



*Ministry for the*  
**Environment**  
*Manatū Mō Te Taiao*

**Proposed**  
**National Environmental Standard**  
**on Ecological Flows**  
**and Water Levels**

**Summary of Submissions**

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Ministry for the  
**Environment**  
Manatū Mō Te Taiao

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# 1 Introduction

## 1.1 Background

On 20 March 2008 the Minister for the Environment notified a proposed National Environmental Standard (NES) on Ecological Flows and Water Levels under the Resource Management Act 1991 (RMA). The proposal was outlined in the *National Environmental Standard on Ecological Flows and Water Levels Discussion Document* (the proposed NES). The development of the standard is one part of the government's Sustainable Water Programme of Action.

Public notices drawing attention to the proposal and the submission period were placed in all major and many provincial papers on 29 March 2008 (a copy of the notice is attached as Appendix A). The notice informed people of:

- the subject matter and rationale of the proposed standard
- where and how the proposed standard could be viewed
- how people could make a submission.

The deadline for the submission period was 5 pm on 29 August 2008.

During the submission period 12 workshops were held around the country on the proposal, spanning May and June 2008. There was a high level of interest in the proposal, with more than 300 people attending the workshops and 166 submissions received.

## 1.2 The proposal

The proposed NES is intended to complement and enhance the existing RMA process for establishing environmental flows and water levels through regional plans. The proposal has been developed in response to a key challenge of establishing environmental flows through water management identified by regional councils and others. To contribute to the policy outcome: "provide for increasing demands on water and encourage efficient water management" (as set out in the discussion document), the specific objectives proposed are:

- **Objective 1** – To ensure that all resource consent decisions on applications to take, use, dam and divert water from rivers, lakes, wetlands and aquifers are made in the context of a clear limit on the extent to which flows and water levels can be altered.
- **Objective 2** – To ensure that all resource consent decisions on applications to take, use, dam and divert water from rivers, lakes, wetlands and aquifers are made in the context of a clear specification of available water.
- **Objective 3** – To reduce conflict and provide consistency on the appropriate technical methods used to assess the ecological component of environmental flows and water levels.

The proposed NES has two main elements:

- **interim limits** on the alterations to flows and/or water levels in those rivers, wetlands and groundwater systems for which there are no limits set in a proposed or operative regional plan (or other statutory instrument)

- **a process for selecting the appropriate technical methods** for evaluating the ecological component of environmental flows and water levels – the proposed NES endorses the use of simple methods if there is low demand for water and more sophisticated methods as the allocation demand increases. The process would apply when new environmental flows and water levels are added to a plan, where existing ones are reviewed, or where the interim limits are breached.

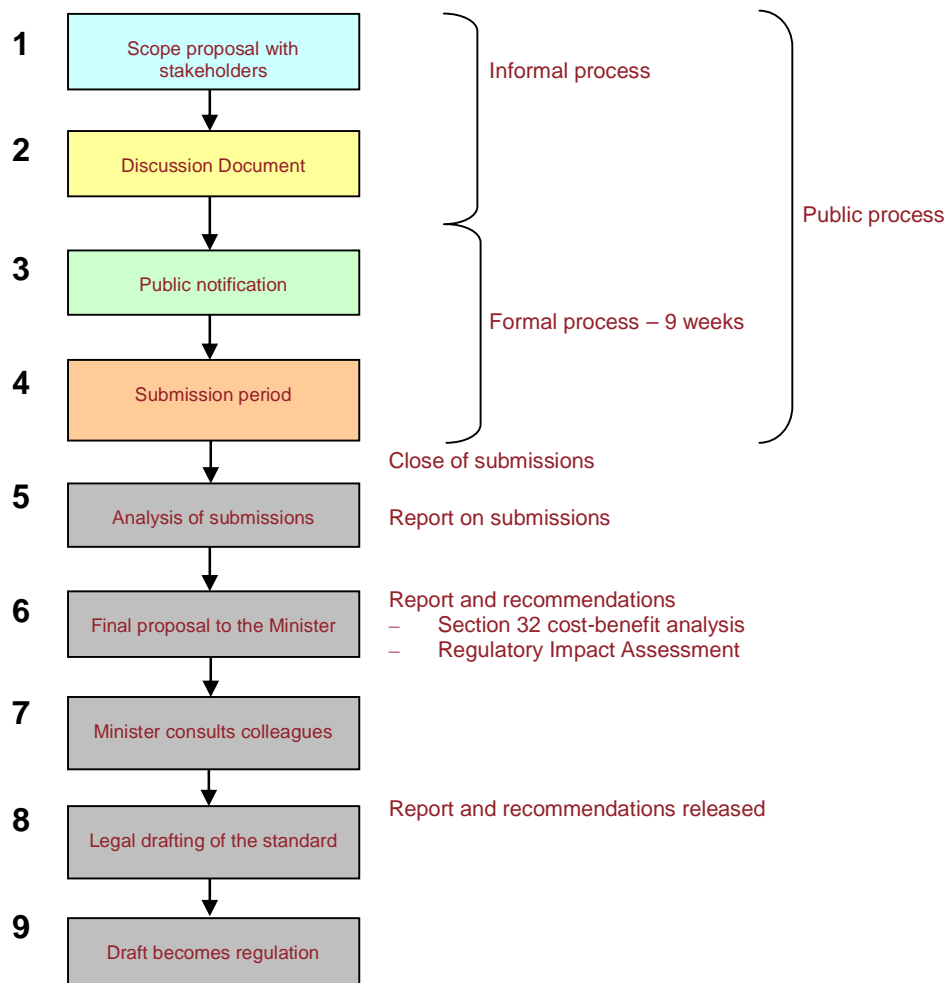
The consultation process sought views on the above, but also on situations in which:

- the proposed NES applies
- an interim minimum flow may not be appropriate
- the limits are breached.

### 1.3 National environmental standard development process

An outline of the proposed NES development process, including the informal and formal submission processes, is shown in figure 1. The Ministry for the Environment has completed the public process stage; the release of the present report on submissions marks the end of the submissions stage.

**Figure 1: National environmental standard development process**



Note that the NES development process differs from the statutory plan and resource consent process: there are no hearings or appeal provisions as exist for the resource consent or First Schedule consultation processes.

The next steps in the NES development process are as follows.

- After completion of the cost–benefit report, a final report and recommendation will be presented to government. This is expected to occur mid year 2009.
- If there is a recommendation to proceed, and it is approved, the report and recommendations will be published. This report will contain the cost–benefit analysis, responses to submissions and final recommendations. The proposed standard will then go through formal legal drafting.
- If approved by government, the proposed standard is likely to be introduced later in 2009.

## **1.4 Purpose and outline of this report**

This document presents a summary of the submissions received on the proposed NES on Ecological Flows and Water Levels. It is structured as follows.

- Section 2 is a summary of the key themes raised by submitters.
- Section 3 summarises general comments made by submitters.
- Section 4 summarises feedback from submitters on the specific questions asked throughout the discussion document.

The report is intended to provide a concise summary of the views expressed. It is not intended to provide an analysis of those views, or to make any recommendations in response to the submissions, as requested by RMA s44(b)(ii). This will be done in a separate report.

## **2 Approach to the summary of submissions**

### **2.1 General approach**

All submissions were summarised by general topic as well as by feedback points (individual aspects of the proposed NES). Each of these points was allocated to one of the following four positions – support, oppose, support in part (conditional support) or N/A (unknown / position not stated) – and the comments were summarised (see Appendix C). Some submitters did not state their position and preferred to comment on aspects of the wording or technical methods proposed in the NES. Where it was possible to identify conditional support this was attributed, otherwise a point was allocated to ‘N/A’. In all, 2370 feedback points were logged; a breakdown of the positions taken is shown in figures 3 and 4.

### **2.2 Topic analysis**

The key topics identified during the analysis of submissions are presented in table 1 and discussed briefly in the following text. Key topics have been derived from the questions posed in the discussion document (sections 5 to 8) but also include general comments made about the proposed NES itself and about the process used. These key topics have been broken down into sub-topics and form a framework within which submission feedback points were analysed. (Note that not all submitters made a point in respect of each of the topics and sub-topic listed opposite.)



**Table 1: Topics summary**

<b>Topic</b>	<b>Sub-topic</b>
Scope of proposed NES generally	Relationship with national policy statements and RMA
	Effect on regional and local plans
	Effect on applications
	Application to all rivers / water bodies
	Implementation / resource costs
	Climate change
Process to adoption/involvement	Consultation
Q1 – Problem statements and issues	
Q2 – Assessment and evaluation of alternatives	
Q3 – The need for interim limits	
Q4 – The interim limits	Proposed numbers (flows and levels)
	Division of rivers and streams and groundwater systems?
	Scope – what is included?
	Other
Q5 – Time bound/limit for interim levels	Time limit
	Implementation costs
	How to implement?
	Other
Q6 – Inclusion of existing consents within allocation limits	Apply to existing consents
	Renewals (and clawback)
	Clawback through regional plan
	Other
Q7, 8 and 9 – Technical methods	Need
	Approach proposed
	New methods / innovation
Q10 – Proposed NES approach to breaches	Applications
	Current breaches
Q11 – Application of the proposed NES to existing and replacement consents	
Q12 and 13 – Benefits and costs of preferred option?	Range
	Accuracy
	Assumptions

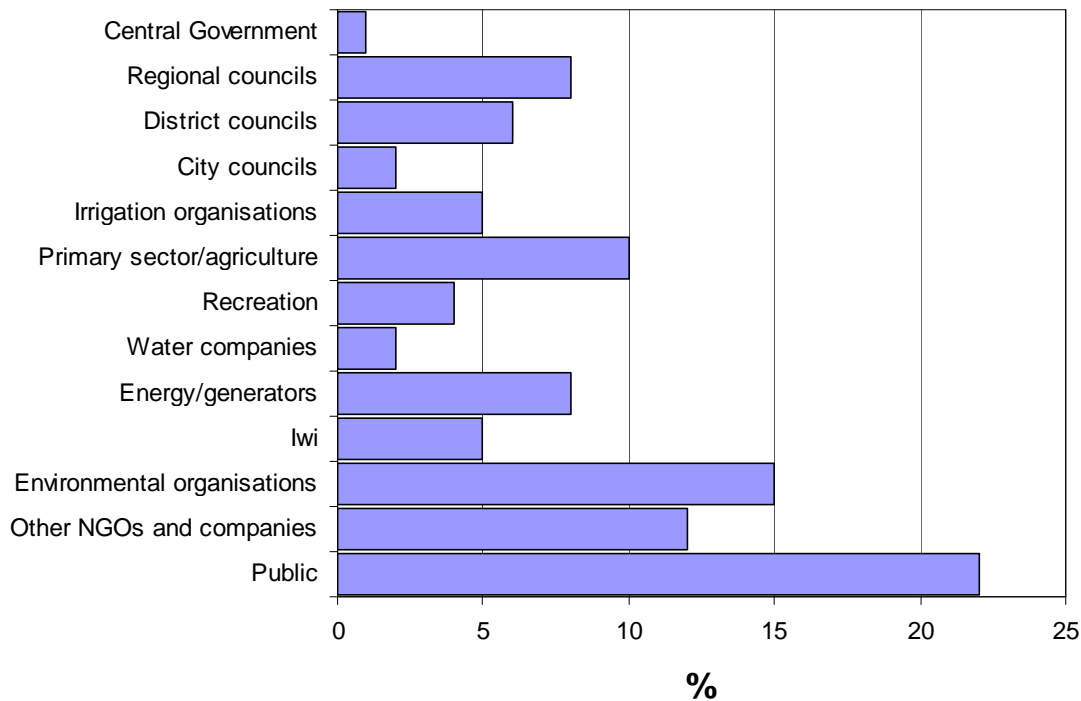
### 3 General submission summary

This section provides an overview of submitters' positions on the proposed NES and summarises submitters' general comments on the NES. Detailed comments on the content of the submissions can be found in section 4 of this report.

#### 3.1 Summary of submitters' positions

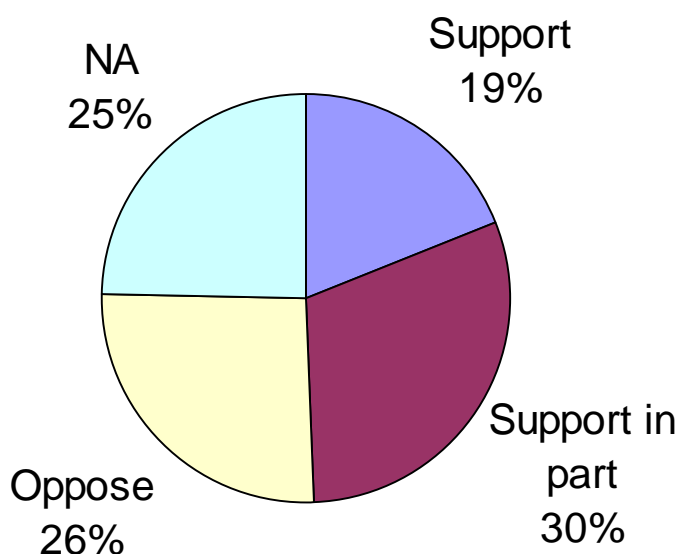
In total, 166 submissions were received. Figure 2 presents a summary of submissions by category. A full set of submitters' names and categories is provided in Appendix B.

Figure 2: Breakdown of submissions, by category (%)



Overall, submissions came from a broad range of sectors, with no one sector dominating. Most submissions were made by the public (22 per cent), followed by government organisations (district and city councils, regional councils and central government: 17 per cent) and then environmental organisations (15 per cent). Figure 3 represents the overall breakdown of submitter position as derived from the 1635 entries (rows) in Appendix C.

**Figure 3: Breakdown of feedback points, by position**



The breakdown of position shows that the more common submission feedback is either ‘Support in part’ (conditional support) or ‘Oppose’. When ‘Support’ and ‘Support in part’ (conditional support) are combined, then it equates to just below half of the feedback.

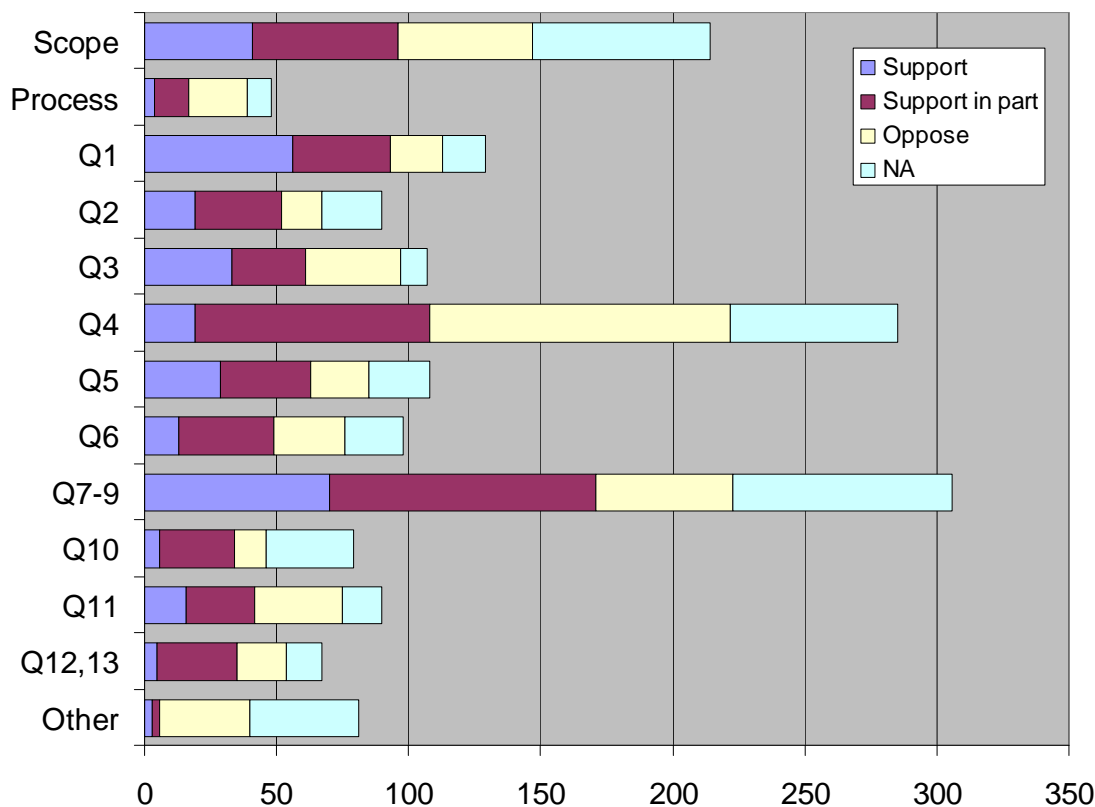
Despite the above, it is noted that there are submitters opposed the proposed NES outright / entirely; however, most submitters want the proposed NES to be amended.

### **3.2 Topics covered by submissions**

Figure 4 shows the proportion of submissions made in respect of each topics and then the type of submission that was made in respect of each topic. In total, 2370 feedback points were logged from the 166 submissions (note that the 1635 rows in Appendix C often address more than one question, hence the difference in numbers).

‘Technical methods’ attracted the most comment, followed by ‘Interim levels’ and ‘Scope of the proposed NES’ topics (Figure 4). These topic areas attracted the most submission points in opposition, however in relative terms, the scope and technical methods also attracted substantial support. Submission points on the ‘Need for interim levels’ and the ‘Application of proposed NES to existing and replacement consents’ were largely in opposition, but there was relative support for problems and issues to be addressed by the proposed NES.

**Figure 4: Feedback points, by position on topic**



### 3.3 Scope of the proposed NES

The majority of submitters generally supported the proposed NES and what it was trying to achieve. However, there was a great deal of concern about the scope of the NES being confined to ecological flows and water levels rather than environmental level flows and water levels; and about the relationship between the proposed NES and the proposed National Policy Statement (NPS) for Freshwater Management. Approximately half the submissions supported the proposed NES outright or sought to have amendments and/or clarification provided within the document (supporters and conditional supporters). Those registered as N/A made up about a quarter of submissions.

A large number of submitters were concerned or uncertain about the scope of the proposed NES, and in particular whether it applies to wetlands, groundwater supplies and potable water supplies (and their users). There was concern about which activities would be allowed to continue unaffected once the proposed NES becomes operative. Notably, concern was expressed by submitters from water suppliers, irrigators (including those whose use of water is covered by the exemption in s14(3) of the RMA) and hydro-electric power industries.

A quarter of submitters opposed the scope of the proposed NES outright. Reasons given included the following.

- Regional councils are already pursuing methods and policies and adopting methods (or can commence this work), and this is (or will be) more effective than the proposed NES.
- The proposed NES will not achieve certainty and so will result in increased litigation.

- The NPS for Freshwater Management will supersede the proposed NES.
- The proposed NES will result in resources being diverted away from the establishment of environmental flows. If the proposed NES uses ecological flows, this will result in replacing the use of environmental flows, even when they are preferred.
- The proposed NES conflicts with the NPS for Renewable Electricity Generation and the NPS for Freshwater Management.
- The proposed NES does not provide for the Treaty of Waitangi.
- The proposed NES does not meet its stated objectives.

Some submitters argued that the proposed NES should only exist in the short to medium term, and then an alternative NES, incorporating tangata whenua and recreational issues, should be developed.

Some submitters argued that the focus of the proposed NES is too narrow and that concentrating on ecological flows is confusing and misleading. Some felt that it should be expanded to include environmental, recreational, cultural, social, community and economic aspects, or a clear explanation provided as to how these issues were to be considered in plan-making and decision-making.

Some submissions expressed concern at the mention of trout, because it is not native to New Zealand; or concern that native species, such as eels, were not mentioned in the proposed NES. It was also argued that the proposed NES does not protect fish habitats, as it is required to do by section 7(h) of the RMA and the Conservation Act 1987.

Submitters from a range of categories considered that the proposed interim levels are too broad-brush and simplistic and cannot apply meaningfully across New Zealand, given the great variety in water body types. Some considered that the proposed levels are not precautionary enough and should be more stringent; others thought they should be higher.

It was argued by some that the proposed NES fails to recognise that sometimes natural flows are very low during dry periods, and that setting interim limits using ecological levels fails to recognise that water bodies can run dry. One submitter noted that the proposed NES needs to explain where on the water course a limit should be applied (eg, the mid-point between the mouth and the source).

### **3.3.1 Relationship with National Policy Statement and Resource Management Act**

A number of submitters were opposed to the proposed NES because it was perceived to conflict with the NPS on Renewable Electricity Generation (and with government policy on renewable energy), which promotes hydro-electricity generation; in other words, the proposed NES will make it difficult or impossible for hydro-electricity schemes to be approved. Submitters wanted the NES to be prepared after the NPS for Freshwater Management has been completed and gazetted, because this will provide a policy basis for developing the proposed NES.

### **3.3.2 Effect on regional and local plans**

A number of submitters were concerned that the proposed NES would require regional authorities to revisit already completed work on ecological flows and levels, introducing costs and time delays. Related to this, submitters noted potential confusion as to what levels should

apply if levels have already been established (before the proposed NES) and/or they use a method not listed in the proposed NES. It was felt that the proposed NES should only apply if there was, or is, no advice in regional plans, including advice on environmental flows.

Some submitters argued that the proposed NES should require councils to at least consider applying levels while preparing their regional plans. It was suggested that the proposed NES should provide advice on ungauged streams (where no or very limited information is available), and which generally are not being used and/or are not under pressure.

### **3.3.3 Effect on applications**

In addition to the matters raised above, a number of submitters stated that the proposed NES should not apply to stock and domestic abstraction. There was concern that the proposed NES does not provide advice for instances where current abstraction needs/takes exceed proposed levels, with the presumption that they need to be reduced accordingly.

Most energy generation and water supply companies, irrigators and other submitters who abstract and/or use water argued that existing consented operations should be exempt from interim levels. Notably, energy generation companies were concerned that approved schemes had been through complex and lengthy consenting processes, and the proposed NES offered the opportunity for review or challenge, which could unravel those consents.

Some submitters stated that the relevance of the proposed NES to the resource consent notification process (sections 93 and 94 of the RMA) is not explained.

### **3.3.4 Application to all rivers / water bodies**

Most submitters were concerned about the scope of the proposed NES in terms of the water bodies it will apply to and what effect it would have. In general, submitters considered that the proposed NES should not apply to important water bodies because it would imply that abstraction could then occur. Also, the proposed NES (allocation) should not apply to storage bodies such as dams. As noted, there is concern that a national standard cannot be applied effectively across the entire country due to the variety in the types and quality of water bodies. Lastly, some submitters believed that the proposed NES does not allow for seasonal variation.

### **3.3.5 Implementation and resource costs**

Some submitters were concerned about the costs associated with implementing and meeting the requirements of the proposed NES. Regional councils observed that they did not have the staff and/or skills necessary to implement the proposed NES, and considered that if it is introduced then it should be phased in with central government assistance. Others involved in making applications observed that the burden of proof (and therefore the costs) would fall on them, which would include filling information gaps on limits.

### **3.3.6 Climate change**

Some submitters were concerned that the proposed NES does not allow for climate change, which will alter rainfalls and potentially result in longer dry periods, and hence change flows and appropriate limits within water bodies.

### **3.4 Process to adoption/consultation and involvement**

Some submitters expressed a great deal of concern about the process for developing the proposed NES from this point on, and want further opportunity to participate. In particular, it was felt that the process does not provide the opportunity to be heard, or to appeal the proposed NES.

Notably, iwi submitters were disappointed at their lack of involvement in the process before notification, and this lack of pre-notification consultation was observed by other stakeholders. Iwi submitters were concerned about the lack of ability to negotiate environmental flows and proposed levels/limits, and argued that the proposed NES process needs to enable effective tangata whenua consultation.

Some submitters stated that notification of the discussion document does not equate to notification of a draft NES and so queried the validity of the process. There was also concern about the limited information provided in the proposed NES, which constrains people's ability to understand the issues and respond properly.

A number of submitters (mainly from the public) indicated that they want to be involved in the development of the proposed NES document as well as with the associated methods and guidelines. It was felt that if the proposed NES is substantially revised, then a further round of notification should occur.

Two submitters noted that if there is no transitional period, there will be great deal of difficulty and economic impacts from the immediate application of the NES.

### **3.5 Other**

A number of submissions did not fall within the identified topic areas. These generally pointed out inconsistencies in the document (notably between ecological and environmental flows). A few submitters considered the document confusing, poorly structured, containing some errors, and in need of a section with definitions or a glossary.

Other issues raised included the fundamental lack of recognition and understanding of tangata whenua and cultural values within the document, in terms of its approach, methods used, proposed limits and proposed implementation. These submissions requested an integrated approach.

Several submitters were concerned about the proposed NES reducing water supply for a variety of commercial, private and public uses.

## 4 Submissions on the content of the proposal

### 4.1 Q1 – Problem statements and issues

#### **Do you agree with the statement and the three key problems that were identified as benefiting from national direction?**

The proposed NES identified three key problems that could benefit from national direction.

- Resource consent decisions are being made on water bodies for which there are no environmental flows or water levels in place.
- Existing environmental flows and water levels do not always clearly define the available amount of water.
- The existing process for setting ecological flows and water levels is costly and contentious.

Most submitters commenting on the proposed NES considered that the problem statements and issues were relevant and correct, even if they did not relate to their specific region/area. A significant number of submitters were concerned about their accuracy or fullness, while others stated that they were incorrect and the issue misunderstood. There were some who considered that the problems and issues identified did not warrant the development/gazetting of an NES, while others felt that an NES would not overcome the problems identified.

Approximately 10 per cent of submissions on this question considered that the problems and issues identified were too narrow; and that they should be expanded to encompass environmental, cultural and social aspects, including tangata whenua. The iwi submitters considered that these tangata whenua issues had not been recognised and needed to be explicitly described in the discussion document.

Some submitters considered that the proposed NES should be delayed until after the NPS for Freshwater Management has been prepared and gazetted. Some stated that objective 2 does not differentiate between takes from dams and other water bodies, yet dams may have been constructed specifically to store water for abstraction purposes.

### 4.2 Q2 – Assessment and evaluation of alternatives

#### **Do you consider that all available options have been covered? Do you have comments on the assessment and evaluation of the alternatives?**

As part of the initial analysis for the proposed NES, a comparison of alternatives to developing an NES on Ecological Flows and Water Levels was carried out.



The alternatives explored included:

- the status quo, where there is no national direction and reliance is placed solely on regional plans, water conservation orders and resource consent applications
- a national directive to set environmental flows using existing policy instruments (eg, a national policy statement, or legislative change)
- national guidance on technical methods, in the form of a technical document and referenced by the proposed NES (or a modified version of it)
- an alternative NES that has a broader scope than the preferred NES option.

Of the submitters commenting on the proposed NES, approximately a quarter accepted the assessment and evaluation of alternatives and supported the conclusions. However, there was concern expressed about the narrow breadth of options considered, with some submitters stating that variations or combinations of those presented were viable and could be preferable. This in turn would lead to a broader range of alternatives.

Some submitters argued that a more thorough examination of the options should be presented and explained. One suggested that the assessment should provide a five-point ranking, as opposed to three, thus allowing for a finer assessment of the options. Some argued that a number of the other alternatives assessed could fulfil the task better than the current preference. Notably, some submitters considered that the preferred option should be the use of environmental flows as opposed to ecological flows. Options identified as being preferable included option 4.1, 4.3 and 4.5 as set out in the discussion document.

It was noted by some submitters that if no option was selected, then objectives 1 and 2 of the proposed NES would be met and the proposed NES would not be needed, or should restrict its focus to objective 3. Related to this point, it was argued that an NES was not required and water quality issues should be handled by the regional authorities. Some submitters considered that the proposed NES is more suited to being a guidance document as opposed to an NES.

Some submitters commented that the assessment should only be undertaken once the NPS for Freshwater Management has been prepared, as it would provide the policy basis and framework, and therefore influence the resulting thinking on the NES.

Concern was expressed by some submitters that avoiding, or having reduced, consultation is wrong.

## **4.3 Q3 – The need for interim limits**

### **Do you support the need for, and introduction of, interim limits set through a national environmental standard?**

The proposed NES establishes interim limits on the alterations to flows and water levels, which will apply to water bodies for which there are no environmental flows or water levels specified in a proposed or operative water plan. The interim limits will apply unless and until an alternative is established through a regional plan process.

Overall, approximately equal numbers of submitters supported, opposed or provided conditional support for the need for an interim limit. Conditional support was generally given on the following basis.

- An interim limit should include or allow for robust debate of section 5 of the RMA with regard to economic, cultural and social factors.
- The workability of a wetland interim limit needs to be confirmed through evidence and testing, and if uncertainty issues are not overcome then the limit should be abandoned.
- A precautionary approach should be taken because allocation levels are too high.
- Levels set by councils should have precedence.
- A sunset clause should be provided to cover existing consents.

Those who opposed the need for interim limits argued that:

- they are not needed
- they are not relevant to local areas
- the limits proposed are wrong and are not based on sufficiently advanced science
- their need impinges on current consented schemes / allowed abstractions.

## 4.4 Q4 – The interim limits

### **Do you have comments on the numbers for the interim flows and water levels? Are there sufficient divisions of rivers and streams and groundwater systems?**

Interim limits are provided for:

- aquifers:
  - an allocation limit for shallow coastal aquifers (predominately sand) of 15 per cent of the annual recharge
  - an allocation limit for all other aquifers of 35 per cent of the average annual recharge
- wetlands:
  - no change to water levels, beyond the water level variation that has already been provided for by existing resource consents on the date the NES comes into force
- rivers and streams:
  - a minimum flow of 90 per cent of the mean annual low flow (MALF) and an allocation limit of 30 per cent of MALF for rivers and streams, with mean flows less than or equal to 5 m<sup>3</sup>/s
  - a minimum flow of 80 per cent of MALF and an allocation limit of 50 per cent of MALF for rivers and streams with mean flow greater than 5 m<sup>3</sup>/s.

Approximately a quarter of submitters opposed the proposed interim limits, while about three-quarters either supported the proposed NES in part or were unclassified (N/A). Some argued for increases or decreases to the limits. Few submitters supported the proposed interim limits outright.

In general, submitters were concerned about the application of an interim limit that does not take into account local or regional circumstances, or a particular use; in other words, a one-size-fits-all approach cannot work and is inappropriate. It was felt that there is a failure to recognise

the connectivity of different water bodies, and consequently submitters were confused as to how limits apply. It was noted that a percentage-based interim limit does not reflect how water catchments actually work. Setting limits based on ecological flows is incorrect: they should be based on environmental flows.

Submitters also felt that the proposed NES should provide more data and/or detail, including testing results, and justifying and explaining the proposed limits and how they apply to different types of water bodies. Without this technical justification the proposed NES could not provide a basis for valid regulation. Some submitters felt that the proposed NES should not apply to water bodies where there is no data available; others considered that in this instance the proposed interim limits should *only* apply to these water bodies.

Some considered that applying limits would adversely affect existing operations and business, including electricity generation, stock water supply, farm irrigation and potable water supply. There would be adverse commercial, community and economic costs, with no discernible environmental benefits. A number of submitters felt the need for further consultation on setting limits.

#### **4.4.1 Proposed numbers (flows and levels)**

Submissions on the proposed numbers for interim limits for allocation and flow varied, with approximately half of submitters suggesting an alternative number (some higher, some lower). About 20 per cent of submitters were concerned about the water bodies that would be affected by the limits, and a similar percentage queried how the limit figures were derived. The range of proposed alternative numbers included:

- no more than 20 per cent of MALF in low-flow conditions from all watercourses
- 20 per cent of the average annual recharge
- less than 20 per cent of MALF where rivers and streams have flows of less than 5 m<sup>3</sup>/s
- for flows less than or greater than 5 m<sup>3</sup>/s, allocation should be 25 per cent or 35 per cent, respectively
- 10 to 50 per cent of the total groundwater recharge
- interim limits should be 15 to 20 per cent for shallow aquifers and 35 to 40 per cent for others.

Some submitters considered that the proposed limits are too conservative and do not correspond to the objectives of the proposed NES, or do not reflect the advice contained in the technical document. They considered that trigger levels should be based on median rather than mean flow. Others believed that flows measured over a month or a year should form the base for levels, while some submissions stated that MALF should be the minimum flow instead.

Conversely, it was felt by some that the proposed limits should be increased because otherwise they would result in wasteful loss of water. Some observed that the proposed interim limits would effectively prohibit any more take from groundwater. It was argued that water harvesting (higher than normal abstraction, or simply some abstraction) should be allowed during medium and/or higher flow levels and the proposed NES affords opportunity to encourage such abstraction during these periods. There was also concern about what would happen if resource consents for abstractions were surrendered, and what would happen if proposed limits were currently being exceeded. Some felt that limits should only be used where there is robust data to verify those limits.

It was considered that the location for measuring flows/limits should be identified and how it relates to upstream catchments specified. Further, the proposed NES should state how breaches of the interim limits are going to be policed. Submitters were concerned that limits would not allow for natural variability of water body flows, including stormwater flows. Also it was not clear how limits should/could apply when water runs dry, or to ephemeral streams.

Some submitters felt that the use of MALF should not be contestable, while others argued that the use of MALF does not in fact provide a basis for protecting ecological flows. Some were concerned about wetlands, seeking the imposition of levels to protect them and stating that no takes should be permissible, while others felt that the limits were too stringent. One submitter noted that wetlands need to have levels that fluctuate.

#### **4.4.2 Division of rivers and streams and groundwater systems**

Some submitters were concerned about connectivity between groundwater, wetlands and other water bodies, and in particular how the limits in one could be affected by use of the other. It was pointed out that using groundwater would affect levels in other water bodies, including wetlands; and the proposed limits would therefore mean that no further takes from groundwater could be allowed. This, in turn, would create flow-on pressure for increased take from streams and rivers. It was considered by some that more data and clarity should be provided to advise on connectivity, and a means provided to administer the proposed NES.

Some submitters stated that wetlands should not be identified as a water course (and would thereby be afforded protection from abstraction), while others considered that the proposed NES should not protect wetlands if they had not been identified as being significant. Some felt that sensitive areas should be protected, and that those being subjected to particular abstraction pressures should be identified and protected.

Some submitters wanted a much greater division of streams. This would enable a more conservative approach, such that where habitat values are high it could protect small streams, which are the most sensitive to change and are deserving of more protection. Also, braided rivers needed to be recognised.

#### **4.4.3 Scope: what is included?**

Some submitters felt that abstraction from dams and abstraction for potable water supply should not be included in the interim levels. In particular, potable water supply abstraction should be afforded special status to ensure water supply to communities can continue. Similar submissions were made by electricity generating companies. Some submitters argued that any takes allowed by section 14 of the RMA should not be affected by the proposed limits.

Additional clarity was sought in respect of water bodies and catchments, which have both ecological and environmental flows set in a plan; in this instance, it was asked, which flow should take precedence? Some argued that environmental limits should take precedence over ecological ones. Also clarity was requested in respect of what should occur when the limits are reached: should all abstraction cease?

Some considered that the limits should only apply to recognised aquifers and not to all groundwater. One submitter stated that the limits should only apply to potable water and not to 'contaminated' water, while another noted that the proposed limits would adversely affect the aggregates industry.

## **4.5 Q5 – Time bound/limit for interim levels**

**The proposal does not set a time limit for how long the interim limits will apply. There is some concern that this will not encourage catchment-specific or regional default flows to be set. Do you think the interim flow and water levels should apply for only a limited period?**

### **4.5.1 Time limit**

Some submitters stated that interim limits should not be time bound, arguing that time limits would be unnecessary, inappropriate, restrictive and conservative. Time limits could restrict the amount and depth of research. Instead, a precautionary approach was suggested; flows, limits and levels should be established when information becomes available.

Some considered that a deadline to establish sustainable ecological flows would be more useful and appropriate. Others felt that time limits are a good idea, although setting time limits on the proposed NES would need to include relevant data gathering, peer review and community consultation time, and robust data would need to be available for good decision-making.

Those submitters who supported time limits stated that they should be based on the specific regional authority. There was concern that setting one date nationwide would be unfair on those regions with large numbers of water bodies and would create a lot of pressure, stress, and inconsistencies in the quality of data collected. It was argued that each region should be time bound, based on the number of water bodies in the region and therefore relative to the workload, and this will ensure that flows are set.

It was suggested that the interim limits should only apply until such time as limits have been set via a comprehensive consultation and environmental assessment process, which may be through either the setting of minimum/environmental flows within regional plans or through resource consent processes.

It was noted that the proposed NES does not state how long the time limits will apply for and a variety of time limits were suggested. Five years was the most common, although submitters noted the need for flexibility.

### **4.5.2 Implementation costs**

Some submissions indicated that the proposed NES should explain how implementation costs will be met.

### **4.5.3 How to implement**

Submitters noted that a trigger point should be determined, which, when reached, would require regional councils to enter into a process to determine specific environmental or ecological flows and allocation limits for a water body where an interim limit is imposed. Some felt that the ideal approach would be a staged introduction of catchment management plans which sets out clear priorities.

#### 4.5.4 Other

Other comments on time limits were that regional councils will need assistance in setting ecological flows, and that discretion over the setting of time limits should lie with resource managers.

## 4.6 Q6 – Inclusion of existing consents within allocation limits

**As currently structured, the interim allocation limits include all existing consents. Implementation of the limits will, therefore, not require clawback of existing consents to meet the interim allocation limit. Clawback is an option allowed when an environmental flow is set through a regional plan. How do you think the situation, where the amount of water allocated to existing consents exceeds the numeric interim limit, should be addressed?**

### 4.6.1 Apply to existing consents

There was a mixed response to this point. Some submitters expressed the view that the proposed interim limits should apply to existing consents, while others felt that existing consents should be honoured and no more water allocated. It was suggested that water allocation applications already in process should be addressed before the proposed NES coming into force.

Some submitters argued that limits should not be based on existing consents, while others were confused about how the limits would apply to existing consents. It was suggested that the duration of existing consents should be revised and requirements set for early plan reviews.

There are submitters (state-owned enterprises and commercial water users) who are opposed to interim levels interfering with the re-consenting of existing abstractions. It was argued that the proposed NES should have specific exemption provisions (for example, consented hydro-electric schemes).

### 4.6.2 Renewals (and clawback)

One submitter (an environmental organisation) suggested that any allocations over and above the proposed NES interim allocations should not be allowed to carry on indefinitely and should be rectified at the earliest possible opportunity. This submitter also suggested that as consents expire and are renewed, they should be reduced, where necessary, to achieve allocation levels.

Submitters also recommended that interim limits should not be set based on current allocation; a clawback option should be employed where the amount of water allocated through existing consents exceeds the numeric interim limit. Over-allocated water should be recovered when resource consents are surrendered, lapsed, cancelled or replaced.

It was suggested that these provisions should be explored at a regional level and could provide a risk assessment tool for water allocations.

### 4.6.3 Clawback through regional plan

Clawback is generally supported. Submitters commented that immediate clawback should occur where over-allocation poses a risk to the ecological values of a water body, and should be used to bring allocation back into line with sustainable management principles. However, some stated that it is not clear what consents would be included in the clawback, and suggested that criteria for clawback need to be developed and assessed on a case-by-case basis.

There was also considerable opposition to clawback, with submitters arguing that it is not necessary and it is irrelevant in the local context. It was also argued that any such clawback limiting water use by hydro-electricity generators would be contrary to the target for 90 per cent renewable electricity generation across New Zealand by 2025 as set out in the New Zealand Energy Strategy. Some were concerned about the impact on existing users, and submitters mentioned that clawback should not apply to dam structures.

### 4.6.4 Other

Some submitters argued that the proposed NES only considers existing consent holders and does not provide for other users (such as recreational users).

## 4.7 Q7, 8 and 9 – Technical methods

**Do you support the aim to provide consistency in the selection of methods for assessing ecological values? Does consistency need to be provided in a national environmental standard, or would guidance documents be sufficient? Do you have any comments on the approach outlined in the technical document *Draft Guidelines for the Selection of Methods to Determine Ecological Flows and Water Levels*? How should new and emerging methods be incorporated into the process outlined in the proposed standard?**

A technical document, *Draft Guidelines for the Selection of Methods to Determine Ecological Flows and Water Levels*, has been developed to complement the proposed NES. It is intended that the document will be referenced in the NES and form the basis for the selection and application of methods to determine ecological flows and water levels. Simple assessment methods would apply where only minor hydrological change to a resource with low ecological value is envisaged, but sophisticated methods (including computer modelling) would be necessary for major alterations to a water resource with high ecological values. It is proposed that the NES will state that the technical document can be updated to reflect any new methods, or to remove existing methods that are no longer appropriate.

Overall there was general support for the proposed technical methods in the submissions on the proposed NES. Submitters noted that the provision of methods would reduce confusion and provide a clear basis for determining ecological flows and limits. However, submissions also requested that the proposed NES provide more clarity and clear guidelines for selecting methods.

There was also some concern about the level of expertise – and consequently the staff training – required for councils to implement the standards. Following are some of the comments on methods.

- More clarity and guidance are needed on recharge rates and valuing water bodies.
- There needs to be clarification of the different types of water resource categories (rivers, streams, ephemeral streams, etc).
- The methods are ill-suited to aquifers where little data or information exists. There appears to be an assumption that in the proposed NES there is ‘basic information’ on aquifer recharge rates, aquifer dimensions or geological geometry.
- The proposed NES should provide guidelines for the use/selection of methods and acknowledgement of their limitations.
- The use of the words ‘low significance’ is inappropriate when referring to an ecosystem.
- The methods should consider the implications of climate change, future land-use change, and natural aggregation/degradation of stream beds on annual and seasonal groundwater recharge.

### **4.7.1 Need**

The majority of submissions supported the proposed approach, stating that consistency in assessing ecological values, selection and the application of the technical methods is preferable and reduces confusion and conflict. However, it was mentioned that empirical evidence should not be dismissed but incorporated into these methods.

A smaller number of responses stated that the methods chosen should not be compulsory, and instead should act as best-practice material and guidance (best practice should be developed in consultation with stakeholders/practitioners). Councils should support the participation of relevant experts in the identification and assessment of ecological values and risk factors.

Some submitters stated that these methods should be incorporated into the proposed NES, thereby requiring them to be implemented. Others suggested that they should be incorporated into a separate document that can be referred to by councils, so that they can use the appropriate method for each individual circumstance. It was also suggested that the complexity of the methods should not be reduced and/or simplified at the expense of measurable objectives and achievable targets.

One non-government organisation (NGO) requested that there be provisions to store water in times of high flows, and another questioned the inclusion of trout above that of native species.

It was suggested that there should be increased support for tangata whenua and iwi to enable their inclusion in flow setting. Furthermore, the cultural health index or cultural impact assessment should be included as a recognised methodology.

### **4.7.2 Approach proposed**

Submitters suggested that a peer review panel should appraise new and emerging methods. It was felt by some that the proposed NES does not provide the flexibility required to accommodate and take account of individual water bodies, especially in different regions and geomorphology.

Some submitters argued that the proposed one-day MALF calculations are inappropriate and preferred the use of monthly measurements. It was suggested that methods be adapted to relate specifically to the immediate waterway/area being considered.



Some submitters stated that the proposed NES should provide a structure that encourages technical and scientific innovation, allowing new tools/methods to be added to the toolbox.

One submitter (a district council) requested that the *Draft Guidelines for the Selection of Methods to Determine Ecological Flows and Water Levels* be made available as a technical resource only, and that it not be included in the proposed NES.

It was highlighted by some submitters that there is no guidance or framework for establishing values, and that the proposed NES needs to define water resource categories. A holistic approach to setting flow regimes was suggested. One submitter stated that ecosystems should not be evaluated in terms of what is currently present but instead on what has potential to be present.

### **4.7.3 New methods / innovation**

Some submitters seek wider consultation on new methods.

A number of submitters wanted new methods to be incorporated into the approach where and when necessary (one submission stated that they should be incorporated as soon as possible). A regular process for updating the document should be provided to reflect new information and technology. However, others stated that new methods should only be treated as guidelines and not incorporated into the standard. One submitter stated that if the proposed NES were formed as a national standard instead of a guideline, then updating or providing new methods would be difficult.

Some felt that there are too many methods proposed and these should be streamlined, while others wanted the use of multiple methods on each catchment to reinforce the observations of each method. Some submitters preferred independent assessment of the effectiveness of the proposed methods. There was a request for monitoring to be included to help ensure that the approaches used are being successful and to provide a basis for future review/amendment.

## **4.8 Q10 – Proposed NES approach to breaches**

### **How do you think the national environmental standard should address applications for resource consents that breach the interim limits?**

Under the proposed NES, applications that breach interim limits would be non-complying and applications for resource consent could still be considered, subject to section 104 and Part 2 of the RMA. The proposed NES requires that any such application include an assessment of ecological values using the proposed methods set out in the technical document accompanying the proposed NES.

A number of submitters agreed that this status would be appropriate, but over a quarter considered that non-complying status did not go far enough and should be prohibited. It was felt that making breaches prohibited was unjustified, and most of these submitters suggested that discretionary status would be more appropriate. Some stated that a non-complying status should not include water takes for stock and drinking water. It was also argued that the use of interim limits outright was inappropriate and that applications should be considered on their merits. Local and regional councils generally expressed a desire to have more control in the case of applications that breach standards. However, other submitters did not think that retrospective action should be taken in respect of current breaches of the proposed standards.

The other main issue raised by submitters was that the approach to breaches of interim limits is particularly important for addressing cumulative effects of the over-allocation of water. The point was repeatedly made that even minor breaches of limits can have a very significant cumulative effect on water levels. The majority of these submitters believed that greater consideration needs to be given to how the potential for cumulative effects is addressed by the proposed NES.

Submitters believed that the assessment criteria and guidelines for determining interim limits need to be clearer and more robust. It was felt that this is particularly important because of the high financial value derived from the use of abstracted water.

## **4.9 Q11 – Application of the proposed NES to existing and replacement consents**

### **How should the national environmental standard apply to existing and replacement resource consents in each of the situations outlined in table 2 of the discussion document?**

The discussion document examines how the proposed interim limits and methods would apply to resource consent applications over a range of situations, depending on whether or not environmental flows or water levels have been set in a proposed/operative water plan, and/or if they are only incompletely set.

Submitters commenting on the proposed NES generally provided conditional support for the proposed approach on the condition that existing permitted and consented water allocations are protected and can continue unaffected. Some felt that new applications for water bodies where allocation limits have not been set should be treated as discretionary activities, others argued that they should be treated as non-complying activities, and others felt they should be prohibited.

In terms of the application of interim limits to replacement consents there were mixed views. Some suggested that interim limits should not apply to consents being renewed. Others stated that if the interim limits are breached then they should be treated as discretionary activities, while others felt they should be treated as non-complying or prohibited activities.

Some submitters stated that existing consents should be evaluated and altered if they exceed the interim limits. It was also argued that where over-allocation has occurred, prohibition on further abstraction and some methods to reduce allocation should be set out in regional plans.

Submitters sought clarification on a number of matters, including:

- how the proposed NES will interact with proposed and existing water plans in regions
- the status of replacement consents
- whether minimum flow or allocation limits prevail if they conflict
- timeframes (submissions suggested that consents not be granted for longer than 10 years).

Submitters also stated that the following points need to be incorporated into the approach.

- Water quality and current allocations from water bodies need to be provided.

- Recognition should be given to the practicality of the requirement for applying the methods in the technical document at the time of the review of local and regional plans.
- It should be made explicit that it is the responsibility of the resource consent applicant to apply the appropriate technical methods.
- Consideration should be given to amending the time period under section 88 of the RMA to give adequate opportunity for assessment of the adequacy of methods used in consent applications.
- Community and stock water supplies should be exempt from the interim limit requirements.
- All currently authorised consent water takes should be more fully considered and incorporated into the proposed NES. Specifically, the volumes of water represented by all currently authorised takes should be included in the determination of interim limits.
- The proposed NES should not apply to any existing consents related to the generation of electricity.
- In many cases infrastructure investment will have been made on the basis of a particular allocation, and investors should not be disadvantaged.
- The issue of over-allocation has not been addressed.
- Monitoring the effectiveness of interim limits should be included.
- The proposed NES should prescribe methods for the assessment of ecological flows and water levels, including standardised methods for data collection, storage and analysis, in order to provide consistency and allow for comparison of data nationwide.

It was suggested that those involved in the NES process should read the Rio Declaration, Principle 15, and adopt the precautionary approach, and also read *NIWA Technical Report 122*.<sup>1</sup>

Councils have the ability to reduce allocations in catchments, should they desire or require. If the interim or default levels are kept in the proposed standard, then some submitters object to the total allocation being reduced every time a permit is surrendered, lapses, is cancelled or replaced. Other water users should have the option to apply for available water that is not already allocated to an existing user.

Submitters thought that in finalising the proposed NES, all currently authorised water takes should be more fully considered and incorporated; specifically, the volumes of water represented by all currently authorised takes should be included in the determination of interim limits

It was suggested that a glossary should be provided and the term ‘ecological flows’ be used instead of ‘environmental flows’.

Submitters indicated that public water supplies should be exempt from the provisions of the interim limits.

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<sup>1</sup> Jellyman DJ, Unwin MJ, James GD 2003. Anglers’ perceptions of the status of New Zealand lowland rivers and their trout fisheries.

## 4.10 Q12 and 13 – Benefits and costs of preferred option?

**Have the range of benefits and costs of the proposed national environmental standard been identified? Are the costs and benefits identified in this document accurate? Do you have other information you would like to see included in the cost–benefit analysis that will occur after submissions are received and analysed? Do you have any comment on the assumptions used in the analysis? Do you have any comment on the partial quantification of costs outlined in this section? Do you have information that would be useful for the full analysis?**

A preliminary assessment of the likely costs and benefits of the proposed NES was provided in the discussion document. Four main areas of costs and benefits were assessed:

- environmental outcomes
- effects on the regulatory process
- effects on existing and potential resource consent holders
- effects on the wider public.

This assessment also included quantification of the tangible costs and benefits identified.

Although submitters to the proposed NES agreed with the intent of a cost–benefit analysis, others stated that a more thorough analysis should have been undertaken at this stage and they queried the accuracy, scope and range of the analysis. This point was used to suggest that inconsistency and uncertainty of analysis will increase costs for regional councils, consent holders and consent applicants.

Submissions stated that regional councils should be required to undertake the necessary technical work required.

### 4.10.1 Range of costs and benefits identified

A common argument was that the analysis needed to include a number of additional points, or that these points need to be better accounted for. Suggestions included:

- an additional column for the costs and benefits to biodiversity associated with the implementation of the proposed NES
- an additional row identifying the costs and benefits of the proposed NES for environmental reporting
- intangible or non-monetary costs and benefits (including human health and well-being)
- environmental and community costs and benefits
- the potential risks/benefits associated with appeals to the Environment Court
- the impact on the cost to advocacy groups
- the impact of reduced flows for consent holders using water for intensive horticulture or viticulture production
- the cost to existing water users for re-consenting and potentially losing their permits

- the increased monitoring costs, staff-training costs, time for councils to acquire knowledge and vulnerability to losing specialised staff, and the effects on ratepayers
- an overall more realistic pricing of council processing
- the competing needs of water users
- tangata whenua values
- opportunity costs
- long-term costs
- the cost of the proposed NES preventing the granting of consents, which on a site-specific consideration would otherwise be granted.

Submitters would also like to see transparency on how costs are being paid for, and would like to see the ecological costs associated with modifying (and dewatering) riverbeds analysed and published. Some stated that an increase in benefit and a reduction in cost would only result from guidance on technical methods for determining ecological flows and water levels, and then only if the technical methods were accepted by all parties.

A general comment was that the standard deviation of the calculations cannot be measured.

#### **4.10.2 Accuracy of the cost–benefit analysis**

One submission stated that in terms of accuracy, the cost–benefit analysis should be undertaken with consideration of the nature of the water resources in the regions in which it will apply.

#### **4.10.3 Assumptions used in the cost–benefit analysis**

Some submissions argued that the assumptions made in the proposed NES are incorrect and will make it difficult to achieve New Zealand’s renewable energy targets set by the New Zealand Energy Strategy to 2050. It was also argued that the assumptions regarding submissions and notifications following the amended regional plans are incorrect and optimistic. (Approximately 50 applications are publicly notified now, but if the proposed NES is gazetted then more than 120 will be publicly notified per year for consents that exceed environmental flows.)

# Appendix A: Public notification

The following public notice was printed in all major and most provincial papers on 20 March 2008. The submission period end date was extended to 29 August 2008 as requested by submitters.



Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*

## Call for submissions on the proposed National Environmental Standard on Ecological Flows and Water Levels

In accordance with section 44 of the Resource Management Act (1991) the Minister for the Environment gives notice of the Government's intention to develop a national environmental standard (regulations) on ecological flows and water levels.

The intent of the proposed national environmental standard is to promote consistency in the way decisions are made to ensure sufficient variability and quantity of water flowing in rivers, ground water systems, lakes, and wetlands.

The proposed standard is consistent with the purpose of the Resource Management Act 1991 to promote the sustainable management of natural and physical resources – in this case fresh water. It would do this by:

- Setting interim limits on the alterations to flows and/or water levels for rivers, wetland and groundwater systems that do not have limits imposed through regional plans.
- Providing a process for selecting the appropriate technical methods for evaluating ecological flows and water levels in rivers, lakes, wetland and groundwater systems.

A discussion document outlining the subject matter and rationale of the proposed standard has been produced by the Ministry for the Environment to assist people in making submissions. This document can be viewed at the Ministry for the Environment, 23 Kate Sheppard Place, Thorndon, Wellington and online at [www.mfe.govt.nz](http://www.mfe.govt.nz)

If you would like a printed copy of the discussion document, free copies are available by emailing your request to [publications@mfe.govt.nz](mailto:publications@mfe.govt.nz) or by phoning (04) 439 7535.

Any person can make a submission on the subject matter of the proposed standard. Please include the following information in your submission:

1. Your name, postal address, phone number, and email address (if applicable).
2. A statement that you are making a submission on the proposal to develop a national environmental standard on ecological flows and water levels.
3. Whether you support or oppose the proposal as detailed in the discussion document.
4. Your submission with reasons for your views.
5. Any changes you would like made to the proposed national environmental standard as detailed in the discussion document.
6. The decision you would like the Minister for the Environment to make.

Please send your submission by post to the Ministry for the Environment, PO Box 10362, Wellington, or by email to [standards@mfe.govt.nz](mailto:standards@mfe.govt.nz). **Submissions must be received by 5 pm on Thursday, 31 July 2008.**

# Appendix B: List of Submitters

## Submitter

### Regional Councils

1. Local Government New Zealand
2. Auckland Regional Council
3. Environment Bay of Plenty
4. Environment Canterbury
5. Hawkes Bay Regional Council
6. Horizons
7. Northland Regional Council
8. Otago Regional Council
9. Environment Southland
10. Taranaki Regional Council
11. Environment Waikato
12. Greater Wellington Regional Council
13. West Coast Regional Council

### District Councils

14. Far North District Council
15. Gisborne District Council
16. Hauraki District Council
17. Marlborough District Council
18. Matamata Piako District Council
19. Rodney District Council
20. Selwyn District Council
21. Tasman District Council
22. Taupo District Council
23. Whangarei District Council

### City Councils

24. Christchurch City Council
25. Dunedin City Council
26. Hamilton City Council
27. North Shore City Council

### Irrigation Organisations

28. Hawkdun Idaburn Irrigation Company
29. Hurunui Water Project Ltd
30. Irrigation New Zealand
31. Kerikeri Irrigation Company Ltd
32. Last Chance Irrigation Company Ltd
33. Maniototo Irrigation Company Ltd
34. Otago Water Resource Users Group
35. Southbridge Water Users Group
36. Waimea Water Users Committee

## **Primary Sector/Agriculture**

37. Dairy NZ
38. Eastern Bay Orchards Ltd
39. Federated Farmers
40. Fonterra
41. Gedye Brothers
42. Horticulture NZ
43. Illawarra Ltd
44. Judco Ltd
45. Kaiaponi Farms Ltd
46. LeaderBrand Produce Ltd
47. Meat & Wool NZ
48. NZ Institute of Forestry
49. Patutahi Pipeline Ltd
50. Riversun Nursery Ltd
51. Riverton Orchard
52. Wairakei Pastoral Ltd

## **Recreation**

53. Fish & Game NZ
54. Jet Boating NZ
55. Otago Canoe and Kayak Club
56. NZ Recreational Canoeing Association
57. Otago Fish & Game Council
58. South Island Eel Industry Association

## **Water**

59. Manukau Water Ltd
60. Metrowater
61. NZ Waste Water Association
62. Watercare Services Ltd

## **Energy/Generators**

63. Clearwater Hydro Ltd
64. Contact Energy
65. Genesis Energy
66. Kawatiri Energy Co Ltd
67. King Country Energy
68. Mainpower New Zealand Ltd
69. Meridian Energy
70. Mighty River Power
71. NZ Energy
72. Pioneer Generation
73. Solid Energy NZ Ltd
74. Todd Energy
75. Trust Power

## **Iwi**

76. Ngāti Kahungunu Iwi
77. Ngāti Tuwharetoa Māori Trust Board



78. Waikato Raupatu Trustee Company Ltd
79. Te Kaahui o Rauru
80. Te Maru o Ngāti Rangiwewehi
81. Te Runanga o Ngāi Tahu
82. Te Taiwhenua o Heretaunga
83. Whanganui River Māori Trust Board

### **Environmental Organisations**

84. Advocates for the Tongariro River
85. Auckland Conservation Board
86. Bream Bay Coastal Care Trust
87. Cawthron Institute
88. New Zealand Conservation Authority
89. Ecologic
90. Environment and Conservation Organisations of NZ Inc.
91. Environmental Defence Society
92. Forest and Bird (Golden Bay)
93. Forest and Bird (Marlborough)
94. Forest and Bird (Napier)
95. Royal Forest and Bird
96. Forest and Bird (Lower Hutt)
97. Forest and Bird (S Canterbury)
98. Forest and Bird (West Coast)
99. Friends of Shearer Swamp Inc.
100. National Groundwater Forum
101. Hawke's Bay Environmental Water Group
102. Otago Conservation Board
103. Taranaki/Whanganui Conservation Board
104. Save the Rivers Mid-Canterbury Inc.
105. Te Arawa Lakes Trust
106. Wellington Conservation Board
107. Wetland Trust
108. Massey Freshwater Scientists

### **Other NGOs and Companies**

109. Aggregate and Quarry Association of NZ
110. New Zealand Aluminium Smelters Ltd
111. Bay of Plenty Lifelines Advisory Group
112. Bernard Matthews Gisborne
113. New Zealand Business Council for Sustainable Development
114. D W Briant Ltd
115. F&D Briant Companies
116. New Zealand Historic Places Trust
117. Holcim (New Zealand) Ltd
118. Institute of Professional Engineers NZ
119. Landco Land Developments Ltd
120. New Zealand Law Society
121. Opotiki Packing and Coolstorage Ltd
122. Resource Management Law Assn
123. Tourism Industry Assn NZ
124. Newmont Waihi Gold Ltd
125. Waikato Engineering Lifelines Group

126. Wellington Botanical Society
127. Winstone Aggregates
128. National Council of Women of New Zealand

## **Public**

129. A. Lloyd Beech
130. J. Berryman
131. Annie Blackmore
132. Jenny Campbell
133. Kate Clarke
134. Diane Charteris
135. Teschna Christie
136. Kevin Dean
137. Zoe Dewson
138. Regan Diggelman
139. Alan Eastergaard
140. Deanna Elvines
141. Hanna Gilbert
142. Ann Graeme
143. B. Graeme
144. Meg Graeme
145. Neville Naismith Graham
146. Chris Henderson
147. Garth Ingram
148. Reece Irving
149. Melissa Kellett
150. Dugald MacTavish
151. Michelle Malcolm
152. Cayley Manson
153. Alec Milne
154. Josh Moss-O'Brien
155. Josette Moore
156. Candyce Murrell
157. Kura Paul-Burke
158. Warwick Bruce
159. Michael Rawlinson
160. Natalie Riddler
161. Barbara Risi
162. Angelika Stadler
163. Kim Sherman
164. D A Streeter
165. Paul Tietjen

## **Government**

166. Ministry of Health

## Appendix C: TeamView Consult summary report

No.	Name	Position	Region	Topics	Feedback
1	Local Government NZ	Support in part	National	Applications, Q10 NES approaches to breaches	Activity status: Making proposals that do not comply with interim levels non-complying activities results in issues that need to be addressed: notably what is the policy context for consideration of the application and what is the statutory relationship between the NES and the regional plan objectives and policies.
1	Local Government NZ	Support in part	National	Implementation / resource costs	Interim levels will need to be set for all water bodies regardless of information that exists and whether they are under pressure or not. Interim levels will undermine the ability of local authorities to establish future environmental flows and manage catchments in an integrated and cost-effective manner.
1	Local Government NZ	Support in part	National	Process to adoption / involvement, consultation	Wants to be involved and participate in development of this issue.
1	Local Government NZ	Support in part	National	Q7, 8 & 9 Technical methods, approach proposed	There is inconsistency between interim levels and methodology, in that interim flow will not provide for variable flows.
1	Local Government NZ	Support in part	National	Q7, 8 & 9 Technical methods, approach proposed	Greater recognition of interconnection between groundwater and surface water and wetlands is needed.
1	Local Government NZ	Support in part	National	Q7, 8 & 9 Technical methods, new methods / innovation, approach proposed	Support the development of the <i>Draft Guidelines for Selection of Methods to Determine Ecological Flows and Water Levels</i> but because they do not address the issue of environmental flows they should only be a national guideline and not a national standard. Methods may be agreed but contest in respect of values will not be avoided. By making them regulations / NES you lose ability to update methodology.
1	Local Government NZ	Support in part	National	Renewals & clawback, clawback through plans	Clawback: There is merit in suggestion but is problematic given that the issue remains unresolved by NPS Freshwater Management and this NES.
1	Local Government NZ	Oppose	National	Q4 Interim levels, division of water bodies	Blanket application of interim levels approach means that some water bodies will have interim levels and other environmental levels, potentially within the same catchment.
1	Local Government NZ	Oppose	National	Relationship with NPS & RMA	Setting interim levels through NES may not be compatible with timescales for review required by NPS.
1	Local Government NZ	Oppose	National	Scope – what's included	Interim limits are too simplistic and broad-brush in their approach to capture regional differences that influence determination of ecological flows.
1	Local Government NZ	Oppose	National	Scope of NES, effect on applications	Existing consents / practice: Some water bodies reduce to flows that do not sustain ecological values because of historic practice. It is not clear how an ecological flow would affect existing consents of the future establishment of a flow regime that would adversely affect ecological values.

No.	Name	Position	Region	Topics	Feedback
1	Local Government NZ	Oppose	National	Scope of NES, process to adoption / involvement	Point: Does not support an NES because an NPS for Freshwater Management will absorb processes mandated by the NES. Having an NES as well creates a parallel process that diverts limited resources towards administration of NES and away from key task of establishing environmental flows. Relief sought: NES should not proceed.
2	Auckland Regional Council	Support in part	Auckland	Q3 Need for interim levels	Point: Interim levels are supported in principle and should be time bound. Relief sought: Require councils to review plans in order to address omissions.
2	Auckland Regional Council	Support in part	Auckland	Q7, 8 & 9 Technical methods	Point: Support methods to help assess resource consents and for setting flows and allocation limits. Scope of method should be expanded to enable environmental flows to be set, and if not then they will be used improperly for that purpose anyway. Relief sought: Expand scope of method to enable measuring of environmental flows.
2	Auckland Regional Council	Support in part	Auckland	Renewals & clawback, Q6 Inclusion of existing consents in limits	Support setting of allocation at interim limits or at current level of allocation whichever is the greater. Tools for clawback allocations should be provided. Relief sought: Tools for clawback to be included.
2	Auckland Regional Council	Support in part	Auckland	Scope of NES, Q2 Options / Alternatives	Point: Ecological flows and water levels will become by default or be used as environmental limits. Relief sought: Scope of the NES should be expanded to include all matters (social, economic, and cultural) relevant to Sustainable Water Programme of Action.
2	Auckland Regional Council	N/A	Auckland	Q4 Interim levels	Point: Interim levels will affect aggregate industry. Relief sought: None.
2	Auckland Regional Council	N/A	Auckland	Q7, 8 & 9 Technical methods, approach proposed	Point: <i>Draft Guidelines for Selection of Methods to Determine Ecological Flows and Water Levels</i> (Beca 2008) should outline significance of different water resource categories. Relief sought: Water resource categories in draft guidelines to be defined.
2	Auckland Regional Council	N/A	Auckland	Scope – what's included, approach proposed	Point: Scope should include stock and domestic abstraction (s14(3)(b)), specify if freshwater included geothermal (it should have a category all of its own). Shallow coastal aquifer needs to be clearly defined and could include island groundwater. Limits should not apply to and should allow for taking of water from dams. MALF should be for the natural flow and not be based on flow already modified by abstraction. Limits should allow for taking of water when flows are high. Should make clear that the allocation applies to catchment upgradient of the flow measuring point and not entire catchment. Limits should allow for exceptional circumstances and short-term breaches of levels. Relief sought: Provide clear definition of limits and how measured.
2	Auckland Regional Council	Oppose	Auckland	Other	Point: Meaning of 'Community public and stock health bodies' (5.3.1) is unknown. Relief sought: Define / reword "Community public and stock health bodies" (5.3.1).

