

**WRITTEN EVIDENCE ON THE PROPOSED NATIONAL POLICY
STATEMENT FOR FRESHWATER MANAGEMENT**

To: Board of Inquiry
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1. The HWP has made further submissions in support of, or in opposition to, submissions on the Proposed National Policy Statement for Freshwater Management (*Proposed NPS*).
2. The HWP had indicated that it wishes to be heard in a Hearing. It now wishes to table this written evidence to be read by the Board of Inquiry (*the Board*) rather than attend the Hearing.



Chris Hansen
Authorised Agent for the
Hurunui Water Project Limited

3 June 2009

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Overview

The Hurunui Water Project Limited

1. The Hurunui Water Project Limited (*HWP*) is a working group consisting of representation from the Hurunui Irrigation and Power Trust (made up of more than 200 Hurunui farmers), Ngai Tahu Property, MainPower New Zealand Ltd and the owner of Eskhead Station.
2. The HWP represents the view of the Hurunui community, which has funded research into the possibility of using the water resources in the district to enhance the well-being and economic health of the district. Currently, the land in the area is predominantly dry-land farming and is becoming increasingly uneconomic to maintain. Since investigations began in 2002, the scientifically oriented research has shown that the Hurunui District has the potential to boost its productive capacity if a reliable irrigation scheme can be established.
3. A number of options were therefore considered to provide secure water supply for the district's farmers and producers. The project incorporates water storage options for irrigation (estimated net irrigable area of between 32,000 and 42,000 hectares in the Hurunui and Upper Waipara catchment areas (*Hurunui Catchment*)), and hydro-generation. This project is now in the final stages of analysis and consultation with the community is continuing simultaneously to improve design and capture the needs of as many users as possible.
4. While the engineering design is not completely finalised, the impacts of water storage, take and use are becoming well-understood from a hydrological, ecological and landscape perspective. It is clear that there is a real opportunity for a water storage and hydro-generation scheme that will benefit the community as well as safe-guard the health of the Hurunui River.

Freshwater Management in the Canterbury Region

5. Throughout its investigations, the HWP has had to consider a number of relevant statutory and non-statutory instruments in both the Hurunui District and the Canterbury Region. As well as having regard to any operative instruments (such as the Operative Canterbury Regional Policy Statement), the HWP has also actively participated, and is still participating, in the development of a range of proposed instruments that seek to provide further guidance on freshwater management in the Canterbury region, and on the Hurunui River. In particular, these instruments include:
 - Proposed Natural Resources Regional Plan (*NRRP*), Proposed Variation 1: Chapter 5 Water Quantity;

- Proposed NRRP, Proposed Variation 8: Chapter 5 Water Quantity (setting minimum flow and allocation conditions on the Hurunui River and Tributaries);
 - Hurunui River Management Plan;
 - Canterbury Strategic Water Study; and most recently
 - Proposed Hurunui River Water Conservation Order (*Proposed WCO*).
6. The HWP's experience in participating in these processes to date has been extensive, both in terms of the range of expert advice required, and the financial costs involved. Whilst this has been the case, aside from the Proposed WCO, the HWP appreciates the need for these instruments to provide clear direction and guidance on how water resources should be managed in the Canterbury Region.
7. The HWP is therefore supportive of the Proposed NPS which sets out at a national level, a clear direction of managing freshwater that enables community well-being, while providing for the appropriate protection from inappropriate use.

HWP's Submissions on the Proposed NPS

8. The HWP has made further submissions in support of, or in opposition to, a number of submissions on the Proposed NPS. The key submission points that the HWP wishes to draw to the Board's attention are outlined in the following written evidence.

I. Further guidance to assist Territorial Local Authorities (TLAs) whilst allowing flexibility to accommodate local difference

9. The HWP has made further submissions to support many submissions that sought additional guidance/policy tools to assist TLAs in implementing the objectives of the Proposed NPS. The HWP considers that the Proposed NPS should provide stronger policy direction, better defined roles, responsibilities, and additional tools to TLAs at the regional and territorial levels than currently proposed. This would assist in avoiding duplication, and ensure the integrated management of the freshwater resources. For example, the HWP considers that the Proposed NPS requires clearer direction on the status of Freshwater Resources that have values of national priority; the criteria and process of identifying these values; clearer guidance on priorities for freshwater enhancement and management; and guidance on water quality indicators.
10. Sufficient flexibility should also be retained to accommodate for differences at regional or local levels.
11. Additional guidance should also be provided on the setting of environmental flows, allocation limits and priorities in the allocation regime. This is not currently provided for in the Proposed NPS and TLAs are required to identify and develop the appropriate methodology. The HWP considers that whilst environmental flows should be identified on a case-by-case basis and should not be restricted to a specific methodology/ies, additional Central Government guidance is appropriate to ensure a consistent approach.

