

Te Whaitua o Kāpiti

Section 32 Plan Change Content



September 2024

Annexure 1 to Te Whaitua o Kāpiti Implementation Programme

Note from the Committee to Greater Wellington:

We, Te Whaitua o Kāpiti Committee, present this draft section 32 evaluation report content to Greater Wellington. Including this content in the final section 32 reports for changes required to the Regional Policy Statement and Natural Resources Plan within the WIP is fundamental for ensuring our collective voice and the mana of the Tiriti House Model and WIP process is enduring.

An Oversight Committee for the implementation of the WIP and development of the plan change and accompanying Section 32 Evaluation needs to be formed as a priority. This Committee will ensure a Tiriti House approach is continued in the development of the plan change and Section 32 Evaluation and ensure the application of both western science and mātauranga Māori.

Plan Change 2 to the Natural Resources Plan for the Wellington Region

Te Whaitua o Kāpiti

Draft Section 32 Evaluation Report

September 2024

Contents

Note from the Committee to Greater Wellington:.....	1
Abbreviations and Glossary	5
Part A – Background and Context.....	7
1. Introduction	7
1.1. Purpose and scope of PC2 and Change 2.....	7
1.2. How to navigate this report	7
1.3. Policy evaluation process for PC2	8
2. National and Regional Regulatory and Policy Context	8
2.1. Resource Management Act 1991.....	9
2.2. New Zealand Coastal Policy Statement.....	10
2.3. National Policy Statements	10
2.4. National Planning Standards	13
2.5. Regulations (including National Environmental Standards)	13
2.6. Regional Policy Statement	15
2.7. Natural Resources Plan	15
2.8. Marine and Coastal Area (Takutai Moana) Act 2011	15
2.9. Other documents	16
3. Statutory process requirements	18
Part B – Implementation of the NOF for te Whaitua o Kāpiti	19
PC2 Development and Consultation	19
3.1. Whaitua Implementation Programme and the Committee.....	19
3.2. Development of the WIP.....	22
3.3. Other Consultation, partnership and engagement.....	25
Part C – Issues	27
Resource Management Issues	27
Part D – Evaluation of Objectives	31
Approach to the evaluation of objectives.....	31
3.4. Introduction	31
Approach to Evaluation consistent with Te Mana o te Wai	32
Scale and significance	34
Evaluation of the appropriateness of Objectives.....	36

3.5.	Evaluation of Te Mana o te Wai Objectives	36
3.6.	Evaluation of other objectives	38
	Evaluation of Ngā Moemoea - long-term freshwater vision objectives	39
	Evaluation of Ngā Huanga - environmental outcome objectives	42
	Evaluation of Target Attribute State Objective(s).....	46
	Part E – Evaluation of proposed policies, rules and other methods	53

Abbreviations and Glossary

ĀRT	The Confederation of Te Ātiawa ki Whakarongotai, Ngāti Raukawa, Ngāti Toa Rangatira
Ātiawa	Te Ātiawa ki Whakarongotai
Committee	Te Whaitua o Kāpiti Committee
the Council or Greater Wellington	Wellington Regional Council also known as Greater Wellington Regional Council
<i>E. coli</i>	Escherichia coli
FPI	Freshwater Planning Instrument
FPP	Freshwater Planning Process
MCI	Macroinvertebrate Community Index
MfE	Ministry for the Environment
NES-F	Resource Management (National Environmental Standards for Freshwater) Regulations 2020
NHoŌ	Ngā Hapū o Ōtaki
Ngāti Toa	Ngāti Toa Rangatira
NOF	National Objectives Framework
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
NZCPS	New Zealand Coastal Policy Statement 2010
NOF	National Objectives Framework
NRP	Natural Resource Plan for the Wellington Region, operative 2022
PC2	Proposed Plan Change 2 to the Natural Resources Plan for the Wellington Region
QMCI	Quantitative Macroinvertebrate Community Index
RMA	Resource Management Act 1991
RPS	Regional Policy Statement for the Wellington Region
RPS Change 1	Proposed Change 1 to the RPS, notified on 19 August 2022
TAS	Target attribute state
Whaitua	The geographical area of a Whaitua Committee and Whaitua Implementation Programme. There are five whaitua in the region: Whanganui-a-Tara, Porirua, Kāpiti Coast, Ruamāhanga, Wairarapa Coast.

WIP	Whaitua Implementation Programme (when used generally) or Te Whaitua o Kāpiti Implementation Programme (when used in relation to the Committee process)
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Glossary of Te Whaitua o Kāpiti terminology

- Kāwanatanga House The Crown House - Kāpiti Coast community representatives as articulated by the Committee in Section 2.3 of the WIP.
- Mana Whenua House The Mana Whenua House – Ngā Hapū o Ōtaki, Ātiawa ki Whakarongotai and Ngāti Toa Rangatira representatives as articulated by the Committee in Section 2.4 of the WIP
- Tiriti House A forum that facilitates decision-making across representatives chosen by both mana whenua and kāwanatanga in the spirit of Te Tiriti partnership and articulated by the Committee in Section 2 of the WIP.

Part A – Background and Context

[Note: This section is primarily structured in terms of the context and legal requirements for changes to regional plans, rather than regional policy statements.]

1. Introduction

1. Greater Wellington Regional Council (the Council or Greater Wellington) is proposing to amend the Natural Resources Plan for the Wellington Region (NRP). The proposed amendments form Proposed Plan Change 2 to the Natural Resources Plan for the Wellington Region (PC2) and Change 2 to the Wellington Regional Policy Statement (Change 2).
2. PC2 and Change 2 have been developed based on recommendations of Te Whaitua o Kāpiti Committee. The Committee was established by Greater Wellington as part of fulfilling their obligations under the National Policy Statement for Freshwater Management 2020 (NPS-FM). The Committee consists of twelve members, including six from the community and six representatives from Mana Whenua (Te Ātiawa ki Whakarongotai, Ngāti Raukawa, Ngāti Toa Rangatira). The Committee applied a Te Tiriti House Model to produce a Whaitua Implementation Programme (WIP) and draft Section 32 content that sets out values, visions, outcomes and recommendations for freshwater management, including the supporting rationale based on mātauranga Māori and Western science. This process is set out in more detail in Part B of this Report. Section 32 of the Resource Management Act 1991 (RMA) sets out the requirements for evaluating proposed changes to regional plans and reporting this evaluation. Section 32 specifies that the objectives of PC2 are examined for their appropriateness in achieving the purpose of the RMA and that the benefits, costs and risks of new provisions need to be clearly identified and assessed. This report summarises the examination of the objectives and evaluation of the provisions, the background to the development of PC2 and other relevant information.

1.1. Purpose and scope of PC2 and Change 2

3. The purpose of the report is to evaluate objectives and provisions of PC2 and Change 2 in accordance with section 32 to implement the National Policy Statement for Freshwater Management 2020 (NPS-FM) through a plan change for Te Whaitua o Kāpiti.

1.2. How to navigate this report

4. This report has been structured as follows:

Part A: Background and context

Part B: Implementation of the NOF for Te Whaitua o Kāpiti

Part C: Issues

Part D: Evaluation of objectives

Part E: Evaluation of proposed policies, rules and other methods

5. The report is supported by a number of technical reports prepared for PC2 as well as technical work undertaken as part of the development of Te Whaitua o Kāpiti Implementation Programme (WIP). This report should be read in conjunction with the separate PC2 documents and the technical reports.

1.3. Policy evaluation process for PC2

6. Greater Wellington is required to prepare an evaluation report for PC2 in accordance with section 32 of the RMA.¹ Section 32(1) sets out the requirements for an evaluation report, which are to:
 - a. *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA;*
 - b. *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –*
 - i. *identifying other reasonably practicable options for achieving the objectives; and*
 - ii. *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - iii. *summarising the reasons for deciding on the provisions; and*
 - c. *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.*
7. Section 32(6) contains definitions of “objectives” and “provisions”. In accordance with those definitions, the objectives assessed in this report are the objectives contained in PC2 and the provisions assessed under section 32(1)(b) are the policies, rules, other methods and schedules that implement, or give effect to, the objective of the proposal.
8. Section 32(2) states that an examination of the appropriateness of the provisions must:
 - a. *identify and assess the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions, including the opportunities for:*
 - i. *Economic growth that are anticipated to be provided or reduced; and*
 - ii. *Employment that are anticipated to be provided or reduced;*
 - b. *if practicable, quantify the benefits and costs; and*
 - c. *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

2. National and Regional Regulatory and Policy Context

9. This section contains a summary of the high-level documents that have guided the development of PC2.

¹ RMA, section 44.

2.1. Resource Management Act 1991

2.1.1. Part 2 of the RMA

10. Regional plans must be prepared in accordance with the provisions of Part 2 of the RMA. The purpose of the RMA is set out in Part 2, section 5 of the RMA:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

11. Section 6 of the RMA also sets out the following matters of national importance, which all persons exercising functions and powers under the RMA must recognise and provide for:

- (a) *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:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

12. Section 7 of the RMA sets out other matters to which all persons exercising functions and powers under the RMA are directed to have particular regard:

- (a) *kaitiakitanga:*
 - (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
 - (ba) *the efficiency of the end use of energy:*
 - (c) *the maintenance and enhancement of amenity values:*
 - (d) *intrinsic values of ecosystems:*

- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

13. Section 8 of the RMA requires that persons exercising functions and powers under it shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
14. The provisions of PC2 have been developed in consideration of all of the matters in Part 2 of the RMA.

2.1.2. *Functions of regional councils*

15. Regional plans must be prepared in accordance with the regional council functions set out in section 30 of the RMA.² Section 30 contains a wider range of matters including the control of the coastal marine area, water take and use, and discharges to air, water and land.³
16. The provisions of PC2 are within the scope of the Council’s functions as set out in section 30.

2.2. **New Zealand Coastal Policy Statement**

17. Under sections 66(1)(ea) and 67(3)(b) of the RMA, regional plans must be prepared in accordance with, and give effect to, a New Zealand Coastal Policy Statement. The relevant version for PC2 is the New Zealand Coastal Policy Statement 2010 (NZCPS). The NZCPS sets out how the purpose of the RMA will be achieved in relation to the coastal environment and contains a range of policies, including some that are highly directive. The implementation of the NZCPS and in particular how it is to be implemented by local authorities has been the subject of a large body of case law.
18. The NZCPS recognises that activities inland from the coastal environment can have a major influence on coastal water quality as a consequence of point source and non-point source discharges, including stormwater and wastewater. The NZCPS requires a strategic approach to managing adverse cumulative effects on the coastal environment. It also provides for the integrated management of natural and physical activities, and the management of discharges and enhancement of water quality in the coastal environment. Freshwater resources also occur within the coastal environment.
19. PC2 is consistent with NZCPS provisions where relevant.

2.3. **National Policy Statements**

20. In accordance with section 66(1)(ea) of the RMA, a regional plan must be prepared in accordance with national policy statements. There are seven national policy statements in force:
 - a. National Policy Statement for Freshwater Management 2020 (NPS-FM)
 - b. National Policy Statement for Indigenous Biodiversity 2023

² Section 66(1)(a), RMA

³ Section 30(1), RMA

- c. National Policy Statement for Greenhouse Gases from Industrial Process Heat 2023;
 - d. National Policy Statement for Highly Productive Land 2022;
 - e. National Policy Statement on Urban Development 2020 (NPS-UD);
 - f. National Policy Statement for Renewable Electricity Generation 2011; and
 - g. National Policy Statement on Electricity Transmission 2008.
21. The Government has recently proposed a National Policy Statement for Natural Hazard Decision Making. There is no requirement in the RMA for regional plans to consider draft or proposed national policy statements, however they may signal the policy direction in the future which the plan will need to give effect to, and potentially during the plan-making process. However, this NPS is not considered relevant to PC2.
22. The national policy statements that are relevant to PC2 are the NPS-FM and the NPS-UD. These are discussed further below.