No.	Name	Position	Region	Topics	Feedback
2	Auckland Regional Council	Oppose	Auckland	Other	Point: Level needs to be defined. Relief sought: Define 'level'.
2	Auckland Regional Council	Oppose	Auckland	Q7, 8 & 9 Technical methods, approach proposed	Point: <i>Draft Guidelines for Selection of Methods to Determine Ecological Flows and Water Levels</i> (Beca 2008) should outline significance of different water resource categories. Relief sought: Outline significance of different water resource categories in Beca's <i>Draft Guidelines</i> .
2	Auckland Regional Council	Support	Auckland	Q11 Application of NES to existing and replacement consents	Support applications in breach of limits being assessed as non-complying activity.
2	Auckland Regional Council	Support	Auckland	Scope of NES	Support objectives of NES that addresses Sustainable Water Programme of Action.
3	Environment Bay of Plenty	Support in part	Bay of Plenty	Division of water bodies	Point: Guidelines are needed to define what constitutes a high-value stream community from an ecological standpoint. For example, whether it should be determined by species diversity alone, and/or biomass, and whether in assessing a fishery's value, consideration should also be given to a stream's actual habitat potential. Relief sought: Further guidance.
3	Environment Bay of Plenty	Support in part	Bay of Plenty	Division of water bodies	Point: Without some requirement to evaluate a streams ecological or fisheries value, the compulsion could be for applicants to undervalue a stream to save the extra work. Relief sought: Guidance on how to determine a stream's ecological value.
3	Environment Bay of Plenty	Support in part	Bay of Plenty	Scope – what's included	Point: Supports the NES ballpark thresholds for spring-fed streams based upon the MALF for springs. Relief sought: Inclusion of alternative methods for specifically deriving ecologically defensible minimum flows for spring-fed streams.
3	Environment Bay of Plenty	Support in part	Bay of Plenty	Scope of NES	Point: NES appears to apply only to catchments that have not reached full allocation, no guidance is given on over-allocated catchments. Relief sought: If such catchments are outside the scope of the proposed NES, it would be beneficial for this to be clarified.
3	Environment Bay of Plenty	N/A	Bay of Plenty	Apply to existing consents	Relief sought: Existing water consents should be included in the interim allocation limits.
3	Environment Bay of Plenty	N/A	Bay of Plenty	Apply to existing consents	Relief sought: Guidance that takes into account the approaches adopted by the other regional councils.
3	Environment Bay of Plenty	N/A	Bay of Plenty	Approach proposed	Relief sought: A peer-review panel should appraise new and emerging methods before they be incorporated into the proposed NES.

No.	Name	Position	Region	Topics	Feedback
3	Environment Bay of Plenty	N/A	Bay of Plenty	Implementation costs	Point: The proposed NES would place a cost burden on regional councils to develop regional applicable environment flows, which in turn would be borne by consent holders or regional rate payers unless central government provides funding for implementation.  Relief sought: NES should explain how implementation costs will be expected to be met.
3	Environment Bay of Plenty	N/A	Bay of Plenty	New methods / innovation	Relief sought: Methods for assessing ecological values need to be streamlined and able to be applied practically. The surface water information group and the regional groundwater forum could be consulted to assist with this.
3	Environment Bay of Plenty	N/A	Bay of Plenty	Other	The NES does not appear to preclude the allocation of water flows for water enhancement and restoration purposes.
3	Environment Bay of Plenty	N/A	Bay of Plenty	Time limit	Relief sought: The time limits on the interim limits, could be linked to regional plan reviews to enable interim limits in high-risk areas to be substituted with regional specific values.
3	Environment Bay of Plenty	Oppose	Bay of Plenty	Division of water bodies	Point: The <i>Draft Guidelines</i> advocate the use of 1D hydraulic methods for higher-value streams with higher alteration, but for low-value streams and or those subject to only minimum alteration they propose a less exhaustive approach. This approach runs counter to Environment Bay of Plenty's Proposed Regional Water and Land Plan methods section which requires a 1D modelling approach.  Relief sought: The guidelines discussing the implementation of minimum flows may address this, but if not they deserve comment. As they stand changes would need to be made to our decision-making framework for water abstraction consents.
3	Environment Bay of Plenty	Oppose	Bay of Plenty	New methods / innovation	Point: There are too many methods.  Relief sought: A streamlining process to reduce them would benefit.
3	Environment Bay of Plenty	Oppose	Bay of Plenty	Q10 NES approaches to breaches	Point: Making resource consent applications a prohibited activity in areas where the interim limits are breached may have significant economic impacts on local communities.  Relief sought: A more balanced approach is needed. A non-complying activity status takes a pre-cautionary approach but provides sufficient flexibility for economic development.
3	Environment Bay of Plenty	Support	Bay of Plenty	Need, Q7, 8 & 9 Technical methods	Point: NES to contain a certain amount of guidance.
3	Environment Bay of Plenty	Support	Bay of Plenty	Q1 Problems & issues correct	Point: Agrees with the problem statements.  Relief sought: Would benefit from national direction on these issues.
3	Environment Bay of Plenty	Support	Bay of Plenty	Q11 Application of NES to existing and replacement consents	Point: Supports the guidance provided in the discussion document in regards to the resource consent situations.

No.	Name	Position	Region	Topics	Feedback
3	Environment Bay of Plenty	Support	Bay of Plenty	Q2 Options / Alternatives	Point: Agrees all available options have been identified and assessed. The selected option provides an interim safeguard for environmental flows, and allows greater flexibility for region-based water management. Relief sought: None.
3	Environment Bay of Plenty	Support	Bay of Plenty	Q3 Need for interim levels	Point: Agrees that the best way to achieve the objectives of the proposed NES is for interim limits to be set. Relief sought: None.
3	Environment Bay of Plenty	Support	Bay of Plenty	Scope of NES	Generally supports proposed NES. It successfully provides coverage of various factors relating to environmental flows and water levels. It provides national and strategic guidance on water allocation methodology that is consistent and flexible, while recognising local knowledge and regional variation in water management issues and available data.
4	Environment Canterbury	Support in part	Canterbury	Approach proposed	Point: Support the aim of providing consistency in the ecological methods. However, undue weighting has been given to numerical models, particularly regarding groundwater.
4	Environment Canterbury	Support in part	Canterbury	Approach proposed	Point: The approach is largely supported. We support the use of the significance columns. Relief sought: The matrix tables should be simplified. It is suggested that for consent applications: (i) The low and medium columns for the significance of values are merged into one and the appropriate technical methods be determined for the combined columns. (ii) The high-significance column be retained but MfE commission the identification of those waterways, wetlands and groundwater zones that have high values and they are then identified in the NES. (iii) The matrix tables be retained and used for regional plans.
4	Environment Canterbury	Support in part	Canterbury	Approach proposed	Point: 2.2.2 defines ecological flows and water levels. With the exception of periphyton, there is no guidance on the methods to be used to derive flow or level requirements for flora. Relief sought: (i) Flora be deleted from the definition; or (ii) Assessment guidelines and methods be included for determining the ecological flow or water level requirements for flora.
4	Environment Canterbury	Support in part	Canterbury	Proposed numbers	Point: Support the trigger of 5 m <sup>3</sup> /s to differentiate streams, the minimum flows and the allocation limits. Relief sought: Hydrologically, the trigger should be based on the median flow rather than mean flow.

No.	Name	Position	Region	Topics	Feedback
4	Environment Canterbury	Support in part	Canterbury	Proposed numbers	<p>Point: The Proposed NES at 2.2.3 discusses and defines available water, relating to RMA s14(3).</p> <p>Relief sought: The NES gives some default guidance on how RMA s14(3) requirements are to be calculated. The regulation very clearly states that this is an interim approach and that alternative stock or domestic water allowances are possible within regional plan and consent processes.</p>
4	Environment Canterbury	Support in part	Canterbury	Q1 Problems & issues correct	<p>Point: Agree with statement 1 in part.</p> <p>It is inferred that water bodies that do not have environmental flows and water levels set in a regional plans because of a lack of abstractive demand are "commonly attributed high ecological, cultural or recreational values owing to their relatively undeveloped status". For streams draining the hill country of the South Island's east coast, the lack of abstraction is more likely to be attributed to naturally low water yields and ecological systems that are adapted to such regimes.</p> <p>Relief sought: Paragraph 4 be amended by deleting "they are commonly attributed" and inserting "may still be present in certain situations" before "owing to their relatively undeveloped status".</p>
4	Environment Canterbury	Support in part	Canterbury	Q10 NES approaches to breaches	<p>Generally supports the use of non-complying activity status.</p> <p>Not convinced that the cumulative effects of applications will be adequately assessed through the RMA or the non-complying test.</p> <p>Relief sought:</p> <ol style="list-style-type: none"> <li>1) That some water bodies, particularly those water bodies where sustainability limits have been estimated to be exceeded, should have prohibited status for applications that breach the interim.</li> <li>2) Further consideration should be given to situations that warrant prohibited status.</li> <li>3) The taking of water from wetlands that are not covered by regional plan provisions should be prohibited.</li> </ol>
4	Environment Canterbury	Support in part	Canterbury	Q11 Application of NES to existing and replacement consents	<p>Point: Supports table 2 (p 32).</p> <p>Relief sought:</p> <ol style="list-style-type: none"> <li>1) Recognition needs to be given to the practicality of the requirement of applying the methods in the technical document at the time of the review of plans.</li> <li>2) It should be made explicit that it is the responsibility of the resource consent applicant to apply the appropriate technical methods.</li> <li>3) Consideration be given to amending the time period under s88 RMA to give adequate opportunity for us to assess the adequacy of methods used in consent applications.</li> </ol>



No.	Name	Position	Region	Topics	Feedback
4	Environment Canterbury	Support in part	Canterbury	Q2 Options / Alternatives	Point: Sufficient options have been considered, although the three-step criteria may be a little too simplistic. Relief sought: A five-step scale (as opposed to 'substantially achieved', 'unlikely to be achieved' and 'no change') would be more robust.
4	Environment Canterbury	Support in part	Canterbury	Q3 Need for interim levels	Point: Interim limits are supported. Relief sought: The NES should list those waterbodies or sub-regions where the interim would apply.
4	Environment Canterbury	Support in part	Canterbury	Scope – what's included	Point: Guidance for wetlands may be difficult to implement.
4	Environment Canterbury	N/A	Canterbury	Division of water bodies	Relief sought: A robust definition of 'connected groundwater', who determines it, what methods are to be used, how such takes are to have the ecological flow applied and whether such takes are to be included as part of the surface water 'available water'. A default approach needs to be specified. An 'aquifer', 'wetland' or 'river' should be spatially defined.
4	Environment Canterbury	N/A	Canterbury	Division of water bodies	Point: The use of only two groundwater system types is too coarse. Relief sought: Further delineations of groundwater types should be developed for the interim limits.
4	Environment Canterbury	N/A	Canterbury	Implementation / resource costs	Point: MfE should prepare and disseminate an implementation package that outlines the purpose of the NES, the situations where it is to be used or not used and any other relevant information.
4	Environment Canterbury	N/A	Canterbury	Implementation / resource costs	Relief sought: MfE to provide significant resources for generic technical support in the development and verification of methods for determining ecological, and eventually environmental, flows and water levels. Particularly in the area of numerical models.
4	Environment Canterbury	N/A	Canterbury	Other	Relief sought: While MALF is defined as the seven-day mean annual low flow it would be useful in the body of the document to amend MALF to read 7DMALF or MALF(7d) .
4	Environment Canterbury	N/A	Canterbury	Other	Draft guidelines: p 76. Point: Given the comments in paragraph 3, it is surprising that the first sentence in paragraph 4 is not: "degree of hydrological alteration of a groundwater system is related to the amount of groundwater used". Do surface water sources in the final sentence and associated bullet points include rainfall and other recharge and should they
4	Environment Canterbury	N/A	Canterbury	Other	Draft guidelines: table 4.3. Point: Under time series there is the possibility of 'misinterpretation', is this not possible for other methods too
4	Environment Canterbury	N/A	Canterbury	Other	Draft guidelines: b)Methodology. Point: Final bullet point should also include groundwater use.

No.	Name	Position	Region	Topics	Feedback
4	Environment Canterbury	N/A	Canterbury	Other	Draft guidelines: 4.5.7.b.4. Point: This sensitivity analysis is rarely undertaken yet should be. How can a steady-state model look at the low-flow conditions which are not in steady state Relief sought: Reference to MfE groundwater model audit guidelines is appropriate here.
4	Environment Canterbury	N/A	Canterbury	Other	Technical advice for consideration on groundwater limits – connected systems. 1) Hydraulic groundwater connections at the regional scale are important when considering inter-seasonal cumulative effects. 2) There needs to be more emphasis on integrating management between surface and groundwater, locally and regionally.
4	Environment Canterbury	N/A	Canterbury	Other	Technical advice for consideration on groundwater limits – for groundwater systems with potential for connection to surface water bodies. Point: 1) Where surface block is not fully allocated – an allocation limit proportional to the percentage of allocation block remaining, not exceeding 10% recharge. 2) Where surface block is fully allocated – no groundwater can be taken.
4	Environment Canterbury	N/A	Canterbury	Other	Technical advice for consideration on groundwater limits – for groundwater system that are proven to be entirely separate from surface water (or water bodies not present). An allocation limit of, whichever is the greater of: 1) 20% of the average annual recharge; or 2) the total allocation from the groundwater resource on the date that the NES comes into force less any resource consents surrendered, lapsed, cancelled or not replaced. For groundwater takes that induce stream depletion at more than 1% of the allocation limit after 30 days, the environmental flow or water level set for the surface water body will also apply to the management of groundwater takes.
4	Environment Canterbury	N/A	Canterbury	Other	Relief sought: Explicitly state that regional councils will not be faced with having to review all the waterbodies in the region at the same time when they are included in one regional plan.
4	Environment Canterbury	N/A	Canterbury	Proposed numbers	Relief sought: The units the limits are to be expressed in should be stated.
4	Environment Canterbury	N/A	Canterbury	Proposed numbers	Relief sought: It should be stated that the location of the site for determining the median flow and monitoring the minimum flow would be determined by the regional council.

No.	Name	Position	Region	Topics	Feedback
4	Environment Canterbury	N/A	Canterbury	Proposed numbers	Relief sought: The interim limits for rivers and streams should make provision for the taking of less reliable water at higher flows. It is important to illustrate via the interim limits that more water can be taken at high river flows. A 1:1 sharing approach above a certain flow is an approach used in Canterbury that has not been overturned by the Environment Court or by Water Conservation Order tribunals.
4	Environment Canterbury	N/A	Canterbury	Q12 &13 Benefits and costs	Has undertaken ecological flow assessments for a number of catchments in the region. If of assistance in quantifying costs and benefits, would be willing to provide the costs of such assessments for case study purposes.
4	Environment Canterbury	N/A	Canterbury	Q4 Interim levels	“The allocation limit is linked to the minimum flow – as the allocation limit increases, the minimum flow is reached more often.”  Point: Is it meant that when more consents to abstract water are granted, the allocation limit will be reached If the available water is fully allocated the minimum flow is reached more often.
4	Environment Canterbury	N/A	Canterbury	Scope – what’s included	Point: Supports the high level of protection given those wetlands covered by the interim limits. Endorses the need to prevent any further disruption of ecological functioning.
4	Environment Canterbury	N/A	Canterbury	Scope – what’s included	Relief sought: That the definition of wetland be examined to ensure that there is no inadvertent inclusion of wet areas with little, intermittent or no ecological value.
4	Environment Canterbury	Oppose	Canterbury	Other	Point: There are various times when ‘environmental’ is used instead of ecological. Relief sought: Make changes as necessary.
4	Environment Canterbury	Oppose	Canterbury	Other	Section 2.4 paragraph 5: “The allocation limit can vary with time and flow.”  Point: This implies that the allocation limit set for a particular stream or river is recalculated and adjusted on a daily basis. Allocation blocks are calculated and when set no alterations are made unless there is a minimum flow review and variation of the plan.
4	Environment Canterbury	Oppose	Canterbury	Other	Draft guidelines: Executive summary p x–xi.  Point: In these bullet points, what is less than 10%, etc. It is assumed to be allocation, but it needs to be specific. Relief sought: Re-write.
4	Environment Canterbury	Oppose	Canterbury	Other	Draft guidelines: Introduction. Relief sought: Replace ‘methodology’ with methods.
4	Environment Canterbury	Oppose	Canterbury	Other	Draft guidelines: p 29. Relief sought: Typo in recommendation ‘hydrological’.

No.	Name	Position	Region	Topics	Feedback
4	Environment Canterbury	Oppose	Canterbury	Other	Draft guidelines: p 74. Point: In the approach paragraph it is assumed that more complex and numerical models are required, not just appropriate, where the resource is under the greatest stress (in terms of the allocation of recharge). Relief sought: Rewrite the third bullet point to say: "applying more complex methods for higher resource values and/or higher degrees of alteration".
4	Environment Canterbury	Oppose	Canterbury	Other	Draft guidelines: table 4.1. 1. 3rd row: It is not the aquifer that consolidates, but the overlying strata if they are fine-grained. 2. 2nd last row: specifically include groundwater use as does the last row. Use is part of the groundwater discharge.
4	Environment Canterbury	Oppose	Canterbury	Other	Draft guidelines. Point: 2nd paragraph should refer to a much more recent article on resource state than NIWA 2004, such as the <i>State of the Canterbury Region Water Resource 2007</i> .
4	Environment Canterbury	Oppose	Canterbury	Proposed numbers	Point: 5.1 Paragraph 4. Amend sentence 2 to read: "The...levels are not also intended...flows."
4	Environment Canterbury	Oppose	Canterbury	Q2 Options / alternatives	Point: First and last sentences in first paragraph on page 20 are statements that can only be valid if the NES sets out that takes etc in excess of 'available water' are prohibited. Otherwise, they are likely to be incorrect given second sentence – subject to meeting tests of RMA.
4	Environment Canterbury	Oppose	Canterbury	Q4 Interim levels, scope – what's included	Point: The interim limits do not adequately address situations where systems are connected, eg, groundwater abstractions that are hydraulically connected to surface water bodies (streams or wetlands), and takes/ diversions from streams flowing directly into wetlands. Relief sought: The NES should: 1. explicitly address how connectivity is to be treated and how it is to be incorporated into the allocation limits 2. give guidance when the connected systems have differing levels of ecological significance 3. include appropriate methods for assessing the degree of connection.
4	Environment Canterbury	Oppose	Canterbury	Q7, 8 & 9 Technical methods, Q1 Problems & issues correct	Point: Problem 3 – It is not that the existing process for setting environmental flows is costly and contentious; rather, it is a need to know whether the methods selected for determining the environmental flows and water levels are appropriate. Relief sought: The appropriateness of methods is a problem that will benefit from national direction.
4	Environment Canterbury	Oppose	Canterbury	Renewals & clawback	Point: Objects to the NES being directive as to clawback provisions in the interim limits. Relief sought: This is more appropriately explored at the regional level.

No.	Name	Position	Region	Topics	Feedback
4	Environment Canterbury	Oppose	Canterbury	Scope – what’s included	Point: Groundwater. The interim limit of 35% of the average annual recharge is not considered to be sufficiently precautionary for many settings in Canterbury. Relief sought: Clarity about what can and cannot be included in the calculations of average annual recharge.
4	Environment Canterbury	Oppose	Canterbury	Scope – what’s included	Point: The limits for wetlands are such that any new consumptive use is all but a prohibited activity. Relief sought: Clarity around activities adjacent to wetlands eg, a bore in close proximity that is hydraulically connected or a tributary waterway. Are those cases to be managed as per the relevant surface or groundwater body, or as an effect on wetlands
4	Environment Canterbury	Support	Canterbury	Approach proposed	Point: Supports the proposed approach.
4	Environment Canterbury	Support	Canterbury	Q1 Problems & issues correct	Point: Agrees with problem statement 2.
4	Environment Canterbury	Support	Canterbury	Q3 Need for interim levels	Point: Supports the proposal that the interim limits do not apply if there is a proposed plan.
4	Environment Canterbury	Support	Canterbury	Q5 Time limit for interim levels	Point: Agrees that the NES should not be time bound. Incorporating a precautionary approach is considered sufficient.
5	Hawkes Bay Regional Council	Support in part	Hawke’s Bay	Approach proposed	Point: Supports in part the approach for rivers, lakes and wetlands and groundwaters as outlined in the technical document. Relief sought: Greater implementation support is required on estimating flows and MALFs for un-gauged catchments and in defining what aquatic life may be present in a given waterway. Greater detail is required on accepted methods for estimating Stream depletion effects.
5	Hawkes Bay Regional Council	Support in part	Hawke’s Bay	Q3 Need for interim levels	Point: Supports the use of interim limits. However it lacks a robust RMA s5 debate ie, economic, social and cultural factors when setting ecological flows.
5	Hawkes Bay Regional Council	Support in part	Hawke’s Bay	Q4 Interim levels	Point: Supports the interim limits specified for rivers (minimum flow), but submits that a single 5 m <sup>3</sup> /s threshold for the allocation limit is too broad. Relief sought: Further work to nominate at least 1 or 2 further flow thresholds from the allocation limits to refund the 30% and 50% of MALF figures.
5	Hawkes Bay Regional Council	Support in part	Hawke’s Bay	Q4 Interim levels	Point: Supports the wetland interim limit; supports in part. Relief sought: That the following wording be added: “For all wetlands – No change in water levels, beyond the water level variation that has already been provided for by existing resource consents or lawfully established structures or works pursuant to s10A of the RMA.”

No.	Name	Position	Region	Topics	Feedback
5	Hawkes Bay Regional Council	Support in part	Hawke's Bay	Q7, 8 & 9 Technical methods	Point: Without statutory guidance on method selection, the complexity and costs for all parties at hearings and the Environment Court are increased. Relief sought: Guidelines for method selection be included within the NES.
5	Hawkes Bay Regional Council	Support in part	Hawke's Bay	Renewals & clawback	Point: There should be no 'clawback' of over-allocated catchments when applying interim limits; supports the specification of an allocation limit.
5	Hawkes Bay Regional Council	N/A	Hawke's Bay	Implementation / resource costs	Point: To ensure its successful implementation, significant technical support and resources are required. Relief sought: Technical support and resourcing includes: 1. formal and scientifically robust documentation of all technical matters 2. collection of all computer models with appropriate user guides and scientific support 3. formal training in methods 4. better scientific tools and methods for estimating hydrological parameters 5. financial support for implementation.
5	Hawkes Bay Regional Council	N/A	Hawke's Bay	Q7, 8 & 9 Technical methods	Point: The NES must be sufficiently flexible to allow inclusion of new or refinement of existing methods without the need for an entire NES review.
5	Hawkes Bay Regional Council	Oppose	Hawke's Bay	Q5 Time limit for interim levels	Point: Interim limits should not be time bound, due to the issues outlined in problem statement 3.
5	Hawkes Bay Regional Council	Oppose	Hawke's Bay	Time limit	Point: Supports the interim limits for groundwater; supports in part. Relief sought: Requests that greater detail is provided within the draft guidelines on methods for estimating the degree of connectivity of groundwater to overlying surface water.
5	Hawkes Bay Regional Council	Support	Hawke's Bay	Applications	Point: Supports the 'non-complying' activity status. Opposes a 'prohibited' activity status.
5	Hawkes Bay Regional Council	Support	Hawke's Bay	Q1 Problems & issues correct	Agrees with the three problem statements.
5	Hawkes Bay Regional Council	Support	Hawke's Bay	Q11 Application of NES to existing and replacement consents	Point: Supports the approach outlined in table 2 (p 32).
5	Hawkes Bay Regional Council	Support	Hawke's Bay	Q2 Options / alternatives	Agrees that all viable alternatives have been described.
5	Hawkes Bay Regional Council	Support	Hawke's Bay	Q7, 8 & 9 Technical methods	Point: Supports the technical document being incorporated by reference in the NES.

No.	Name	Position	Region	Topics	Feedback
6	Horizons	N/A	Manawatū-Wanganui	Consultation	Point: Keen to be involved in the development of the NES. Relief sought: Happy to host a workshop with those developing the NES and/or to provide further information on the proposed <i>One Plan</i> which deals with water management in the Manawatū-Wanganui region.
6	Horizons	N/A	Manawatū-Wanganui	Implementation / resource costs	Point: Implementation must be supported by appropriate river flow monitoring and consent compliance monitoring.
6	Horizons	Oppose	Manawatū-Wanganui	Approach proposed	Point: Proposed <i>One Plan</i> uses the one-day MALF as its benchmark to set minimum flows and allocation limits, as opposed to the seven-day MALF proposed in the NES. Relief sought: That the one-day MALF is appropriate. Advice being sought.
6	Horizons	Oppose	Manawatū-Wanganui	Other	Point: Objects to national standards. Relief sought: That any final NES contain the following unambiguous statements: "a) Excluding surface water, groundwater or wetlands from which minimum flows, allocation volumes or water levels have been specified in a proposed or operative regional policy statement or regional plan from the NES. "b) Excluding regional councils or unitary authorities from having to comply (including during Regional Policy Statement or Regional Plan reviews or changes) with the draft guidelines for the selection of methods to determine ecological flows and water levels (Beca 2008) where they have already determined and specified minimum flows, allocation volumes or water levels in a proposed or operative Regional Policy Statement or Regional Plan."
6	Horizons	Oppose	Manawatū-Wanganui	Process to adoption / involvement	Point: Objects to the proposed NES proceeding into regulation.
6	Horizons	Oppose	Manawatū-Wanganui	Q12 &13 Benefits and costs	Point: There is no analysis in the discussion document as to whether a large allocation volume, at the penalty of frequent consent holder restrictions should be provided for, or whether a smaller allocation volume which benefits fewer consent holders is more appropriate. Relief sought: The above analysis in the discussion document would be a helpful addition to the cost-benefit analysis.
7	Northland Regional Council	N/A	Northland	Division of water bodies	Relief sought: The connection between surface water, groundwater and wetlands needs to be clearly covered.
7	Northland Regional Council	N/A	Northland	Effect on regional & local plans	Point: It is unclear how adopted allocation limits will be dealt with during a 10-year review of a Regional Plan. Relief sought: That once adopted, water level and allocation limits should be reviewed only upon the expiry of consents (a 25–35 year cycle) or when allocation limits are near exceedence levels as set within the regional plans.
7	Northland Regional Council	N/A	Northland	Proposed numbers	Relief sought: The most sensitive systems likely to be effected should be used for determining methodologies for setting allocation limits.

No.	Name	Position	Region	Topics	Feedback
7	Northland Regional Council	N/A	Northland	Q4 Interim levels	Relief sought: The NES needs to clearly state which interim limit is to be used. The interim limit for the most sensitive system when water resources are hydraulically linked, should be used.
7	Northland Regional Council	N/A	Northland	Scope – what's included	Point: Currently promotes off-stream storage of water in catchments. Relief sought: Off-stream storage of rainfall runoff should not be subject to the provisions of the NES.
7	Northland Regional Council	Oppose	Northland	Applications	Point: The effectiveness of the 'non-complying' test is dependent on the clarity of policies and objectives in regional plans. In some cases, where allocation policies are broad or not comprehensive, it may be a relatively easy test to prove an activity is not contrary to the policies and objectives, and therefore there is a risk of over-allocation of a water resource.
7	Northland Regional Council	Oppose	Northland	Q5 Time limit for interim levels	Point: Disagrees that interim limits need to be time bound. Relief sought: Allocation limits would be more appropriate ie, reviewing and adopting specific allocation limits within a catchment once demand exceeds the NES interim limits.
7	Northland Regional Council	Oppose	Northland	Q6 Inclusion of existing consents in limits	Point: Does not provide security of supply to existing water uses.
7	Northland Regional Council	Oppose	Northland	Scope – what's included	Point: Objects to the inclusion of all wetlands in the setting of interim limits. Relief sought: Only 'indigenous wetlands' should be subject to proposed interim limits. the present definition could apply to seasonally waterlogged, species-poor pastures which may require drainage in order to function as productive land.
7	Northland Regional Council	Support	Northland	Apply to all water bodies	Point: Supports the provision that interim limits only apply in the absence of existing limits within a regional plan, and that those interim limits will no longer apply once councils adopt their own.
7	Northland Regional Council	Support	Northland	New methods / innovation	Point: Support the provision of a clear and consistent methodology, for determining ecological flows and water levels.
7	Northland Regional Council	Support	Northland	Process to adoption / involvement	Point: Supports the intent of providing an NES.
7	Northland Regional Council	Support	Northland	Q11 Application of NES to existing and replacement consents	Point: Supports the protection of permitted and existing consented water takes within the NES.
8	Otago Regional Council	Support in part	Otago	Process to adoption / involvement	Point: Supports the concept of managing water allocation and water flows and levels. However, submits that the NES should not apply to Otago. The <i>Regional Plan: Water for Otago</i> has been operative since 1 January 2004, and the ORC is soon to notify two proposed plan changes. The NES has the potential to undermine much of the solid progress already made, particularly in terms of setting minimum flows and managing the transition period.



No.	Name	Position	Region	Topics	Feedback
8	Otago Regional Council	N/A	Otago	Approach proposed	Point: Otago's primary and supplementary allocation system relates only to consented water takes, including deemed permits. It does not include an allocation for stock and domestic water supplies provided by RMA s14(2), nor the smaller-scale abstractions permitted by the <i>Regional Plan: Water for Otago</i> . Relief sought: The NES should recognise variation in regional application of allocation systems.
8	Otago Regional Council	N/A	Otago	Division of water bodies	Point: The NES is unclear on how tributaries are to be treated when the higher-order river is subject to a minimum flow. Relief sought: The NES should provide for the regional council to determine when an environmental management flow regime for a river or stream is required, and how that regime applies to any tributary.
8	Otago Regional Council	N/A	Otago	Division of water bodies	Relief sought: The interim limits should recognise that some ground and surface water is connected.
8	Otago Regional Council	N/A	Otago	Division of water bodies	Relief sought: The interim standard should be modified to ensure that wetlands are able to be restored to a more natural state, which may be higher or lower than its current state.
8	Otago Regional Council	N/A	Otago	Effect on regional & local plans	Relief sought: If the NES is to be retained as a separate standard and not incorporated within the NPS, then the proposed NES should specifically state that the operative regional plan: a) controls the management of a water body through the use of flows, water levels, or volumes, or b) specifically provides for an alternative water management system which protects in-stream values c) the provisions of the operative regional plan will have precedence.
8	Otago Regional Council	N/A	Otago	Implementation / resource costs	Point: The implementation programme should recognise the impact that it will have on regional council workloads.
8	Otago Regional Council	N/A	Otago	Proposed numbers	Point: It is unclear whether the interim limits are based on calculations for natural river flows, existing flows or how flows downstream of dams are to be measured. Flow variability is also not recognised. Relief sought: Minimum flows should be based on naturalised flows in accordance with work that has already been undertaken within the region.
8	Otago Regional Council	N/A	Otago	Q5 Time limit for interim levels	Point: The proposal does not specify for how long the interim limits will apply.
8	Otago Regional Council	N/A	Otago	Scope of NES	Point: In-stream values may be protected by other systems to that prescribed in the NES. Relief sought: The NES should allow for some variation in how water is managed.

No.	Name	Position	Region	Topics	Feedback
8	Otago Regional Council	N/A	Otago	Time limit	Point: Transition – application of interim limits.  Relief sought: For catchments where work on establishing specific environmental management flows has commenced, but has not been completed by the time the NES comes into effect, an exemption should be made from the interim limits to enable work to be completed (eg, 5 years).
8	Otago Regional Council	Oppose	Otago	Applications	Relief sought: Proposals which breach the interim limits should be discretionary, to ensure a proper assessment of the effects of the proposal.
8	Otago Regional Council	Oppose	Otago	Proposed numbers	Point: The basis for calculation of the groundwater limits is queried as the level of precision envisaged by these interim limits is unrealistic as there is often very limited groundwater data available. Assumptions made to calculate average annual recharge maybe very uncertain, so the ORC doubts how useful such interim limits would be for many aquifers.
8	Otago Regional Council	Oppose	Otago	Q4 Interim levels	Point: Interim controls are not appropriate for universal application.  Relief sought: Regional councils should be able to determine which aquifers require interim protection while aquifer management controls are established.
8	Otago Regional Council	Oppose	Otago	Q6 Inclusion of existing consents in limits	Point: The effect of mining privileges on water allocation and use is overwhelmingly an Otago issue.  Relief sought: The NES need not address this as it is already managed by the ORC.
8	Otago Regional Council	Oppose	Otago	Q7, 8 & 9 Technical methods	Point: The separate book on methods should be used as a reference, not imposed directly through the NES. The regional council should be able to select from these methods which best suits the circumstances.
8	Otago Regional Council	Oppose	Otago	Relationship with NPS & RMA	Point: At times the proposed NPS for Freshwater Management and the NES are not well aligned.  Relief sought: It would be more useful to include the concept of environmental flow and water level management as an element of the NPS rather than as a separate NES.
8	Otago Regional Council	Oppose	Otago	Renewals & clawback	Point: The NES provisions which clawback allocation from surrendered consents will not work for Otago's deemed permits, as these permits must be surrendered before replacement consents are issued. The <i>Regional Plan: Water for Otago</i> addresses this issue through its primary allocation policy.
8	Otago Regional Council	Oppose	Otago	Scope – what's included	Point: The definition of consumptive use, which includes situations where water is stored and later released downstream, appears to include water stored for hydro power generation. This would limit further damming below the Clyde Dam and may prevent future development.

No.	Name	Position	Region	Topics	Feedback
9	Environment Southland	Support in part	Southland	Division of water bodies	Relief sought: The proposed NES should also provide for: <ol style="list-style-type: none"> <li>1. stream-aquifer interactions</li> <li>2. fractured rock aquifers</li> <li>3. the full range of wetlands</li> <li>4. natural state waterbodies.</li> </ol>
9	Environment Southland	Support in part	Southland	Effect on regional & local plans	Relief sought: Locally developed resource management structures should take precedence over the NES.
9	Environment Southland	Support in part	Southland	Q1 Problems & issues correct	Point: Agrees with problem statement 3, however: <ol style="list-style-type: none"> <li>1. cost and contention are part of the RMA consultation process</li> <li>2. establishing resource values will be very costly for the gains made</li> <li>3. the NES may make it more difficult for the regional council to achieve locally appropriate resource management.</li> </ol>
9	Environment Southland	Support in part	Southland	Q11 Application of NES to existing and replacement consents	Point: Table 2 is supported in principle; however, there are concerns as to how the proposed NES will interact with the proposed regional water plan for Southland.
9	Environment Southland	Support in part	Southland	Q3 Need for interim levels	Point: In principle supports the application of interim limits. Relief sought: In regard to groundwater and wetlands, effort should be made to ensure the NES will act as a backstop that offers a baseline level of protection.
9	Environment Southland	Support in part	Southland	Q5 Time limit for interim levels	Point: Agrees in principle, however a deadline to establish sustainable ecological flows based on effects on the resource would be more useful and applicable than a set of time-bound limits.
9	Environment Southland	Support in part	Southland	Q7, 8 & 9 Technical methods	Point: Supports the NES in providing consistency in the technical methods used for determining ecological flows for surface water, however it is not necessary for groundwater and wetlands as the characteristics of these resources and vulnerability to modification vary widely.
9	Environment Southland	Support in part	Southland	Q7, 8 & 9 Technical methods	Point: Concerned about the amount of staff time and expertise required to execute some of the methods. There is a lack of consultants/ scientists who can adequately undertake some of the methodologies suggested. Relief sought: Assurance from MfE that they will act to ensure sufficient numbers of suitable qualified personnel are available.
9	Environment Southland	N/A	Southland	Apply to all water bodies	Relief sought: Substantial guidance if a NES is enacted that addresses ecological flows in groundwater and wetlands as well as surface water. Scenario analysis and case studies are suggested.
9	Environment Southland	N/A	Southland	Approach proposed	Point: As methods are included it will be important to maintain a focus on simplicity, effective solutions, low cost, accuracy as well as the availability of expertise.

No.	Name	Position	Region	Topics	Feedback
9	Environment Southland	N/A	Southland	Approach proposed	Relief sought: Methods section should be kept as a guideline, not a prescription. Regional councils should be encouraged to develop methods most appropriate to their situation.
9	Environment Southland	N/A	Southland	Consultation	Point: Ongoing feedback and consultation with local government is necessary after the close of submissions to ensure the final NES is workable.
9	Environment Southland	N/A	Southland	Implementation / resource costs	Point: Substantial costs would result if we had to do a full assessment of all water bodies and their complex interactions, which would not be justified by the economic benefit gained.
9	Environment Southland	N/A	Southland	Q10 NES approaches to breaches	Relief sought: Breaches should be treated as non-complying until a locally appropriate resource management framework is developed.
9	Environment Southland	N/A	Southland	Q5 Time limit for interim levels	Relief sought: Assistance to regional councils that have difficulty setting regionally appropriate ecological flows.
9	Environment Southland	N/A	Southland	Q7, 8 & 9 Technical methods	Relief sought: More clarity and guidance as to how recharge rates will be determined and the methods applied across a variety of situations and how much it will cost to do so.
9	Environment Southland	N/A	Southland	Q7, 8 & 9 Technical methods	Relief sought: More clarity as to how recharge rates would be determined and how they would be used to set allocation rates across a variety of situations.
9	Environment Southland	Oppose	Southland	Division of water bodies	Point: Imposing a hierarchy of water body values based on environmental type adds complication, particularly when wetlands are placed at the head of the hierarchy. Concern over the delimitation of a 'wetland'.
9	Environment Southland	Oppose	Southland	Division of water bodies	Point: The various water bodies and the interactions between them have not been adequately addressed. Situations where it is not clear how the NES would work include:  1. natural state water bodies 2. aquifers of small size or at low levels of development 3. localised stream depletion vs cumulative stream depletion 4. linkages between aquifers.
9	Environment Southland	Oppose	Southland	Implementation / resource costs	Point: Concerned over the amount and cost of monitoring that is involved. Both to establish the baseline and to monitor practice.
9	Environment Southland	Oppose	Southland	New methods/innovation	Point: The groundwater section of the methods document does not address reliability of supply.
9	Environment Southland	Oppose	Southland	Proposed numbers	Point: Allocation limits proposed are quite high and permissive, which will make it difficult to restrict activities at a later date.
9	Environment Southland	Oppose	Southland	Proposed numbers	Point: It is difficult and complicated to determine limits for groundwater resources based on recharge rates.

No.	Name	Position	Region	Topics	Feedback
9	Environment Southland	Oppose	Southland	Q1 Problems & issues correct	Point: Opposes problem statement 1.
9	Environment Southland	Oppose	Southland	Q1 Problems & issues correct	Point: Supports the setting of a consistent set of environmental flows and levels and methods for surface water, but believes that the inclusion of groundwater and wetlands creates unnecessary complexity and cost.
9	Environment Southland	Oppose	Southland	Q12 &13 Benefits and costs	Point: A full and thorough examination of the implementation costs has not been undertaken. Relief sought: To consider: <ol style="list-style-type: none"> <li>1. environmental costs of an NES that is too permissive</li> <li>2. increased monitoring costs</li> <li>3. cost of training staff</li> <li>4. time it will take for councils to acquire knowledge</li> <li>5. vulnerability of losing specialised staff</li> <li>6. the effect on ratepayers.</li> </ol>
9	Environment Southland	Oppose	Southland	Q2 Options / alternatives	Point: There needs to be a more thorough examination of alternative options. Relief sought: Further discussion of other realistic policy options such as: <ol style="list-style-type: none"> <li>1. a directive to develop ecological flows through the regional planning process followed by an 'amnesty period.'</li> <li>2. imposing standards on those regions that do not develop appropriate resource management plans.</li> </ol> Discussion of how an NES can give support to locally appropriate solutions. Rigorous cost-benefit analysis of the various options.
9	Environment Southland	Oppose	Southland	Q3 Need for interim levels	Point: The interim limits may hinder the planning process as regional councils have to deal with the precedent set by an overly permissive NES.
9	Environment Southland	Oppose	Southland	Q4 Interim levels	Point: There is a lack of detailed data. Clearly defining 'available water' would mean a substantial amount of monitoring, and cost.
9	Environment Southland	Oppose	Southland	Q4 Interim levels	Point: Lack of information on how interim limits will be applied in situations where complex interactions exist.
9	Environment Southland	Oppose	Southland	Q4 Interim levels	Point: It appears appropriate interim limits will shift as additional methods are added, creating confusion for resource managers, a lack of consideration of effects and possibly an unsustainable level of water take.
9	Environment Southland	Oppose	Southland	Q7, 8 & 9 Technical methods	Point: Methods for determining mean annual flow for surface water are set out, however there is little discussion of how recharge rates should be determined.

No.	Name	Position	Region	Topics	Feedback
9	Environment Southland	Oppose	Southland	Q7, 8 & 9 Technical methods	Point: The methods are ill-suited to aquifers that have little data or information, as there appears to be an assumption that there is 'basic information' on aquifer recharge rates, aquifer dimensions or geological geometry. This information is very costly to collect.
9	Environment Southland	Oppose	Southland	Renewals & clawback	Point: It is not appropriate to apply clawbacks on the basis of flow regimes determined by recharge rates without considering observed effects.
9	Environment Southland	Oppose	Southland	Scope – what's included	Point: Approach to groundwater and wetland management is too prescriptive.
10	Taranaki Regional Council	Support in part	Taranaki	Q1 Problems & issues correct	Point: In general supports the problem statements, particularly problem statement 2. Problem statement 3 can be expanded to recognise that determining appropriate flows is dependent on having good hydrological data. Councils are likely to vary in their capability and capacity to obtain good data.
10	Taranaki Regional Council	Support in part	Taranaki	Q3 Need for interim levels	Point: Generally supportive of the introduction of interim limits. However, has reservations about the workability of the wetland interim limit and over the interpretation of some of the other interim limits. Relief sought: Where there is a degree of uncertainty it would be preferable for interim limits not to be set.
10	Taranaki Regional Council	Support in part	Taranaki	Q4 Interim levels	Point: Minimum flows – The management of ceasing abstractions as rivers draw down to their minimum can be complex. Relief sought: This may require further details in the NES.
10	Taranaki Regional Council	Support in part	Taranaki	Q7, 8 & 9 Technical methods	Point: The use of more complex methods should not be undertaken at the expense of setting measurable objectives and the designing of a monitoring programme.
10	Taranaki Regional Council	Support in part	Taranaki	Q7, 8 & 9 Technical methods	Point: Supports inclusion of a range of methods, but considers that there should be a clear linking of which method was appropriate for which value/objective. Relief sought: Improve table 2.6 by adding a column.
10	Taranaki Regional Council	N/A	Taranaki	Other	Point: Native fish have nocturnal behaviours. Are the native fish preference curves (p 19) derived from observations of native fish habitat use during night time
10	Taranaki Regional Council	N/A	Taranaki	Q1 Problems & issues correct	Point: Additional to section 3.1.1, notes a great deal of time can be taken arguing over the interpretation and application of results from the method once selected.
10	Taranaki Regional Council	N/A	Taranaki	Q1 Problems & issues correct	Point: A further problem statement and issue to be recognised is that there are very few guidelines on establishing and developing community consensus on the in-stream management objectives for a waterway, nor for identifying and quantifying the value of water. Relief sought: That the NES include a table of possible in-stream management objectives to assist water managers to select the appropriate, measurable management objectives for their waterway.

No.	Name	Position	Region	Topics	Feedback
10	Taranaki Regional Council	N/A	Taranaki	Q1 Problems & issues correct	Point: A further problem is the monitoring of ecological response to flows set, against a clear objective. Relief sought: This needs to be recognised among the problem statements, and steps put in place in the NES to address this issue.
10	Taranaki Regional Council	N/A	Taranaki	Q11 Application of NES to existing and replacement consents	Point: If a plan has not specified flows or levels, then it may be that there are no suitable policies to assess an application against, in which case part 2 of the RMA would be relied upon.
10	Taranaki Regional Council	N/A	Taranaki	Q11 Application of NES to existing and replacement consents	Point: Assessment of applications for new resource consents will be required to be assessed using the methods in the technical document, over-riding aspects of regional plans.
10	Taranaki Regional Council	N/A	Taranaki	Q2 Options / alternatives	Relief sought: A timetable should clearly spell out when national guidance will be provided for other flow related matters described in section 4.5.
10	Taranaki Regional Council	N/A	Taranaki	Q4 Interim levels	Point: Water harvesting has not been considered. Relief sought: Consideration should be given to how this could be provided for.
10	Taranaki Regional Council	N/A	Taranaki	Q7, 8 & 9 Technical methods	Point: Section 2.5.3 – Regional methods should be tested and refined, as well as generalised models.
10	Taranaki Regional Council	Oppose	Taranaki	Division of water bodies	Point: Shallow coastal aquifers. Relief sought: Interim limits should be set where there is a threat of salt water intrusion, irrespective of geology.
10	Taranaki Regional Council	Oppose	Taranaki	Proposed numbers	Point: Very small streams (< 500 L/s) are even more sensitive to changes in flow than 5 m <sup>3</sup> /s streams. Relief sought: MALF for such streams could be considered a more appropriate minimum flow.
10	Taranaki Regional Council	Oppose	Taranaki	Q4 Interim levels	Point: There is inconsistency between the interim limits and the proposed technical methods. Relief sought: This suggests the need to adopt more complex predictive methods for streams of medium or high significance.
10	Taranaki Regional Council	Oppose	Taranaki	Q4 Interim levels	Point: Supports the need to safeguard wetlands, however the proposed interim limit for wetlands could be difficult to administer. It is unclear if the limit is proposed for water abstraction or other activities. Taken to a logical conclusion, the proposed NES may be taken to be a nationwide prohibition to activities likely to result in the alteration of wetland water levels. Relief sought: Interim levels should only be imposed on wetlands where there are no objectives or policies in a regional plan. Alternatively careful consideration about even including interim limits on wetland levels should be given.

No.	Name	Position	Region	Topics	Feedback
10	Taranaki Regional Council	Oppose	Taranaki	Q7, 8 & 9 Technical methods	Point: There is no provision for assessing 'ecological values.' Relief sought: Provision of tools on valuing water bodies, and identifying and articulating those values into specific and measurable in-stream objectives.
10	Taranaki Regional Council	Oppose	Taranaki	Q7, 8 & 9 Technical methods	Relief sought: Methods need to be subject to the peer review process of scientific publishing before being recorded as a method. It should be recognised that a number of methods outlined are largely experimental.
10	Taranaki Regional Council	Support	Taranaki	Clawback through plans	Point: Supports leaving management of clawing back water allocation to local decision-making to resolve.
10	Taranaki Regional Council	Support	Taranaki	Effect on regional & local plans	Point: Council supports that the NES does not seek to over-ride limits and allocation techniques presiding in regional plans. Interim limits will be of assistance as the <i>Regional Fresh Water Plan for Taranaki</i> is silent on this issue.
10	Taranaki Regional Council	Support	Taranaki	New methods / innovation	Point: Supports the benefit of consistency in the selection of methods for assessing ecological values.
10	Taranaki Regional Council	Support	Taranaki	Q10 NES approaches to breaches	Point: Non-complying activity status is more appropriate than a prohibited status.
10	Taranaki Regional Council	Support	Taranaki	Q5 Time limit for interim levels	Point: Support, if they adequately achieve the objective of safeguarding the life supporting capacity of the water body.
10	Taranaki Regional Council	Support	Taranaki	Q7, 8 & 9 Technical methods	Point: Supports the inclusion in the NES of technical methods section to ensure national consistency.
11	Environment Waikato	Support in part	Waikato	Proposed numbers	Point: Concern that NES objectives 1 and 2 are about setting clear limits rather than ecologically sound limits. If the current allocation exceeds the allocation limit, the NES allows the greater amount to be the limit which may or may not be ecologically sound. Relief sought: If current allocation is to be considered above ecologically determined allocation limits, then this needs to be weighed up in the context of all the broader issues.
11	Environment Waikato	Support in part	Waikato	Q1 Problems & issues correct	Point: Supports problem statement 3. However, the NES will not resolve the issue of cost with respect to the investigations required.
11	Environment Waikato	Support in part	Waikato	Q2 Options / alternatives	Point: The comparison of options does not weigh up the benefits of combining some of the options. Relief sought: Preferred option is where default limits are set under the NES as proposed, and the technical methods for determining catchment flow are set under a national guideline.
11	Environment Waikato	Support in part	Waikato	Q2 Options / alternatives	Point: An alternative NES would not need to cover every aspect required in setting environmental flow, however it could include some direction, such as how flows should be set to meet the objectives relating to renewable energy generation.
11	Environment Waikato	Support in part	Waikato	Q3 Need for interim levels	Relief sought: The NES should only be used to implement interim limits.



No.	Name	Position	Region	Topics	Feedback
11	Environment Waikato	Support in part	Waikato	Q3 Need for interim levels	Point: Provisionally supports the introduction of interim limits. However the values selected are inappropriate because the allocable flows for surface water are too large. Relief sought: Smaller default limits so that if they are found to be incorrect, Councils are not left to deal with over allocation issues.
11	Environment Waikato	Support in part	Waikato	Q3 Need for interim levels	Point: It is unclear what level of review is required of council-derived interim limits at the time of plan review. Relief sought: Clarify the level of review required.
11	Environment Waikato	Support in part	Waikato	Q7, 8 & 9 Technical methods	Point: Consistency would be helpful, but will not speed up the process of getting limits through a first schedule process. Achieving consistency will not address the issues given in section 3.1.3 of the discussion document. Consistency should not be a trade-off for over-simplification. Relief sought: The framework needs to be more adaptive depending on the values present and the reliance of particular stream types to minimum flows and flow variability.
11	Environment Waikato	N/A	Waikato	Approach proposed	Point: The NES does not appear to put the setting of ecological flows in the context of values that need to be taken into account when setting environmental flows.
11	Environment Waikato	N/A	Waikato	Division of water bodies	Point: It is not possible to have an interim limit for surface water, for example, without assessing the effects on associated groundwater or wetlands. Relief sought: Interim limits for different systems should be interlinked.
11	Environment Waikato	N/A	Waikato	Division of water bodies	Point: It is important to be clear that it only intends to set limits for fresh water and excludes geothermal water.
11	Environment Waikato	N/A	Waikato	Implementation / resource costs	Point: Monitoring is required to determine if decisions have provided the intended outcome. One of the problems inherent in the prescribed methodologies is that the statistical robustness and quality of information can vary markedly between different users. Monitoring does not provide for the monitoring of set flows as shown in figure 1.1. Relief sought: Some stringent standards need to be provided around specific monitoring protocols.
11	Environment Waikato	N/A	Waikato	Other	Point: Page 19 states that there will be a review of the Native fish preference curves. When will this be done and how does it align with the timing of implementing the NES
11	Environment Waikato	N/A	Waikato	Q1 Problems & issues correct	Point: Statement 1 is not applicable to the Waikato Region. Relief sought: N/A.

No.	Name	Position	Region	Topics	Feedback
11	Environment Waikato	N/A	Waikato	Q1 Problems & issues correct	Point: Problem statement 2 – Proposed variation 6 to the Waikato Regional Plan has set environmental and allocable flows. Most aquifers have allocable volumes set in this Variation. Relief sought: N/A.
11	Environment Waikato	N/A	Waikato	Q10 NES approaches to breaches	Point: It would be unreasonable and overly restrictive to have a prohibitive limit. A prohibitive status would disallow any future takes even if they are completely non-consumptive and have no adverse effects. Non-complying activity status would provide an avenue for the applicant to provide the correct level of information. Relief sought: The NES needs to provide matters to be considered as a minimum for the non-complying test.
11	Environment Waikato	N/A	Waikato	Q2 Options / alternatives	Relief sought: The NES defaults should be based purely on the ecologically set values and not include the option of setting the allocable flow at the level of current allocation if it is greater than the default. Only the default limits should be set in the NES.
11	Environment Waikato	N/A	Waikato	Q4 Interim levels	Point: Need to identify catchments with highly significant values and ensure they are provided with precautionary limits which will give better protection than being offered by the proposed interim limits. Relief sought: 'Environment Class', 'Freshwater Environments of New Zealand' and 'Waters of National Importance' tools should be used in the development of the NES interim flows.
11	Environment Waikato	N/A	Waikato	Q4 Interim levels	Relief sought: The NES interim limits for surface water should have another category for catchments identified as having high in-stream values. This level should be much more precautionary.
11	Environment Waikato	N/A	Waikato	Q7, 8 & 9 Technical methods	Point: The methods for determining groundwater allocation need to also consider the effects of climate change and future land use change on annual and seasonal groundwater recharge.
11	Environment Waikato	N/A	Waikato	Scope of NES	Point: The proposed NES does not provide any direction or give an assessment of the likelihood of restrictions on water users (p 11 of the NES discussion document). Relief sought: Provide guidance to restrictions including, but not limited to, frequency of restrictions and mechanisms for the implementation, as a number of councils do not have restrictions as part of their policies.
11	Environment Waikato	N/A	Waikato	Scope of NES	Point: The proposed NES does not provide any direction on the expectations of restrictions. Without restrictions there is little need to have minimum flows. Relief sought: Define the minimum flow restrictions to be applied to water users.
11	Environment Waikato	Oppose	Waikato	Approach proposed	Point: In response to Section 2.2.2, it seems appropriate that the NES sets such high allocable defaults at 30% and 50% MALF and potentially low ecological limits at 90% and 80% MALF, respectively.

No.	Name	Position	Region	Topics	Feedback
11	Environment Waikato	Oppose	Waikato	Division of water bodies	Point: The proposed interim limits for wetlands should apply to any takes on tributaries of wetlands. Relief sought: The wetland allocation limits should apply to the whole of the catchment upstream of the wetland.
11	Environment Waikato	Oppose	Waikato	Division of water bodies	Point: The general cut-off of 5 m <sup>3</sup> /s appears to be an over-simplistic approach given the range of stream types and risks associated with different-sized streams. Relief sought: Clarify how the general cut-off of 5 m <sup>3</sup> /s is calculated.
11	Environment Waikato	Oppose	Waikato	Effect on regional & local plans	Point: Section 5.5 is vague about what would trigger a review of existing limits. Council is concerned that the NES will require council to reassess all of its catchments (90) with specific allocable and environmental flows listed in their plan at each plan review. This would have significant cost and resource impacts. Relief sought: Clarify whether or not the NES triggers a review of all existing flows and/or levels at a plan review and include the ability for exceptions. Exceptions should be allowed if there is an appropriate program provided for in a regional plan for reviewing the set flows. Determine what discretion councils have in the review. Councils to manage the review of allocation limits in line with methods and policies in their respective regional plans.
11	Environment Waikato	Oppose	Waikato	Implementation / resource costs	Point: The NES will require a review of all set flows every 10 years. This is too short when consideration is given to the likely ecological changes of that time and duration given to resource consents. Relief sought: A better staged and managed approach over a longer period.
11	Environment Waikato	Oppose	Waikato	Implementation / resource costs	Point: If robust monitoring methods fail to achieve intended outcomes, flows or levels need to be changed and a re-assessment undertaken. The NES does nothing to ensure this critical requirement. Relief sought: The establishment and enforcement of a robust monitoring system.
11	Environment Waikato	Oppose	Waikato	Implementation / resource costs	Point: It is incorrect to state that there may be significant benefit to regional councils from the NES. There will be significant costs on councils. Relief sought: Council requests a copy of the full cost-benefits analysis as soon as it becomes available.
11	Environment Waikato	Oppose	Waikato	Other	Point: Figure 1.1: The NES does not appear to deal with 'hydro peaking' and ramp rates in catchments with hydro dams.
11	Environment Waikato	Oppose	Waikato	Proposed numbers	Point: The percentage of allocable flow for 'all other aquifers' (35%) is based on average annual recharge and does not correlate with the values in the guideline report on methods. Relief sought: That the 35% is changed to 20% to be more in line with a moderate degree of hydrological alteration if allocation reached the interim levels.

No.	Name	Position	Region	Topics	Feedback
11	Environment Waikato	Oppose	Waikato	Q3 Need for interim levels	<p>Point: The NES does not achieve objective 1 as interim limits do not include additional water that can be taken at higher flows as demonstrated in figure 5.</p> <p>Relief sought: Modify objective 1 and 2 to only describe the allocation of water in the yellow-shaded portion of figure 5.</p>
11	Environment Waikato	Oppose	Waikato	Q3 Need for interim levels	<p>Point: It is not clear as to whether the existing default limits set by regional councils have priority over those proposed in the NES.</p> <p>Relief sought: Existing default environmental flows and water levels set by regional councils to have priority.</p>
11	Environment Waikato	Oppose	Waikato	Q4 Interim levels	<p>Point: The environmental flow may determine when takes need to be restricted, however there is no guidance on this in the NES.</p> <p>Relief sought: To link the two based on the allocation limit. Amend the comment as indicated below:</p> <p>“For groundwater that is shown to be connected to adjacent surface water, the environmental flow, water level and allocable flow set for the surface water body will also apply to the management of groundwater takes.”</p>
11	Environment Waikato	Oppose	Waikato	Q4 Interim levels	<p>Point: This is an unusual approach. The current level of allocation may be too high and inappropriate. Conversely there may be no allocation and the default limit will be zero. This approach limits further allocation without taking account of effects.</p>
11	Environment Waikato	Oppose	Waikato	Q4 Interim levels	<p>Point: Confusion regarding statement in section 5.1.2 on p 26.</p> <p>Relief sought: Amend the limit for wetlands as follows:</p> <p>“No increase in the total allocation from the wetland on the date that the NES comes into force less any resource consents surrendered, lapsed, cancelled or not replaced.”</p>
11	Environment Waikato	Oppose	Waikato	Q4 Interim levels	<p>Point: The following statement, section 5.1.2 “a minimum flow – a flow at which the abstraction of water ceases” is unclear as to whether the NES expects all takes to cease when minimum flows are reached.</p> <p>Relief sought: Clarification by providing a section on restrictions.</p>
11	Environment Waikato	Oppose	Waikato	Q4 Interim levels	<p>Point: The NES must set a timeframe in which the ecological and allocable flows are specifically assessed using the methods provided, otherwise the interim will become a default because it provides enough water for all existing users.</p> <p>Relief sought: An assessment should be undertaken within three years if the second option (total allocation level) is used.</p>
11	Environment Waikato	Oppose	Waikato	Q4 Interim levels	<p>Point: The allocable limits for streams are not set in a conservative manner as recommended in the guideline report on technical methods. The 30% threshold is too high and inconsistent with the guideline report.</p> <p>Relief sought: An interim allocation less than 20% of MALF.</p>

No.	Name	Position	Region	Topics	Feedback
11	Environment Waikato	Oppose	Waikato	Q4 Interim levels	<p>Point: The interim allocation limit of 50% of MALF seems to be extremely large and inappropriate. None of the supporting information in the technical reports support these high levels of allocation.</p> <p>Relief sought: An interim value is set where a low degree of hydrological alteration will occur. Using table A4.2 this would require an interim allocation of less than 20% of MALF. Amend where appropriate.</p>
11	Environment Waikato	Oppose	Waikato	Q4 Interim levels	<p>Relief sought: Provide a thorough discussion explaining how the interim allocation levels were determined and the science they are based on.</p>
11	Environment Waikato	Oppose	Waikato	Q4 Interim levels	<p>Point: The technical report recommends a cautious approach which is not apparent in many of the interim limits.</p>
11	Environment Waikato	Oppose	Waikato	Q5 Time limit for interim levels	<p>Point: The NES does not set a time limit for how long the interim limits will apply.</p> <p>Relief sought: If the interim limits are set at a percentage of the recharge of MALF the limits should be reviewed when allocation demand exceeds a certain level eg, 70% of the limit of the interim values.</p> <p>If the interim limits are set at the level of total allocation rather than a percentage of MALF, a timeframe in which the ecological and allocable flows are specifically assessed using the provided methods should be set. Council suggest an assessment commence in three years.</p>
11	Environment Waikato	Oppose	Waikato	Q6 Inclusion of existing consents in limits	<p>Point: It is not clear how the situation where the amount of water allocated to existing consents exceeds the numeric limit should be addressed.</p> <p>Relief sought: Do not base the limits on existing consents. It should be set as the percentage of the flow statistic for which scientists have determined ecological in-stream needs will be met. If allocation exceeds this level the council should review and determine an appropriate catchment specific limit, which should be reviewed in 3 years.</p>
11	Environment Waikato	Oppose	Waikato	Q7, 8 & 9 Technical methods	<p>Point: The NES does not resolve the issues surrounding uncertainty in existing methods.</p> <p>Relief sought: Caution in the use of methods.</p> <p>Acknowledgement of the limitations of each method.</p>
11	Environment Waikato	Oppose	Waikato	Q7, 8 & 9 Technical methods	<p>Point: Table 2.4 and the listed techniques for each method is subjective. It would not be possible to have national consistency in the methods selected. Table 2.4 does not meet NES objective 3.</p> <p>Relief sought: Delete NES Objective 3. This should be provided for by a non-statutory guideline.</p>
11	Environment Waikato	Oppose	Waikato	Q7, 8 & 9 Technical methods	<p>Point: The NES will not result in consistency as it requires subjective decisions in the selection of tools.</p> <p>Relief sought: This aspect of the NES should only be implemented as a national guideline, not in the NES.</p>

No.	Name	Position	Region	Topics	Feedback
11	Environment Waikato	Oppose	Waikato	Q7, 8 & 9 Technical methods	Point: Table 2.3 is very subjective and depends on the question being asked. If the question is: What is the maximum amount of water that can be allocated – that answer by default is 'high'. If the question is: What is a safe/conservative level of allocation – then the answer is 'low'.
11	Environment Waikato	Support	Waikato	Q2 Options / alternatives, Approach proposed	Relief sought: Guidelines are the most appropriate place for technical methods.
12	Greater Wellington Regional Council	Support in part	Wellington	Q11 Application of NES to existing and replacement consents	Need to clarify whether minimum flow or allocation limit prevails if they are in conflict.
12	Greater Wellington Regional Council	Support in part	Wellington	Q4 Interim levels, division of water bodies	Proposed interim limit for wetlands addresses variation in water levels and not duration for which extremes experience. Clarification is required as whether interim levels for wetlands will apply to all takes that might effect levels in a wetland or only direct takes from wetlands.
12	Greater Wellington Regional Council	Support in part	Wellington	Q4 Interim levels, division of water bodies	Unclear how interim levels apply to groundwater.
12	Greater Wellington Regional Council	Support in part	Wellington	Q4 Interim levels, proposed numbers	Support the approach on interim limits. Proposed allocation limits are too high. GW proposed allocation limits for rivers and streams with mean flows of less and greater than 5 m <sup>3</sup> /s are 25% and 35% of MALF, respectively.
12	Greater Wellington Regional Council	Support in part	Wellington	Q4 Interim levels, proposed numbers	A protocol / guideline for estimating MALF where little hydrological data is available should be developed ahead of gazetting of the NES.
12	Greater Wellington Regional Council	Support in part	Wellington	Q4 Interim levels, proposed numbers	The location on rivers and streams where interim limits should be applied needs to be specified.
12	Greater Wellington Regional Council	Support in part	Wellington	Q4 Interim levels, proposed numbers	A protocol / guideline for estimating average annual rain charge in aquifers be developed ahead of gazetting of the NES.
12	Greater Wellington Regional Council	Support in part	Wellington	Q4 Interim levels, scope – what's included	Limit should include provision for water harvesting during moderate to high flows.
12	Greater Wellington Regional Council	Support in part	Wellington	Q4 Interim levels, scope – what's included	NES should state that interim stream and river allocations limits do not apply to water impoundments (dams).
12	Greater Wellington Regional Council	Support in part	Wellington	Q5 Time limit for interim levels, time limit	Time limits are not appropriate. Instead flows, limits and levels should be established when information becomes available. Interim limits should apply in perpetuity for small streams.
12	Greater Wellington Regional Council	Support in part	Wellington	Q7, 8 & 9 Technical methods, approach proposed	Need more justification for thresholds for hydrological alteration and description of how numbers in tables 2.3, 3.5 and 4.5 were derived.
12	Greater Wellington Regional Council	Support	Wellington	Applications, Q10 NES approaches to breaches	Support breaches of interim limits being non-complying activity. Should not be discretionary or prohibited.

No.	Name	Position	Region	Topics	Feedback
12	Greater Wellington Regional Council	Support	Wellington	Apply to existing consents, Q6 Inclusion of existing consents in limits	Support approach of including existing consents in the interim limit.
12	Greater Wellington Regional Council	Support	Wellington	Q1 Problems & issues correct	Issues are applicable to varying degrees.
12	Greater Wellington Regional Council	Support	Wellington	Q2 Options / alternatives	Supports option selected. However NES does not advise how results from methods should be applied.
12	Greater Wellington Regional Council	Support	Wellington	Q3 Need for interim levels	Support inclusion of interim limits through NES as regional plans cannot necessarily achieve this.
12	Greater Wellington Regional Council	Support	Wellington	Q7, 8 & 9 Technical methods, approach proposed	GW support the need for guidelines that provide consistent method approaches. NES should require methods to be used.
12	Greater Wellington Regional Council	Support	Wellington	Scope of NES	Supports the overall approach of the NES and in particular interim levels for waterbodies where there are no limits in proposed or operative plans, and the process for selecting appropriate methods for evaluating ecological flows and water levels.
13	West Coast Regional Council	Support in part	West Coast	Apply to all water bodies Scope of NES	Agrees with the guidance and regulation in the NES in water-short regions.
13	West Coast Regional Council	N/A	West Coast	Q2 Options / alternatives	Requests that MfE consider whether a guideline document may be a more practical tool than an NES.
13	West Coast Regional Council	N/A	West Coast	Q4 Interim levels	Requests justification from MfE as to why the interim limits for groundwater appear to prohibit any further consents being granted where an allocation level has not yet been set, particularly for regions where there are no allocation pressures.
13	West Coast Regional Council	N/A	West Coast	Q4 Interim levels	To ensure consistency with the regional planning framework, suggest that interim limit for wetlands is reworded to apply
13	West Coast Regional Council	N/A	West Coast	Scope of NES	States that further clarity is required around a number of the explanations given in the NES document. Wants clarity on whether their policy framework is sufficient to avoid the proposed NES having effect on the surface water takes in the region.
13	West Coast Regional Council	Oppose	West Coast	Scope of NES	Is opposed to the application of the NES in its region.
14	Far North District Council	Support in part	Northland	Applications, Q10 NES approaches to breaches	Needs clear assessment criteria to use in processing proposed non-compliant activities.
14	Far North District Council	Support in part	Northland	Q4 Interim levels, division of water bodies	The NES does not address interconnectivity between different water bodies. Particular concern in respect of relationship between aquifers and lakes and water bodies.
14	Far North District Council	Support in part	Northland	Q5 Time limit for interim levels	Where interim levels are breached, regional councils should prioritise these catchments for setting environmental levels.
14	Far North District Council	Support in part	Northland	Q7, 8 & 9 Technical methods	Relationship between limits in NES and matrices in technical document is not clear.

