabling communities to provide for their social, cultural and economic well-being, including productive economic opportunities.*

2.6 This objective would not operate as a hierarchy. Councils would be required to consider all matters equally. This leaves decision-makers to decide the balance between multiple equal objectives, which will lead to increased uncertainty, more appeals, and ultimately, lengthy delays and higher costs. The proposed changes to the objectives of the NPS-FM risk greater inefficiencies in freshwater management.

2.7 Multiple objectives also risk undermining national coherence by creating regulatory inconsistency across regions. When more discretion is delegated to regional decision-makers, the scope of interpretation and application expands. This could impact the comparability of freshwater

management systems across regions and increase ambiguity for organisations, such as Fish & Game, that operate across regional council boundaries.

2.8 The existing hierarchy under Objective 2.1 aligns with the mandate Fish & Game hold to safeguard habitats by appropriately prioritising freshwater ecosystem health. Healthy ecosystems are essential for the well-being of sport fish and game bird populations. These ecosystems support a significant portion of the recreational and tourism economy, subsequently providing for economic and social values.

2.9 Fish & Game supports flexibility in implementation timeframes and consideration of economic costs, provided ecosystem health remains the priority. Reasonable timeframes for improving water quality still need to be set to ensure degradation does not continue.

2.10 We recommend retaining a clear imperative for maintaining and enhancing ecosystem health in any revised objectives. This includes explicit safeguards that prevent the degradation of sports fish and game bird habitat when balancing competing objectives.

3.0 Rebalancing Te Mana o te Wai

3.1 Fish & Game are opposed to removing or diluting the hierarchy of obligations that sit under Te Mana o te Wai.

3.2 We note that none of the three options for rebalancing Te Mana o te Wai presented in the consultation document align with the recommended option in the Regulatory Impact Statement (RIS). The RIS proposed retaining the three components of the NPS-FM 2020 Te Mana o te Wai concept, with amendments to provide greater clarity and certainty about its meaning and operation.

This option would have included clarifications regarding progressive improvements, obligations of regional councils and the process of giving effect to Te Mana o te Wai. These components address the issues identified in the consultation document without substantially altering the NPS-FM 2020.

3.3 The current Te Mana o te Wai framework reflects the fundamental principle that water health underpins all other values, including human and economic use. There is no evidence that the current priorities are causing a problem. The consultation document suggests there is a misconception that freshwater environments must be 'pristine' before any other action can be taken. If this is the issue, further clarification on the current hierarchy of obligations could be the solution, as suggested in the RIS.

3.4 Policy 15 in the NPS-FM (2020 version) states: *Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.*

This policy clarifies the weighting of ecosystem and community health and well-being. Policy 15 could be repositioned higher on the list of policies to emphasise its importance in understanding the hierarchy of obligations.

3.5 Removing the hierarchy of obligations, or reinterpreting it to exclude application to resource consents, undermines protections for fish habitat and public recreational access.

3.6 Fish & Game supports retaining the NPS-FM 2020 policy wording. The 2020 version's wording best reflects the statutory and advocacy objectives

of Fish & Game, as well as the priorities of tangata whenua and the wider community.

3.7 Clarity on the application of Te Mana o te Wai in resource consenting can be achieved without removing the obligation to prioritise ecosystem health and well-being.

4.0 Providing Flexibility in the National Objectives Framework

4.1 Fish and Game oppose increased flexibility that weakens consistency and creates inefficiencies in freshwater management at the regional council and national levels.

4.2 It is important to note that the policy document refers to 'water quality' when discussing changes to Policy 5. This is reflective of the equivalent policy direction in the 2017 NPS-FM.

Policy 5 in the 2020 version refers to managing the 'health and well-being' of waterbodies (including through the National Objectives Framework). Fish and Game assumes the reference to 'water quality' rather than 'health and well-being' is a drafting error and we would oppose the reversion to the 2017 wording.

We support a National Objectives Framework that focuses on the health and well-being of waterbodies. Limiting the focus of a framework to 'water quality' is reductive and does not capture aspects such as ecosystem structure, function and resilience.[1] Water quality as a standalone metric is not an adequate indication of the health of a water body.

We support retaining the existing suite of compulsory values (ecosystem health, human contact, threatened species and mahinga kai) because they represent the core values people hold for freshwater.

---

[1] [1] Clapcott, J., Young, R., Sinner, J., Wilcox, M., Storey, R., Quinn, J., Daughney, C., & Canning, A. (2018). Freshwater biophysical ecosystem health framework. https://environment.govt.nz/assets/Publications/Files/freshwater-ecosystem-health-framework.pdf

4.3 The New Zealand Office of the Auditor-General (2019)[2]previously identified the need for consistent and reliable environmental data across councils. It was noted that variation in methods and reporting is a barrier to good decision-making and public trust. Without robust and consistent information across regions, it is difficult to determine whether freshwater management is effective and whether policies are yielding improved outcomes.

4.4 We support an adaptive management approach to regional freshwater management, complemented by a strong, standardised national framework. Freshwater systems are dynamic and complex. An adaptive management approach would allow regional councils and communities to respond to local conditions, emerging science, and changing pressures over time.

A successful adaptive management system would be implemented with clear and consistent national parameters to ensure transparency, comparability, and accountability across regions. A standardised framework – including core values, attributes, and bottom lines – provides the necessary baseline for measuring progress, protecting ecosystem health, and ensuring that local political or economic pressures do not compromise environmental outcomes.

The TAS Rivers report (attachment 2) states that allowing flexibility at the regional council level while reducing or removing nationally consistent attributes and bottom lines creates uncertainty and inefficiency.

Freshwater management will differ between regions, and consistent reporting at the national level will not be possible. In addition, investments to date will be lost if monitoring systems become regionally inconsistent.

We do not support the proposed changes to the NPS-FM attributes. There is no evidence that the existing national bottom lines are unsuitable for some catchments, and the policy direction on ‘naturally occurring processes’ provides sufficient place-based flexibility.

[2] Controller and Auditor General. (2019). Managing freshwater quality: Challenges for regional councils, Wellington.