2.3.1. National Policy Statement for Freshwater Management

23. The NPS-FM came into force on 3 September 2020, replacing the National Policy Statement for Freshwater Management 2014 (as amended 2017).
24. Broadly, the NPS-FM sets the direction for freshwater quality and quantity management in New Zealand through the framework of Te Mana o te Wai. Te Mana o te Wai is described as the fundamental concept for the NPS-FM, recognising that protecting the health of fresh water protects the health and wellbeing of the wider environment. An important component of implementing Te Mana o te Wai is the hierarchy of obligations that prioritises:
- a. First, the health and wellbeing of water bodies and freshwater ecosystems;
 - b. Second, the health needs of people (such as drinking water);
 - c. Third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.
25. Regional plans must give effect to the requirements of the NPS-FM.⁴ The NPS-FM requires freshwater quality to be maintained (where it meets stated environmental outcomes) or improved over time (where it does not meet stated environmental outcomes) and includes a National Objectives Framework (NOF) for achieving this. The NPS-FM requires that tangata whenua are actively involved in freshwater management, including decision-making.
26. The NOF process sets out the framework for managing freshwater under the NPS-FM. It includes detailed direction on each of the steps that regional councils must undertake to implement the NOF. At every stage of the NOF, the Council must engage with tangata whenua and communities and apply the hierarchy of obligations to implement Te Mana o te Wai. At a high-level, the NOF process requires the Council to:
- a. Identify Freshwater Management Units (FMU) and special sites and features in the region.

⁴ RMA, section 67(3)(a).

- b. Set long-term visions for freshwater.
 - c. Identify values for each FMU.
 - d. Set environmental outcomes for each value.
 - e. Identify attributes for each value and set baseline states for each attribute
 - f. Set target attribute states (TAS) for each value.
 - g. Set environmental flows and levels for each value.
 - h. Set limits as rules and prepare action plans (as appropriate) to achieve environmental outcomes.
 - i. Monitor water bodies and freshwater ecosystems and assess trends.
 - j. Take action if degradation is detected.
27. In addition to including direction in its regional plan, the NPS-FM requires the Council to include the following provisions in its RPS:
- a. An objective that describes how the management of freshwater in the region will give effect to Te Mana o te Wai⁵
 - b. Objectives which describe the long-term visions for freshwater in the region.⁶
28. These provisions are given effect to through the inclusion of objectives in RPS Change 1. PC2 must have regard to the proposed RPS Change 1 as required by s66(2)(a) of the RMA. In particular, PC2 identifies environmental outcomes (and includes these as objectives) and other objectives (including TAS) which will achieve the objective and long-term visions within [RPS Change 1].

[Update as required to link with the relevant version of the RPS (and the relevant statutory requirements) at the time of notification in December 2024].

29. Table 1 below provides an assessment of PC2 against the NPS-FM provisions that are relevant.

Table 1: Assessment of NPS-FM

Provision(s)		Assessment
Objective		
Policy 1		
Policy 2		
Policy 3		
Policy 4		
Policy 5		
Policy 6		

⁵ NPS-FM, clause 3.2(3)

⁶ NPS-FM, clause 3.3(1)

Policy 7		
Policy 8		
Policy 9		
Policy 10		
Policy 11		
Policy 12		
Policy 13		
Policy 14		
Policy 15		

[Assessment to be completed once the full package of proposed provisions is finalised in October 2024]

2.3.2. National Policy Statement on Urban Development

30. The NPS-UD sets out objectives and policies for planning for well-functioning urban environments. It came into effect on 20 August 2020, replacing the provisions of the NPS Urban Development Capacity 2016.
31. The NPS-UD contains objectives and policies that local authorities must give effect to in their resource management decisions. The objectives and policies require local authorities to plan well for growth and ensure a well-functioning urban environment.
32. Regional plans must be prepared in accordance with national policy statements under s66(1)(ea). The PC2 is consistent with the NPS-UD.

[Assessment to be completed once the full package of proposed provisions is finalised in October 2024]

2.4. National Planning Standards

33. The National Planning Standards were gazetted in April 2019 and mandate a structure and format for planning documents. Any new provisions with definitions from the National Planning Standards will be incorporated into PC2 where relevant.

2.5. Regulations (including National Environmental Standards)

34. Regional plans must be prepared in accordance with any regulations, including any national environmental standards.⁷ Additionally, local authorities must observe national environmental standards. Regulations and national environmental standards contain provisions that are essentially rules. There are currently ten national environmental standards in force:
 - a. National Environmental Standards for Freshwater 2020 (NES-F);
 - b. National Environmental Standards for Air Quality 2004 (NES-AQ);

⁷ RMA, section 66(1)(f).

- c. National Environmental Standards for Sources of Human Drinking Water 2007 (NES-HDW);
 - d. National Environmental Standards for Electricity Transmission Activities 2009 (NES-ETA); and
 - e. National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS);
 - f. National Environmental Standards for Telecommunication Facilities 2016;
 - g. National Environmental Standards for Commercial Forestry 2023;
 - h. National Environmental Standards for Marine Aquaculture 2020;
 - i. National Environmental Standards for Storing Tyres Outdoors 2021; and
 - j. National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat 2023.
35. The Government has recently proposed amendments to existing national environmental standards. Although there is no requirement for regional plans to consider these documents, they provide an insight into future policy direction that the regional policy statement may be required to observe. The proposals are:
- a. Proposed amendments to the NES-AQ;
 - b. Proposed amendments to the NES-HDW; and
 - c. Proposed amendments to the NES-ETA.
36. The following regulations are considered relevant to PC2:
- a. Resource Management (Measurement and Reporting of Water Takes) Regulations 2010;
 - b. Resource Management (Stock Exclusion) Regulations 2020; and
 - c. Resource Management (Freshwater Farm Plans) Regulations 2023.
37. This section summarises how PC2 observes relevant national environmental standards and regulations.

2.5.1. National Environmental Standards for Freshwater

38. The NES-F are regulations made under the RMA which regulate certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards. Each of New Zealand's regional councils are responsible for the consenting and consent monitoring associated with these regulations. The latest version of the NES-F came into effect on 21 September 2023.

[Assessment to be inserted by December 2024 once the full package of proposed provisions is finalised describing how PC2 provisions have been drafted to avoid duplication or conflict with the NES-F, or are more stringent.]

2.5.2. Freshwater Farm Plans Regulations

39. Freshwater farm plans have been legislated under Part 9A of the RMA and the Resource Management (Freshwater Farm Plans) Regulations 2023. They are a farm planning process that puts the health of the whenua (land) and wai (water) at the centre of farm decision making. Farmers will need to do an on-farm freshwater risk assessment and identify actions to manage (or mitigate) those risks. On-farm actions to manage risks to freshwater will be tailored to each farm based on, farm landscape, farming activities, and the local catchment. Freshwater farm plans will need to be certified and audited. The results of certification and auditing will be reported to the regional council. Many farmers already have a farm environment plan or are part of an industry programme and freshwater farm plans will build on that work.

2.6. Regional Policy Statement

40. The RPS sets out the framework and priorities for resource management in the Wellington Region. The RMA requires regional councils to produce an RPS for their region and review it every 10 years. The RPS was made operative on 24 April 2013. The RPS identifies the regionally significant issues around the management of the region's natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods).
41. RPS Change 1 was notified on 19 August 2022 to give effect to the NPS-UD and NPS-FM and included new provisions on climate change, nature-based solutions, indigenous biodiversity, and regionally significant infrastructure.

[Full description of the RPS (including RPS Change 1 if still applicable) and its relationship with PC2 be included once the full package of provisions is finalised in October 2024]

2.7. Natural Resources Plan

42. The NRP is a combined regional air, land, water, and coastal plan. The Plan brings these elements together in objectives, policies, rules, and methods.

[Full description of the NRP to be included in the final report to be notified in December 2024]

2.8. Marine and Coastal Area (Takutai Moana) Act 2011

43. Under s66(2A)(b) of the RMA, the council must consider the Takutai Moana Act when preparing a regional plan change as follows:

in relation to a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, the council must, in accordance with section 93 of that Act,—

(i) recognise and provide for the matters in that document, to the extent that they relate to the relevant customary marine title area; and

(ii) take into account the matters in that document, to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group.

44. Further, under Schedule 1 Clause 3(e) of the RMA, Councils need to consult with groups with a recognised customary marine title
45. No customary marine titles have been recognised by the Crown in the Wellington Region yet, but there are various relevant applications that relate to the CMA within Whaitua Kāpiti FMU.

2.9. Other documents

2.9.1. Iwi management plans

46. Under s66(2A)(a) of the RMA, the Council must take into account any relevant planning document that is recognised by an iwi authority and lodged with the Council (Iwi Management Plans) when changing a regional plan. The following Iwi Management Plans and environmental planning documents are relevant:

Table 2: List of Relevant Iwi Management Plans

Iwi Management Plan	Relevance
Proposed Ngāti Raukawa te au ki te Tonga Ōtaki River and Catchment Iwi Management Plan (2000)	This document outlines the vision for Ngāti Raukawa te au ki te Tonga to exercise kaitiakitanga in respect of the Ōtaki river and its catchments. The plan provides policy to guide the fulfilment of that vision.
Nga Korero Kaupapa mo Te Taiao: Policy Statement Manual for Kapakapanui: Te Runanga O Ati Awa ki Whakarongotai Inc (2001)	This document outlines the vision, intent and objectives for compliance with tikanga standards for protection and management of the environment as determined by Te Runanga O Ati Awa ki Whakarongotai Inc with respect to disposal and treatment of effluent, stormwater runoff, heritage protection and management, and representation.
Te Haerenga Whakamua - A review of the District Plan Provisions for Māori: A Vision to the Future (2012)	This document sets out tangata whenua resource management aspirations and adjoining tikanga or policy suggestions for the Kāpiti Coast District. It was developed by ĀRT representatives to provide a Māori world view with respect to resource management in Kāpiti, and looked to provide Council with a number of iwi aspirational statements along with tikanga or proposed policies for the District Plan.
Whakarongotai o te moana Whakarongotai o te wā: Kaitiakitanga Plan for Te Ātiawa ki Whakarongotai (2019)	This document identifies the key kaupapa, huanga and tikanga values, objectives and policies of Te Ātiawa ki Whakarongotai to guide kaitiakitanga. The document is internally focused in order to support the kaitiaki practice of the iwi, but also to inform other agencies.

2.9.2. Ngāti Toa Rangatira Treaty Settlement

47. The Ngāti Toa Rangatira Deed of Settlement 2012 is the final settlement of all historical Treaty of Waitangi claims of Ngāti Toa Rangatira resulting from acts or omissions by the Crown prior to 21 September 1992. The Ngāti Toa Rangatira Claims Settlement Act 2014 came into force on 23 April 2014.
48. The Settlement Act requires a statutory acknowledgement of statutory areas, and of the statements of association and statements of coastal values made by Ngāti Toa Rangatira in respect of those statutory areas.
49. The Settlement Act sets out matters relating to the management and governance of Kāpiti Island. This includes a strategic advisory committee that performs functions in relation to the Kāpiti Island reserve sites, with membership from Ngāti Toa and the Department of Conservation. The functions of the Committee include being consulted and providing advice on a range of environmental management issues relevant to Kāpiti Island reserve sites. Ngāti Toa representatives from the Mana Whenua House have led engagement with the Committee through the development of the WIP.
50. Te Rūnanga o Toa Rangatira is also an iwi authority under the RMA and the trustee of the Ngāti Toa Post-Settlement Governance Entity (the Toa Rangatira Trust). As such, Te Rūnanga o Toa Rangatira manages local government relationships and resource management matters on behalf of Ngāti Toa.

2.9.3. Te Whaitua o Kāpiti Implementation Programme (WIP)

51. Te Whaitua o Kāpiti Committee was formed by Greater Wellington for the purpose of improving the management of freshwater in Kāpiti. The Committee was established by Greater Wellington as an Advisory Board as part of fulfilling their obligations under the NPS-FM.
52. The Committee developed the Te Whaitua o Kāpiti Implementation Programme (WIP) to present their collective recommendations and supporting rationale to Greater Wellington and other statutory agencies including the Kāpiti Coast District Council and the Department of Conservation.
53. The recommendations of the WIP first and foremost provide for Te Mana o te Wai, the fundamental concept in the NPS-FM, so the balance between the water, the wider environment and the community is restored and preserved. The WIP is framed around the National Objectives Framework (NOF). The scope of the recommendations includes regulatory review, regulatory and procedural changes, information-gathering including monitoring, the development of freshwater action plans in consultation with mana whenua and the community, advocacy and physical restoration works.
54. The WIP was accompanied by draft Section 32 Evaluation content to provide the Council with a running start in terms of implementing regulatory recommendations, and a template to ensure the Te Mana o Te Wai approach applied to the development of PC2 is in line with the principles of Te Tiriti o Waitangi.
55. The recommendations were developed under a Te Tiriti House model with diverse cultural perspectives and supported by a great deal of technical rigour and deep intergenerational knowledge. The WIP is a powerful statement of community and mana whenua aspirations for freshwater management in Kāpiti.

56. The WIP forms part of Greater Wellington’s approach to implementing the NPS-FM. Further details of the development of the WIP are set out in Part B of this report.