No.	Name	Position	Region	Topics	Feedback
14	Far North District Council	Support in part	Northland	Q7, 8 & 9 Technical methods, approach proposed	Section 4.1.2 of NES does not recognise value of Māori as a valid form of environmental knowledge and sustainable management.
14	Far North District Council	Support in part	Northland	Scope of NES	NES offers no advice in respect of other influencing factors that need to be taken into account in the decision-making process (social, economic and cultural). NES recognises that the setting of environmental flows is one factor in the decision-making process for allocating water. However, the NES is worded as if it is the only factor.
14	Far North District Council	Support in part	Northland	Scope of NES, climate change	There is no reference to climate change which will change flows. No reference to water quality problems associated with low flow regimes.
14	Far North District Council	Support in part	Northland	Scope of NES, implementation / resource costs	NES presents resourcing and internal capacity issues in respect of implementing its requirements.
14	Far North District Council	N/A	Northland	Q5 Time limit for interim levels, time limit	Time bound – insufficient information is provided about rationale for provision to make a decision.
14	Far North District Council	Oppose	Northland	Other	Document needs to be edited and restructured to reduce bulk and inconsistencies.
14	Far North District Council	Oppose	Northland	Q2 Options / alternatives	Much stronger case for option 4.5 where interim limits will be replaced with new limits based on full range of values (ecological, recreational, tangata whenua, cultural and amenity).
14	Far North District Council	Oppose	Northland	Scope of NES	Not all uses of water are consumptive and so NES should refer to use of water as opposed to consumption (section 2.1).
14	Far North District Council	Oppose	Northland	Scope of NES	Section 4.1.1. of NES be amended to reflect that value of water body does not decrease if water is abstracted from it.
14	Far North District Council	Support	Northland	Q11 Application of NES to existing and replacement consents	Replacement consents should be assessed against minimum flows.
14	Far North District Council	Support	Northland	Q3 Need for interim levels	Rationale, need and approach for interim limits are supported, being well founded, sound and prudent.
14	Far North District Council	Support	Northland	Q7, 8 & 9 Technical methods, approach proposed	Provision of different technical methods is supported.
15	Gisborne District Council	Support in part	East Cape	Q1 Problems & issues correct	Point: Agrees that the problem statements and issues are correct but the effects on the environment and water users varies from region to region.
15	Gisborne District Council	Support in part	East Cape	Q11 Application of NES to existing and replacement consents	Relief sought: This approach needs to consider the water quality and the current allocation from the water body.
15	Gisborne District Council	Support in part	East Cape	Q2 Options / alternatives	Point: The approach is robust but suggests that local conditions should be considered before the imposition of interim limits. Would be receptive to a finite time in which a water plan could be developed.



No.	Name	Position	Region	Topics	Feedback
15	Gisborne District Council	Support in part	East Cape	Q3 Need for interim levels	Point: The use of interim limits is a pragmatic approach. This may be essential in small streams or waterbodies under stress from over-allocation or resources with high ecological value but is questionable in relation to Gisborne.
15	Gisborne District Council	Support in part	East Cape	Q4 Interim levels, proposed numbers, scope – what's included	Point: The interim minimum flows on surface waters will have significant impact on local users.  Relief sought: Existing total allocation for surface and both types of aquifer being imposed from the day the NES comes into force, would be the preferred option should water level restrictions be imposed.  Any NES should demarcate between waterbodies under allocation stress (and those with lower ecological values) and impose a time period in which to develop ecological flow before the interim levels being imposed.  Council supports the total allocation options in preference to defining specific percentage recharge for groundwater or a specific percentage MALF as a surface water criteria.
15	Gisborne District Council	Support in part	East Cape	Q5 Time limit for interim levels, time limit	Point: Would welcome a time-line (five years) in which to establish a regional water allocation plan.
15	Gisborne District Council	Support in part	East Cape	Q6 Inclusion of existing consents in limits	Point: Concerned at the inclusion of all existing water permits in the interim limits of the proposed NES. The existing regime has been effective in the past.  Relief sought: Clawback options are not relevant in the local context.
15	Gisborne District Council	Support in part	East Cape	Q6 Inclusion of existing consents in limits	Point: Concerned at the inclusion of all existing water permits in the interim limits of the proposed NES. The existing regime has been effective in the past.  Relief sought: Clawback options are not relevant in the local context.
15	Gisborne District Council	Oppose	East Cape	Other	Point: NES does not define surface and groundwater.  Relief sought: Definitions are required in the NES.
15	Gisborne District Council	Oppose	East Cape	Scope of NES, Q12 & 13 Benefits and costs, Implementation / resource costs	Point: Costs to GDC and a limited number of water users will be excessive where existing allocation procedures are currently working in watercourses with poor natural water quality and resources allocated at level less than full allocation. The lack of guidance in developing methodologies to assess recreational, amenity and cultural values will introduce further costs.
15	Gisborne District Council	Support	East Cape	Q7, 8 & 9 Technical methods	Point: Supports the provision of a range of methodologies.
15	Gisborne District Council	Support	East Cape	Q7, 8 & 9 Technical methods, approach proposed	Point: Supports the logic apparent throughout the technical document.
15	Gisborne District Council	Support	East Cape	Q7, 8 & 9 Technical methods, new methods / innovation	Point: Changes to existing methodologies also require consideration for inclusion in the NES.  Relief sought: Amend the NES when further methodologies are proven.

No.	Name	Position	Region	Topics	Feedback
16	Hauraki District Council	Support in part	Auckland	Process to adoption / involvement, consultation	<p>Point: Current submissions contain information of interest/previously unknown to other submitters.</p> <p>Relief sought: Should substantive changes be made to the draft NES, then a further round of submissions is recommended for that updated draft NES..</p>
17	Marlborough District Council	Support in part	Marlborough	Effect on regional & local plans, Q4 Interim levels	<p>Point: The discussion document indicates that 'alternatives' to the interim limits can be established in a regional plan (p 25).</p> <p>Relief sought: Some clarification is needed as to the nature of the relationship between plan provisions and the interim limit provided by the NES.</p>
17	Marlborough District Council	Support in part	Marlborough	Q4 Interim levels	<p>Point: The discussion document does not elaborate on the means by which the council's determination of MALF7, average annual recharge, or points of groundwater connection with rivers, for every water body not addressed in a regional plan, is to be made public. If this determination is to be contestable, then there will be an incentive for water users and other parties to challenge the council's determinations.</p> <p>Relief sought: Submits that the determination of MALF7, average annual recharge, or points of groundwater connection with rivers should not be contestable.</p>
17	Marlborough District Council	Support in part	Marlborough	Q4 Interim levels, scope – what's included	<p>Point: Although the interim limits proposed for rivers are explicit, the means of practically imposing these limits are not. Resolution of these technical issues is critical to the administration of the proposed NES and to resource users.</p>
17	Marlborough District Council	Oppose	Marlborough	Process to adoption / involvement, consultation	<p>Point: There was limited opportunity for questioning and obviously none of the issues raised in this submission were resolved.</p> <p>Relief sought: There is a serious need for further dialogue between MfE, its consultants, regional councils and unitary authorities to resolve outstanding issues. This should occur before any of the work set out in Section 7 of the discussion document is embarked upon and certainly before the preparation of any cabinet paper.</p>
17	Marlborough District Council	Oppose	Marlborough	Q4 Interim levels, division of water bodies	<p>Point: In proposing an interim limit for rivers, the discussion document only distinguishes between two types of river. The council does not believe that this proposal adequately recognises the variation in water bodies that exist.</p> <p>Relief sought: The council requests that the NES provide for an exclusion from the application of the interim limits to ephemeral water bodies.</p>
17	Marlborough District Council	Oppose	Marlborough	Q4 Interim levels, scope – what's included	<p>Point: In terms of the application of interim limits for aquifers, some parts of the discussion document refer to groundwater, while others refer to aquifers.</p> <p>Relief sought: The NES should only apply to recognised aquifers.</p>
17	Marlborough District Council	Oppose	Marlborough	Q4 Interim levels, scope – what's included	<p>Point: In-stream storage dams variously store and release water as residual flows.</p> <p>Relief sought: The council submits that there is probably a need to reconsider the application of the interim limits to water bodies that have flow controlled by dams.</p>

No.	Name	Position	Region	Topics	Feedback
17	Marlborough District Council	Oppose	Marlborough	Q4 Interim levels, scope – what's included	<p>Point: The threat to wetlands caused by abstraction in Marlborough is insignificant relative to other water and land uses; there may be other (more appropriate) plan provisions to protect wetlands.</p> <p>Relief sought: Considers that any central government initiative to protect wetlands should focus on the significant threats.</p>
17	Marlborough District Council	Oppose	Marlborough	Q4 Interim levels, scope – what's included	<p>Point: Although the text states that this approach will prevent any further abstraction, the interim limit does not state this. It is therefore open to any resource consent applicant to demonstrate that the proposed abstraction will have no such effect.</p> <p>Relief sought: Submits that the NES should not include an interim limit for wetlands.</p>
17	Marlborough District Council	Oppose	Marlborough	Q7, 8 & 9 Technical methods, approach proposed	<p>Point: Of great concern to the council is the proposal that the methods set out in the document <i>Draft Guidelines for the Selection of Methods to Determine Ecological Flows and Water Level</i> must be used on review of any ecological flow or water level already in regional plans.</p> <p>Relief sought: Requests that the document <i>Draft Guidelines for the Selection of Methods to Determine Ecological Flows and Water Level</i> be made available as a technical resource only and that it not be included in the proposed NES.</p>
17	Marlborough District Council	Support	Marlborough	Q4 Interim levels, scope – what's included	<p>Point: The discussion document proposes that the interim environmental flow or water level for rivers should apply to groundwater that is connected to adjacent surface waters. This proposal is supported by the council in principle.</p> <p>Relief sought: Submits that further work is required on establishing appropriate threshold(s) for the application of the surface water interim limits to groundwater takes. This work should occur in consultation with all regional councils and unitary authorities.</p>
18	Matamata Piako District Council	Support in part	Waikato	Applications, Q10 NES approaches to breaches	<p>Point: The concept of broad guidelines, in terms of breaches of the interim limits, would be advantageous.</p> <p>Relief sought: It may also be advantageous to allow the applicant to undertake the determination of the flow levels using the required method at their own cost or some form of cost sharing.</p>
18	Matamata Piako District Council	Support in part	Waikato	Q12 & 13 Benefits and costs	<p>Point: The inclusion of the potential risks/benefits associated with appeals to the Environment Court should be considered.</p>
18	Matamata Piako District Council	Support in part	Waikato	Q5 Time limit for interim levels, time limit	<p>Point: While there is general agreement for the imposition of a time limit for interim flows, there are a number of factors that will determine its feasibility.</p>
18	Matamata Piako District Council	Support in part	Waikato	Q7, 8 & 9 Technical methods, approach proposed	<p>Point: Potential issues that may impact on tributary low flows to varying degrees and would require consideration and monitoring:</p> <ol style="list-style-type: none"> <li>1. stream flows can go underground and resurface downstream</li> <li>2. unauthorised changes to stream bed levels</li> <li>3. natural aggregation/degradation of stream beds, especially on steep slopes</li> <li>4. land use changes.</li> </ol>

No.	Name	Position	Region	Topics	Feedback
18	Matamata Piako District Council	Support in part	Waikato	Renewals & clawback, Q6 Inclusion of existing consents in limits	Point: Clawback will require addressing on a case-by-case basis. One possible method of addressing this, is by risk assessment in water allocations.
18	Matamata Piako District Council	Support	Waikato	Need, Q7, 8 & 9 Technical methods	Point: There is general support for a consistent approach in the selection of methods.
18	Matamata Piako District Council	Support	Waikato	Q1 Problems & issues correct	Point: General agreement with the three key problems as benefiting from national direction. Relief sought: Significant urban growth needs to be factored in to ensure adequate allocation of water for potable water, wastewater disposal and fire fighting.
18	Matamata Piako District Council	Support	Waikato	Q2 Options / alternatives	Point: The options have been adequately covered with the added comments that the national guidelines should be mandatory and an alternative NES should not be contemplated.
18	Matamata Piako District Council	Support	Waikato	Q3 Need for interim levels	Point: General support for the necessity of the interim limits.
18	Matamata Piako District Council	Support	Waikato	Q4 Interim levels, division of water bodies	Point: There is general agreement that there are sufficient divisions.
18	Matamata Piako District Council	Support	Waikato	Q7, 8 & 9 Technical methods, new methods / innovation	Point: There is general agreement that formal reviews of the process on a regular basis should be undertaken and some form of monitoring of the sites undertaken to ensure that physical changes are recorded and taken into consideration.
19	Rodney District Council	Oppose	Auckland	Applications, Q10 NES approaches to breaches	Point: A non-complying status for consents is inappropriate and ineffectual for community water supply takes. Relief sought: Assess applications to take water from municipal water supply purposes as discretionary activities.
19	Rodney District Council	Oppose	Auckland	Q10 NES approaches to breaches	Point: Clarify whether minimum interim limits for rivers and streams applies to water takes for municipal drinking water. Clarify if a 'drought' is a legitimate circumstance for local authorities to breach interim limits; provide definition of a drought. Relief sought: Allow for a flexible water take regime, including flow sharing between water body takes for existing municipal water supplies.
19	Rodney District Council	Oppose	Auckland	Q11 Application of NES to existing and replacement consents	Point: Clarify the status of replacement consents. Relief sought: Replacement consents for community water supplies (potable water) to have the same status as existing consents under the proposed NES.
19	Rodney District Council	Oppose	Auckland	Q4 Interim levels, proposed numbers, scope – what's included	Point: The ability to cease takes from surface water sources, and utilise groundwater (the logical and apparently advocated means of meeting the objective to maintain the proposed interim limits for surface water) may not be feasible in the Rodney District. Relief sought: Clarification on options available to Local Authorities in situations where neither surface waters nor groundwater sources are adequate under the proposed NES to meet the existing and/or future needs of communities, and larger-scale dams may take in excess of 10 years to be developed.

No.	Name	Position	Region	Topics	Feedback
19	Rodney District Council	Oppose	Auckland	Q4 Interim levels, proposed numbers, scope – what's included	<p>Point: Allow for increased water levels in wetlands and lakes and provide for takes from wetlands and lakes where take is augmented by the reinstatement of inflows or new inflows and will not cause the water level to fall below 'pre-remediation' levels. Provide for the utilisation of the wetland/lake for storage with remediation of surrounding littoral zones.</p> <p>Relief sought: Allow for increases in water levels in wetlands and lakes. Restate interim limit to read: "No decrease in water levels in wetlands beyond the water level variation that has already been provided for by existing resource consents on the date the NES comes into force."</p>
19	Rodney District Council	Oppose	Auckland	Q4 Interim levels, proposed numbers, scope – what's included	<p>Point: The proposed minimum flow of 90% of MALF for streams less than 5 m<sup>3</sup>/s is an impractical and difficult limit to enforce.</p> <p>Relief sought: Clarify where the MALF limit is to be recorded in relation to points of take.</p>
19	Rodney District Council	Oppose	Auckland	Q4 Interim levels, scope – what's included	<p>Point: The interim limit for lakes and wetlands should not apply to artificially created storage dams which may augment flows, and have been created to buffer the effects of water abstraction.</p> <p>Relief sought: Clarify in the proposed NES that wetland and lake interim level limits do not apply to storage dams and reservoirs.</p>
19	Rodney District Council	Oppose	Auckland	Q4 Interim levels, scope – what's included	<p>Point: It is difficult to see how the proposed limit alone would be of benefit to the in-stream values.</p> <p>Relief sought: Allow for other non-MALF methods to be utilised to estimate the flow needed to protect ecological values in streams.</p>
19	Rodney District Council	Oppose	Auckland	Q7, 8 & 9 Technical methods, approach proposed	<p>Point: Establish a flow management regime that does not require calculation of MALF where there are no flow gauging records available, but provide for other assessment methods which can calculate a sustainable take regime while protecting in-stream values.</p> <p>Relief sought: Change section 5.1 (Proposed Interim Limits) in accordance with our submission on that section.</p>
19	Rodney District Council	Oppose	Auckland	Q7, 8 & 9 Technical methods, approach proposed	<p>Point: The requirement to use only the assessment models listed in table A4.3 will limit the quality of the ecological assessment undertaken and potentially reduce the quality of information available to design innovative and flexible methods to protect flora and fauna.</p> <p>Relief sought: Allow for the use of assessment techniques most suited to the environment being impacted upon.</p>

No.	Name	Position	Region	Topics	Feedback
19	Rodney District Council	Oppose	Auckland	Scope of NES, effect on regional & local plans, Q3 Need for interim levels	<p>Point: Sets ecological flows and interim limits regardless of context and the ability to protect values through a mixture of remedial and mitigation mechanisms. May be inconsistent with policies in the Auckland Regional Council's Proposed Air, Land and Water Plan.</p> <p>Relief sought: Allow regional councils to establish (through plans and consenting processes) environmental flows for water bodies that take into account ecological flows, social, economic and cultural values where it is consistent with the objectives and policies of the regional plan to do so.</p>
19	Rodney District Council	Oppose	Auckland	Scope of NES, implementation / resource costs	<p>Point: Applicants for water takes in streams where there is currently no flow data are required to measure the flow using methods that can take months or years to collect data (resulting in delays and additional cost). NES recognises that a "more complex regime is warranted in some instances" yet this is not taken forward into the implementation of the proposed NES.</p> <p>Relief sought: Allow for individualised flow management regimes which are specific to the water body and the values it contains.</p> <p>Clarify requirements for data collection from ungauged streams.</p>
20	Selwyn District Council	Support in part	Canterbury	Q1 Problems & issues correct	<p>Point: Agrees with the three problem statements.</p> <p>No clear justification has been provided regarding whether a national direction is needed to address problem 1 and 2, especially within an NES.</p> <p>Relief sought: A more appropriate solution to question 1 would be to ensure that a suitable process is started within each regional council under a national directive.</p>
20	Selwyn District Council	Support in part	Canterbury	Q2 Options / alternatives	<p>Point: For problems 1 and 2 the NES might be an effective and efficient method of establishing interim ecological flow values, but takes away the ability for locally developed solutions to be implemented.</p> <p>Relief sought: If a sensible time limit is set to amend the interim flows, then further consideration of the NES may be warranted.</p>
20	Selwyn District Council	Oppose	Canterbury	Applications, Q10 NES approaches to breaches, Current breaches	<p>Point: There is no justification available to consider making applications that breach interim limits 'prohibited'.</p> <p>Relief sought: Community and stock water supplies should be exempt from the interim limits requirements. There are sufficient concerns about the interim flow proposals for an avenue to challenge them to be available.</p>
20	Selwyn District Council	Oppose	Canterbury	Process to adoption / involvement, Q7, 8 & 9 Technical methods, new methods / innovation, consultation	<p>Point: Concerned that if the proposed process is adopted then the only requirement for an amendment or replacement to have a legal effect is for the Minister to publish a notice in the Gazette.</p> <p>Relief sought: A process which allows for participation by interested and/or affected parties is preferred.</p>

No.	Name	Position	Region	Topics	Feedback
20	Selwyn District Council	Oppose	Canterbury	Q11 Application of NES to existing and replacement consents	Point: Community and stock water supplies should be exempt from the interim limits requirements. Relief sought: The interim limits should be removed from the NES.
20	Selwyn District Council	Oppose	Canterbury	Q12 & 13 Benefits and costs, assumptions	Point: Table 4 is only as good as the assumptions made. Considers that a more detailed cost-benefit evaluation should have been undertaken. Relief sought: Having interim flow limits treated locally under a national directive will reduce such circumstances. These aspects need to be included in subsequent cost-benefit assessments.
20	Selwyn District Council	Oppose	Canterbury	Q3 Need for interim levels	Point: Not convinced of the need for fixed interim limits, regardless of how they are set. Relief sought: The interim limits should be removed from the NES.
20	Selwyn District Council	Oppose	Canterbury	Q4 Interim levels, proposed numbers	Point: No convincing arguments are given to justify the distinction of less than or equal to 5 m <sup>3</sup> /s and above 5 m <sup>3</sup> /s. Relief sought: The interim limits should be removed from the NES.
20	Selwyn District Council	Oppose	Canterbury	Q5 Time limit for interim levels, time limit	Point: There is some concern that the interim limits approach will be embedded in the regional council 'fabric'. Relief sought: If the proposal proceeds, interim flows applying to problems 1 and 2 must be time bound.
20	Selwyn District Council	Oppose	Canterbury	Q7, 8 & 9 Technical methods, approach proposed	Point: Concerned that the 'rule of thumb' that the NES is proposing is not based on good science. Relief sought: Monitoring of the approaches' success or otherwise should be undertaken. This should be a formal and transparent process.
20	Selwyn District Council	Oppose	Canterbury	Renewals & clawback, Q6 Inclusion of existing consents in limits	Point: Believe the proposed interim limits are provided with insufficient justification to apply them to a clawback of existing consents. Relief sought: Well researched ecological flow limits set within a regional plan are the only fair and sound reason to change existing consents.
20	Selwyn District Council	Support	Canterbury	Need, Q7, 8 & 9 Technical methods	Point: The NES is a sound way to address problem 3.
21	Tasman District Council	Support in part	Tasman	Applications, Q10 NES approaches to breaches	Point: A non-complying status for breaches of the NES will go some way to ameliorating the arbitrary nature of the NES. Relief sought: Applications that breach the NES limits should be considered non-complying activities as the NES itself provides only interim and non-specific allocation limits.
21	Tasman District Council	Support in part	Tasman	Apply to existing consents, Q6 Inclusion of existing consents in limits	Point: There is some uncertainty about how the NES will affect the exercise of existing consents. Relief sought: Considers provisions in existing consents should be 'grandfathered' until a regional plan can address outstanding issues for the relevant water body.

No.	Name	Position	Region	Topics	Feedback
21	Tasman District Council	Support in part	Tasman	Need, Q7, 8 & 9 Technical methods, new methods / innovation	Point: It would not be helpful to constrain decision-making by giving the technical document NES regulatory status.  Relief sought: The guidelines on the selection of technical methods should remain as guidance documents. This enables the documents to be updated as necessary to include new methods.
21	Tasman District Council	Support in part	Tasman	Q1 Problems & issues correct	Point: Agrees with the problem statements from a national perspective though it notes that the applicability of the problem statements varies considerably between and within councils.
21	Tasman District Council	Support in part	Tasman	Q2 Options / alternatives	Point: Believes all the alternatives have been considered in very broad terms. However, the proposed NES is only one of several options that could be adopted as national regulations.
21	Tasman District Council	Support in part	Tasman	Q5 Time limit for interim levels, time limit	Point: In principle, considers the NES limits should not be time bound.  Relief sought: The NES should not be time bound but should act as a trigger for the development of water-specific flows and limits.
21	Tasman District Council	Oppose	Tasman	Q12 &13 Benefits and costs	Point: Considers that all of the costs of the NES have not been accounted for: costs of 'cease take' flow standards on existing users' security of supply will be significant. costs in table 4 for processing consents are very average and not a true indication for all councils and all consents.
21	Tasman District Council	Oppose	Tasman	Q3 Need for interim levels	Point: Does not consider that the proposed NES provides certainty or clarity. Does not agree that the NES will achieve the outcomes sought.
21	Tasman District Council	Oppose	Tasman	Q4 Interim levels, proposed numbers	Point: Considers that the interim limits and flows are arbitrarily set. This approach cannot account for the flow differences in the various rivers and water management regimes throughout New Zealand.
21	Tasman District Council	Oppose	Tasman	Q4 Interim levels, scope – what's included	Point: Interim limits may result in rivers becoming subject to abstraction pressures before more river-specific flow and allocation provisions are developed. There is no security of supply concept. 'Cease take' provisions have significant implications for existing consent holders, especially community water supplies.
21	Tasman District Council	Oppose	Tasman	Q4 Interim levels, scope – what's included	Point: The interim limits have significant implications for rivers subject to or likely to be used for water augmentation and hydro-electric power generation.
21	Tasman District Council	Oppose	Tasman	Scope of NES, Q4 Interim levels, relationship with NPS & RMA, proposed numbers	There is potential for conflict between the limits set in the NES and the proposed NPS for renewable energy and the NPS for fresh water.
22	Taupo District Council	Support in part	Waikato	Q11 Application of NES to existing and replacement consents	Point: Supports NES, providing existing consents are not compromised.



No.	Name	Position	Region	Topics	Feedback
23	Whangārei District Council	Support in part	Northland	Need, Q7, 8 & 9 Technical methods	<p>Point: Supports the aim of providing consistency in the selection and application of methods for assessing ecological values but considers that national guidance documents would be sufficient.</p> <p>Relief sought: As an alternative to providing this consistency through development of an NES, development and adoption of a New Zealand Standard (as the national guidance document) should be considered.</p> <p>Alternatively, so that its use is compulsory, the adoption of the technical document (New Zealand Standard) could be done by way of an NPS directive.</p>
23	Whangārei District Council	Support in part	Northland	Q10 NES approaches to breaches	<p>Point: Applications for essential services such as public water supplies should be given precedence and should be exempt from the requirements of the interim limits. Support in particular they should not be treated as a prohibited activity.</p>
23	Whangārei District Council	Support in part	Northland	Q11 Application of NES to existing and replacement consents	<p>Point: If the NES is enacted, council supports the exclusion of the allocation cap for replacement consents.</p> <p>Relief sought: Council would also like to see the extension of this exclusion to also cover new applications for public water supplies.</p> <p>In addition, if the NES is enacted, new applications for water bodies for which environmental flows and water levels have not been set in regional plans should be treated as being for a discretionary activity.</p>
23	Whangārei District Council	Support in part	Northland	Q12 & 13 Benefits and costs	<p>Point:</p> <p>It would have been helpful if a more detailed cost-benefits evaluation had been prepared.</p> <p>Relief sought: There needs to be a better weighting of the other costs and benefits, particularly as they relate to human health and wellbeing.</p> <p>Council seeks the opportunity to be involved with and comment on the section 32 analysis when it is available.</p>
23	Whangārei District Council	Support in part	Northland	Q5 Time limit for interim levels	<p>Point: If time limits are a concern then a national directive could require regional councils to include environmental flows and levels in their regional plans within a specified timeframe.</p>
23	Whangārei District Council	Support in part	Northland	Q7, 8 & 9 Technical methods, new methods / innovation	<p>Point: It is desirable for new methods to be included as they become available. New methods have to be subject to scrutiny and review and this should be done transparently, with the opportunity provided to all those interested to participate.</p> <p>Relief sought: A process which allows for participation by interested and/or affected parties is preferred.</p>
23	Whangārei District Council	Oppose	Northland	Q1 Problems & issues correct	<p>Point: Considers that problem statements 3.1.1 and 3.1.2 have not been demonstrated to apply to a degree significant enough to warrant the enactment of the proposed NES.</p>

No.	Name	Position	Region	Topics	Feedback
23	Whangārei District Council	Oppose	Northland	Q2 Options / alternatives	<p>Point: Suggests that other combinations of options should be considered and that the assessment of alternatives could benefit from a more detailed evaluation.</p> <p>Relief sought: Preference is for a combination of the status quo with regional councils developing detailed environmental flows specific to the water resources in their region based on sound scientific analysis complemented, if necessary, by a modified NES that only sets technical methods for ecological flows.</p> <p>Alternatively a national directive could require regional councils to develop detailed environmental flows specific to the water resources in their region within a specified timeframe and also include a requirement to adopt specified technical methods.</p> <p>The application of the proposed allocation cap needs to be based on sound science.</p>
23	Whangārei District Council	Oppose	Northland	Q3 Need for interim levels	<p>Point: Council's view is that these interim limits as proposed are not the best solution.</p> <p>Relief sought: The desired outcome would be better achieved by a national directive to regional councils to carry out this work. This would be a better solution than the interim enforcement of overly conservative limits due to the current lack of research.</p>
23	Whangārei District Council	Oppose	Northland	Q4 Interim levels, proposed numbers, scope – what's included	<p>Point: Significant amounts of water will be locked up for no significant environmental benefit and the adverse impacts on security of public water supply alone will be major. Also, the broad categorisation of rivers greater than or less than 5 m<sup>3</sup>/s mean flow appears to be somewhat arbitrary and blanket limits are not appropriate.</p> <p>Relief sought: Council believes that other approaches would more effectively achieve the desired outcomes such as a national directive requiring regional councils to develop detailed environmental flows specific to the water resources in their region within a specified timeframe and also including a requirement to adopt specified technical methods. Assessments to determine appropriate flows and water levels need to be catchment-specific to be meaningful.</p>
23	Whangārei District Council	Oppose	Northland	Q7, 8 & 9 Technical methods, consultation	<p>Point: The approach outlined in the technical document seems complicated.</p> <p>Relief sought: It would benefit from the rigorous approach taken in the development of a New Zealand Standard – where input from a wider range of practitioners and users is involved.</p>
23	Whangārei District Council	Support	Northland	Q1 Problems & issues correct	<p>Point: Agrees in principle with problem statement 3.1.3.</p>
24	Christchurch City Council	Support in part	Canterbury	Q10 NES approaches to breaches	<p>Relief sought: Breached standards should be non-complying rather than prohibited.</p>
24	Christchurch City Council	N/A	Canterbury	Other	<p>General support.</p>
24	Christchurch City Council	Support	Canterbury	Q4 Interim levels	<p>Wholly supports the use of interim limits on flows and water levels.</p>
24	Christchurch City Council	Support	Canterbury	Q7, 8 & 9 Technical methods	<p>Wholly supports the technical methods for evaluating the ecological component of environmental flows and water levels.</p>

No.	Name	Position	Region	Topics	Feedback
25	Dunedin City Council	Support in part	Otago	Renewals & clawback	Point: Not clear what consents are included in the clawback. Relief sought: Better clarification required in the NES relating to whether existing consents for community water supply are completely exempt from any potential clawback.
25	Dunedin City Council	Support in part	Otago	Renewals & clawback	Relief sought: Exemption should be given to potable/community water abstraction.
25	Dunedin City Council	Oppose	Otago	Approach proposed	Point: Debates about how the method is implemented and how the results are interpreted will remain.
25	Dunedin City Council	Oppose	Otago	Implementation / resource costs	Assumption that additional resources that are required will be available at council level.
25	Dunedin City Council	Oppose	Otago	Implementation / resource costs	Relief sought: Proposed NES needs to provide further direction on a process to use for disputed consent decisions.
25	Dunedin City Council	Oppose	Otago	New methods / innovation	Point: Not much scope to develop and test new methods.
26	Hamilton City Council	Support in part	Waikato	Q10 NES approaches to breaches	Point: Prohibited activity status is too restrictive. Relief sought: Non-complying status will be appropriate and still provide flexibility to grant consent.
26	Hamilton City Council	Support in part	Waikato	Q11 Application of NES to existing and replacement consents	Point: Further clarification is required for replacement consents. Relief sought: Further clarification is required for "The interim minimum flows specified by the NES will apply" for replacement consents when environmental flows and water levels have not been set in a proposed or operative water plan or water conservation order.
26	Hamilton City Council	Support in part	Waikato	Q12 & 13 Benefits and costs	Point: Guideline status. Relief sought: The guidelines should be given appropriate status so that a resource user is not required to undertake extra analysis to complement flow regimes determined through use of the guidelines.
26	Hamilton City Council	Support in part	Waikato	Q12 & 13 Benefits and costs	Point: Municipal use. Relief sought: A provision for municipal use should be included in the NES to ensure that the water requirements of a territorial authority take precedence over other water users with competing needs.
26	Hamilton City Council	Support in part	Waikato	Q12 & 13 Benefits and costs	Point: Where the benefit of assessing the environmental flow setting is significant for multiple parties. Relief sought: Regional council should be required to take the lead in undertaking the technical work required.
26	Hamilton City Council	Support in part	Waikato	Q7, 8 & 9 Technical methods	Point: Supports the aim for consistency to be provided in the selection method for assessing ecological values. Relief sought: Recommends the methods for ecological flows to be provided in a NES to prevent disagreements.

No.	Name	Position	Region	Topics	Feedback
26	Hamilton City Council	Support in part	Waikato	Q7, 8 & 9 Technical methods, approach proposed	Point: Implementation. Relief sought: A regular process for updating the documents should be implemented to reflect new information and technology
26	Hamilton City Council	Support in part	Waikato	Q7, 8 & 9 Technical methods, approach proposed	Relief sought: A formal process should be put in place to ensure all new methods are captured centrally and the methods be published as a discussion document and made available for comment before inclusion in the 'Guidelines for the selection of methods to determine ecological flows and water levels'.
26	Hamilton City Council	Oppose	Waikato	Implementation / resource costs	Relief sought: Time frame should be set to define allocative flow from a fully allocated river or water body. Should be within five years for a river or stream with mean flow less than 5 m <sup>3</sup> /s and within two years for those with a mean flow greater than that.
26	Hamilton City Council	Oppose	Waikato	Q6 Inclusion of existing consents in limits	Point: Over-allocation. Relief sought: Where water is fully allocated against the interim limits of the NES, the scientific process to define allocative flow needs to become a priority.
26	Hamilton City Council	Support	Waikato	Q1 Problems & issues correct	Point: Appropriate and correct issues.
26	Hamilton City Council	Support	Waikato	Q2 Options / alternatives	Point: Waikato Regional Plan change similarly established that the proposed freshwater management methods to be the most appropriate.
26	Hamilton City Council	Support	Waikato	Q3 Need for interim levels	Point: Supports introduction of interim flow levels. Currently there are regional guidelines but no national direction.
26	Hamilton City Council	Support	Waikato	Q4 Interim levels	Point: Supports the numbers for the interim flows and water levels. Relief sought: Impose the numbers for the interim flows and water levels.
26	Hamilton City Council	Support	Waikato	Q5 Time limit for interim levels, time limit	Point: Genesis Energy's use of water to meet the cooling requirements at the Huntly Power Station appear to take precedence over the environmental needs of the Waikato River – especially in terms of water level and flow rates and the potential impact they could have on the river's ecology. Relief sought: Time limit should be set.
27	North Shore City Council	Support in part	Auckland	Q1 Problems & issues correct	Point: Inadequate provisions made for water takes from storage which has implications for how much can be taken from dams. Relief sought: The provision of water from storage need to be included in the NES.
28	Hawkdun Idaburn Irrigation Company	Support in part	Otago	New methods / innovation	Yes. Far too narrow objective, put some productive balance into the equations.
28	Hawkdun Idaburn Irrigation Company	Support in part	Otago	Q1 Problems & issues correct	Problem statement 3.1.3 – Yes. It is very costly and proposed system will not reduce any of these costs.
28	Hawkdun Idaburn Irrigation Company	Support in part	Otago	Q10 NES approaches to breaches	Only if agreement is reached with the productive users.

No.	Name	Position	Region	Topics	Feedback
28	Hawkdun Idaburn Irrigation Company	Support in part	Otago	Q7, 8 & 9 Technical methods, new methods / innovation	Only if agreement is reached with the productive users.
28	Hawkdun Idaburn Irrigation Company	Support in part	Otago	Renewals & clawback	Yes. But legal water rights and priorities must be observed.
28	Hawkdun Idaburn Irrigation Company	N/A	Otago	Range, Q12 & 13 Benefits and costs	Based on our costs over \$90,000.00; these anticipated costs are notional at best.
28	Hawkdun Idaburn Irrigation Company	Oppose	Otago	Q1 Problems & issues correct	Problem statement 3.1.1 does not apply to the Otago main rivers.
28	Hawkdun Idaburn Irrigation Company	Oppose	Otago	Q1 Problems & issues correct	Problem statement 3.1.2 – no, the remainder of the water can and should be allocated.
28	Hawkdun Idaburn Irrigation Company	Oppose	Otago	Q11 Application of NES to existing and replacement consents	Not at all. We have adequate allocation under the Otago Regional Council Water Plan.
28	Hawkdun Idaburn Irrigation Company	Oppose	Otago	Q12 & 13 Benefits and costs, Assumptions	Section 6.3 – Effects on existing and potential resource consent holders. This is a dangerous clause because it presumes that those who submit for or against a consent application will have some determination on whether a water right application is successful or not. Submission made before a hearing are made on that person's perception of what is proposed or planned. Surely hearing panels' decisions will be based on the hard material placed before them. The facts should determine the result.
28	Hawkdun Idaburn Irrigation Company	Oppose	Otago	Q2 Options / alternatives	No. The current status quo in Otago is an option.
28	Hawkdun Idaburn Irrigation Company	Oppose	Otago	Q3 Need for interim levels	No. Because a national standard ruling will not be effective. This is a local decision.
28	Hawkdun Idaburn Irrigation Company	Oppose	Otago	Q4 Interim levels	No, because the 90% ruling is excessively wasteful of water.
28	Hawkdun Idaburn Irrigation Company	Oppose	Otago	Q7, 8 & 9 Technical methods, approach proposed	Concerned with Implications on p 54, table A4.1. States flows of substantially less than 0.25 m <sup>3</sup> /s are more than satisfactory for populations of native fish. Suggested flows could be bad for native populations as introduced fish could travel up those streams and decimate native fisheries.
28	Hawkdun Idaburn Irrigation Company	Support	Otago	Need, Approach proposed	Yes. Regional assessment has more relevance based on current demands. So support guidance documents.
28	Hawkdun Idaburn Irrigation Company	Support	Otago	Q5 Time limit for interim levels, time limit	Yes. Because the interim is so wasteful of water.
29	Hurunui Water Project Ltd	Support in part	Canterbury	Apply to existing consents, Q11 Application of NES to existing and replacement consents	NES should be drafted so that RMA s128(1)(ba) does not apply to the NES so that existing resource consents are not able to be reviewed and adjusted so as to conform with this NES.

No.	Name	Position	Region	Topics	Feedback
29	Hurunui Water Project Ltd	Support in part	Canterbury	Q4 Interim levels, scope – what's included	Interim levels should not apply where any operative or proposed regional plan allocation regime applies.
29	Hurunui Water Project Ltd	Oppose	Canterbury	Process to adoption / involvement, consultation	Concerned that there is no right of objection, hearing or appeal against decisions made on the format or content of the NES. Full effect and impact of the NES cannot be gauged in the absence of wording of proposed NES. Hurunui Water Project is prevented from making a submission capable of fully addressing the impact of the NES.
29	Hurunui Water Project Ltd	Oppose	Canterbury	Q11 Application of NES to existing and replacement consents	NES needs to be drafted so as to ensure that s124A–C priority rights of existing consent holders are retained so that they continue to have priority in relation to existing applications to replace existing consents.
29	Hurunui Water Project Ltd	Oppose	Canterbury	Q7, 8 & 9 Technical methods, approach proposed	With regards determining levels, given that there are significant knowledge gaps and disputes about how groundwater allocation and / or recharge apply, it is virtually impossible to achieve levels of certainty required for valid regulation of levels. NES will not be able to be drafted to achieve sufficient certainty.
29	Hurunui Water Project Ltd	Oppose	Canterbury	Scope of NES, Implementation / resource costs	NES will not be able to be drafted to achieve sufficient certainty (with regards to levels) and will thus lead to increased litigation.
30	Irrigation New Zealand	Support in part	National	Q2 Options / alternatives	States problem statement 3.1.1 and 3.1.2 could be adequately addressed by the national directive option. The proposed NES would then deal with problem statement 3.1.3. This is a preferred approach.
30	Irrigation New Zealand	Support in part	National	Q7, 8 & 9 Technical methods, approach proposed	Given the way that the draft guidelines are referred to in the NES, and that changes to these guidelines are possible as knowledge advances, states that the NES is a sound way to address problem statement 3.1.3.
30	Irrigation New Zealand	Support in part	National	Q7, 8 & 9 Technical methods, approach proposed	Supports the approach in part, but states there needs to be a monitoring of how the approach works in practice so that we can learn by doing which is formalised and transparent.
30	Irrigation New Zealand	N/A	National	Q10 NES approaches to breaches	States there is no justification to even consider making applications out of line with the interim flows 'prohibited'. There are sufficient concerns about the interim flow proposals that an avenue to challenge them must be available.
30	Irrigation New Zealand	N/A	National	Q12 & 13 Benefits and costs, Assumptions	States table 4 is only as good as the assumptions made, which are a matter of (personal) speculation and are to some extent arbitrary. The costs included are about the costs of the RMA processes only. The potential costs to society as a whole and to applicants Support in particular that will swamp the numbers given, relate to the added transactional costs and lost production impacts of new and replacement consents denied or challenged because they breach the interim flow proposals. Getting the interim flow limits treated locally under a national directive will reduce such circumstances. These aspects need to be included in subsequent cost-benefit assessments.
30	Irrigation New Zealand	N/A	National	Q7, 8 & 9 Technical methods, approach proposed	States a small technical committee should be set up to signal the need to add to or adjust the methodologies, the same group could also undertake the monitoring suggested in the paragraph above.

No.	Name	Position	Region	Topics	Feedback
30	Irrigation New Zealand	Oppose	National	Q1 Problems & issues correct	<p>States that there are limits on alteration of natural conditions. Agrees that the ecological effects of any consumptive use allocation be assessed for any water body. It is agreed that an upper limit on total abstractions will be needed, but this should allow for different classes of abstraction and accommodate flow sharing of higher natural flows.</p> <p>Agrees that there may be benefits in having a consistent approach in the technical methodology used to estimate ecological flow requirements, recognising that adopting a consistent methodology will not ensure consistency in the results obtained of any assessment.</p> <p>States the need for national direction to address these problems is debatable, especially within an NES.</p> <p>States that to justify inclusion of interim flows in an NES in regard to problem statements would require:</p> <ul style="list-style-type: none"> <li>a) a quantitative analysis of the adequacy of local approaches in addressing current allocation decisions</li> <li>b) the likelihood and magnitude of future shortcomings of local approaches to address future allocation decisions; and</li> <li>c) the scale of the status quo problem in some sort of understandable context – which has not been provided.</li> </ul> <p>States that negative outcomes can often result from national direction. An inventory of the status of ecological flows and allocation limits currently in place across the country and the gaps would inform the comments made above. The question of “do we have a problem, and what is its magnitude” has not been adequately addressed.</p> <p>States a better way to handle this would be to ensure that a suitable process is started within each regional council under a national directive, as discussed below.</p>
30	Irrigation New Zealand	Oppose	National	Q11 Application of NES to existing and replacement consents	States that as long as the non-complying status is maintained, then the suggestions in Table 2 would be reasonable if there was more confidence in the interim limits. The limits that are specified in the NES are not acceptable, and therefore comment on application is irrelevant.
30	Irrigation New Zealand	Oppose	National	Q3 Need for interim levels	Does not agree with the need for interim limits. States these should be removed from the NES.
30	Irrigation New Zealand	Oppose	National	Q4 Interim levels, proposed numbers	States there are not convincing arguments given to justify numbers given for interim flows allocable volume percentages.
30	Irrigation New Zealand	Oppose	National	Q5 Time limit for interim levels, how to implement	Disagrees with approach to have interim flow limits, however states that interim flows, if included, need to be time bound.
30	Irrigation New Zealand	Oppose	National	Q6 Inclusion of existing consents in limits, clawback through plans	The interim limits have insufficient justification to apply them to a clawback of existing consents.
31	Kerikeri Irrigation Company Ltd	Support in part	Northland	Q3 Need for interim levels	States a need for a sunset clause to cover existing consents as some of the changes will have significant effects on business (proposed interim limits).

No.	Name	Position	Region	Topics	Feedback
31	Kerikeri Irrigation Company Ltd	Oppose	Northland	Apply to existing consents, Q6 Inclusion of existing consents in limits	States concern that regional councils have the right to implement the interim water levels by a plan change. Although the discussion document intimates that it is a change via the RMA it is in effect the NES that has created the opportunity for the change, thereby creating uncertainty for existing consent holders.
31	Kerikeri Irrigation Company Ltd	Oppose	Northland	Q1 Problems & issues correct	States the objectives of the NES are too narrow in their content and do not sufficiently cover existing resource consents and regional differences. Proposed standards could have significant implications for existing consent holders in reduced flows to commercial users.
32	Last Chance Irrigation Company Ltd	Support in part	South Island	Q2 Options / alternatives	Agrees. States last paragraph on p 23 is unclear.
32	Last Chance Irrigation Company Ltd	Support in part	South Island	Q5 Time limit for interim levels	Agrees. States that robust data must be available for local decision-making.
32	Last Chance Irrigation Company Ltd	N/A	South Island	Applications, Q10 NES approaches to breaches	Breaches at the time of application should be treated on their merits after consultation between applicant, council and community and a default position set as part of a council's plan development.
32	Last Chance Irrigation Company Ltd	N/A	South Island	Q12 & 13 Benefits and costs	States figures too variable. The analysis totally underestimates the costs of minimal flows to irrigators. This is not shown in the cost-benefit analysis.
32	Last Chance Irrigation Company Ltd	N/A	South Island	Q4 Interim levels	States more divisions probably necessary.
32	Last Chance Irrigation Company Ltd	N/A	South Island	Q7, 8 & 9 Technical methods, approach proposed	Questions consistency of methodology given the diversity of water bodies in New Zealand.
32	Last Chance Irrigation Company Ltd	N/A	South Island	Q7, 8 & 9 Technical methods, approach proposed	Questions if science incorporated is robust enough.
32	Last Chance Irrigation Company Ltd	N/A	South Island	Q7, 8 & 9 Technical methods, new methods / innovation	States new methods should be incorporated as they are developed.
32	Last Chance Irrigation Company Ltd	N/A	South Island	Range, Q12 & 13 Benefits and costs	States that no allowance has been made in the cost-benefit analysis for the impact of reduced flows for consent holders using water for intense horticulture or viticulture production. It only looks at the costs associated with the consent process and not the consequences of it. Standard deviation of the calculations cannot be measured.
32	Last Chance Irrigation Company Ltd	N/A	South Island	Renewals & clawback, Q6 Inclusion of existing consents in limits	States there should be no clawbacks at interim stage. Compensations would have to be applied to clawbacks.
32	Last Chance Irrigation Company Ltd	Support	South Island	Q1 Problems & issues correct	Agrees.



No.	Name	Position	Region	Topics	Feedback
32	Last Chance Irrigation Company Ltd	Support	South Island	Q11 Application of NES to existing and replacement consents	Agrees with table 2.
32	Last Chance Irrigation Company Ltd	Support	South Island	Q3 Need for interim levels	Agrees.
33	Maniototo Irrigation Company Ltd	N/A	Otago	Q2 Options / alternatives	Suggests that a fairer approach would be to preserve the status quo (no new allocation) where the existing water plan is considered deficient for a defined purpose, until such time as the problem can be resolved.
33	Maniototo Irrigation Company Ltd	N/A	Otago	Scope of NES	Submission states that it is difficult to determine if, or to what extent the proposed NES might over ride existing flow and level regimes currently operative in the area. Depending on how the NES is applied, it could have serious negative consequences for some parts of our community, while offering no potential benefit.
33	Maniototo Irrigation Company Ltd	N/A	Otago	Scope of NES	Submits that the criteria for exemption to the NES should be broadened to allow the development of flow regimes at a local level where work is in progress or where existing regimes are compatible with, although not necessarily specified in, a regional plan.
33	Maniototo Irrigation Company Ltd	Oppose	Otago	Q3 Need for interim levels	States that the imposition of interim flows and allocation limits using MALF is a very crude approach which falls short of fair and reasonable treatment of communities with long established dependence on these water sources. MALF has a poor relationship to environmental values when measured across a range of different river systems; hence the proposed numbers are conservative.
33	Maniototo Irrigation Company Ltd	Oppose	Otago	Q4 Interim levels, Q3 Need for interim levels	Very concerned that the proposed interim provisions will slow this progress by diverting time and resources to areas where they are not needed.
34	Otago Water Resource Users Group	Support in part	Otago	Q1 Problems & issues correct	Agrees with all objectives. States that decision-making also needs to include social and economic benefits.
34	Otago Water Resource Users Group	Support in part	Otago	Q2 Options / alternatives	<p>Agrees that all options have been covered. States that avoiding public participation is inappropriate.</p> <p>States that existing consents should not be subject to minimum flow constraints, which could significantly adversely impact on existing operations, production, investment and asset value without the holders having the right to participate in the minimum flow decision, and without the minimum flow decision being made in the context of the particular catchment and all values and interests being considered.</p> <p>From an Otago-wide perspective, we consider that it would be more cost-effective to solely target the water bodies which are to be the subject of the NES.</p> <p>The Otago Regional Council may not wish to determine which water bodies should be excluded, until a catchment review was undertaken; and users are not part of this process of determination of the water bodies to be excluded.</p>

No.	Name	Position	Region	Topics	Feedback
34	Otago Water Resource Users Group	Support in part	Otago	Q5 Time limit for interim levels, time limit	States agreement that the default interim limits are likely to act as a disincentive to establish minimum flows and allocation limits by a site-specific catchment review through a water plan process. The interim limits should have a sunset period of five years.
34	Otago Water Resource Users Group	Support in part	Otago	Q7, 8 & 9 Technical methods, approach proposed	States they support the aim to provide consistency in the selection of methods for assessing ecological values, however question whether nationally standardised technical methods can be developed for assessing totally different geo-morphological rivers and streams. This should be done by guidelines and accommodate new learning; it should not be done by regulation that may not be applicable to certain sites.
34	Otago Water Resource Users Group	N/A	Otago	Apply to all water bodies, scope of NES	The NES should only apply under allocated, high-value water bodies.
34	Otago Water Resource Users Group	N/A	Otago	Q7, 8 & 9 Technical methods, approach proposed	States this type of work should be done as part of a site-specific catchment review.
34	Otago Water Resource Users Group	N/A	Otago	Q7, 8 & 9 Technical methods, new methods / innovation	States that they consider that new methods can only be encouraged and included by way of guidelines as opposed to regulation.
34	Otago Water Resource Users Group	N/A	Otago	Scope of NES	NES should expire after 5 years.
34	Otago Water Resource Users Group	Oppose	Otago	Q11 Application of NES to existing and replacement consents	The table does not consider existing consents. RMA s43B(6) states that an existing water permit prevails over the standard until the council reviews the permit conditions under s128(1). The NES can therefore not prescribe that it prevails over an existing water permit. Where environmental flows or water levels have been set in a water plan, the water plan must prevail.
34	Otago Water Resource Users Group	Oppose	Otago	Q3 Need for interim levels	States there is no need for interim limits through the NES. States the Otago Regional Council Water Plan provides for wetlands, groundwater and in-stream flows.

No.	Name	Position	Region	Topics	Feedback
34	Otago Water Resource Users Group	Oppose	Otago	Q4 Interim levels, proposed numbers, scope – what's included	<p>No. For fully allocated water bodies, the allocation limit has no relevance; it is inappropriate to set a generic, nationally applied, minimum flow. The minimum flows need to be site-specific and need to take into account all environmental issues and economic and social effects, because they could have a significant impact on existing users and production.</p> <p>For ephemeral streams in Central Otago, a minimum flow is not applicable.</p> <p>There is no explanation on how existing augmentation from water storage will be dealt with, with respect to the proposed interim limits.</p> <p>If the minimum flow is to be established by a catchment review under the Otago Regional Council Water Plan, then effective consultation would take place on how the minimum flow would impact on the various water bodies and on abstraction; this would make clear the implications. This would be done as part of the consultation process, whereas the generic proposed NES minimum flow would be established by regulation without the site-specific implications being understood. This is an extremely serious and concerning consequence of water management by NESs.</p>
34	Otago Water Resource Users Group	Oppose	Otago	Q6 Inclusion of existing consents in limits, clawback through plans	<p>Water bodies incorporate a complicated matrix of priority of use, augmentation, historic use; minimum flows cannot be dealt with by a generic interim limit. The Otago Regional Council and Otago Water Resource Users Group have concluded that this requires minimum flows being established by catchment reviews through the water plan variation process in tandem with a co-operative community solution.</p> <p>States clawback is inappropriate.</p>
34	Otago Water Resource Users Group	Oppose	Otago	Q7, 8 & 9 Technical methods, approach proposed	<p>States that a distinction needs to be made between applications for replacement consents and applications for new consents. Replacement consents should be exempt from the interim limits. New consents in breach of the interim limits should be a non-complying activity.</p>
34	Otago Water Resource Users Group	Oppose	Otago	Range, Q12 & 13 Benefits and costs	<p>The analysis does not take into account the cost of existing water users losing their water permits on expiry of the current term, because of the NES. This is a serious omission.</p> <p>The establishment of interim limits is treated as a benefit because of certainty and transparency. However the analysis does not take into account the cost of the NES preventing the granting of consents which on a site-specific consideration would otherwise be granted.</p> <p>The stated increase in benefit and reduction in cost resulting from guidance with technical methods for determining ecological flows and water levels, will only be achieved if the technical methods are accepted by all parties.</p>
34	Otago Water Resource Users Group	Oppose	Otago	Range, Q12 & 13 Benefits and costs	<p>The quantification does not include the opportunity cost of delayed application until regional plan processes are in place. Nor does it include the economic and social cost of replacement consents denied because of the NES.</p>

No.	Name	Position	Region	Topics	Feedback
35	Southbridge Water Users Group	Oppose	Canterbury	Apply to all water bodies, scope of NES	States that it is inappropriate to have a national-scale intervention approach to managing ecological flows and water levels due to the unique characteristics of resources. Applying a nationally consistent process creates problems for local application.
35	Southbridge Water Users Group	Oppose	Canterbury	Need, Q7, 8 & 9 Technical methods	Does not support the need for national consistency in selection of technical methods. Methods applied should relate specifically to the immediate area/waterway being considered.  The NES would be more effective and accepted as a national guideline.
35	Southbridge Water Users Group	Oppose	Canterbury	Q1 Problems & issues correct	States that water flows and levels have not been developed in a timely, well researched or appropriate way.
35	Southbridge Water Users Group	Oppose	Canterbury	Q10 NES approaches to breaches	The appropriateness of the NES becomes further blurred, it is inappropriate for a national level document to be dealing with matters that are more appropriately dealt with at a regional authority level.
35	Southbridge Water Users Group	Oppose	Canterbury	Q11 Application of NES to existing and replacement consents	Does not support the NES so should not apply to any consents, consent applications or reviews.
35	Southbridge Water Users Group	Oppose	Canterbury	Q12 & 13 Benefits and costs	No consideration to economic and social losses that would result from the implementation of the NES, particularly on existing farm operations. Does not support NES.
35	Southbridge Water Users Group	Oppose	Canterbury	Q2 Options / alternatives	States that an option not considered is that of consultative advice to regional councils who are struggling to deal with water issues. An NES will not assist this. A directive or guidelines would be more suitable, if backed up by continual Ministry support.  Local decision-making in terms of interim limits is fundamentally important for appropriate decisions to be made.
35	Southbridge Water Users Group	Oppose	Canterbury	Q3 Need for interim levels	Does not support the need for interim limits.
35	Southbridge Water Users Group	Oppose	Canterbury	Q4 Interim levels, scope – what's included	States matter in which numbers or categorisations of waterways is inappropriate. The issues being dealt with are complex and unique and need to be dealt with on an individual basis.
35	Southbridge Water Users Group	Oppose	Canterbury	Q5 Time limit for interim levels, time limit	Does not support interim limits so do not support time-bound approach.
35	Southbridge Water Users Group	Oppose	Canterbury	Q7, 8 & 9 Technical methods, approach proposed	No guidance or framework for establishing value, noting that value is complicated by social and ecological aspects.
35	Southbridge Water Users Group	Oppose	Canterbury	Q7, 8 & 9 Technical methods, approach proposed	Does not support.

No.	Name	Position	Region	Topics	Feedback
35	Southbridge Water Users Group	Oppose	Canterbury	Renewals & clawback, apply to existing consents, Q6 Inclusion of existing consents in limits	States it is imperative that research and assessments undertaken in relation to this review is thorough and fully justified. New consents or renewed consents should be considered under the relevant regional council rules at the time.
35	Southbridge Water Users Group	Oppose	Canterbury	Scope of NES, effect on regional & local plans	Regional Councils (eg, Environment Canterbury) are already pursuing methodologies and policies over the last several years and are already adapting methods that are effectively national, since they largely stem from NIWA.
36	Waimea Water Users Committee	Oppose	Tasman	Apply to all water bodies, scope of NES, effect on applications, Implementation / resource costs	States water users have not been consulted. Provision for 'cease take' can have devastating effects on water users.
36	Waimea Water Users Committee	Oppose	Tasman	Q3 Need for interim levels	Seeks replacement of minimum flow and 'cease take' with triggers staged rationally by way of community consultation and information sharing.
36	Waimea Water Users Committee	Oppose	Tasman	Q4 Interim levels, scope – what's included	Assistance by way of minimum and environmental flows should be considered by way of water augmentation projects.
37	Dairy NZ	Support in part	National	Apply to existing consents, Q6 Inclusion of existing consents in limits	Section14(3) authorised takes need to be included in the context of existing consents.
37	Dairy NZ	Support in part	National	Q12 & 13 Benefits and costs	Fuller cost-benefit analysis should be provided.
37	Dairy NZ	Support in part	National	Q5 Time limit for interim levels, time limit	Time bound. Discretion to be retained by resource managers in setting interim levels.
37	Dairy NZ	Support in part	National	Q7, 8 & 9 Technical methods, new methods / innovation, approach proposed	Proposed methodologies should be contained within an NPS, removing option to use alternatives. Support the recommendations contained in draft guidelines document. New methods should be included during review of the NES only.
37	Dairy NZ	Oppose	National	Q11 Application of NES to existing and replacement consents	Where current levels have been set through existing consents or authorised consents, then new applications for renewed authorisations should not be affected by interim levels.
37	Dairy NZ	Oppose	National	Q2 Options / alternatives	Ecological function needs to be defined. Need greater emphasis on integrated management of surface and groundwater. References to trout need to be removed or recreational values recognised in the NES.
37	Dairy NZ	Oppose	National	Q4 Interim levels, division of water bodies	Proposed NES does not recognise connectivity between groundwater and surface water bodies, so NES effectively rules out any abstraction from groundwater.
38	Eastern Bay Orchards Ltd	Support in part	East Cape	Effect on applications, Q4 Interim levels, proposed numbers	Point: If the interim or default levels are kept in the proposed NES, we object to total allocation being reduced every time a permit is surrendered, lapses, is cancelled or replaced. Relief sought: Other water users should have the option to apply for available water that is not already allocated to an existing user.

No.	Name	Position	Region	Topics	Feedback
38	Eastern Bay Orchards Ltd	Oppose	East Cape	Other	Point: Reduction in available water is a concern. Access to water is crucial for continued use of the land to continue growing the regional and national economy.
38	Eastern Bay Orchards Ltd	Oppose	East Cape	Q3 Need for interim levels	Point: Opposes the setting of default or interim water regimes through this proposed NES. The interim flow levels are not relevant to the Gisborne region.  Relief sought: Direct regional authorities to prepare a range of locally relevant and practical default environmental flow regimes through the proposed NPS on Freshwater Management, within a practical timeframe.
38	Eastern Bay Orchards Ltd	Support	East Cape	Effect on regional & local plans	District plan  Point: Supports proposal for a time delay by Gisborne District Council, to provide more time to make a science-based assessment of the environmental flow needs for watercourses in the region.
38	Eastern Bay Orchards Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 2.
38	Eastern Bay Orchards Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 3.
39	Federated Farmers	Support in part	National	Q1 Problems & issues correct	Point: The proposed NES should focus on providing a process for selecting appropriate technical methods for evaluating the ecological component of the environmental flows and water levels.
39	Federated Farmers	Support in part	National	Q12 & 13 Benefits and costs	Point: Section 6.6 of the proposed NES does not provide justification.  Relief sought: The NES should not proceed until a rigorous and complete cost-benefit analysis indicates that it is justified.
39	Federated Farmers	Oppose	National	Process to adoption / involvement, consultation	Point: It is unsatisfactory that, beyond this submission process, there is no formal process for involvement by industry stakeholders.
39	Federated Farmers	Oppose	National	Q3 Need for interim levels	Point: If most water bodies have environmental flows/levels in place – and many of those that don't have relatively low demand – then what is the need for an NES  Relief sought: What is needed are processes (which we already have at a regional level) to set environmental flows of levels when these are needed.
39	Federated Farmers	Oppose	National	Q3 Need for interim levels	Point: The setting of interim limits, as proposed, conflicts with principle 1 of the Federated Farmers position on water allocation (that water allocation decisions must be based on sound information).
39	Federated Farmers	Oppose	National	Q4 Interim levels, proposed numbers	Point: Oppose the interim allocation limits for groundwater as they stand.  Relief sought: An allocation limit of 50% of total recharge.
39	Federated Farmers	Oppose	National	Q4 Interim levels, proposed numbers	Point: Oppose the use of MALF as a base figure for minimum flows and allocation limits.  Relief sought: Use of a flow sharing regime, where a fixed proportion of a flow is available for abstractive use.

No.	Name	Position	Region	Topics	Feedback
39	Federated Farmers	Oppose	National	Q4 Interim levels, proposed numbers, division of water bodies, scope – what's included	Point: Oppose the conservative approach taken to interim limits for wetlands. Relief sought: Protection of wetlands should be focused solely on areas where that degree of protection is justified. There should be a mechanism for assessing wetlands, using ecological significance criteria, so that an appropriate degree of protection can be established. A distinction be made between natural wetlands and wetlands constructed for a specific purpose such as effluent treatment.
39	Federated Farmers	Oppose	National	Q7, 8 & 9 Technical methods, approach proposed	Point: Undue prominence should not be given to trout and salmon habitat in the methodology for determining ecological flows and water levels. Relief sought: Trout should receive less prominence than indigenous species.
39	Federated Farmers	Oppose	National	Relationship with NPS & RMA, Q3 Need for interim levels	Point: Under RMA s30 it is the responsibility of regional councils to control the quantity, level and flow of water in any water body.
39	Federated Farmers	Support	National	Q4 Interim levels, scope – what's included	Point: Appreciate that the interim allocation limit will accommodate total allocation from the resource at the date the NES comes into force and support this aspect of the interim limit.
39	Federated Farmers	Support	National	Q5 Time limit for interim levels, time limit	Point: Do not request a rigid timeframe by which interim limits would need to be replaced by environmental flows and water levels.
40	Fonterra	Support in part	National	Applications, Q10 NES approaches to breaches	Point: It is probable that the proposed interim limits and levels will be inappropriate in many situations. Regional councils need to retain a level of discretion. Relief sought: Applications for authorisations to take water in excess of interim limits should be considered discretionary activities.
40	Fonterra	Support in part	National	Need, Q7, 8 & 9 Technical methods	Point: There should be consistency in the methodologies used in the determination of ecological flows. Relief sought: To minimise potential conflict the methodologies should be contained within an NES rather than a guidance document.
40	Fonterra	Support in part	National	Process to adoption / involvement, consultation	Point: If by the application of these definitions it is considered that the interim limits and levels will change, further consultation should occur before the NES is finalised.
40	Fonterra	Support in part	National	Q1 Problems & issues correct	Point: Agrees that there is a need for resource consent decisions to be made on the basis of known ecological flows and water levels. These are only some of the considerations that should be included. Relief sought: A balancing of community, environmental, social and economic objectives, informed by appropriate information and with knowledge of the consequences of the different options, should be the goal.
40	Fonterra	Support in part	National	Q1 Problems & issues correct	Point: The current process for setting ecological flows and water levels can be costly and contentious. It is unclear whether the draft NES, in its current state, will remove, reduce or merely shift this conflict.