4.5 However, if some change is required, we propose an alternative simplification, which would retain national bottom lines, but reduce the list of compulsory attributes to the following:

- Sediment,
- Nutrients (nitrogen and phosphorus),
- Microbial pathogens (*E. coli*),
- Macroinvertebrates, and
- Dissolved oxygen.

This list of attributes is justified in the report TAS Rivers (attachment 2). TAS recommendations for Lakes is included in attachment 3. Reducing the number of compulsory attributes would make monitoring protocols more cost-effective and would simply and efficiently define what is important for ecosystem health and human health. We consider the identified attributes to be critical for the health of sport fish.

Flexibility would be added to the NPS-FM through the voluntary attributes that regions can choose to monitor.

4.6 We oppose the proposed inclusion of economic cost as a trigger to deviate from nationally defined thresholds or detailed methods for monitoring attributes. Deviation from national standards should only be permitted where science can demonstrate an ecological rationale. Economic or political expediency is not an appropriate justification.

4.7 The OECD Environmental Performance Review (2017)[3] noted that a clear, enforceable, and consistent national framework for setting minimum water quality standards is critical for achieving environmental outcomes and reducing transaction costs. This report also highlighted New Zealand's historical over-reliance on regional discretion in freshwater management.

4.8 We acknowledge the importance of place-based flexibility; however, the proposed approach would remove key national protections and undermine comparability across regions. This contradicts established best practice in freshwater policy and poses substantial risks to the quality of New Zealand's rivers, lakes, and wetlands.

---

[3] OECD (2017), OECD Environmental Performance Reviews: New Zealand 2017, OECD Environmental Performance Reviews, OECD Publishing, Paris, https://doi.org/10.1787/9789264268203-en. p. 38

The TAS Rivers report (attachment 2) states that freshwater policy needs to provide adequate guidance on how to approach monitoring. The report identifies the lack of clear guidance as the cause of monitoring complexities inefficiencies, not the attributes themselves. The discussion document fails to recognise that attributes and national bottom lines are based on the best available information and are scientifically factual. The Ecology Report states that the existing bottom lines are derived from toxicological research and do not vary between regions.

Our proposed alternative provides for place-based flexibility and retains the accountability and comparability that comes from standardised bottom lines. It would provide clear policy direction on where, when, and how to monitor attributes, which would resolve the issue of monitoring expensive and complicated highlighted in the discussion document.

4.9 The Office of the Auditor General and the OECD reports touch on best practice when developing freshwater policy:

- Standardised national indicators for key environmental parameters;
- Transparent, consistent reporting to enhance public accountability;
- Science-based thresholds that cannot be weakened without robust evidence and consultation;
- Adaptive management, but only within clearly defined ecological limits.

4.10 Fish & Game is concerned that the proposed changes to the NPS-FM could weaken protections for freshwater bodies with a high recreational value. This could be avoided by retaining national bottom lines and implementing our proposed amendments to the compulsory attributes list outlined above.

4.11 We have commissioned a report regarding MCI work. We would like to discuss this work with you in more detail in a follow up meeting. For now, we have a summary of the work in attachment 5.

5.0 Enable Commercial Vegetable Growing

5.1 Fish & Game conditionally supports enabling commercial vegetable growing. The conditions of our support include:

- Enabling expansion or intensification of commercial vegetable growing must not come at the expense of already degraded and/or over-allocated freshwater environments.
- Commercial vegetable growing should not be allowed to further degrade already degraded catchments, while other land uses such as dairying has to improve discharges and apply for resource consents for their discharges. All sectors need to reduce their diffuse discharges in degraded catchments.
- The chosen reforms must take into account ecological limits and catchment-specific capacity.

5.2 We acknowledge the national importance of food production and a secure, sustainable domestic supply of vegetables.

5.3 However, we hold concerns about the potential direct and indirect effects of enabling commercial vegetable growing – especially if this becomes a permitted activity through a NES. Our key concerns include:

- The potential incentivisation of off-stream water storage schemes (especially when evaluated in combination with the reforms proposed in Part 2.5).
- The risk of further over-allocation and freshwater environment degradation.
- Inadequate integration with national environmental limits.

5.4 We oppose any incentivisation of large-scale water storage to support the expansion or intensification of commercial vegetable growing. This type and purpose of water storage would have inappropriate impacts on environmental flows and would likely increase nutrient levels in freshwater bodies. These impacts would degrade any waterbody that is hydraulically connected (including wetlands) – reducing the quality of habitat available for sports fish and game birds.

5.5 The RIS states the well-known fact that catchments that support an existing large area of commercial vegetable growing are already fully- or over-allocated. This results in declining water quality and the prioritisation of economic outcomes over environmental outcomes. Any decision to enable or permit the establishment or expansion of commercial vegetable growing must not override existing allocation limits.

5.6 There is also a risk that enabling commercial vegetable growing would entrench the prioritisation of economic values over environmental and recreational values when it comes to water allocation decisions.

5.7 We reiterate our position above regarding the importance of national bottom lines for freshwater health. Any policy or NES that is developed to enable commercial vegetable growing must integrate national bottom lines and environmental limits.

In addition, we oppose the suggested reliance on freshwater farm plans to determine compliance with any new permitted activity standards. The effects of commercial vegetable growing extend beyond the farm boundary, and any assessment of that activity should consider cumulative effects.

5.8 We recommend including the following conditions in the proposed standards to address our concerns:

- A proposal to intensify or expand commercial vegetable growing must demonstrate how environmental flows will be maintained.
- Large-scale water storage schemes are not included as a permitted activity.
- Further abstraction on over-allocated catchments is not permitted.
- Cumulative effects must be assessed, not just farm-scale compliance.

5.9 Fish & Game supports a precautionary, catchment-specific approach to enabling commercial vegetable growing. Any new policy direction must allow local conditions to be considered and must require an assessment against national bottom lines.

6.0 Addressing water security and water storage

6.1 Fish & Game supports the idea of creating more out of stream storage to create better water security. This is a positive step so that in drought conditions cut offs can kick in and ecology in rivers can survive the low flow periods.