2.9.4. *Takutai Kāpiti*

57. Takutai Kāpiti is Kāpiti Coast District Council’s coastal adaptation project. This project is intended to guide the community response to the impacts of sea level rise on the environment, community and infrastructure. A Coastal Advisory Panel has been set up to develop recommendations on coastal adaptation options for Council’s consideration based on feedback received from the community. The Panel is made up of six community/ resident representatives, six iwi representatives and a Chair.

58. As such, this project is closely related to many of the recommendations in the WIP with regard to responding to climate change. It provides a community and mana whenua view on matters related to the management of waterways and the coastal environment with respect to the impacts from climate change.

59. The management plans created under Takutai Kāpiti are relevant to the plan change under s66(2)(c)(i) as “management plans and strategies prepared under other Acts”. The relevant documents from this process are:

- a. [insert once developed with an explanation as how they are relevant to PC2]

3. **Statutory process requirements**

60. Regional councils must follow the consultation process outlined in Schedule 1 of the RMA following notification of a planning instrument for changes to regional policy statements or regional plans. Provisions that form a Freshwater Planning Instrument (FPI) must follow the Freshwater Planning Process (FPP) which is set out in Part 4 of Schedule 1 of the RMA. Other provisions must follow the standard Schedule 1 process described in Part 1 of Schedule 1 of the RMA. Figure 2 compares the standard Schedule 1 process with the FPP.

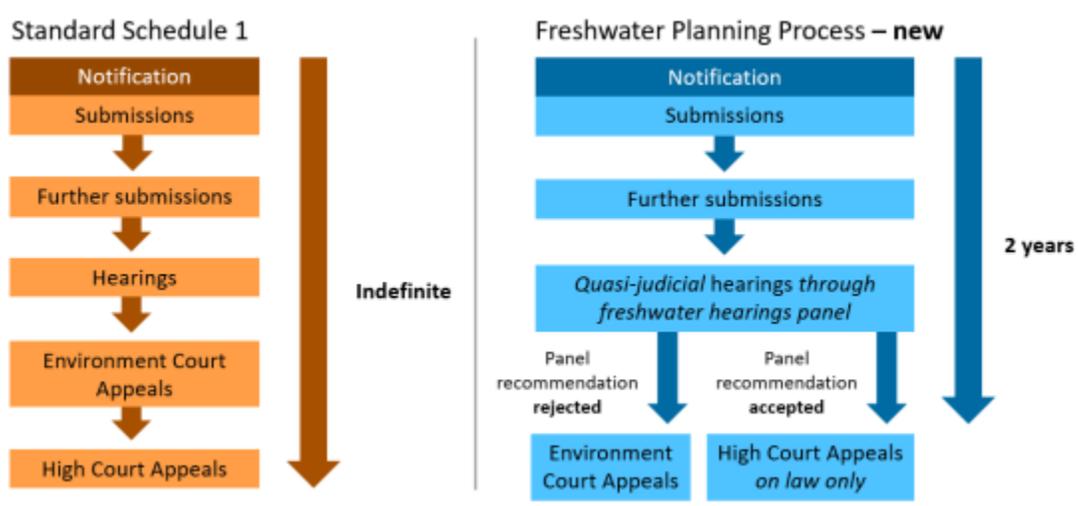


Figure 2: Standard Schedule 1 planning process vs Freshwater Planning Process

61. Section 80A of the RMA defines an FPI as:

(a) any part of a proposed regional plan or regional policy statement that relates to objectives that give effect to the national policy statement for freshwater management:

(b) any provisions of a proposed regional plan or regional policy statement in relation to which the regional council has decided to use the freshwater planning process under subsection (6B)(b):

(c) any regional policy statement (including any change or variation to the statement) in relation to which the council has decided to use the freshwater planning process under subsection (6B)(c):

(d) any change or variation to a proposed regional plan or regional policy statement if the change or variation—

(i) relates to objectives that give effect to the national policy statement for freshwater management; or

(ii) relates to a provision described in paragraph (b).

62. PC2 relates to objectives that give effect to the NPS-FM.

[Further analysis of PC2 required to determine if any part does not constitute a FPI once the full package of provisions is developed]

Part B – Implementation of the NOF for te Whaitua o Kāpiti

PC2 Development and Consultation

3.1. Whaitua Implementation Programme and the Committee

63. As outlined above, the WIP responds to the requirements of the NPS-FM and Te Mana o te Wai.

64. Greater Wellington identified five whaitua which collectively cover the geographical extent of the Wellington Region as shown below. Whaitua means designated space or management area.

65. Each whaitua will eventually have a Whaitua Committee made up from Mana Whenua representatives, local community members and local authorities who are tasked with developing a WIP that makes decisions on the regulatory and non-regulatory proposals for the future of land and water management within that whaitua. To date, WIPs have been prepared for Whaitua te Whanganui-a-Tara, Te Awarua-o-Porirua Whaitua and Ruamāhanga Whaitua.

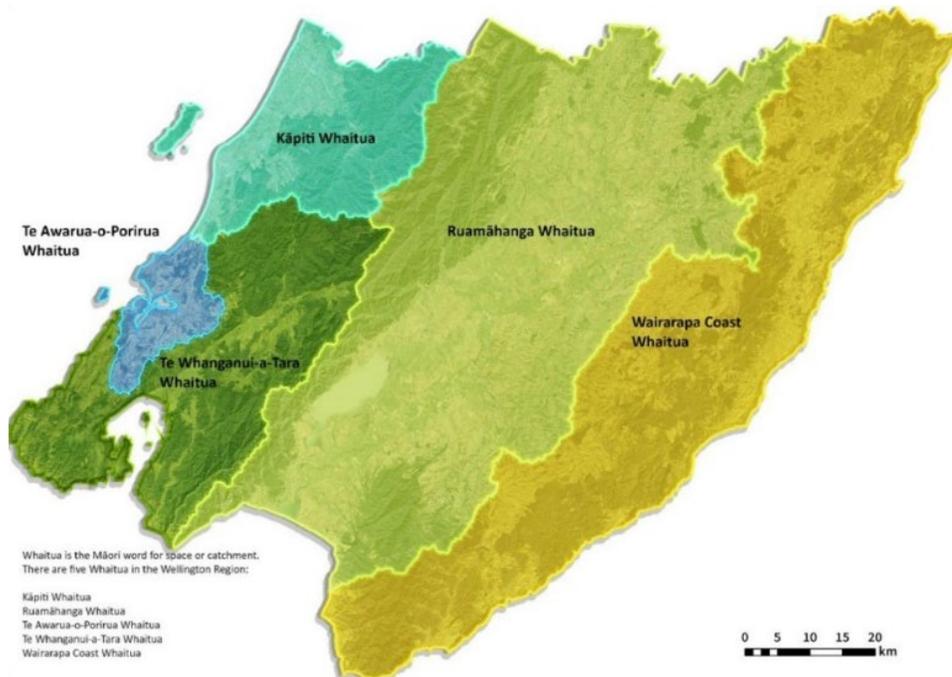


Figure 3: Map of Whaitua in the Greater Wellington region.

66. The Committee was established in late 2022 and is comprised of Mana Whenua representatives, Councillors (Kāpiti Coast District Council and Greater Wellington) and community members. The formation of the Committee is different to previous Whaitua Committee's as Greater Wellington adopted a Tiriti House Model as the basis for decision making.
67. The Tiriti House model was developed by Professor Whatarangi Winiata of Ngāti Raukawa as a Tiriti (Treaty of Waitangi) approach to decision making which enables equal recognition of, and input from each 'house' (Mana Whenua House and Kāwanatanga House). Each of the house operated separately to discuss or wānanga key issues and decisions to inform the Mana Whenua House or Kāwanatanga House position before those views were brought to the Tiriti House for debate and decision-making (See Figure 3). This enabled the three iwi who are Mana Whenua in the Whaitua (Ngā Hapū o Ōtaki, Ātiawa ki Whakarongotai and Ngāti Toa Rangatira⁸) to meet on a regular basis and discuss decisions with the wider iwi via their own internal structures and processes.

⁸ Also collectively known as the ĀRT confederation.

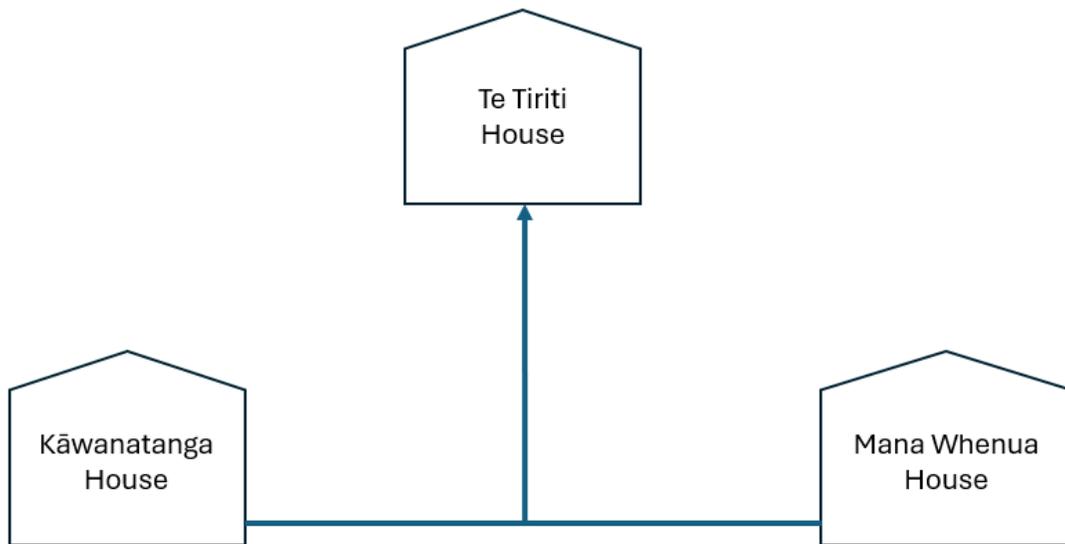


Figure 4: Diagram of the Tiriti House Model

68. Six members of the Mana Whenua House were nominated by Ātiawa ki Whakarongotai, Ngā Hapū o Ōtaki and Ngāti Toa Rangatira (two by each). Six Kāwanatanga House representatives were selected, comprising of a Greater Wellington Councillor elected by the Kāpiti Coast constituency, one elected member of the Kāpiti Coast District Council (as nominated by the Council) and four members of the community with a range of backgrounds and interests related to land and water management.
69. The Committee was supported by a team of kaimahi and technical experts including policy analysts, planners and scientists.
70. A fundamental principle expressed by the Committee through the Tiriti House framework was a desire to ensure that mātauranga Māori be given the same weight as Western science in freshwater management in Te Whaitua o Kāpiti. Within the context of Te Whaitua o Kāpiti, Te Tiriti House has been a place of wānanga, discussion and debate with a view to achieving māramatanga, understanding. The process to develop the WIP and Recommendations therefore weaves and binds together two world views – that of mātauranga Māori and that of Western knowledge.
71. The Committee operated under a Terms of Reference⁹. This document set out the structure of the Committee and its role, which included to specifically develop a WIP that provides direction on:
 - a. Describing how Te Mana o te Wai is to be applied in Te Whaitua o Kāpiti
 - b. Setting long-term freshwater visions for Te Whaitua o Kāpiti
 - c. Outlining locally identified values, including Mana Whenua values and how these will be provided for

⁹ Whaitua Kāpiti Terms of Reference.

- d. Applying all national values (compulsory and other)
 - e. Setting environmental outcomes for freshwater
 - f. Determining Freshwater Management Units (FMUs)
 - g. Setting TAS for all relevant attributes in the NOF
 - h. Setting targets for additional attributes for locally specific values, including a baseline from the best available evidence
 - i. Setting targets in subclauses (g) and (h) as numeric targets, including timeframes to achieve those targets and to be measured at specific reporting points
 - j. Setting limits where applicable, including direction on regulatory and non-regulatory methods to achieve limits
 - k. Setting minimum flow and allocation limit for surface and groundwater bodies in te Whaitua o Kāpiti
 - l. Establishing primary contact monitoring sites
 - m. Determining how territorial authorities can promote positive effects for the health and wellbeing of freshwater and receiving environments.
72. The Committee attended meetings throughout 2023 and 2024 to identify objectives for Te Mana o te Wai and long-term visions and to work through each step required by the NOF process, as set out in section 2.3.1 of this report.