No.	Name	Position	Region	Topics	Feedback
40	Fonterra	Support in part	National	Q11 Application of NES to existing and replacement consents	<p>Point: The situation should be as per table 2, with amendments.</p> <p>Relief sought: The minimum flow level contained within the existing and/or expired authorisations for which a renewal has been requested should remain in place until such time as the regional council determines specific minimum flow levels for the water body.</p>
40	Fonterra	Support in part	National	Q2 Options / alternatives	<p>Point: Appropriate consideration would seem to have been given to the various options available to address the problems and objectives identified.</p> <p>Relief sought: Consideration should be given to the development of other, complementary NESs to provide further guidance eg, for determining recreational flows.</p>
40	Fonterra	Support in part	National	Q4 Interim levels	<p>Point: Proposed interim limits require clarification. Ambiguity may be lessened by revising section 5.1.1.</p> <p>Relief sought: Revise to read: "On the date that the NES comes into force, the total allocation from the groundwater resource less any resource consents surrendered, lapsed, cancelled or expired and not replaced.</p> <p>"Total allocation' shall include all authorised water takes including, but not limited to, consent takes, permitted takes whether under the regional plan or other instrument, and takes provided for under s14 of the RMA."</p>
40	Fonterra	Support in part	National	Q4 Interim levels	<p>Point: Revise section 5.1.2.</p> <p>Relief sought: Section 5.1.2 to read: "On the date that the Standard comes into force, no change in water levels, beyond the water level variation that has already been provided for by existing authorisations.</p> <p>"Authorisations' shall include all authorised water takes including, but not limited to, consent takes, permitted takes whether under the regional plan or other instrument, and takes provided for under s14 of the RMA."</p>



No.	Name	Position	Region	Topics	Feedback
40	Fonterra	Support in part	National	Q4 Interim levels	<p>Point: Revise section 5.1.3.</p> <p>Relief sought:</p> <p>Revise (Mean flows less than or equal to 5 m<sup>3</sup>/s) to read: "On the date that the Standard comes into force, the total allocation from the groundwater resource less any resource consents surrendered, lapsed, cancelled or expired and not replaced.</p> <p>"Total allocation' shall include all authorised water takes including, but not limited to, consent takes, permitted takes whether under the regional plan or other instrument, and takes provided for under s14 of the RMA."</p> <p>Revise (Mean flows greater than 5 m<sup>3</sup>/s) to read: "On the date that the NES comes into force, the total allocation from the groundwater resource less any resource consents surrendered, lapsed, cancelled or expired and not replaced.</p> <p>"Total allocation' shall include all authorised water takes including, but not limited to, consent takes, permitted takes whether under the regional plan or other instrument, and takes provided for under s14 of the RMA."</p>
40	Fonterra	Support in part	National	Q4 Interim levels, division of water bodies	<p>Point: The NES should explicitly address the issue of the application of non-natural (controlled or artificial) lakes and waterways.</p> <p>Relief sought: Any resulting NES should explicitly state that it does not set interim water levels for non-natural lakes and waterways.</p>
40	Fonterra	Support in part	National	Q7, 8 & 9 Technical methods, new methods / innovation	<p>Point: Changes to methodologies should only occur when a review of the NES is carried out. Determination could be best carried out by an expert panel.</p>
40	Fonterra	Support in part	National	Scope of NES, effect on regional & local plans	<p>Point: The choice and appropriateness of the methodology used has the potential to become a point of conflict.</p> <p>Relief sought: NES to explicitly require regional councils to explain why the methodology was chosen when determining ecological flows.</p>
40	Fonterra	Support in part	National	Scope of NES, effect on regional & local plans	<p>Point: There may be some confusion as to when regional councils will be required to use the proposed methodologies to determine specific ecological flow limits for water bodies.</p> <p>Relief sought: Clarity is to be provided on this issue before finalising any subsequent NES.</p>
40	Fonterra	Oppose	National	Q11 Application of NES to existing and replacement consents	<p>Point: Limited consideration is given to water takes that are authorised through means other than resource consents.</p> <p>Relief sought: In finalising the proposed NES all currently authorised water takes are more fully considered and incorporated, and specifically that the volumes of water represented by all currently authorised takes is included in the determination of interim limits.</p>

No.	Name	Position	Region	Topics	Feedback
40	Fonterra	Oppose	National	Q4 Interim levels, Consultation, scope – what's included	<p>Point: It is not appropriate to allocate on the basis of MALF but would be more appropriate to allocate on the basis of a proportion of mean annual flow.</p> <p>Relief sought: If interim allocation limits are to be set within the NES revised appropriate limits, base of mean annual flow should be developed and undergo further consultation.</p>
40	Fonterra	Oppose	National	Q7, 8 & 9 Technical methods, approach proposed	<p>Point: Reference to salmonoids within a NES on ecological flows is inappropriate.</p> <p>Relief sought: These should be removed. Consideration of the needs of salmonoids should sit within an NES on recreational flows.</p>
40	Fonterra	Oppose	National	Q7, 8 & 9 Technical methods, approach proposed	<p>Point: The proposed methodology by which interim limits would be determined does not allow for flow sharing during periods of high flow.</p> <p>Relief sought: If interim limits are to be set within the NES, flow sharing must be incorporated within the methodology for setting allocation limits.</p>
40	Fonterra	Oppose	National	Scope of NES	<p>Point: The limits and levels would be better described as 'default' values. It is important that regional councils retain sufficient discretion to manage individual circumstances.</p> <p>Relief sought: Options to address this include:</p> <ol style="list-style-type: none"> <li>a) a timeframe within which councils must determine specific limits for waterbodies</li> <li>b) a trigger point which, when reached, requires regional council to enter into a process to determine specific limits for a water body</li> <li>c) remove the interim limits and levels from the NES.</li> </ol>
40	Fonterra	Oppose	National	Scope of NES, climate change	<p>Point: The discussion document does not seem to have been developed taking into account the implications and opportunities for New Zealand associated with predicted climate change.</p>
40	Fonterra	Oppose	National	Scope of NES, effect on applications	<p>Point: It is unclear whether the wet area associated with streams or rivers will be considered a wetland.</p> <p>Relief sought: Clear definitions of the various waterbodies should be provided and these should be based on appropriate existing definitions.</p>
40	Fonterra	Oppose	National	Scope of NES, effect on applications, effect on regional & local plans	<p>Point: Where a consent or a plan process has reached a notifiable state the NES should not necessarily be ignored.</p> <p>Relief sought: Remove paragraph 2 of section 5.3.</p>
40	Fonterra	Support	National	Q10 NES approaches to breaches, current breaches	<p>Point: Where currently consented takes exceed the interim limit, the takes should be allowed to continue for at least the life of the consents.</p>
41	Gedye Brothers	Support in part	East Cape	Effect on applications, Q4 Interim levels, proposed numbers	<p>Point: If the interim or default levels are kept in the proposed NES, we object to total allocation being reduced every time a permit is surrendered, lapses, is cancelled or replaced.</p> <p>Relief sought: Other water users should have the option to apply for available water that is not already allocated to an existing user.</p>

No.	Name	Position	Region	Topics	Feedback
41	Gedye Brothers	Oppose	East Cape	Other	Point: Reduction in available water is a concern. Access to water is crucial for continued use of the land to continue growing the regional and national economy.
41	Gedye Brothers	Oppose	East Cape	Q3 Need for interim levels	Point: Oppose the setting of default or interim water regimes through this proposed NES. The interim flow levels are not relevant to the Gisborne region.  Relief sought: Direct regional authorities to prepare a range of locally relevant and practical default environmental flow regimes through the proposed NPS on Freshwater Management, within a practical timeframe.
41	Gedye Brothers	Support	East Cape	Effect on regional & local plans	District plan  Point: Supports proposal for a time delay by Gisborne District Council, to provide more time to make a science-based assessment of the environmental flow needs for watercourses in the region.
41	Gedye Brothers	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 2.
41	Gedye Brothers	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 3.
42	Horticulture NZ	Support in part	National	Applications,Q10 NES approaches to breaches	Point: Opposes the adoption of interim limits in this proposed NES.  Relief sought: Should they be included, non-complying status should be given.
42	Horticulture NZ	Support in part	National	Apply to all water bodies, scope of NES	Point: The proposed NES should either identify how artificial waterbodies are subject to the NES provisions or provide specific guidance on any exemptions relevant to artificial waterbodies.
42	Horticulture NZ	Support in part	National	Q1 Problems & issues correct	Point: Agrees that there is some benefit in providing some national direction to address this problem. However, the interim flows that are being defined for small water courses are proving contentious in regions and are resulting in a reduction of available water from present allocation levels.  Relief sought: It would be more appropriate to direct regional authorities to make locally relevant decisions about these watercourses within their jurisdiction through the process for establishing an NPS for Freshwater Management.
42	Horticulture NZ	Support in part	National	Q11 Application of NES to existing and replacement consents	Point: Basically supports the proposals as outlined in table 2, but does not support the interim levels proposed as part of the proposed NES.
42	Horticulture NZ	Support in part	National	Q2 Options / alternatives	Point: All relevant options have been assessed, but incorrect decisions have been made about the most effective mix of options.  Relief sought: Preferred option is a mix of the options considered. Use this proposed NES to directly prescribe the methodology and circumstances for regional authorities to use the appropriate technical methods. Use a national directive, such as the NPS on Freshwater Management, to direct the establishment of default flow regimes on waterbodies where flow regimes are currently not set at a regional level within a certain time period. Use national guidelines to assist regional councils in setting default regimes on waterbodies where flow regimes are currently not set at a regional level.

No.	Name	Position	Region	Topics	Feedback
42	Horticulture NZ	Support in part	National	Q4 Interim levels, proposed numbers	<p>Point: Should default or interim flows be included in the NES, they should set a 'low bar'.</p> <p>Relief sought: The following interim flows are suggested:</p> <p>Aquifers (shallow, coastal) – An allocation limit of, whichever is the greater of:</p> <ul style="list-style-type: none"> <li>a) 50% of the average annual recharge as calculated by the method proposed in the NES</li> <li>b) the total allocation from the groundwater resource on the date the NES comes into force.</li> </ul> <p>All other aquifers – An allocation limit of, whichever is the greater of:</p> <ul style="list-style-type: none"> <li>c) 50% of the average annual recharge as calculated the method proposed in the NES</li> <li>d) the total allocation from the groundwater resource on the date that the NES comes into force.</li> </ul> <p>For groundwater that is shown to be connected to adjacent surface water – The regional authority should be directed to conduct an investigation and determine appropriate allocation limits once the nature of the connectivity is understood.</p> <p>Wetlands – No change in water levels, beyond the water level variation that has already been provided for by existing resource consents on the date the NES comes into force.</p> <p>For rivers and streams with mean flows less than or equal to 5 m<sup>3</sup>/s – A minimum flow of 90% of the MALF as calculated by the regional council and an allocation limit of, whichever is the greater of:</p> <ul style="list-style-type: none"> <li>e) a percentage of mean annual flow (as opposed to mean annual low flow), the percentage to be determined by the regional authority through consultation.</li> <li>f) the total allocation from the catchment on the date the NES comes into force.</li> </ul> <p>For rivers and streams with mean flows greater than 5 m<sup>3</sup>/s – A minimum flow of 80% of MALF as calculated by the regional council and an allocation limit of, whichever is the greater of:</p> <ul style="list-style-type: none"> <li>g) 50% of MALF as calculated by the regional council</li> <li>h) the total allocation from the catchment on the date that the NES comes into force.</li> </ul>
42	Horticulture NZ	Support in part	National	Q5 Time limit for interim levels, time limit, how implement	<p>Point: Does not support the interim limits and considers that they will become defaults.</p> <p>Relief sought: Should the default limits become part of the NES, then they should be time bound, with a sunset clause based on the date by which the NPS on Freshwater Management directs regional authorities to develop locally relevant defaults.</p>

No.	Name	Position	Region	Topics	Feedback
42	Horticulture NZ	Support in part	National	Q7, 8 & 9 Technical methods, new methods / innovation	Point: A technical committee would be appropriate to review and make recommendations. Reviews of existing and proposed methods would require public consultation before inclusion in the technical methods document.  Consideration will be required for how reviews of the technical publication will be managed with respect to amending the NES in future.
42	Horticulture NZ	Oppose	National	Other	Point: Wetlands are not defined in the NES.  Relief sought: The NES could provide more clarity and certainty by providing a definition through consultation.
42	Horticulture NZ	Oppose	National	Other	Point: No definition is made of the term recharge.  Relief sought: Define how recharge is to be calculated.
42	Horticulture NZ	Oppose	National	Other	Point: The definition of consumptive uses is not useful as no use is fully consumptive.  Relief sought: Delete the definition.
42	Horticulture NZ	Oppose	National	Q12 & 13 Benefits and costs	Point: Does not consider that the analysis provided is complete enough to make the decisions being sought in the proposed NES.  Relief sought: The process be reviewed and further submissions sought through the Board of Inquiry process for the proposed NPS on Freshwater Management once the final cost-benefit analysis has been completed and published.
42	Horticulture NZ	Oppose	National	Q2 Options / alternatives	Point: Disagrees on the choice of the preferred option.  Relief sought: Would agree with the preferred option should the proposed NES limit itself to direct the following: "A process for selecting the appropriate technical methods for evaluating the ecological component of environmental flows and water levels. The proposed NES endorses the use of simple methods if there is low demand for water and more sophisticated methods as the amount of allocation demand increases. The process would apply when new environmental flows and water levels were added to a plan, [or] where existing ones were reviewed".
42	Horticulture NZ	Oppose	National	Q2 Options / alternatives	Point: There is little explanation for why regional authorities are not considered the appropriate decision-making authority for determining default flow regimes.  Relief sought: Given the requirements of section 35, regional authorities are the most capable agencies to set locally relevant default flow regimes.
42	Horticulture NZ	Oppose	National	Q2 Options / alternatives	Point: The discussion document does not clearly articulate how transparency is improved by the decision to institute a method for determining interim flows at a national level.  Relief sought: Remove the proposed interim flow regimes from the NES. Provision is made in the NPS to direct regional authorities to establish locally relevant default flow regimes on waterbodies where flows are currently not set by regional plans.
42	Horticulture NZ	Oppose	National	Q2 Options / alternatives	Point: An alternative NES would not be desirable, and is not supported.

No.	Name	Position	Region	Topics	Feedback
42	Horticulture NZ	Oppose	National	Q3 Need for interim levels	<p>Point: Does not support the need for interim limits set through an NES.</p> <p>Relief sought: Remove the proposed interim flow regimes from the NES. Provision made in the NPS to direct regional authorities to establish locally relevant default flow regimes on waterbodies where flows are currently not set by regional plans.</p>
42	Horticulture NZ	Oppose	National	Q3 Need for interim levels	<p>Point: Disagrees with the use of the term 'interim' to describe the default flow regimes proposed.</p> <p>Relief sought: If it is not considered desirable for the interim limits to become default limits, then the NES should not impose interim limits in the manner proposed.</p>
42	Horticulture NZ	Oppose	National	Q4 Interim levels, scope – what's included	<p>Point: If the interim flow regimes are not removed from the NES, we would like to see amendments to the proposed levels.</p> <p>Relief sought: Remove the following wording from sections 5.1.1 and 5.1.3, "... on the date that the NES comes into force less any resource consents surrendered, lapsed, cancelled or not replaced."</p>
42	Horticulture NZ	Oppose	National	Q7, 8 & 9 Technical methods, approach proposed	<p>Point: Ensure the protection of habitat for trout and salmon in a water body is not regarded as part of the assessment for ecological flow, but rather for environmental flow.</p>
42	Horticulture NZ	Support	National	Apply to existing consents, Q6 Inclusion of existing consents in limits	<p>Point: Through a plan change initiated under RMA s65.</p>
42	Horticulture NZ	Support	National	Need, Q7, 8 & 9 Technical methods	<p>Point: Supports consistency in the use of technical methods and is supportive of this NES developing national direction on technical methods.</p>
43	Illawarra Ltd	Support in part	East Cape	Effect on applications, Q4 Interim levels, proposed numbers	<p>Point: If the interim or default levels are kept in the proposed NES, we object to total allocation being reduced every time a permit is surrendered, lapses, is cancelled or replaced.</p> <p>Relief sought: Other water users should have the option to apply for available water that is not already allocated to an existing user.</p>
43	Illawarra Ltd	Oppose	East Cape	Other	<p>Point: Reduction in available water is a concern. Access to water is crucial for continued use of the land to continue growing the regional and national economy.</p>
43	Illawarra Ltd	Oppose	East Cape	Q3 Need for interim levels	<p>Point: Opposes the setting of default or interim water regimes through this proposed NES. The interim flow levels are not relevant to the Gisborne region.</p> <p>Relief sought: Direct regional authorities to prepare a range of locally relevant and practical default environmental flow regimes through the proposed NPS on Freshwater Management, within a practical timeframe.</p>
43	Illawarra Ltd	Support	East Cape	Effect on regional & local plans	<p>District plan</p> <p>Point: Supports proposal for a time delay by Gisborne District Council, to provide more time to make a science-based assessment of the environmental flow needs for watercourses in the region.</p>

No.	Name	Position	Region	Topics	Feedback
43	Illawarra Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 2.
43	Illawarra Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 3.
44	Judco Ltd	Support in part	East Cape	Effect on applications, Q4 Interim levels, proposed numbers	Point: If the interim or default levels are kept in the proposed NES, we object to total allocation being reduced every time a permit is surrendered, lapses, is cancelled or replaced.  Relief sought: Other water users should have the option to apply for available water that is not already allocated to an existing user.
44	Judco Ltd	Oppose	East Cape	Other	Point: Reduction in available water is a concern to Judco Ltd. Access to water is crucial for continued use of the land to continue growing the regional and national economy.
44	Judco Ltd	Oppose	East Cape	Q3 Need for interim levels	Point: Opposes the setting of default or interim water regimes through this proposed NES. The interim flow levels are not relevant to the Gisborne region.  Relief sought: Direct regional authorities to prepare a range of locally relevant and practical default environmental flow regimes through the proposed NPS on Freshwater Management, within a practical timeframe.
44	Judco Ltd	Support	East Cape	Effect on regional & local plans	District plan  Point: Supports proposal for a time delay by Gisborne District Council, to provide more time to make a science-based assessment of the environmental flow needs for watercourses in the region.
44	Judco Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 2.
44	Judco Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 3.
45	Kaiaponi Farms Ltd	Support in part	East Cape	Effect on applications, Q4 Interim levels, proposed numbers	Point: If the interim or default levels are kept in the proposed NES, we object to total allocation being reduced every time a permit is surrendered, lapses, is cancelled or replaced.  Relief sought: Other water users should have the option to apply for available water that is not already allocated to an existing user.
45	Kaiaponi Farms Ltd	Oppose	East Cape	Other	Point: Reduction in available water is a concern. Access to water is crucial for continued use of the land to continue growing the regional and national economy.
45	Kaiaponi Farms Ltd	Oppose	East Cape	Q3 Need for interim levels	Point: Opposes the setting of default or interim water regimes through this proposed NES. The interim flow levels are not relevant to the Gisborne region.  Relief sought: Direct regional authorities to prepare a range of locally relevant and practical default environmental flow regimes through the proposed NPS on Freshwater Management, within a practical timeframe.

No.	Name	Position	Region	Topics	Feedback
45	Kaiaponi Farms Ltd	Support	East Cape	Effect on regional & local plans	District plan: Point: Supports proposal for a time delay by Gisborne District Council, to provide more time to make a science-based assessment of the environmental flow needs for watercourses in the region.
45	Kaiaponi Farms Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 2.
45	Kaiaponi Farms Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 3.
46	LeaderBrand Produce Ltd	Support in part	East Cape	Effect on applications, Q4 Interim levels, proposed numbers	Point: If the interim or default levels are kept in the proposed NES, we object to total allocation being reduced every time a permit is surrendered, lapses, is cancelled or replaced. Relief sought: Other water users should have the option to apply for available water that is not already allocated to an existing user.
46	LeaderBrand Produce Ltd	Oppose	East Cape	Other	Point: Considers that the Gisborne region does not have the type of water allocation problem that the NES has been proposed to solve.
46	LeaderBrand Produce Ltd	Oppose	East Cape	Q3 Need for interim levels	Point: Opposes the setting of default or interim water regimes through this proposed NES. The interim flow levels are not relevant to the Gisborne region. Relief sought: It would be more appropriate to direct regional authorities to prepare a range of locally relevant and practical default environmental flow regimes (for example, through the proposed NPS on Freshwater Management) within a practical timeframe.
46	LeaderBrand Produce Ltd	Oppose	East Cape	Q4 Interim levels	Point: Objects strongly to the proposed default flow regime in the NES discussion document. The potential reduction in available water would impact severely on the viability of its current business and its prospects for continued investment in the Gisborne region.
46	LeaderBrand Produce Ltd	Support	East Cape	Effect on regional & local plans	District plan Point: Supports proposal for a time delay by Gisborne District Council, to provide more time to make a science-based assessment of the environmental flow needs for watercourses in the region.
46	LeaderBrand Produce Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 2.
46	LeaderBrand Produce Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 3.
47	Meat & Wool NZ	Support in part	National	Q12 &13 Benefits and costs	Point: A further, more detailed analysis of the costs and benefits should be undertaken after consultation on this discussion document.



No.	Name	Position	Region	Topics	Feedback
47	Meat & Wool NZ	Support in part	National	Q7, 8 & 9 Technical methods, approach proposed	Point: There is a need for more clarity on the definition of an ecological flow or water level.  Relief sought: More clarity is required around whether the flora and fauna to be maintained refers to the original native species, or those present in the system at a given point in time.
47	Meat & Wool NZ	Support in part	National	Q7, 8 & 9 Technical methods, new methods / innovation, consultation	Point: Where changes, revisions, additions or deletions are to be made to the methodologies for determining ecological flows contained within the NES, these should only occur when a review of the NES is carried out. A robust consultation process should be followed.
47	Meat & Wool NZ	Support in part	National	Renewals & clawback, apply to existing consents, Q6 Inclusion of existing consents in limits	Point: Supports the proposal not to require clawback of existing consents.  Relief sought: Extended to include all other existing authorisations, whether consented takes, permitted takes under a regional plan or other instrument, or takes provided for under RMA s14. Currently authorised water takes for domestic, stock water or fire fighting purposes should be more fully incorporated into the proposed NES, and the volumes of water represented by all currently authorised takes should be included in the determination of interim levels.
47	Meat & Wool NZ	N/A	National	Applications, Q10 NES approaches to breaches	Point: If a trigger point mechanism is in place, then any application for resource consents in excess of the interim limits would require the regional council to determine environmental or ecological flows and allocation limits specific to that water body.
47	Meat & Wool NZ	N/A	National	Other	Point: All water bodies require clear definition. There is no clear definition of what constitutes a non-natural lake, and no clear conclusion made about the requirement for setting minimum levels.  Relief sought: Clear definitions of the various water bodies should be provided with the proposed NES, and where appropriate these should be based on appropriate existing definitions. Explicitly state the definition of a non-natural water body, and clearly identify that non-natural water bodies are exempt from the proposed NES. The definition of what constitutes a groundwater 'take' requires more consideration. More definition is required about what constitutes a wetland.
47	Meat & Wool NZ	N/A	National	Process to adoption / involvement, consultation	Point: Provide more information to stakeholders on how the proposed interim limits for groundwater and rivers and streams were determined.
47	Meat & Wool NZ	N/A	National	Scope of NES, relationship with NPS & RMA	Point: The proposal concentrates on ecological aspects only, and does not provide guidance to decision-makers on the weighting to give ecological values, or how to incorporate social and economic values into environmental flow decisions. The determination of appropriate environmental flows and water levels should remain a regional council decision, with the NES giving direction on the ecological flow component, except where an interim limit is required.  Relief sought: National direction on environmental flows would be best provided for at a NPS level rather than a NES level.

No.	Name	Position	Region	Topics	Feedback
47	Meat & Wool NZ	Oppose	National	Q3 Need for interim levels	Point: Questions the need for setting interim limits.  Relief sought: Investigate further whether interim limits are actually required, and whether the costs to all parties of imposing interim limits actually outweigh the benefits.
47	Meat & Wool NZ	Oppose	National	Q4 Interim levels	Point: Further investigate other methods for determining interim limits for rivers and streams. The use of allocation limits or caps based on a fixed proportion of MALF is not necessarily the most appropriate mechanism to provide for required ecological flow whilst ensuring most efficient use of available water.  Relief sought: Flow sharing arrangements are likely to be more suitable and allow more efficient use of available water whilst maintaining flow variability.
47	Meat & Wool NZ	Oppose	National	Q5 Time limit for interim levels, time limit, how to implement	Point: Interim limits and levels could be in place for a considerable period of time, which could impact negatively on current and potential water users.  Relief sought: A trigger point should be determined, which when reached would require regional councils to enter into a process to determine specific environmental or ecological flows and allocation limits for a water body, for those water bodies where an interim limit is imposed.
47	Meat & Wool NZ	Support	National	Need, Q7, 8 & 9 Technical methods	Point: Agrees that there is a need to reduce conflict and provide consistency on the appropriate technical methods used to assess the ecological component of environmental flows and water levels.
47	Meat & Wool NZ	Support	National	Q1 Problems & issues correct	Point: Agrees with the problem statements and objectives.
47	Meat & Wool NZ	Support	National	Q11 Application of NES to existing and replacement consents	Point: Supports the proposal in this discussion document not to require clawback of existing consents specifically to meet the interim allocation limit for ecological flows and water levels.
48	NZ Institute of Forestry	Support in part	National	Q3 Need for interim levels	Point: Developing interim limits for which there are no limits set in a regional plan is an appropriate approach, and can be done through setting an NES.  Relief sought: These should not be developed in isolation of other aspects of water management.
48	NZ Institute of Forestry	Oppose	National	Other	Point: There is no definition of the word 'abstraction'.  Relief sought: A definition of this term must be included in any future document. Confirm that with respect to the proposed NES, abstraction does not include interception of rainfall, and is instead restricted to the physical removal of water from rivers and streams, lakes, wetlands and groundwater.
48	NZ Institute of Forestry	Oppose	National	Q7, 8 & 9 Technical methods, approach proposed	Point: It is inappropriate to look at water flows in isolation of water quality parameters.  Relief sought: Specific consideration be given to the role of vegetation in determining true environmental low flows.
48	NZ Institute of Forestry	Support	National	Q1 Problems & issues correct	Point: Supported.

No.	Name	Position	Region	Topics	Feedback
48	NZ Institute of Forestry	Support	National	Q5 Time limit for interim levels, time limit	Point: These rules should have a finite life. Relief sought: Any interim regulations should have a finite life of 10 years.
49	Patutahi Pipeline Ltd	Support in part	East Cape	Effect on applications, Q4 Interim levels, proposed numbers	Point: If the interim or default levels are kept in the proposed NES, we object to total allocation being reduced every time a permit is surrendered, lapses, is cancelled or replaced. Relief sought: Other water users should have the option to apply for available water that is not already allocated to an existing user.
49	Patutahi Pipeline Ltd	Oppose	East Cape	Q3 Need for interim levels	Point: Patutahi Pipeline Limited oppose the setting of default or interim water regimes through this proposed NES. The interim flow levels are not relevant to the Gisborne region. Relief sought: Direct regional authorities to prepare a range of locally relevant and practical default environmental flow regimes through the proposed NPS on Freshwater Management, within a practical timeframe.
49	Patutahi Pipeline Ltd	Support	East Cape	Effect on regional & local plans	District plan Point: Supports proposal for a time delay by Gisborne District Council, to provide more time to make a science-based assessment of the environmental flow needs for watercourses in the region.
49	Patutahi Pipeline Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 2.
49	Patutahi Pipeline Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 3.
50	Riversun Nursery Ltd	Support in part	East Cape	Effect on applications, Q4 Interim levels, proposed numbers	Point: If the interim or default levels are kept in the proposed NES, Riversun Nursery Ltd would object to total allocation being reduced every time a permit is surrendered, lapses, is cancelled or replaced. Relief sought: Other water users should have the option to apply for available water that is not already allocated to an existing user.
50	Riversun Nursery Ltd	Oppose	East Cape	Other	Point: Reduction in available water is a concern. Access to water is crucial for continued use of the land to continue growing the regional and national economy.
50	Riversun Nursery Ltd	Oppose	East Cape	Q3 Need for interim levels	Point: Opposes the setting of default or interim water regimes through this proposed NES. The interim flow levels are not relevant to the Gisborne region. Relief sought: A more transparent approach would be to direct regional authorities to prepare a range of locally relevant and practical default environmental flow regimes through the proposed NPS on Freshwater Management, within a practical timeframe.
50	Riversun Nursery Ltd	Support	East Cape	Effect on regional & local plans	District plan Point: Supports proposal for a time delay by Gisborne District Council, to provide more time to make a science-based assessment of the environmental flow needs for watercourses in the region.

No.	Name	Position	Region	Topics	Feedback
50	Riversun Nursery Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 2.
50	Riversun Nursery Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 3.
51	Riverton Orchard	Support in part	East Cape	Effect on applications, Q4 Interim levels, proposed numbers	Point: If the interim or default levels are kept in the proposed NES, we object to total allocation being reduced every time a permit is surrendered, lapses, is cancelled or replaced. Relief sought: Other water users should have the option to apply for available water that is not already allocated to an existing user.
51	Riverton Orchard	Oppose	East Cape	Other	Point: Reduction in available water is a concern. Access to water is crucial for continued use of the land to continue growing the regional and national economy.
51	Riverton Orchard	Oppose	East Cape	Q3 Need for interim levels	Point: Opposes the setting of default or interim water regimes through this proposed NES. The interim flow levels are not relevant to the Gisborne region. Relief sought: Direct regional authorities to prepare a range of locally relevant and practical default environmental flow regimes through the proposed NPS on Freshwater Management, within a practical timeframe.
51	Riverton Orchard	Support	East Cape	Effect on regional & local plans	District plan Point: Supports proposal for a time delay by Gisborne District Council, to provide more time to make a science-based assessment of the environmental flow needs for watercourses in the region.
51	Riverton Orchard	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 2.
51	Riverton Orchard	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 3.
52	Wairakei Pastoral Ltd	Support in part	Waikato	Applications, Q10 NES approaches to breaches	Point: The exact approach for addressing breaches depends on the extent to which rights to water use can be exchanged. Relief sought: Breach of interim limits should be discretionary not non-complying activities. Discretionary activity resource consent applications will provide the technical analysis to enable more realistic allocation thresholds to be determined in given cases.
52	Wairakei Pastoral Ltd	Support in part	Waikato	Need, Q7, 8 & 9 Technical methods	Point: It is important to do this assessment somehow, for ecological values are derived from human preferences. To confine the process to a national process will not yield ecological values that are appropriate to all locales. Relief sought: Sound application of accepted scientific method is required and should be applied consistently.

No.	Name	Position	Region	Topics	Feedback
52	Wairakei Pastoral Ltd	Support in part	Waikato	Q11 Application of NES to existing and replacement consents	Point: Applying the interim limits to existing resource consents can amount to a regulatory taking for which compensation should be provided.  Relief sought: Resource consent applications that breach interim limits should be decided as discretionary activities. Table 2 should be specifically amended to provide for discretionary activities rather than non-complying activities.
52	Wairakei Pastoral Ltd	Support in part	Waikato	Q12 & 13 Benefits and costs	Point: While the correct factual will be the proposed NES model, providing for a centralised framework, the appropriate counterfactual might reasonably be the requirement of regional councils to provide for all water values (including ecological) in their regional plans in assessment of effects by means of a cost-benefit analysis.
52	Wairakei Pastoral Ltd	Support in part	Waikato	Q3 Need for interim levels	Point: Interim limits should be set as recommended in the NES only for those rivers for which no limits are set in proposed or operative regional plans.  Relief sought: For rivers or groundwater systems where no minimum flow is set in proposed or operative regional plans, interim limits should not apply where take and use is allowed under the plan and exemptions should be based on take levels and effects on ecological values.
52	Wairakei Pastoral Ltd	Support in part	Waikato	Q3 Need for interim levels	Point: Interim limits set through an NES are inconsistent with the RMA.  Relief sought: The use of interim limits in the NES should generally be restricted to those river and groundwater systems that are not regulated at local level by limits in proposed or operative regional rules.
52	Wairakei Pastoral Ltd	Support in part	Waikato	Q4 Interim levels, scope – what's included	Point: NES admits the search for an appropriate rule, which will be subject to lobby group pressure rather than reflecting socially beneficial uses of water in the particular location.
52	Wairakei Pastoral Ltd	Support in part	Waikato	Q7, 8 & 9 Technical methods, approach proposed	Point: To set flows purely on ecological grounds assumes there are standards that transcend human valuation and are intrinsic to the environment alone. By imposing intrinsic valuations on the environment, the setting of interim limits takes away the ability to undertake a proper cost-benefit analysis consistent with economic efficiency under the RMA.  Relief sought: There must be trade-offs among alternative uses whose social valuations reflect those trade-offs.
52	Wairakei Pastoral Ltd	Support in part	Waikato	Q7, 8 & 9 Technical methods, new methods / innovation	Point: Innovation in assessment and methods will be curtailed because the existing rules will become the benchmark around which arguments will be couched for all sorts of motivations.  Relief sought: Decentralised systems enable change to evolve, perhaps at different rates in different locales, in the way that ensures that desirable innovation does appear.
52	Wairakei Pastoral Ltd	Oppose	Waikato	Q1 Problems & issues correct	Point: Does not agree that it is necessarily a problem that there are some water bodies that have no specific environmental flows/levels or upper allocation limits.

No.	Name	Position	Region	Topics	Feedback
52	Wairakei Pastoral Ltd	Oppose	Waikato	Q1 Problems & issues correct	Point: The importance of existing demand stated on p 7: "Environmental flow decisions determine how much water will stay in a water body, but that decision is influenced by existing and potential demands for water". This is not taken account of, in framing the problem statements.
52	Wairakei Pastoral Ltd	Oppose	Waikato	Q1 Problems & issues correct	Point: If the existing system has preserved small streams with low levels of demand, then there is no need to impose costly solutions to fix a problem that does not exist.
52	Wairakei Pastoral Ltd	Oppose	Waikato	Q1 Problems & issues correct	Point: RMA as it stands is designed to enjoin the consideration of effects in developments, and there is no reason adduced as to its ineffectualness in this regard.
52	Wairakei Pastoral Ltd	Oppose	Waikato	Q1 Problems & issues correct	Point: Small streams are not defined and it is likely that enforcement of rules about small stream flows, however defined, will abrogate associated wider property rights.
52	Wairakei Pastoral Ltd	Oppose	Waikato	Q5 Time limit for interim levels	Point: Interim limits should not apply where relevant proposed or operative regional plan provisions are currently in place and other regional councils should be encouraged to notify plan changes or variations within a reasonable time period of the NES coming into force.
52	Wairakei Pastoral Ltd	Oppose	Waikato	Q5 Time limit for interim levels, time limit, how to implement	Point: Specifying interim flows or levels with a short time period will create uncertainty amongst water users and affect investment incentives.  Relief sought: Water rights should be perpetual, and for this reason any interim flows or water levels should also apply for a relatively long time period. Where interim flows and levels need to be changed to reflect new information that comes to hand, the time limit and the terms and conditions of when changes can be made should be clearly specified. A compensation mechanism should be developed <i>ex ante</i> for the treatment of reductions in existing water allocations.
52	Wairakei Pastoral Ltd	Oppose	Waikato	Q6 Inclusion of existing consents in limits	Point: With regards to whether the catchment is actually 'over-allocated', this matter is best addressed at regional level on a practical rather than a theoretical level.
52	Wairakei Pastoral Ltd	Oppose	Waikato	Renewals & clawback, Q6 Inclusion of existing consents in limits	Point: Clawback of existing consents amounts to a regulatory taking of existing rights on which people have relied.  Relief sought: Where a regulatory taking does occur, compensation is the appropriate mechanism to reflect the value lost by the consent holder.
53	Fish & Game NZ	Support in part	National	Applications, Q10 NES approaches to breaches	The benefit of the NES will be to cause councils and applicants to test proposals against a consistent approach.  Applications that go beyond specified limits should be prohibited to improve certainty and to encourage the use of consistent methods.
53	Fish & Game NZ	Support in part	National	Need, Q7, 8 & 9 Technical methods, new methods / innovation, approach proposed	Consistency in methods is supported but there needs to be some room for methods other than in-stream flow modelling to be researched and/or implemented.  Methods for recreational and other 'non-ecological' in-stream values need to be included as a matter of urgency, and the NES needs to ensure that these are considered from the outset, even if the methods are not yet widely applied.

No.	Name	Position	Region	Topics	Feedback
53	Fish & Game NZ	Support in part	National	Q11 Application of NES to existing and replacement consents	The NES must use interim limits until such time as the full 'environmental' flows and/or levels have been established through a regional planning process. Where over-allocation has occurred, both a prohibition on further abstraction and some methods to reduce allocation should be set out in regional plans.
53	Fish & Game NZ	Support in part	National	Q2 Options / alternatives	Agree most alternatives have been considered, with some amendments.
53	Fish & Game NZ	Support in part	National	Q3 Need for interim levels	Interim limits are necessary and long overdue. Questions: <ul style="list-style-type: none"> <li>- Will they apply to regions that don't currently have regional plans</li> <li>- What emphasis will go into the renewal of regional plans</li> </ul> A clear time-bound process together with reviews of regional council performance in this is essential to make the NES function most effectively.
53	Fish & Game NZ	Support in part	National	Q4 Interim levels, scope – what's included	Have difficulty with lack of recognition of non-ecological 'environmental flows' or methods for dealing with these.  The amount of 'available water' cannot be fully specified until environmental flows or levels have been first provided for.
53	Fish & Game NZ	Support in part	National	Range, Accuracy, Q12 & 13 Benefits and costs	Agree that costs and benefits in table 5 are generally accurate. Those currently being supported by over-abstraction could face significantly increased costs that do not appear to have been accounted for. This could be counteracted to a degree by finding methods of water augmentation if this is economically viable.
53	Fish & Game NZ	Support in part	National	Range, Accuracy, Q12 & 13 Benefits and costs	No account has been made of intangible or non-monetary costs and benefits and ecosystem services.  Considerable costs to advocacy groups has not been accounted for.
53	Fish & Game NZ	Support in part	National	Renewals & clawback, Apply to existing consents, Q6 Inclusion of existing consents in limits	Clawback needs to be provided for where over-allocation has occurred. However, this is unlikely to be directly achievable by an NES provision.  The NES should state that some mechanism must be included in regional plans to achieve this. However, the issue of any new consents, including renewals, must provide some means of reducing over-allocation.
53	Fish & Game NZ	Support	National	Q1 Problems & issues correct	Agree that 'available water' or 'abstraction limit' needs to be specified.
53	Fish & Game NZ	Support	National	Q5 Time limit for interim levels	Supported.
54	Jet Boating NZ	Support in part	Canterbury	Need, Q7, 8 & 9 Technical methods	Guidance by reference within the document provides sufficient statutory weight. Consistency is required but method will change with time.
54	Jet Boating NZ	Support in part	Canterbury	Q6 Inclusion of existing consents in limits	No provision is made for recreational or amenity use. Consent holders are considered but other river users are not.

No.	Name	Position	Region	Topics	Feedback
54	Jet Boating NZ	N/A	Canterbury	Applications, Q10 NES approaches to breaches	Applications for resource consent breach, the interim limits should have 'prohibited' status.
54	Jet Boating NZ	N/A	Canterbury	Q12 &13 Benefits and costs	No additional information suggested.
54	Jet Boating NZ	N/A	Canterbury	Q7, 8 & 9 Technical methods, approach proposed	New methods should be included as time arises, by being able to be incorporated by references to NES.
54	Jet Boating NZ	N/A	Canterbury	Scope of NES, Implementation / resource costs	Point: Significant technical support and resources will be required to implementation of the NES. Regional councils do not have that capacity and expertise to undertake the implementation of the NES. Relief sought: Government need to resource and provide financial support.
54	Jet Boating NZ	Support	Canterbury	Q1 Problems & issues correct	Agree with the problem statements.
54	Jet Boating NZ	Support	Canterbury	Q11 Application of NES to existing and replacement consents	Support the approach taken in table 2.
54	Jet Boating NZ	Support	Canterbury	Q2 Options / alternatives	Agreed. All viable alternatives have been described.
54	Jet Boating NZ	Support	Canterbury	Q3 Need for interim levels	Agreed. Support the need for interim limits in absence of anything else.
54	Jet Boating NZ	Support	Canterbury	Q4 Interim levels, division of water bodies	The diversions given are sufficient. It is important to make process less complicated.
54	Jet Boating NZ	Support	Canterbury	Q5 Time limit for interim levels, time limit, how to implement	Support the interim flows and levels not be time-dependent, they are a default until the time they are superseded.
54	Jet Boating NZ	Support	Canterbury	Q7, 8 & 9 Technical methods, approach proposed	Support approach for rivers in the document, but improved investigation techniques are required for hydrology of un-gauged catchments.
54	Jet Boating NZ	Support	Canterbury	Scope of NES	Point: Recreational interest groups are not adequately being represented when decisions are made. Relief sought: Other values (including recreational, amenity and tangata whenua values) be adequately addressed.
54	Jet Boating NZ	Support	Canterbury	Scope of NES	Support the content of the NES and accompanying technical guideline document.



No.	Name	Position	Region	Topics	Feedback
55	Otago Canoe and Kayak Club	Support in part	Otago	Scope of NES	Point: Needs of recreational kayakers should be included in the forum or discussion document. Relief sought: NES should – include recreational kayaking to assist with defining adequate flow variation and the capping of total abstraction – manage growing demand of water through national direction to protect recreational and environmental values.
55	Otago Canoe and Kayak Club	N/A	Otago	Scope of NES, Q4 Interim levels, scope – what's included	Support setting of interim limits using a precautionary approach to preserve recreational and environmental values.
56	NZ Recreational Canoeing Ass	Support in part	South Island	Q2 Options / alternatives	Prefer option1, with the addition of recreational flows.
56	NZ Recreational Canoeing Ass	Support in part	South Island	Q3 Need for interim levels	Strongly supports the introduction of interim limits, set using recreational as well as ecological criteria.
56	NZ Recreational Canoeing Ass	Support in part	South Island	Q7, 8 & 9 Technical methods, approach proposed	Question is moot. Recreational flows need to be considered also.
56	NZ Recreational Canoeing Ass	N/A	South Island	Q7, 8 & 9 Technical methods, new methods / innovation	Review cycles need to be incorporated into NES.
56	NZ Recreational Canoeing Ass	N/A	South Island	Scope of NES	Objectives of the NES cannot be met without incorporating recreational flows. Objective 3 may be achieved by the proposed NES. Objective 1 and 2 cannot be achieved by a solely ecological flow standard.
56	NZ Recreational Canoeing Ass	N/A	South Island	Scope of NES	Requests recreational flows are incorporated into the NES currently under development. It is pointless to create a 'recreational flow standard' or create extra breach process.
56	NZ Recreational Canoeing Ass	N/A	South Island	Scope of NES	An NES including recreational flow technical methods and interim limits is urgently required. Existing environmental flows and water levels do not always clearly define the available water. Lists of rivers valuable to kayakers are under consideration for hydro- development this year.
56	NZ Recreational Canoeing Ass	N/A	South Island	Scope of NES	There is no good reason not to incorporate recreational flows into NES. There are examples of similar work: eg, 'Flows and Recreations'. NZRAC supports using these as the basis of the recreational flows component of the NES.
56	NZ Recreational Canoeing Ass	Oppose	South Island	Q12 &13 Benefits and costs	Cost-benefit is invalidated if only ecological flows are considered in NES.

No.	Name	Position	Region	Topics	Feedback
56	NZ Recreational Canoeing Ass	Oppose	South Island	Q4 Interim levels, division of water bodies	Point: Insufficient division in the proposal, dividing rivers into those with mean flows of less than or greater than 5 m <sup>3</sup> /s is arbitrary and makes no recognition of river characteristics. Relief sought: Recognition of river characteristics.
56	NZ Recreational Canoeing Ass	Oppose	South Island	Q4 Interim levels, scope – what's included	Point: The minimum and allocation limits are arbitrary and take no account of recreational flows. A survey of recreational river uses to determine default limits both for specific rivers and by river characteristics is long overdue. Relief sought: In order to add recreational flows to NES, a survey of recreational river uses to determine default limits both for specific rivers and by river characteristics should be taken immediately.
56	NZ Recreational Canoeing Ass	Oppose	South Island	Q6 Inclusion of existing consents in limits, clawback through plans	Oppose there is a need for clawback of existing consents. Clawback should be implemented. There is considerable damage to New Zealand waterways. Existing consents within allocation limits does nothing to reserve the damage.
56	NZ Recreational Canoeing Ass	Oppose	South Island	Scope of NES	Opposes the proposal detailed in the discussion document, as recreational flows are not addressed. Request to have NES re-drafted to include recreational flows.
56	NZ Recreational Canoeing Ass	Support	South Island	Need, Q7, 8 & 9 Technical methods	Support that consistency needs to be provided. Duplication of efforts is expensive, counter-productive and time-consuming to both the councils and to impacted parties.
56	NZ Recreational Canoeing Ass	Support	South Island	Q1 Problems & issues correct	Agree with the problem statements.
56	NZ Recreational Canoeing Ass	Support	South Island	Q5 Time limit for interim levels, time limit	Support no time limit should be set for interim limit. Interim flows need to be set with the precautionary principle in mind.
57	Otago Fish & Game Council	Support in part	Otago	Q4 Interim levels, proposed numbers	Support no change in wetland level. The NES for wetlands is largely targeted towards water extraction, no wetland enhancement covered. Provisions should be made in the NES for wetland enhancement.
57	Otago Fish & Game Council	Support in part	Otago	Q7, 8 & 9 Technical methods, approach proposed	Point: The NES promotes the use of one or more technical methods listed to determine flow requirements. The cheapest and not the most ecologically sound option may be opted. Relief sought: The NES should recommend that two or more methods be used to determine minimum flow requirement.
57	Otago Fish & Game Council	Support in part	Otago	Q7, 8 & 9 Technical methods, approach proposed	Point: Table 2 does not explain the natural variation important to healthy functioning stream ecosystems. The NES should specify where possible flow variability is included in any decision on flow. Relief sought: A detailed independent assessment of the effectiveness of physical habitat simulation (PHABSIM) and other methodology, with a focus on small streams, should be undertaken.

No.	Name	Position	Region	Topics	Feedback
57	Otago Fish & Game Council	N/A	Otago	Other	Clear direction given to councils stating that if a stream flow is proven insufficient to protect the in-stream values, all takes should be reviewed.
57	Otago Fish & Game Council	N/A	Otago	Q4 Interim levels, proposed numbers	Using fixed number to determine levels of water in wetland may not be effective. A percentage change should be used as the determinant of change in wetlands instead.
57	Otago Fish & Game Council	N/A	Otago	Q7, 8 & 9 Technical methods, new methods / innovation	Holistic methods can provide better certainty for environmental values and give economic users a clear indication as to what is available for their needs.
57	Otago Fish & Game Council	N/A	Otago	Renewals & clawback	Point: The NES does not provide any mechanism to enable or cause councils to implement the difficult process of water clawback and councils may be put off until such time as consents expire and/or plans are changed or reviewed.  Relief sought: Councils should be required to put water permit holders on notice of any over-allocated waters; plan provisions should include methods of addressing this problem such that water levels and/or flows can be restored to an appropriate level within a 5-year time frame.
57	Otago Fish & Game Council	Oppose	Otago	Process to adoption / involvement	Point: There is no before and after biological assessment required to determine the flow set to protect in-stream values.  Relief sought: The NES should specify the monitoring is undertaken.
57	Otago Fish & Game Council	Oppose	Otago	Q7, 8 & 9 Technical methods, new methods / innovation	Point: 'Low significance' in table 3 may send a wrong message to sectors of society that a stream can be a 'throw-away item'.  Relief sought: The NES should remove the term 'low-value streams' from the matrix.
57	Otago Fish & Game Council	Support	Otago	Q4 Interim levels	Support proposed interim limits for waterways as this provides a degree of certainty for in-stream protection.
57	Otago Fish & Game Council	Support	Otago	Q7, 8 & 9 Technical methods, new methods / innovation	The NES should provide guidance that new method, once tested, be incorporated into the tools available to councils.
57	Otago Fish & Game Council	Support	Otago	Scope of NES	Support the objectives of the draft discussion document.  However, the current proposal may not fully meet its objective.
58	South Island Eel Industry Assn	Support in part	South Island	Apply to all water bodies, scope of NES	Point: Assessment of risks of deleterious effects on shortfin and longfin eels is omitted from the <i>Draft Guidelines for Selection of Methods to Determine Ecological Flows and Water Levels</i> .  Relief sought: Add risks of deleterious effects on shortfin and longfin eels to the <i>Draft Guidelines</i> .
58	South Island Eel Industry Assn	Support in part	South Island	Q7, 8 & 9 Technical methods, approach proposed	Over-emphasis on the technical methodologies for assessing ecological flows. Empirical evidence and data (eg, river hydraulic habitat simulation, RHYHABSIM) for rivers, lakes and wetlands should not be dismissed.

No.	Name	Position	Region	Topics	Feedback
58	South Island Eel Industry Assn	Support in part	South Island	Scope of NES	Conditionally support the proposal detailed in the guideline and discussion document, with some modifications required.  Support the conclusions of the draft discussion document.
59	Manukau Water Ltd	N/A	Manawatū-Wanganui	Apply to existing consents	There should be a time limit on the allocation period. In addition interim assessments of collective systems would be desirable to allow redistribution on an equitable basis. This would mitigate the imbalanced treatment of consent holders with earlier expiry dates.
59	Manukau Water Ltd	N/A	Manawatū-Wanganui	Approach proposed	Express of uncertainty with regard to the measurement of ecological flows where the natural flow has already been altered through additional flows or major water takes.
59	Manukau Water Ltd	N/A	Manawatū-Wanganui	Current breaches	Applications that breach the interim limits should not be considered without additional data collection and analysis.
59	Manukau Water Ltd	N/A	Manawatū-Wanganui	How to implement	Waterbodies with high water take should have a set time limit to encourage regional authorities to progress a thorough assessment and review of interim data.
59	Manukau Water Ltd	N/A	Manawatū-Wanganui	New methods / innovation	New and improved methods should be incorporated after approval by a nominated authority eg, NIWA.
59	Manukau Water Ltd	N/A	Manawatū-Wanganui	Q3 Need for interim levels	States that interim limits have potential to drive an increase of water takes to water bodies with high recreational value.
60	Metrowater	Support in part	Auckland	Apply to all water bodies	Supports the NES, provided that the takes from storage are excluded if they already have environmental flows.
60	Metrowater	N/A	Auckland	Apply to all water bodies	Agrees that limits are needed to protect the ecological health of water bodies, takes from storage should be treated differently from other surface water takes.
60	Metrowater	N/A	Auckland	Approach proposed	Request a definition of 'annual recharge' to include the stormwater that is fed into the groundwater via soakage.
60	Metrowater	N/A	Auckland	Approach proposed	Expresses concern about provisions that may restrict the amount of water available for distribution to Metrowater customers.
60	Metrowater	N/A	Auckland	Q1 Problems & issues correct	Objective 2 does not differentiate between takes from dams and other water takes. Dams should be treated differently from other abstraction sources and should not have default abstraction limits, provided appropriate compensation flows are released.
60	Metrowater	N/A	Auckland	Q3 Need for interim levels	It is important that water bodies are not over-allocated, and interim limits should be included, but dams are a special case and provision needs to be made for abstractions from them.
60	Metrowater	N/A	Auckland	Q4 Interim levels	The method of calculating the average annual recharge should include stormwater that is fed into groundwater system from soakage.
61	NZ Waste Water Assn	N/A	National	Approach proposed	There remain some water bodies, principally small streams and groundwater systems, for which no specific environmental flows have been determined. Many of these water bodies are likely to come under increasing development pressure as major surface and groundwater resources reach full allocation.

No.	Name	Position	Region	Topics	Feedback
61	NZ Waste Water Assn	N/A	National	Approach proposed	In some cases, environmental flows do not clearly define available water. This results in uncertainty for existing and potential users and for wider public interests on whether the consent process will avoid adverse impacts on the ecological (or other) values of freshwater systems and on continued security of supply for water users.
61	NZ Waste Water Assn	N/A	National	Approach proposed	The existing process for evaluating impacts of alternative flows and water levels on ecological values is costly and contentious. Debate regarding the selection and application of technical methods has overshadowed the more important resource management decision regarding the appropriate level of protection given to the values attributed to the water body.
61	NZ Waste Water Assn	N/A	National	Approach proposed	There is no flexibility for taking into account the characteristics of individual water bodies.
61	NZ Waste Water Assn	N/A	National	Approach proposed	It would be ideal if new and emerging methods could somehow be incorporated into the process as they become available and relevant. If not it would be valuable to have regular review updates to ensure it is up to date and relevant.
61	NZ Waste Water Assn	N/A	National	Need	Agree that it would be useful to provide some consistency for options of various technical methods as they relate to each water body.
61	NZ Waste Water Assn	N/A	National	Need	Agree there needs to be consistency in the selection of methods for assessing ecological values. Guidance documents would be sufficient.
61	NZ Waste Water Assn	N/A	National	Q1 Problems & issues correct	Question whether the proposed NES addresses a significant problem. Suggests it could be dealt with at a regional level, although some direction from a national level to the application of technical methods for establishing ecological flows and water levels would be beneficial.
61	NZ Waste Water Assn	N/A	National	Q10 NES approaches to breaches	Applications for community health purposes should be given priority. Other resource consents that breach the interim limits should be considered in the context of all abstractions to avoid negative cumulative effect, rendering the interim limit ineffective.
61	NZ Waste Water Assn	N/A	National	Q11 Application of NES to existing and replacement consents	Support that existing consents will not require the alteration during their specified term. Support the incorporation of NES methods upon reapplication. Suggest that the limits should be exempt where they affect public water supplies.
61	NZ Waste Water Assn	N/A	National	Q12 & 13 Benefits and costs	Note that the summary presented in a preliminary cost-benefit analysis with only partial quantification, is particularly focused on the regulatory processes.
61	NZ Waste Water Assn	N/A	National	Q2 Options / alternatives	Based on the statement contained in 3.1.1 and 3.1.2 with regard to the existing provisions for environmental flows and water levels, it could be argued that an NES is not an appropriate tool for the problem identified, noting that most groundwater and surface water resources across New Zealand already have provisions in place. In cases where insufficient information exists, it would be more appropriate to focus on consistency, and guidance of technical methodology as in the second part of the NES, which can then be applied to such cases.
61	NZ Waste Water Assn	N/A	National	Q2 Options / alternatives	The status quo would be sufficient in meeting objectives 1 and 2.
61	NZ Waste Water Assn	N/A	National	Q2 Options / alternatives	It is agreed that the status quo will not achieve objective 3.

No.	Name	Position	Region	Topics	Feedback
61	NZ Waste Water Assn	N/A	National	Q2 Options / alternatives	Suggests that a national directive to set environmental flows would be an effective way of meeting objective 1 and 2 in the long run. This could be accompanied by an update of the national guidelines to focus on the aims of objective 3.
61	NZ Waste Water Assn	N/A	National	Q2 Options / alternatives	Suggests that there would be no value in adding the other environmental flow measures to the NES which is a standardised approach.
61	NZ Waste Water Assn	N/A	National	Q3 Need for interim levels	Interim limits could be seen as just adding another unnecessary step in the process. It is noted that it is important to avoid 'resource consent decisions creating a cumulative effect of applications on an ad-hoc basis', though some regional councils have already established 'default' environmental flows and water levels which act as 'interim limits' themselves.
61	NZ Waste Water Assn	N/A	National	Q4 Interim levels	Concern that the natural variability in water systems has not been taken into adequate account with the creation of interim limits as a fixed measure.
61	NZ Waste Water Assn	N/A	National	Q4 Interim levels	There is no comment as to the timeframe that interim limits are to be applied for.
61	NZ Waste Water Assn	N/A	National	Q4 Interim levels	Interim limits are not the best option as they create a broad approach that could be applied quickly, but do not provide a regionally specific focus. They are an unnecessary step in the process.
61	NZ Waste Water Assn	N/A	National	Q5 Time limit for interim levels	It would not be ideal for councils to fall back on the interim limit in the long run as the final limit. The interim limit would be likely to be more conservative than that of regional-specific limits.
61	NZ Waste Water Assn	N/A	National	Q6 Inclusion of existing consents in limits	As the interim limit is intended to be temporary, it would need to be considered on a case-by-case basis whether it would be appropriate to continue to allocate for the existing consents with the establishment of the regional plan limits.
61	NZ Waste Water Assn	N/A	National	Q7, 8 & 9 Technical methods	There needs to be allowance for being able to store water during times of high flows.
62	Watercare Services Ltd	N/A	Auckland	Apply to all water bodies	Opposes the NES on Ecological Flows and Water Levels unless takes from storage are excluded or provided for in some way that provides relief sought in this submission.
62	Watercare Services Ltd	N/A	Auckland	Apply to all water bodies	Takes from storage should not be subject to allocation limits and there should be some exemptions from minimum flow requirements for dams.
62	Watercare Services Ltd	N/A	Auckland	Apply to all water bodies	Request the following words are inserted in Chapter 5, Clause 1.3: "Takes from storage will not be subject to the minimum flow or allocation limits where compensation flows and flushing flows are required under the relevant regional law or by an existing resource consent, or where it has been determined by the consent authority that such flows are unnecessary".
62	Watercare Services Ltd	N/A	Auckland	Approach proposed	The NES allows for a maximum possible take that is only 30% of the MALF.
62	Watercare Services Ltd	N/A	Auckland	Approach proposed	Water entering the groundwater through soakholes should be included in the calculation of the annual recharge of groundwater.

No.	Name	Position	Region	Topics	Feedback
62	Watercare Services Ltd	N/A	Auckland	Approach proposed	Amend the calculation for annual recharge to include stormwater. Add 'Annual Recharge' to the definitions in Appendix 1 and include provision for stormwater that is fed into the groundwater system via soakage to be included in the calculation of the volume of annual recharge.
62	Watercare Services Ltd	N/A	Auckland	Consultation	Requests that the draft NES in detailed form is provided for public comment before it is made operative.
62	Watercare Services Ltd	N/A	Auckland	Effect on applications	Amend the activity status of environmental flows or water levels that have not been set in a regional plan from a non-complying activity to a restricted discretionary activity.
62	Watercare Services Ltd	N/A	Auckland	Effect on regional & local plans	Retain the NES provisions that allow regional councils to establish environmental flows in their regional plans that are based on local circumstances.
62	Watercare Services Ltd	N/A	Auckland	Q1 Problems & issues correct	Dams should be treated differently from other abstraction groups and should not have default abstraction limits placed on them provided appropriate compensation flows are released.
62	Watercare Services Ltd	N/A	Auckland	Q10 NES approaches to breaches	Unless takes from storage are exempted from the limits, or there are alternative methods for assessing them set out in the NES, then such abstractions will almost certainly breach the interim limits. Applications for such consents should not be assessed using the current methodology established in the proposed NES.
62	Watercare Services Ltd	N/A	Auckland	Q11 Application of NES to existing and replacement consents	Retain absolutely the provision in the NES for existing consents to remain unaffected by the interim limits until the consents expire.
62	Watercare Services Ltd	N/A	Auckland	Q3 Need for interim levels	It is important that water bodies are not over-allocated, and interim limits should be included, but dams are a special case and provision needs to be made for abstractions from them.
62	Watercare Services Ltd	N/A	Auckland	Q4 Interim levels	The method of calculating the average annual recharge should include stormwater that is fed into the groundwater system from soakage.
62	Watercare Services Ltd	N/A	Auckland	Scope – what's included	Requests absolute certainty that the NES interim limits do not apply to existing consents that are not consistent with the interim limits.
62	Watercare Services Ltd	N/A	Auckland	Scope – what's included	Requests rejection of any proposal to apply prohibited activity status to applications that breach interim limits.
62	Watercare Services Ltd	N/A	Auckland	Scope of NES	Requests a restricted discretionary status for applications caught by the NES relating to municipal water supply.
63	Clearwater Hydro Ltd	Oppose	North Island	Q11 Application of NES to existing and replacement consents	<p>Point: NES should have no effect on applications for replacement resource consents where environmental flows or water levels have not been set, or are incomplete, in plans or water conservation orders.</p> <p>Relief sought: Not to proceed with the proposed NES. If the proposed NES is to proceed, requests that changes are made to the standard as outlined in the submission.</p>

No.	Name	Position	Region	Topics	Feedback
63	Clearwater Hydro Ltd	Oppose	North Island	Q4 Interim levels, division of water bodies	<p>Point: Believes that the proposed NES interim limits are too restrictive and that there are not sufficient divisions of rivers. On this basis, does not support the introduction of interim limits through the NES.</p> <p>Relief sought: If the NES is to proceed, would like to see the minimum flow requirements to be decreased and the allocation limits increased across each division of river. Additionally there should be greater division of rivers (say &lt; 1 m<sup>3</sup>/s, 1–3 m<sup>3</sup>/s, 3–5 m<sup>3</sup>/s, 5–8 m<sup>3</sup>/s, &gt; 8 m<sup>3</sup>/s). Supports the inclusion of all existing consents in the interim allocation limits.</p> <p>Breaches to interim limits should be considered as a discretionary activity not non-complying as currently proposed as it makes the consent even harder to obtain.</p>
64	Contact Energy	N/A	National	Q1 Problems & issues correct	<p>Point: The proposed NES seems narrowly focused on a very specific category of cases. Contact is not in a position to evaluate the validity of the problem statements, nor the degree to which development pressure for water resources is increasing. However, we do have concerns with the making of water management policy without regard to wider environmental and energy policies.</p> <p>Relief sought: It would be better to delay the implementation of the proposed NES until the NPS for Freshwater Management is finalised and promulgated.</p>
64	Contact Energy	N/A	National	Q10 NES approaches to breaches	<p>Point: Such applications should be considered to be for discretionary activities. The full resource consent process can then consider and evaluate the range of effects that the particular activity would impose upon a particular freshwater body.</p> <p>Relief sought: See above.</p>
64	Contact Energy	N/A	National	Q11 Application of NES to existing and replacement consents	<p>Point: See response to Question 6. As outlined above, there are instances, such as Contact's consents in relation to the Clutha and Hawea Rivers, where the issues the NES is intended to address have been considered, in which flow regimes are specified in resource consents rather than in a regional plan. In these cases, the proposed NES should explicitly recognise the consent conditions as valid minimum flows and should exempt such water bodies from the proposed interim limits.</p> <p>Relief sought: See above.</p>
64	Contact Energy	N/A	National	Q12 & 13 Benefits and costs	<p>Point: Submits that these uncertainties need to be resolved before the proposed NES can be accurately rated as providing benefits in terms of certainty and transparency.</p> <p>Relief sought: Requests that MfE give some consideration to providing an exposure draft of the NES for comment before its finalisation. Such a process could help eliminate any errors or inconsistencies that might be present in the draft before it is promulgated.</p>
64	Contact Energy	N/A	National	Q12 & 13 Benefits and costs	<p>Point: No specific comments but wishes to reiterate that the costs and benefits will depend on the final provisions of the NES and the degree to which it is consistent with the NPS for Freshwater Management and other government policy. Inconsistencies and uncertainty will increase costs for regional councils, consent holders, and consent applicants.</p> <p>Relief sought: None.</p>



No.	Name	Position	Region	Topics	Feedback
64	Contact Energy	N/A	National	Q2 Options / alternatives	<p>Point: The assessment of policy options is something that is more appropriately done in the context of all other established policy. The NPS for Freshwater Management seems intended as an overarching water management policy; other policy options should be considered within this context.</p> <p>Relief sought: See above.</p>
64	Contact Energy	N/A	National	Q3 Need for interim levels	<p>Point: Considers that the introduction of interim limits should be delayed at least until the wider water management policy is finalised. If this is not possible, then there should be a mechanism for exempting from interim limits those freshwater bodies for which flow regimes are specified in existing resource consents that have considered the issues the NES is intended to address.</p> <p>Relief sought: See above.</p>
64	Contact Energy	N/A	National	Q4 Interim levels	No comment provided.
64	Contact Energy	N/A	National	Q5 Time limit for interim levels	<p>Point: This concern may be addressed under the proposed NPS for Freshwater Management, which would require regional policy statements to determine priorities and timetables for the setting of environmental flows. Submits that it would be appropriate for the proposed NES to be delayed until the NPS for Freshwater Management is finalised and promulgated.</p> <p>Relief sought: None.</p>
64	Contact Energy	N/A	National	Q7, 8 & 9 Technical methods, approach proposed	<p>Point: Considers that the technical document should be kept as up to date as possible, so as to provide the best available guidance at any time. Suggests that the technical document should be subject to periodic reviews. In addition, stakeholders should be able to propose changes to the technical document between reviews; such suggestions should be considered in a formal review process that allows the proposal to be thoroughly evaluated, including allowing other stakeholders to present their views.</p>
64	Contact Energy	Oppose	National	Q6 Inclusion of existing consents in limits	<p>Point: The proposed NES should specifically exempt those situations where flow regimes are set by resource consents that have considered the issues the NES is intended to address. In these situations, all of the aspects of the use of the water – environmental, social, cultural and economic – have already been explicitly considered in the context of the specific freshwater body affected. It is not appropriate that a generically determined NES should be able to reopen consent conditions in such circumstances.</p> <p>Relief sought: Submits that the proposed NES should have a specific exemption provision. Possible wording for this clause could be:</p> <p>“This National Environmental Standard does not apply to resource consents where the decision to grant the resource consent(s) expressly recognised the effects the National Environmental Standard seeks to address.”</p>

No.	Name	Position	Region	Topics	Feedback
64	Contact Energy	Oppose	National	Q7, 8 & 9 Technical methods, approach proposed	Point: As outlined above, the technical document does not – and probably cannot be expected to – avoid the need for subjectivity and exercise of professional judgement in the selection of methods appropriate for evaluating hydrological effects. Such a document is better used as a best practice guideline rather than as a statutory document. Relief sought: None.
64	Contact Energy	Support	National	Q7, 8 & 9 Technical methods, approach proposed	Point: Supports the aim of providing consistency but considers that such consistency is best provided through a guidance document: this would allow the consideration of hydrological effects on a particular freshwater body to be tailored to the circumstances specific to that freshwater body. Relief sought: None.
65	Genesis Energy	N/A	National	Q1 Problems & issues correct	Point: The framework for the proposed NES is too narrowly focussed and needs to be reconsidered to make it consistent with other government policy initiatives. Further release of the proposed NES should be deferred until after the proposed NPS for Freshwater Management has been finalised. Relief sought: See above.
65	Genesis Energy	N/A	National	Q10 NES approaches to breaches	Point: The proposed interim limits are not considered to be appropriate or necessary. Relief sought: N/A.
65	Genesis Energy	N/A	National	Q12 & 13 Benefits and costs	Point: Refer to the full submission for comments in relation to these questions.
65	Genesis Energy	N/A	National	Q2 Options / alternatives	Point: The framework for the proposed NES is too narrowly focussed and needs to be reconsidered to make it consistent with other government policy initiatives. Further for Freshwater Management has been finalised. Furthermore, it is also noted that the assessment of alternatives is overly simplistic. Relief sought: None.
65	Genesis Energy	N/A	National	Q4 Interim levels, proposed numbers	Point: The approach taken within the proposed NES for setting interim flow limits is simplistic and generic and the numbers proposed should be treated as such. Interim flow limits should only be set as a default position on those rivers and streams where no other information is available. Relief sought: None.
65	Genesis Energy	N/A	National	Q5 Time limit for interim levels	Point: The proposed interim limits are not considered to be appropriate or necessary. The interim limits should only apply until limits have been set via a comprehensive consultation and environmental assessment process, which may be via either the setting of minimum/environmental flows within regional plans or through resource consent processes. Relief sought: See above.