Water Storage Enabling Farming Intensification and Diffuse Source Discharge

6.2 However, Fish & Game is concerned that the proposed water storage will enable further intensification of farming. Agricultural intensification can result in higher levels of nutrients, sediment and microbial contamination of our rivers, lakes, wetlands and groundwater.

6.3 Fish & Game support efforts to better provide for water security, but fear that the permitted activity rule will just provide for intensification of the existing farming operations. Many businesses will want to increase production to pay for the cost of constructing the water storage structure.

6.4 Fish & Game is particularly concerned about intensification in degrading and degraded catchments as this will result in more nutrients in waterbodies that are already not providing for ecological health. Fish & Game is also concerned that water storage could enable the development of land that is not suitable for dairy farming, by enabling activity with access to stored water.

6.5 Figure 1 in the RIS states that small-scale water storage comprises off-stream storage that serves a single user for a single use type. In most regions, current permitted water storage activities have a maximum allowable volume of 20,000m^3 and a maximum wall height or water depth of 4m. Under the Building Act, a 'large dam' is defined as a dam that has a height of 4 or more metres and that holds 20,000m^3 or more of fluid. We support a maximum allowable volume of 20,000m^3 and a maximum water depth of 4m above ground being adopted to define small-scale water storage in the proposed standards.

Effective fish screens on the intake structure should also be a permitted activity conditions and be designed to return fish to the river unharmed.

6.6 We support the construction of small, off-stream water storage schemes to support existing land use and/or improve community resilience. Off-stream water storage is a way to increase community resilience if it is properly managed and is located outside of sensitive habitats and catchments.

6.7 We oppose the potential reliance on water storage schemes for land use change, intensification, or land use that would otherwise be non-viable or unsustainable in that location. The proposed standards, as drafted, leave too much scope for large-scale, profit-driven water storage that does not have a resilience imperative.

6.8 Fish & Game's primary concerns with the proposed standards include poorly understood indirect and cumulative impacts, reduced environmental flows, fish passage disruption and sedimentation. We are also concerned the proposed provisions will lead to the intensification of agricultural and horticultural land where that intensification would not have been viable without water storage.

6.9 Agricultural intensification can result in higher levels of nutrients, sediment and microbial contamination of our rivers, lakes, wetlands and groundwater. While we support efforts to better provide for water security, the proposed permitted activity rule could provide for intensification of existing farming operations. This is especially true where the cost of constructing the water facility structure could be covered by an increase in production. We are particularly committed to avoiding intensification in degrading and degraded catchments, as this will result in more nutrients entering waterbodies.

6.10 We recommend including the following conditions in the proposed standards to avoid enabling intensification of agricultural and horticultural land:

- The water storage will be used by a single user, or one farming enterprise.
- The water storage will be located on the property, or on land operated by the farming enterprise, to which it relates.
- The water within the storage scheme will only be used for its stated purpose.
- There will be no increase in the area of land to be irrigated as a result of the water storage.

- The effects of the activity should be the same or similar in character, scale and intensity as they were before the water storage was constructed.

These conditions will ensure further intensification of the land will not occur following the installation of the water storage scheme. They will also promote water security on site, which will result in less water being taken from groundwater and/or surface water at dry times of the year.

6.11 There is currently no consideration of the impact of changing from a 'run-of-river' take to a 'take for storage'. Taking water for storage expands how that water may be used and will have different environmental effects to using water that is abstracted directly from a waterbody. Environment Canterbury acknowledge these changes in Policy 4.53 of the Canterbury Land and Water Regional Plan:

Any change to a resource consent to abstract surface water for irrigation as a "run-of-river" take to a "take to storage", is subject to the following conditions to mitigate any adverse effects:

aa. imposition of reasonable use determined in accordance with Schedule 10;
a. a seasonal or annual allocation limit;
b. a maximum instantaneous rate of take;
c. if an environmental flow and allocation limit has not been set in Sections 6 to 15 a minimum flow that is required to sustain ecosystem or recreation values; and
d. if an environmental flow and allocation limit has not been set in Sections 6 to 15 any required cessation necessary to maintain flow variability and freshes in the river.

We propose standards that manage changes in the type of water take, intended use of that take and potential environmental effects are included in the provisions for small-scale water storage schemes.

6.12 Ecological impacts (including flow regimes) are not given enough consideration in the draft standards for off-stream water storage. Environmental flow needs must be explicitly considered in all water storage planning.

Environmental flows refer to the quantity, timing, and quality of water flows required to sustain freshwater ecosystems and the species that depend on them. These flows are crucial for maintaining habitat structure, regulating water temperature, facilitating sediment transport, and providing migration cues for fish species, including trout and salmon.

6.13 The absence of strong direction on environmental flow requirements in the proposed provisions presents a serious risk to the ecological health of rivers, streams, and connected wetlands. Altered flow regimes can impact ecological and recreational values, including:

- Degraded aquatic habitat quality,
- Disrupted fish passage, spawning cycles, and other life cycle cues,
- Loss of wetland function and biodiversity,
- Increased sedimentation and reduced water clarity.

6.14 The NPS-FM 2020 recognises the importance of environmental flows by requiring the setting of flow regimes and allocation limits that provide for the health and well-being of freshwater bodies (Section 3.16). This aligns with best practice guidance from Wai Good Policy, which states:

Along with the ecological flows that all species need throughout their entire life cycle to thrive, environmental flows also need to provide for other values, including recreational flow needs, flows sufficient for swimming where that is valued, wai tapu, and natural flows that reflect the personality of the individual water body.[4]

6.15 The direction in the NPS-FM 2020 reflects the OECD recommendation to strengthen environmental flow protections as a key priority, noting: *Adequate environmental flows are necessary to preserve aquatic ecosystems and avoid biodiversity loss.*[5]

---

[4] Fish and Game, Forest and Bird, & Choose Clean Water. (n.d.). Environmental flows and levels; and take limits — Wai Good Policy. Retrieved June 27, 2025, from https://www.waigoodpolicy.org.nz/practice-notes/environmental-flows-and-levels

[5] OECD (2017), OECD Environmental Performance Reviews: New Zealand 2017, OECD Environmental Performance Reviews, OECD Publishing, Paris, https://doi.org/10.1787/9789264268203-en.

