

Plan Change 1 to the Natural Resources Plan: Hearing Stream 2 – Response to question from the the Freshwater Hearing Panel on the use of degraded vs deteriorated in Objective WH.O1

1. My full name is Samantha Grace Dowse.
2. I prepared a Statement of Evidence (planning) dated 14 March 2025.
3. My qualifications and experience are set out in that Statement of Evidence.
4. I also presented a summary of my evidence at the hearing on 11 April 2025 (Hearing Stream 2 (Ecosystem Health Objectives and Policies) for Plan Change 1 to the Natural Resources Plan (PC1). The Hearing Panel asked for my final view on whether Objective WH.O1 should use ‘deteriorated’ or ‘degraded’ in the Āhua (natural form and character) bullet point of the objective. The purpose of this response is to address the Hearing Panel’s question.
5. Ms O’Callahan has recommended that, objective WH.O1 be drafted as follows¹:

Objective WH.O1

The health of ~~all freshwater bodies rivers and lakes and their margins, natural wetlands, groundwater~~ and the coastal marine area within **Whaitua** Te Whanganui-a-Tara is progressively improved and is wai ora by 2100.

Note

In the wai ora state:

- Āhua (~~natural character~~ natural form and character) is restored ~~where deteriorated~~ and ~~freshwater bodies~~ exhibit their natural quality, rhythms, range of flows, form, hydrology and character ~~to the extent practicable, and~~
- All ~~freshwater bodies rivers and lakes~~ have planted margins, ~~where practicable other than where physical constraints may prevent this, and~~
- All ~~freshwater bodies rivers and lakes and their margins, natural wetlands, groundwater~~ and coastal waters have healthy functioning ecosystems and their water conditions and habitat support the presence, abundance, survival and recovery of At-risk and Threatened species and **taonga species** ~~where they would have naturally occurred, and~~
- **Mahinga kai** and kaimoana species are healthy, plentiful enough for long term harvest and are safe to harvest and eat or use, including for manuhiri and to exercise manaakitanga, ~~and~~

¹ From document titled: ‘HS2 Appendix 2 – further recommended amendments updated during hearing 11 April 2025’. Retrieved from Hearing Stream 2 webpage ‘presentations and materials created at Hearing’ (<https://www.gw.govt.nz/your-region/plans-policies-and-bylaws/updating-our-regional-policy-statement-and-natural-resources-plan/natural-resources-plan-2023-changes/nrp-pc-1-hearings/hearing-stream-1-overview-and-general-submissions-3/>)

- **Mana whenua** are able to undertake customary practices ~~at a range of places throughout the catchment, and~~
- ~~Water is able to be used for social and economic use benefits, provided that the health and well-being of waterbodies, freshwater ecosystems and coastal waters is not compromised.~~

~~Note: Objectives WH.O2 to WH.O9 set out what is needed to achieve progressive implementation of this long-term objective up to 2040. Therefore, resource consent applicants do not need to demonstrate their proposed activities align with this objective.~~

Implications of using “degraded” and “deteriorated”

6. The definition for “degraded” has four parts. If any one of the parts of the definition is met, the waterbody is considered degraded. It means:

that as a result of something other than a naturally occurring process:

- (a) *a site or sites in the FMU or part of the FMU to which a target attribute state applies:*
 - (i) *is below a national bottom line; or*
 - (ii) *is not achieving or is not likely to achieve a target attribute state; or*
- (b) *the FMU or part of the FMU is not achieving or is not likely to achieve an environmental flow and level set for it; or*
- (c) *the FMU or part of the FMU is less able (when compared to 7 September 2017) to provide for any value described in Appendix 1A or any other value identified for it under the NOF²*

7. A waterbody is considered degraded if it either, does not meet a target attribute state (TAS), is below a national bottom line, does not meet and environmental flow, or is below the state it was in 2017.
8. There is no national bottom line for natural form and character in the NPS-FM. There are currently no TAS for natural form and character in PC1. Environmental flows and levels contribute to natural form and character, but are not set through the plan change. The last clause of the definition is a ‘default’ measure of “degraded” if TAS are not set. It ensures that waterbodies do not continue to decline from the date the first NPS-FM was put in place.
9. As set out in paragraphs 92 and 314 of Ms O’Callahan’s Objectives Section 42A Report, and Mr Kay’s evidence³ the TAS for ecosystem health contribute to maintaining and improving the natural form and character value.