3.2. Development of the WIP

The WIP was developed using the collective mātauranga and knowledge of Mana Whenua and the community. The Committee members brought a combined range of expertise, members included:

- seven members with mātauranga Māori
- two councillors and an ex-mayor
- five members with environmental science qualifications
- two members with farming backgrounds
- one member with professional planning background
- three trained environmental commissioners
- two Treaty of Waitangi researchers and expert witnesses
- one member with a Masters in Economics
- one member who helped develop Te Mana o Te Wai on the Kahui Māori
- one rongoā expert.

73. In developing the WIP, the Committee considered the following:¹⁰
- The hierarchy of obligations in Te Mana o te Wai
 - Identification of the issues, challenges, and opportunities for integrated management, ki uta ki tai, of the waterways for te Whaitua o Kāpiti
 - A diversity of systems of values and knowledge, including mātauranga Māori
 - The impacts of climate change
 - The impacts of stormwater and wastewater
 - The impacts of urban and rural land use and development
 - Interactions between groundwater and surface water
 - Interactions of freshwater with estuaries and other coastal environments
 - Regulatory and non-regulatory actions
 - Community views on freshwater management including through knowledge of councillors on the Committee and the results of the Litmus community survey of freshwater values and aspirations¹¹
 - Greater Wellington and KCDC monitoring reports
 - Presentations from experts on the Committee as well as external experts including Dr Mike Joy (Senior Research Fellow at the Victoria University of Wellington) and Rob van Duivenboden (Senior Planner at Kahu Environmental)
 - A Bayesian Belief Network (BBN) model developed for the Committee by Dr Russell Death
 - The advice of kaimahi and technical experts including policy analysts, planners and scientists
74. Decision-making was undertaken across both of the spatial scales that the Committee was required to address, including Whaitua-wide decisions on broader policy that are made at the Whaitua scale and local decisions on specific FMUs and waterways.
75. Where Tiriti House decisions have a Whaitua wide scale, all three iwi of the ĀRT Confederation participated in the Tiriti House process. Where Tiriti House decisions were specific to certain waterways and FMUs, the iwi who hold Mana Whenua status in relation to those waterways participated in the Tiriti House process.

¹⁰ These matters were outlined in the Committee’s Terms of Reference and were generally guided by direction in the NPS-FM.

¹¹ Litmus (2023) Have your say on freshwater: Freshwater values and aspirations community research. Prepared for the Whaitua Kāpiti Committee

3.2.1. Kāpiti Whaitua Implementation Programme

76. The WIP was confirmed by the Committee in June 2024 after two years of development. At a high-level, it includes:
- a. Contextual information about the waters of Kāpiti and peoples' connections to the water and land, rights and interests, and an overview of the Committee and tools applied in decision-making;
 - b. A description of Te Tiriti House model process;
 - c. An expression of Te Mana o te Wai as it relates to te Whaitua o Kāpiti and recommended objectives for Te Mana o te Wai;
 - d. Where FMUs and part-FMUs have been set and the reasons why;
 - e. Committee decisions and recommendations on long-term visions, values, environmental outcomes, attributes, baseline attribute states and TAS, and monitoring sites as they apply within Te Whaitua o Kāpiti
 - f. Responses to issues in the form of recommendations for regulatory and non-regulatory actions.
77. The WIP is supported by the following technical documents:
- a. A report on community perspectives regarding restoring and protecting freshwater throughout Te Whaitua o Kāpiti¹²
 - b. Draft Cawthron Report¹³
 - c. Dr Russell Death's report on Bayesian Belief Network (BBN) modelling
 - d. As the Kōkopu Swam – a report by Kahu Environmental on the current state of freshwater in Kāpiti through the eyes of the kōkopu
 - e. Numerous other technical reports and briefings prepared by supporting kaimahi and technical experts.

¹² Duckworth, S, Lamb-Yorski, R and Wynd, D. (2023). *Have your say on the future of Kāpiti freshwater: Freshwater values and aspirations community research*. Litmus.
https://www.gw.govt.nz/assets/Documents/2023/11/FINAL_Whaitua-Kāpiti-community-engagement-report_Apr2023.pdf

¹³ Holmes R. 2024. Environmental flow investigation for Whaitua Kāpiti. Nelson: Cawthron Institute. Cawthron Report 3812A. Prepared for Greater Wellington Regional Council.

3.3. Other Consultation, partnership and engagement

78. Community engagement was guided by the Committee throughout the process. One of the first products produced was the Litmus community survey of freshwater values and aspirations¹⁴. This survey canvassed views across 80 respondents and gave a rich insight into community perspectives on restoring and protecting freshwater.
79. Briefing sessions were held with Greater Wellington and Kāpiti Coast council members, including sessions Committee members and with officers.
80. The Mana Whenua House representatives engaged with their executive teams, taiao teams and wider iwi/hapu membership. The Kāwanatanga House engaged with their respective communities. Both houses brought these views back to the Tiriti House to inform the WIP and this Section 32.
81. A Communications Plan was also developed to share the process undertaken by the Committee with the wider community, as well as the recommendations in the WIP.

[Placeholder to summarise any other community or stakeholder engagement prior to finalising the Plan Draft for Schedule 1 consultation. This section will also likely detail how the second phase of the plan development is undertaken (Phase 2).]

3.3.1. Statutory / Schedule 1 consultation requirements

82. Schedule 1 of the RMA sets out the statutory requirements for consultation that must occur before the notification of any proposed plan. Clause 3(1) of Schedule 1 provides the following list of parties that Councils must consult with in preparing a proposed plan:
 - a. The Minister for the Environment
 - b. Other Ministers of the Crown that may be affected by the Plan Change
 - c. Local authorities who may be affected
 - d. The Mana Whenua of the Wellington region through iwi authorities
 - e. Any customary marine title group in the area
83. In accordance with Clause 3(1) of Schedule 1, the following parties were consulted:

[Full list of Schedule 1 parties, their responses and how feedback has been addressed to be included when notified in December 2024]

84. Clause 3B of Schedule 1 outlines further requirements for consultation with an Iwi Authority. Clause 4A of Schedule 1 requires a local authority to provide a copy of a proposed plan to iwi authorities consulted under Schedule 1, Clause 3(1) and allow adequate time and opportunity for the iwi authorities to consider the draft and provide advice on it. This allows iwi authorities the ability to

¹⁴ Litmus (2023) Have your say on freshwater: Freshwater values and aspirations community research. Prepared for the Whaitua Kāpiti Committee

identify the resource management issues that are of concern to them, as well as providing an opportunity for feedback to the local authority on how these issues have been, or are able to be addressed.

85. Section 32(4A) of the RMA requires an evaluation report prepared under section 32 to summarise all advice received from iwi authorities concerning a proposal, a summary of the response to that advice, including any provisions of the proposal intended to give full effect to the advice.

[Summarise responses and how feedback was addressed]

Part C – Issues

Resource Management Issues

[The statements below are high-level and based on the information the Committee has received and discussed to date. As work progresses on developing the plan change, these statements are expected to be revised and refined as more information is known.]

86. This part of the Section 32 identifies the key issues that PC2 is addressing.

Historical and current land use practices have caused degradation of freshwater bodies and freshwater ecosystems

87. Freshwater quality and freshwater ecosystems have been significantly impacted by human land use activities in Te Whaitua o Kāpiti. Historical land use practices straightened and channelised freshwater bodies, drained wetlands, significantly deforested catchments, and introduced new land uses discharging contaminants into rivers and streams. While many of these practices no longer occur, present day activities continue to put pressure on freshwater quality and ecosystem health with many waterways falling below the national bottom line for *E. coli*, macroinvertebrates, dissolved reactive phosphorus and sediment attributes. Monitoring data shows that in some cases, improvements are already being made with improving trends, however there are also more concerning degrading trends evident which must be addressed to give effect to the NPS-FM.

88. Rural land uses, particularly more intensive farming practices, contribute diffuse contaminants, such as nitrogen and phosphorus, to surface water bodies via overland flow or groundwater drainage. Additionally, stock in, or near waterways can lead to erosion and sediment and entering waters. In addition, forestry activities occurring in the hill country of Te Whaitua o Kāpiti can result in sediment and debris entering in waterways.

89. Existing urban areas have impacted the form and quality of urban waterways. Piping of streams and modification of natural channels results in the loss of habitat and changes in the flow characteristics of these waterbodies. Additionally, discharges of stormwater and wastewater, in addition to gross pollutants impacts the ability of waterbodies to support ecosystem health. Many of the urban streams are in a poor and highly modified state.

Environmental flow and allocation management does not give effect to the NPS-FM 2020

90. The current approach to setting and managing low flows and the allocation of water does not give effect to Te Mana o te Wai. In some cases, the current minimum flow levels do not provide for ecosystem habitat needs and allocation granted may have a moderate to high risk of adverse effects on some fish species and macroinvertebrates. Once new minimum flow and allocations are determined, some rivers or streams may be considered over-allocated. The NPS-FM requires the phasing out of over-allocation. PC2 includes policy mechanisms to assist with addressing over-allocation.

Loss of indigenous habitat and biodiversity

91. Freshwater indigenous species habitat and biodiversity has been adversely impacted or lost from Kāpiti due to physical disturbance, changes in hydrology, water quality decline and the introduction and spread of invasive species. Habitat and biodiversity loss can imbalance the ecosystem and impact on the health and wellbeing of communities through reduced opportunities for mahinga kai and recreational activities.
92. The decreasing indigenous biodiversity and taonga species within Kāpiti are important issues facing tangata whenua. Cultural health is dependent on “the ability to gather, prepare and share traditional food from the land, forests, sea, and streams.”¹⁵

Loss of community connection with water

93. Freshwater degradation has contributed to a decline in community connections with freshwater and a lack of awareness about freshwater issues. Disengagement amongst the community means there is reduced ownership of freshwater environments and individual contributions to poor environmental health. A lack of awareness and stewardship results in less motivation to participate in changes to improve the long-term health of freshwater bodies.

Whakapapa of Mana Whenua

94. Whakapapa to freshwater is important both in the sense that individual waterbodies are tūpuna/ancestors which inform the identity of iwi and hapū, and in iwi and hapū understandings of particular atua/deities as representations of the interrelated processes in the freshwater cycle. To uphold the value of whakapapa, mana whenua must be able to uphold this essential connection with freshwater, and it must be protected and respected by the wider community. The degradation of freshwater bodies undermines this whakapapa relationship.

Wairua

95. Wairua is a particular aspect of full health and wellbeing, one that encompasses mental, spiritual, and emotional well-being. This is reflected not just in humans, but also in the health of freshwater and the interconnected relationships between humans and water. For the value of wairua to be upheld, the water/wai must be clean and healthy, tikanga surrounding waterbodies must be known and upheld, and activities to connect with water must be accessible and safe for mana whenua. The degradation of waterways has negatively affected the ability of people to swim or be submerged in water to cleanse or restore wairua.

Mahinga kai

96. The activity of mahinga kai forms part of the identity of Mana Whenua, reflecting whakapapa connections to waterbodies or place, sustaining life and supporting wairua. Two key interactions with the environment are high priorities to support the wairua of Mana Whenua:

¹⁵ Moore, P., Royal, C., & Barnes, A. (2012). *Te Haerenga Whakamua*.

- the ability to partake in mahinga kai activities for enjoyment and good self-esteem; and
97. Poor water and soil quality, and the contamination of water, soil and mahinga kai itself is currently prohibiting the ability to undertake these activities freely, in that it can be unsafe to have contact with water or consume mahinga kai. Not only does this limit the ability of people to undertake activities that are good for their wairua, but knowing that they are unable to prevent the causes of contamination as kaitiaki creates further distress for people¹⁶.
98. Mauri is the essential energy required for all life. Protection, nurturing and enhancement of mauri is Mana Whenua’s fundamental role as kaitiaki. When the mauri of the environment is well, the mauri of all that live in it is well. Mauri is supported through the quality of the food and water consumed, or the healing received from the environment¹⁷. Mauri is as much about diversity as it is about abundance. Waterways with good mauri will have a full suite of mahinga kai species thriving if catchment systems have good mauri. Excessive inputs of nutrients and other contaminants into waterways have created imbalance in their lifetime and had devastating effects of mauri of waterways and people¹⁸.
99. A range of attributes for mahinga kai were monitored for a range of FMU as part of the Mackays to Peka Peka Kaitiaki Monitoring Programme¹⁹. The results of this monitoring programme demonstrate adverse impacts to the wellbeing of Mana Whenua, and the contamination and loss of mahinga kai species across a number of ara wai resulting from:
- ‘Extremely severe’ impacts of environmental change to whānau and individual Hauora;
 - Exceedances of acceptable aqueous E. coli levels in the Wharemauku, Mazengarb, Waimeha, and the Kākāriki Stream (a tributary to the Waimeha);
 - Exceedances of acceptable watercress E. coli levels at the Whareroa, Wharemauku, Mazengarb, and Kākāriki Streams;
 - Exceedances of acceptable watercress lead levels in a tributary to the Wharemauku, as well as a value of arsenic approximately nine times greater than the prescribed health objective; and
 - An inconsistent presence of watercress and tuna (including variable average length and catch) over the five-year sampling period across all waterways.
100. Mana Whenua would like to see an improvement in mahinga kai for the following reasons²⁰:
- Transmission of cultural, social and economic knowledge

¹⁶ Ātiawa ki Whakarongotai. (2019). *Whakarongotai o te moana Whakarongotai o te wa – Kaitiakitanga Plan*

¹⁷ Ātiawa ki Whakarongotai. (2019). *Whakarongotai o te moana Whakarongotai o te wa – Kaitiakitanga Plan*

¹⁸ Baker, M. (2019). *Te Kete Tua-ātea, Māori modelling of the future and the kaitiakitanga of water*. Massey University, Manawatū, Aotearoa New Zealand

¹⁹ Ātiawa ki Whakarongotai Charitable Trust. (2023). *Mackays to Peka Peka (M2PP) Kaitiaki Monitoring Programme Report 2023*

²⁰ Moore, P., Royal, C., & Barnes, A. (2012). *Te Haerenga Whakamua*.