6.16 Without explicit requirements to assess and maintain environmental flows in all water storage planning, including off-stream schemes, there is a high risk that cumulative extraction and flow alteration will degrade the values that the NPS-FM is intended to protect.

6.17 There are a number of examples of water storage and irrigation facilities in Canterbury that need addressing in terms of their adverse environmental effects. The primary purpose of the scheme is to provide a reliable water supply for irrigation on agricultural land.

The Rangitata River demonstrates how a river can be affected by large-scale water storage when there is a lack of comprehensive flow management. Not only is the scheme degrading key habitats within the river, but NIWA research shows flood harvesting (as is undertaken in the Rangitata case) can substantially alter braided river morphology.[6]This has a direct effect on ecological and recreational values and public access.

This scheme also returns sediment laden water to the river which is detrimental for ecosystem health.

6.18 Fish & Game recommends that environmental flows be treated as a non-negotiable threshold in the design and approval of any water storage infrastructure. Storage schemes must not compromise minimum flow levels essential for the survival of trout, salmon, or game bird habitat.

6.19 We support the setting of rules for off-stream, small-scale water storage schemes at the national level. We support excluding large-scale water storage schemes from these rules.

Fishing Opportunity

6.20 As part of a mitigation package, where loss of trout habitat occurs it is reasonable that consented, larger water reservoirs provide for new trout habitat. Although our preference will be wild and scenic rivers, where water storage and other damming structures (such as hydroelectric

[6] NIWA. (n.d.). Flood-harvesting effects on braided river geomorphology | NIWA. Retrieved June 27, 2025, from https://niwa.co.nz/freshwater/flood-harvesting-effects-braided-river-geomorphology

schemes) we would like to see the continuation of negotiated consent conditions to provide for new habitat and access for angling recreation.

7.0 Simplifying the Wetlands Provisions

7.1 There is a need to differentiate between constructed wetlands that are created to reduce contaminant loads from stormwater runoff in urban areas from constructed wetlands in rural areas often providing water quality improvements to mitigate the impacts of agricultural land use.

Constructed wetlands are typically created in a location where a natural wetland would not exist, such as the middle of a flat or sloping paddock. Conversely, natural wetlands can be restored in wet gullies, around seeps or in low lying swampy land. Constructed wetlands are not subject to natural wetland rules or stock exclusion rules.

Fish & Game supports your definition of *'wetland construction' as 'an area that is artificially engineered to mimic the functions of a wetland where one did not previously exist'.* We also support the creation of a new permitted activity standard for wetland construction, as well as a consenting pathway and new objective and policy to encourage wetland construction.

We also support simplifying the wetland provisions but are cautious that proceeding without a prior notification process can result in further drainage and earthworks resulting in loss of wetlands.

We have suggested policy wording and provided this to Ministry for Environment (MfE) in the past, and this draft has been included as attachment 4. We are advocating particularly for constructed wetlands and maintenance of already constructed wetlands. Ultimately, Fish & Game promote the ecosystem services such as reduction in sediment and nitrogen loads associated with wetland maintenance, restoration and creation.

We also note that wetland construction within 100m of a natural inland wetland should be a permitted activity to make it easy for landowners to maintain, reinstate and create wetlands. We note that there has been some confusion around the status and in some cases a non-complying activity status has been used (where there is a hydrological connection to an existing natural inland wetland).

Sediment detention bunds can also be a useful tool to capture sediment from tracks and steeper paddocks and areas of exposed soil that is transported by overland flow during heavy rain. The bund must be carefully designed to avoid erosion, and accumulated sediment must be periodically removed to maintain ongoing capacity for future rainfall events. Conditions will need to include restrictions on dams and earthworks and vegetation clearance.

7.2 Induced wetlands can end up being significant in size. For them to do their job of improving water quality the setbacks (from agricultural land uses) for natural wetlands must be sufficient. We want wetland extent to increase, and to improve water quality for the habitat of the species we manage, as this has been degraded in many waterbodies. The more exclusions that are included in the natural inland wetland definition, the less water quality improvements will be achieved.

Fish & Game agree that there will be examples of induced wetlands that will come under the definition of natural wetlands even though they were unintentionally created, and if it involves a large area with significant habitat, it seems appropriate that they should be considered as natural wetlands. New Zealand has lost over 90% of its natural wetlands, and protecting newly developed wetlands, even those created unintentionally, may go some way to address those losses.

Fish & Game are most focused on the creation and maintenance of wetlands. However, by making the induced and constructed definitions wider, this will mean fewer wetlands will be considered a natural wetland with the associated setbacks and restrictions protecting those water bodies. This will ultimately reduce the ability for wetlands to do the job of improving water quality, especially if there is no riparian planting to assist with reducing sediment run off. This will result in more diffuse discharges into wetlands and a reduction in filtering ability of these wetlands.

7.3 Fish & Game wish to see it made easier to provide critical ecosystem services such as water filtration, flood control and habitat for diverse species.

We note that the ecosystem services that wetlands can provide work best when provisions are in place that provide for riparian planting and not irrigating or grazing too close to the wetland. There is existing science on

these setbacks which existing regional plan rules are based on. An example of setbacks is given below in section 7.5: the setbacks required in the Waikato Regional Plan are included.

7.4 Fish & Game request clarification of the definition of a wetland by excluding unintentionally created “induced” wetlands from the provisions.

Natural inland wetland discussion, as noted in page 6 of the RIS natural inland wetland definition;

- *remains complex to apply due to the multiple exclusions;*
- *often required costly ecological assessments to comply with the pasture exclusion (part (e));*
- *continues to capture induced wetlands and protect them stringently, which may lead to consenting burdens for development and infrastructure.*

We recommend that a land area protocol is used to differentiate between a natural and induced wetland. The land area that could be used could be 1 ha so that only significant induced wetlands are captured.

