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To: Ministry for the Environment

From: Te Awarua Porirua Harbour and Catchments Community Trust
The Guardians of Pāuatahanui Inlet

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Submission on: Proposal to amend National Policy Statement on Freshwater Management

Our Purposes

The Porirua Harbour Trust (PHACCT) exists to promote the sustainable management of the Porirua Harbour and its catchments by advocating for the sustainable management of **The Harbour's** ecosystem and its catchments and fostering understanding of ecological and environmental issues associated with the harbour and its catchments through education and community awareness.

The purpose of Guardians of Pāuatahanui Inlet (GOPI) is, consistent with its ecological values, encouraging, promoting, protecting, maintaining and fostering the natural, historic and cultural values of the **Pāuatahanui Inlet**.

PHACCT and GOPI are also members of Te Hononga, the Wellington Water Catchments Collective, with whom we are aligned in terms of aims, objectives and approach.

Overview of our submission

The Porirua Harbour and Catchments Community Trust (PHACCT) and the Guardians of Pāuatahanui Inlet (GOPI) oppose any proposal to fast-track changes to freshwater national direction under the current RMA framework. The Trust and GOPI emphasise the importance of adhering to proper legislative processes, ensuring statutory clarity, and engaging in meaningful public consultation. Rushed reforms could lead to policy instability and undermine the substantial efforts already made by regional councils to implement changes required by the current law.

PHACCT and GOPI reaffirm our support for the enduring principles of Te Mana o te Wai and reject proposals to remove its provisions. This submission emphasises the need to retain key freshwater target state attributes, namely nitrogen, phosphorus, sediment, and E. coli, as mandatory. While we acknowledge the value of flexibility in setting these attributes, we believe that such flexibility must be clearly defined, evidentially based and supported by robust science and, importantly, further supported by strong safeguards to prevent misuse and environmental degradation.

Regarding specific proposals, we advocate for maintaining the nitrogen cap, maintaining wetland mapping, and preserving robust fish passage regulations. Overall, the Trust and GOPI call for a balanced, evidence-based approach that prioritizes the health of freshwater ecosystems and the well-being of communities.

Response to the timing of RMA implementation

We strongly oppose the proposal to implement changes to national direction under the current RMA framework while a significant reform programme is underway. Changes to national direction should follow, rather than precede, due legislative process including statutory clarity. Implementing them prematurely risks short-termism, policy instability, and the need for further revisions, ultimately delaying tangible on-ground or in-water progress. It is particularly disappointing to see the Government pressuring regional councils, such as Greater Wellington Regional Council, to pause progress on hearings and planning processes that are being conducted under current law. This undermines the significant investment of time, resources and community engagement undertaken by councils in good faith.

We urge the Government to follow due legislative processes and avoid rushing changes to national direction. The development of freshwater policy must be grounded in careful reflection, robust statutory clarity, and meaningful public consultation. Legislating at speed especially on complex environmental matters such as the RMA without adequate advice, scrutiny, or engagement sets a dangerous precedent for the future of law-making in New Zealand.

We strongly recommend that any substantive changes be incorporated into the upcoming replacement legislation for the RMA, where they can be properly debated and aligned with long-term environmental and governance goals.

Part 2.1 and 2.2: “Rebalancing freshwater management through multiple objectives” and “Rebalancing Te Mana o te Wai”

We do not support Option 1 or Option 3, which propose removing the hierarchy of obligations or eliminating Te Mana o te Wai provisions entirely.

Option 2, which proposes reverting to the 2017 statement, appears more reasonable. Whichever expression of Te Mana o te Wai (TMOTW) is used it is of utmost importance to uphold its essence i.e.– to protect the health and wellbeing of water, people and communities.

The current debate over hierarchy seems more like a political distraction rather than a substantive policy issue.

Our understanding of TMOTW by mana whenua is that it is enduring and treated as a living principle that reflects the relationship between people and their water. Including this in the national direction framework is a vital step in honouring Treaty principles and mana whenua in protecting the fresh water and marine environments.

We note the successes of protections granted to the Waikato River through the 2010 settlement of the Waikato-Tainui Raupatu Claims and the legal personhood declaration for Whanganui River. Both are great examples which exemplify how Te Mana o te Wai can be meaningfully upheld in law. These models should inform future freshwater policy, not be sidelined.