- Reinforcement of tikanga Māori; especially kai gathering and storage
- Transmission of te reo Māori
- Enhancing whanaungatanga, kotahitanga, and manaakitanga
- Being a reputable kai ‘provider’; and
- Promotion of greater self-sufficiency within Māori households and communities.

Māramatanga, Mātauranga Māori and intergenerational knowledge transfer

101. Māramatanga is the enlightenment that arises from being in the world. It is inherited from the collective cultural memory of tūpuna who have gone before and is built on and created through interaction with the world around. Māramatanga is informed through the development and attainment of mātauranga Māori.
102. The transfer of intergenerational knowledge is extremely important, as this ensures not only that stories about identity are passed on, but that good quality knowledge required to protect the taiao and specific values in relation to it are passed on as well. The passing on of knowledge is critical to self-esteem, to the succession of future kaitiaki, and ultimately to the leadership of the Mana Whenua as a whole.
103. The quality of water system reflects the success of intergenerational knowledge transfer. Undervaluing of iwi knowledge by Councils and other agencies has seen a breakdown in the use of mātauranga to inform resource management, including the management of mahinga kai in particular which then limits iwi ability to be good kaitiaki and protect waterways from further degradation.
104. The state of waterways reflects not only the integrity of the decision makers in power but also the collective state of māramatanga of the people. Iwi members have critical knowledge to input into decision making because it is integrated, highly localised and accumulated over generations²¹.
105. Intergenerational knowledge transfer was monitored for a range of FMU as part of the Mackays to Peka Peka Kaitiaki Monitoring Programme. The results of responses to two online surveys of Ātiawa whanau derived found that due to environmental pressures the ability to undertake intergenerational knowledge transfer was below the iwi’s desired objective for mātauranga.

Mana

106. Mana is the authority that iwi/hapū hold as Mana Whenua, and is derived from whakapapa to the taiao as well as undisturbed occupation of the whenua. Tino rangatiratanga includes an inherited responsibility through whakapapa as kaitiaki. As kaitiaki, Mana Whenua have certain rights to access taonga, but implicit in this are the responsibilities to sustainably manage use of the taonga so that they endure for future generations. The ability to exercise kaitiakitanga appropriately greatly affects mana.

²¹ Baker, M. (2019). Te Kete Tua-ātea, Māori modelling of the future and the kaitiakitanga of water.

107. Mana is also reflected in a community with social cohesion and community strength. Connection between people through connection to the taiao is a key factor in strengthening social cohesion and enhancing mana. The ability to share resources also ensures social cohesion and community strength, and reflects on the mana of the people. The ability to connect to the land and water has been limited in recent generations through alienation of the people from their land and waterways.
108. An important concept that is intertwined with the mana is manaakitanga. Manaakitanga is the practice of reciprocally sharing resources in a manner that facilitates the enhancement of mana of all involved parties²². Through the practice of manaakitanga, the mana of both the person practising manaakitanga and the person receiving the benefits of that manaaki is enhanced. Mana Whenua commonly express manaakitanga through their ability to provide kai at hui when hosting manuhiri. An inability to provide plentiful kai to manuhiri would greatly affect the mana of Mana Whenua, and therefore, it is critical that there is continued access to healthy and abundant mahinga kai.
109. The expression mana tangata, the mana of the people, can sometimes be in excess, and create imbalance in the relationship between people and the environment. The well-being of the environment, including the ability to access kai or clean and safe water, has diminished greatly in recent generations due to an increase in development that has not ensured that its impacts to the environment are minimal. This has affected the relationship between Mana Whenua and te taiao through mahinga kai, and to others through the practice of manaakitanga. Ultimately, mana is reflected through free expression of tino rangatiratanga and the upholding of kawa and tikanga Māori.

Part D – Evaluation of Objectives

Approach to the evaluation of objectives

3.4. Introduction

110. Section 32(1)(a) requires an examination of the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. Section 32(6) clarifies for a proposal that contains objectives, those are the objectives which must be evaluated.
111. Section 32 does not require different options for objectives to be identified, however it is accepted good planning practice to, at a minimum, assess proposed objectives against the status quo.
112. The WIP contains a number of objectives that relate to freshwater and freshwater ecosystems:
 - Two objectives providing an expression of Te Mana o te Wai for Kāpiti;
 - One overarching long term freshwater vision objective;
 - 11 FMU specific long term freshwater vision objectives;
 - Nine Whaitua-wide environmental outcome objectives;
 - 12 FMU specific environmental outcome objectives; and

²² Te Whaitua o Kāpiti Committee. (2024). Whaitua Implementation Programme.

- 19 Target State Attributes (TAS) for each FMU have been set including attributes for: ecosystem health, sediment, nutrients, heavy metals, mahinga kai and social connection.
113. The existing operative NRP was not developed to give effect to the current NPS-FM and anticipates the Whaitua approach to NPS-FM implementation. The introductory sections of the NRP describe the importance of the collaborative development of catchment specific programmes to enable integrated catchment management and achieve better resource management practices that reflect local aspirations. Therefore, as the existing operative objectives have not been developed for this purpose, or to give effect to the NPS-FM and Te Mana o te Wai, the status quo is not considered the most appropriate way to achieve the purpose of the RMA.

Approach to Evaluation consistent with Te Mana o te Wai

114. The following approach has been developed for assessing all objectives and provisions that reflects a the Kaupapa of the Tiriti House which interweaves the two world views of the Kāwanatanga House and the Mana Whenua House.
115. The NPS-FM sets out a stepped approach to developing a NOF that is set out in clause 3.7. This approach cascades down from: the principles of Te Mana o te Wai²³, to long term visions, to FMUs, to values, to environmental outcomes.
116. Te Mana o Te Wai is a fundamental concept in the NPS-FM and therefore is consistent with the purpose of the RMA. Te Mana o Te Wait recognises that protecting the health of freshwater protects the health and well-being of the wider environment. Therefore, implementing the NPS-FM upholds the purpose of the RMA by safeguarding the life-supporting capacity of water and ecosystems. Therefore, the most appropriate criteria to assess provisions against are the principles of Te Mana o te Wai as determined by the Committee to be an expression of Te Mana o te Wai in Kāpiti. This is consistent with clause 3.2 of the NPS-FM which says that Te Mana o te Wai must be given effect to throughout the implementation of the NPS-FM.
117. These principles are appropriate for assessing provisions as they reflect a Kaupapa approach and are the result of an interweaving of world views within the Tiriti House. This is because Te Mana o te Wai provides for the recognition and application of both tikanga and mātauranga Māori and Western knowledge systems and regulation.
118. Ministry for the Environment (MfE) guidance on undertaking a section 32 evaluation²⁴ sets out specific criteria for assessing RMA objectives including relevance, feasibility and acceptability. These section 32 criteria are inherent within Te Mana o te Wai principles as follows:

Table 3: Alignment of objective assessment criteria with Te Mana o te Wai Principles

Objective Assessment Criteria	Comment in alignment with Te Mana o te Wai Principles
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²³ Refer to Section 2 of Te Whaitua o Kāpiti Committee. (2024). Whaitua Implementation Programme.

²⁴ Ministry for the Environment. 2017. A guide to section 32 of the Resource Management Act: Incorporating changes as a result of the Resource Legislation Amendment Act 2017. Wellington: Ministry for the Environment.

<p>Relevance:</p> <ul style="list-style-type: none"> • Directed to addressing a resource management issue • Focused on achieving the purpose of the Act • Assists a council to carry out its statutory functions • Within scope of higher-level documents 	<p>An objective that is aligned with Te Mana o te Wai:</p> <ul style="list-style-type: none"> • Is related to numerous freshwater management issues as identified earlier in this section 32 Evaluation; • Is consistent with the purpose of the Act, as all principles relate to: <ul style="list-style-type: none"> - social, economic, and cultural well-being and health and safety - sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations - safeguarding the life-supporting capacity of water; and - avoiding, remedying, or mitigating any adverse effects of activities on the environment. • Will assist the Regional Council to undertake its functions under s30 of the Act with regard to freshwater management. • Consistent with higher order direction in that Te Mana o te Wai is the fundamental concept of the NPS-FM.
<p>Feasibility</p> <ul style="list-style-type: none"> • Acceptable risk and level of uncertainty • Realistically able to be achieved within Council's powers, skills, and resources 	<p>An objective that is aligned with Te Mana o te Wai:</p> <ul style="list-style-type: none"> • Has an acceptable level of risk and level of uncertainty as they were derived through a robust process between Mana Whenua, Council and the community and therefore a high degree of certainty that they reflect desired community outcomes. • Can realistically be achieved as they were developed in a Te Tiriti model which combines the powers, skills, and resources of the Mana Whenua, Council and the community. • The objectives were developed to be achievable within these respective powers, skills, and resources. • For example, the Council's scope of powers under (s30 of the RMA—functions of regional council provides powers including: <ul style="list-style-type: none"> <i>(c) the control of the use of land for the purpose of—</i> <ul style="list-style-type: none"> <i>(ii) the maintenance and enhancement of the quality of water in water bodies and coastal water:</i> <i>(iii) the maintenance of the quantity of water in water bodies and coastal water:</i> <i>(iiia) the maintenance and enhancement of ecosystems in water bodies and coastal water:</i> <p>...</p>

	<p><i>(e) the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body;</i></p> <p>...</p> <p><i>(fa) if appropriate, the establishment of rules in a regional plan to allocate any of the following:</i></p> <p style="padding-left: 40px;"><i>(i) the taking or use of water (other than open coastal water):</i></p> <p>...</p> <p><i>(g) in relation to any bed of a water body, the control of the introduction or planting of any plant in, on, or under that land, for the purpose of—</i></p> <p style="padding-left: 40px;"><i>(i) soil conservation:</i></p> <p style="padding-left: 40px;"><i>(ii) the maintenance and enhancement of the quality of water in that water body:</i></p> <p style="padding-left: 40px;"><i>(iii) the maintenance of the quantity of water in that water body:</i></p> <ul style="list-style-type: none"> • The Council has the following technical capabilities to implement the objectives such as: access to data, technical expertise (freshwater scientists, GIS technicians, policy analysts, hydrologists), and funding to undertake other methods.
<p>Acceptability</p> <ul style="list-style-type: none"> • Consistent with identified iwi/Māori and community outcomes • Will not result in unjustifiably high costs on the community or parts of the community 	<p>An objective that is aligned with Te Mana o te Wai:</p> <ul style="list-style-type: none"> • Consistent with Mana Whenua and community outcomes as the Tiriti House process used to develop them is consistent with Mana Whakahaere and good governance. • While the provisions related to the objective will have high costs for Council and landowners, these are not unjustifiably high in terms of the national direction to provide for Te Mana o te Wai and the hierarchy of obligations.

Scale and significance

119. This section considers the scale and significance of the proposal to determine the level of assessment necessary.
120. Under Section 32(1)(c) of the RMA, evaluation reports must “contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.”