7.5 Fish & Game support removal of “pasture exclusion” from the wetland definition and instead permit farming activities that are unlikely to have an adverse effect

We note in page 6 of the RIS:

The NPS-FM 2020 and NES-F 2020 do not clearly and appropriately provide for farming activities (for example some councils have interpreted things like fencing in a wetland setback as non-complying) and wetland construction. This leads to confusion, over-regulation, and disincentivizing of beneficial environmental activities effect (such as irrigation, on-farm water storage and fencing) in and around wetlands.

We support removing “pasture exclusion” from the wetland definition, as we feel it is frequently misused, and requires significant resources to carry out the appropriate assessment. Permitting some activities near wetlands may be appropriate, however we note that irrigating a wetland may change the hydrology to an extent that values are lost. Therefore, we do not support the irrigation of wetlands. Modern spray/pivot irrigation allows for water to be turned off when passing over defined areas, such as wetlands.

This approach would not be particularly burdensome and would be a more efficient use of water.

The Waikato Regional Plan provides the following setbacks for specified activities near natural inland wetlands. More precise setbacks can be provided but would require soil drainage testing and advice from a suitably qualified expert to advise on the reduced setback from the wetland on site. These setbacks are benchmarks may remove the need to undertake this more technical work.

9.1 Activities in or near natural wetlands

Activity	Setback distance	WRP rule or NES-F reg number
Digging new drains or deepening existing drains in the vicinity of specific wetlands listed in table 3.7.7 of the *Waikato Regional Plan.*	200m	WRP 3.7.4.6
Digging new drains, or deepening existing drains in the vicinity of any other natural wetland in the Waikato region.	100m	NES-F 52-53
Any earthworks or other land disturbances (including those associated with building any new structures).	100m	NES-F 37-55
Any vegetation clearance (including that associated with building any new structures).	10m	NES-F 37-55
Taking, using, damming or diverting of any water.	100m	NES-F 37-55
The discharge of water where there is a hydrological connection to a natural wetland.	100m	NES-F 37-55

There are a few exceptions where you may be able to undertake these activities within the setback distances without a resource consent, if you are undertaking the activity for one of the following purposes:

- restoring a natural wetland, undertaking wetland maintenance or biosecurity activities
- maintaining certain existing lawfully-established structures, such as boardwalks, jetties and maimai
- continuing a previously established arable or horticultural land use.

However, undertaking activities for one of these purposes is subject to strict conditions, including the prior notification of the council for specified permitted activities (excluding arable or horticultural land use). The precise conditions that must be met depend on the activity being undertaken and the specified purpose.

We are also concerned about reducing the setback for irrigation to a wetland as this is likely to cause increased nitrogen run-off to the water body.

Page 16 of the RIS provides an example of irrigation within 100m of natural inland wetland as a non-complying activity and states that a regional benefit test is needed to be met to construct small scale on farm

water storage. The RIS says this would have “negligible” impacts on the wetland.

We do not agree that irrigation or water storage would have negligible impacts on the wetland. These rules have been established in regional plans based on recommendations from hydrological and groundwater experts. No evidence is provided in the RIS to dispute the established science. Changing the rules because landowners don’t like them isn’t going to result in improved water quality and increased wetland extent. Therefore, we support the status quo being retained, i.e. continuation of setbacks from wetlands.

It is not clear what *“permit farming activities that are unlikely to have an adverse effect”* means. Does this mean that stock will be reduced in number if the setback is reduced? Or does it mean that intensive winter grazing will not be allowed close to water bodies? Dairy farming activities in particular do have run-off effects on water bodies and urine from the cows are a key source of the problem. Therefore, when the cows are closer than the 100m to the water body, their urine runs directly into the stream increasing the nitrogen in the water. A key way to reduce this is to provide more horizontal distance to allow the land to absorb the nutrients.

7.6 Fish & Game support a more enabling permitted activity rule for constructed wetlands, particularly to create new habitat for game birds. Many of our staff in the regions have come across examples where the existing NES-F regulation has raised uncertainties and it is thought that resource consent has been required. This has put landowners off the idea of creating wetlands. We note that Environment Canterbury proposed a wetland development permitted activity rule in their Plan Change 8 proposal, and this may be a useful resource.

Fish & Game support the wetland construction definition here as consulted on: *“areas that is artificially engineered to mimic the functions of a wetlands where one did not previously exist”.*

Where permitted activity conditions cannot be met, a controlled activity class will likely be a suitable consenting pathway so, when necessary, consents cannot be refused.

Damming of water may require a more restrictive activity class such as a restricted discretionary activity, so that adverse effects on neighbouring

properties can be considered and controlled or refused where risk warrants this.

7.7 Fish & Game do not support the proposal to remove the requirements for councils to map wetlands by 2030

Page 6 of RIS "*the mapping requirements of clause 3.23 of the NPS-FM 2020 are proving difficult for some councils to implement, particularly in regions where there is extensive forest cover e.g., the West Coast where wetlands are hard to map aerially or ground truth due to accessibility".*

The West Coast is unlikely to be the region who has had the largest decrease in area, abundance, distribution and type of wetlands (for example compared to Southland). If they can't accurately map their wetlands, it is not reason to not map wetlands for the whole of New Zealand.

We note recommendation 14 of the STAG report to

Amend the national framework for freshwater management to require regional councils to:

a. identify the extent and evaluate the condition of existing wetlands;

b. prevent any further reductions in the extent of existing wetlands;

c. address the management of wetlands with reference to specified numeric attribute bands, introducing a requirement to lift the wetland condition index to at least 10 and to maintain or improve the condition of existing wetlands where the condition score is greater than 10.

No new science-based recommendations have been sought or provided. It appears that the reasoning for removing the requirements for mapping are unjustified and not based on any scientific reasoning.

Spatial planning requires location and mapping the activities you want to develop as well as the activities and values that you want to protect. Failing to do so will result in failure to protect environmental and natural values from inappropriate use and development. Therefore Fish & Game oppose the proposal to remove requirements for councils to map wetlands by 2030.