No.	Name	Position	Region	Topics	Feedback
65	Genesis Energy	N/A	National	Q6 Inclusion of existing consents in limits	Point: The generic approach taken to setting of interim flow limits as specified within the proposed NES means that they are unlikely to provide for the values of a specific river / stream or the efficient use of freshwater in a manner as promoted by the NPS for Freshwater Management. Allocation limits should only be reassessed once a resource consent expires (ie, no clawback of existing consents) or as allowed for under specific conditions of resource consent, and following a comprehensive consultation and environmental assessment process to set / revise minimum / environmental flows and allocation limits.  Relief sought: See above.
65	Genesis Energy	N/A	National	Q7, 8 & 9 Technical methods	Point: The interim limits should only apply until such a time as when limits have been set via a comprehensive consultation and environmental assessment process, which may be via either the setting of minimum/environmental flows within regional plans or through resource consent processes.  Relief sought: None.
65	Genesis Energy	N/A	National	Q7, 8 & 9 Technical methods	Point: How should new and emerging methods be incorporated into the process outlined in the proposed NES  Relief sought: N/A.
65	Genesis Energy	Oppose	National	Q11 Application of NES to existing and replacement consents	Point: The proposed NES should not apply to any existing consents related to the generation of electricity or replacement consents for those same activities, as outlined in sections 3 and 4 of the submission.  Relief sought: N/A.
65	Genesis Energy	Oppose	National	Q3 Need for interim levels	The use of interim limits is opposed for the reasons set out in sections 3 and 4 of this submission.  The generic approach taken to setting interim flow limits as specified within the proposed NES means that they are unlikely to provide for the values of a specific river/stream or the efficient use of freshwater in a manner as promoted by the NPS for Freshwater Management, particularly when balancing benefits versus effects at a specific location or for a specific proposal. As such, interim limits should only be used where there is an absence of any measurement or monitoring information on which to undertake such an assessment.  Relief sought: Refer to full submission – too comprehensive for the purpose of this summary.
66	Kawatiri Energy Co Ltd	N/A	West Coast	Q11 Application of NES to existing and replacement consents	Point: Providing the water allocation to an existing consent has been made through due process, it should remain. In many cases infrastructure investment will have been made on the basis of that allocation and investors should not be disadvantaged.
66	Kawatiri Energy Co Ltd	N/A	West Coast	Q12 & 13 Benefits and costs	Point: Q12 – No comment except to say the cost to the country of having no standard is enormous. Believes this NES is essential.  Q13 – No comment.

No.	Name	Position	Region	Topics	Feedback
66	Kawatiri Energy Co Ltd	N/A	West Coast	Q5 Time limit for interim levels, time limit	Point: Believes the interim limits should remain not time bound. If councils do not develop regional default flows, applicants may have the methodology described in the NES applied to determine specific requirements for their application.
66	Kawatiri Energy Co Ltd	N/A	West Coast	Q6 Inclusion of existing consents in limits	Point: Providing the water allocation to an existing consent has been made through due process; it should remain. In many cases infrastructure investment will have been made on the basis of that allocation and investors should not be disadvantaged.
66	Kawatiri Energy Co Ltd	N/A	West Coast	Q7, 8 & 9 Technical methods, approach proposed	Points: Our experience is that consistency in the selection methods for assessing ecological values is absolutely essential and that the mechanism needs to have legal standing. Therefore guidance documents would not suffice and we support the NES as proposed.  Agrees with the approach outlined in the technical document which appears very sensible to us.  The proposed NES should be reviewed on a scheduled basis every 5 to 10 years or when significant industry developments justify a review.
66	Kawatiri Energy Co Ltd	Oppose	West Coast	Q10 NES approaches to breaches	Point: The whole point is to establish for each application the water take that will preserve adequate ecological flows. That level of flow is not determined by the interim limit, it is determined by an appropriate assessment of the requirements at the site which may well breach the interim limits with no adverse effect.  Considers the proposal should remain as is. Strongly disagrees with the concept of making applications that would breach the interim limit, a prohibited activity.
66	Kawatiri Energy Co Ltd	Support	West Coast	Q1 Problems & issues correct	Point: Agrees that the statements provided, particularly statement 3, adequately describe the problem.
66	Kawatiri Energy Co Ltd	Support	West Coast	Q2 Options / alternatives	Point: Unable to identify options that have not been considered and agree with the adoption of the proposed NES.
66	Kawatiri Energy Co Ltd	Support	West Coast	Q3 Need for interim levels	Point: Agrees with the introduction of interim limits as this brings some certainty. Believes that the most useful part of the NES is the setting of standards for determining required flow regimes.
66	Kawatiri Energy Co Ltd	Support	West Coast	Q4 Interim levels	Point: Satisfied with the numbers and the derivation of the proposed interim limits.
67	King Country Energy	Support in part	Taranaki	Q1 Problems & issues correct	Point: Agrees with the first problem statement in relation to water bodies for which there is no environmental standard, however concerned to ensure that the adverse effects associated with flow setting are sufficiently researched and understood.  Does not agree with problem statement 2 relating to the existing environmental flows and water levels that do not clearly define the available water. Considers that this means that applications can be made and assessed for all water above minimum flow levels.  Agrees with statement 3 that the existing process for settling ecological flows and water levels can be costly and contentious. Concerned to ensure that national direction on ecological flow setting is not restricted to specific methodology.  Toolbox approach as a best practice guide is the appropriate means of achieving this.

No.	Name	Position	Region	Topics	Feedback
67	King Country Energy	Support in part	Taranaki	Q2 Options / alternatives	<p>Point: Believes that all available options have been covered / discussed however does not necessarily agree with the comparison / assessment of options provided. Considers option 4.3 – ‘a national directive to set environmental flows’ is the best option provided.</p> <p>Further considers that if an NPS was developed alongside an NES for setting minimum flows for water bodies that do not currently have them, and a best practice methodology guide was developed but not made compulsory, this would best address the policy objectives (section 3.2) of the proposed NES.</p> <p>Relief sought: An NPS and NES be developed with a best practice methodology guide, which is not compulsory.</p>
67	King Country Energy	Support in part	Taranaki	Q3 Need for interim levels	<p>Point: Supports the setting of interim allocation limits in principle, but only for minimum flows and for a limited period (10 years or one planning period).</p> <p>Relief sought: Supports need for interim limits, however the interim limits as set out in the proposed NES are overly restrictive.</p>
67	King Country Energy	Support in part	Taranaki	Q4 Interim levels, proposed numbers, scope – what’s included	<p>Point: Appropriate ecological justification has not been provided for the percentages prescribed for streams/ivers. Disagrees with maximum allocation limits being set, although appropriate to set minimum flows (for water bodies that are not utilised for the generation of electricity).</p> <p>The wetland limit provided in section 5 of the proposed NES is unreasonable and unjustifiably restrictive, particularly as no distinction has been made between natural and man-made wetlands. This limit poses a hurdle for further use of water within wetland areas. Likewise, percentages prescribed to groundwater systems are overly restrictive.</p> <p>Interim minimum flows should apply where a minimum or residual flow has already been set on a resource consent processed under the RMA.</p> <p>Relief sought: None.</p>
67	King Country Energy	Support in part	Taranaki	Q7, 8 & 9 Technical methods, approach proposed	<p>Point: The methods presented in the technical document are appropriate for the types of investigations required to set minimum flows. However the methods prescribed should not be compulsory. Does not believe that listing methods for determining ecological flows will eliminate implementation and interpretation arguments, such as those that commonly occur during hearings processes stemming from resource consent applications, or the development of new environmental policy and planning documents.</p>
67	King Country Energy	N/A	Taranaki	Applications, Q10 NES approaches to breaches	<p>Point: A discretionary or non-complying activity status is appropriate for applications for resource consents that breach appropriately set, environmentally justified interim limits.</p> <p>Relief sought: Apply a discretionary or non-complying activity status to such applications.</p>

No.	Name	Position	Region	Topics	Feedback
67	King Country Energy	N/A	Taranaki	Q7, 8 & 9 Technical methods, approach proposed	Point: Methods for assessing ecological values should not be compulsory. Relief sought: A best practice guide would be more appropriate (as discussed in feedback point 1 relating to Q1).
67	King Country Energy	Oppose	Taranaki	Accuracy, Q12 & 13 Benefits and costs	Point: The benefits and costs identified are not accurate. The proposed NES will make it unjustifiably harder to develop new hydro-electric power schemes, thus making it more difficult to achieve New Zealand's renewable energy targets as set in the NZ Energy Strategy to 2050.
67	King Country Energy	Oppose	Taranaki	Accuracy, Q12 & 13 Benefits and costs, Assumptions	Point: The assumptions are not correct. It is not clear why it is assumed that 20% of resource consent applications for new takes will be on water bodies with no environmental flow or water level set. Should the NES be gazetted, there are likely to be more than 120 publicly notified applications made per year for consents that exceed environmental flows. The assumption that every regional plan will only attract 50 submissions from interested parties is very optimistic. A number of the assumptions made appear optimistic, thus correlating directly to a somewhat defective cost-benefit analysis.
67	King Country Energy	Oppose	Taranaki	Q11 Application of NES to existing and replacement consents	Point: Interim minimum flow limits as prescribed in the proposed NES should not apply to existing and replacement resource consents, where these have already been determined by resource consent processes. Maximum allocation limits should not apply. Opposes the setting of maximum allocation limits in the proposed NES.
67	King Country Energy	Oppose	Taranaki	Q5 Time limit for interim levels, time limit	Point: It is appropriate to set a limited period for how long the interim limits will apply in order to encourage regional flows to be set. Relief sought: Considers 10 years an appropriate time period, particularly as local government planning documents are reviewed on a 10-year basis, and a number of plans are currently being reviewed, or will shortly be reviewed.
67	King Country Energy	Oppose	Taranaki	Renewals & clawback, Q6 Inclusion of existing consents in limits	Point: Does not consider clawback to be justified or equitable, as this approach does not reflect the significant investment that has been made by resource users. The Environment Court has ruled on a number of occasions that the 'first in, first served' approach is appropriate in accordance with the RMA, and departure from this approach is not required. Using the clawback approach, particularly where hydro-electric power generation takes are concerned, would be contradictory to targets set in the NZ Energy Strategy to 2050. Relief sought: Do not use clawback approach.
67	King Country Energy	Support	Taranaki	Q7, 8 & 9 Technical methods, new methods / innovation	Point: Methods should be prescribed as a best practice guide, rather than made compulsory, as this allows greater flexibility and the ability to update the methodology guide as new methods emerge.

No.	Name	Position	Region	Topics	Feedback
68	Mainpower New Zealand Ltd	N/A	Canterbury	Q11 Application of NES to existing and replacement consents	<p>Point: The holders of water permits base their decisions and strategies for the future on existing terms and conditions of these consents. Although under the RMA existing consents can be reviewed to render them consistent with a new NES, under the principles of administrative fairness and equity, such existing consents must not be affected in any way by consent reviews based on a new NES.</p> <p>Consent review is also available for regional plan allocation rules once all objections, hearings and appeals have been fully resolved and the relevant allocation rules become operative. Mainpower submits that due to the immediate effect of an NES on gazettal that, if standards are adopted, they should be drafted in a manner that excludes the review of existing water permits to render them consistent with the NES.</p>
68	Mainpower New Zealand Ltd	N/A	Canterbury	Q11 Application of NES to existing and replacement consents	<p>Point: It is possible for an NES to impose an allocation regime that effectively removes any rights created by the newly inserted sections 124A–C of the RMA, relating to existing consent holders being able to retain priority in relation to applications to replace expiring consents. Mainpower considers it critical that the NES be drafted in such a way that it in no way affects the replacement consent priority rights imposed by those sections of the RMA.</p>
68	Mainpower New Zealand Ltd	N/A	Canterbury	Scope of NES, effect on regional & local plans, Q4 Interim levels, scope – what’s included	<p>Point: Mainpower submits that should an NES be adopted, it should not apply where any operative or proposed regional plan allocation regime applies. It would strongly oppose any submission to the effect that the interim standard should also apply where a regional plan allocation regime is not yet operative.</p>
68	Mainpower New Zealand Ltd	Oppose	Canterbury	Process to adoption / involvement, consultation	<p>Point: Whilst the discussion document process allows consultation, it provides no rights of objection, hearing or appeal against decisions made on the format or content of the NES. Also the full effect and impact of the NES on Mainpower’s activities cannot be gauged in the absence of the wording of the proposed NES, so Mainpower is prevented from making a submission capable of fully addressing the impact of the NES on its position.</p>
68	Mainpower New Zealand Ltd	Oppose	Canterbury	Q4 Interim levels, proposed numbers	<p>Point: Determining and defining the allocation limit is the fulcrum of any NES affecting water take and use. Concerned that the proposed approach leaves the determination of recharge in the hands of regional councils and Mainpower seeks the imposition of one standard nation-wide.</p> <p>Due to knowledge gaps and high degrees of variance in water availability and use across the regions, it will be impossible to achieve the levels of certainty required for a valid regulation with such potentially far-reaching effects as an NES.</p>

No.	Name	Position	Region	Topics	Feedback
69	Meridian Energy	Oppose	National	Applications, Q10 NES approaches to breaches	<p>Point: Non-complying and prohibited activity status.</p> <p>The proposed NES suggests that applications which would breach the interim limits on the alterations to flows and/or water levels in rivers, wetlands and groundwater systems, where there are no limits specified in a proposed or operative regional plan (or other statutory instrument), should be considered as non-complying activities, or alternatively, that they should be prohibited.</p> <p>Relief sought: Meridian considers the use of the non-complying activity status inappropriate, as it could remove one of the intended alternative limbs of section 104D of the RMA. This is contrary to the clear intention of 104D(1) which in providing two alternative gateway tests, gives a non-complying activity two opportunities to demonstrate that it is worth consideration on its merits. The courts have recognised that non-complying activity status should not lead to de-facto prohibited activity or amount to tacit prohibition.</p> <p>Relief sought: Meridian considers the use of a prohibited activity status is simply unjustified. If any activity status is to be used for activities that breach interim flows, then this should be discretionary.</p>
69	Meridian Energy	Oppose	National	Apply to existing consents, Q6 Inclusion of existing consents in limits, Q11 Application of NES to existing and replacement consents	<p>Point: Existing consents requiring renewal.</p> <p>Meridian consents have minimum flow levels that have been set, which were deemed appropriate for individual catchment areas. Alternatively, sustainable management regimes have been employed which trigger certain actions at certain flow levels. Such setting of environmental flows does not translate readily into standardised plan rules which set interim flows. There would be no benefit in subjecting these existing schemes to standardised, nationally consistent, conservative interim flows, which lack the benefit of localised and vigorous public assessment at the time of re-consenting. This would fail to protect existing hydro investment. It would be inappropriate for existing schemes to be subject to the provisions of the NES at the time of re-consenting; this is not consistent with the Government's clear intention to encourage renewable energy generation.</p> <p>Relief sought: Meridian seeks that any river which has had a minimum flow regime imposed as a condition of consent be exempted from the proposed NES regime upon re-consenting.</p>
69	Meridian Energy	Oppose	National	Q11 Application of NES to existing and replacement consents	<p>Point: Proposed interim limits set by consent.</p> <p>There is an intention that the proposed NES should address situations in which minimum flows are currently set by consents rather than through a plan framework, however in sections of the proposed NES such recognition is absent.</p> <p>Relief sought: Meridian seeks that rivers which are subject to minimum flow conditions as a result of consent processes be exempted from the interim flow provisions proposed in the NES.</p>



No.	Name	Position	Region	Topics	Feedback
69	Meridian Energy	Oppose	National	Q11 Application of NES to existing and replacement consents	<p>Point: Roll-over of existing consents.</p> <p>Meridian is concerned about the effect of the proposed NES on its existing water consents. The policy intention is that there will be no impact on existing consents, however the proposed NES may have significant implications for existing consents, both in the consent condition review process and at the time existing schemes require re-consenting.</p> <p>Relief sought: Meridian seeks that the NES specifically recognise existing investment in water infrastructure where the consideration of minimum flows is necessary to achieve sustainable management, otherwise the NES may override existing consents.</p>
69	Meridian Energy	Oppose	National	Q3 Need for interim levels	<p>Point: Interim flows for wetlands, groundwater and lakes.</p> <p>The science associated with establishing minimum flows and water levels for wetlands and groundwater is not of a similar standard as predicting flows and allocations for rivers.</p> <p>Relief sought: The science is not sufficiently advanced and it would be premature to specify interim flows for wetlands and groundwater at this stage. If retained, they should be used as a guide and not a regulation.</p> <p>In relation to lakes, the proposed methods for assessing hydrological alterations in lakes fail to take into account all relevant factors.</p> <p>Relief sought: Meridian suggests lake levels specified in any NES should also be used as a guide, rather than as a regulation.</p>
69	Meridian Energy	Oppose	National	Q3 Need for interim levels, apply to existing consents, Q6 Inclusion of existing consents in limits	<p>Point: The imposition of the proposed interim limits on rivers used for hydro generation could undermine the continuing and future use of such resources for renewable energy. There is significant disparity between the limits which have been employed by consent conditions and the minimum flow and allocation limits which would be employed under the proposed NES.</p> <p>The NES is also silent on how MALF would be calculated in rivers that are regulated by hydro infrastructure or dams.</p> <p>Relief sought: Meridian seeks that any river that has had minimum flows set via a consent process (where robust scientific analysis and consultation with the community was involved) should be excluded from the interim flows approach.</p>
69	Meridian Energy	Oppose	National	Renewals & clawback, Q6 Inclusion of existing consents in limits, Q11 Application of NES to existing and replacement consents	<p>Point: Consent condition review.</p> <p>The interim flows provided for in the proposed NES could become a relevant factor during a section 128 review if an existing consent. To allow such an approach would jeopardise the localised management regimes which have been imposed via a thorough assessment process.</p> <p>Relief sought: This needs to be recognised in the NES, otherwise the default RMA provisions will apply and the NES will override the specific consent conditions.</p>

No.	Name	Position	Region	Topics	Feedback
69	Meridian Energy	Oppose	National	Scope of NES, effect on applications, Q11 Application of NES to existing and replacement consents	<p>Point: Effect on existing applications.</p> <p>It is inappropriate for the provisions of the proposed NES to apply to resource consent applications which have already been lodged. The words 'hearing of an application' are unclear in terms of whether this relates to an initial hearing before Council or a final hearing before the Environment Court or High Court etc. The application of the proposed NES is uncertain for those applications which are determined without a hearing.</p> <p>The proposed NES should not have retrospective effect on consents which are already 'in train', as it is unfair for applicants to have to confront the provisions of the proposed NES mid way through the hearing of their application, such as after council determination and before an Environment Court hearing.</p> <p>Relief sought: Meridian requests that there be specific recognition within the proposed NES that its provisions do not apply to any consent applications lodged before the date of commencement of the NES. This approach is fair to those with applications within the process, and provides certainty as to the application of the NES.</p>
69	Meridian Energy	Oppose	National	Scope of NES, Relationship with NPS & RMA, Q1 Problems & issues correct	<p>Point: The place of NES with government policy.</p> <p>Meridian's electricity infrastructure relies heavily on the use of fresh water. The production and provision of electricity is essential for New Zealand society. The government target is that 90% of electricity is to be generated from renewable sources by 2025. Much of that renewable-sourced electricity will be generated by hydro and wind resources. Accordingly, it is essential that the NES allows for existing and future renewable electricity generation to be adequately enabled.</p> <p>The function of the NES is to provide technical standards and methods, rather than matters of policy. An NES is a regulation that gives effect to policy considerations provided by other instruments. The proposed NES cannot be considered in isolation as it is imperative that it is consistent with and does not detract from the government's broader policy framework (such as proposed NPSs on Freshwater Management and on Renewable Energy Generation).</p> <p>The NPS for Freshwater Management has yet to be considered by the Board of Inquiry (BOI), and may change significantly following the public consultation process and review by the BOI. However once finalised, this NPS will form the overarching water management policy framework for the proposed NES.</p> <p>Relief sought: Meridian suggests the proposed NES be deferred until the NPS on Freshwater Management has been finalised and gazetted (in order to avoid conflict with the policy endeavours). The proposed NES must also be considered in light of, and reflect, the strong policy preference for renewable energy generation.</p> <p>If the NES does proceed, it should impose moderate measures and be adjusted as the policy matures, so as not to detract from the policy guidance that will come from the NPS.</p>

No.	Name	Position	Region	Topics	Feedback
70	Mighty River Power	Support in part	National	Q3 Need for interim levels	<p>Point: The need for interim limits is supported for application to catchments where there are currently no limits or controls at all. There is a great deal of concern over the application of interim defaults in situations where existing consents are in place even though they may not specifically cover all of the default requirements set out in the NES.</p> <p>Relief sought: In such cases the NES requirements should not apply.</p>
70	Mighty River Power	N/A	National	Applications, Q10 NES approaches to breaches	<p>Point: Any application for resource consent is a case-specific example and if the evidence proves a deviation from the NES defaults are justified this should be provided for.</p>
70	Mighty River Power	N/A	National	Apply to existing consents, Q6 Inclusion of existing consents in limits	<p>Point: MRP consider that revisions are required to the NES before it can be adopted to avoid unintended consequences and to allow the NPS processes to be completed first. Once these measures are completed the NPS on Freshwater Management should provide a framework under which the NES will operate, without needing to separately address consent implications.</p>
70	Mighty River Power	N/A	National	Process to adoption / involvement, consultation	<p>Point: Consultation on specific wording of any proposed NES is desirable. The discussion document is in general terms. The devil is in the detail. MfE should allow time for key stakeholders to provide informal comment on an exposure draft of the proposed NES once this has been prepared, before it is gazetted.</p> <p>Relief sought: That the circulation of, and feedback be taken on, an exposure draft of the NES following deliberations for the purpose of avoiding any further unintended consequences of the implementation of this NES.</p>
70	Mighty River Power	N/A	National	Q11 Application of NES to existing and replacement consents	<p>Point: The NES should specifically not apply to consented hydro schemes.</p> <p>Relief sought: At the time of renewal of hydro scheme consents the process is a specific application and therefore default limits and process need not apply.</p>
70	Mighty River Power	N/A	National	Q2 Options / alternatives	<p>Point: Best alternative is an NES that covers all values not just ecological. The reason given for not taking this approach provides the justification for development of a suite of tools for assessment of other broader values which in total make up the environmental flow values which are required to be assessed as a key part of freshwater management.</p>
70	Mighty River Power	N/A	National	Q7, 8 & 9 Technical methods, approach proposed	<p>Point: There is a trade-off between referencing the current methodology in the NES and being able to update with refinements over time versus having greater flexibility if methodology just in guidelines. There is a risk that locking in the current approach will encourage regional councils to stick with the default interim limits rather than move to preparing their own allocation plans. The aim is to phase out interim limits over time and the NES should target and allow for alternative methodologies to be applied as appropriate during such development.</p> <p>Relief sought: Default methodologies should only be applied in a default case and not be mandated in the case of the promotion of a catchment or region specific plan.</p>

No.	Name	Position	Region	Topics	Feedback
70	Mighty River Power	N/A	National	Relationship with NPS & RMA	<p>Point: Integrating NPS with NES will increase the likelihood of government objectives being met. It is important for MRP to be able to see how any NES will fit with relevant NPSs so we can make informed comment on the entire package of measures. In the case of water, MRP considers that in addition to a NPS on Freshwater Management, the proposed NPS on Renewable Electricity Generation needs to be taken into consideration. The Renewable Electricity NPS is an important mechanism for implementing both the NZES/NEECS and for meeting the governments climate change objectives. Any NES on ecological flows and water levels should not be finalised until there has been public consultation on both NPSs.</p> <p>Relief sought: Consultation on the NES for ecological flows and water levels either remain open until several weeks after the proposes NPSs have been through the Board of Inquiry process, or the Ministry undertake a further round of consultation on any draft NES before submitting it to the Minister for the Environment for approval.</p> <p>Relief sought: These steps are necessary in order to give submitters, particularly local authorities, the opportunity to comment on how the NPSs and NES will work together. There is a precedent for doing this: the development of the NPS and NESs for transmission.</p>
70	Mighty River Power	Oppose	National	Q4 Interim levels, Q11 Application of NES to existing and replacement consents, scope – what's included	<p>Point: Consequences for existing hydro-electricity development by application of interim limits for minimum flows. Concerned that the NES, Support in particular the interim minimum flow requirements, may have unintended consequences for the management of hydro-generation on major rivers where a set of dams and associated generation assets are operated as an integrated and interdependent system.</p> <p>The application of the interim limits is a concern because Mighty River Power resource consents for the Waikato River (except consent associated with Lake Karapiro) do not set minimum flows and nor does the proposed variation to the Waikato Regional Plan that deals with water allocation issues set minimum flows.</p> <p>Being able to bring the Waikato hydro systems water flow past the dams within the chain on the river to zero is critical to the efficient and effective operation of MRP's hydro generation activity on the Waikato River. Flexibility in terms of managing water flows is crucial to the resilience of the generation network; in some cases, if MRP's ability to undertake water flow management is decreased, this could ultimately increase electricity prices and we may face a reduction in ability to generate electricity in some periods.</p> <p>Relief sought: Suggest that a third exemption be added to the application of interim limits for integrated, interdependent hydro-generation systems on a river be added.</p> <p>Relief sought: Include in the NES an explicit provision clarifying that the NES does not automatically trigger a review of conditions in an existing resource consent pursuant to s128(1)(ba) of the RMA.</p>

No.	Name	Position	Region	Topics	Feedback
70	Mighty River Power	Oppose	National	Q4 Interim levels, scope – what's included	<p>Point: Consequences for existing geothermal electricity development.</p> <p>The NES does not exclude the application of interim limits for groundwater to geothermal aquifers. Such an application of the interim limits in the NES could impose constraints on the utilisation of the geothermal fluid for electricity generation. This consequence is not appropriate or necessary and was not intended in the development of the NES.</p> <p>Relief sought: Suggest that a fourth exemption be added to the application of interim limits for geothermal aquifers.</p>
70	Mighty River Power	Oppose	National	Q5 Time limit for interim levels, time limit, how to implement	<p>Point: Transitional nature of interim limits. Potential unintended consequence is that regional councils may continue to rely on interim limits rather than progressively moving to develop their own plans and limits as time and resources permit. There are no provisions in place to prevent this happening. Once NES interim provisions are in place there is no simple means to challenge their use in any particular catchment.</p> <p>Relief sought: Require councils to complete their own ecological flows and water levels assessment process and to introduce specific allocation plans for all catchments by a specified deadline.</p>
70	Mighty River Power	Support	National	Q1 Problems & issues correct	<p>Point: These three problems as identified will benefit from national direction. The issue to be addressed is that of how many other issues in this area could benefit from similar direction being provided and how it might be achieved.</p> <p>Relief sought: Recommend that the NES process be delayed until the finalisation of the NPSs on Freshwater Management and Renewable Electricity Generation.</p>
70	Mighty River Power	Support	National	Q5 Time limit for interim levels, time limit	<p>Point: Interim flow and water levels should apply for only a limited period, otherwise regional councils have no incentive to go ahead and prepare their own water allocation plans.</p>
70	Mighty River Power	Support	National	Q7, 8 & 9 Technical methods, new methods / innovation	<p>Point: The NES should provide for new methods as it is difficult to accept that the current state of knowledge allows us to know that we have the best methodologies available now.</p>
71	NZ Energy	Oppose	West Coast	Apply to existing consents, Q6 Inclusion of existing consents in limits	<p>Point: Providing the water allocation to an existing consent has been made through due process it should remain. In many cases infrastructure investment will have been made on the basis of that allocation and investors should not be disadvantaged.</p> <p>Relief sought: Providing the water allocation to an existing consent has been made through due process, it should remain.</p>
71	NZ Energy	Oppose	West Coast	Q11 Application of NES to existing and replacement consents	<p>Point: Providing the water allocation to an existing consent has been made through due process it should remain. In many cases infrastructure investment will have been made on the basis of that allocation and investors should not be disadvantaged.</p> <p>Relief sought: Water allocation to an existing consent should remain.</p>
71	NZ Energy	Oppose	West Coast	Q5 Time limit for interim levels, time limit	<p>Point: The interim limits should not be time bound. If councils do not develop regional default flows, applicants may have the methodology described in the NES applied to determine specific requirements for their application.</p> <p>Relief sought: The interim limits should remain not time bound.</p>

No.	Name	Position	Region	Topics	Feedback
71	NZ Energy	Support	West Coast	Applications, Q10 NES approaches to breaches	<p>Point: The whole point is to establish for each application the water take that will preserve adequate ecological flows. That level of flow is not determined by the interim limit, it is determined by an appropriate assessment of the requirements at the site which may well breach the interim limits with no adverse effect.</p> <p>Relief sought: We consider the proposal should remain as is. We strongly disagree with the concept of making applications that would breach the interim limit, a prohibited activity.</p>
71	NZ Energy	Support	West Coast	Need, Q7, 8 & 9 Technical methods	<p>Point: Consistency in the selection methods for assessing ecological values is absolutely essential and the mechanism needs to have legal standing.</p> <p>Relief sought: Guidance documents would not suffice and we support the NES as proposed.</p>
71	NZ Energy	Support	West Coast	Q1 Problems & issues correct	<p>Point: We agree that the statements provided, particularly statement 3, adequately describe the problem.</p>
71	NZ Energy	Support	National	Q12 & 13 Benefits and costs	<p>Point: The cost to the country of having no NES is enormous.</p> <p>Relief sought: This NES is essential.</p>
71	NZ Energy	Support	West Coast	Q2 Options / alternatives	<p>Point: We are unable to identify options that have not been considered and agree with the adoption of the proposed NES.</p>
71	NZ Energy	Support	West Coast	Q3 Need for interim levels	<p>Point: Agree with the introduction of interim limits as this brings some certainty. However the most useful part of the NES is the setting of standards for determining required flow regimes.</p>
71	NZ Energy	Support	West Coast	Q4 Interim levels, proposed numbers	<p>Point: We are satisfied with the numbers and the derivation of the proposed interim limits.</p>
71	NZ Energy	Support	West Coast	Q7, 8 & 9 Technical methods, approach proposed	<p>Point: We agree with the approach outlined in the technical document which appears very sensible to us.</p>
71	NZ Energy	Support	West Coast	Q7, 8 & 9 Technical methods, new methods / innovation	<p>Point: NES should be reviewed on a scheduled basis every 5 to 10 years or when significant industry developments justify a review.</p>
72	Pioneer Generation	Support in part	Otago	Applications, Q10 NES approaches to breaches	<p>Point: A discretionary or non-complying activity status is appropriate for applications for resource consent that breach appropriately set, environmentally justified interim limits.</p>
72	Pioneer Generation	Support in part	Otago	Q1 Problems & issues correct	<p>Point: Agree with problem statement 1, however need to ensure adverse effects associated with flow setting are researched and understood.</p> <p>Do not agree with problem statement 2, and national direction on ecological flow setting should not be restricted to specific compulsory methodology, as new methods are constantly being developed.</p> <p>Relief sought: toolbox as best practice guide is appropriate.</p>

No.	Name	Position	Region	Topics	Feedback
72	Pioneer Generation	Support in part	Otago	Q11 Application of NES to existing and replacement consents	Point: Minimum flow limits should apply to existing and replacement resource consents. Where these have been determined by resource consent processes and regional planning documents, they need not apply.  Maximum allocation limits should not apply.
72	Pioneer Generation	Support in part	Otago	Q2 Options / alternatives	Point: All available options have been considered however do not agree with the comparison/assessment of options in section 4.0 of proposed NES. Option 4.3 is the best option provided. If an NPS, NES and best practice methodology guide were developed, it would best to address policy objectives set out in section 3.2 of proposed NES.
72	Pioneer Generation	Support in part	Otago	Q7, 8 & 9 Technical methods, approach proposed	Point: Approach outlined is appropriate for the types of investigations required to set minimum flows, however the methods should not be prescribed or compulsory. Also listing methods will not climate implementation and interpretation arguments.
72	Pioneer Generation	Oppose	Otago	Accuracy, Q12 & 13 Benefits and costs	Point: Benefits and costs in NES are not accurate. NES will make it harder to develop new NPS, making it harder to achieve New Zealand's renewable energy targets set by NZES to 2050.
72	Pioneer Generation	Oppose	Otago	Accuracy, Q12 & 13 Benefits and costs, Assumptions	Point: Assumptions incorrect.  Not clear why 20% of resource consent applications for new takes will be on water bodies with no environmental flow or water level set.  If NES is gazetted, there are likely to be 120+ publicly notified applications made annually for consents that exceed environmental flows.  The assumption that every regional plan will only attract 50 submissions from interested parties is very optimistic.  A number of the assumptions appear optimistic, suggesting a defective cost/benefit analysis.
72	Pioneer Generation	Oppose	Otago	Need, Q7, 8 & 9 Technical methods	Point: Assessment methods should not be compulsory but rather a best practice guide.
72	Pioneer Generation	Oppose	Otago	Q11 Application of NES to existing and replacement consents	Point: Current applications – It is not clear in NES when the interim limits will apply to current applications. The proposed NES should not have a retrospective effect on resource consent applications for new hydro-electric power schemes already in the consenting process. This would be inappropriate, inequitable and unnecessary, and is not in keeping with the NZES to 2050 nor s88A of the RMA. The NES should only apply to new resource consent applications that are submitted after the NES is gazetted.  Relief sought: The NES be amended to clarify that it will only apply to applications lodged after the proposed NES is gazetted.

No.	Name	Position	Region	Topics	Feedback
72	Pioneer Generation	Oppose	Otago	Q4 Interim levels, proposed numbers, division of water bodies	<p>Point: A detailed explanation of how the limits were set and how the division between rivers and streams is not provided, and without compelling evidence Pioneer questions the validity of what is proposed. The limits for wetlands are extremely conservative and will preclude further development in all wetland areas until permanent limits are applied. Pioneer cannot accept this limit.</p> <p>Relief sought: Further consultation to be undertaken with key stakeholders, research completed, and an explanation provided with regard to the setting of interim limits for groundwater, rivers, streams and wetlands, as well as how the divisions between rivers and streams were reached.</p>
72	Pioneer Generation	Oppose	Otago	Q4 Interim levels, proposed numbers, division of water bodies	<p>Point: No appropriate ecological justification has been provided for percentages prescribed for streams/rivers. Disagrees with maximum allocation limits being set. Wetland limit provided is unreasonable and restrictive. Percentages prescribed to groundwater systems overly restrictive.</p>
72	Pioneer Generation	Oppose	Otago	Q4 Interim levels, scope – what’s included	<p>Point: While the setting of minimum flows is appropriate, the need for allocation limits is questionable. It is inappropriate to apply a universal allocation limit that will effectively ensure that every new scheme is a non-complying activity.</p> <p>Relief sought: Pioneer would like allocation limits removed from the proposed NES.</p>
72	Pioneer Generation	Oppose	Otago	Q6 Inclusion of existing consents in limits, clawback through plans	<p>Point: Option of clawback is not justified or equitable. Cited Environment Court rulings on ‘first in, first served’ and thought this approach is appropriate. Clawback from hydro-electric power schemes is contradictory to the targets set in the NZES to 2050.</p>
72	Pioneer Generation	Oppose	Otago	Q7, 8 & 9 Technical methods, new methods / innovation, approach proposed	<p>Point: Methods to determine ecological flows and water levels – National direction on ecological flow setting should not be restricted to a specific methodology nor only those prescribed within the draft guidelines. While a ‘toolbox’ approach is appropriate, specific methodologies should be recommended or preferred, rather than be made compulsory. New methods are constantly being developed and the characteristics of New Zealand’s water bodies are extremely diverse and varied. Flexibility and an ability to adapt and enhance methods is essential. Also, it is not clear who would be responsible for judging new methods or how they would be incorporated into the proposed toolbox.</p> <p>Relief sought: Requests that methodologies to determine ecological flows are not made compulsory. The toolbox should be a best practice guideline only. It is appropriate to adapt the toolbox of preferred options as advances occur.</p>
72	Pioneer Generation	Oppose	Otago	Scope of NES, effect on applications, Q11 Application of NES to existing and replacement consents	<p>Point: Existing hydro-electric power schemes – The proposed NES will adversely affect existing hydro-electric power schemes which have only recently been subjected to rigorous resource consenting processes, or are in the reconvening phase. When it comes to re-consent schemes, it would be inappropriate to impose more restrictive minimum flows in accordance with the proposed NES, particularly if the consents are for a continuation of the same activity that has existed for a number of years.</p> <p>Relief sought: The re-consenting of lawfully established activities such as hydro-electric power schemes should be exempt from complying with the interim limits sets out in the proposed NES.</p>



No.	Name	Position	Region	Topics	Feedback
72	Pioneer Generation	Oppose	Otago	Scope of NES, effect on regional & local plans	Point: Water planning framework – This current proposal for an NES should not apply where minimum flows have already been set, such as those set by the Otago Regional Plan – Water. The conservative interim 'one size fits all, country-wide' approach is not appropriate. Relief sought: The proposed NES should not override any parameters and processes set by an existing water planning document at a regional level.
72	Pioneer Generation	Support	Otago	Q3 Need for interim levels	Point: Supports the need for interim allocation limits in principle, but only for minimum flows and for a limited period (10 years or one planning period). Interim limits as set in proposed NES are overly restrictive.
72	Pioneer Generation	Support	Otago	Q5 Time limit for interim levels, time limit	Point: Interim limits – Interim limits are restrictive and conservative. They do not take seasonal flow variations into account, or acknowledge the varied characteristics of water bodies around New Zealand. With no time limits set, regional councils will not be obliged to undertake research and set more appropriate flows. Therefore the conservative interim limits could have effect for an inappropriately long time. Relief sought: A 10-year timeframe is suggested in which permanent minimum flows are to be set by regional councils.
72	Pioneer Generation	Support	Otago	Q5 Time limit for interim levels, time limit, how to implement	Point: Appropriate to set a limited period for interim limits in order to encourage regional flows to be set: 10 years is an appropriate time period.
72	Pioneer Generation	Support	Otago	Q7, 8 & 9 Technical methods, new methods / innovation	Point: Methods should be prescribed as best practice guide rather than be made compulsory. This allows greater flexibility and ability to update methodology guide as new methods emerge.
73	Solid Energy NZ Ltd	Oppose	National	Accuracy, Q12 & 13 Benefits and costs	Point: The cost-benefit analysis overestimates the benefits of the proposed NES, particularly if the proposed interim limits are considered with respect to the areas in which they would practically come into effect in New Zealand. Relief sought: The cost benefit analysis should be undertaken in light of the nature of the water resources in the regions in which it will apply.
73	Solid Energy NZ Ltd	Oppose	National	Applications, Q10 NES approaches to breaches	Point: The non-complying status of an activity is inappropriate and ineffectual where the abstraction is supported in the objectives and policies of the relevant regional plan. Relief sought: Assess all applications to take water as discretionary activities.
73	Solid Energy NZ Ltd	Oppose	National	Q11 Application of NES to existing and replacement consents	Point: Clarify the status of replacement consents. Relief sought: Replacement consents to have the same status as existing consents under the proposed NES and minimum flows in consent conditions are given the same standing as those in a the regional plan.

No.	Name	Position	Region	Topics	Feedback
73	Solid Energy NZ Ltd	Oppose	National	Q4 Interim levels, proposed numbers, scope – what's included	<p>Point: The introduction of interim limits on groundwater is a broad and unnecessary regulation for many parts of New Zealand which may lead to long, expensive and protracted arguments about recharge rates, aquifer extent and sustainable yields.</p> <p>In many areas of New Zealand the average annual recharge of aquifers has not been estimated and hence the need to assess the impact of a groundwater take as a proportion of the annual average recharge is an onerous and expensive process to impose on an applicant, especially in the cases where there are often no other nearby users of the groundwater resource.</p> <p>Most of New Zealand known and currently utilised groundwater aquifers are within gravels units that infill inland basins, form river terraces and make up coastal plains. There is limited use of hard rock aquifers. Most of Solid Energy's mining activities occur in areas of hard rock which, although saturated, do not contain what would be determined as commercially viable groundwater aquifers. It is unclear how the proposed NES will be applied to areas which are saturated with groundwater but which are not classified as true groundwater aquifers in a commercial sense.</p> <p>Relief sought: Do not impose a nationwide interim limit for the 'passive' extraction of groundwater, as a consequence of mine dewatering, but rather maintain the current site-specific resource consent process for managing the effects of groundwater takes due to mining.</p> <p>Maintain consenting and assessment of environmental effect processes to estimate the appropriate limits on the amount of groundwater that may be abstracted, and to understand the groundwater hydrology relative to the mining site and scale of the activity.</p>

No.	Name	Position	Region	Topics	Feedback
73	Solid Energy NZ Ltd	Oppose	National	Q4 Interim levels, proposed numbers, scope – what's included	<p>Point: Allow for increased water levels in wetlands and lakes and provide for takes from wetland and lakes where that take is augmented by the reinstatement of inflows or by new inflows and where the abstraction does not cause the wetland level to fall below 'pre-remediation' levels. Provide for the utilisation of the wetland/lake for storage, by allowing a rising of water levels with remediation of surrounding littoral zones.</p> <p>Allow for short- to medium-term decrease in water levels of wetlands which have not been described as significant wetlands in the relevant regional plan, provided adequate remediation and mitigation is implemented either on- or-off site.</p> <p>The interim limit for lakes and wetland should not apply to artificially created storage dams or wetlands which may augment flows and have been created to buffer the effects of water abstraction over the course of a year.</p> <p>Relief sought: Clarify if changes in wetland water levels will be considered on the basis of the outcomes of the assessment methods undertaken in accordance with appendix 4.</p> <p>Allow for increases in water levels (in excess of natural fluctuations) in wetlands and lakes.</p> <p>Allow for short- to-medium term decreases in water levels in wetlands which have not been described as significant wetlands in the relevant regional plan, while mitigating for any loss of wetland values.</p> <p>Clarify in the proposed NES that wetland and lake interim level limits do not apply to storage dams or artificial wetlands.</p> <p>Restate interim limit to read: No decrease in water levels of significant wetlands, in excess of either natural fluctuations or the water level variation that has already been provided for by existing resource consents on the date the NES comes into force.</p>

No.	Name	Position	Region	Topics	Feedback
73	Solid Energy NZ Ltd	Oppose	National	Q4 Interim levels, proposed numbers, scope – what's included	<p>Point: The regions in which Solid Energy Operate (Environment Waikato, West Coast Regional Council and Environment Southland) have established minimum flows or means of estimating allocation on the basis of flows and habitat values. However, should Solid Energy wish to undertake mining investigations or operations in other regions then those operations dependent on surface water abstraction may be affected by the proposed NES.</p> <p>Relief sought: Provide guidance on and a standard method for calculating MALF and the point at which MALF is calculated where this is not provided by a regional council.</p> <p>Only implement the proposed interim limits for rivers and streams listed as 'nationally significant'.</p> <p>Allow consents with minimum flows established through a consent condition to maintain their minimum flow limits when they are renewed.</p> <p>Solid Energy seeks clarification on whether stream diversions will be required to meet the proposed interim limits.</p> <p>Retain flexibility on the amount of water that can be abstracted over short periods of time (&lt; 3 months) and various locations for the purposes of exploratory drilling and other investigations. Do not require the calculation of MALF for short-term abstractions.</p> <p>Confirm the ongoing right to extract water for fire fighting purposes regardless of flow conditions.</p>
73	Solid Energy NZ Ltd	Oppose	National	Q7, 8 & 9 Technical methods, approach proposed	<p>Point: The proposed interim limits for surface water require the estimation of MALF which can be a time-consuming and expensive process in small streams where data on flow is not available and which will have associated errors.</p> <p>Relief sought: Allow the development of site-specific flow management regimes which do not require calculation of MALF where there are no flow gauging records available, but utilises other assessment methods which can illustrate a sustainable take regime while protecting in-stream values specific to the site.</p>

No.	Name	Position	Region	Topics	Feedback
73	Solid Energy NZ Ltd	Oppose	National	Scope of NES, effect on applications, Q7, 8 & 9 Technical methods, implementation / resource costs, approach proposed	<p>Point: The proposed interim limits are reliant on the estimation of MALF in streams and rivers, water levels in lakes and wetlands and recharge to groundwater aquifers. The accurate estimation of these variables is difficult and relies on the interpretation of flow, water level and climate data. In situations where there is limited available data, the process will become very complex. While the NES requires that councils undertake the estimation process it is expected that the cost of doing so will ultimately fall on resource users and particularly consent applicants.</p> <p>In situations where there is no or limited data, current users and applicants may be required to wait while the data is collected and also cover the data collection costs. New Zealand has a highly variable climate and geology which results in significant fluctuation in flows, water levels and recharge rates. To accurately account for such fluctuations, data may need to be collected for many months or years. This will result in delays and additional costs for water users and applicants. Section 2 recognised that a more complex regime is warranted in some cases and yet this intent does not appear to have been taken forward into the implementation of the proposed NES.</p> <p>Relief sought: Recognise that it is not always necessary to establish and meet the proposed interim limits for low flows. Such circumstances when other low flow limits may be practical, while serving to protect in-stream values include:</p> <ul style="list-style-type: none"> <li>- short-term water abstractions</li> <li>- where design and mitigation can be employed to protect in-stream values</li> <li>- where flow data is not available and site-specific investigation have shown that in-stream values can be protected</li> <li>- where the stream has low value and it is agreed that other forms of mitigation (ie, enhancement of a separate catchment, environmental bonds etc) are appropriate.</li> </ul>

No.	Name	Position	Region	Topics	Feedback
73	Solid Energy NZ Ltd	Oppose	National	Scope of NES, effect on regional & local plans, Relationship with NPS & RMA	<p>Point: The proposed NES establishes ecological flows and interim limits regardless of the context of the use of the resource and the ability to protect the values of the water resource through a mixture of design, remediation and mitigation mechanisms. In establishing a standard method to define an interim ecological flow only, the proposed NES has taken away the flexibility currently recognised in the existing regional plans that guide decision-making on water allocation and to accommodate social, economic and cultural needs; in so doing ascertain a suitable environmental flow.</p> <p>Relief sought: Solid Energy opposes the establishment of this proposed NES and the interim limits. Its use as a general guideline may be appropriate in some circumstances.</p> <p>Some guidance on how to set ecological flows, allocation regimes and particularly the methods to use would be useful but Solid Energy submit that the establishment of ecological flows and their relationship to environmental flows should be left to the respective Councils following consultation with local communities.</p> <p>If interim limits must be set then water resources should be separated according to both their physical characteristics and their relative significance; for example, use the results of the nationally significant waterways programme to ascertain where interim limits need to be applied.</p> <p>Rather than setting interim limits nationally, issue a national directive for councils to set environmental flow/allocation regimes for all their waterways within a certain timeframe. It is anticipated that as part of the directive, MfE would provide guidance and assistance to the councils where needed.</p>
73	Solid Energy NZ Ltd	Oppose	National	Scope of NES, Q7, 8 & 9 Technical methods, approach proposed	<p>Point: Appendix 4 – The requirement to use only the assessment models listed in table A4.3 over all sites, regardless of the particular characteristics and values of a water body, will limit the quality of the ecological assessment which is undertaken and will potentially reduce the quality of information available to design innovative and flexible methods to protect flora and fauna.</p> <p>Relief sought: Appendix 4 should be a guideline document only; and not a requirement to use only those methods, where other methods may better serve the values which require protection. Allow for the use of assessment techniques most suited to the environment being effected.</p>
74	Todd Energy	N/A	National	Apply to all water bodies, scope of NES	<p>Point: We have encountered widespread confusion as to what the NES does or does not apply to; this mainly seems to stem from the interchange and inconsistent use of the terms 'environmental flows', 'ecological flows', 'minimum flows', and 'interim minimum flows' in the discussion document.</p> <p>See submission for specific examples of use of terms, confusion, questions raised.</p>

No.	Name	Position	Region	Topics	Feedback
74	Todd Energy	N/A	National	Q7, 8 & 9 Technical methods, approach proposed	<p>Point: Confusion as to relationship between interim (environmental flow) limits and proposed ecological flow methods.</p> <p>On p25, 3rd para, it is stated that the proposed method (for determining the ecological component of environmental flows) would be “triggered when applications for resource consent that would breach the interim environmental flows are considered”. Does that mean that the interim limits do not apply if the appropriate methods (specified in the NES) are applied</p> <p>The response to this question received from the working group member referred to above was that in his view the application of a method to derive a flow over-rides the interim minimum flow. On the face of it, this might seem logical, but how can this be when the method is aimed at developing an ecological flow (only) and the interim limit purports to relate to the environmental flow</p>
74	Todd Energy	Oppose	National	Process to adoption / involvement, consultation	<p>Point: Inadequate consultation – It is apparent that there has been very poor consultation associated with preparation of the NES. If implemented in the current form, the NES will have potentially serious implications for the generation of hydro-electric power in New Zealand. There has been little consultation with electricity generators (major users of water), hydro-plan owners or the wider hydro industry. Also any consultation that did take place during preparation and production of the NES has been inappropriately focused on local government agencies and environmental protection organisations. Failure to undertake adequate consultation with major stakeholders constitutes unreasonable action and represents a breach of natural justice.</p>

No.	Name	Position	Region	Topics	Feedback
74	Todd Energy	Oppose	National	Q1 Problems & issues correct	<p>Point: Objectives of NES / problem statements appear to be flawed. In Todd's view, the three problem statements indicate that the NES is conceptually flawed.</p> <p>In respect of (1), the proposed 'minimum flows' (section 5.1.3) are clearly ecologically orientated given the nature of the working group composition but are said on p25 to 'accommodate' other values such as recreation, natural character and cultural. So in this sense the proposed flows are in fact seen as 'environmental flows' (and on p25, 3rd para, are identified as such). Question – if they are interim environmental flows, why does the title of the NES refer only to 'ecological flows' There is no way of sensibly setting environmental flows at a national level for the simple reason that social, economic, natural character and cultural values are location-specific. There is no substitute for determining them on a case-by-case basis, either by way of the regional planning process or (less desirably) by way of consent hearings. If there is a problem, it is the lack of resources within some regional planning authorities</p> <p>Given the need to adequately safeguard life-support systems and ecosystems, it is arguable that the real problem is that resource consent decisions are being taken in the absence of established ecological (not environmental) flows. Such flows provide the baseline which can be increased for non-ecological reasons if they need be. The problem could be easily fixed by making it mandatory for all regional councils to establish some form of baseline ecological flow for all streams and rivers by a specific date, coupled with guidance (methods) as to how to achieve this.</p> <p>In respect of (2), the statement appears to be non-sensical. Environmental flows do not 'define' available water (that is not their purpose), other than indirectly. We question the need to define 'available water'. Minimum flows are aimed at protecting in-stream values; the actual amount that is available for allocation can be determined on a case-by-case basis taking into account matters such as other uses and the socio-economic benefits that would derive from a specific proposal. One of the pitfalls with trying to define 'available water' on a rule-of-thumb basis is that circumstances change (eg, technology/climate/demand/socio-economic conditions) – is it wise or necessary to 'lock in' to a specific allocation limit</p> <p>In respect of (3), there is nothing in the NES that addresses the 'problem' that setting ecological flows is costly and very little that addresses the issue of contentiousness (a smorgasbord of methods is proposed).</p>
74	Todd Energy	Oppose	National	Q10 NES approaches to breaches, Q11 Application of NES to existing and replacement consents, Current breaches	<p>Point: Todd owns and operates, or has an interest in, several hydro-electric power schemes, all of which are lawfully established and involve very substantial investments. Although the proposed NES will not directly impact on existing resource consents during their current term, and applications for replacement consents cannot trigger a breach of the interim allocation limits (pp 32–33), we note that existing consent holders could be affected if councils undertake a section 128 review of consent conditions.</p> <p>Relief sought: Potential for a section 128 review should be shutdown via the content of the NES.</p>



No.	Name	Position	Region	Topics	Feedback
74	Todd Energy	Oppose	National	Q11 Application of NES to existing and replacement consents	<p>Point: The regulation of water abstractions and discharges from hydro-electric power schemes cannot be treated in the same way that most abstractions/ discharges can be. These schemes are designed and operated, and their economic viability depends on, access to specific quantities of water. It is simply not reasonable to retrospectively “change the rules in the middle of the game”.</p> <p>Relief sought: The re-consenting of lawfully established activities, such as hydro-electric power schemes, should be explicitly exempt from complying with any standards set out in the NES. Similarly, there is no sense in forcing the owners of hydro-electric power schemes to retrospectively apply more restrictive flow methodologies, upon re-consenting, if this would threaten the viability of an established multi-million dollar facility, part of the country’s essential infrastructure.</p>
74	Todd Energy	Oppose	National	Q11 Application of NES to existing and replacement consents, Other	<p>Point: Implications for current and future consent applications for hydro-electric power schemes– The NES should only apply to consent applications that are submitted after the NES is gazetted (Todd applications for consents to develop a hydro-electric power scheme on the upper Kaituna River, Bay of Plenty will be submitted before the NES taking effect – see submission for details of method proposed and Environment Bay of Plenty provisions mentioned). It defies logic that hydro-electric power schemes could effectively become non-complying activities in New Zealand, particularly under existing government policy settings. It is a matter of considerable concern that the NES could act as a barrier to proposed schemes proceeding.</p>
74	Todd Energy	Oppose	National	Q4 Interim levels, proposed numbers, scope – what’s included	<p>Point: Rationale behind proposed limits – No explanation is provided as to how the proposed minimum flow and allocation limits were arrived at. This is a major omission given the potential effects of the proposal.</p> <p>Relief sought: We expect the government to fully justify its proposals.</p>
74	Todd Energy	Oppose	National	Scope of NES, Relationship with NPS & RMA	<p>Point: NES is ad hoc and premature – It is illogical for the government to set out to produce an NES on Ecological Flows and Water Levels before the production of an overarching NPS on Freshwater Management (which intends to set up a stronger regime for the protection and enhancement of New Zealand’s rivers, lakes and waterways). An NES has the status of regulations, and the absence of a well thought-out policy framework risks a narrowly focused NES.</p>
74	Todd Energy	Oppose	National	Scope of NES, Relationship with NPS & RMA, Q11 Application of NES to existing and replacement consents	<p>Point: NES inconsistent with wider government policy framework, including energy policy – There is a serious disconnect between the proposals contained in the NES discussion document and wider Government policy, Support in particular policies relating to economic transformation, sustainability and renewable energy. Hydro-electric power schemes (existing and potential future) confer enormous socio-economic benefit on New Zealanders as they collectively provide over 60% of the country’s electricity and they do this without generating greenhouse gas emissions. Any NES that places the viability of existing HEPS at risk and/or makes it difficult or impossible to consent further schemes would in our view be inconsistent with current government policy directions.</p>
75	Trust Power	Support in part	National	Applications	<p>No activity should be a prohibited activity and should instead be discretionary or non-complying.</p>

No.	Name	Position	Region	Topics	Feedback
75	Trust Power	Support in part	National	Scope of NES, effect on regional & local plans	NES should have a mandatory requirement that councils consider imposing minimum flows and allocation limits.
75	Trust Power	Oppose	National	Division of water bodies	Wetland and groundwater default limits should not apply to hydro-electric schemes.
75	Trust Power	Oppose	National	Need, Q7, 8 & 9 Technical methods, new methods / innovation	The scientific methods toolbox should be converted into a best practice guide and should not be part of the NES and therefore mandatory. A structure should be established to encourage technical and scientific innovation, allowing new tools / methods to be added to the toolbox. Best practice should be developed in consultation with stakeholders.
75	Trust Power	Oppose	National	Q11 Application of NES to existing and replacement consents	NES once it has come into effect, should only apply to new resource consents and not to ones already being processed or consented.
75	Trust Power	Oppose	National	Q12 & 13 Benefits and costs, Assumptions	Cost-benefit analysis is flawed as only takes into consideration processing costs. Ignores need to re-consent which will occur beyond 10-year discounted cash flow period used. Ignores proposed increase in non-complying activities and associated processing costs and time.
75	Trust Power	Oppose	National	Q4 Interim levels, proposed numbers	Inappropriate to base allocation and minimum flow limits on MALF. Minimum flows should be based on an expanded set of indices. The proposed interim limit 5 m <sup>3</sup> /s is a 'one size fits all' approach which ignores variability and conflicts with table 2.3 of the technical document. Table 2.3 applies to water takes on an annual basis and instead should allow for seasonal variation.
75	Trust Power	Oppose	National	Q4 Interim levels, scope – what's included	NES should not include interim allocation limits for waterbodies which do not have an allocation limit in the regional plan. Interim limits should only apply for 10 years and after that regional councils should set limits which may be less stringent.
75	Trust Power	Oppose	National	Renewals & clawback, Q11 Application of NES to existing and replacement consents	Established consented hydroelectric schemes should not be subject to the proposed NES, because this will introduce a new regime within which previously approved schemes may not be re-approved even though effects are the same as that previously approved. Relief: <ul style="list-style-type: none"> <li>– NES provide for abstractions protected under s124(3)</li> <li>– NES interim levels are not to apply to renewable energy generation schemes.</li> </ul>
75	Trust Power	Support	National	Q5 Time limit for interim levels, time limit	All water bodies should have a sustainable flow provision in a regional plan by 2019.
76	Ngāti Kahungunu Iwi	Support in part	Hawkes Bay, Wellington, Manawatū	Need, Q7, 8 & 9 technical methods, consultation	Relief sought: Increased support is required for tangata whenua to enable them to be included in the flow setting within ungauged catchments and in defining preferences for optimum levels of aquatic life.  Also need to consider seasonal triggers to environmental change so that natural processes are not interfered with to such a degree that harm is cause to ecosystem health and production.

No.	Name	Position	Region	Topics	Feedback
76	Ngāti Kahungunu Iwi	Support in part	Hawkes Bay, Wellington, Manawatū	Other	Point: Diversion of rivers of power generation. Relief sought: Diversion of higher flows for electricity generation will need to be subject to any NES regime to protect downstream values.
76	Ngāti Kahungunu Iwi	Support in part	Hawkes Bay, Wellington, Manawatū	Process to adoption / involvement, consultation	Point: Many marae close to the coastal margin. Relief sought: Ngāti Kahungunu needs to be consulted more when coastal aquifer issues are being addressed during NES implementation.
76	Ngāti Kahungunu Iwi	Support in part	Hawkes Bay, Wellington, Manawatū	Q1 Problems & issues correct	Point: Prevent environmental degradation and undue prejudice accrual within environmental decision-making around water management. Relief sought: Full cognisance of tikanga Māori values relating to aquatic resources, including their place within Te Ao Māori should be incorporated within the proposed NES framework.
76	Ngāti Kahungunu Iwi	Support in part	Hawkes Bay, Wellington, Manawatū	Q4 Interim levels	Point: Provisional support for 80% of MALF for minimum flows. Relief sought: Interim limits of 80% of MALF for minimum flows should only be used where at least 10 years of data for minimum flows exist.
76	Ngāti Kahungunu Iwi	Support in part	Hawkes Bay, Wellington, Manawatū	Q4 Interim levels	Point: Provisional time limits. Relief sought: Interim limits should not be time bound, however, a precautionary level should be applied so that the limits do not become ad hoc mechanisms for promoting or prolonging unsustainable practices within an NES framework.
76	Ngāti Kahungunu Iwi	Support in part	Hawkes Bay, Wellington, Manawatū	Q4 Interim levels, Q1 Problems & issues correct	Point: Unwise to ignore provisions in plans until new provisions have been included by way of variation, plan change or plan review. Relief sought: Existing minimum flows and allocable volumes should be used until the plan change procedure has enabled these figures to be altered.
76	Ngāti Kahungunu Iwi	Support in part	Hawkes Bay, Wellington, Manawatū	Q7, 8 & 9 Technical methods	Point: Strong focus on science for ecological purposes risks leaving relevant cultural and social issues and concerns out of the NES equation. Relief sought: Seek to ensure the use of robust methodologies and management techniques that can be validated and supported by our mātauranga.
76	Ngāti Kahungunu Iwi	Support in part	Hawkes Bay, Wellington, Manawatū	Scope of NES	Point: NES appears to have a narrow focus. Relief sought: As part of the over all Sustainable Water Programme of Action it needs a strategic fit so as to integrate with other water management tools and regimes. NPS should precede the proposed NES.

No.	Name	Position	Region	Topics	Feedback
76	Ngāti Kahungunu Iwi	Support in part	Hawkes Bay, Wellington, Manawatū	Scope of NES	<p>Point: Scope is too narrow.</p> <p>Relief sought: Need to consider all parameters that affect water quality, not just water volume.</p> <p>Need to recognise that one part of water management can't be isolated from other connected parts.</p> <p>Need to give appropriate consideration for various habitats and the species they contain.</p>
76	Ngāti Kahungunu Iwi	Support in part	Hawkes Bay, Wellington, Manawatū	Scope of NES	<p>Point: Over-allocation causes public mistrust.</p> <p>Relief sought: Where allocable volumes for abstraction are established within plans, these flows and volumes need to be adhered to.</p>
76	Ngāti Kahungunu Iwi	Oppose	Hawkes Bay, Wellington, Manawatū	Process to adoption / involvement, consultation	<p>Point: Co-management preferred.</p> <p>Relief sought: Where Crown agencies are acting under delegated authority, Māori should be included as partners at the inception, at the scoping.</p>
76	Ngāti Kahungunu Iwi	Oppose	Hawkes Bay, Wellington, Manawatū	Q1 Problems & issues correct	<p>Point: Three primary objectives fail to address Māori specific issues.</p> <p>Relief sought: Expect the rationale for deterring available water to include tangata whenua priorities.</p>
76	Ngāti Kahungunu Iwi	Oppose	Hawkes Bay, Wellington, Manawatū	Q1 Problems & issues correct	<p>Point: Not all problems have been identified and will potentially result in unsustainable practice.</p> <p>Relief sought: At a minimum, need to:</p> <ol style="list-style-type: none"> <li>1) take all water abstraction into account when considering ecological flows</li> <li>2) allow for the loss of assimilative capacity when flows recede due to abstraction</li> <li>3) factor in loss of velocity and temperature effects of reduced flows</li> <li>4) allow for system recovery times for ecological systems after the irrigation season</li> <li>5) ensure that flat lining does not occur to the extent that aquatic ecosystems and flow patterns alter natural variability</li> <li>6) allow for catchment-specific data to inform local management of water.</li> </ol>
76	Ngāti Kahungunu Iwi	Oppose	Hawkes Bay, Wellington, Manawatū	Q3 Need for interim levels	<p>Point: Interim limits are based on the wrong dataset. Support 90th percentile but disagree with abstraction percentage.</p> <p>Relief sought: Use low-flow data from the six-month irrigation season for calculating ecological flow variation during this period. Allow for consideration of the other parameters that influence water quality.</p>
76	Ngāti Kahungunu Iwi	Oppose	Hawkes Bay, Wellington, Manawatū	Q4 Interim levels	<p>Point: Disagree with proposed methodology, especially those relating to calculating abstraction volumes.</p> <p>Relief sought: Better consideration to catchment or aquifer specific hydrological characteristics – and the provisions for iwi / Māori roles.</p>

No.	Name	Position	Region	Topics	Feedback
76	Ngāti Kahungunu Iwi	Oppose	Hawkes Bay, Wellington, Manawatū	Q4 Interim levels	Point: Interim limits for surface water are permissive and will be difficult to clawback. Use of MALF is not suitable for setting minimum flows in all cases.  Relief sought: Should be allowance for periodic flushing whereby consents could be stopped to allow greater flows.
76	Ngāti Kahungunu Iwi	Oppose	Hawkes Bay, Wellington, Manawatū	Q4 Interim levels	Point: 50% MALF for allocation is excessive.  Relief sought: More realistic flow could be derived from calculating average flows from the six-month irrigation season and using revised in-stream flow incremental method and cultural health monitoring data to establish sustainable abstraction volumes.
76	Ngāti Kahungunu Iwi	Oppose	Hawkes Bay, Wellington, Manawatū	Q4 Interim levels, proposed numbers	Point: Proposed interim limits for allocation are too high.  Relief sought: Interim limits of 20% for smaller rivers and streams would be more sustainable if consents are limited to 10 years.  Limit irrigation consents to six-month use per year to encourage flow variability and allow ecosystem recovery.
76	Ngāti Kahungunu Iwi	Oppose	Hawkes Bay, Wellington, Manawatū	Q7, 8 & 9 Technical methods	Point: Technical document is not ready for incorporation by reference.  Relief sought: Technical document requires more fleshing out and the inclusion of Māori methods of assessment of waterways similar to a cultural health index or cultural impact assessment scenario. Also expect hapu specific values to be included for specific catchments or parts thereof.
76	Ngāti Kahungunu Iwi	Support	Hawkes Bay, Wellington, Manawatū	Q6 Inclusion of existing consents in limits, Clawback through plans	Point: Clawback  Relief sought: Clawback should be used to bring over-allocation back into line with sustainable management principles.
77	Ngāti Tuwharetoa Māori Trust Board	Support in part	Manawatū-Wanganui	Q2 Options / alternatives	Point: Order of preference for options.  Relief sought: Preferred order of options:  1 – 4.5 2 – 4.3 and 4.4 3 – 4.1 and 4.2.
77	Ngāti Tuwharetoa Māori Trust Board	Support in part	Manawatū-Wanganui	Q3 Need for interim levels	Point: Interim limits administration.  Relief sought: Interim limits should be more tightly administered by MfE its local government liaison. Ultimately seek the adoption of option 4.5.
77	Ngāti Tuwharetoa Māori Trust Board	Support in part	Manawatū-Wanganui	Q6 Inclusion of existing consents in limits, time limit, clawback through plans	Point: Clawback can help reverse harmful consents.  Relief sought: Clawback must be an option.