Part 2.3: “Providing flexibility in the National Objectives Framework”

We acknowledge and support the need for flexibility in managing freshwater attributes, particularly where local catchment conditions differ from national norms. However, flexibility must be clearly defined and carefully constrained. Without a robust definition, flexibility risks becoming a loophole - allowing organisations and corporations to cross thresholds without accountability and potentially enabling environmentally harmful practices under the guise of local discretion. These flexibility provisions should be accompanied by strong

safeguards and clear consequences for deviation. Flexibility must not be used to weaken environmental protections or delay action. There must also be mechanisms to penalise organisations that knowingly breach thresholds and cause environmental harm. Ultimately, flexibility should support better environmental outcomes, not compromise them. Flexibility must be grounded in evidence-based science, local knowledge and community engagement,

We strongly oppose making the four core attributes (i.e. nitrogen, phosphorus, sediment, and E. coli) optional. These contaminants are well-established drivers of freshwater degradation and their management must remain compulsory. For example, sedimentation and especially related fine mud deposition in Porirua Harbour has had severe ecological impacts, smothering marine life, severely damaging sea-grass meadows, and disrupting ecosystem balance.

Sediment from infrastructure development (e.g., roads and housing) continues to migrate into the harbour, acting like sandpaper on sensitive habitats and settling and progressively filling in the deeper pockets of the estuaries. These issues are interlinked and require strict, nationally consistent bottom lines if estuaries throughout the country are to be saved from extinction.

We support the use of locally defined attributes where appropriate and point to the Whaitua process and Greater Wellington Regional Council's Plan Change 1 as examples of well-considered local approaches that align, not only with national policy settings, but also local mana whenua and community values. These demonstrate how local evidence-based science and community engagement can complement national direction while enhancing environmental integrity.

We also recommend that water flow and groundwater thresholds be incorporated into any updated national direction. These are critical factors in freshwater health and must be adequately addressed in both policy and planning.

Part 2.8: Addressing remaining issues with farmer-facing regulations

190 kg/ha/year nitrogen cap. We support retaining the 190 kg/ha/year nitrogen cap. Nitrogen is a well-documented pollutant of significant concern—there is no ambiguity about its environmental and human health impacts. It contributes to eutrophication, which depletes oxygen in freshwater systems, suffocates aquatic life, and degrades water quality, often resulting in dead zones. These effects are not only ecologically damaging but also pose serious human health risks.

Retaining the nitrogen cap ensures a baseline level of accountability, especially in regions where nutrient runoff continues to harm freshwater ecosystems. It is a critical safeguard that supports both environmental protection and public health. The question should not be whether the cap is necessary, but how we can better enforce and support it through improved monitoring and compliance mechanisms.

Wetland mapping. Wetlands are highly valuable ecosystems that provide essential services—carbon storage, water filtration, flood mitigation, and habitat for native flora and fauna. Mapping is a foundational step in protecting these ecosystems. Without a clear understanding of where wetlands are located, it becomes nearly impossible to manage or safeguard them effectively. Removing the mapping requirement risks delaying protection, weakening accountability, and allowing further degradation. Some fine-tuning of requirements to ensure practicality on wetland definition and scale would seem sensible. We acknowledge that over-zealous inclusion of every minor water seep on farms builds resentment among landowners that can bring the wider objective of protection of the small percentage of wetlands we have into disrepute.

While we acknowledge that mapping may be a costly exercise, it is a worthwhile investment in

long-term environmental resilience. Moreover, mapped wetlands could support carbon credit schemes or other economic incentives to help landowners in conservation efforts that benefit the wider community. Wetlands can absorb more carbon than most other ecosystems.

Stock exclusion – The PHACCT and GOPI take a similar position to wetland mapping. Mandatory requirements are useful but must also be reasonable and practical, especially where rural landowners perceive they may well lose otherwise productive land resources. We appreciate that at present Regulation 17 is so inflexible it is unable to be adapted to individual circumstances, meaning in some areas (eg, South Island high country) it is possible that the benefits of excluding a few and occasional animals is disproportionate to the cost and quantifiable benefits to other species. Ideally there should be a balance between incentivisation and regulatory enforcement with the overall result being good water quality and protection of living environments for threatened species.

“Simplifying the fish passage regulations”

We are opposed to any options that will further degrade the habitat of native fish, given that 76% of our native fish are threatened with or at risk of extinction.

The Ministry for the Environment’s Regulatory Impact Statement says existing rules for fish passage “are based on best practice standards developed in the 2018 version of the Guidelines and, if met, the structure is unlikely to impede fish passage. These structures are likely to be more resilient to storm events due to their ability to handle high flow rates (Gillespie et al., 2014.)”

-submission concludes-