7.8 Artificial Waterbodies: the RMA definition of 'waterbody' does not include artificial watercourses such as farm drains. Therefore, only areas where wetlands have developed around a modified watercourse (and rivers and streams) are excluded from the definition and wetlands that have developed alongside constructed farm drains are included.

Fish & Game note that there are a lot of fish living in these artificial water bodies, however we agree that farm drains should be excluded from the definition of natural inland wetlands.

7.9 Fish & Game oppose devolving to Councils how they monitor wetlands. So much wetland habitat for game birds has already been lost due to inappropriate use and development that the NPS-FM2020 was set to tolerate no further loss of wetland extent. Fish & Game also promote the creation of new wetlands.

Monitoring is a critical part of protecting existing wetland extent and planning to restore future wetland areas. A spatial data inventory will need to be developed using aerial photography as a baseline for all wetlands identified in the region. This baseline can then be used to monitor changes in extent. Critically, the use of various monitoring methods across the country does not allow for data aggregation and reporting at a national level. This will be a critical data gap for MfE and others in the future (as it is currently) and does not allow NZ to contribute to international data sets (RAMSAR, CBD etc).

Likewise, a condition assessment should be undertaken 5-yearly or more regularly as needed to monitor the improvement or decline of wetland condition. Appropriate management action will then need to be implemented to meet the target attribute state of wetlands, as identified by regional plans. These recommendations and many others were covered in the STAG report 2019[7].

Failing to map and monitor wetlands and continuing to argue over how they are defined will not result in the retention of existing wetlands. NPS-FM policy requires the council to protect and restore the extent of wetlands and the values that natural inland wetlands have.

[7] Freshwater Science and Technical Advisory Group (June 2019) STAG report to the Minister for the Environment.

The Wetland Condition Index (WCI) should be included, and each region should aim to restore wetland cover to at least 20% of its original extent. Wetlands' condition should be improved to a score greater than 10 on the WCI and prevent any further reductions in the extent of existing wetlands.

Key attributes for monitoring wetlands include:

- Environmental flows and levels
- Nutrient status. Total Phosphorus and Total Nitrogen, with specific numbers within a healthy range for the specific wetland type. You will need to set nutrient outcomes in upstream waterbodies that will achieve ecosystem health in downstream wetlands as nutrient sensitive receiving environments.
- Inputs of external sediment are within a healthy range for the specific wetland type
- Vegetated riparian margins and setbacks for stock exclusion from all wetlands and their margins.
- Upstream fertiliser application limits are within a healthy range for the specific wetland type.

7.10 Case Study: Southland Wetland Destruction. Fish & Game support ELI's High Court case challenging Environment Southland for its failures to monitor and take action to protect wetlands. The ruling makes it clear that Councils need to have in place the resources to monitor and take action to protect wetlands[8]. The following summary is provided on the ELI website:

"Less than 10% of original wetlands in Aotearoa remain. Wetlands provide flood protection, habitat for important biodiversity, and store large amounts of carbon.

Half of the total loss of wetlands between 1996 and 2018 was in Southland, with 2709 hectares lost. Most were from lowlands near or adjacent to the internationally significant Awarua-Waituna wetland.

Wetlands are legally protected under the RMA, and by Environment Southland's own plan but this was not leading to protection on the ground. That's why we took Environment Southland to the High Court."

[8] Holding Environment Southland accountable on wetland loss — Environmental Law Initiative

Fish & Game is mandated to advocate for habitat protection and therefore we support the decision of the court in this example.

8.0 Simplifying the fish passage regulations

8.1 Reducing information requirements: we agree that some of the information requirements in the NES-F are unlikely to significantly inform how well a structure will provide for fish passage. For example, regulations related to the material that the structure is made of is unlikely to be particularly useful in many situations, although we note that culverts constructed with corrugated material or particularly rough materials are likely to allow for better fish passage with similar design parameters compared to smooth culverts. (see https://www.doc.govt.nz/documents/science-and-technical/culverts02.pdf). We agree that culvert shape does not have a significant impact on fish passage if installed correctly (depth/substrate etc).

We note that allowing permitted activity status for larger boxed culverts may have consequences that negatively impact fish passage, as discussed below. In this regard, we support Option 1 in the RIS (Page 2). We do not support removing conditions related to water velocity, given the strong relationship water velocity has with how easily a culvert can be passed by fish. We also note that water velocity in culverts is frequently higher than that in the contributing waterway due to the constriction of flow. In this regard, we feel it is an important determinant of how passable a culvert is.

8.2 Culvert length. Fish & Game are concerned that nothing in the proposals addresses culvert length. This would potentially mean that very long culverts would be a permitted activity. Boxed culverts in particular tend to be longer and larger. For example, the boxed culvert under the Tekapo

canal for Fork Stream is approximately 130m long. While fish can sustain burst speeds for short distances, they cannot sustain them indefinitely and may succumb to higher velocities in longer culverts. We suggest there is a need to have a permitted activity condition related to culvert length. A length of approximately 5m would allow for a one way crossing approximately 3.6m wide, with room on either side for a slope or riprap to the stream. This would allow for most rural and industry needs. Very long culverts also increase the risk of scour at the downstream end and can fragment aquatic species populations. Further, while the impact of darkness on fish passage is best described as contentious, it certainly impacts on instream primary productivity and other fish behaviour.

8.3 Temporary structures. We acknowledge that some culverts are only required for short periods, and that requiring these culverts to meet the permitted activity status for permanent structures may not achieve significant environmental gains. We agree that a timeframe of less than 60 days as a definition for a temporary structure is appropriate, and support the other conditions proposed in Option 4. Our preference would be for temporary structures to be added to the permitted pathway in the NES-F, as it would provide for greater consistency. We also recognise that fish migration timing varies across the country and we would expect DOC, Regional Councils and regional Fish and Game Councils to be able to provide more focused guidance/direction on this aspect.

8.4 Undesirable species. Fish & Game notes that section 3.26 of the NES-F allows for the prevention of fish passage for species considered undesirable. As managers of, and advocates for, sports fish in New Zealand, we frequently find ourselves needing to retroactively fight for fish passage for both salmonid and coarse fish species. We would like a stronger legislative voice to allow us to advocate for fish passage for the species we manage. Current engagement on this matter is best described as symbolic and frustrating.