No.	Name	Position	Region	Topics	Feedback
77	Ngāti Tuwharetoa Māori Trust Board	Support in part	Manawatū-Wanganui	Q7, 8 & 9 Technical methods	<p>Point: Methods should be adopted in suites. A suite of social assessment tools could be opened up for public comment for example, when that suite was available and easy enough to test. Each suite could be adopted only following a careful evaluation and testing process which must involve public interaction with, and not just comment on, each new set.</p> <p>Relief sought: If option 4.5 was adopted, propose that methods be adopted in suites, or groups, according to the specific aspect of decision-making, to which they apply.</p>
77	Ngāti Tuwharetoa Māori Trust Board	Support in part	Manawatū-Wanganui	Q7, 8 & 9 Technical methods, approach proposed	<p>Point: Technical methods too narrow.</p> <p>Relief sought: Match the precision of the draft ecological guidelines (Beca 2008) for the selection of methods.</p>
77	Ngāti Tuwharetoa Māori Trust Board	Oppose	Manawatū-Wanganui	Q1 Problems & issues correct	<p>Point: Lack of adequate regulation of ecological flows will not be completely rectified by an NES.</p> <p>Relief sought: More meaningful way of dealing with this issue would be to amend the RMA by including sections specifically related to quantity, flow-regime and utilisation of flows.</p>
77	Ngāti Tuwharetoa Māori Trust Board	Oppose	Manawatū-Wanganui	Q12 & 13 Benefits and costs	<p>Point: The absorption of costs, and the distribution and consolidation of benefits at this level is not clearly articulated in the linear and unranked and therefore un-prioritised cost-benefit analysis framework presented.</p> <p>Relief sought: More effort put into cost-benefit analysis work which receives costs on the basis of long-term losses and adjustments for losses, carried by groups like iwi Māori, and especially those who have ownership of, and legal titles covering areas containing large amounts of water, used by competing commercial and recreational interests.</p>
77	Ngāti Tuwharetoa Māori Trust Board	Oppose	Manawatū-Wanganui	Q4 Interim levels, proposed numbers	<p>Point: Interim levels to preserve more of the naturally occurring groundwater.</p> <p>Relief sought: Amend 15% to 20% for shallow aquifers and 35% to 45% for all others.</p>
77	Ngāti Tuwharetoa Māori Trust Board	Oppose	Manawatū-Wanganui	Q4 Interim levels, proposed numbers	<p>Point: Interim levels</p> <p>Relief sought: Rivers with mean flows less than or equal to 5 m<sup>3</sup>/s. Amend 90% of MALF to 95% of MALF. Amend 30% in the next part of the formula to 35%.</p> <p>For rivers with mean flows greater than 5 m<sup>3</sup>/s amend 80% of MALF to 85%. Amend 50% to 55%.</p>
78	Waikato Raupatu Trustee Company Ltd	Support in part	Waikato	Consultation, Other	<p>Point: Māori participation</p> <p>Relief sought: The proposed NES should incorporate a process which enables Māori to participate in management and decision-making.</p>

No.	Name	Position	Region	Topics	Feedback
78	Waikato Raupatu Trustee Company Ltd	Support in part	Waikato	Other	<p>Point: Waikato-Tainui objectives.</p> <p>Relief sought: The following Waikato-Tainui objectives to be reflected in the development of the proposed NES</p> <ol style="list-style-type: none"> <li>1. The restoration and protection of the health and wellbeing of the Waikato River.</li> <li>2. The restoration and protection of the relationship of the Waikato-Tainui with the Waikato River, including their economic, social, cultural and spiritual relationships.</li> <li>3. The integrated, holistic and co-ordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.</li> <li>4. The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and support in particular to those effects that threaten serious or irreversible damage to the river.</li> <li>5. The recognition and avoidance of adverse cumulative effects and potential cumulative effects of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the river.</li> <li>6. The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.</li> <li>7. The protection and enhancement of significant sites, fisheries, flora and fauna.</li> <li>8. The application to the above mātauranga Māori and latest available scientific methods.</li> </ol>
78	Waikato Raupatu Trustee Company Ltd	Support in part	Waikato	Process to adoption / involvement, consultation	<p>Point: Processes.</p> <p>Relief sought: The proposed NES should included processes to enable effective tangata whenua participation in decision-making.</p>
78	Waikato Raupatu Trustee Company Ltd	Support in part	Waikato	Process to adoption / involvement, consultation	<p>Point: Early engagement.</p> <p>Relief sought: With respect to issues regarding the traditional rohe of Waikato-Tainui, the proposed NES requires that early engagement must be made with the Guardians of the Waikato River, the Waikato Statutory Board, Waikato Ruapatu River Trust and/or the Waikato Raupatu Lands Trust as appropriate.</p>
78	Waikato Raupatu Trustee Company Ltd	Support in part	Waikato	Q1 Problems & issues correct	<p>Point: Objectives.</p> <p>Relief sought: Include the following objectives to the three existing ones:</p> <ol style="list-style-type: none"> <li>a. "To ensure that the ecological values of all water bodies are enhanced for future generations.</li> <li>b. "To ensure iwi and hapu are involved, and tangata whenua values and interests are identified and reflected, in the development of ecological flows and water levels"</li> </ol>

No.	Name	Position	Region	Topics	Feedback
78	Waikato Raupatu Trustee Company Ltd	Support in part	Waikato	Q4 Interim levels	Point: Minimum flow. Relief sought: The existing minimum flow of 90% of MALF as calculated by the Waikato Regional Council be maintained and not decreased to that stated in clause 5.1.3 of the proposed NES.
78	Waikato Raupatu Trustee Company Ltd	Support in part	Waikato	Q7, 8 & 9 Technical methods, new methods / innovation	Point: Information. Relief sought: The best available information for decision-making processes should include robust analysis of Māori values and the value methods used in the proposed NES must include Waikato-Tainui cultural methods (cultural health index) concerning our rohe.
79	Te Kaahui o Rauru	Support in part	Manawatū-Wanganui	Implementation / resource costs	Point: Document does not discuss how support will be given to councils to implement the NES. Relief sought: Need to outline how the government will provide support to regional and territorial authorities to implement the NES.
79	Te Kaahui o Rauru	Support in part	Manawatū-Wanganui	Q1 Problems & issues correct	Point: Māori values in the problem statements and issues. Relief sought: Show an acknowledgement of the issues Māori face when trying to ensure their values are recognised as viable technical tools and appropriately included in resource consent and other related decision- and policy-making processes.
79	Te Kaahui o Rauru	Support in part	Manawatū-Wanganui	Q12 & 13 Benefits and costs, Q11 Application of NES to existing and replacement consents	Point: Need better recognition/consideration of tangata whenua values. Relief sought: Want to know why tangata whenua values recognition/considerations have been omitted from the document.
79	Te Kaahui o Rauru	Support in part	Manawatū-Wanganui	Q12 & 13 Benefits and costs, Q11 Application of NES to existing and replacement consents	Point: Need better recognition / consideration of tangata whenua values. Relief sought: Want to know why tangata whenua values recognition/considerations have been omitted from the document.
79	Te Kaahui o Rauru	Support in part	Manawatū-Wanganui	Q12 & 13 Benefits and costs, Q11 Application of NES to existing and replacement consents	Point: Need better recognition/consideration of tangata whenua values. Relief sought: Want to know why tangata whenua values recognition/considerations have been omitted from the document.
79	Te Kaahui o Rauru	Support in part	Manawatū-Wanganui	Q12 & 13 Benefits and costs, Q11 Application of NES to existing and replacement consents	Point: Need better recognition/consideration of tangata whenua values. Relief sought: Want to know why tangata whenua values recognition/considerations have been omitted from the document.
79	Te Kaahui o Rauru	Support in part	Manawatū-Wanganui	Q3 Need for interim levels	Point: Generally supports interim limits. Relief sought: Process needs to incorporate Māori water management approaches and principles. Want to prevent regional councils from not addressing environmental flow and water level issues through their regional plan process because they are happy to continue with the provisions in an NES.



No.	Name	Position	Region	Topics	Feedback
79	Te Kaahui o Rauru	Support in part	Manawatū-Wanganui	Q4 Interim levels, scope – what's included	Point: Concerned about the take, discharges, quality and level of our waterways. Relief sought: Assistance for Te Kaahui o Rauru from MfE or other government department to assess waterways cultural values, habitats, ecosystems, ecological flows and quality.
79	Te Kaahui o Rauru	Support in part	Manawatū-Wanganui	Q5 Time limit for interim levels	Point: Inclusion of existing consents within allocation limits. Clawback is a viable option. Relief sought: Needs to be dealt with on a case-by-case basis. Criteria for clawback provisions will need to be developed.
79	Te Kaahui o Rauru	Support in part	Manawatū-Wanganui	Q7, 8 & 9 Technical methods	Point: Want to ensure Māori involvement and values in technical methods. Relief sought: Provide for the involvement of Māori in the selection of technical methods and ensure that Māori water values will be included in the development of criteria for technical methods.
79	Te Kaahui o Rauru	Support in part	Manawatū-Wanganui	Q7, 8 & 9 Technical methods	Point: Breaches. Relief sought: Applications that breach interim limits should be considered prohibited activities until an environmental flow or water level is included in an operative or proposed regional plan.
79	Te Kaahui o Rauru	Support in part	Manawatū-Wanganui	Q7, 8 & 9 Technical methods, approach proposed	Point: Inclusion of new methods. Relief sought: Provisions for new and emerging methods should be made in an NES. They should also be removed if they are defunct.
79	Te Kaahui o Rauru	Support in part	Manawatū-Wanganui	Scope of NES	Relief sought: Work to develop a NPS for Freshwater Management should be prioritised over developing a NES on Ecological Flow and Water Levels.
79	Te Kaahui o Rauru	Support in part	Manawatū-Wanganui	Scope of NES, Q1 Problems & issues correct	Relief sought: See a specific statement from the government about how it intends to support Māori and councils to better work together.
79	Te Kaahui o Rauru	Oppose	Manawatū-Wanganui	Process to adoption / involvement, consultation	Point: Māori involvement in the process Relief sought: NES needs to facilitate greater Māori involvement in resource consent decision-making and monitoring processes
79	Te Kaahui o Rauru	Oppose	Manawatū-Wanganui	Process to adoption / involvement, consultation	Point: Informal process for developing NES. Questions how the MfE undertakes section 32 analysis in regard to Māori values. Relief sought: Māori should be given an opportunity to discuss their submission or a joint submission on behalf of all Māori with Ministers or the Governor-General.
79	Te Kaahui o Rauru	Oppose	Manawatū-Wanganui	Q12 & 13 Benefits and costs, Q11 Application of NES to existing and replacement consents	Point: Need better recognition/consideration of tangata whenua values. Relief sought: Want to know why tangata whenua values recognition/considerations have been omitted from the document.
79	Te Kaahui o Rauru	Oppose	Manawatū-Wanganui	Scope of NES, process to adoption / involvement, Other	Point: Does not appear to take into account the principles of the Treaty of Waitangi. Relief sought: Need to show how the NES will provide for the Treaty of Waitangi.

No.	Name	Position	Region	Topics	Feedback
80	Te Maru o Ngāti Rangiwewehi	Oppose	Bay of Plenty	Other	<p>Point: Opposes “consumptive uses of water also provide essential services for the economic and social wellbeing of the country. Water is used for human and stock drinking, fire fighting, urban water supply, industry, electricity generation and irrigation.”</p> <p>Relief sought:</p> <ol style="list-style-type: none"> <li>1. Amend so that consumptive uses that provide unique essential services for the economic and social wellbeing of tangata whenua are provided for and recognised: “Consumptive uses of water also provide essential services for the economic and social wellbeing of the inhabitants of this country, including the consumptive uses of water providing essential services unique to the economic and social wellbeing of tangata whenua.”</li> <li>2. Delete “Water is used for human and stock drinking, fire fighting, urban water supply, industry, electricity generation and irrigation.”</li> </ol>
80	Te Maru o Ngāti Rangiwewehi	Oppose	Bay of Plenty	Q2 Options / alternatives	<p>Point: Oppose the assessment of alternatives.</p> <p>Relief sought: Further investigation into the ‘Alternative NES’ option be carried out to enable a detailed assessment and comparison of the proposed and alternative NES options. Consideration of alternative methods / tools to assess the wider values to be considered when determining environmental flows and water levels must be further instigated.</p>
80	Te Maru o Ngāti Rangiwewehi	Oppose	Bay of Plenty	Q3 Need for interim levels	<p>Point: Opposed to the imposition of interim limits.</p> <p>Relief sought: Impose interim limits that recognise and provide for the consumptive uses of water that provide unique essential services for the social and economic wellbeing of tangata whenua.</p>
80	Te Maru o Ngāti Rangiwewehi	Oppose	Bay of Plenty	Scope of NES, Q1 Problems & issues correct	<p>Point: Oppose the definition of available water.</p> <p>Relief sought: Amend definition to include specific reference to consumptive uses unique to tangata whenua: “it includes uses for reasonable stock and domestic water supplies provided by the RMA s14(3), as well as small-scale abstractions permitted by regional plans. Consumptive uses of water by tangata whenua are also included.”</p>
80	Te Maru o Ngāti Rangiwewehi	Support	Bay of Plenty	Q7, 8 & 9 Technical methods	<p>Point: Need for an NES on the selection of technical methods.</p> <p>Relief sought: Consideration of alternative methods/tools to assess the wider values to be considered when determining ecological flows and water levels must be further investigated. Cultural impact assessments should be included in any selection of methods for assessing ecological values.</p>
81	Te Rūnanga o Ngāi Tahu	Support in part	Canterbury	Process to adoption / involvement	<p>Point: Implementation costs.</p> <p>Relief sought: Provide incentive for councils to set environmental flows.</p>
81	Te Rūnanga o Ngāi Tahu	Support in part	Canterbury	Q1 Problems & issues correct, other	<p>Point: Narrow focus on ecological flows.</p> <p>Relief sought: Revisit the methods recommended to set ecological flows with the intent of incorporating aspects of existing holistic methodologies.</p>

No.	Name	Position	Region	Topics	Feedback
81	Te Rūnanga o Ngāi Tahu	Support in part	Canterbury	Q6 Inclusion of existing consents in limits, clawback through plans	Point: The intent to maintain current allocation limits. Relief sought: Require the implementation of immediate clawbacks for all over-allocated catchments.
81	Te Rūnanga o Ngāi Tahu	Support in part	Canterbury	Q7, 8 & 9 Technical methods, approach proposed	Point: Inadequate method for determining ecological flows. Relief sought: Revisit methods recommended to set ecological flows with the intent of incorporating aspects of existing holistic methodologies.
81	Te Rūnanga o Ngāi Tahu	N/A	Canterbury	Process to adoption / involvement	Point: Lack of any direction to negotiate environmental flows. Relief sought: <ol style="list-style-type: none"> <li>1. Direct councils to set environmental flows for all catchments in their district within a period of 10 years.</li> <li>2. Review the methods currently employed by council to: <ol style="list-style-type: none"> <li>a) determine whether existing methods set ecological or environmental flows</li> <li>b) determine the values protected by existing methods ie, recreational, ecological, tangata whenua and amenity.</li> </ol> </li> <li>3. Monitor compliance of the regional councils in developing environmental flows.</li> </ol>
82	Te Taiwhenua o Heretaunga	Support in part	Hawke's Bay	Implementation / resource costs	Point: Additional technical support and resources required for NES implementation. Relief sought: Better recognition that technical support and resources are required to apply the NES. Includes ensuring Māori participants/organisations are given the same opportunity as its councils.
82	Te Taiwhenua o Heretaunga	Support in part	Hawke's Bay	Q4 Interim levels, Q1 Problems & issues correct	Point: A single 5 m <sup>3</sup> /s threshold for the allocation limit determination is too broad. Relief sought: Requests that further work is carried out to nominate at least 1 or 2 further flow thresholds from the allocation limits to refine the 30% and 50% of MALF figures.
82	Te Taiwhenua o Heretaunga	Support in part	Hawke's Bay	Q4 Interim levels, scope – what's included	Point: Groundwater. Relief sought: Request that greater detail is provided within the draft guidelines document on methods for estimating the degree of connectivity of groundwater to overlying surface water.
82	Te Taiwhenua o Heretaunga	Support in part	Hawke's Bay	Q7, 8 & 9 Technical methods, clawback through plans	Point: Groundwater. Relief sought: Greater detail should be included on accepted methods for estimating stream depletion effects.
82	Te Taiwhenua o Heretaunga	Support in part	Hawke's Bay	Scope of NES, Implementation / resource costs	Point: Additional costs/resources required. Relief sought: Financial support be provided for the implementation of the NES to us and the Regional Council to advance these issues.

No.	Name	Position	Region	Topics	Feedback
82	Te Taiwhenua o Heretaunga	Oppose	Hawke's Bay	Q4 Interim levels, scope – what's included	Point: Wetlands. Relief sought: Request that the following wording be added for all wetlands: "No change in water levels, beyond the water level variation that has already been provided for by existing resource consents or lawfully established structures or works pursuant to S10A of the RMA."
83	Whanganui River Māori Trust Board	Support in part	Manawatū-Wanganui	Scope of NES, climate change	Point: There does not appear to be a contingency plan in place for drought conditions. Relief sought: There must be an opportunity for adjustments to environmental settings in the case of a drought or severe climate change.
83	Whanganui River Māori Trust Board	Oppose	Manawatū-Wanganui	Q7, 8 & 9 Technical methods	Point: Board does not agree with the approach used. Relief sought: Standard must be concurrent with the standard that addresses undesirable effects of land use on water quality and consider tangata whenua science in setting ecological flows and water levels.
84	Advocates for the Tongariro River	N/A	National	Apply to all water bodies Effect on applications	Particularly concerned about environmental responsibility in relation to hydro-electric power generation.
84	Advocates for the Tongariro River	N/A	National	Apply to all water bodies Implementation / resource costs, approach proposed	Catchment management plans be used to protect all significant rivers, lakes and sounds.
84	Advocates for the Tongariro River	N/A	National	Approach proposed	That some particularly valuable systems, such as Lake Taupo and the Tongariro River, be protected by statute.
84	Advocates for the Tongariro River	N/A	National	Effect on applications, apply to existing consents, Q11 Application of NES to existing and replacement consents, clawback through plans	That water abstraction consents be reviewed at least every 10 years to monitor ecological effects. Modify consents if necessary.
84	Advocates for the Tongariro River	N/A	National	New methods / innovation, Approach proposed	Re-introduction of the 'Guardians' concept.

No.	Name	Position	Region	Topics	Feedback
84	Advocates for the Tongariro River	N/A	National	Q2 Options / alternatives, Q10 NES approaches to breaches, Q12 & 13 Benefits and costs, Q11 Application of NES to existing and replacement consents	Recognise that hydro-electric generation will continue to be important but: <ul style="list-style-type: none"> <li>– economic good is not the only factor considered</li> <li>– a long-term view must be taken, particularly in relation to the long-term effect of hydro-electric generation on river systems</li> <li>– it has been shown that in some cases, historical guidelines for the basis of consents has been unsustainable</li> <li>– Treaty values need better recognition</li> <li>– mitigation measures are sometimes being met by ratepayers, rather than industrial users that cause problems</li> <li>– a lack of respect for traditional and community access</li> <li>– need for better preservation of some river systems.</li> </ul>
85	Auckland Conservation Board	N/A	Auckland	Apply to all water bodies Division of water bodies	Dune lakes should only be drawn for limited domestic use.
85	Auckland Conservation Board	N/A	Auckland	Apply to all water bodies Division of water bodies, scope – what's included	Noted that different waterways will be assessed differently and there will also be seasonal differences. This could make setting a nationwide standard difficult. The setting of any NES must take into account the differences in water bodies across the country.
85	Auckland Conservation Board	N/A	Auckland	Apply to all water bodies Division of water bodies, scope – what's included	Certain waters should be left in their natural state, including wild and scenic rivers.
85	Auckland Conservation Board	N/A	Auckland	Need, Q4 Interim levels, Q3 Need for interim levels, proposed numbers, Q7, 8 & 9 Technical methods, approach proposed	Permitted water levels should never be allowed to drop below levels required for the survival of native species. This should be determined before volumes for consumptive use is determined.
85	Auckland Conservation Board	N/A	Auckland	Q7, 8 & 9 Technical methods, approach proposed	Any damage to the habitat of native species must be mitigated fully through measures such as riparian planting and fish ladders etc.
85	Auckland Conservation Board	N/A	Auckland	Scope of NES	The view of the Board is that water quality is just as important as water quantity.
85	Auckland Conservation Board	N/A	Auckland	Scope of NES, climate change	The effects of climate change on matters covered by the NES are not discussed and the Board believes this needs to be addressed.
85	Auckland Conservation Board	N/A	Auckland	Scope of NES, Need, Effect on applications, Q2 Options / alternatives, Q1 Problems & issues correct	Environmental creep or incremental increases (however minor) in the allocation of water should not be allowed where it will undermine ecological flows.
85	Auckland Conservation Board	N/A	Auckland	Scope of NES, Relationship with NPS & RMA	Cultural, amenity and recreational values must be taken into account.

No.	Name	Position	Region	Topics	Feedback
86	Bream Bay Coastal Care Trust	N/A	Northland	Apply to all water bodies, scope of NES, effect on applications, effect on regional & local plans, relationship with NPS & RMA, scope – what's included, implementation / resource costs	It is important to have a nationally consistent standard, that cannot be 'fiddled with' by territorial local authorities.
86	Bream Bay Coastal Care Trust	N/A	Northland	Climate change, Q6 Inclusion of existing consents in limits	Existing consent limits and any interim limits need to be considered in light of climate change.
86	Bream Bay Coastal Care Trust	N/A	Northland	Need, Q7, 8 & 9 Technical methods, new methods / innovation	New and emerging methods should be used and consultation with non-government organisations is essential.
86	Bream Bay Coastal Care Trust	N/A	Northland	Q1 Problems & issues correct	Strongly agree with the three objectives of the proposed NES.
86	Bream Bay Coastal Care Trust	N/A	Northland	Q3 Need for interim levels, Q11 Application of NES to existing and replacement consents, Current breaches	Over-allocation of water is a serious issue where development is occurring. There is concern that existing takes may not be adequately monitored.
86	Bream Bay Coastal Care Trust	N/A	Northland	Q4 Interim levels, Q3 Need for interim levels, scope – what's included	Agree with the setting of proposed interim limits. These limited should be based on territorial local authorities' long-term data and approved by MfE.
87	Cawthron	Support in part	National	Q4 Interim levels, proposed numbers, division of water bodies, scope – what's included	<p>Feel that default allocation limits may be too high. Suggest that more conservative limits be set ie, 30% and 50% MALF be amended to 10% and 15% MALF, respectively. This would align better with values in discussion document and draft guidelines.</p> <p>Suggest that a new stream category be inserted for streams less than 1 m<sup>3</sup>/s in recognition that smaller streams can be more sensitive to flow changes.</p> <p>Setting of limits should be conservative because if not there is a risk that adverse ecological effects will occur and regional councils will be in a position of having to claw back allocation.</p>
87	Cawthron	N/A	National	Applications, Q10 NES approaches to breaches, Current breaches	Treat new applications that breach NES as non-complying.
87	Cawthron	N/A	National	Need, Q7, 8 & 9 Technical methods	Support providing consistent technical methods.

No.	Name	Position	Region	Topics	Feedback
87	Cawthron	N/A	National	Other	Meaning of terms. – Needs to be clear what MALF means in NES context. – Clarity on terms 'natural' and 'naturalised' – significant differences.
87	Cawthron	N/A	National	Other	Cumulative effects Cumulative effects must be a strong feature of the NES as this is particularly important in a water allocation context.
87	Cawthron	N/A	National	Q11 Application of NES to existing and replacement consents	Support.
87	Cawthron	N/A	National	Q3 Need for interim levels, Q2 Options / alternatives, Q1 Problems & issues correct	In support of matters raised in Q1, Q2 and Q3.
87	Cawthron	N/A	National	Q5 Time limit for interim levels, time limit, how to implement	If the values are conservative enough as suggested earlier, there should be no need to set a time limit. It is recognised that there may be some benefit in terms of managing cumulative effects and avoiding the piecemeal treatment on individual applications.
87	Cawthron	N/A	National	Q7, 8 & 9 Technical methods, new methods / innovation, approach proposed	Agree provision to add/remove methods should be included. Process for this to occur needs further consideration though, including levels of consultation with stakeholders and practitioners.
87	Cawthron	N/A	National	Q7, 8 & 9 Technical methods, other	Complementary methods – change wording of draft guidelines to read: "In situations with high in-stream values, two or more complementary methods from each cell should be used." This is aimed at reducing redundancy.
87	Cawthron	N/A	National	Renewals & clawback, apply to existing consents, Q6 Inclusion of existing consents in limits, clawback through plans	Suggest that clawback may be required in some cases where water has been over-allocated. Conversely, there may be more water available for abstractive use in some cases.
88	New Zealand Conservation Authority	Support in part	National	Need, Q7, 8 & 9 Technical methods, approach proposed	More prescriptive approach to methods. 1. Require that temperature, dissolved oxygen and periphyton models should be applied in <i>all</i> cases. 2. The connectivity of wetlands with surface or groundwater, connectivity of shallow groundwater with streams, and provisions for fish passage should also <i>always</i> be assessed, and habitat analysis should always be carried out for medium- and high-value lakes. 3. Flow variability analysis should <i>always</i> be undertaken for medium- and high-value waterbodies.
88	New Zealand Conservation Authority	Support in part	National	Q1 Problems & issues correct	Include an additional objective: "To provide national direction that is efficient and avoids the costs to the community of ongoing litigation."

No.	Name	Position	Region	Topics	Feedback
88	New Zealand Conservation Authority	Support in part	National	Q7, 8 & 9 Technical methods, new methods / innovation	Include methods that are being applied internationally, including those where a wider range of values are incorporated.
88	New Zealand Conservation Authority	N/A	National	Other	Definitions. Include a definition of 'consumptive use'. Include guidance on s14 exemptions. Define: 1. what constitutes 'reasonable domestic need' 2. what constitutes 'reasonable needs of an individual's animals for drinking water with a maximum per property.' – and require such takes under s14 to be notified to the local authority of water being taken so that appropriate monitoring can be undertaken.
88	New Zealand Conservation Authority	N/A	National	Other	Monitor the implementation of the NES.
88	New Zealand Conservation Authority	N/A	National	Q1 Problems & issues correct	For waterbodies with a high level of protection, including those passing through public conservation land and converted private land, the criteria should require that any allocation be consistent with the level and status of protection and maintenance of the values protected.
88	New Zealand Conservation Authority	N/A	National	Q10 NES approaches to breaches, current breaches	Specify that for existing uses all breaches are to be considered non-complying, including breaches of minimum flows and allocation already established in existing plan – providing that they are for no more than the existing level of use or less by that consent holder. Breaches for new uses should not be permitted and must be notified.
88	New Zealand Conservation Authority	N/A	National	Q2 Options / alternatives	Suggest the preparation of an NES on social and cultural values.
88	New Zealand Conservation Authority	N/A	National	Q2 Options / alternatives	Define ecological flows to encompass the parameters required to maintain ecosystem integrity.
88	New Zealand Conservation Authority	N/A	National	Q2 Options / alternatives	Include in the work programme: 1. Additional standards addressing the methods to be used to assess recreational and landscape values, and that this should be done in the next 12 months. 2. Consultation with tangata whenua on a standard methodological approach to consideration of values of importance to Māori. 3. Guidance for monitoring to ensure environmental flows are sustainable. 4. Standardised methods for measuring groundwater recharge. 5. Consideration of the effects of climate change.
88	New Zealand Conservation Authority	N/A	National	Q4 Interim levels, scope – what's included	Set ecological flow at a level no lower than the naturally occurring low level, currently assessed as mean annual low flow.



No.	Name	Position	Region	Topics	Feedback
88	New Zealand Conservation Authority	N/A	National	Q4 Interim levels, scope – what's included	Reconsider levels for rivers and streams, braided rivers, dune lakes and deep aquifers and enable a higher allocation during flood flows. Provide for wetland enhancement. Apply the NES universally ie, where a regional plan contains a default minimum flow for waterbodies for which specific levels have not been set according to the methods in the NES, and are lower than the standard, the NES should replace that default level.
88	New Zealand Conservation Authority	N/A	National	Q5 Time limit for interim levels	Include a timeframe for all consents with no finite term or minimum flow to be reviewed.
88	New Zealand Conservation Authority	N/A	National	Q5 Time limit for interim levels, time limit	Require councils to review plans within three years where allocation in catchment exceeds the standard or where the setting of limits in plans was not done using methods specified in the NES.
88	New Zealand Conservation Authority	N/A	National	Q6 Inclusion of existing consents in limits	Define over-allocation as: "where the current allocation exceeds the specified default national standard."
88	New Zealand Conservation Authority	N/A	National	Q7, 8 & 9 Technical methods, approach proposed	Include cumulative modification when considering risk. Provide more guidance on establishing significance (low / medium / high) of a water body.
88	New Zealand Conservation Authority	N/A	National	Q7, 8 & 9 Technical methods, approach proposed	Provide criteria for exceptions where a minimum flow is not appropriate.
88	New Zealand Conservation Authority	N/A	National	Q7, 8 & 9 Technical methods, new methods / innovation	Initiate research on validation of habitat models and holistic methods.
88	New Zealand Conservation Authority	Oppose	National	Q1 Problems & issues correct	Include additional problem statements: 1. Lack of certainty as to whether plans which have used some of the methods proposed have resulted in sustainable minimum flows. 2. Existing consents that exceed the NES may have very long timeframes or no time limits. 3. Do Māori have customary rights and what is the implication of this on proposed NES
88	New Zealand Conservation Authority	Oppose	National	Q11 Application of NES to existing and replacement consents	Require all consents to be reviewed within three years if they breach the NES or if the levels and allocations set in existing plans have not been arrived at using methods in the NES.
88	New Zealand Conservation Authority	Oppose	National	Q4 Interim levels, scope – what's included	NES should not be interim pending local decision-making but should apply generally until such time as full range of values is considered on catchment-wide basis.
88	New Zealand Conservation Authority	Oppose	National	Q4 Interim levels, scope – what's included	Delete reference to the existing allocation in the NES.

No.	Name	Position	Region	Topics	Feedback
88	New Zealand Conservation Authority	Oppose	National	Q5 Time limit for interim levels, time limit, how to implement	Specify that, where allocation exceeds the NES, it is mandatory for all consents to be reviewed within three years. Require staged introduction of catchment management plans with clear priorities.
89	Ecologic	Support in part	National	Q1 Problems & issues correct	Agree. Add another, recognising difficulty councils have in defending their limits in plans.
89	Ecologic	Support in part	National	Q2 Options / alternatives	Alternative NES best option if it recognises matters raised in this submission.
89	Ecologic	Support in part	National	Q7, 8 & 9 Technical methods	Section 5.3.1 – Public water supply catchments should be exempt. Only stock water authorised as of date of NES – not entire catchment.
89	Ecologic	N/A	National	Q10 NES approaches to breaches, Q11 Application of NES to existing and replacement consents	Any application that breach limits should be exempt. High risk of 'salami effect' – ie, cumulative effects. Non-complying and discretionary categories too loose.
89	Ecologic	N/A	National	Q6 Inclusion of existing consents in limits	P 28 – Implication that plans have had 'sufficient technical assessment' may not always be correct.
89	Ecologic	N/A	National	Q7, 8 & 9 Technical methods, approach proposed	Section 5.1.1 – NES should state clearly that groundwater will be treated as a take from a hydraulically connected surface water source.
89	Ecologic	N/A	National	Scope of NES	Definition of environmental flows: "The flows and water levels required in a water body to provide for non-consumptive values, including, but not limited to ecological, cultural, recreational, amenity and landscape values as established through a regional plan or other statutory process."
89	Ecologic	N/A	National	Scope of NES, effect on applications, Implementation / resource costs	Supports general principle of NES – increase certainty for consumptive users and passive users. Environmental flows rather than ecological standards would be desirable – to cover recreational, landscape and cultural aspects of flows. Definition of ecological flows: insert 'naturally' before 'present' and include a reference to trout and salmon. An breach of interim standards should be 'prohibited'. Interim flow levels should be continuation of existing consents and then reduced, if necessary, when consents are renewed. An implementation fund should be dedicated to the implementation of this NES.
89	Ecologic	Oppose	National	Q5 Time limit for interim levels	No need for time-bound limits.
89	Ecologic	Oppose	National	Q7, 8 & 9 Technical methods, approach proposed	Do not support ability to introduce variation to the methods. Could significantly undermine the benefits of the NES.

No.	Name	Position	Region	Topics	Feedback
89	Ecologic	Support	National	Q4 Interim levels, Q3 Need for interim levels	Agree.
89	Ecologic	Support	National	Q7, 8 & 9 Technical methods	Agree.
89	Ecologic	Support	National	Renewals & clawback, Apply to existing consents, Q6 Inclusion of existing consents in limits, clawback through plans	Existing consents should be included and then limits reviewed as they need to be re-consented.
90	Environment and Conservation Organisations of NZ Inc.	Support in part	National	Apply to existing consents, Q6 Inclusion of existing consents in limits	In such situations the existing consents should be honoured and no more water allocated.
90	Environment and Conservation Organisations of NZ Inc.	Support in part	National	Need, Q7, 8 & 9 Technical methods	Supports the aim to provide nationally consistent methods of assessing ecological values. Believes an NES encompassing both methodology and information quality is required. Those involved in water management need a defined methodology to follow since mere 'guidance' is easily ignored if one does not agree with it, or thinks one knows better.
90	Environment and Conservation Organisations of NZ Inc.	Support in part	National	Q11 Application of NES to existing and replacement consents	In terms of the proposed method, states conditional support in terms of a 'new application' situation; that new application, however states a plan change must also be initiated to enable ecological flows and water levels to be set using the decision-making framework and methods prescribed in the NES.  States conditional support in terms on a 'replacement resource consent' application; in that if the application exceeds the revised ecological flows and water levels set by the methods prescribed in the NES a reduced short term consent should be issued only and the clawback of over-allocated water within the catchment initiated.
90	Environment and Conservation Organisations of NZ Inc.	Support in part	National	Q2 Options / alternatives	Agrees that all the viable options have been covered. States that a broader NES that covered other environmental values (ie, recreational, cultural, amenity, tangata whenua) as well as the ecological would be ideal.
90	Environment and Conservation Organisations of NZ Inc.	Support in part	National	Q3 Need for interim levels	Supports the need and introduction of interim limits.  Interim limits are presented without any information or references on their derivation. Suggests reasoning and decision process behind it be included.  There is a lack of any requirement for monitoring the effectiveness of interim limits.
90	Environment and Conservation Organisations of NZ Inc.	N/A	National	Q10 NES approaches to breaches	States 'non-complying' activity status is probably the best way to deal with such applications.

No.	Name	Position	Region	Topics	Feedback
90	Environment and Conservation Organisations of NZ Inc.	N/A	National	Q4 Interim levels	In terms of groundwater, suggest that a more conservative approach is taken especially in shallow, coastal aquifers where salt intrusion could occur. Such aquifers should have an interim limit of 0% until sufficient data is available to determine how much can be taken without risking salt intrusion.
90	Environment and Conservation Organisations of NZ Inc.	N/A	National	Q4 Interim levels	In terms of rivers and streams; questions why the minimum flow is set at either 90% or 80% of MALF Why not be consistent and slightly more conservative and use 100% of MALF The NES needs to provide references as to why these values were selected. Questions the setting of a mean flow of 5 m <sup>3</sup> /s to distinguish smaller streams from larger ones. States that given the great diversity in-stream characteristics, more information is needed to explain why only two stream size categories were considered. States they are not confident that applying interim limits based solely on mean flow is going to provide adequate protection. Questions the use of annual flow statistics, rather recommends that monthly statistics.
90	Environment and Conservation Organisations of NZ Inc.	N/A	National	Q5 Time limit for interim levels, time limit	States there should be a time limit on how long an interim limit will apply to a particular location. Sufficient time must be allowed for the regional council to ascertain the likely future demand for water and to determine the values that are to be preserved at a given location. A five-year limit may be appropriate.
90	Environment and Conservation Organisations of NZ Inc.	N/A	National	Q7, 8 & 9 Technical methods	The submission includes a number of amendments including the addition of a number of definitions such as 'ecological integrity' and 'poor-quality habitat'. States that a number of things are unreferenced or incorrectly referenced and this needs to be addressed. The evidence and reasoning behind some points is unclear and needs to be more robustly presented. There are no guidelines for addressing how to determine the significance of values about rivers, recommends that it is done similar to that of the values of wetlands.
90	Environment and Conservation Organisations of NZ Inc.	N/A	National	Q7, 8 & 9 Technical methods	States that the NES should be subject to five-yearly reviews.
90	Environment and Conservation Organisations of NZ Inc.	N/A	National	Scope of NES	Other: Suggests that a glossary be included. Uncertainty about the definitions of 'ecological function' and 'and its margins'.  States that the 'Rivers' sections uses the descriptor 'poor' in relation to habitat on a number of occasions. Habitat can only be poor if one has a particular species in mind. We suggest the salmonid bias of this section be addressed.  Suggests number of changes to Appendix 1 and 2.

No.	Name	Position	Region	Topics	Feedback
90	Environment and Conservation Organisations of NZ Inc.	Oppose	National	Q11 Application of NES to existing and replacement consents	Opposes that where an application for a replacement consent seeks a flow lower than that set by the interim limit, it should be treated as non-complying. The relevant catchment should be assessed using the technical standards and methods in the NES. If the application exceeds the revised ecological flows and water levels set using the decision-making framework and methods prescribed in the NES, a reduced short-term consent should be issued only and the clawback of over-allocated water within the catchment initiated.  States that an application for a new resource consent that exceeds environmental flows and/or water levels set in the regional plan should be treated as non-complying.
90	Environment and Conservation Organisations of NZ Inc.	Support	National	Q1 Problems & issues correct	Agrees with the three problem statements.
90	Environment and Conservation Organisations of NZ Inc.	Support	National	Q11 Application of NES to existing and replacement consents	Supports the establishment or amendment of an environmental flow or water level in a regional plan.
91	Environmental Defence Society	Support in part	National	Q3 Need for interim levels	Point: Have concerns that the use of interim limits as currently proposed is applying the legislation correctly. We accept that while not specifically allowed for in the RMA, it is possible to set interim limits.
91	Environmental Defence Society	Support in part	National	Q4 Interim levels, scope – what's included	Point: Where existing standards in regional rules are excessive in allowing takes that are damaging the ecology, this proposal is ineffective in changing them, other than where there are review provisions in existing consents which link to ecological effects.  Relief sought: Believe the section on environmental standards in the RMA was written to set up standards of some permanence which would provide a baseline which local standards could exceed by being less lenient.
91	Environmental Defence Society	Support in part	National	Scope of NES, Relationship with NPS & RMA	Point: Proposed NES is concerned entirely with ecological issues.  Relief sought: A single document dealing with all aspects of levels and flows or, at the very least, some guidance as to how the different requirements may be brought together.  Believe the intent needs to be effected though a combination of an NES and a national policy statement.
91	Environmental Defence Society	Oppose	National	Q2 Options / alternatives	Point: Do not believe an NES is sufficient for the purpose.
91	Environmental Defence Society	Support	National	Q1 Problems & issues correct	Point: Agree with problem statements.
91	Environmental Defence Society	Support	National	Q5 Time limit for interim levels, time limit	Point: To differentiate them from any other limit there must be a mechanism by which they cease to be interim.  Relief sought: A normal response would be to have a time limit, or raise the expectation that there would be a renewal of the NES with permanent limits.

No.	Name	Position	Region	Topics	Feedback
91	Environmental Defence Society	Support	National	Q7, 8 & 9 Technical methods, approach proposed	Point: Supports the concept of flow sharing expressed in the document, so some of the natural variability of stream flows is retained. Concerned with implementation on streams where a water level is insufficient to be converted reliably to a flow rate.  Relief sought: Urges any implementation take care to leave regional councils the ability to find physically unobtrusive ways of flow sharing.
92	Forest and Bird (Golden Bay)	Support in part	Tasman	Q1 Problems & issues correct	Agrees with problem statements; however states concern that flow setting should reflect seasonal variability. States that NES should include methodologies to assess interim flow requirements based on additional values such as recreational, cultural, aesthetic/natural character.  States that environmental flows and water levels can not be set without the consideration of water quality issues.
92	Forest and Bird (Golden Bay)	N/A	Tasman	Applications, Q10 NES approaches to breaches	Breaches to interim limits should be prohibited activities. If an application exceeds revised environmental flows and water levels set by the methods prescribed in the NES a reduced short-term consent should be issued only and the clawback of over-allocated water within the catchment initiated.
92	Forest and Bird (Golden Bay)	N/A	Tasman	Q1 Problems & issues correct	States that the wording of the policy objective should read:  "Manage the growing demands on water resources and encourage sustainable water to protect environmental values associated with New Zealand freshwater systems through: increased national direction, working with local government to identify options for supporting and enhancing local decision-making, and developing best practice."  The objectives should be amended to include "without compromising associated significant ecological or natural character values."
92	Forest and Bird (Golden Bay)	N/A	Tasman	Q3 Need for interim levels	States that no change in water levels be permitted in wetlands.
92	Forest and Bird (Golden Bay)	N/A	Tasman	Q4 Interim levels	States it is not necessary to place time restrictions on interim limits.
92	Forest and Bird (Golden Bay)	N/A	Tasman	Q5 Time limit for interim levels	Advocates that interim allocation limits should not be set based on current consented allocation, but that a clawback option should be employed where the amount of water allocated through existing consents exceeds the numeric limit.
92	Forest and Bird (Golden Bay)	N/A	Tasman	Q7, 8 & 9 Technical methods	Breaches to interim limits should be prohibited activities.
92	Forest and Bird (Golden Bay)	N/A	Tasman	Q7, 8 & 9 Technical methods, approach proposed	Concerned that the draft guidelines and technical document are not consistent, nor with international best practice in water management. Advocates a holistic approach to setting flow regimes.
92	Forest and Bird (Golden Bay)	N/A	Tasman	Scope of NES	Strongly supports the direction to apply consistent methods for assessing the ecological value and health of freshwater ecosystems.

No.	Name	Position	Region	Topics	Feedback
92	Forest and Bird (Golden Bay)	Oppose	Tasman	Q3 Need for interim levels	Does not support setting interim ground water limits based on the total allocation from the groundwater resource/catchment on the date that the NES comes into force, seek that measures are taken to decrease ground water take to the extent necessary to achieve the interim limit of 15% recharge; including not reallocating water take consents surrendered, lapsed, cancelled or not replaced.
92	Forest and Bird (Golden Bay)	Support	Tasman	Q10 NES approaches to breaches	Supports the application to regional plans.
92	Forest and Bird (Golden Bay)	Support	Tasman	Q11 Application of NES to existing and replacement consents	Supports the implementation of the proposed NES, there will only be a positive outcome for biodiversity and the wider public if interim measures are set at levels that protect the biodiversity values and amenity values associated with freshwater ecosystems.
92	Forest and Bird (Golden Bay)	Support	Tasman	Q2 Options / alternatives	Supports the need to set interim limits. States that a precautionary approach be taken. Limits should be applied to all waterbodies.
92	Forest and Bird (Golden Bay)	Support	Tasman	Q3 Need for interim levels	Supports interim limits approach. Advocates for standardised, approved method for regional councils to calculate average annual recharge.
92	Forest and Bird (Golden Bay)	Support	Tasman	Q6 Inclusion of existing consents in limits	Supports the direction to use consistent methods for assessing the ecological value and health of freshwater ecosystems. Do not believe that guidance documents would be sufficient to provide consistency in the selection or application of methods for assessing ecological values.
93	Forest and Bird (Marlborough)	Support in part	Marlborough	Q1 Problems & issues correct	<p>Generally support the intent of the draft guidelines but have some concerns about the lack of recognition of the importance of braided rivers as a habitat for endemic bird species.</p> <p>The preservation of side channels and islands in braided rivers is particularly important. Habitat benefits for birds have been mentioned in table 2.1 but table 1 seems to imply that a single flow rate scheme will cover all feeding birds.</p> <p>Forest and Bird Marlborough would like to see a separate entry made for bird life in any assessment of risk that would specify the need to maintain braided river channels.</p> <p>If specific protection is not given to these braided channels it is feared that endemic bird numbers that use these channels may decline.</p>
94	Forest and Bird (Napier)	Support	Hawke's Bay	Scope of NES	Supports the NES as being essential to establish a pattern of control over future developments.
95	Royal Forest and Bird	Support in part	National	Q10 NES approaches to breaches	<p>Recommends that consent applications that breach interim limits should be treated as applications to undertake a prohibited activity.</p> <p>NES will not address cumulative effects problem where individual effects are deemed to be less than minor.</p> <p>Recommends that a clawback option should be employed to equitably recover over-allocated water from all consented users.</p>

No.	Name	Position	Region	Topics	Feedback
95	Royal Forest and Bird	Support in part	National	Q2 Options / alternatives	<p>Supports the need for introduction of interim limits for all water bodies where environmental flows and water levels have not been set using technical standards and methods consistent with those prescribed in the NES.</p> <p>Recommends that where a flow regime that has been set before the NES is lower than the interim standard, the interim standard should apply until the flow has been reviewed under NES methodology.</p>
95	Royal Forest and Bird	Support in part	National	Q4 Interim levels, Q3 Need for interim levels, proposed numbers, scope – what's included	<p>Section 5.1.1</p> <p>Recommends an interim limit of 10% of the average annual recharge, but advocates that a standardised and approved method must be used by regional councils to calculate average annual recharge.</p> <p>Does not support setting interim groundwater limits based on the total allocation from the groundwater resource on the date that the NES comes into force, but seeks that measures are taken to decrease that groundwater take to the extent necessary to achieve the interim limit of 15%.</p> <p>For all other aquifers: the interim limit should be a maximum of 15%, not 35%.</p> <p>Recommends a standardised method for calculating average annual recharge.</p> <p>Does not support setting interim ground water limits based on the total allocation from the groundwater resource on the date the NES comes into force.</p> <p>Recommends that measures be taken to decrease groundwater takes necessary to achieve interim 35% level.</p> <p>Section 5.1.2</p> <p>Recommends that no change in water levels in wetlands be permitted. Supports suggested technical standards with addition of extra standard stating that there will be no change in wetland water level.</p> <p>Section 5.1.3</p> <p>Recommends interim limit for minimum flow should be MALF set at 30%. Recommends approved standard method is used.</p> <p>Does not support setting interim allocation limits based on the total allocation from the catchment on the date that the NES comes into force.</p> <p>For rivers with a flow greater than 5 m<sup>3</sup>/s the interim flow should be the MALF with an allocation limit of 30% MALF. Believes 50% allocation limit is too high. Habitat implications for rare species need to be considered. Could be addressed by having additional categories based on habitat characteristics:</p> <ul style="list-style-type: none"> <li>– rivers and streams of significant ecological or other value</li> <li>– rivers and stream with low flow variation</li> <li>– braided rivers.</li> </ul> <p>Recommends that measures are taken to decrease water allocation within a catchment to the extent necessary to achieve the interim allocation limit.</p>



No.	Name	Position	Region	Topics	Feedback
95	Royal Forest and Bird	Support in part	National	Q5 Time limit for interim levels, time limit, scope – what's included, how to implement	Recommends that interim limits should apply until environmental flows and water levels are set by regional councils based on the technical standards, methods and/or requirements prescribed by the NES.
95	Royal Forest and Bird	Support in part	National	Q7, 8 & 9 Technical methods	Recommends that NES should be subject to an initial two-year review with a review every 10 years thereafter. Recommends that all water consents granted within a catchment come up for review/renewal concurrently to allow variation in allocation limits to be implemented easily.
95	Royal Forest and Bird	Support in part	National	Q7, 8 & 9 Technical methods, approach proposed	Concerned that draft guidelines are not consistent with the technical document, or with the international best practice in water management. Recommends that the deficiencies of these methods are acknowledged and that a holistic approach to setting flow regimes is employed.
95	Royal Forest and Bird	Support in part	National	Q7, 8 & 9 Technical methods, new methods / innovation, approach proposed	Strongly supports the prescription of consistent methods for assessing the ecological value and health of freshwater systems. Does not believe that the guidance documents will be sufficient to provide consistency in the selection or application of methods for assessing ecological values. Supports inclusion of decision-making framework in the technical document that gives guidance to regional councils on how to prioritise competing values when determining environmental flows.
95	Royal Forest and Bird	Support in part	National	Range, Q12 & 13 Benefits and costs	Would like additional column added to table to identify the costs and benefits to biodiversity of the NES. Further details in submission.
95	Royal Forest and Bird	Support in part	National	Renewals & clawback, Apply to existing consents, Q6 Inclusion of existing consents in limits, time limit, clawback through plans	Recommends that interim limits should not be set based on current allocation, but that a clawback option should be employed where the amount of water allocated through existing consents exceeds the numeric interim limit. Over-allocated water should be recovered when resource consents are surrendered, lapsed, cancelled or replaced or equitable from current consent holders as consents are reviewed/renewed.

No.	Name	Position	Region	Topics	Feedback
95	Royal Forest and Bird	N/A	National	Q1 Problems & issues correct	<p>Section 3.1.1</p> <p>Concerned that any system of flow should reflect seasonal variability in reasonable proportion to natural flows and the seasonal needs of aquatic systems and out-of-stream values.</p> <p>Considers that the NES should include methodologies to assess interim flow requirements based on non-ecological values, namely: recreation, cultural / tangata whenua and aesthetic / natural character.</p> <p>Section 3.1.2</p> <p>Lack of clarity as to how much water is available. In some cases where environmental flows are set, the amount of water allocated for abstraction does not leave enough in-stream water to adequately protect aquatic ecosystems and other values.</p> <p>Setting minimum levels, flow regimes should define adequate flow variation and cap total abstraction.</p> <p>Section 3.1.3</p> <p>The existing models (1 and 2d) for determining ecological flows have limitations that should be acknowledged.</p> <p>Section 3.2</p> <p>Does not support the Sustainable Water Programme of Action outcome as it is too commercially driven. Would prefer to manage the growing demands on water resources and encourage sustainable water management to protect environmental values associated with New Zealand freshwater systems: through increased national direction, working with local government to identify options for supporting and enhancing local decision-making, and developing best practice.</p> <p>Suggest some change to wording of objectives:</p> <p>Objective 1 - addition of "without compromising associated significant ecological of natural character values".</p> <p>Objective 2 - addition of: "that can be taken without compromising associated significant ecological and natural character values".</p> <p>Objective 3 to read: "To reduce conflict and provide consistency on the appropriate technical methods and decision-making frameworks used to assess the environmental flows and water levels for each type of water body."</p>
95	Royal Forest and Bird	Oppose	National	Q11 Application of NES to existing and replacement consents	<p>Oppose all situations except the final point (application to regional plans).</p> <p>New application breaching interim limits should be prohibited.</p> <p>Applications for replacement that breach interim limits should be non-complying.</p> <p>Any application that exceeds environmental flows should be prohibited.</p>

No.	Name	Position	Region	Topics	Feedback
96	Forest and Bird (Lower Hutt)	Support in part	Wellington	Q1 Problems & issues correct	It offers some means of protection for existing waters but does little or nothing to address the restoration of already degraded waterways.  Agree with current statement but would like clearer recognition of the poor environmental outcomes often achieved under the current situation.
96	Forest and Bird (Lower Hutt)	Support in part	Wellington	Q11 Application of NES to existing and replacement consents	The NES should relate to existing and replacement consents according to the limits set and the reduction schedule for over-allocation.
96	Forest and Bird (Lower Hutt)	Support in part	Wellington	Q12 & 13 Benefits and costs	It is difficult to see how reduced scope and detail of submissions constitutes a benefit to submitters.
96	Forest and Bird (Lower Hutt)	Support in part	Wellington	Q4 Interim levels, scope – what's included	Supportive but would like to see some sort of ongoing review process to ensure the flows and limits set remain appropriate. Concerned about the use of existing allocation levels as baselines as this make no provision for clawback where over-allocation is already occurring. Urge use of allocation reduction schedule where necessary.
96	Forest and Bird (Lower Hutt)	Support in part	Wellington	Q5 Time limit for interim levels, time limit, how to implement	Support but would like to see allocation reduction schedule as per Q4.
96	Forest and Bird (Lower Hutt)	Support in part	Wellington	Q7, 8 & 9 Technical methods, new methods / innovation	New methods should be introduced at regular intervals with provision for agencies to recommend new methods.
96	Forest and Bird (Lower Hutt)	Support in part	Wellington	Renewals & clawback, Apply to existing consents, Q6 Inclusion of existing consents in limits, clawback through plans	Promote clawback schedule as per Q4.
96	Forest and Bird (Lower Hutt)	Support in part	Wellington	Scope of NES, Other	Further points: <ol style="list-style-type: none"> <li>1. Would like to see retrospective application of NES to reduce changes of over-allocation.</li> <li>2. Removal of the stock health exemption.</li> <li>3. The inclusion of a buffer for uncertainty, in favour of reduced allocation and increased environmental flows including and specified.</li> <li>4. The inclusion of more out-of-stream ecological factors in the NES to ensure the health of riparian vegetation and to give priority for water allocation to restoration projects and for general restoration projects.</li> </ol>
96	Forest and Bird (Lower Hutt)	Oppose	Wellington	Applications, Q10 NES approaches to breaches	The NES should disallow applications the breach interim limits.
96	Forest and Bird (Lower Hutt)	Support	Wellington	Q2 Options / alternatives	Support.

No.	Name	Position	Region	Topics	Feedback
96	Forest and Bird (Lower Hutt)	Support	Wellington	Q3 Need for interim levels	Support.
96	Forest and Bird (Lower Hutt)	Support	Wellington	Q7, 8 & 9 Technical methods	Support.
97	Forest and Bird (S Canterbury)	Support in part	Canterbury	Applications, Q10 NES approaches to breaches	Any applications that come on or after the NES comes into force that breach limits should be prohibited. They could be reconsidered when and if formerly allocated water becomes available.
97	Forest and Bird (S Canterbury)	Support in part	Canterbury	Q1 Problems & issues correct	Supports, in principle, the development of the NES.  Has concerns about the scope and believes NES needs to include cultural, recreational and aesthetic values. Omission may lead to ongoing arguments and litigation.  Supports that water levels and flows should be based on <i>all</i> values though (cultural, recreation etc) based on robust data.
97	Forest and Bird (S Canterbury)	Support in part	Canterbury	Q2 Options / alternatives	Supports need for interim limits but with broader scope as per Q1.
97	Forest and Bird (S Canterbury)	Support in part	Canterbury	Q3 Need for interim levels	Interim limits should be set for all water bodies where no ecological flows and water levels currently exist. National consistency and transparency in methodologies.
97	Forest and Bird (S Canterbury)	Support in part	Canterbury	Q4 Interim levels, division of water bodies, scope – what's included	Advocates a conservative approach to any further allocation from aquifers / groundwater. No further allocation until recharge has been assessed using NES technologies.  All wetlands need to be protected.  Opposes division of rivers and stream by flow rates because it is too simplistic. Braided rivers have different characteristic to meandering rivers for instance. Seasonal fluctuations also need to be taken into account.  Waterways with water conservation orders also need to be given special consideration. Any reduction in flows for these rivers is unacceptable.  Waterbodies in national parks and conservation areas also need special protection.
97	Forest and Bird (S Canterbury)	Support in part	Canterbury	Q5 Time limit for interim levels, time limit, how to implement	A time limit may restrict the amount and depth of research. Interim limits will allow for thorough research to take place before local flows and water allocation volume caps are decided on.
97	Forest and Bird (S Canterbury)	N/A	Canterbury	Other	Further comments:  1. Degradation of water quality as a consequence of over-abstraction has not been considered in this document. Support in particular, the link between increased water use and increased fertiliser use that has negative effects on water quality.  2. Water trading: Doubt as to the benefits of using the open market for trading unallocated water. The example of the Murray River in Australia is one example. Instead, unallocated water should be re-allocated using a mechanism included in the NES.

No.	Name	Position	Region	Topics	Feedback
97	Forest and Bird (S Canterbury)	N/A	Canterbury	Q7, 8 & 9 Technical methods, new methods / innovation	Support provision for use of new methods. However, need to include clause that prevents litigation based on allocations set under changed methods.
97	Forest and Bird (S Canterbury)	Oppose	Canterbury	Q11 Application of NES to existing and replacement consents	Breach of interim limits would be prohibited activity. Has to bring all consents in one catchment in line so water can be evenly distributed with new consents to be no longer than 10 years' duration.
97	Forest and Bird (S Canterbury)	Oppose	Canterbury	Q7, 8 & 9 Technical methods, approach proposed	Concern that links between surface and ground waters has not been adequately considered. Wetlands also need special recognition and protection.
97	Forest and Bird (S Canterbury)	Oppose	Canterbury	Range, Q12 & 13 Benefits and costs	Environmental benefits do not seem to have been well considered.
97	Forest and Bird (S Canterbury)	Oppose	Canterbury	Renewals & clawback, Apply to existing consents, Q6 Inclusion of existing consents in limits, clawback through plans	Existing consents should not be included in the interim allocation limits. Any allocations over and above the NES interim allocations should not be allowed to carry on indefinitely and should be rectified at the earliest possible opportunity. As consents expire and are renewed they should be reduced where necessary to achieve allocation levels. Immediate clawback should occur where over-allocation poses a risk to ecological values of a water body.
97	Forest and Bird (S Canterbury)	Support	Canterbury	Need, Q7, 8 & 9 Technical methods	Supports consistency in mythological approaches.
98	Forest and Bird (West Coast)	Support in part	West Coast	Applications, Q10 NES approaches to breaches, Current breaches	<p>Recommends that consent application that breach interim limits should be treated as application to undertake a prohibited activity.</p> <p>NES will not address cumulative effects problem where individual effects are deemed to be less than minor.</p> <p>Recommends that a clawback option should be employed to equitable recover over-allocated water from all consented users.</p>

No.	Name	Position	Region	Topics	Feedback
98	Forest and Bird (West Coast)	Support in part	West Coast	Q1 Problems & issues correct	<p>Section 3.1.1</p> <p>Concerned that any system of flow should reflect seasonal variability in reasonable proportion to natural flows and the seasonal needs of aquatic systems and out-of-stream values.</p> <p>Considers that the NES should include methodologies to assess interim flow requirements based on non-ecological values, namely: recreations, cultural / tangata whenua and aesthetic / natural character.</p> <p>Section 3.1.2</p> <p>Lack of clarity as to how much water is available. In some cases where environmental flows are set the amount of water allocated for abstraction does not leave enough in-stream water to adequately protect aquatic ecosystems and other values.</p> <p>Setting minimum levels, flow regimes should define adequate flow variation and cap total abstraction.</p> <p>Section 3.1.3</p> <p>The existing models (1 and 2d) for determining ecological flows have limitations that should be acknowledged.</p> <p>Section 3.2</p> <p>Does not support the Sustainable Water Programme of Action outcome as it is too commercially driven. Would prefer to manage the growing demands on water resources and encourage sustainable water management to protect environmental values associated with New Zealand freshwater systems: through increased national direction, working with local government to identify options for supporting and enhancing local decision-making, and developing best practice.</p> <p>Suggest some change to wording of objectives:</p> <p>Objective 1 – addition of: “without compromising associated significant ecological of natural character values.</p> <p>Objective 2 – addition of: “that can be taken without compromising associated significant ecological and natural character values”</p> <p>Objective 3 to read: “To reduce conflict and provide consistency on the appropriate technical methods and decision-making frameworks used to assess the environmental flows and water levels for each type of water body.”</p>
98	Forest and Bird (West Coast)	Support in part	West Coast	Q2 Options / alternatives	<p>Supports the need for introduction of interim limits for all water bodies where environmental flows and water levels have not been set using technical standards and methods consistent with those prescribed in the NES.</p>

No.	Name	Position	Region	Topics	Feedback
98	Forest and Bird (West Coast)	Support in part	West Coast	Q4 Interim levels, Q3 Need for interim levels, proposed numbers, scope – what's included	<p>Section 5.1.1</p> <p>Recommends an interim limit of 10% of the average annual recharge, but advocates that a standardised and approved method must be used by regional councils to calculate average annual recharge.</p> <p>Does not support setting interim groundwater limits based on the total allocation from the groundwater resource on the date that the NES comes into force, but seeks that measures are taken to decrease that groundwater take to the extent necessary to achieve the interim limit of 15%.</p> <p>For all other aquifers: the interim limit should be a maximum of 15%, not 35%.</p> <p>Recommends a standardised method for calculating average annual recharge.</p> <p>Does not support setting interim ground water limits based on the total allocation from the groundwater resource on the date the NES comes into force.</p> <p>Recommends that measures be taken to decrease groundwater takes necessary to achieve interim 35% level.</p> <p>Section 5.1.2</p> <p>Recommends that no change in water levels in wetlands is permitted. Supports suggested technical standards with addition of extra standard, stating that there will be no change in wetland water level.</p> <p>Section 5.1.3</p> <p>Recommends interim limit for minimum flow should be MALF set at 30%. Recommends approved standard method is used.</p> <p>Does not support setting interim allocation limits based on the total allocation from the catchment on the date that the NES comes into force.</p> <p>For rivers with a flow greater than 5 m<sup>3</sup>/s, the interim flow should be the MALF with an allocation limit of 30% MALF. Believe 50% allocation limit is too high. Habitat implications for rare species need to be considered. Could be addressed by having additional categories based on habitat characteristics:</p> <ul style="list-style-type: none"> <li>– rivers and streams of significant ecological or other value</li> <li>– rivers and stream with low flow variation</li> <li>– braided rivers.</li> </ul> <p>Recommend that measures are taken to decrease water allocation within a catchment to the extent necessary to achieve the interim allocation limit.</p>
98	Forest and Bird (West Coast)	Support in part	West Coast	Q5 Time limit for interim levels, time limit, how to implement	<p>Recommends that interim limits should apply until environmental flows and water levels are set by regional councils based on the technical standards, methods and/or requirements prescribed by the NES.</p>

No.	Name	Position	Region	Topics	Feedback
98	Forest and Bird (West Coast)	Support in part	West Coast	Q7, 8 & 9 Technical methods	<p>Recommends that NES should be subject to an initial two-year review with a review every 10 years thereafter.</p> <p>Recommends that all water consents granted within a catchment come up for review/renewal concurrently to allow variation in allocation limits to be implemented easily.</p>
98	Forest and Bird (West Coast)	Support in part	West Coast	Q7, 8 & 9 Technical methods	<p>Recommends that NSE should be subject to an initial two-year review with a review every 10 years thereafter.</p> <p>Recommends that all water consents granted within a catchment come up for review/renewal concurrently to allow variation in allocation limits to be implemented easily.</p>
98	Forest and Bird (West Coast)	Support in part	West Coast	Range, Accuracy, Q12 & 13 Benefits and costs	Would like additional column added to table to identify the costs and benefits to biodiversity of the NES. Further details in submission.
98	Forest and Bird (West Coast)	Support in part	West Coast	Renewals & clawback, Apply to existing consents, Q6 Inclusion of existing consents in limits, clawback through plans	Recommends that interim limits should not be set based on current allocation, but that a clawback option should be employed where the amount of water allocated through existing consents exceeds the numeric interim limit. Over-allocated water should be recovered when resource consents are surrendered, lapsed, cancelled or replaced or equitable from current consent holders as consents are reviewed/renewed.
98	Forest and Bird (West Coast)	N/A	West Coast	Q7, 8 & 9 Technical methods, new methods / innovation, approach proposed	<p>Strongly supports the prescription of consistent methods for assessing the ecological value and health of freshwater systems.</p> <p>Does not believe that the guidance documents will be sufficient to provide consistency in the selection or application of methods for assessing ecological values.</p> <p>Supports inclusion of decision-making framework in the technical document that gives guidance to regional councils on how to prioritise competing values when determining environmental flows.</p>
98	Forest and Bird (West Coast)	Oppose	West Coast	Q11 Application of NES to existing and replacement consents	<p>Oppose all situations except the final point (application to regional plans).</p> <p>New application breaching interim limits should be prohibited.</p> <p>Applications for replacement that breach interim limits should be non-complying</p> <p>Any application that exceeds environmental flows should be prohibited.</p>
98	Forest and Bird (West Coast)	Oppose	West Coast	Q7, 8 & 9 Technical methods, approach proposed	<p>Concerned that draft guidelines are not consistent with the technical document, or with the international best practice in water management.</p> <p>Recommends that the deficiencies of these methods are acknowledged and that a holistic approach to setting flow regimes is employed.</p>



No.	Name	Position	Region	Topics	Feedback
99	Friends of Shearer Swamp Inc	Support in part	South Island	Division of water bodies	<p>Point: There should be two additional categories "rivers and streams of significant ecological or non-ecological value".</p> <p>Relief sought: Within these categories, modification to flows and water levels would either not be allowed, or a least set at very conservative levels, with consideration given to the factors below:</p> <ul style="list-style-type: none"> <li>• No development allowed that would prevent full flood flows.</li> <li>• Particular protection for endangered birds during spring and summer, including islands.</li> <li>• Requirement for 2D modelling to determine likely habitat availability and quality for a range of rare and threatened species at all critical life stages</li> <li>• Protection of associated springs, wetlands and groundwater.</li> <li>• Protection of fish passage up and down full length.</li> </ul>
99	Friends of Shearer Swamp Inc	Support in part	South Island	Q1 Problems & issues correct	We advocated that a problem statement in the consideration of water quality issues should be included to this effect.
99	Friends of Shearer Swamp Inc	Support in part	South Island	Q11 Application of NES to existing and replacement consents	<p>Oppose application to resource consent decisions.</p> <p>Support application to regional plans.</p>
99	Friends of Shearer Swamp Inc	Support in part	South Island	Q4 Interim levels, proposed numbers	<p>Groundwater: partly support.</p> <p>Point: Do not support setting interim groundwater limits based on the total allocation from the groundwater resource on the date that the NES comes into force.</p> <p>Relief sought: Seek that measures are taken to decrease that groundwater take to the extent necessary to achieve the interim limit of 15% of the average annual recharge; including not reallocating water take consents surrendered, lapsed, cancelled or not replaced.</p>
99	Friends of Shearer Swamp Inc	Support in part	South Island	Q4 Interim levels, proposed numbers	<p>Point: Support the proposed numbers for rivers and streams.</p> <p>Do not support setting interim allocation limits based on the total allocation from the catchment on the date that the NES comes into force.</p> <p>Relief sought: Measures are taken to decrease water allocation within a catchment to the extent necessary to achieve the interim allocation limit; including not reallocating water take consents surrendered, lapsed, cancelled or not replaced.</p>
99	Friends of Shearer Swamp Inc	Support in part	South Island	Q7, 8 & 9 Technical methods, approach proposed	A holistic approach to setting flow regimes is suggested. Support no change in wetlands.
99	Friends of Shearer Swamp Inc	Support in part	South Island	Range, Q12 & 13 Benefits and costs	There should be an additional column inserted in the table identifying the benefits/cost to biodiversity associated with the development and implementation of the NES, and an additional row identifying the benefits/costs of the NES for Environment Reporting.