121. The following assessment considers the proposal in relation to eight factors and scores each factor out of 5 in terms of its scale and significance (where 1 is low and 5 is high). This is consistent with MfE's guidance on section 32 reports. There is a degree of subjectivity about this evaluation, and its primary purpose is to broadly determine the level of analysis required for this topic. It is not intended to be an economic cost-benefit analysis although it will help determine if one is required. The following table that provides a final overall score for the scale and significance of the proposed provisions, and therefore the level of analysis required:

Table 4: Scale and Significance Assessment

Factors	Assessment	Score
Reason for change	The proposal looks to address significant historical and contemporary issues with freshwater management in Kāpiti. Councils must notify regional plans or policy statements to give effect to the NPS-FM by 31 December 2027. The proposal therefore scores high on this factor.	5
Degree of shift from the status quo	PC2 is proposing a significantly new management regime for freshwater in the regional plan through both regulatory and non-regulatory methods. The proposal therefore scores high on this factor.	5
Who and how many will be affected	PC2 will affect everyone in the district either directly or indirectly be they mana whenua, landowners, the community or central/local government authorities. The proposal therefore scores high on this factor.	5
Degree of impact on, or interest from iwi/Māori	The proposal will impact Te Mana o te Wai which directly relates to Mana Whakahaere, Kaitiakitanga and Manaakitanga. The proposal therefore scores high on this factor.	5
When will effects occur	The effects of the new freshwater management regime will be long-term as most freshwater outcomes will take a generation or more to realise. The proposal therefore scores high on this factor.	5
Geographic scale of impact	The geographic scale of PC2 is district-wide, and affects as range of communities, landowners and both public and private land. The proposal therefore scores high on this factor.	5
Type of effect	The proposal will impact all impact all four well beings (environmental, social, cultural and economic), present and future generations, as well as the intrinsic values of freshwater ecosystems. The proposal therefore scores high on this factor.	5
Degree of policy risk, implementation risk, or uncertainty	There will likely be a strong reaction from the community and landowners (both positive and negative), implementation will be expensive and challenging, and success will depend on non-regulatory factors such as investment and behaviour change. The proposal therefore scores high on this factor.	5
Overall score		40

Total Score Interpretation
0-10 Scale and Significance = Low
11-20 Scale and Significance = Moderate
21-30 Scale and Significance = High
31-40 Scale and Significance = Very High

122. The overall scale and significance of this proposal has been assessed as being very high. This means that this evaluation report needs to contain a very high level of detail and analysis²⁵ including:

- A level of details that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the objectives;
- a detailed planning analysis of the extent and provisions, including multi-criteria analysis, cost-benefit analysis and evaluation against Te Mana o Te Wai;
- a robust and detailed evidence base, including reference to relevant technical reports, studies, independent assessments and peer reviews as required;
- consideration of and response to legal comments; and
- evidence of a high level of community and landowner engagement and detailed consideration of feedback.

Evaluation of the appropriateness of Objectives

3.5. Evaluation of Te Mana o te Wai Objectives

123. Council must include an objective in its RPS to describe how management of freshwater in the region will give effect to ²⁶ Mana o te Wai²⁷.

124. The Committee developed and recommended two objectives for the RPS to describe how ²⁸ Mana o te Wai is to be given effect to in te Whaitua o Kāpiti²⁹.

125. The first objective is focused on the connection of the people of Kāpiti to freshwater and seeks a transformation in the way in which water is viewed, valued and respected.

Objective 1

Water management in Te Whaitua o Kāpiti gives effect to Te Mana o te Wai by transforming the legacy of seeing water as just as an asset, through a paradigm shift back to seeing healthy water as fundamental to the existence of all living things by upholding:

²⁵ Refer to MfE Guidance on s32 Evaluations.

²⁷ NPS-FM, clause 3.2(3)

²⁹ See Te Whaitua o Kāpiti Committee. (2024). Whaitua Implementation Programme for more information about how the objectives were formed by the Committee.

Mana atua: The whole system of divinely interconnected Atua (naturally occurring influences and processes) that comprise the holistic health of water systems, their manas and their mauri; and

Mana whenua: The particular relationships between mana whenua, land and water; and

Mana tangata: Our integrity as individuals and communities within Kāpiti in the way that we use water to support our social, economic and cultural well-being.

126. The second objective builds on the six principles of Te Mana o te Wai and expresses how each principle is to be implemented in freshwater management in order to give effect to Te Mana o te Wai within te Whaitua o Kāpiti.

Objective 2 :

Te Mana o te Wai is implemented through a Tiriti-based decision-making and implementation framework that provides for the recognition and application of both tikanga and mātauranga Māori and Western knowledge systems and regulation. Implementing Te Mana o te Wai requires the expression of its Principles by giving effect to:

Mana Whakahaere by:

- a. *Recognising the rangatiratanga of mana whakahaere to water; and*
- b. *Providing for mana whenua to collectively identify all relevant mana whakahaere, rights and interest holders, and their roles in relation to the care and use of water, through processes consistent with tikanga Māori; and*

Governance by:

- a. *Ensuring decisions are transparent, informed by the best available information, and accountable to communities; and*
- b. *Fostering active collaboration between government, mana whenua and communities to achieve equitable and sustainable outcomes; and*
- c. *Managing land and water in a way that involves, and achieves the vision of, the communities of Te Whaitua o Kāpiti; and*

Kaitiakitanga by:

- a. *Limiting our use of water and impacts on water in a way that provides for ecosystem integrity; and*
- b. *Recognising the interdependence of ecological, cultural, social and economic well-being; and*
- c. *Recognising the importance of observing and monitoring water values to understand their state; and*

Stewardship by:

- a. *Recognising that freshwater is a living being; and*
- b. *Recognising the interdependent relationship between land use and the health of water and well-being of people; and*
- c. *Pursuing outcomes that improve the health and well-being of te Taiao for future generations; and*

Manaakitanga by:

- a. *Enhancing water values where we benefit from their use; and*
- b. *Intervening promptly and effectively when water values are degraded below target attributes states; and*

- c. *Sharing water equitably across communities; and*
- d. *Enhancing communities access and connection with water; and*

Care and Respect by:

- a. *Promoting positive activities that protect, restore or enhance waterbodies and their ecosystems; and*
- b. *Recognising the intrinsic values of waterbodies and supporting their natural character and values; and*
- c. *Supporting positive relationships between people and water through education, improved access and connection with waterbodies.*

127. These objectives are considered to be the most appropriate way to achieve the purpose of the Act as:

- They are related to numerous freshwater management issues as identified earlier in this section 32 Evaluation, including matters such as discharges of contaminants to waterways, degraded freshwater ecosystems, and issues relating to cultural values such as mahinga kai;
- Are consistent with higher order direction in that it describes how the management of freshwater in the region will give effect to Te Mana o te Wai in accordance with clause 3.2(3) of the NPS-FM, other clauses are given effect to as well for example clause 3.2(1) in that communities and tangata whenua have been involved in drafting objectives through the Tiriti House;
- Relate to the management of freshwater which is a regional council function under s30 and it assists the Council to undertake its functions under this section;
- Meet best practice plan drafting as the objective clearly states the outcome sought to achieve Te Mana o te Wai; and
- Are consistent with Mana Whenua and community outcomes as the Tiriti House process used to develop them is consistent with Mana Whakahaere and good governance as outlined in the WIP.

3.6. Evaluation of other objectives

128. This section of the report evaluates the other proposed objectives as to whether they are the most appropriate option to achieve the purpose of the Act. These objectives include visions, environmental outcomes and TAS.

129. Objectives are assessed against the six criteria determined by the Committee to be an expression of Te Mana o te Wai in Kāpiti as listed in section 7.1 above.

3.7. Evaluation of Ngā Moemoea - long-term freshwater vision objectives

3.7.1. Summary of approach to Ngā Moemoea - long-term freshwater vision objectives

130. Council must develop long-term visions for freshwater in its region and include those long-term visions as objectives in its RPS³⁰.
131. The Committee developed and recommended one overarching vision and 11 FMU specific visions to be included as objectives in the RPS.
132. The overarching vision seeks that all freshwater bodies will be returned to a healthy state by 2040 including ecosystems, natural flows and forms, mauri and wairua. This will be done in a way that applies mātauranga Māori and expresses Kōtahitanga/unity, partnership, Ūkaipōtanga/belonging and good governance.
133. With the exception of the Kāpiti Island FMU which seeks to maintain the state of waterways on the Island from 2024, FMU specific visions have either a 2040, 2045 or 2050 timeframe, and include specific goals in addition to the general 2040 vision including goals such as revitalising cultural practices including raranga and rongoā.

3.7.2. Evaluation of long term freshwater vision objectives under Te Mana o te Wai principles

134. As the visions are to be objectives, they need to be evaluated under section 32 of the RMA to determine if they are the most appropriate way to achieve the purpose of this Act.
135. The Te Mana o Te Wai evaluation below does not necessarily address every principle that is relevant, but provides several examples for each to demonstrate how the above Te Mana o te Wai principles are provided for in the vision objectives.

³⁰ NPS-FM, clause 3.3(1)

Table 5: Assessment of ngā moemoea long-term freshwater vision objectives

Ngā huanga	Kōrero
All visions	<p>All visions provide for Te Mana o te Wai including:</p> <ul style="list-style-type: none"> • <i>Mana whakahaere</i> the visions were developed under a process that is consistent with tikanga Māori and respects the rangatiratanga of Mana Whenua³¹. • <i>Good governance</i> the visions were developed in collaboration between local government, Mana Whenua and communities and will guide decision making through regulatory and non-regulatory processes, including resource consents.
Vision 1: Overarching Tiriti House vision	<p>This vision provides for Te Mana o te Wai including:</p> <ul style="list-style-type: none"> • <i>Mana whakahaere</i> as it recognises the rangatiratanga of Mana Whenua. • <i>Kaitiakitanga</i> in that it speaks to the role of Mana Whenua as kaitiaki e.g. Vision 1(5)(c). • <i>Manaakitanga</i> including seeking to ensure mahinga kai can be practiced (Vision 1(5)(e). This allows Mana Whenua to express manaakitanga through the gathering and sharing of resources, including their ability to provide kai to whānau and manuhiri. Vision 1(1) seeks to preserve and protect the intrinsic values of freshwater. The act of enhancing the intrinsic values of freshwater to achieve ecosystem health is an expression of manaakitanga which acknowledges the reciprocal relationship between Mana Whenua and wai. • <i>Good governance</i> as it provides a clear direction on the vision as outlined in Vision 1(6).
Visions 2 to 12	<p>These visions provide for Te Mana o te Wai including:</p> <ul style="list-style-type: none"> • <i>Mana whakahaere</i> as they recognise the rangatiratanga of Mana Whenua and space has been provided to identify relevant mana whakahaere for FMU. Outcomes recognise values specific to relevant iwi and hapu who are Mana Whenua in the FMU. • <i>Good governance</i> as these visions were developed in collaboration between local government, Mana Whenua and communities. They provide a clear direction on the outcome sought for rivers, lakes and natural wetlands within each FMU and will guide decision making through regulatory and non-regulatory processes, including resource consents. • <i>Manaakitanga</i> including seeking to ensure a full suite of mahinga kai is available which allows Mana Whenua to express manaakitanga through their ability to provide kai at hui when hosting manuhiri. The outcomes seek to preserve and protect the intrinsic values of freshwater which enables Mana Whenua to express manaakitanga towards the wai. • <i>Kaitiakitanga</i> as they look to place limits on water quality and quantity which will provide for ecosystem integrity.

³¹ This process is set out in Te Whaitua o Kāpiti Committee. (2024). Whaitua Implementation Programme.

	<ul style="list-style-type: none"> • <i>Stewardship</i> as they aim to improve the health and well-being of te Taiao for future generations. • <i>Care and respect</i> as they seek to support the intrinsic values of waterbodies and supporting their natural character and values.
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3.7.3. Overall conclusion on appropriateness of the objective to achieve the purpose of the Act

Note: These are preliminary and high-level conclusions. Conclusions reached within this report will need to be revisited once evidence is collated and the complete package of provisions in PC2 is developed by November 2024.

136. Overall, these objectives are the most appropriate way to achieve the purpose of the Act. They are consistent with the principles of Te Mana o te Wai as determined by the Committee to be an expression of Te Mana o te Wai in Kāpiti. This is consistent with clause 3.2 of the NPS-FM which says that Te Mana o te Wai must be given effect to throughout the implementation of the NPS-FM.
137. In being consistent with Te Mana o te Wai, they are also consistent with best practice criteria for assessing RMA objectives including relevance, feasibility and acceptability as outlined in section 6.2 of this Report.