9.0 Addressing remaining issues for farmer facing regulations

9.1 Stock Exclusion Regulation changes

F&G comments in Primary Sector submission attached in attachment 6 of this submission.

9.2 NES-F rules for Synthetic Nitrogen Fertiliser (N-Cap)

The existing standard allows for 190 kg of N per Ha per year. From July 2022 use of synthetic nitrogen fertiliser had to be reported. It only applied to grazed vegetation and the cap does not apply to fertilisers whose nitrogen is from biological sources such as compost, dairy effluent and chicken manure.

Fish & Game argue that the N-Cap is still set too high. This standard needs to be reduced and correlated with soil type to ensure the minimum amount of N will run off into waterbodies.

The reporting for the N cap has been very low and therefore the data has not formed a reliable source of information on N use.

Fish & Game promote the use of environmental data i.e. monitoring the receiving water bodies to show that many catchments have unacceptable levels of N contamination. The census data based on N sales has been the most useful source of data by area.

Nitrates are not only a problem for the species that we manage and the health of waterbodies generally, but high N in drinking water is also a human health issue.

Fish & Game support aligning the reporting date for dairy farms with the farming calendar; however, we note that this will not improve the percentage of farmers providing this data or reduce the N applied. If N-Cap reporting is removed, we would like to see more robust environmental monitoring datasets setup to monitor receiving waters.

Fish & Game oppose repealing the 190kg N limit and suggest that a lower, soil specific input control is used. This rule was set so high that it would in practice only constrain 9% of dairy farms synthetic N usage in New

Zealand. A further reduction to 120Kg N/Ha limit would still be sufficient for most farms.

In the second year of reporting (2022-23 season), only 50% of dairy farms reported via the portal to ECAN, or via their fertiliser companies Ballance (N reporting tool) and Ravensdown (Hawkeye). ECAN collated the national information and reported it to MfE. Of note, the information cannot be validated or reconciled. We are concerned that this self-reporting has the potential to be inaccurate by 30%.

If reporting of usage from fertiliser companies was to occur, anonymously, catchment by catchment, then this rule would still miss out small company sales (Source and Farmlands) and would not account for Synthetic N sales to Horticulture, or Non-Dairy Pastoral blocks. Therefore, catchment-based tonnage reporting for N sales by fertiliser companies would also be of no use.

The only mandatory reporting by fertiliser companies to central government is for Stats NZ reporting and that covers all land uses and regions across NZ.

9.3 Fish & Game Recommendations on N Limit Setting

Therefore, Fish & Game recommend:

- that a lower standard is set of 120kg N per Ha per year will be sufficient for non-irrigated farms which comprise approximately half of the dairy systems. A lower than 190kg N per Ha per year needs to be sought for irrigated systems, particularly in catchments degraded with N runoff.
- that fertiliser company sales (per catchment), together with receiving environment monitoring, is the best way to report on fertiliser use. We note however that many catchments have insufficient environmental monitoring programs in place to accurately capture the N loss.
- regardless of whether N-Cap reporting is removed, we would like to see more robust environmental monitoring datasets setup to monitor receiving waters.
- Freshwater Farm Plans also have the ability to review and reduce N use in a stepwise fashion over time. However, in already degraded catchments, these plans have already proven ineffective at reducing point source discharges.
- in degraded catchments we recommend the use of non-complying resource consents with consent conditions that may include a sinking lid

for N limits. Conditions should be reviewed by the catchment on a 5-yearly basis so that no further degradation occurs.

10. **Including Mapping Requirements for drinking water sources**

Fish & Game support the spatial mapping of *land areas* posing a risk to drinking water supplies. We assume you mean “land uses” rather than “land areas” in the above sentence.

We note that this mapping would not be a one-off tool for managing drinking water, as land use changes over time, and therefore the continuous updating of this mapping would be required.

If many future activities are to be permitted, and not require consent, at what time in the process would the mapping be updated? Water takes and discharges are usually added to council mapping systems when a resource consent is lodged/approved, so that other applicants can see where new and consented activities are located. This is particularly important when a setback is required, e.g. setback from existing water take to a new proposed on-site wastewater tank.

Therefore, consents should continue to be needed for on-site wastewater disposal, or at least a prior notification Permitted Activity pathway, including suitable setbacks from water bodies and the water table.

It is also important for this reason that water takes of larger volumes for human drinking is also a consented activity, so that they can be mapped and activities with adverse effects on water takes can thereby be avoided.

Fish & Game support the mapping of all three risk management areas (i.e. immediate risk of infection, microbial risk area and area with persistent contaminants).

Fish & Game are neutral on the population threshold setting (options being 500- or 100-person threshold) and will leave this matter to other submitters to discuss relevant pros and cons.

11. **Why Freshwater Farm Plan and GMP Will Not Be Enough in degraded or degrading catchments.**

Ashburton Lakes[9] notes that if the N loss standards are set too high, the resulting farm N Loss will not be sufficient. This system overly relied on an outputs control regime that used N loss limit rule as the primary lever to control nitrogen. This resulted in increased uncertainty and failed to achieve good lake outcomes. Critical decisions were devolved to farmers and their advisors. Good Management Practices failed to provide actions to stay within the limit. Outcomes should be the focus, not processes, which Farm Environmental Plans tend to be.

The report noted that "90% or more" of the drop in water quality was due to leaching and runoff of nitrogen and phosphorus from surrounding farmland. The regulations had been set too low and had resulted in the decline in the water quality in the lakes.

Improved policy was due to be delivered by December 2024 with the NPS-FM 2020 plan changes. This was supposed to set target states and resource limits. The notification of all the NPS-FM plan changes has been put on hold until the new RMA and national direction instruments are in effect. Regardless, future consenting pathways need to be able to provide councils with the ability to rapidly pivot and respond to "unexpected" environmental outcomes so that we can learn from the Ashburton Lakes example.