No.	Name	Position	Region	Topics	Feedback
99	Friends of Shearer Swamp Inc	Support in part	South Island	Scope of NES	Support the concept of the proposal but request that it be strengthened to include birds and invertebrates, and recreational or natural character values.
99	Friends of Shearer Swamp Inc	Support in part	South Island	Scope of NES	Generally support the three stated objectives, with ecological or natural character values included.
99	Friends of Shearer Swamp Inc	Support in part	South Island	Scope of NES	Point: Do not support the Sustainable Water Programme of Action outcome (policy objective 3.2)  Relief sought: Manage the growing demands on water resources and encourage sustainable water management to protect environmental values associated with New Zealand freshwater systems; through increased national direction, working with local government to identify options for supporting and enhancing local decision-making, and developing best practice.
99	Friends of Shearer Swamp Inc	N/A	South Island	Q10 NES approaches to breaches	Consent applications that breach the interim limits should be treated as a prohibited activity. A clawback option should be employed to equitably recover over-allocated water from all existing consent holders.
99	Friends of Shearer Swamp Inc	N/A	South Island	Q2 Options / alternatives	A precautionary approach to flow and water level setting should be employed so as to provide for non-ecological values such as natural character.
99	Friends of Shearer Swamp Inc	Oppose	South Island	Apply to existing consents, Q6 Inclusion of existing consents in limits	Oppose interim allocation limits be set based on current consented allocation
99	Friends of Shearer Swamp Inc	Oppose	South Island	Clawback through plans	A clawback option should be employed where the amount of water allocated through existing consents exceeds the numeric interim limit.
99	Friends of Shearer Swamp Inc	Oppose	South Island	Q5 Time limit for interim levels, time limit	Point: Interim limits should apply until environmental flows and water levels are set by Regional Councils based on NES.  Relief sought: Demand for water will be sufficient to ensure regional councils set allocation limits and minimum flows using the methods and standards prescribed in the NES where demand is greatest.
99	Friends of Shearer Swamp Inc	Support	South Island	Need, Q7, 8 & 9 Technical methods	Support consistent methods.  Support the inclusion of a decision-making framework in the technical document that gives guidance to regional councils on how to prioritise competing values when determining environmental flows.
99	Friends of Shearer Swamp Inc	Support	South Island	Other	Entirely support 'Royal Forest and Bird Protection Society of New Zealand brief' along with own request regarding birds and invertebrates.
99	Friends of Shearer Swamp Inc	Support	South Island	Q3 Need for interim levels	Support the need for interim limits with precautionary approach.
99	Friends of Shearer Swamp Inc	Support	South Island	Q7, 8 & 9 Technical methods, new methods / innovation	Support NES is kept up to date with the latest and most robust methods for determining environmental flows and water levels.

No.	Name	Position	Region	Topics	Feedback
100	National Groundwater Forum	Support in part	North Island	Q4 Interim levels, proposed numbers	Point: The proposed groundwater allocation limits are not sufficiently precautionary to prevent over-allocation of groundwater resources in the future. Relief sought: It is recommended to reduce the interim groundwater allocation limits to percentages in line with low to medium level of hydrological alteration.
100	National Groundwater Forum	N/A	North Island	Other	Point: How are connected groundwater and surface water system to be managed Relief sought: to amend (p 26 discussion document): "For groundwater that is shown to be connected to adjacent surface water, the environmental flow, water level and all allocable flow [added text] set for the surface water body will also apply to the management of groundwater takes."
100	National Groundwater Forum	N/A	North Island	Other	Point: The groundwater default limits also need to be cross-linked to any other water bodies connected to the groundwater, apart from rivers and streams. Relief sought: Extend the cross-linking of connected water bodies to include wetlands.
100	National Groundwater Forum	N/A	North Island	Other	Point: The surface water interim limits also need a cross-reference to the groundwater limits. Relief sought: Include the following to surface water interim limits: "For surface water that is shown to be connected to adjacent groundwater, the allocable flow set for the groundwater body will also apply to the management of surface water takes."
100	National Groundwater Forum	N/A	North Island	Other	Point: Without good monitoring tests in plan, it will be easy for consents to be granted without taking account of the appropriate matters and therefore reduce the effectiveness and purpose of the NES. Relief sought: It is recommended to clearly identify the matters to be considered as a minimum for non-complying test within the NES.
100	National Groundwater Forum	N/A	North Island	Other	Point: 'Recharge' is not clearly defined in the guideline document. Relief sought: It is recommended to define 'recharge' in the guideline document.
100	National Groundwater Forum	N/A	North Island	Q5 Time limit for interim levels, how to implement	Point: Without appropriate monitoring, the effectiveness of the NES cannot be measured. Relief sought: The NES needs to provide a framework for ensuring that the appropriate level of monitoring occurs to ensure the interim and, specifically, set limits using the methods, provide the intended outcome.
100	National Groundwater Forum	N/A	North Island	Scope of NES, climate change	Point: Climate modelling suggested an reduction in winter rainfall in the Whangārei area, which is likely to significantly reduce the annual recharge to aquifers. Relief sought: It is recommended to reference climate change and land use effect on future recharge in the methods for determining groundwater allocation in the Guideline document.

No.	Name	Position	Region	Topics	Feedback
100	National Groundwater Forum	Oppose	North Island	Q4 Interim levels, proposed numbers	<p>Point: The proposed interim surface water allocation limits are too high for streams and rivers, especially if they have some connection to groundwater resources. More precautionary limits should be used.</p> <p>Relief sought: It is recommended to reduce the interim surface water allocation limits to percentages in line with the low level of hydrological alteration.</p>
100	National Groundwater Forum	Support	North Island	Q5 Time limit for interim levels, time limit	<p>Point: For the two aquifer interim allocations there is an option where the allocation limit will be set at the current level of consented allocation if it exceeds either the 15% or 35% or recharge. The NES needs to be strengthened to ensure a time limit is assessed to avoid interim becoming default: leads to adverse effects.</p> <p>Relief sought: A time limit is required on all interim limits which are based on total allocation at the date the NES comes into force.</p>
100	National Groundwater Forum	Support	North Island	Scope of NES	Supports, in principle, the inclusion of groundwater interim allocation limits via an NES and the methods and framework for determining the specific allocation limits.
101	Hawke's Bay Environmental Water Group	Support in part	Hawke's Bay	Scope of NES, Other	Conditional support the NES, only if the NES contains potable water.
101	Hawke's Bay Environmental Water Group	N/A	Hawke's Bay	Other	Change the title of NES to <i>National Environmental Standard for Environmental Flows and Water Levels</i>
101	Hawke's Bay Environmental Water Group	N/A	Hawke's Bay	Other	Resource consents for water takes where rivers/streams are contaminated shall not be granted.
101	Hawke's Bay Environmental Water Group	N/A	Hawke's Bay	Other	Review clause 5 years, which can be used to increase the NES flow.
101	Hawke's Bay Environmental Water Group	N/A	Hawke's Bay	Q4 Interim levels, scope – what's included	There are two types water qualities of water: contaminated and potable. It is requested only 'potable water' be used for setting NES.
101	Hawke's Bay Environmental Water Group	N/A	Hawke's Bay	Q4 Interim levels, scope – what's included	The ramping rate percentage on the reduction of water level in lakes/rivers/streams is established.
101	Hawke's Bay Environmental Water Group	N/A	Hawke's Bay	Relationship with NPS & RMA	<p>Point: Our waterways are deteriorating because the lack of management by regional councils.</p> <p>Relief sought: It is requested the RMA section 15 is complied with:</p> <p>“(1) No person may discharge any-(a)Contaminant into water; or (b) Contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from the contaminant) entering water; or ‘unless the discharge is expressly allowed by a rule, a resource consent or regulations.”</p>

No.	Name	Position	Region	Topics	Feedback
101	Hawke's Bay Environmental Water Group	N/A	Hawke's Bay	Scope of NES	Point: RMA s7(h) & The Conservation Act 1987 & Freshwater s6a,b are not included in the NES, therefore no protection to fish habitats. Relief sought: NES should recognise RMA s7(h) & The Conservation Act 1987 & Freshwater s6a,b.
101	Hawke's Bay Environmental Water Group	N/A	Hawke's Bay	Scope of NES	Point: Current monitoring is not on a full range of water contents, not using the correct methods/designs to establish the actual health of our waterways. Relief sought: NES needs to factor in: 1) lag time from irrigation surface on environmental flow limit sites 2) detrimental on groundwater tables effects from low levels of surface water 3) position of environmental flow limit sites 4) the domestic and farm animal drinking water is available and meets the drinking water standard 5) maintain near bed velocities at >0.3 m/s 6) recreational uses and that braided gravel rivers require a higher level of water 7. NES water level sites must be positioned to provide actual protection to the whole river/stream ecosystem. 8. endangered species live must have their conditions protected by NES.
101	Hawke's Bay Environmental Water Group	Oppose	Hawke's Bay	Q4 Interim levels, proposed numbers	Point: Sewage and industrial effluent discharges into freshwater have adequate dilution 12 months of the years, so some concentration levels in resource consent are not based on 'minimum' flows. Relief sought: It is required to set higher NES water levels.
102	Otago Conservation Board	N/A	Otago	Other	There is nothing in the NES about priorities for leaving water bodies in their natural state to protect inherent values.
102	Otago Conservation Board	N/A	Otago	Other	The board strongly recommends that the allocation of water bodies to commercial users above agreed ecological flows, should have clauses which allow for the giving back of allocation portions to maintain or improve the ecological flow, in the event that the original ecological flow proves to be insufficient to maintain the natural river system.
102	Otago Conservation Board	N/A	Otago	Q7, 8 & 9 Technical methods, approach proposed	Point: Support the use of additional science on this issue and have concerns about reliance on the IFIM and physical habitat simulation methods currently used. Relief sought: Suggest the rapid introduction of new holistic methods (such as the range of variability approach (RVA) and ecological limits of hydrological alteration (ELOHA)) of flow setting is provided for, as soon as information confirms their usefulness in New Zealand.
102	Otago Conservation Board	N/A	Otago	Q7, 8 & 9 Technical methods, approach proposed	The board notes that no guidance is offered by the NES on how to set environmental flows or the management of environmental flow decisions.

No.	Name	Position	Region	Topics	Feedback
102	Otago Conservation Board	Oppose	Otago	Apply to all water bodies, scope of NES	Point: The draft NES appears to hold the view that all water bodies are available for allocation subject to RMA process and law.  Relief sought: The board believes that certain water bodies have values that make them too important to allocate at all and that these bodies should be identified before this NES is finalised.
102	Otago Conservation Board	Support	Otago	Q2 Options / alternatives	This NES should follow rather than precede an NPS.
103	Taranaki/Whanganui Conservation Board	Support in part	Taranaki	Q7, 8 & 9 Technical methods, approach proposed	Incorporating traditional mechanisms (eg, Māori approaches and principles) can add significant value to the method of selection.
103	Taranaki/Whanganui Conservation Board	N/A	Taranaki	Applications, Q10 NES approaches to breaches	In the absence of a strong planning work and appropriate national direction, non-complying activity status has been considered.
103	Taranaki/Whanganui Conservation Board	N/A	Taranaki	Q2 Options / alternatives	All the available options have been covered. A national directive to set environmental flows is the best tool for achieving long-term sustainable water management.
103	Taranaki/Whanganui Conservation Board	N/A	Taranaki	Q4 Interim levels, scope – what's included	Concerned about the take, discharges, quality and level of waterways, also some unease regarding the issuing and trading of water rights.
103	Taranaki/Whanganui Conservation Board	N/A	Taranaki	Q5 Time limit for interim levels	Time limit should be set and requirement of limits should be based on local circumstances.
103	Taranaki/Whanganui Conservation Board	N/A	Taranaki	Q7, 8 & 9 Technical methods, new methods / innovation	Provisions for new and emerging methods should be made in NES. Existing method to be removed if they are no longer appropriate.
103	Taranaki/Whanganui Conservation Board	N/A	Taranaki	Renewals & clawback, Q6 Inclusion of existing consents in limits	This need to be dealt with on a case-by-case bases. Clawback is a viable option and provision. Criteria for clawback provisions needs to be developed.
103	Taranaki/Whanganui Conservation Board	N/A	Taranaki	Scope of NES	Strategic planning for national and regional water management also needs to be prioritised in NES.  Concerns regarding water management: 1) water quality 2) levels of water flow within water catchments 3) protecting access and the quality of freshwater for cultural, social, ecological and economic reasons.
103	Taranaki/Whanganui Conservation Board	Support	Taranaki	Need, Q7, 8 & 9 Technical methods	Support the aim to provide consistency in the selection of method. Prefer councils use the same methods. Consistency is better provided in an NES. However, there is still value in developing best practise and guidance material.
103	Taranaki/Whanganui Conservation Board	Support	Taranaki	Q1 Problems & issues correct	Agree with the problem statements.

No.	Name	Position	Region	Topics	Feedback
103	Taranaki/Whanganui Conservation Board	Support	Taranaki	Q3 Need for interim levels	Support the need for interim limits. However, water flow limits must be set at seasonal levels to ensure the maintenance of natural habitat.
103	Taranaki/Whanganui Conservation Board	Support	Taranaki	Scope of NES	Support in principle. Strategic planning for national and regional water management also needs to be prioritised.
104	Save the Rivers Mid-Canterbury Inc.	N/A	Canterbury	Q10 NES approaches to breaches	Ways to identify breaches needs consideration and resources to enable the monitoring and metering of takes would be required.
104	Save the Rivers Mid-Canterbury Inc.	N/A	Canterbury	Q11 Application of NES to existing and replacement consents	Existing consents have resulted in over-allocation of waterways. The issue of over-allocation was not addressed.
104	Save the Rivers Mid-Canterbury Inc.	N/A	Canterbury	Q2 Options / alternatives	Alternatives can give direction for this process.
104	Save the Rivers Mid-Canterbury Inc.	N/A	Canterbury	Q4 Interim levels	Precautionary approach and danger of an interim limit setting a procedure for later decisions apply here.
104	Save the Rivers Mid-Canterbury Inc.	Support	Canterbury	Q3 Need for interim levels	There is a need to set limits on waterways as soon as practicable.
104	Save the Rivers Mid-Canterbury Inc.	Support	Canterbury	Q5 Time limit for interim levels, time limit	Support time bound.
104	Save the Rivers Mid-Canterbury Inc.	Support	Canterbury	Q7, 8 & 9 Technical methods	Support consistency, support methods.
104	Save the Rivers Mid-Canterbury Inc.	Support	Canterbury	Scope of NES	Support the intent of the discussion document.
105	Te Arawa Lakes Trust	Support in part	Bay of Plenty	Process to adoption / involvement	Point: The lack of a wider range of tangata whenua involvement into the development of this NES.  Relief sought: Ensure tangata whenua are engaged in the development of key methods for establishing ecological flows and water levels.
105	Te Arawa Lakes Trust	N/A	Bay of Plenty	Other	Seek NES is applicable and relevant and there is the ability to respond locally within a national policy in current approaches to managing freshwater demand.  Need for continual public awareness of water issues and promote water efficiency, demand measures and better land management practices.  Further research and development to address water modelling.  Assurance freshwater is sustainably managed.

No.	Name	Position	Region	Topics	Feedback
105	Te Arawa Lakes Trust	N/A	Bay of Plenty	Scope of NES	<p>Point: The freshwater management tools are being developed in isolation. Seems to be little linkage, or holistic approach to the development of these tools.</p> <p>Relief sought: Utilise knowledge, experience of the iwi management plans, iwi authorities.</p> <p>A due diligence be conducted on all current/future use and management of consents in different regions.</p> <p>Integrated management for freshwater management.</p> <p>Recognise need to collate and evaluate existing information on mahinga kai species, recreational bathing and traditional and cultural purposes.</p> <p>Catchment assessment to enhance land-use values.</p> <p>Continued engagement, communication outlining the links with other water 'related' issues (eg, Sustainable Water Programme of Action, climate change, New Zealand Coastal Policy Statement , recognition of coastal inundation issues).</p>
105	Te Arawa Lakes Trust	Support	Bay of Plenty	Other	Support key outcomes of the Sustainable Water Programme of Action.
105	Te Arawa Lakes Trust	Support	Bay of Plenty	Other	Support the recognition and provision for economic and cultural use for tangata whenua in allocation decisions.
105	Te Arawa Lakes Trust	Support	Bay of Plenty	Process to adoption / involvement	<p>Support iwi involvement in future water allocation mechanisms</p> <p>Acknowledgement of the principles of engagement as agreed: Decision-making representation / water quality / rights / water quantity / kaitiakitanga / science and research / resourcing iwi participation.</p>
105	Te Arawa Lakes Trust	Support	Bay of Plenty	Process to adoption / involvement	Support intent of interim flows to ensure assessment, applicant, and to provide opportunity for tangata whenua to be actively engaged in the process – land use, contamination, discharge, consenting process.
105	Te Arawa Lakes Trust	Support	Bay of Plenty	Q7, 8 & 9 Technical methods, approach proposed	Support continued assurance that statutory acknowledgements area are recognised and utilised at best practice tools and attached all regions policy statements, district plan and regional plans.
105	Te Arawa Lakes Trust	Support	Bay of Plenty	Scope of NES	Support the intent of the policy objectives 1, 2, 3 in the NES.
106	Wellington Conservation Board	Support in part	Wellington	Apply to existing consents, Q6 Inclusion of existing consents in limits	Suggest to revise the durations of existing water consents and set requirements for early plan reviews.
106	Wellington Conservation Board	Support in part	Wellington	Division of water bodies	<p>The NES should contain a specific rule that applies to all aquifers about the situation where a groundwater can be shown to be connected to a surface water body. Some definition is needed of what constitutes a surface water body.</p> <p>Water levels in lakes could and should have been included in the NES.</p> <p>Suggest NES to give consideration to the special needs of gravel bed rivers.</p>



No.	Name	Position	Region	Topics	Feedback
106	Wellington Conservation Board	Support in part	Wellington	Q11 Application of NES to existing and replacement consents	Support case 1, 2 and 3 but oppose case 4. Oppose "interim limits in NES should have no effect" in case 5.
106	Wellington Conservation Board	Support in part	Wellington	Q5 Time limit for interim levels, time limit	Duration to be determined by the rate of progress by regional bodies towards regional plans. Date needs to be set for the implementation of NES.
106	Wellington Conservation Board	N/A	Wellington	Need, Q7, 8 & 9 Technical methods	Consistency is low priority. Council should support the participation of relevant experts in the identification and assessment of ecological values and risk factor.
106	Wellington Conservation Board	N/A	Wellington	Other	Point: The NES is not the sort of measure that gives confidence that central government means business. Relief sought: The NES needs to be greatly strengthened.
106	Wellington Conservation Board	N/A	Wellington	Other	It is urgent to review the fundamentals of water management in New Zealand and to implement new principles. The board would like to see instituted a system of holistic catchment management that is more sensitive to natural variation and is much more in keeping with environmental needs.  The board would like to see an analysis of how much water we waste in New Zealand and what can be done about it.  Encourage more debate on issues in the Sustainable Water Programme of Action.
106	Wellington Conservation Board	N/A	Wellington	Other	Point: More thought needs to be given to the premises underpinning the proposed definitions. Relief sought: Redefine 'ecological flow', 'mean annual low flow', 'flow sharing'.
106	Wellington Conservation Board	N/A	Wellington	Other	Encourage a flow-sharing mechanism for high flows to be included in the NES as a means of raising the limits set for low flows.
106	Wellington Conservation Board	N/A	Wellington	Q10 NES approaches to breaches	Recommend to include a mechanism in the NES that would prohibit breaches of the limits and introduce mechanisms that address existing breaches.
106	Wellington Conservation Board	N/A	Wellington	Q2 Options / alternatives	Point: It is not clear how regions will set the standard in the discussion document. Relief sought: We would like to see a process established within the NES to allow for national direction or intervention in situations where a region's approach is clearly out of line with Government's aim of improving the sustainable management of freshwater.
106	Wellington Conservation Board	N/A	Wellington	Q2 Options / alternatives	Suggest the NES apply much more generally than currently proposed to avoid that limits set in regional plan will automatically override the Interim NES.
106	Wellington Conservation Board	N/A	Wellington	Q4 Interim levels	Point: The technical difficulties of setting standards that cater for regional, seasonal, and annual variation are large; there will always be debate about the methods. Relief sought: Regional plans should be updated regularly and water allocation should vary accordingly.

No.	Name	Position	Region	Topics	Feedback
106	Wellington Conservation Board	N/A	Wellington	Q4 Interim levels, proposed numbers	Wetlands: Suggest to allow restoring water flows and levels in wetlands. Groundwater: Recommends that 26% of annual recharge be adopted until better information is gained. Rivers/streams: Opposes the high allocation in all streams/rivers > 5 m <sup>3</sup> /s, and recommends a limit much closer to the MALF be set.
106	Wellington Conservation Board	N/A	Wellington	Q6 Inclusion of existing consents in limits	Point: Pre-emptive for water allocations may be made before the NES. Suggests to address water right applications in process in a given period before the NES coming into force. Relief sought: Suggest to address water right applications in process in a given period prior NES coming into force.
106	Wellington Conservation Board	N/A	Wellington	Scope of NES	Point: Generally support the statements. Also suggest to address other problems. Relief sought: NES also addresses: (1) the link between flows, levels and the viability of populations of freshwater species in specific settings are not understood. (2) the need for independent and systematic monitoring of the effectiveness of the regional councils' planning processes, resource consent decision-making processes and compliance enforcement programmes in achieving outcomes for freshwater species, populations and ecosystems.
106	Wellington Conservation Board	Support	Wellington	Need, Q7, 8 & 9 Technical methods	Agrees with the need for matrix of national method.
106	Wellington Conservation Board	Support	Wellington	Process to adoption / involvement	Suggests stakeholders involvement of the methods.
106	Wellington Conservation Board	Support	Wellington	Q2 Options / alternatives	Supports the option in NES.
106	Wellington Conservation Board	Support	Wellington	Q3 Need for interim levels	Supports the need for interim limits to be set.
106	Wellington Conservation Board	Support	Wellington	Q7, 8 & 9 Technical methods, approach proposed	Supports the proposed approach.
106	Wellington Conservation Board	Support	Wellington	Q7, 8 & 9 Technical methods, new methods / innovation	Point: Supports active maintenance and additions to the national methods. Relief sought: Methods developed in New Zealand should be assessed by a panel of experts with relevant practical field experience and regional council practitioners. Methods developed overseas should be assessed for their relevance and suitability for use in New Zealand.
106	Wellington Conservation Board	Support	Wellington	Renewals & clawback	Support clawback on unused water allocations, and water allocations the regional councils deems excessive for users' needs.
106	Wellington Conservation Board	Support	Wellington	Scope of NES	Supports 3 objectives for NES and recommendations in Section C7.

No.	Name	Position	Region	Topics	Feedback
107	Wetland Trust	Support in part	National	Consultation	MfE should consider Wetland Trust a key stakeholder and partner in wetland issues, to consult them on wetland policy development and implementation, and to support their aims and objectives.
107	Wetland Trust	Support in part	National	Q4 Interim levels, proposed numbers	Point: In some cases it may be necessary to raise, lower, or fluctuate water levels in wetlands to restore, maintain or enhance ecological values.  Relief sought: It is suggested to allow the above activity to enhance recreational, cultural or spiritual values of wetlands. Water level manipulation for restoration purposes should be excluded from the NES.
107	Wetland Trust	Support in part	National	Q7, 8 & 9 Technical methods, approach proposed	Relative level of ecological significance should be assessed and incorporated into the decision-making model. Criteria should include representativeness, rarity, distinctiveness, naturalness and diversity.
107	Wetland Trust	N/A	National	Consultation	Point: The background section does not include non-government conservation and education organisations in the list of partners.  Relief sought: Non-government conservation and education organisations, eg, Wetland Trust should be among the partners in addressing freshwater issues.
107	Wetland Trust	N/A	National	Other	The NES should define wetlands with specific terminology, eg, freshwater palustrine wetlands.
107	Wetland Trust	N/A	National	Other	Point: The NES does not go far enough to protect freshwater wetlands from drainage for agricultural and other purposes and from other pressures.  Relief sought: MfE should go step further and consider developing a national policy statement on wetlands.
107	Wetland Trust	Support	National	Scope of NES	Support the proposed NES on the ecological flows with a few amendments.
108	Massey Freshwater Scientists	Support in part	Manawatū-Wanganui	Other	Provide detailed suggestions on the appendix for guideline, including 'terminology, accuracy of wording, clarity of statement, rationality of method and sufficient reference'.
108	Massey Freshwater Scientists	Support in part	Manawatū-Wanganui	Q11 Application of NES to existing and replacement consents	Generally support in part. Case 1, Case 2a: Conditional support. Case 2b, Case 3, 4: Oppose. Case 5: Support. In addition, term 'ecological flows' should be used instead of 'environmental flows'. Glossary should be provided. Information or references on interim limits derivation should be provided. There is a lack of any requirement for monitoring the effectiveness (or otherwise) of the interim limits.

No.	Name	Position	Region	Topics	Feedback
108	Massey Freshwater Scientists	Support in part	Manawatū-Wanganui	Q4 Interim levels, proposed numbers, division of water bodies	<p>Support in part.</p> <p>Groundwater: suggest that a more conservative approach is taken especially in shallow, coastal aquifers where salt intrusion could occur.</p> <p>Wetlands: support the approach.</p> <p>Rivers and streams: The NES needs to provide references as to why these values were selected. More information is needed to explain why only two stream size categories were considered. A whole suite of factors influences how a stream will respond to water abstraction, these need to be included.</p> <p>River types need to be included.</p> <p>Annual flow statistics (eg, MALF) should be replaced by monthly values.</p>
108	Massey Freshwater Scientists	Support in part	Manawatū-Wanganui	Q7, 8 & 9 Technical methods, approach proposed	Provide detailed suggestions on the outlined approach, including 'terminology, accuracy of wording, clarity of statement, rationality of method and sufficient reference'.
108	Massey Freshwater Scientists	N/A	Manawatū-Wanganui	Applications, Q10 NES approaches to breaches	Support 'non-complying' activity status.
108	Massey Freshwater Scientists	Oppose	Manawatū-Wanganui	Scope of NES	Do not support the specific proposal as currently detailed in the discussion document, except changes are made.
108	Massey Freshwater Scientists	Support	Manawatū-Wanganui	Apply to existing consents, Q6 Inclusion of existing consents in limits	Where water allocated to existing consents exceeds the numeric interim limit, the existing consents should be honoured and no more water allocated.
108	Massey Freshwater Scientists	Support	Manawatū-Wanganui	Need, Q7, 8 & 9 Technical methods	Support the aim to provide nationally consistent methods of assessing ecological values.
108	Massey Freshwater Scientists	Support	Manawatū-Wanganui	Q1 Problems & issues correct	Agree with the three key problems.
108	Massey Freshwater Scientists	Support	Manawatū-Wanganui	Q2 Options / alternatives	All the viable options have been covered. Support NES option.
108	Massey Freshwater Scientists	Support	Manawatū-Wanganui	Q3 Need for interim levels	Supports the need and introduction of interim limits.
108	Massey Freshwater Scientists	Support	Manawatū-Wanganui	Q5 Time limit for interim levels, time limit	There should be a time limit on how long an interim limit will apply to a particular location. A five-year limit may be appropriate.
108	Massey Freshwater Scientists	Support	Manawatū-Wanganui	Q7, 8 & 9 Technical methods, new methods / innovation	The NES should be subject to five-yearly reviews at which time new and proven methods can be incorporated and poor or debunked methods may be removed.
109	Aggregate and Quarry Assn of NZ	Support in part	National	Need, Q7, 8 & 9 Technical methods, approach proposed	Point: Supports the aim of consistency and states that guidance documents are not sufficient.

No.	Name	Position	Region	Topics	Feedback
109	Aggregate and Quarry Assn of NZ	Support in part	National	Q12 & 13 Benefits and costs	Point: The preliminary cost-benefit analysis should have gone further. Relief sought: Ensure that a proper benefit-cost evaluation is undertaken, where the benefits and costs of the draft NES are transparently compared with the approaches adopted by regional councils.
109	Aggregate and Quarry Assn of NZ	Support in part	National	Q4 Interim levels, scope – what's included	Point: Difficult to determine the impact of the proposed interim limits on daily activities. Relief sought: Section 5.1 needs to be reviewed in light of the practical examples of activities such as large-scale earthworks, to determine the effect of the NES on such activities.
109	Aggregate and Quarry Assn of NZ	Support in part	National	Scope of NES, effect on applications	Point: The detail of the proposed interim limits is problematic. Relief sought: The NES needs to clarify its scope and explicitly confine its effect to activities that extract water (rather than activities that displace or divert water).
109	Aggregate and Quarry Assn of NZ	Support in part	National	Scope of NES, Relationship with NPS & RMA	Point: Until all initiatives are known (Sustainable Water Programme of Action), it is difficult to determine whether this proposed NES fits well with the other mechanisms, and represents the best alternative.
109	Aggregate and Quarry Assn of NZ	Oppose	National	Other	Point: The lack of definition of what constitutes a priority wetland is a significant problem. Relief sought: The proposed NES needs to arrive at a workable definition.
109	Aggregate and Quarry Assn of NZ	Support	National	Apply to existing consents, Q6 Inclusion of existing consents in limits	Point: Essential that existing consents be included within allocation limits. Relief sought: The wording of section 5.1.1 could be clarified. The wording could clarify that a 'sinking lid' policy applies – that where the interim percentage limit is already exceeded by water takes, no new consents will be issued until the total allocation reduces to below the interim limit.
110	New Zealand Aluminium Smelters Ltd	Support	Southland	Q11 Application of NES to existing and replacement consents	Supports the application to existing resource consents currently proposed in the discussion document.
111	Bay of Plenty Lifelines Advisory Group	Support in part	Bay of Plenty	Q10 NES approaches to breaches	Point: Broad guidelines would be advantageous. A system considered where a percentage of the allocation be approved and the balance when and if low flows indicate a higher level when accurately determined. Allow the applicant to undertake determination of flow levels using the required method at their own cost, or some form of cost sharing.
111	Bay of Plenty Lifelines Advisory Group	Support in part	Bay of Plenty	Q2 Options / alternatives	Point: The options have been adequately covered with the added comments that the national guidelines are mandatory and an alternative NES should not be contemplated.
111	Bay of Plenty Lifelines Advisory Group	Support in part	Bay of Plenty	Q5 Time limit for interim levels, time limit	Point: While there is general agreement on the imposition of a time limit for interim flows, there are a number of factors that will determine its feasibility.

No.	Name	Position	Region	Topics	Feedback
111	Bay of Plenty Lifelines Advisory Group	Support in part	Bay of Plenty	Q7, 8 & 9 Technical methods, approach proposed	Point: Potential issues that may impact on tributary low flows to varying degrees that require consideration and monitoring include land use changes, unauthorised changes to stream bed levels, natural aggregation/degradation to stream beds, stream flows which can go underground and resurface.
111	Bay of Plenty Lifelines Advisory Group	Support in part	Bay of Plenty	Range, Q12 & 13 Benefits and costs	Point: The inclusion of the potential risks/benefits associated with appeals to the Environment Court should be considered.
111	Bay of Plenty Lifelines Advisory Group	Support in part	Bay of Plenty	Renewals & clawback, Q6 Inclusion of existing consents in limits	Point: The issue of clawback will require addressing on a case-by-case basis. Relief sought: One possible method of addressing this issue is by risk assessment in water allocations.
111	Bay of Plenty Lifelines Advisory Group	Support	Bay of Plenty	Need, Q7, 8 & 9 Technical methods	Point: There is general support for a consistent approach in the selection of methods.
111	Bay of Plenty Lifelines Advisory Group	Support	Bay of Plenty	Q1 Problems & issues correct	Point: General agreement with the three key problems identified as benefiting from national direction.
111	Bay of Plenty Lifelines Advisory Group	Support	Bay of Plenty	Q3 Need for interim levels	Point: There is general support for the necessity of interim limits.
111	Bay of Plenty Lifelines Advisory Group	Support	Bay of Plenty	Q4 Interim levels, division of water bodies	Point: There is general agreement that there are sufficient divisions.
111	Bay of Plenty Lifelines Advisory Group	Support	Bay of Plenty	Q7, 8 & 9 Technical methods, new methods / innovation	Point: There is general agreement that formal reviews of the process on a regular basis should be undertaken to ensure that variability is being considered and monitoring of sites is undertaken to ensure that physical changes are recorded and taken into consideration. Aerial surveys such as LIDAR may be a means of monitoring.
112	Bernard Matthews Gisborne	Oppose	East Cape	Q4 Interim levels	Point: Oppose the setting of default or interim water regimes through this proposed NES. Interim flow levels are not relevant to the Gisborne Region. Relief sought: Direct regional authorities to prepare a range of locally relevant and practical default environmental flow regimes through the proposed NPS on Freshwater Management, within a practical timeframe.
112	Bernard Matthews Gisborne	Oppose	East Cape	Q4 Interim levels	Point: Councils have the ability to reduce allocation in catchments should they feel there is a need to do so. Relief sought: If interim or default levels are kept in the proposed NES, total allocation should not be reduced every time a permit is surrendered, lapses, is cancelled or replaced.
113	New Zealand Business Council for Sustainable Development	Support in part	National	Q12 & 13 Benefits and costs	Point: There are limitations on financial resources as well as availability of appropriate technical skills and experience in some regional council. Relief sought: The best-use solution recommends both pilot catchment studies where the comprehensive best-use solution (including NES compliance) and shared services would be developed to help offset some of these costs.

No.	Name	Position	Region	Topics	Feedback
113	New Zealand Business Council for Sustainable Development	Support in part	National	Q7, 8 & 9 Technical methods, approach proposed	Point: Methods for assessing other components of environmental flows (eg recreational, cultural, aesthetic) are not sufficiently developed to allow their incorporation in, or reference to, this NES at present.  Relief sought: Complete the development of similar 'environmental' flow methodologies so that they can be used widely, and consistency across regional planning can be achieved.
113	New Zealand Business Council for Sustainable Development	Support in part	National	Scope of NES	Point: Recommends further investigation and development of guidelines for setting flows for amenity and natural character values, cultural values and recreational values. The best-use solution acknowledges that decisions on the setting of environmental flows (ecologic and in-stream values) involves consideration of natural, community and development values associated with a water body.  Relief sought: The provision of guidelines/NES relating to these values.
113	New Zealand Business Council for Sustainable Development	Support in part	National	Scope of NES, Q7, 8 & 9 Technical methods, approach proposed	Point: Requires further development of the NES.  Relief sought: Default (interim) limits on catchment assimilative capacity for contaminants. Default point source discharge standards – minimum or maximum as appropriate. Methods for determining a catchments assimilative capacity for contaminants and for determining point and non-point source discharge standards. Methods, processes or technologies to implement the water allocation solution. Exemptions from standards were appropriate.
113	New Zealand Business Council for Sustainable Development	Support	National	Q2 Options / alternatives	Point: It is proposed that a further NES on assimilative capacity be urgently developed.
113	New Zealand Business Council for Sustainable Development	Support	National	Q3 Need for interim levels	Point: Supports need.
113	New Zealand Business Council for Sustainable Development	Support	National	Q7, 8 & 9 Technical methods, new methods / innovation	Point: Supports that approach of incorporating 'by reference' new and updated methods through the technical document into the NES in the future.
114	D W Briant Ltd	Oppose	East Cape	Q4 Interim levels, proposed numbers	Point: 3.5 m <sup>3</sup> /s is too low.  Relief sought: More time is required for the Gisborne District Council to formulate a sensible water plan that protects the environment but does not cripple the region.
115	F&D Briant Companies	Support in part	East Cape	Process to adoption / involvement, Implementation / resource costs	Point: Failure to provide a lead-in time will result in potentially significant economic impacts.  Relief sought: Five-year lead-in time for the Gisborne District Council to implement a district water plan.

No.	Name	Position	Region	Topics	Feedback
116	New Zealand Historic Places Trust	Support in part	National	Q7, 8 & 9 Technical methods, approach proposed	Point: The focus on scientific assessment will weight against the consideration of other values in the assessment and setting of water flows.  Relief sought: This NES should be proposed in conjunction with other similar guidance for assessment of other values and other water management responses.
116	New Zealand Historic Places Trust	Support in part	National	Scope of NES, Relationship with NPS & RMA	Point: It is important that the NES is provided for in the context of an NPS for Water and other NES are developed to cover the wide range of values and assessment that is required.  Relief sought: Following finalisation of the NPS, the NES should proceed in conjunction with other standards for assessing non-ecological values. Alternatively, the NES should be amended to provide for non-ecological values.
116	New Zealand Historic Places Trust	Support	National	Scope of NES, Relationship with NPS & RMA	Point: An NES may relate to any of the purpose and principles set out Support in part II of the RMA.  Relief sought: As a priority, an NES should assist in achieving both section 6(e) and 8 of the RMA. It is also noted that section 44 of the RMA contains an explicit requirement for consultation with iwi authorities in relation to a NES.
117	Holcim (New Zealand) Ltd	Support in part	National	Apply to existing consents, Q6 Inclusion of existing consents in limits	Point: It is essential that existing consents be included within allocation limits. The wording of section 5.1.1 could be clarified.  Relief sought: The wording could clarify that a 'sinking lid' policy applies – that where the interim percentage limit is already exceeded by water takes, no new consents will be issued until the total allocation reduces to below the interim limit.
117	Holcim (New Zealand) Ltd	Support in part	National	Need, Q7, 8 & 9 Technical methods	Point: Support the aim of consistency. Guidance documents are not sufficient.
117	Holcim (New Zealand) Ltd	Support in part	National	Q12 & 13 Benefits and costs	Point: The preliminary cost-benefit analysis should have gone further.  Relief sought: Ensure that a proper benefit-cost evaluation is undertaken, where the benefits and costs of the draft NES are transparently compared with the approaches adopted by regional councils.
117	Holcim (New Zealand) Ltd	Support in part	National	Scope of NES, relationship with NPS & RMA	Point: Whilst the environmental objectives behind the preparation of the proposed NES are laudable, the impact on water allocation mechanisms is not clear because the proposed NES is only part of a bigger, complex picture, involving a promulgated NPS and regional council regulatory instruments.
118	Institute of Professional Engineers NZ	Support in part	National	Q11 Application of NES to existing and replacement consents	Point: If an NES is to be used, its application to the various situations as outlined in table 2 is not unreasonable.  Relief sought: Public water supplies should be exempt from the provisions of the interim limits.
118	Institute of Professional Engineers NZ	Support in part	National	Q3 Need for interim levels	Point: Consider that there may be a need for interim limits in some circumstances; however we are not convinced that the MfE model is appropriate (as they would be relatively arbitrary).



No.	Name	Position	Region	Topics	Feedback
118	Institute of Professional Engineers NZ	Support in part	National	Q5 Time limit for interim levels, time limit	Point: An indefinite time limit is appropriate, provided the limits are set low.
118	Institute of Professional Engineers NZ	Oppose	National	Need, Q7, 8 & 9 Technical methods	Point: An NES is not necessary to achieve consistency, a national guideline would be more flexible and would achieve the same (or better) outcomes.
118	Institute of Professional Engineers NZ	Oppose	National	Q1 Problems & issues correct	Point: Concerned that problem statements 3.1.1 and 3.1.2 have not been demonstrated to apply to a degree significant enough to warrant the enactment of the proposed NES.
118	Institute of Professional Engineers NZ	Oppose	National	Q12 & 13 Benefits and costs, consultation	Point: A more detailed cost-benefit evaluation should have been undertaken. Relief sought: There needs to be a better weighting of the other costs and benefits, particularly as they relate to human health and wellbeing. Would like to be involved with any further consultation relating to the more detailed analysis (as required by RMA s32).
118	Institute of Professional Engineers NZ	Oppose	National	Q2 Options / alternatives	Point: Considers that the evaluation of the assessments is inappropriate. Relief sought: Other combinations of options should be considered and the assessment of alternatives would benefit from a more detailed evaluation.
118	Institute of Professional Engineers NZ	Oppose	National	Q4 Interim levels, proposed numbers	Point: Concerned that the limits are arbitrary. The proposed interim limits on the alterations to flows and/or water levels for rivers have little scientific basis. Relief sought: The allocation limit for shallow, coastal aquifers should be zero, unless monitoring is put in place to determine they include and ensure intrusion is controlled.
118	Institute of Professional Engineers NZ	Oppose	National	Q7, 8 & 9 Technical methods, approach proposed	Point: Concerned that the 'rule of thumb' that the NES is proposing is not based on good science. Relief sought: NES bring in additional expertise to build the 'rules of thumb' for different river types based on the river characteristics and on the flow regime recommendations that have been developed through the hearing, Environment Court and Water Conservation Order process. It would benefit from the rigorous approach taken in the development of a New Zealand Standard – where input from a wider range of practitioners and users are involved.
118	Institute of Professional Engineers NZ	Oppose	National	Scope of NES	Point: The definition of 'environmental flow' used in the NES is arbitrary and may be too narrow. The flow recommendations under the RMA should be a balance between the environmental flow needs (as described above), with social and economic expectations.
118	Institute of Professional Engineers NZ	Support	National	Q1 Problems & issues correct	Point: Agree in principle with problem statement 3.1.3.
118	Institute of Professional Engineers NZ	Support	National	Q4 Interim levels, proposed numbers	Point: Support the proposed interim limits for wetlands.

No.	Name	Position	Region	Topics	Feedback
118	Institute of Professional Engineers NZ	Support	National	Q7, 8 & 9 Technical methods, new methods / innovation	Point: It is desirable for new methods to be included as they become available. Relief sought: New methods have to be subject to scrutiny and review and this should be done transparently, with the opportunity for all those interested to participate.
119	Landco Land Developments Ltd	Support in part	National	Applications, Q10 NES approaches to breaches	Point: If the interim limits are not restricted, the activity status for breaching the limits should be changed to restricted discretionary. Relief sought: Discretion limited to appropriate factors determined on the basis of the type and size of water body, and potential effects.
119	Landco Land Developments Ltd	N/A	National	Process to adoption / involvement, consultation	Point: Further consultation should be carried out once the proposed NES has been drafted. Relief sought: Seeks opportunity to be consulted on the proposed NES, as well as the discussion document.
119	Landco Land Developments Ltd	Oppose	National	Q4 Interim levels, scope – what's included	Point: The interim limits are too far-reaching and inconsistent with the purpose of the RMA. Relief sought: The application of limits needs to be restricted. Interim limits to only apply to waterbodies listed in a schedule to the proposed NES, through a preliminary evaluation process, that require interim protection. The schedule to which interim limits apply should not include waterbodies already the subject of environmental assessment which were not found to warrant protection.
119	Landco Land Developments Ltd	Oppose	National	Scope of NES	Point: Has significant costs for the New Zealand economy and local economies of the communities in which it is applied.
119	Landco Land Developments Ltd	Support	National	Q3 Need for interim levels	Point: Supports in principle the application of interim limits.
119	Landco Land Developments Ltd	Support	National	Q5 Time limit for interim levels, time limit	Point: Time limits are necessary/supported.
120	New Zealand Law Society	Support in part	National	Applications, Q10 NES approaches to breaches	Point: Once an interim limit has been breached by a single application, it ceases to be any sort of limit at all. Concerns arise because of the cumulative effect of many such applications.
120	New Zealand Law Society	Support in part	National	Process to adoption / involvement, consultation	Point: It is difficult to assess the effects of the proposed NES when the only information available about it is at the very general level contained in the discussion document. The relationship and interaction between the NES and the RMA cannot be assessed until the actual terms of the NES are made public. Relief sought: There would be benefit in releasing a draft proposed NES for public comment, so that public input on the terms of the NES could be obtained.
120	New Zealand Law Society	Support in part	National	Q4 Interim levels, proposed numbers, scope – what's included	Point: Expressing limits as a percentage of flow (whether of MALF or otherwise) is mathematically straightforward, but does not necessarily reflect how catchments work. There will be complexities to be considered in each new application for water. Relief sought: What the NES really does is to set national policy, the utility of which will still need to be examined in each case.

No.	Name	Position	Region	Topics	Feedback
120	New Zealand Law Society	N/A	National	Scope of NES, Implementation / resource costs	Point: It is unlikely that the proposal in its current form will provide clear limits on the extent to which flows and water levels can be altered, or a clear specification of available water, in the sense of providing enforceable 'bottom lines'. An NES in this form will create known starting points for the resource consent process, or a known trigger for moving an application from discretionary to non-complying status.
120	New Zealand Law Society	Support	National	Q7, 8 & 9 Technical methods, approach proposed	Point: By imposing a method, which is to be applied consistently throughout the country for determination of those levels, some argument will be avoided, thereby reducing delay, in setting and reviewing those levels. The reduction of conflict and provision of consistency which is sought by objective 3 is likely to be achieved.
121	Opotiki Packing and Coolstorage Ltd	Oppose	East Cape	Effect on applications, Q4 Interim levels, proposed numbers	Point: If the interim or default levels are kept in the proposed NES, we object to total allocation being reduced every time a permit is surrendered, lapses, is cancelled or replaced.  Relief sought: Other water users should have the option to apply for available water that is not already allocated to an existing user.
121	Opotiki Packing and Coolstorage Ltd	Oppose	East Cape	Other	Point: Reduction in available water is a concern. Access to water is crucial for continued use of the land to continue growing the regional and national economy.
121	Opotiki Packing and Coolstorage Ltd	Oppose	East Cape	Q3 Need for interim levels	Point: Opposes setting default or interim water regimes through this proposed NES. The interim flow levels are not relevant to the Gisborne region.  Relief sought: Direct regional authorities to prepare a range of locally relevant and practical default environmental flow regimes through the proposed NPS on Freshwater Management, within a practical timeframe.
121	Opotiki Packing and Coolstorage Ltd	Support	East Cape	Effect on regional & local plans	Point: Supports proposal for a time delay by Gisborne District Council, to provide more time to make a science-based assessment of the environmental flow needs for watercourses in the region.
121	Opotiki Packing and Coolstorage Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 2.
121	Opotiki Packing and Coolstorage Ltd	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 3
122	Resource Management Law Assn	Support in part	National	Q7, 8 & 9 Technical methods, approach proposed	Point: It is possible that further investigations in accordance with the guidelines, or consideration of other values (such as cultural, social or amenity values) determine that a more stringent flow, level or allocation limit should be set, compared to the interim limit.  Relief sought: The NES should specify that more stringent flows, levels and limits are allowable.
122	Resource Management Law Assn	Oppose	National	Other	Point: No definitions of key terms contained in the proposed NES.  Relief sought: For the NES to provide certainty and clarity of application, there are several key terms and concepts requiring definition, including the definition of aquifers and wetlands.

No.	Name	Position	Region	Topics	Feedback
122	Resource Management Law Assn	Oppose	National	Scope of NES	<p>Point: There is confusion and inconsistency in the use of the terminology. The overriding message has been that the NES will only address ecological flows, but some of the explanatory text is inconsistent with this.</p> <p>Relief sought: The NES should be drafted so as to remove this ambiguity.</p>
122	Resource Management Law Assn	Oppose	National	Scope of NES	<p>Point: If the primary objectives are to provide “a clear limit on the extent to which flows and water levels can be altered” and “a clear specification of available water” then this cannot be done with reference only to ecological values.</p> <p>Relief sought: The NES needs to provide the mechanism by which all relevant values are assessed in the setting of interim flows, levels and allocation limits.</p> <p>Alternatively, the objectives of the NES should be modified so that they focus specifically on the providing clarity with respect to the protection of ecological values on an interim basis only. There should be a corresponding requirement or commitment for clarity to be provided in respect of the wider environmental values that water bodies support, as a matter of priority in the immediate future.</p>
122	Resource Management Law Assn	Oppose	National	Scope of NES, Relationship with NPS & RMA	<p>Point: Unless plan rules are either in accordance with the NES interim limit, or have been determined in accordance with the NES methodology, they will be contrary to the requirement in section 43 B (3).</p> <p>Relief sought: The NES should set out the process by which those more lenient existing rules should be amended within a prescribed timeframe.</p>
122	Resource Management Law Assn	Support	National	Q5 Time limit for interim levels, time limit	<p>Point: The NES should impose a time limit.</p>
122	Resource Management Law Assn	Support	National	Renewals & clawback, apply to existing consents, Q5 Time limit for interim levels, time limit, how to implement	<p>Point: The NES should require the regional councils to review those resource consents within a specified timeframe. This review should not simply be in relation to the interim limit.</p> <p>Relief sought: The NES should require the terms of the existing, more lenient resource consent be reviewed in accordance with the recommended technical methodology.</p>
123	Tourism Industry Assn NZ	Support in part	National	Scope of NES, Approach proposed	<p>Point: A range of values, other than just ecological must be considered in the preparation of this NES.</p> <p>Relief sought: Establish minimum recreational flows.</p>
124	Newmont Waihi Gold Ltd	Support in part	Waikato	Applications, Q10 NES approaches to breaches	<p>Point: It is essential that consent applications that breach the interim limits be assessed as non-complying activities or a lower status.</p> <p>Relief sought: Applications that breach the interim limits should be assessed as discretionary or non-complying activities. Do not support disallowing any applications until an environmental flow or water level is included in an operative or proposed regional plan.</p>

No.	Name	Position	Region	Topics	Feedback
124	Newmont Waihi Gold Ltd	Support in part	Waikato	Need, Q7, 8 & 9 Technical methods, approach proposed	<p>Point: Supports consistency in the selection of methods for assessing ecological values, however consistency should not be the primary consideration.</p> <p>Relief sought: That guideline documents be introduced providing methods to ensure consistency in the selection of methods for assessing ecological values.</p>
124	Newmont Waihi Gold Ltd	Support in part	Waikato	Need, Q7, 8 & 9 Technical methods, approach proposed	<p>Point: Does not understand how the information in the technical document justifies the interim limits. Tables need amendment / clarification.</p> <p>Relief sought: In tables 3 to 6, include 'expert panel' as an option where the various thresholds are listed as 'high' or 'medium'.</p> <p>Clarify how the information in the technical document justifies the interim limits in terms of the interim allocation limit of 35% of the average annual recharge stipulated "For all other aquifers" and for the allocation limits of 30% and 50% of MALF respectively for rivers and streams.</p> <p>Clarify whether the grey and blue cells in tables 3 and 4 of the <i>Draft Guidelines</i> refer to a low effects threshold that would indicate that the effects would be less than minor.</p> <p>Ensure that regional councils and consent holders are not forced to rely on models only at the expense of good advice from appropriately qualified and experienced professionals.</p> <p>Ensure that the regional councils are given some discretion to choose methods that are appropriate in the circumstances rather than being overly conservative, costly and time-consuming.</p>
124	Newmont Waihi Gold Ltd	Support in part	Waikato	Q1 Problems & issues correct	<p>Point: Agrees with problem statements. No mention of the situation of a plan change or variation which addresses the issues outlined in the proposed NES.</p> <p>Relief sought: Rather than applying a rigid standard across the whole of the country than captures all councils, provide a specified timeframe and assistance to those regional councils who do not currently have environmental flows, water levels and allocable limits specified within their regional plans. Interim limits could be applied in the mean time, but would be temporary.</p> <p>Technical methods used to assess the ecological component of environment flows and water levels should not be set as 'bottom line' requirements but should retain 'guideline' status.</p> <p>Mine dewatering takes that do not compete with other users should be exempt.</p> <p>The only groundwater that should be subject to the proposed NES are shallow aquifers connected to surface water.</p>

No.	Name	Position	Region	Topics	Feedback
124	Newmont Waihi Gold Ltd	Support in part	Waikato	Q11 Application of NES to existing and replacement consents	<p>Point: Table 2 is supported with provisos.</p> <p>Relief sought: Supported providing –</p> <ul style="list-style-type: none"> <li>– the methods in the technical document should be in the form of a guideline, not an NES.</li> <li>– the methods in the technical document can be selected from as appropriate; it is not necessary to use all of the methods where for example data is lacking and the time necessary to collect the data is not justified by the consent application.</li> <li>– appropriately qualified experts can be utilised in addition to the models etc specified in the lists.</li> </ul>
124	Newmont Waihi Gold Ltd	Support in part	Waikato	Q12 & 13 Benefits and costs	<p>Point: Would like to see the cost-benefit analysis broadened. Involves the wider notion of opportunity cost including risks which generate costs.</p> <p>Relief sought: In terms of the discussion document these should be identified, quantified where possible and incorporated into the cost-benefit assessment.</p>
124	Newmont Waihi Gold Ltd	Support in part	Waikato	Q3 Need for interim levels	<p>Point: Supports the need for, and introduction of, interim limits set through an environmental standard subject to provisos.</p>
124	Newmont Waihi Gold Ltd	Support in part	Waikato	Q5 Time limit for interim levels, time limit, how to implement	<p>Point: Interim flow and water levels should apply for limited periods only.</p> <p>Relief sought: Set a limited period for the interim limits but base this on priorities.</p>
124	Newmont Waihi Gold Ltd	Support in part	Waikato	Scope of NES, Relationship with NPS & RMA, Q12 & 13 Benefits and costs, Implementation / resource costs	<p>Point: It is difficult to make valid and meaningful assessments when (for example) there is no understanding of what any NPS might imply or require. The narrow focus of the NES (which precludes other important physical and socio-economic factors which are inextricably linked to any NES) creates an assumption that a comprehensive cost benefit assessment can be developed on a quite narrow basis.</p> <p>Relief sought: Assess opportunity costs of lost business and employment.</p> <p>Assess other costs eg, to ratepayers where community water supplies require upgrade.</p> <p>Clarify the relationship (including the purpose) of NPS and NES as priority matters.</p>
124	Newmont Waihi Gold Ltd	Oppose	Waikato	Q2 Options / alternatives	<p>Point: All available options have not been covered and table 1 is flawed.</p> <p>Relief sought: Ensure that 'real life' assessments of river and stream ecology and the advice of highly qualified and experienced experts are not overlooked.</p> <p>Ensure that where information is not available to complete the proposed technical methods, appropriate mechanisms are in place.</p> <p>Amend table 1.</p>

No.	Name	Position	Region	Topics	Feedback
124	Newmont Waihi Gold Ltd	Oppose	Waikato	Q4 Interim levels, proposed numbers, division of water bodies, scope – what's included	Point: Does not consider that the interim allocation limits for groundwater takes should be applied to all groundwater resources.  Relief sought: Only shallow aquifers that are connected to surface water should be covered in the NES. Provide justification for the interim allocation limit of 35% of the average annual recharge stipulated "for all other aquifers". Mine dewatering takes should be exempt from the interim allocation limits.
124	Newmont Waihi Gold Ltd	Oppose	Waikato	Q4 Interim levels, proposed numbers, scope – what's included	Point: The minimum flow requirements for these rivers and streams are overly conservative.  Relief sought: Set the minimum flow requirements on the basis of a percentage of Q5 rather than a percentage of MALF. Provide justification for the allocation limits of 30% and 50% of MALF respectively for rivers and streams.
124	Newmont Waihi Gold Ltd	Oppose	Waikato	Q7, 8 & 9 Technical methods, new methods / innovation	Relief sought: Guideline documents should be drafted instead of the proposed NES to provide consistency in the selection of methods for assessing ecological values. The guidelines could be updated at appropriate intervals so that new and emerging methods could be incorporated.
124	Newmont Waihi Gold Ltd	Oppose	Waikato	Scope of NES, Q4 Interim levels, Implementation / resource costs	Point: The impact that the proposed NES has on notification is uncertain and could result in delays.  Relief sought: The issue of possible notification due to the NES and the implications of this should be considered further.
124	Newmont Waihi Gold Ltd	Support	Waikato	Q6 Inclusion of existing consents in limits	Point: Clawback should be avoided if at all possible with the emphasis being on continuous improvement rather than a quick fix.  Relief sought: The first step should be to assess the effects on the waterbodies concerned to identify what, if any, problems exist on the ground. Assuming that problems do exist, all options should be considered before clawback.  Consent holders will need to be consulted and a plan developed that allows for improvements over time. Workable plans need to be established that allow environmental improvements over a reasonable timeframe while considering the needs of industry.
125	Waikato Engineering Lifelines Group	Support in part	Waikato	Q10 NES approaches to breaches	Point: Broad guidelines would be advantageous. A system considered where a percentage of the allocation be approved and the balance when and if low flows indicate a higher level when accurately determined. Allow the applicant to undertake determination of flow levels using the required method at their own cost, or some form of cost sharing.
125	Waikato Engineering Lifelines Group	Support in part	Waikato	Q2 Options / alternatives	Point: The options have been adequately covered with the added comments that the national guidelines are mandatory and an alternative NES should not be contemplated.
125	Waikato Engineering Lifelines Group	Support in part	Waikato	Q5 Time limit for interim levels, time limit	Point: While there is general agreement on the imposition of a time limit for interim flows, there are a number of factors that will determine its feasibility.

No.	Name	Position	Region	Topics	Feedback
125	Waikato Engineering Lifelines Group	Support in part	Waikato	Q7, 8 & 9 Technical methods, approach proposed	Point: Potential issues that may impact on tributary low flows to varying degrees that require consideration and monitoring include land use changes, unauthorised changes to stream bed levels, natural aggregation/degradation to stream beds, stream flows which can go underground and resurface.
125	Waikato Engineering Lifelines Group	Support in part	Waikato	Range, Q12 & 13 Benefits and costs	Point: The inclusion of the potential risks/benefits associated with appeals to the Environment Court should be considered.
125	Waikato Engineering Lifelines Group	Support in part	Waikato	Renewals & clawback, Q6 Inclusion of existing consents in limits	Point: The issue of clawback will require addressing on a case-by-case basis. Relief sought: One possible method of addressing this issue is by risk assessment in water allocations.
125	Waikato Engineering Lifelines Group	Support	Waikato	Need, Q7, 8 & 9 Technical methods	Point: There is general support for a consistent approach in the selection of methods.
125	Waikato Engineering Lifelines Group	Support	Waikato	Q1 Problems & issues correct	Point: General agreement with the three key problems identified as benefiting from national direction.
125	Waikato Engineering Lifelines Group	Support	Waikato	Q3 Need for interim levels	Point: There is general support for the necessity of interim limits.
125	Waikato Engineering Lifelines Group	Support	Waikato	Q4 Interim levels, division of water bodies	Point: There is general agreement that there are sufficient divisions.
125	Waikato Engineering Lifelines Group	Support	Waikato	Q7, 8 & 9 Technical methods, new methods / innovation	Point: General agreement that formal reviews of the process on a regular basis should be undertaken. Aerial surveys such as LIDAR may be a means of monitoring.
126	Wellington Botanical Society	Support in part	Wellington	Q4 Interim levels, scope – what's included	Point: The proposed limit doesn't go far enough. No opportunities to address excessive abstractions where these have been endorsed by a regional council decision. Relief sought: Suggested revised wording: "In regions where regional plans don't have abstraction provisions, no increase in abstractions from wetlands beyond the water level variation that has already been provided for by existing legal resource consents on the date the NES comes into force." Relief sought: Interim limits in the NES and associated materials should place controls on the unnatural flooding of natural wetlands to meet water storage purposes without placing barriers in the way of ecological restoration initiatives which may increase natural flows, levels and fluctuations.
126	Wellington Botanical Society	Support in part	Wellington	Q5 Time limit for interim levels, time limit	Point: Setting a time limit for how long the interim limits would apply may provide some encouragement to councils to develop catchment-specific flows and levels. This approach has several potential weaknesses. Relief sought: Some flexibility appears to be required. The solution may lie in requiring councils to report annually on the progress they have made towards establishing an appropriate set of policies, objectives and measures in their regional plans.



No.	Name	Position	Region	Topics	Feedback
126	Wellington Botanical Society	N/A	Wellington	Applications, Q10 NES approaches to breaches	Point: Where an application would result in the interim limits being breached, the application should be classified as a prohibited activity until it can be considered under an operative regional plan that includes an appropriately determined environmental flow or water level. We do not agree that the application could be considered under a proposed regional plan.
126	Wellington Botanical Society	N/A	Wellington	Other	Point: In the definition of ecological flows the word 'present' is problematic. Relief sought: As an alternative: "the flows and water levels required in a water body to provide for the ecological function of indigenous flora and fauna that are, or could reasonably be expected to be, present in that water body or on its margins".
126	Wellington Botanical Society	Oppose	Wellington	Q7, 8 & 9 Technical methods, approach proposed	Point: Strongly disagree with the 'low risk' categorisation. Relief sought: The 'low risk' scenario would be better described as no change in median water level; no change in seasonality.
126	Wellington Botanical Society	Oppose	Wellington	Q7, 8 & 9 Technical methods, approach proposed	Point: Current high and medium risk categories are too simplistic. Relief sought: Strongly recommend applying a more conservative and more comprehensive approach to the medium and high-risk categories.
126	Wellington Botanical Society	Support	Wellington	Q1 Problems & issues correct	Point: Agree these are problems but note that they focus on mechanistic or process issues.
126	Wellington Botanical Society	Support	Wellington	Q3 Need for interim levels	Point: Agree there is a need for interim limits to be set through an NES and support the introduction of interim limits.
126	Wellington Botanical Society	Support	Wellington	Q7, 8 & 9 Technical methods, new methods / innovation	Point: Agree that the NES should state that the technical document can be updated to include new methods or remove existing methods that are no longer appropriate.
127	Winstone Aggregates	Support in part	National	Q4 Interim levels	Point: The setting of minimum flows is accepted in principle but the application of this approach for the situation when a water course naturally dries up for a period of the year is unclear. Relief sought: Clarification as to consistent methods for calculating the MALF that are to be used.
127	Winstone Aggregates	N/A	National	Applications, Q10 NES approaches to breaches	Point: Interim flows may be irrelevant where other physical barriers prevent habitats from supporting life. Relief sought: Applications that breach interim limits but improve the ecological value of the stream through mitigation should be considered on the basis of cumulative effects, not just the difference between the interim limit and proposed flow.
127	Winstone Aggregates	N/A	National	Q4 Interim levels, division of water bodies	Point: The NES does not adequately differentiate surface or groundwater bodies. Relief sought: Streams not be solely differentiated on the basis of flow but also that differentiation be made on the basis of substrate, surrounding habitat and life-supporting capacity.