Evaluation of Ngā Huanga - environmental outcome objectives

3.7.4. Summary of approach to Ngā Huanga - environmental outcome objectives

138. As environmental outcomes must be expressed as an objective or objectives in a regional plan under clause 3.9(4) of the NPS-FM, the objectives need to be evaluated under section 32 of the RMA to determine if they are the most appropriate way to achieve the purpose of this Act.
139. The process for developing environmental outcomes involved first determining the values for each FMU, which helps determine the desired results (written as environmental outcomes objectives). Therefore, environmental outcomes are the objectives for each value.
140. The Committee decided on a number of Whaitua-wide outcomes for those values that apply across the Whaitua and for some overarching issues such as climate change. These outcomes set out the Committee's ambitions for these themes and sit alongside the environmental outcomes described for each FMU. Environmental outcomes that apply across the whaitua all have a target date of 2040 and relate to:
- Mana whenua outcomes
 - Ecosystem health in both surface and ground water
 - Human contact
 - Threatened species
 - Natural form and character
 - Fishing
 - Urban and rural land use
 - Climate change
141. With the exception of the Kāpiti Island FMU which seeks to maintain the state of waterways on the Island from 2024, FMU specific outcome shave either a 2035, 2040 or 2045 timeframe. There are specific outcomes based on values which exist in each FMU.

3.7.5. Evaluation of the objective under Te Mana o te Wai principles

142. As environmental outcomes must to be expressed as regional plan objectives, they need to be evaluated under section 32 of the RMA to determine if they are the most appropriate way to achieve the purpose of this Act.
143. The Te Mana o Te Wai evaluation below does not necessarily address every principle that is relevant, but provides several examples for each to sufficiently demonstrate how the above Te Mana o te Wai principles are provided for in the outcome.

Table 6: Assessment of Ngā Huanga - Environmental Outcomes

Ngā huanga	Kōrero
All outcomes	<p>All outcomes provide for Te Mana o te Wai including:</p> <ul style="list-style-type: none"> • <i>Mana whakahaere</i> as the outcomes were developed under a process that is consistent with tikanga Māori and respects the rangatiratanga of Mana Whenua. • <i>Good governance</i> as the outcomes were developed in collaboration between local government, Mana Whenua and communities and will guide decision making through regulatory and non-regulatory processes, including resource consents.
Outcome 1 – Mana Whenua outcomes	<p>This outcome provides for Te Mana o te Wai including:</p> <ul style="list-style-type: none"> • <i>Mana whakahaere</i> as it recognises the rangatiratanga of Mana Whenua. For example, Outcome 1(1) seeks to ensure Mana Whenua are active Tiriti partners and decision makers. Outcomes 1(2) and 1(3) are also critical to the expression of mana whakahaere as they provide the foundation of knowledge that then enables Mana Whakahaere to be expressed. • <i>Kaitiakitanga</i> in that it speaks to the role of Mana Whenua as kaitiaki. Outcome 1(2) provides for the reconnection of Mana Whenua to their whakapapa and thereby their obligations as kaitiaki. For example, Outcome 1(6) seeks to preserve and protect the intrinsic values of freshwater which is an expression of kaitiakitanga. • <i>Manaakitanga</i> including outcomes 1(5) and 1(10) which seek to ensure a full suite of mahinga kai is available. This allows Mana Whenua to express manaakitanga through the gathering and sharing of resources, including their ability to provide kai to whānau and manuhiri. Outcome 1(6) seeks to preserve and protect the intrinsic values of freshwater. The act of enhancing the intrinsic values of freshwater to achieve ecosystem health is an expression of manaakitanga which acknowledges the reciprocal relationship between Mana Whenua and wai. • <i>Good governance</i> as it provides a clear direction on the outcome sought for rivers, lakes and natural wetlands and will guide decision making through the resource consent process under s104. • <i>Stewardship</i> as it aims to improve the health and well-being of te Taiao for future generations. • <i>Care and respect</i> as it seeks to support the intrinsic values of waterbodies and supporting their natural character and values.
Outcome 2 – Ecosystem health (surface water) & Outcome 3 – Ecosystem health (ground water)	<p>This outcome provides for Te Mana o te Wai including:</p> <ul style="list-style-type: none"> • <i>Kaitiakitanga</i> as it looks to place limits on water quality and quantity which will provide for ecosystem integrity. • <i>Manaakitanga</i> including preserving and protecting the intrinsic values of freshwater which enables Mana Whenua and the community to express manaakitanga towards the wai, and improved health and wellbeing of ecosystems will ensure a full suite of mahinga kai is available. • <i>Stewardship</i> as it aims to improve the health and well-being of te Taiao for future generations.

	<ul style="list-style-type: none"> • <i>Care and respect</i> as it seeks to support the intrinsic values of waterbodies and supporting their natural character and values.
Outcome 4 – Human contact	<p>This outcome provides for Te Mana o te Wai including:</p> <ul style="list-style-type: none"> • <i>Stewardship</i> as it aims to improve the health and well-being of te Taiao for future generations as it relates to human contact values such as recreational activities. • <i>Manaakitanga</i> including enhancing communities access and connection with water. • <i>Care and respect</i> as it seeks to support the human contact values of waterbodies for the community.
Outcome 5 – Threatened Species	<p>This outcome provides for Te Mana o te Wai including:</p> <ul style="list-style-type: none"> • <i>Stewardship</i> and <i>Kaitiakitanga</i> as it looks protect threatened species and seek improvements and achieve a lower threat classification in time. • <i>Manaakitanga</i> and <i>care and respect</i> as protecting threatened species enables Mana Whenua and the community to express both manaakitanga and care and respect towards them.
Outcome 6 – Natural form and character	<p>This outcome provides for Te Mana o te Wai including:</p> <ul style="list-style-type: none"> • <i>Stewardship</i> and <i>Kaitiakitanga</i> as the outcome looks to improve the natural form and function of freshwater bodies which is an expression of both kaitiakitanga and stewardship. • <i>Manaakitanga</i> and <i>care and respect</i> as improving the natural form and function of freshwater bodies enables Mana Whenua and the community to express both manaakitanga and care and respect towards them.
Outcome 7 – Fishing	<p>This outcome provides for Te Mana o te Wai including:</p> <ul style="list-style-type: none"> • <i>Manaakitanga</i> as the ability to harvest mahinga kai allows Mana Whenua to express manaakitanga through their ability to provide kai at hui where hosting manuhiri. • <i>Stewardship</i> as it aims to provide for communities to harvest fish species from water bodies for safe human consumption.
Outcome 8 – Urban and rural land use	<p>This outcome provides for Te Mana o te Wai including:</p> <ul style="list-style-type: none"> • <i>Stewardship</i> and <i>Kaitiakitanga</i>, as human values such as the economic use of water can only be provided for where the health and well-being needs of water bodies and freshwater ecosystems and human health are provided for as outlined in the chapeau of the outcome.
Outcome 9 – Climate change	<p>This outcome provides for Te Mana o te Wai including:</p>

	<ul style="list-style-type: none"> • <i>Manaakitanga</i> and <i>Care and respect</i> as ensuring waterways provide for greater regulation and reducing the effects of climate change enables Mana Whenua and the community to express both manaakitanga and care and respect towards current and future generations.
Outcomes 10 to 20	<p>These outcomes provide for Te Mana o te Wai including:</p> <ul style="list-style-type: none"> • <i>Mana whakahaere</i> as they recognise the rangatiratanga of Mana Whenua and identify all relevant mana whakahaere for FMU. Outcomes recognise values specific to relevant iwi and hapu who are Mana Whenua in the FMU e.g. clauses such as outcome 10(5) specifically reference mahinga kai and manaakitanga outcomes for the particular hapu/iwi in that FMU. • <i>Good governance</i> as these outcomes were developed in collaboration between local government, Mana Whenua and communities. They provide a clear direction on the outcome sought for rivers, lakes and natural wetlands within each FMU and will guide decision making through regulatory and non-regulatory processes, including resource consents. • <i>Manaakitanga</i> including seeking to ensure a full suite of mahinga kai is available which allows Mana Whenua to express manaakitanga through their ability to provide kai at hui where hosting manuhiri (for example Outcome 12(3) and (4)). The outcomes seek to preserve and protect the intrinsic values of freshwater which enables Mana Whenua to express manaakitanga towards the wai. • <i>Kaitiakitanga</i> as they look to place limits on water quality and quantity which will provide for ecosystem integrity. • <i>Stewardship</i> as they aim to improve the health and well-being of te Taiao for future generations (for example Outcome 15(6)). • <i>Care and respect</i> as they seek to support the intrinsic values of waterbodies and supporting their natural character and values.

Overall conclusion on appropriateness of the objectives to achieve the purpose of the Act

Note: These are preliminary and high-level conclusions. Conclusions reached within this report will need to be revisited by December 2024 once evidence is collated, the complete package of provisions in PC2 is developed, and the assessment criteria are confirmed.

144. Overall, these environmental outcome objectives are the most appropriate way to achieve the purpose of the Act. They are consistent with the principles of Te Mana o te Wai as determined by the Committee to be an expression of Te Mana o te Wai in Te Whaitua o Kāpiti. This is consistent with clause 3.2 of the NPS-FM which says that Te Mana o te Wai must be given effect to throughout the implementation of the NPS-FM.
145. In being consistent with Te Mana o te Wai, the environmental outcome objectives are also consistent with best practice criteria for assessing RMA objectives including relevance, feasibility and acceptability as outlined in section 6.2 of this Report.

Evaluation of Target Attribute State Objectives

3.7.6. Summary of approach to setting Target Attribute States

146. Council must set TAS for every attribute identified for a value³². TAS must be set in such a way that they will achieve environmental outcomes for the relevant values, and the relevant long-term vision³³. The WIP outlines the process to set TAS in Section 4, and the TAS are set out in the appendices for each FMU. The Committee approached the identification of TAS that many waterways were in a degraded state, and they required significant improvement to give effect to Te Mana o te Wai.
147. In developing TAS in the WIP, both houses brought their own mātauranga and knowledge to the Tiriti House to discuss appropriate TAS. In addition, the approach for setting TAS for rivers and streams centred around the use of a Bayesian Belief Network (BBN). A BBN model was developed in collaboration with the Committee and Dr. Russell Death.
148. Where insufficient gaps in data existed, mātauranga Māori and the knowledge of the Tiriti House were applied to set TAS.
149. While the NPS-FM does not direct where in the regional plan TAS must sit, they best sit as objectives as they set out a desired future state alongside the environmental outcomes evaluated above. This is consistent with the approach taken in Plan Change 1 to the NRP.

3.7.7. Evaluation of Target Attribute State objectives

150. The TAS objectives need to be evaluated under section 32 of the RMA to determine if they are the most appropriate way to achieve the purpose of this Act.
151. The evaluation below does not necessarily address every principle that is relevant but provides several examples for each to demonstrate how the above Te Mana o te Wai principles are provided for in the TAS objectives.

³² NPS-FM, clause 3.11(1)

³³ NPS-FM, clause 3.11(7)

Table 7: Assessment of Target Attribute State Objectives

Ngā huanga	Kōrero
All TAS	<p>All TAS provide for Te Mana o te Wai including:</p> <ul style="list-style-type: none"> • <i>Mana whakahaere</i> as the TAS were developed through a Te Tiriti House process that is consistent with tikanga Māori and respects the rangatiratanga of Mana Whenua. The TAS are a demonstration of mana whakahaere as they set a trajectory for improved wai. • <i>Kaitiakitanga</i> in that the TAS, including those set for mahinga kai, provide for the role of Mana Whenua as kaitiaki. Achieving TAS will provide for the reconnection of Mana Whenua to their whakapapa and thereby their obligations as kaitiaki. • <i>Manaakitanga</i> as the TAS that seek to achieve broader ecosystem health outcomes are an expression of manaakitanga which acknowledges the reciprocal relationship between Mana Whenua and wai. TAS will seek to ensure a full suite of mahinga kai is available. This allows Mana Whenua to express manaakitanga through the gathering and sharing of resources, including their ability to provide kai to whānau and manuhiri. • <i>Good governance</i> as the TAS were developed in collaboration between local government, Mana Whenua and communities and will guide decision making through regulatory and non-regulatory processes, including resource consents. • <i>Stewardship</i> as the TAS aim to improve the health and well-being of te taiao for future generations. • <i>Care and respect</i> as TAS seek to support the intrinsic values of waterbodies and supporting their natural character and values.
Waitohu	<p>The TAS set for this FMU provide for Te Mana o te Wai as they provide for <i>Kaitiakitanga/Stewardship/Manaakitanga</i> as follows:</p> <ul style="list-style-type: none"> • To achieve good ecosystem health in accordance with Appendix 1A - Compulsory Values of the NPS-FM, the Norfolk Crescent and Manapouri sites must be improved from a D band to a B band³⁴ for MCI/QMCI. This is aspirational but recognises the actions needed to realise environmental improvement. • Deposited fine sediment is a significant attribute in this catchment. In this FMU an A band state is required in order to support ecological health. • Dissolved reactive phosphorus has been shown via the BBN model to have a lesser influence on QMCI than other attributes. Achieving an A band TAS is unlikely to have any material impact on environmental health, therefore a TAS of B