12. Economic Benefits of Freshwater Angling.

Fish & Game contracted NZIER to carry out research regarding the economic contribution of freshwater angling[10]. Note this work does not include the Lake Taupo Fishery, so it relates specifically to the rest of New Zealand, which Fish & Game manage.

Economic Contribution

- Angler Participation: Domestic and international anglers spend around a million days on angling trips each year.
- Expenditure (direct spending by anglers): Anglers spend between $113.0 million and $138.6 million annually on their trips. This represents the actual money spent by anglers at tackle shops, accommodation, food, transport, and other related purchases.

[9] Ministry For the Environment, A Case Study Examining Ongoing Deterioration of Water Quality in the Otuwharekai Lakes, 2023.
[10] NZIER-economic-contribution-of-freshwater-angling_Final-report_external_29112024.pdf

- Economic Output (value of supply): This spending results in $96.0 million to $117.7 million in total output. This figure is lower than expenditure because it excludes taxes and imports (e.g., imported fishing equipment). Output represents the value of goods and services produced domestically as a result of the angler spending.
- GDP Contribution (value added): Freshwater angling contributes $66.2 million to $81.2 million in total value added (GDP). This represents the economic value created after subtracting the cost of inputs used in production. It's the difference between the value of outputs and the cost of inputs, showing the true contribution to New Zealand's economy.
- Employment: The economic activity supports between 952 and 1,168 jobs nationwide.
- GST Revenue: Angling activities generate $10.6 million to $13.0 million in GST.

13. Climate Change and National Direction

Fish & Game have recently commissioned an assessment of how climate change severity may affect the end-of-century distributions of New Zealand's native and non-native freshwater fish. The findings are grim, with nine native species at risk of extinction under severe climate change, the range extent of brown trout to reduce by 30—40% and the range of rainbow trout to reduce by 17-24%. The most significant geographic change is expected in the North Island, Southward and inland range reductions: in lowland areas there is the potential for increases in warm water species, including aquatic pest species.

Therefore, reduction in climate change severity through emissions reduction is paramount. We also advocate for improving land-use practices that affect freshwater ecosystems. More information about this study can be found via the link to our website[11].

14. Climate Change, Marine Ecosystem Decline and Salmon.

The marine ecosystem is declining, and NZ's marine waters are warming 25% faster than the global average. Wild sea-run salmon populations[12] face unprecedented decline, with spawning populations down 31-68%

[11] summary-the-implications-of-climate-change.pdf

[12] North Canterbury's and Central South Island's wild sea-run populations.

across indicator rivers and harvest down 59-78% in just one year. Freshwater-based management interventions such as harvest limits and spawning stream enhancement by Fish & Game have not been able to stem the ongoing decline of salmon populations.

Salmon spend approximately two–thirds of their life in the marine environment. In 1998, NIWA was contracted by Fish & Game to investigate whether Chinook salmon run size could be predicted from annual variation in oceanographic conditions. They concluded, “It appears that salmon survival and thus run size into the Rakaia River is correlated with at least the Southern Oscillation Index, and that good and poor runs can be predicted up to two years in advance[13].

West Coast Fish & Game report “After reviewing scientific literature, historic reports, and graphing environmental data against salmon returns, there is strong evidence to suggest that ocean conditions are the lead cause of fluctuations in the salmon fishery.[14]

The following provides an overview of the multiple pressures affecting wild salmon populations:

Marine Environment Challenges:

- Unknown diet and feeding conditions at sea
- Physical and water quality conditions negatively affecting salmon
- Predation at sea contributing to population decline
- Climate change impacts on ocean productivity

Freshwater Habitat Issues:

- Water abstraction and flow modifications
- Sediment deposition in spawning streams
- Water quality degradation
- Fish passage barriers
- Habitat fragmentation

[13] Prediction of salmon runs from variability in oceanic conditions, James et al 1999. NIWA Client report: CHC99/82

1. [14] West Coast Fish & Game Salmon Management Review, B Kersten. Internal report (2023)

Harvest Pressure:

- Recreational fishing harvest rates accelerating population decline
- Commercial bycatch in marine fisheries

Case Study: Rakaia River. Even waterways with specific legal protection face degradation challenges. The Rakaia River, protected under the National Water Conservation (Rakaia River) Order 1988, has experienced[8]:

- Reductions in river flow from historical levels
- Changes in flood flow patterns with faster floodwater recessions
- Increases in fine sediment deposition
- Reduction in the number of braids
- Decreased water depths
- Changes in the Hapua area with sediment build-up and river mouth closures
- Increasing algae
- Decline in smelt, brown trout, and chinook salmon
- Adverse impacts on wildlife, particularly black-billed gulls

We await the Statutory Declaration decisions to confirm the various issues raised in that process including responsibility for upholding the WCO.

15.0 Conclusion

Fish & Game is prepared to work collaboratively with the Government and continue to discuss the new national direction packages. We are mindful that to be sustainable, development needs to be carried out within environmental limits.

15.1 Fish & Game do not agree that the proposed 're-balancing" will achieve a balance. Greater confusion and uncertainty will result. We are already concerned about the existing degradation of many of our game bird hunting and fishing sites. We are concerned that the proposed policy will result in more intensification and more degraded habitat for the species that we manage.

15.2 As follow up from this submission we would very much appreciate the opportunity to discuss attachment 2, 3 and 5 in more detail with relevant

officials at MfE and MPI. We would also like to discuss further consenting pathway for primary industry. Another key issue we would like to discuss is flow allocation.

15.3 We would also like to be invited to discussions regarding the replacement RMA legislation. We are particularly interested in the retention of provisions that provide for

- good water quality and quantity in the habitats that our species live including the habitat of trout and salmon.
- Natural values
- access to waterbodies
- Water Conservation Orders

Attachments

Attachment 1: About Fish and Game and the species that we manage
Attachment 2: Recommended TAS Rivers
Attachment 3: Recommended TAS Lakes
Attachment 4: Draft Constructed Wetlands Permitted Activity rule
Attachment 5: MCI Report highlights
Attachment 6: Copy of Primary Industry Submission
Attachment 7: Copy of Infrastructure and REG Submission