No.	Name	Position	Region	Topics	Feedback
127	Winstone Aggregates	N/A	National	Q4 Interim levels, scope – what's included	<p>Point: The NES needs to provide guidance on how regional councils are to calculate the average annual recharge.</p> <p>Relief sought: The NES to provide a consistent method for calculating annual recharge and allow for dewatering activities with effects to be assessed on a case-specific basis.</p>
127	Winstone Aggregates	N/A	National	Scope of NES	<p>Point: Unclear how water takes from dams will be addressed.</p> <p>Relief sought: Provide clarification as to the means for assessing altered water levels in dams. Offline dams constructed for the purpose of storing and taking water should not be subject to restrictions under the NES.</p>
127	Winstone Aggregates	Oppose	National	Q10 NES approaches to breaches	<p>Point: Classifying activities that breach interim limits as non-complying or prohibited is inappropriate.</p> <p>Relief sought: Any proposed activities should be assessed as restricted discretionary, with discretion being restricted to how the altered flow regime will affect the ecology of the water body in question.</p>
127	Winstone Aggregates	Oppose	National	Q4 Interim levels, scope – what's included	<p>Point: The NES needs to differentiate between artificial and natural wetlands.</p> <p>Relief sought: Wetlands which are worthy of protection should be identified through the RMA planning process through new or amendments to regional plans. In addition, there should be provision for at least temporary change to water levels in wetlands.</p>
127	Winstone Aggregates	Oppose	National	Q5 Time limit for interim levels, time limit, how to implement	<p>Point: The lack of a timeframe for setting environmental flows increases uncertainty.</p> <p>Relief sought: Impose a timeframe for regional councils to undertake investigations and reviews of regional plans to include any necessary changes to interim limits and levels. In the absence of further guidance to enable environmental flows to be assessed, there should be a statement that environmental values will not further reduce the interim limits.</p>
128	National Council of Women of NZ	Support in part	National	Q4 Interim levels, proposed numbers, scope – what's included	<p>Point: Where water levels are not known, and where the existing environmental flows and water levels might not clearly define the available water, the precautionary principle should be included in interim levels.</p>
128	National Council of Women of NZ	Support in part	National	Q4 Interim levels, scope – what's included	<p>Point: Addressing flows only in a ecological context will do little to improve the management of the undesirable effects of land use on water quality.</p> <p>Relief sought: Any attempt to achieve this goal must simultaneously address both quantity and quality of water flows.</p>
128	National Council of Women of NZ	Support in part	National	Scope of NES, need, climate change, Q7, 8 & 9 Technical methods, approach proposed	<p>Point: The majority supports the need for an NES. In one branch the majority felt that a guidance document would be sufficient. Suggests that causes and regional climatic variations would need to be considered. Appropriate land use needs to be considered along with water use.</p>
128	National Council of Women of NZ	Support	National	Q1 Problems & issues correct	<p>Point: Agrees with the problem statements and key problems covered that would benefit from national direction.</p>

No.	Name	Position	Region	Topics	Feedback
129	Beech, A Lloyd	Support in part	Hawke's Bay	Q2 Options / alternatives, Q1 Problems & issues correct	Point: There is no mention of requirement of the NZ Biodiversity Strategy which is to prevent the loss of any more species and strengthen those are at risk. Relief sought: Add requirements of the NZ Biodiversity Strategy which is to prevent the loss of any more species and strengthen those are at risk.
129	Beech, A Lloyd	Support in part	Hawke's Bay	Range, Q12 & 13 Benefits and costs	To meet requirement of NZ Biodiversity Strategy info on endangered species and their habitat is required. There will be a cost in obtaining information to manage New Zealand biodiversity.
129	Beech, A Lloyd	N/A	Hawke's Bay	New methods / innovation	The objective should be to include new methods into the process as soon as possible.
129	Beech, A Lloyd	N/A	Hawke's Bay	Other	Point: Word 'quality' in the discussion document, should not be used unless defined. Relief sought: Use 'standard'.
129	Beech, A Lloyd	N/A	Hawke's Bay	Q10 NES approaches to breaches	Disallow any applications and classify them as being a 'prohibited activity'.
129	Beech, A Lloyd	N/A	Hawke's Bay	Q4 Interim levels	Point: Q4 Reduction in groundwater can have a major impact on the survival of existing reserves and established bush cover.
129	Beech, A Lloyd	N/A	Hawke's Bay	Q5 Time limit for interim levels, time limit	Time limit should be set. Public input should be allowed.
129	Beech, A Lloyd	N/A	Hawke's Bay	Q6 Inclusion of existing consents in limits	When amount of water allocated to existing consents exceeds the numeric limit, no more allocations should be made. Case should be studied.
129	Beech, A Lloyd	Support	Hawke's Bay	Need	Support consistency in the selection of method.
129	Beech, A Lloyd	Support	Hawke's Bay	Q1 Problems & issues correct	Support the statements.
129	Beech, A Lloyd	Support	Hawke's Bay	Q3 Need for interim levels	Support the need for interim limits.
130	Berryman, J	N/A	Bay of Plenty	Consultation, Other	Point: Throughout NES proposal document, tangata whenua were continually grouped with the rest of the countries, interest groups. The legal right of tangata whenua to participate in the management of the environment as a Treaty partner, alongside the Crown is being restricted by policy proposal. Relief sought: I. Stop the current NES process. II. Enter into discussion with tangata whenua regarding co-management responsibilities. III. Stop grouping tangata whenua with the general public in this and future submission processes. IV. When discussing the awa within the rohe of Ruatoki communicate via the tangata whenua representative Tuhoē Putaiao Trust.
130	Berryman, J	Oppose	Bay of Plenty	Other	Oppose the NES, there are cultural objections to the proposed NES.

No.	Name	Position	Region	Topics	Feedback
131	Blackmore, Annie	N/A	Hawke's Bay	Applications, Q10 NES approaches to breaches	Applications for resource consent that breach the interim limits should be disallowed.
131	Blackmore, Annie	N/A	Hawke's Bay	Q11 Application of NES to existing and replacement consents	Support to apply the interim levels in the proposed NES. New applications for resource consents for water bodies where an operative or proposed plan exists should be granted only if they fall within the environmental flow and water levels set in the operative or proposed plan.
131	Blackmore, Annie	N/A	Hawke's Bay	Q4 Interim levels, proposed numbers, division of water bodies	Support 'no change' in wetlands, sufficient division of water systems.
131	Blackmore, Annie	N/A	Hawke's Bay	Q6 Inclusion of existing consents in limits	Existing consents should be allowed to continue until that consent expires. Replacement consents should be treated as new applications and comply with either the environmental flows or water levels set in an operative or proposed plan or the interim levels in the proposed NES if no environmental flows or water levels have been set for that water body.
131	Blackmore, Annie	N/A	Hawke's Bay	Q7, 8 & 9 Technical methods, new methods / innovation	As new methods are developed they should replace older methods that are no longer appropriate.
131	Blackmore, Annie	Support	Hawke's Bay	Need, Q7, 8 & 9 Technical methods	Fully supports the aim to provide consistency in the selection of methods for accessing ecological values. Consistency needs to be in the form of an NES not just a guideline.
131	Blackmore, Annie	Support	Hawke's Bay	Q12 & 13 Benefits and costs	Supports the scope of the benefits and costs of the preferred option.
131	Blackmore, Annie	Support	Hawke's Bay	Q3 Need for interim levels	Supports the need for interim limits.
131	Blackmore, Annie	Support	Hawke's Bay	Q5 Time limit for interim levels, time limit	Supports no time limit for the interim limits.
131	Blackmore, Annie	Support	Hawke's Bay	Scope of NES	Supports statement and issues.
131	Blackmore, Annie	Support	Hawke's Bay	Scope of NES, Q2 Options / alternatives, Other	The proposed NES should apply only in the short to medium term. In the long term an alternative NES with the aim to include tangata whenua and recreational values associated with water should be developed.
132	Campbell, Jenny	Support	Southland	Scope of NES	General support for the proposal as detailed in the discussion document.
133	Clarke, Kate	Support in part	Wellington	Q4 Interim levels, division of water bodies	No division made for different types of rivers.
133	Clarke, Kate	Support in part	Wellington	Q4 Interim levels, proposed numbers	Suggest the interim limits to be precautionary.
133	Clarke, Kate	N/A	Wellington	Applications, Q10 NES approaches to breaches	There should be an external process to continue testing methods to ensure better methods are required to be used. If people want to take water beyond these limits, they need to go through a plan change.

No.	Name	Position	Region	Topics	Feedback
133	Clarke, Kate	N/A	Wellington	Q11 Application of NES to existing and replacement consents	Standards should apply to existing and replacement consents. If they exceed the standards they should be reassessed using the methods under the standard.
133	Clarke, Kate	N/A	Wellington	Q6 Inclusion of existing consents in limits, clawback through plans	Existing consents shouldn't be able to exceed the allocation limit. A process should be put in place to ensure clawback can occur.
133	Clarke, Kate	N/A	Wellington	Q7, 8 & 9 Technical methods, new methods / innovation	There should be an external process to continue testing the methods and ensure any better methods are required to be used.
133	Clarke, Kate	Support	Wellington	Need, Q7, 8 & 9 Technical methods	The consistency need to be provided in NES, not guidance.
133	Clarke, Kate	Support	Wellington	Q2 Options / alternatives	All options are covered.
133	Clarke, Kate	Support	Wellington	Q3 Need for interim levels	Supports the need for interim limits.
133	Clarke, Kate	Support	Wellington	Q4 Interim levels, proposed numbers	Supports the wetland level of 'no change'
133	Clarke, Kate	Support	Wellington	Q5 Time limit for interim levels, time limit	Supports 'not time bound'. The interim limit should be a national default level until a catchment's limit is set.
133	Clarke, Kate	Support	Wellington	Q7, 8 & 9 Technical methods, approach proposed	Support the approach. But background guidance needs to be separated from standards. Standard needs to be included to instruct councils, eg, changes in catchment cover, land use, climate changes need to be factored in.
133	Clarke, Kate	Support	Wellington	Scope of NES	Supports the problem statement.
134	Charteris, Diane	Support	Hawke's Bay	Scope of NES	Support the proposal as set out in the document.
135	Christie, Teschna	N/A	Hawke's Bay	Applications, Q10 NES approaches to breaches	Where consents that will breach interim limits are concerned, option of "disallow any applications or class them as prohibited activities until an ecological flow or water level is included in a regional plan" is preferred.
135	Christie, Teschna	N/A	Hawke's Bay	Other	Support sustainable management as discussed under RMA s5.
135	Christie, Teschna	N/A	Hawke's Bay	Q4 Interim levels, division of water bodies	Point: Water is being extracted from waterways contributing to wetlands. Also stock watering is not counted towards the limits for water flow.  Relief sought: A separate category to contributing waterways is needed to protect wetlands.
135	Christie, Teschna	N/A	Hawke's Bay	Q4 Interim levels, proposed numbers	It is recommended to set a lower allocation limit for shallow, coastal aquifers, as they are more prone to adverse effects.

No.	Name	Position	Region	Topics	Feedback
135	Christie, Teschna	Oppose	Hawke's Bay	Q4 Interim levels, division of water bodies	Point: The interim limits proposed by the NES do not adhere to this section of the RMA "Consent for taking water cannot be granted if the removal of that water is likely to have an adverse effect on the environment."  Relief sought: All waterways and their catchments are different and must be treated that way. A more precautionary approach should be taken when applying the interim limits.
135	Christie, Teschna	Support	Hawke's Bay	Q5 Time limit for interim levels, time limit	Should not be a time limit on the interim limit period.
135	Christie, Teschna	Support	Hawke's Bay	Scope of NES	Support the proposal for NES
136	Dean, Kevin	N/A	Canterbury	Scope of NES	Point: Ecological objective needs specific policies to clarify the national expectations.  Relief sought: MfE says the proposed standard should "meet the needs and aspirations of all New Zealanders by 2035".  <ul style="list-style-type: none"> <li>- All rivers and lakes should support healthy ecosystems – the insects, fish, birds and other living things that depend on them.</li> <li>- All rivers and lakes should be safe to swim in.</li> <li>- All rivers and lakes should be safe for gathering food, whether it's trout, eel, watercress or freshwater mussels.</li> <li>- All groundwater must show stable or improving trends of water quality.</li> </ul>
136	Dean, Kevin	Oppose	Canterbury	Scope of NES	The standards should apply to all freshwaters, not just to the best and worst, as the policy stipulates. The only exceptions should be where water contamination naturally occurs.
136	Dean, Kevin	Support	Canterbury	Scope of NES	Supports in principle the proposal as detailed in the discussion document.
137	Dewson, Zoe	Support in part	Manawatū-Wanganui	Q7, 8 & 9 Technical methods, approach proposed	Supports the approach in part.  Point: In order to choose the appropriate methods, assessment of the likely effects of altered flow regime on the ecological values of a system is required.  Relief sought: This assessment needs to be made by appropriately trained staff.
137	Dewson, Zoe	Support in part	Manawatū-Wanganui	Q7, 8 & 9 Technical methods, approach proposed	Supports the approach in part.  Point: The method does not determine the level of protection of ecological values, or how to resolve conflicts between different values.  Relief sought: Further guidance in this area would be helpful.
137	Dewson, Zoe	N/A	Manawatū-Wanganui	Applications	Supports to treat the applications as 'non-complying' activities.
137	Dewson, Zoe	N/A	Manawatū-Wanganui	Q6 Inclusion of existing consents in limits	Point: The limits are not site-specific and therefore may not be appropriate in all cases.  Relief sought: Where the amount of water allocated to existing consents exceeds the numeric interim limit, further work should be undertaken to define appropriate limits for a water body.

No.	Name	Position	Region	Topics	Feedback
137	Dewson, Zoe	Support	Manawatū-Wanganui	Need	Supports the need for consistency. Guidance on the interpretation of findings from these methods or on acceptable levels of ecological effect would be useful.
137	Dewson, Zoe	Support	Manawatū-Wanganui	Q1 Problems & issues correct	Supports the statements.
137	Dewson, Zoe	Support	Manawatū-Wanganui	Q11 Application of NES to existing and replacement consents	Supports applications listed in table 2.
137	Dewson, Zoe	Support	Manawatū-Wanganui	Q12 & 13 Benefits and costs	Supports the cost-benefit analysis.
137	Dewson, Zoe	Support	Manawatū-Wanganui	Q2 Options / alternatives	Support the NES method. It is important that the NES be updated and refined as knowledge develops on the ecological water requirements of freshwater systems.
137	Dewson, Zoe	Support	Manawatū-Wanganui	Q3 Need for interim levels	Generally support the need for interim limits. However, guidance on the quantity and quality of the data to establish statistics and formulate interims is required.
137	Dewson, Zoe	Support	Manawatū-Wanganui	Q4 Interim levels	The interim limits are conservative. Supports to include interim limits for lakes.
137	Dewson, Zoe	Support	Manawatū-Wanganui	Q5 Time limit for interim levels, time limit	Supports the time limit.
137	Dewson, Zoe	Support	Manawatū-Wanganui	Q7, 8 & 9 Technical methods, new methods / innovation	Supports the technical document will be 'incorporated by reference' into the NES.
138	Diggelman, Regan	Support in part	Bay of Plenty	Scope of NES, scope – what's included	Recreational water usage should be included in the NES.
138	Diggelman, Regan	N/A	Bay of Plenty	Q12 & 13 Benefits and costs	Question on cost increase and benefit for wider public, where the start-up money is coming from and if this money is having an effect on other environment issues by cutting that budget to cover the NES.
138	Diggelman, Regan	N/A	Bay of Plenty	Q4 Interim levels, proposed numbers, consultation	Suggests each region to have their own scientist present with local knowledge on interim limits.
138	Diggelman, Regan	Support	Bay of Plenty	Q7, 8 & 9 Technical methods, approach proposed	Supports the plan in general.
138	Diggelman, Regan	Support	Bay of Plenty	Q7, 8 & 9 Technical methods, approach proposed	Supports the NES approach.
138	Diggelman, Regan	Support	Bay of Plenty	Scope of NES	Supports the plan in general.

No.	Name	Position	Region	Topics	Feedback
139	Eastergaard, Alan	N/A	Wellington	Other	Method to avoid desertification: methods do not interfere with the normal flow of rivers, and severely restrict or stop usage of the water table.  We move excess flow during the high rainfall areas to one side of the river into suitably sealed hole sunk into the ground and pump it out later as required.
140	Elvines, Deanna	N/A	Bay of Plenty	Approach proposed	Point: Habitat potential is not taken into consideration when deciding on environmental flows.  Relief sought: Suggests a better state of environment report next round by ensuring there are no holes legislation surrounding freshwater management which may stand in the way of freshwater quality improvement.
140	Elvines, Deanna	N/A	Bay of Plenty	New methods / innovation	New methods should be included into the methodology where appropriate. This should be done in a national scale which ensures all regional councils have the means to access the new technology.
140	Elvines, Deanna	N/A	Bay of Plenty	Q6 Inclusion of existing consents in limits	Suggests a time limit on which an environmental flow can remain current before it needs to be re-measured to address the problem.
140	Elvines, Deanna	N/A	Bay of Plenty	Q7, 8 & 9 Technical methods, approach proposed	Point: It is unclear where to draw the line between which methods are to be used for a stream; simplistic or sophisticated  Relief sought: It is preferable to use the sophisticated method on all streams eventually, regardless of the demand for water allocation because, depending on the ecological community within the stream, there may be a significant impact from a small amount of water abstraction and this may not be identified when only simplistic methods are used for ecological assessment.
140	Elvines, Deanna	N/A	Bay of Plenty	Scope of NES	Point: Social and intrinsic values will be overlooked as there is no national direction on how to go about determining and ranking these values.  Relief sought: The NES should include a minimum requirement component for social evaluation of a stream if any allocation is to take place.
140	Elvines, Deanna	Oppose	Bay of Plenty	Q5 Time limit for interim levels, how to implement	Interim limits should have a time frame under which the regional councils can adhere in order to obtain environmental flows for those streams.
140	Elvines, Deanna	Support	Bay of Plenty	Scope of NES	Supports the proposed NES, improvements have been identified.
141	Gilbert, Hanna	N/A	Bay of Plenty	Q4 Interim levels, division of water bodies	Point: Small streams require a higher proportion of the natural stream flow to maintain minimum habitat than larger streams.  Relief sought: Stream sizes need to be taken into account (for the protection of habitats) in the interim limit.
141	Gilbert, Hanna	N/A	Bay of Plenty	Q4 Interim levels, scope – what's included	Point: Ecological is the only section the methodology is defined. This does not take other values (cultural, recreational and amenity) into account.  Relief sought: Weight different values and what extent to go into when considering the values in conjunction with the final decision. Legislation like RMA but specific can be used by regional council to assess values.



No.	Name	Position	Region	Topics	Feedback
141	Gilbert, Hanna	N/A	Bay of Plenty	Q4 Interim levels, scope – what's included	Point: Streams flowing into the wetland will affect wetland water levels; however these streams are not taken as part of the wetland water body. Relief sought: Look at tributaries as part of the wetland water body.
141	Gilbert, Hanna	N/A	Bay of Plenty	Q4 Interim levels, scope – what's included	Point: Interim levels would be improved if looking at habitat potential as well. Relief sought: Both the interim and final environmental flow and water levels should take habitat potential into account.
141	Gilbert, Hanna	N/A	Bay of Plenty	Q5 Time limit for interim levels, time limit	Point: Interim limits are put in place, but are not assessed to establish an NES on Environmental Flow and Water Levels until a number of people become interested in the water body. Relief sought: Water bodies should be assessed either as soon as one individual becomes interested in it, or after a certain period of time even if there is no one involved with the water body at that time.
141	Gilbert, Hanna	N/A	Bay of Plenty	Scope of NES	Supports the proposed NES.
142	Graeme, Ann	Support in part	Bay of Plenty	Q6 Inclusion of existing consents in limits	Point: Guidance documents tend to be ignored. Relief sought: National rule should be made.
142	Graeme, Ann	Support in part	Bay of Plenty	Q7, 8 & 9 Technical methods	Point: Criteria for significance don't seem very comprehensive and seemed to be set at a high threshold. Relief sought: More comprehensive criteria.
142	Graeme, Ann	Support in part	Bay of Plenty	Q7, 8 & 9 Technical methods	Point: Improvements must always be made. Relief sought: New methods should be tested at the same time as using other methods so that comparisons can be made of their effectiveness.
142	Graeme, Ann	Support in part	Bay of Plenty	Q7, 8 & 9 Technical methods	Point: To provide communities with confidence, once a river or water body has its own specific environmental flow this should set out the water that can be taken and further applications beyond this can not be applied for. Relief sought: If this is not so, the NES needs to be rewritten to reflect this.
142	Graeme, Ann	N/A	Bay of Plenty	Q10 NES approaches to breaches	Point: If there was not enough water with the interim limits a plan change to look at the allocation would be needed as a matter of urgency. Relief sought: Existing and replacement consents should also be subject to this rule.
142	Graeme, Ann	Oppose	Bay of Plenty	Clawback through plans	Point: Clawback of water is essential to restore waterways. Relief sought: Existing consents should not be precluded from the regulations.
142	Graeme, Ann	Oppose	Bay of Plenty	Q11 Application of NES to existing and replacement consents	Point: Only small proportion of consents applied for takes beyond the interim limits set in a regional plan, however the effect of this can be very significant. Relief sought: Should not be able to apply for and take water beyond the limits set.

No.	Name	Position	Region	Topics	Feedback
142	Graeme, Ann	Support	Bay of Plenty	Q4 Interim levels	Point: Interim limits are to fill a gap until individual ones are set. Relief sought: Interim limits should always be available for when a flow hasn't been set yet.
142	Graeme, Ann	Support	Bay of Plenty	Q7, 8 & 9 Technical methods	Point: Difficult to separate between rules and information. Relief sought: Document requires better clarification between rules and information.
143	Graeme, B	Support in part	Bay of Plenty	Applications, Q10 NES approaches to breaches	Point: Non-complying status means it is relatively easy to gain consent. Relief sought: Activity should be prohibited, not non-complying.
143	Graeme, B	Support in part	Bay of Plenty	Other	Point: Permitted extractions level is not usually known by regional councils. Relief sought: Provide a guide on a permitted extractions level and precautionary buffer to accommodate the existing modification of flows.
143	Graeme, B	Support in part	Bay of Plenty	Q1 Problems & issues correct	Point: Impoundment of rivers is a major issue of water allocation and effect on ecological flows. Relief sought: Include impoundment of rivers in the issues and problems section.
143	Graeme, B	Support in part	Bay of Plenty	Q1 Problems & issues correct	Point: This document needs to have a section dealing with the proportion of natural flow that can be diverted by dam or weir structure for new applications to use water. Relief sought: Include a section that deals with the proportion of natural flow that can be diverted by dam or weir structure for new applications to use water.
143	Graeme, B	Support in part	Bay of Plenty	Q11 Application of NES to existing and replacement consents	Point: Provide the opportunity to upgrade consent conditions as the science and planning develop by having limited durations. Relief sought: Consents granted should be limited in duration to the review period of the plan under which they are set so that under 10-year plans, consents are limited to 10 years.
143	Graeme, B	Support in part	Bay of Plenty	Q3 Need for interim levels	Point: There need to be interim limits on how much of a natural flow can be interrupted and diverted by a structure on a river bed. Relief sought: Issue of total interruption and diversion to flow needs to be included as an essential part of this limit setting. Some limits may have to include a zero extraction limit where resources are depleted to the extent that they are under-represented in ecological terms eg wetlands, or where the opportunity for a fresh/salt ecotone to move does not exist.
143	Graeme, B	Support in part	Bay of Plenty	Q4 Interim levels	Point: Section 5.1.1 is confusing. Couldn't find justification for the 15% or 35% figures in the selection of methods draft. Three classes of alteration are given based on the assumption that low, medium and high extractions are likely to have low, medium and high ecological effects – this is not always the case. Relief sought: Section 5.1.1 should read something like "An allocation limit which is most limiting of: ...."

No.	Name	Position	Region	Topics	Feedback
143	Graeme, B	Support in part	Bay of Plenty	Q4 Interim levels	<p>Point: Section on connectivity to surface waters does much to cover these uncertainties.</p> <p>Relief sought: Connectivity to surface waters section needs to be given greater importance with a bullet point weighting equal to the other limits for both classes of groundwater. Alternatively, here should be a third class of groundwater: groundwater that is connected to surface water.</p>
143	Graeme, B	Support in part	Bay of Plenty	Q4 Interim levels	<p>Point: Technical methods for high value streams.</p> <p>Relief sought: Where habitat values are high then more holistic and complex measurements and assessments should be required. These mostly overseas, complex models should be incorporated into the scheme for assessing 'high habitat' value water bodies.</p>
143	Graeme, B	Support in part	Bay of Plenty	Q4 Interim levels, scope – what's included	<p>Point: Minimum flow should take into account not just the existing water quality but how this quality will change and adversely impact on habitat as flows decrease and as the quality changes with impending land use changes.</p> <p>Relief sought: Modelling needs to recognise the factor of water quality.</p>
143	Graeme, B	Support in part	Bay of Plenty	Q6 Inclusion of existing consents in limits, clawback through plans	<p>Point: Existing consents clawback.</p> <p>Relief sought: Should be no clawback for existing dam structures, but there should be for restoring minimum flows downstream.</p>
143	Graeme, B	Support in part	Bay of Plenty	Q7, 8 & 9 Technical methods	<p>Point: Suggested standard for rivers is not a mandatory requirement in the range of methods offered for assessment of flows.</p> <p>Relief sought: Principle of minimum ecological flows, allocation for permitted flows and a shared portion of high flows above these to provide for the fluctuations of natural flows should be incorporated into the methods for determining ecological flows.</p>
143	Graeme, B	Support in part	Bay of Plenty	Scope of NES, climate change	<p>Point: Climate change predictions should be recognised and given effect – extreme weather events are particularly relevant.</p> <p>Relief sought: Climate change should be factored into flow setting.</p>
144	Graeme, Meg	Support in part	Waikato	Q10 NES approaches to breaches	<p>Point: Applying the standards.</p> <p>Relief sought: The standards should apply to existing and replacement consents. If they exceed the standards they should be reassessed using the methods under the NES.</p> <p>It is important to ensure that the national guidelines are a minimum standard that can not be weakened by regional plans unless supported by ecological information and an associated catchment management plan.</p>

No.	Name	Position	Region	Topics	Feedback
144	Graeme, Meg	Support in part	Waikato	Q5 Time limit for interim levels	<p>Point: The use of clawback.</p> <p>Relief sought: Clawback should be used in situations where a water body is identified as of high value and to be a representative 'natural state' water body with no water takes. Clawback should also be used where existing consents have allowed for greater water allocations than that allowed by the NES. This will help start improving water quality (=quantity) of degraded waterways.</p>
144	Graeme, Meg	Support in part	Waikato	Q6 Inclusion of existing consents in limits	<p>Point: Assessing ecological values.</p> <p>Relief sought: The methods for assessing ecological values definitely needs to be standardised and needs to be an NES so all regional councils are working to a similar benchmark. It is already abundantly clear that councils, even with the assistance of guidance documents, are not able to halt the continuing degradation of our waterways. It is in the national interest to have clean, swimmable waterways that can support healthy fisheries. To achieve this, central government must take the lead and provide standards for all local authorities.</p>
144	Graeme, Meg	Support in part	Waikato	Q7, 8 & 9 Technical methods	<p>Point: Technical document.</p> <p>Relief sought: The technical document should cover desired levels of protection. Various national and regional studies show that good water quality is important to New Zealanders.</p> <p>The parts of the technical document that will form environmental standards need to be highlighted. Much of the document provides background information/discussion to support environmental standards.</p> <p>All current and future potential future effects/land uses must be factored into water allocation calculations. This will necessarily include potential climate change.</p>
144	Graeme, Meg	Support in part	Waikato	Q7, 8 & 9 Technical methods	<p>Point: Review of NES.</p> <p>Relief sought: The NES for Environmental Flows could be reviewed in 2–5 years' time.</p>
144	Graeme, Meg	Support in part	Waikato	Scope of NES	<p>Point: Activity status.</p> <p>Relief sought: Applications for water takes that would breach the NES should be declined.</p>
145	Graham, Neville Naismith	Support	Auckland	Other	<p>Point: General mitigation.</p> <p>Relief sought: Seek an early assessment of the environmental flow and water level of this river (Taruheru River).</p> <p>Recognise other similar cases where the practical effect of a permitted resource consent order has not been implemented and have assessments conducted on streams, wetlands, lakes and ground waters in accordance with the government's proposal on this matter.</p>
146	Henderson, Chris	N/A	Southland	Other	<p>Seeks to avoid unsustainable abstractions through renegotiating consents with a clear understanding of available water.</p>

No.	Name	Position	Region	Topics	Feedback
147	Ingram, Garth	Support	East Cape	Q10 NES approaches to breaches	Supports the application of NES to existing and replacement consents
147	Ingram, Garth	support	East Cape	Q7, 8 & 9 Technical methods	Support the need for consistent methodology applied to ecological flow setting across councils.
148	Irving, Reece	Support	Bay of Plenty	Q1 Problems & issues correct	Point: Time frames. Relief sought: The NES should recommend a set time span for this quantification to become part of all regional councils' water plans so consent applicants have clear guidelines as to maximum extraction levels allowable.
148	Irving, Reece	Support	Bay of Plenty	Q1 Problems & issues correct	Point: Resource consent applications. Relief sought: Resource consent conditions should define an upper extraction limit determined by the seasonal environmental flow. The integrity of hydro-electricity power generation, human and livestock drinking water supply, and extraction for these purposes should be priority under the NES, taking precedence over other extraction uses during times when flow is below minimum interim limits.
148	Irving, Reece	Support	Bay of Plenty	Q3 Need for interim levels	Point: Purpose of NES. Relief sought: The NES must direct regional councils to develop an operative water plan that includes all water ways under their jurisdiction. Increased national funding to regional councils for this purpose should be included in the NES.
148	Irving, Reece	Support	Bay of Plenty	Q5 Time limit for interim levels	Relief sought: Interim limits on water extraction should apply for a specified time period. This should be of sufficient duration to allow regional councils to monitor all water bodies in their region from which extraction will alter environmental or ecological flows.
148	Irving, Reece	Support	Bay of Plenty	Q7, 8 & 9 Technical methods, new methods / innovation	Relief sought: The NES should include a binding set of technical methods and methodologies for assessing ecological values of waterways.
148	Irving, Reece	Support	Bay of Plenty	Scope of NES	Point: Evolving NES. Relief sought: There must be scope within the NES for the inclusion of advances in methodologies, environmental and ecological knowledge. The incorporation of new methods should also allow for the deletion of methods which are, by status quo, seen as outmoded or outdated.
148	Irving, Reece	Support	Bay of Plenty	Scope of NES	Point: Resource consent applications. Relief sought: If a resource application is made for extraction from a water body upon which interim limits are in place, and the applicant wishes to breach those limits, the application should be considered to be non-compliant and any consent granted only until the waterway has been rated for environmental flow and included in an operative water plan.

No.	Name	Position	Region	Topics	Feedback
149	Kellett, Melissa	Support in part	Bay of Plenty	Applications, Q10 NES approaches to breaches	Point: NES approach to breaches. Relief sought: If an application is made that is going to breach the interim limits, then it should be considered as a prohibited activity and consent be declined.
149	Kellett, Melissa	Support in part	Bay of Plenty	Q11 Application of NES to existing and replacement consents	Point: Application of the NES to existing and replacement consents. Relief sought: All existing consents should be re-evaluated and altered to meet the interim limits if they exceed the limits proposed by the NES, rather than them being left as they are.
149	Kellett, Melissa	Support in part	Bay of Plenty	Q11 Application of NES to existing and replacement consents	Point: Need to ensure that the flows and limits set are updated and still relevant to the demands and conditions of the ecosystem. Relief sought: Existing environmental flows and water levels specified in the operational regional plans should go through the same process as those water bodies with no such data and be recalculated through scientific research undertaken under the NES.
149	Kellett, Melissa	Support in part	Bay of Plenty	Q11 Application of NES to existing and replacement consents	Point: Implementation / monitoring. Relief sought: Once the environmental flows are established under the NES (if implemented), there should be a continual monitoring program to ensure allocations continue to not exceed the limit of water that can be abstracted.
149	Kellett, Melissa	Support in part	Bay of Plenty	Q2 Options / alternatives	Point: Interim limits should only be temporary. Relief sought: Need to ensure that if a higher demand from these water bodies is required in future that they have not been mismanaged in the past through lack of data.
149	Kellett, Melissa	Support in part	Bay of Plenty	Q2 Options / alternatives	Point: Standardised methods. Relief sought: Methods in some way need to be regionally specific to allow for variations in water bodies in different areas.
149	Kellett, Melissa	Support in part	Bay of Plenty	Q2 Options / alternatives	Point: Water bodies should be kept as close to their natural state as possible. Relief sought: Flows should not be altered from their natural to provide for activities such as swimming.
149	Kellett, Melissa	Support in part	Bay of Plenty	Q4 Interim levels	Point: Interim limits and saltwater intrusion. Relief sought: Ensure that the allocation of limit for shallow, coastal aquifers remains low or coastal aquifers ruled out as a water source completely to prevent the likelihood of saltwater intrusion into the water table.
149	Kellett, Melissa	Support in part	Bay of Plenty	Q4 Interim levels	Point: Wetlands are considered a priority due to their ecosystems being rare and threatened. Relief sought: Wetlands should also be eliminated from the options of a water course.

No.	Name	Position	Region	Topics	Feedback
149	Kellett, Melissa	Support in part	Bay of Plenty	Q4 Interim levels	Point: Doesn't like how an allocation limit, of "whichever is the greater of" is used. Relief sought: Precautionary approach should be used ie, "an allocation limit of whichever is the smaller of".
149	Kellett, Melissa	Support in part	Bay of Plenty	Q5 Time limit for interim levels, time limit	Point: Regional councils may see the interim limits as an easy way out of setting proper environmental flows. Relief sought: There needs to be a time limit on how long the regional councils have to do this.
149	Kellett, Melissa	Support in part	Bay of Plenty	Q6 Inclusion of existing consents in limits	Point: Inclusion of existing consents within allocation limits Relief sought: If the amount of water allocated to existing consents exceeds the numeric interim limit, then the amount of water allocated for the consents should be reduced so it does not exceed this limit.
149	Kellett, Melissa	Support in part	Bay of Plenty	Q7, 8 & 9 Technical methods, approach proposed	Point: Risk of deleterious effects on in-stream habitat. Relief sought: Increased consideration should be taken into using a greater precautionary approach to those water masses with a high presence of native species.
149	Kellett, Melissa	Support in part	Bay of Plenty	Q7, 8 & 9 Technical methods, new methods / innovation	Point: Inclusion of new methods if they become available. Relief sought: Methods should remain as part of the technical document under the NES so that it can be updated and methods removed as situations can change with time and therefore new methods may be required.
149	Kellett, Melissa	Oppose	Bay of Plenty	Q7, 8 & 9 Technical methods, approach proposed	Point: Disagree on how water bodies are divided by the significance of their values. Relief sought: All water bodies should be classed as having high in-stream values and therefore greater precautions taken for all.
150	MacTavish, Dugald	Support in part	Otago	Q1 Problems & issues correct	Point: River health. Relief sought: Any NES needs to require consideration of the role of flow variability in sustaining river health.
150	MacTavish, Dugald	Support in part	Otago	Q2 Options / alternatives	Point: Assessment and evaluation of alternatives. Relief sought: National Conservation Order
150	MacTavish, Dugald	Support in part	Otago	Q4 Interim levels	Point: The interim limits. Relief sought: Limits need to be conservative because clawback is very difficult, particularly in the case of hydro schemes. Studies in Australia suggest at least 80–90% of natural flows may be needed to maintain low risk of further degradation. The limits do not address role of flow variability in sustaining habitat. Thought needs to be given to risk assessment and proper benchmarking in relation to interim limits.
150	MacTavish, Dugald	Support in part	Otago	Q6 Inclusion of existing consents in limits	Point: Inclusion of existing consents within allocation limits. Relief sought: Determine the required clawback and then set time frame for pro-rata implementation to allow consent holders time to prepare.

No.	Name	Position	Region	Topics	Feedback
150	MacTavish, Dugald	Support in part	Otago	Q7, 8 & 9 Technical methods	Point: Consistency in the selection of methods for assessing ecological values. Relief sought: May need link to river categories.
150	MacTavish, Dugald	Support in part	Otago	Q7, 8 & 9 Technical methods	Point: Consistency in a NES or guidance documents Relief sought: Needs to have teeth to be worth doing so the most powerful option is required.
150	MacTavish, Dugald	Support in part	Otago	Q7, 8 & 9 Technical methods	Point: The approach outlined in the technical document. Relief sought: There is no use insisting on certain methods if there is not data of sufficient reliability to impute into the models.
150	MacTavish, Dugald	Support in part	Otago	Q7, 8 & 9 Technical methods	Point: The inclusion of new methods if they become available. Relief sought: Take holistic approach and leave flexibility and then combine with reviews.
151	Malcolm, Michelle	Support in part	Wellington	Apply to existing consents, 6 Inclusion of existing consents in limits	Point: Time frames for over-allocated water bodies. Relief sought: The time frame set for calculating environmental flows for water bodies already over-allocated, as compared to interim standards should be set within the NES, and should reflect that these systems are likely to be under stress currently and therefore action to redress this is urgent.
151	Malcolm, Michelle	Support in part	Wellington	Q4 Interim levels	Relief sought: Interim guidelines should be altered to allow a total abstraction of no more than 20% of MALF in low flow conditions, for both watercourse types. This would result in a medium level of hydrological alteration according to the technical methodology.
151	Malcolm, Michelle	Support in part	Wellington	Q4 Interim levels	Point: Testing procedure. Relief sought: Provide evidence that the interim limits have been tested against the technical methodology.
151	Malcolm, Michelle	Support in part	Wellington	Q4 Interim levels	Point: Testing procedure. Relief sought: Provide evidence that the interim guidelines have been tested on actual flow record (adjusted for climate change). To determine the duration of changes in flow at low flow conditions, eg for what percentage of streams would flows be held at MALF or below for periods longer than 10 days.



No.	Name	Position	Region	Topics	Feedback
151	Malcolm, Michelle	Support in part	Wellington	Q4 Interim levels	<p>Point: Interim level resulting in less water take in low flow conditions.</p> <p>Relief sought: Change interim limits so they result in less water being taken in low-flow conditions and enable a greater proportion of MALF to be taken when flows in watercourses exceed flushing flows (eg, approximately 3x median flow), and are less than channel forming flow (eg, approximately mean annual flood). This approach will to some degree, compensate for the reduction in water available for abstraction that will result in reducing the total abstraction to 20% of MALF.</p> <p>This approach will encourage the investment of infrastructure to store water off line. Currently there are many public water supplies and most private water takes, which have no capacity to store raw water, and therefore no ability to harvest water at flows in excess of flushing flows and less than channel forming flows, when effects on ecosystems is limited. The NES provides an opportunity to set rules that will encourage investment by the community that will reduce the vulnerability of communities and the economy to dry conditions, and safeguard freshwater ecosystems.</p>
151	Malcolm, Michelle	Support in part	Wellington	Q4 Interim levels, division of water bodies	<p>Point: Division of rivers and streams and groundwater systems</p> <p>Relief sought: The most vulnerable water courses are those with mean flows less than 0.75 m<sup>3</sup>/s. Another classification for these water courses could be implemented, to ensure these streams are protected. Many of these small streams may be under stress in low flow conditions from permitted takes, and therefore it is critical that any takes in excess of permitted takes are carefully controlled.</p>
151	Malcolm, Michelle	Support in part	Wellington	Q5 Time limit for interim levels	<p>Point: Time frame for councils.</p> <p>Relief sought: There should be a time frame set for councils to develop a programme for undertaking the calculation of environmental flows for all water courses and guidance on how to prioritise water bodies within the region. The NES should include a requirement to complete the calculation of environmental flows for high priority water bodies within a time frame which reflects the urgency of addressing adverse effects which are already occurring in these watercourses.</p>

No.	Name	Position	Region	Topics	Feedback
151	Malcolm, Michelle	Support in part	Wellington	Q6 Inclusion of existing consents in limits	<p>Point: Cumulative catchment effects consideration.</p> <p>Relief sought: Consideration should be given to how cumulative catchment effects are considered. For many small streams, the permitted water takes under RMA s14(3)b or 14(3)e can result in allocations in excess of interim limits and any environmental flows that may be calculated. This is a serious issue because, as identified within the technical document, these small streams are some of the most valuable habitats for fish and invertebrate species.</p> <p>These water takes are permitted and therefore clawback is unlikely to occur through the regional planning process.</p> <p>To address this issue, the effects of water takes should be assessed on catchment scale. For example, in the situation where small streams within a catchment are over-allocated under the permitted water takes, then additional protection should be provided for other large streams within the stressed catchments, to safeguard habitat in these stressed catchments.</p>
151	Malcolm, Michelle	Support in part	Wellington	Renewals & clawback, Q6 Inclusion of existing consents in limits	<p>Point: Existing water body allocations.</p> <p>Relief sought: In cases where water bodies are already allocated in excess of the interim limits, these should be prioritised for the calculation of approximate environmental flows, that would then enable council to claw back water through the regional planning process.</p>
151	Malcolm, Michelle	Support in part	Wellington	Scope of NES, effect on applications, effect on regional & local plans	<p>Point: Activity status for breaching interim limits.</p> <p>Relief sought: Non-complying status is insufficient. Applications that breach interim limits should be prohibited and require a plan change. Provided the plan change was undertaken in the manner set out by the technical methodology by qualified professionals, these could be private plan changes. This process would increase the rate at which environmental flows are set for rivers and streams. Allowing for this private plan change process would enable regional councils to concentrate on developing environmental flows for water courses with high-priority based on ecological criteria.</p>
152	Manson, Cayley	Support in part	National	Applications, Q10 NES approaches to breaches, current breaches	<p>Applications that are breaches should be prohibited until an environmental flow or water level is include in a regional plan. Need to address cumulative effects.</p>
152	Manson, Cayley	Support in part	National	Q1 Problems & issues correct	<p>Agree with problem statements but would like broader focus including cultural and recreation and environmental values.</p>
152	Manson, Cayley	Support in part	National	Q11 Application of NES to existing and replacement consents	<p>Changes suggested:</p> <p>No or incomplete flows or levels set: new application should be made so all interim limits will apply until environmental flows and water levels have been set.</p> <p>Application for a consent that will exceed flows and levels set in a regional plan: Prohibited activity, unable to be applied for.</p>

No.	Name	Position	Region	Topics	Feedback
152	Manson, Cayley	Support in part	National	Q2 Options / alternatives	Also need to include cultural and recreation values.
152	Manson, Cayley	Support in part	National	Q5 Time limit for interim levels, time limit	Time limit should not be too short as councils need time to do a proper job. Time limit of one year suggested.
152	Manson, Cayley	Support in part	National	Range, Q12 & 13 Benefits and costs	Agrees but would like to see costs and benefits to the environment included.
152	Manson, Cayley	Support in part	National	Range, Q12 & 13 Benefits and costs	Would like to see costs and benefits to the environment included.
152	Manson, Cayley	Support in part	National	Renewals & clawback, apply to existing consents, Q6 Inclusion of existing consents in limits, clawback through plans	Problem should be addressed by reducing the amount of water allocated in existing consents to the interim limits set.
152	Manson, Cayley	N/A	National	Scope of NES	Supports the NES in general. Would like to see greater inclusion of ecological, cultural and recreational aspects though. Idea of a single department being developed to deal with the decision-making process rather than leaving final decision with regional councils which may improve overall consistency in flow and water levels.
152	Manson, Cayley	Support	National	Need, Q7, 8 & 9 Technical methods, new methods / innovation	Agrees new methods are important. Suggests that a group of scientists be appointed to periodically review existing and new methods.
152	Manson, Cayley	Support	National	Q3 Need for interim levels	Strongly supports.
152	Manson, Cayley	Support	National	Q4 Interim levels	Strongly supports.
152	Manson, Cayley	Support	National	Q7, 8 & 9 Technical methods	Agrees.
152	Manson, Cayley	Support	National	Q7, 8 & 9 Technical methods	Agrees.
153	Milne, Alec	Support in part	Nelson	Other	Point: Run of the river power scheme. Relief sought: True run of the river power schemes should have lower minimum flows than either irrigation takes or hydro power takes that have any storage.
153	Milne, Alec	Support in part	Nelson	Q1 Problems & issues correct	Point: Hydro power ramping rates were omitted in the discussion document. Relief sought: Include the discharge of appropriate hydro power ramping rates.
153	Milne, Alec	Support in part	Nelson	Q4 Interim levels	Relief sought: There should be bottom line final limits flagged in the process – minimum flows for all permanently flowing water ways which may not be allocated.

No.	Name	Position	Region	Topics	Feedback
153	Milne, Alec	Support in part	Nelson	Q4 Interim levels, scope – what's included, other	Point: Small rivers have greater biodiversity. Relief sought: Small rivers should have higher interim and final limits on take.
154	Moss-O'Brien, Josh	Support in part	Not stated	Q10 NES approaches to breaches, Q11 Application of NES to existing and replacement consents	Interim levels should be baseline, with no allowance for those outside these limits.
154	Moss-O'Brien, Josh	Support in part	Not stated	Q4 Interim levels, Q3 Need for interim levels, Q5 Time limit for interim levels	States that the work of Sanderson and Baginska (2007) <sup>1</sup> provides good baseline figures, however it is not clear from the information provided what happens when the interim limits are set for a connected system.
154	Moss-O'Brien, Josh	Support in part	Not stated	Q4 Interim levels, scope – what's included	Interim limits should be put in place for all rivers and streams, with regional councils using the flow rates and levels set in the document to use as a basis for building a more comprehensive and ecologically sound plan to complement the NES.
154	Moss-O'Brien, Josh	Support in part	Not stated	Q7, 8 & 9 Technical methods	Agrees it is important to have a national standard of methodology for determining the ecological flows and water levels. Having a consolidated approach between councils would make sharing resources and information easier. States that the Appendix 4 needs attention.
154	Moss-O'Brien, Josh	Support	Not stated	Scope of NES	States that the NES is a good step towards creating a standardised method of reviewing flow/levels of water and assists councils with bodies of water that are not currently included within a current regional plan.
155	Moore, Josette	Support in part	Not stated	Q1 Problems & issues correct	Supports objective 1 and 2. States that objective 3 needs to incorporate all values stated under the RMA, namely cultural, social, economic and environmental values.
155	Moore, Josette	Support in part	Not stated	Q2 Options / alternatives	States that the preferred option was the most satisfactory of all the available options. This preferred option should include the need to provide for recreational, ecological, cultural, amenity and tangata whenua values associated with water.
155	Moore, Josette	Support in part	Not stated	Q3 Need for interim levels	Supports the introduction of interim limits. States interim limits should apply until regional standards are set. The NES fails to incorporate water bodies that currently have limits in place. Perhaps there is a need to re-evaluate levels set in regional plans using the technical methods and procedures described in the discussion document.
155	Moore, Josette	Support in part	Not stated	Q4 Interim levels, scope – what's included	Supports the selection of methods for assessment of ecological values. The use of guidelines would not provide legal obligation to follow procedures set out in the NES for assessing crucial ecological values. Recommends the use of international expert advice/experience in setting ecological requirements for water bodies.

<sup>1</sup> Sanderson BG, Baginska B 2007. Calculating flow into coastal lakes from water level measurements. *Environmental Modelling and Software* 22(6): 774–786.

No.	Name	Position	Region	Topics	Feedback
155	Moore, Josette	N/A	Not stated	Apply to all water bodies, scope of NES	States that a review of all water bodies with set limits should be included.
155	Moore, Josette	N/A	Not stated	Apply to existing consents	Applications for renewed consents that fall within the Regional Plan or Conservation order standards should not be subject to the proposed NES.
155	Moore, Josette	N/A	Not stated	Q4 Interim levels	States that allocation outside the interim limits is unacceptable.
155	Moore, Josette	N/A	Not stated	Q7, 8 & 9 Technical methods, new methods / innovation	All new methods proposed should be reviewed by appropriately experienced individuals/committees.
155	Moore, Josette	N/A	Not stated	Renewals & clawback, Apply to existing consents, Q6 Inclusion of existing consents in limits	New resource consent applications for resource consents that breach interim limits should be classified as prohibited activities, until an acceptable environmental flow is included in a proposed or operational regional plan. Once set in place, breaches should be non-complying activities.
155	Moore, Josette	Oppose	Not stated	Q4 Interim levels	Is not satisfied that using two or three methods to determine ecological levels would provide an accurate result. Perhaps some methods should be combined to avoid inaccuracies.  Councils need to re-evaluate allocation of wetlands where not clearly stated.
155	Moore, Josette	Support	Not stated	Q1 Problems & issues correct	Agrees with Problem statements and issues raised. Defining the available water for a region encourages informed decision-making.
155	Moore, Josette	Support	Not stated	Scope of NES	Supports the intention of the proposed NES.
156	Murrell, Candyce	Support in part	Not stated	Q2 Options / alternatives	All available options are covered in chapter 4. Strongly agrees that an NES that sets interim limits and technical methods for ecological flows is the best option. However, believes that cultural values should be included in the methods for determining ecological flows and water level limits.
156	Murrell, Candyce	Support in part	Not stated	Renewals & clawback, Q6 Inclusion of existing consents in limits	Existing consents exceeding the limits should be accepted or permitted to continue until the designated expiry date. At application for renewal of the consent, the new limits will have to be abided by. This will eliminate any conflict and arguments with those who have already been granted resource consent and over a period of time the pre-NES resource consents will be phased out. Eventually there will be complete compliance nationwide with the interim limits, and later the catchment-specific or regional default flows.
156	Murrell, Candyce	N/A	Not stated	Applications, Q10 NES approaches to breaches	States that applications for resource consents that breach the interim limits should not be granted.
156	Murrell, Candyce	N/A	Not stated	Q1 Problems & issues correct	Problem statement 3.1.2: states that upper limits should be specified for all water bodies; until these limits are established, the minimum flows specified in the regional plan should be used as a precautionary measure to limit any negative impacts by further abstraction.
156	Murrell, Candyce	N/A	Not stated	Q1 Problems & issues correct	Problem statement 3.1.3: states that the methodology and technical tools for determining ecological flows and water levels of water bodies definitely needs to be standardised.

No.	Name	Position	Region	Topics	Feedback
156	Murrell, Candyce	N/A	Not stated	Q7, 8 & 9 Technical methods, approach proposed	States that new technology and research be incorporated into the NES. The new methods should be made effective as of a certain date to ensure that the change in methodology is consistent nation-wide to eliminate inconsistent data or assessment.
156	Murrell, Candyce	N/A	Not stated	Q7, 8 & 9 Technical methods, new methods / innovation	States this section should be simplified to enable to public to comment and provide feedback.
156	Murrell, Candyce	Support	Not stated	Accuracy, Q12 & 13 Benefits and costs	Agrees that the range of benefits and costs have been identified and are accurate.
156	Murrell, Candyce	Support	Not stated	Q1 Problems & issues correct	Problem statement 3.1.1: Comments that currently the RMA does not require regional councils to establish environmental flows and water levels and therefore the importance of this being incorporated into the NES, regardless of the size or demand upon the water body is significant.
156	Murrell, Candyce	Support	Not stated	Q3 Need for interim levels	Agrees and supports the need for interim limits set through an NES.
156	Murrell, Candyce	Support	Not stated	Q4 Interim levels, proposed numbers, scope – what's included	Agrees with the numbers for the interim flows and water levels. Is pleased to see that there will be no further increase in the abstraction of water from wetlands and no change to levels of pre-existing resource consents.
156	Murrell, Candyce	Support	Not stated	Q5 Time limit for interim levels, time limit	States there should be time limits on the development of flow and water level limits but they should be specified based on the area. Setting one date nationwide would be unfair on those regions with large numbers of waterbodies and would create a lot of pressure, stress, and inconsistencies in the quality of data collected. Each region should be time bound based on the amount of waterbodies in their region and therefore relative to the work load and this will ensure that flows are set.
156	Murrell, Candyce	Support	Not stated	Q7, 8 & 9 Technical methods, new methods / innovation	Supports the need for the selection of methods for assessing ecological values within an NES and believe guidance documents would not suffice. NESs ensure that those are the standardised methods for ecological value assessment and will be the only recognised methods. Guidance documents are voluntary and will not guarantee consistency as it sends the message that it is not absolutely vital, just a suggestion.
156	Murrell, Candyce	Support	Not stated	Range, Q12 & 13 Benefits and costs	States that this section is to the best of its ability as the numbers are based on identified resource consent trends between 1999 and 2007.
157	Paul-Burke, Kura	N/A	Not stated	Q2 Options / alternatives	Supports the alternative NES (Section 4.5) which has a broader scope and allows for greater guidance towards the development and application of environmental flows and water levels in regional plans and resource consent processes. The major disadvantage of this option is stated as insufficient development of technical methods for all perceived components, delaying the NES in the short to medium term. It is important that the range of values are addressed, these include but are not limited to: ecological values and values of tangata whenua. This in turn will reduce conflict and provide for greater support and consistency. The proposed NES does not meet the criteria of local decision-making.
158	Bruce, Warwick	Support in part	North Island	Q1 Problems & issues correct	There is some value in being able to apply for water permits with a clear idea of how much water in a water body is available for allocation. Where flow regimes are not set in a plan, there is potential for increased costs associated with applying for permits.

No.	Name	Position	Region	Topics	Feedback
158	Bruce, Warwick	Support in part	North Island	Q1 Problems & issues correct	There is some value in having set methods to determine the ecological values, as it will reduce the potential for conflict when decisions are being made on flow regimes.
158	Bruce, Warwick	N/A	North Island	Q11 Application of NES to existing and replacement consents	Councils have the ability to reduce allocation in catchments should they feel there is a need to do so. If the interim or default levels are kept in the proposed NES, we object to total allocation being reduced every time a permit is surrendered, lapses, is cancelled or replaced. Other water users should have the option to apply for available water that is not already allocated to an existing user.
158	Bruce, Warwick	N/A	North Island	Q7, 8 & 9 Technical methods, new methods / innovation, Approach proposed	A more transparent approach would be to direct regional authorities to prepare a range of locally relevant and practical default environmental flow regimes through the proposed NPS on Freshwater Management, within a practical timeframe.
158	Bruce, Warwick	Oppose	North Island	Q3 Need for interim levels	Opposes the setting of default or interim water regimes through this proposed NES. The interim flow levels are not relevant to the Gisborne region.
159	Rawlinson, Michael	Support in part	South Island	Need, Q7, 8 & 9 Technical methods	Supports method. States more flow gauges needed.
159	Rawlinson, Michael	Support in part	South Island	Q12 & 13 Benefits and costs, Assumptions	Supports, however states concern that economic benefits and abstraction will continue to be exaggerated, and ecological and recreational costs understated by developers, with individuals and communities, at often considerable inconvenience having to provide environmental advocacy.
159	Rawlinson, Michael	Support in part	South Island	Q4 Interim levels, proposed numbers, scope – what's included	Agrees with calculations. States there are problems with the over-allocation of consents to take water on a number of rivers.  States the effects of channelisation can be devastating on small rivers, especially as far as the habitat for resident trout in low flows is concerned.
159	Rawlinson, Michael	Support in part	South Island	Q7, 8 & 9 Technical methods, new methods / innovation	Supports consistency, believes that needs to be provided in NES. Suggests that <i>NIWA Technical Report 122</i> <sup>2</sup> be read by those involved in the NES process.
159	Rawlinson, Michael	N/A	South Island	Apply to existing consents, Q6 Inclusion of existing consents in limits	The problems of over-allocation needs to be addressed urgently. If allocation consents cannot be reduced to close to the recommended levels due to genuine need, compensation needs to be given to surrendering consents.
159	Rawlinson, Michael	N/A	South Island	Q12 & 13 Benefits and costs	Would like to see all ecological costs associated with modifying (and dewatering) riverbeds analysed and published.
159	Rawlinson, Michael	N/A	South Island	Q2 Options / alternatives	Does not consider all available options have been covered. Some existing minimum flows are ecologically indefensible and need to be included in the NES.
159	Rawlinson, Michael	N/A	South Island	Q4 Interim levels	States that all resource consent applications that breach the interim limits should be prohibited activities.

<sup>2</sup> Jellyman DJ; Unwin MJ; James GD 2003. Anglers' perceptions of the status of New Zealand lowland rivers and their trout fisheries. *NIWA Technical Report 122*. 61p.

No.	Name	Position	Region	Topics	Feedback
159	Rawlinson, Michael	N/A	South Island	Q5 Time limit for interim levels, time limit, how to implement	Time bound needs to include relevant data gathering, peer review and community consultation time.
159	Rawlinson, Michael	N/A	South Island	Q7, 8 & 9 Technical methods	States that any new methods will need to be proven to be effective in protecting in-stream, ecological values before being introduced.
159	Rawlinson, Michael	Support	South Island	Q1 Problems & issues correct	Agrees with problem statements identified, states that needs to include existing 'minimum' flows.
159	Rawlinson, Michael	Support	South Island	Q11 Application of NES to existing and replacement consents	Supports consistency, believes that needs to be provided in NES. Suggests that <i>NIWA Technical Report 122</i> be read by those involved in the NES process (see footnote on previous page).
159	Rawlinson, Michael	Support	South Island	Q3 Need for interim levels	Strongly supports introduction of interim limits.
160	Riddler, Natalie	Support in part	Not stated	Q11 Application of NES to existing and replacement consents	Supports consistency of these methods, at least across the region. It is recommended that regional plans are reviewed and comply with the standard to ensure that correct flows are calculated using the more advanced methodologies within a timeframe.
160	Riddler, Natalie	Support in part	Not stated	Q2 Options / alternatives	States that some problems arise with the preferred option; Connectivity of water systems – concerned that water ways of lesser demand will have inappropriate levels allocated which do not protect their ecosystems. Is also concerned with increased pressure on water resources.
160	Riddler, Natalie	Support in part	Not stated	Q3 Need for interim levels	Recommends a precautionary approach to interim limits.
160	Riddler, Natalie	N/A	Not stated	Applications, Q10 NES approaches to breaches	States there could be a significant problem in that there will be many cases of existing consents, of long lifespan, which will not have to meet the proposed interim levels. Another major issue is that there will be inconsistencies between methodologies of determining flows and levels when new consents are put in place (under this proposed NES) alongside existing allocations. These issues could result in the over-allocation of water.
160	Riddler, Natalie	N/A	Not stated	Q3 Need for interim levels	Interim limits should be applied to existing consents and once these have ended, no reallocation should be allowed.
160	Riddler, Natalie	N/A	Not stated	Q5 Time limit for interim levels, time limit	States this is perhaps the greatest problem with the proposed NES. Not having a timeframe for how long interim limits apply will mean that many councils will put the job of setting catchment-specific or regional default flows at the bottom of their priority list and simply stick with interim limits. Suggests imposing a five-year limit for which interims last.
160	Riddler, Natalie	Support	Not stated	Q2 Options / alternatives	Supports the preferred approach.
160	Riddler, Natalie	Support	Not stated	Scope of NES	Overall fully supports the NES. States that ecological values need to take precedence over environmental ones.
161	Risi, Barbara	Support in part	Bay of Plenty	Need, Q7, 8 & 9 Technical methods, approach proposed	Point: Supports the aim. Relief sought: Would prefer methods to be part of the NES, not just guidance documents.



No.	Name	Position	Region	Topics	Feedback
161	Risi, Barbara	Support in part	Bay of Plenty	Q7, 8 & 9 Technical methods, approach proposed	Point: The draft guidelines are thorough from a scientific point of view, but make no mention to the consultation and input from tangata whenua. Relief sought: NES to take into account Section 8 of the RMA.
161	Risi, Barbara	Support in part	Bay of Plenty	Renewals & clawback, Apply to existing consents, Q6 Inclusion of existing consents in limits	Point: Clawback must only be applied if water extraction exceeds the level necessary to protect the environmental flow. Forty per cent of the consents will expire during the interim period, these should be reassessed and granted at more appropriate levels
161	Risi, Barbara	Oppose	Bay of Plenty	Scope of NES, Relationship with NPS & RMA	Point: The proposed NES does not cover cultural values placed on water bodies. Relief sought: These values in practice work in line with sound scientific sustainable management, and should be incorporated in the proposed NES.
161	Risi, Barbara	Support	Bay of Plenty	Q1 Problems & issues correct	Point: Agrees with the problem statements.
161	Risi, Barbara	Support	Bay of Plenty	Q11 Application of NES to existing and replacement consents	Point: From region to region there is a difference between the classification of discretionary and non-complying activities. Relief sought: Best industry practice and in accordance with the Rio Declaration, Principle 15, the precautionary approach should be adopted and incorporated into the NES.
161	Risi, Barbara	Support	Bay of Plenty	Q11 Application of NES to existing and replacement consents	Point: Agree that the NES should apply to existing and replacement resource consents (Table 2).
161	Risi, Barbara	Support	Bay of Plenty	Q3 Need for interim levels	Point: Supports this argument for interim limits
161	Risi, Barbara	Support	Bay of Plenty	Q5 Time limit for interim levels, time limit	Point: Without a definitive deadline, the NES is under threat of being sidelined and interim levels adopted into standard practice.
162	Stadler, Angelika	Support in part	Bay of Plenty	Q2 Options / alternatives	Point: Would consider it impossible to successfully put a numerical limit on ecological flows and water levels that are applicable nationwide. Relief sought: Taking into account the time constraint, numerical interim limits should be established based on the precautionary principle.
162	Stadler, Angelika	Support in part	Bay of Plenty	Q3 Need for interim levels	Point: Supports the need for interim limits provided this is based on a precautionary approach.
162	Stadler, Angelika	Support in part	Bay of Plenty	Q5 Time limit for interim levels, time limit	Point: If the interim limits are conservative, a timeframe for the interim limit would not necessarily be required. Relief sought: If limits cannot be set with great caution a timeframe of five years should be sufficient.

No.	Name	Position	Region	Topics	Feedback
162	Stadler, Angelika	Oppose	Bay of Plenty	Q7, 8 & 9 Technical methods, approach proposed	Point: Minimum flow for survival of target species does not essentially protect all ecosystem processes. The focus of this approach is too narrow.  Relief sought: It would be beneficial if ecosystems were not evaluated by what is present, but by what has potential to be present, and if incentives were created to realise that potential.
162	Stadler, Angelika	Oppose	Bay of Plenty	Renewals & clawback, Q6 Inclusion of existing consents in limits	Point: Clawback should be required where water allocated to existing consents significantly exceeds the numeric interim limit. Water allocation should then be gradually reduced to give consent holders time to adjust. An alternative is to assess the water body in accordance with methods specified by the <i>NES on Ecological Flows and Water Levels</i> .
162	Stadler, Angelika	Support	Bay of Plenty	Need, Q7, 8 & 9 Technical methods	Point: Supports the aim.
162	Stadler, Angelika	Support	Bay of Plenty	Q11 Application of NES to existing and replacement consents	Point: Agrees in general with the application proposed in Table 2.  Relief sought: NESs should prescribe methods for the assessment of ecological flows and water levels, including standardised methods for data collection, storage and analysis, in order to provide consistency and allow for comparison of data nationwide.
162	Stadler, Angelika	Support	Bay of Plenty	Q7, 8 & 9 Technical methods, new methods / innovation	Point: NES that prescribes methods should be permanent, but allow for upgrading through a statement in the technical document.  Relief sought: A computer model should be developed and used as a base for assessments. (Would allow for constant upgrading.)
163	Sherman, Kim	Support in part	Bay of Plenty	Q12 & 13 Benefits and costs	Point: Agree with the intent. However, it is badly explained.  Relief sought: It needs to be restructured and figures should be redesigned so that they are clearer.
163	Sherman, Kim	Support in part	Bay of Plenty	Scope of NES	Point: Having more of an 'ecosystem' approach could assist in maintaining the health of New Zealand waterways.  Relief sought: Would like to see the environmental issues combined with the ecological flow NES, so that they complement each other.
163	Sherman, Kim	Oppose	Bay of Plenty	Applications, Q10 NES approaches to breaches	Point: If the aim of these standards is that the health of the waterways be maintained, then why allow a breach  Relief sought: The NES should disallow any application for resource consents that breach interim limits.
163	Sherman, Kim	Support	Bay of Plenty	Need, Q7, 8 & 9 Technical methods	Point: Supports the aim for consistency.
163	Sherman, Kim	Support	Bay of Plenty	Q5 Time limit for interim levels, time limit	Point: Agrees with general intent of this point.  Relief sought: Interim levels should be set for a limited period to encourage regions to set catchment specific or regional default flows.

No.	Name	Position	Region	Topics	Feedback
163	Sherman, Kim	Support	Bay of Plenty	Q7, 8 & 9 Technical methods, new methods / innovation	Point: There needs to be room for science to evolve. Relief sought: If the technical methods are standardised for the NES, MfE could assess them and include new methods in updates of the NESs.
164	Streeter, DA	Support	East Cape	Scope of NES	Supports the need for the NES.
165	Tietjen, Paul	Support in part	East Cape	Q4 Interim levels, Q11 Application of NES to existing and replacement consents	Point: If the interim or default levels are kept in the proposed NES, we object to total allocation being reduced every time a permit is surrendered, lapses, is cancelled or replaced. Relief sought: Other water users should have the option to apply for available water that is not already allocated to an existing user.
165	Tietjen, Paul	Oppose	East Cape	Other	Point: Reduction in available water is a concern. Access to water is crucial for continued use of the land to continue growing the regional and national economy.
165	Tietjen, Paul	Oppose	East Cape	Q3 Need for interim levels	Point: Opposes the setting of default or interim water regimes through this proposed NES. The interim flow levels are not relevant to the Gisborne region. Relief sought: Direct regional authorities to prepare a range of locally relevant and practical default environmental flow regimes through the proposed NPS on Freshwater Management, within a practical timeframe.
165	Tietjen, Paul	Support	East Cape	Effect on regional & local plans	Point: Supports proposal for a time delay by Gisborne District Council, to provide more time to make a science-based assessment of the environmental flow needs for watercourses in the region.
165	Tietjen, Paul	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 2.
165	Tietjen, Paul	Support	East Cape	Q1 Problems & issues correct	Point: Agrees with problem statement 3.
166	Ministry of Health	N/A	National	Q3 Need for interim levels	Agrees; states that lakes (especially those that are crucial sources of drinking water) should be assessed on a case-by-case basis. Lakes can be a major source for drinking water supply, so the NES should require regional councils to set maximum and minimum lake levels. States that community drinking water supplies need to be protected.
166	Ministry of Health	N/A	National	Q4 Interim levels	States that some protection for drinking water supplies is required.
166	Ministry of Health	N/A	National	Q4 Interim levels, proposed numbers	Is unsure of the accuracy of the MALF calculations.
166	Ministry of Health	N/A	National	Scope of NES	Scope of the NES – states that there needs to be guidance for decision-makers on weighting to uses for flow decisions, they may need to be developed. States that there should be a link to the NES for 'Sources of Drinking Water'.
166	Ministry of Health	Support	National	Q1 Problems & issues correct	Agrees