³⁴ Refer Appendix 2A in the NPS-FM

	<p>across the FMU is sought to support healthy freshwater. This is particularly aspirational for the Mangapouri which is currently D band state.</p> <ul style="list-style-type: none"> • TAS for suspended fine sediment, dissolved copper and dissolved zinc are sought to be improved to either an A or B band state (depending on TAS and reach of Waitohu) to achieve the MCI/QMCI targets. • While tuna are currently able to be found in sufficient abundance and in healthy condition in this FMU, wider cultural needs (e.g. ability to connect to waterways and undertake other cultural practices) are not being met due to environmental degradation, achieving the mahinga kai TAS will provide for the ability for people to safely connect and interact with the environment to nourish their wairua.
Waiorongomai FMU	<p>The TAS set for this FMU provide for Te Mana o te Wai as they provide for <i>Kaitiakitanga/Stewardship/Manaakitanga</i> as follows:</p> <ul style="list-style-type: none"> • The TAS have been determined to achieve good ecosystem health, including B band state for MCI/QMCI. Achieving a TAS of A band would require reverting the catchment back to native forest which is not realistic. Deposited fine sediment was noted as something of particular concern given observations of high deposited sediment levels and poor visual clarity. A C band state was selected as a realistic response reflecting the scale of the issue, while seeking to improve outcomes. • TAS for E.coli, periphyton and dissolved oxygen reflect the importance of mahinga kai and aspirations for safe recreational uses. • There is evidence that tuna are stressed within this FMU and this is reflected in the monitoring of tuna health and abundance, achieving the mahinga kai TAS will provide for Te Mana o te Wai including manaakitanga and kaitiakitanga.
Ōtaki FMU	<p>The TAS set for this FMU provide for Te Mana o te Wai as they provide for <i>Kaitiakitanga/Stewardship/Manaakitanga</i> as follows:</p> <ul style="list-style-type: none"> • Given water quality of the Ōtaki River is currently reasonably good³⁵, the majority of the TAS seek to maintain that level of water quality, as such, an A band TAS has been selected for most attributes. • MCI/QMCI at the river mouth has been set at a B band state recognising that B band will still achieve good ecological health whereas, achieving an A state at this location would likely require significantly changing urban and rural land uses. The baseline state for Macroinvertebrate Average Score Per Metric (APSM) is B band state and will require some improvement in order to meet the A band TAS, as will the concentration of suspended fine sediment which is also sought to be improved from a B to an A band TAS. • Tuna is currently caught in sufficient abundance and in a healthy condition as local monitoring demonstrates the TAS is achieved. However, the mahinga kai culture aggregate target³⁶ is not being achieved and current information indicates

³⁵ Refer section 5 of Te Whaitua o Kāpiti Committee. (2024). Whaitua Implementation Programme.

³⁶ Refer Section 4 of Te Whaitua o Kāpiti Committee. (2024). Whaitua Implementation Programme.

	<p>this is at a median of 3/5. Achieving the mahinga kai TAS will provide for the ability for people to safely connect and interact with the environment to nourish their wairua.</p>
Mangaone FMU	<p>The TAS set for this FMU provide for Te Mana o te Wai as they provide for <i>Kaitiakitanga/Stewardship/Manaakitanga</i> as follows:</p> <ul style="list-style-type: none"> • Given the significantly poor state of the Mangaone Stream and the significant change in rural land uses that would be required, the TAS seek improvement of water quality to at least meet the national bottom line for MCI/QMCI and dissolved reactive phosphorus and maintaining other attributes at their current state which will support achieving improvements in MCI/QMCI. • An A band TAS is proposed for nitrate, requiring an improvement within the Mangaone FMU as an A band state is sought across the whaitua. In relation to dissolved copper and dissolved zinc, a B band TAS is set rather than aligning these attributes with the MCI/QMCI TAS. • For <i>E.coli</i>, periphyton and dissolved oxygen, the TAS selected reflect that the area is significant for mahinga kai, community swimming and there is a lot of human interaction with awa. • Tuna abundance and health achieves the TAS, however the mahinga kai culture aggregate score for the Mangaone is only 1/5 meaning a shift to 4/5 will require significant effort to achieve the mahinga kai TAS and provide for Te Mana o te Wai including manaakitanga and kaitiakitanga.
Kōwhai FMU	<p>The TAS set for this FMU provide for Te Mana o te Wai as they provide for <i>Kaitiakitanga/Stewardship/Manaakitanga</i> as follows:</p> <ul style="list-style-type: none"> • The TAS have been selected recognising the observed pressures on freshwater within the FMU, adopting an ambitious but pragmatic approach to determining the level of improvement required. MCI/QMCI was modelled at a C band state currently, however the monitoring required to establish a baseline state in accordance with the NPS-FM could possibly determine that the FMU is currently below the national bottom line. Due to the significant effort that the Committee considered will be necessary to realise an improvement in MCI/QMCI, a C band TAS has been selected. The TAS for deposited fine sediment was set at a B band state to recognise the stream was originally a hard bottomed stream but it may not be possible to fully restore the natural characteristics. • ASPM, suspended fine sediment, dissolved copper and dissolved zinc TAS were set at C band states in order to achieve MCI/QMCI of C band. Fish IBI was set at an A state based on catch observations. • <i>E.coli</i>, periphyton and dissolved oxygen states were selected by the Committee to reflect the significance of the stream as a mahinga kai site, including historical importance due the presence of pā and papakāinga. There is also a strong present-day connection between the community and the awa. • Tuna abundance and health has been monitored in this FMU and the results show the proposed attribute is currently being achieved. Despite this, environmental degradation has impacted wider community wellbeing with the mahinga kai culture

	aggregate results being only 1/5 meaning a shift to 4/5 will require significant effort to achieve the mahinga kai TAS and provide for Te Mana o te Wai including manaakitanga and kaitiakitanga.
Waimeha FMU	<p>The TAS set for this FMU provide for Te Mana o te Wai as they provide for <i>Kaitiakitanga/Stewardship/Manaakitanga</i> as follows:</p> <ul style="list-style-type: none"> • Improving MCI/QMCI from below the national bottom line to a TAS of B band is required to achieve good ecosystem health. • Deposited fine sediment and dissolved reactive phosphorus TAS were set at C band, reflecting the level required to achieve the MCI/QMCI TAS. • Ammonia, nitrate (toxicity), dissolved copper and dissolved zinc will need to be maintained at either a B or A band state (depending on TAS). • <i>E.coli</i>, periphyton and dissolved oxygen TAS were selected to reflect mahinga kai values, particularly for tuna and inanga. • Tuna abundance and condition TAS is met in the Waimeha. However, environmental degradation has impacted cultural wellbeing (for example the ability to connect with the awa and undertake a full range of cultural practices) as demonstrated in the current available information for the mahinga kai culture aggregate.
Waikanae FMU	<p>The TAS set for this FMU provide for Te Mana o te Wai as they provide for <i>Kaitiakitanga/Stewardship/Manaakitanga</i> as follows:</p> <ul style="list-style-type: none"> • Given water quality of the Waikanae River is currently reasonably good, the majority of the TAS seek to maintain that level of water quality. For most attributes at the upstream site, A TAS apply, with the exception of dissolved reactive phosphorus which is set at a C band state, reflecting the baseline state and limited influence on MCI/QMCI. • At the Greenaway Road site, B TAS have been selected for MCI/QMCI and dissolved reactive phosphorus. A B band attribute state was selected to account for the level of effort which would be required to achieve an A state, noting that invertebrates do not change regularly. • Tuna abundance and condition TAS is currently achieved in the Waikanae and Mazengarb. Despite this, current data for the mahinga kai culture aggregate indicates this target is not being achieved, and it will require significant effort to achieve the mahinga kai TAS and provide for Te Mana o te Wai including manaakitanga and kaitiakitanga.
Wharemauku FMU	<p>The TAS set for this FMU provide for Te Mana o te Wai as they provide for <i>Kaitiakitanga/Stewardship/Manaakitanga</i> as follows:</p> <ul style="list-style-type: none"> • A TAS for MCI/QMCI of B band was selected to reflect good ecosystem health with other TAS selected to achieve this. Deposited fine sediment and dissolved reactive phosphorus levels will need to be improved to meet the national bottom line, ammonia and nitrate (toxicity) concentrations are to be maintained and fish-IBI is to be improved to an A state across the Whaitua. • <i>E.coli</i>, periphyton and dissolved oxygen TAS were selected to reflect the continued use of this waterbody for fishing.

	<ul style="list-style-type: none"> Tuna monitoring shows that the proposed abundance and condition TASS is currently achieved. However, environmental degradation in the FMU is impacting on cultural wellbeing, particularly in relation to environmental distress, and it will require significant effort to achieve the mahinga kai TAS and provide for Te Mana o te Wai including manaakitanga and kaitiakitanga.
Whareroa FMU	<p>The TAS set for this FMU provide for Te Mana o te Wai as they provide for <i>Kaitiakitanga/Stewardship/Manaakitanga</i> as follows:</p> <ul style="list-style-type: none"> Improvements are prioritised within this catchment in light of the restoration work already occurring, and as such TAS are ambitious with and A band TAS selected for MCI/QMCI, deposited fine sediment and dissolved reactive phosphorus. Also, A band TAS were also determined for ammonia and nitrate toxicity, suspended fine sediment, dissolved copper and dissolved zinc in order to achieve the MCI/QMCI target. The baseline state for Fish-IBI is an A band TAS and this therefore must be maintained. Tuna abundance and condition monitored demonstrates the proposed TAS is currently achieved. However, assessment of the mahinga kai culture aggregate indicates that environmental degradation is impacting cultural wellbeing with the median aggregated score of 3/5. Achieving the mahinga kai TAS will provide for the ability for people to safely connect and interact with the environment to nourish their wairua.
Wainui and Paekākāriki FMU	<p>The TAS set for this FMU provide for Te Mana o te Wai as they provide for <i>Kaitiakitanga/Stewardship/Manaakitanga</i> as follows:</p> <ul style="list-style-type: none"> MCI/QMCI is predicted to be at a B baseline TAS and this needs to be maintained in this state to reflect good ecosystem health. TAS for ammonia and nitrate toxicity are to be maintained as the baseline is A state and B TAS suspended fine sediment, dissolved copper and dissolved zinc targets were selected in order to achieve the MCI/QMCI target. From a mahinga kai perspective, water quality is still sufficient in the Wainui to support a healthy longfin tuna population. Assessment of tuna abundance and condition demonstrates that the proposed TAS is met.
Kāpiti Island FMU	<p>The TAS set for this FMU provide for Te Mana o te Wai as they provide for <i>Kaitiakitanga/Stewardship/Manaakitanga</i> as follows:</p> <ul style="list-style-type: none"> Given the land uses on Kāpiti Island, its significance for mana whenua and as an ecological sanctuary, all TAS are set at A, or achieving with regard the mahinga kai attributes.

3.7.8. Overall conclusion on appropriateness of the objective(s) to achieve the purpose of the Act

Note: These are preliminary and high-level conclusions. Conclusions reached within this report will need to be revisited by December 2024 once evidence is collated, the complete package of provisions in PC2 is developed, and the assessment criteria are confirmed.

152. Overall, these TAS objectives are the most appropriate way to achieve the purpose of the Act. The TAS will track progress towards achieving the environmental outcomes, which help achieve freshwater values and therefore contribute to giving effect to Te Mana o Te Wai.
153. The TAS objectives are consistent with the principles of Te Mana o te Wai as determined by the Committee to be an expression of Te Mana o te Wai in Kāpiti. This is consistent with clause 3.2 of the NPS-FM which says that Te Mana o te Wai must be given effect to throughout the implementation of the NPS-FM.
154. In being consistent with Te Mana o te Wai, the environmental outcome objectives are also consistent with best practice criteria for assessing RMA objectives including relevance, feasibility and acceptability as outlined in section 6.2 of this Report.

Part E – Evaluation of proposed policies, rules and other methods

[Note: Currently, no policies, rules and other methods have been developed. In this section, the plan change methods necessary to achieve the objectives above will be evaluated using a range of technical information including mātauranga by December 2024. This will be followed by the overall conclusions, references and appendices as appropriate.]