² Clause 1.4 of the NPS-FM

³ At paragraphs 23, and 27 – 34

10. Forest & Bird's original submission sought that additional TAS should be set in the plan for natural form and character⁴. This is required by the NPS-FM. If those additional attributes are included, those attributes in combination with the existing ecosystem health TAS would define the end goal for natural form and character, and if a waterbody did not achieve those TAS, the waterbody would be considered 'degraded' and in need of improvement.
11. Because natural form and character was identified as a value applying to the Whaitua, target attribute states for natural form and character should have also been identified through the NOF process⁵. This requires attributes and flows to achieve environmental outcomes, values and long-term visions.
12. If additional TAS for natural character are not included, then there is a 'gap' in the plan framework and the last clause of the definition of degraded would become relevant. Āhua (natural form and character) in Whaitua Te Whanganui-a-Tara would be degraded when the whaitua is less able (when compared to 7 September 2017) to provide for that value.
13. Activities within the Whaitua that have led to degradation of natural form and character would have occurred prior to this date. If 2017 is used as the baseline date for degradation (because of a lack of TAS) then it may have the effect stopping in restoration efforts once the 2017 state was achieved.
14. The alternative term "deteriorated" is undefined so its use leads to uncertainty in how 'deteriorated' is measured and in turn uncertainty around where restoration efforts should occur and what point they should stop.

Forest & Bird's original submission

15. Forest & Bird's original submission sought⁶:

Target Attribute States should be introduced for 'habitat' and 'natural form and character' which river management / flood protection activities etc. must seek to achieve. These should be included as targets for Habitat Quality Index / Natural Character Index scores, and/or physical properties to achieve for the river - e.g., target states for average channel width, sinuosity, riffle/run/pool sequences, area of gravel, etc. This would be consistent with Policy 30 in the plan, including (c) "maintain or where practicable restore aquatic habitat diversity and quality, including: the form, frequency and pattern of pools, runs, and riffles in rivers, and the natural form of river". Activities should then be required to undertake activities in a way that illustrates they are maintaining habitat quality in accordance with the target attributes states (whether they be to maintain or improve).

⁴ At paragraph 8, page 3 of Forest & Bird's original submission (S261)

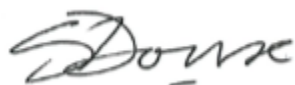
⁵ See figure 3 from Ministry for the Environment's Guidance on the National Objectives Framework of the NPS-FM 2022.

⁶ At paragraph 8, page 3.

Planning view – neither term is appropriate:

16. Ideally, target attribute states should be included for natural form and character and “degraded” should be used in the objective. However, in the absence of additional target attribute states for natural form and character, I consider “degraded” should not be used as it will set a baseline for measuring degradation and restoring natural form and character at 7 September 2017.
17. I do not think “deteriorated” should be used either because it is undefined and raises similar questions as degraded. I do not think either term is absolutely necessary, as the objective is already clear on its face what is to be achieved (restoration) and to what level (natural). An alternative drafting of the bullet point I consider to be more appropriate⁷ is below:

Āhua (natural form and character) is restored to the extent possible where deteriorated and freshwater bodies exhibit their natural quality, rhythms, range of flows, form, hydrology and character ~~to the extent practicable~~, and



Samantha Dowse

14 April 2025

⁷ Note the bullet point is as recommended by Ms O’Callahan in the following document: ‘HS2 Appendix 2 – further recommended amendments updated during hearing 11 April 2025’. Insertions are shown in red underline, deletions are shown in ~~red strikethrough~~.