II. Better Central Government guidance on nationally significant issues

12. The HWP agrees with the submission of the Local Government New Zealand that better Central Government guidance is required, particularly on:
 - The circumstances in which Central Government will submit on key projects or use its call-in powers; and
 - The circumstances in which National Environmental Standards (*NES*) will be developed to give further guidance.
13. The Resource Management Act 1991 (*RMA, the Act*) gives power to the Minister to intervene and/or call-in matters that are, or are part of, proposals of national significance. Relevant factors that the Minister may have regard to are outlined in section 141B(2). The HWP agrees that relevant factors in respect to freshwater resources that are of national significance under this section may be intentionally broad. However the HWP considers further guidance in the Proposed NPS on the above matters would provide greater certainty and direction.
14. By way of an example, the HWP considers that the irrigation and hydro-generation scheme that it is investigating could be considered as a proposal of national significance, and therefore be called-in. In considering the relevant factors outlined in section 141B(2), the HWP considers that this project is likely to arouse widespread public concern or interest; may have the potential to affect an area of national significance (if the Hurunui River is determined through the Proposed WCO to be an area of national significance); and is relevant to New Zealand's international obligations to the global environment in terms of its contribution to renewable energy source. The HWP therefore considers that having more direction in the Proposed NPS would provide certainty for this project and future projects of a similar scale.

III. Alignment with the Resource Management Act

15. The Proposed NPS acknowledges the national significance of Freshwater Resources and the need to manage these to achieve the purpose of the RMA. The HWP considers that in order to achieve sustainable management of Freshwater Resources, certainty and clarity of the balance between the economic, social, environmental and cultural goals must be identified. The difficulties of achieving this balance has been key to the lengthy and costly processes that the HWP has experienced to date in the development of the various freshwater management instruments that apply to the Hurunui River. The HWP therefore considers it vital that stronger policy direction is needed to guide TLAs if the purpose of the RMA is to be achieved.

IV. Explicitly recognizing the economic importance of freshwater

16. The Proposed NPS sets out the Government's intention to manage Freshwater Resources as a matter of national significance that is relevant to achieving the purpose of the RMA. The HWP considers that in order to meet the Act's purpose, and to ensure

the economic well-being and growth of people and communities, it is appropriate that the Proposed NPS explicitly recognises the economic importance of Freshwater Resources. Amendments should therefore be made which requires TLAs to give due consideration to the economic value of investment in existing and potential infrastructure.

V. Key terms are clearly defined

17. In the HWP's view the Proposed NPS includes the use of key terms which are not clearly defined. The lack of clear definitions would cause confusion and dispute over interpretation and implementation of the objectives of the Proposed NPS. The HWP therefore supports those submissions that sought better definitions of key terms, including '*Outstanding Freshwater Resources*' and '*Notable Values*'.

18. Currently, the Proposed NPS defines 'Outstanding Freshwater Resources' as:

"Outstanding Freshwater Resources" means those Freshwater Resources of a region whose Notable Values and/or Tangata Whenua Values and Interests are such as to require that priority be given to protection in order to achieve the purpose of the Act.

19. The HWP considers that the definition should be amended such that it reflects the national significance of the Freshwater Resources, as outlined in the Preamble and in the Purpose of the Proposed NPS. A clear set of nationally consistent criteria is needed to guide TLAs in identifying these Outstanding Freshwater Resources, and to ensure that the management of these resources is consistently applied across New Zealand.

20. 'Notable Values' is currently defined as:

"Notable Values" in relation to any Freshwater Resource includes:

- (a) Scientific, ecological and biodiversity values;*
- (b) Cultural values;*
- (c) Recreational (including contact recreational; e.g. swimming) values.*

21. The HWP considers that this definition should be amended to clarify that Notable Values for all resources should be identified, whether they are outstanding at a national, regional or local level. The attributes for the differing values should also be clarified in the Proposed NPS to ensure that there is consistency across TLAs in identifying these Notable Values. In addition, 'economic values' should also be included in this definition in order to explicitly recognise the economic importance of freshwater.

VI. Recognition of a range of activities

22. The HWP agrees with the submission from Meridian Energy that the Proposed NPS does not adequately recognise and provide for the need to use Freshwater Resources for a range of activities. The HWP acknowledges that the Proposed NPS includes provisions that seek to ensure management of the Freshwater Resources includes use that enables the well-being of people and communities. However, the HWP also considers that without explicitly recognizing the range of the activities anticipated, the Proposed NPS appears to be more focused on protection of the Freshwater Resources.

The HWP therefore agrees with Meridian Energy's submission that the use of Freshwater Resources for agricultural and horticultural activities (e.g. irrigation) and hydro-electricity generation plays a major role in the social, economic and cultural well-being of people and communities and should be appropriately recognised by the Proposed NPS.

Conclusions

23. The HWP is generally supportive of the Proposed NPS and agrees that a national level policy document to guide the management of Freshwater Resources is long overdue. The current lack of an NPS means that the range of freshwater management instruments that the HWP has to consider, while investigating the potential for an irrigation and hydro-generation scheme on the Hurunui River, has been both time and cost intensive. Clear guidance in the form of the Proposed NPS is therefore welcomed.
24. However, the HWP also considers that a number of amendments to the Proposed NPS are required to provide the guidance that is urgently needed by TLAs responsible for freshwater management.
25. The HWP therefore recommends that the Board considers the points raised by the HWP in its Further Submission dated 14 April 2009 and adopts the changes that are sought in that submission.