



Presentation to the Board of Inquiry

Proposed National Policy Statement for Freshwater Management

Solid Energy New Zealand Limited.
Submitter number 68.





Introduction

- SENZ Operations.
- Themes of SENZ Submission.
- Implications of NPS for SENZ's Operations.
- Amendments sought.



SENZ Operations

- Completely or partially divert stream.
- Take surface/groundwater water for coal processing.
- Take water that seeps into underground mine workings
- Discharge water from mine and from coal processing to stream (or stream in different catchment).
- Take and use water for fire fighting.
- Undertake drainage works.
- Undertake land clearance which may affect catchment hydrology.
- Create dams and weirs.
- Divert water from wetlands or into wetlands.



Themes of SENZ Submission

Policy 1(a) – (c), (g) Policy 2(a) – (c)

- Policy 1(a) -(c)
 - The introduction of Freshwater Quality Standards, Environmental Levels and Flows.
 - The identification of Notable Values.
 - The identification of Outstanding and Degraded Freshwater Resources.
- Policy 1(g)
 - Potential restriction, at times of low flow, on existing operations to sustain Notable Values and non consumptive Tangata Whenua Values and Interests.



Themes of SENZ Submission Policy 2(c)

- Efficient consumptive use of freshwater in relation to uncontrolled groundwater takes (mine dewatering).
- Return of freshwater to freshwater resources while meeting freshwater quality standards and environmental levels and flows may not always be feasible.
- Discharge permits to include conditions for sustainable management of the demands on freshwater and integrated management of the effects of land use development and discharges of contaminants.



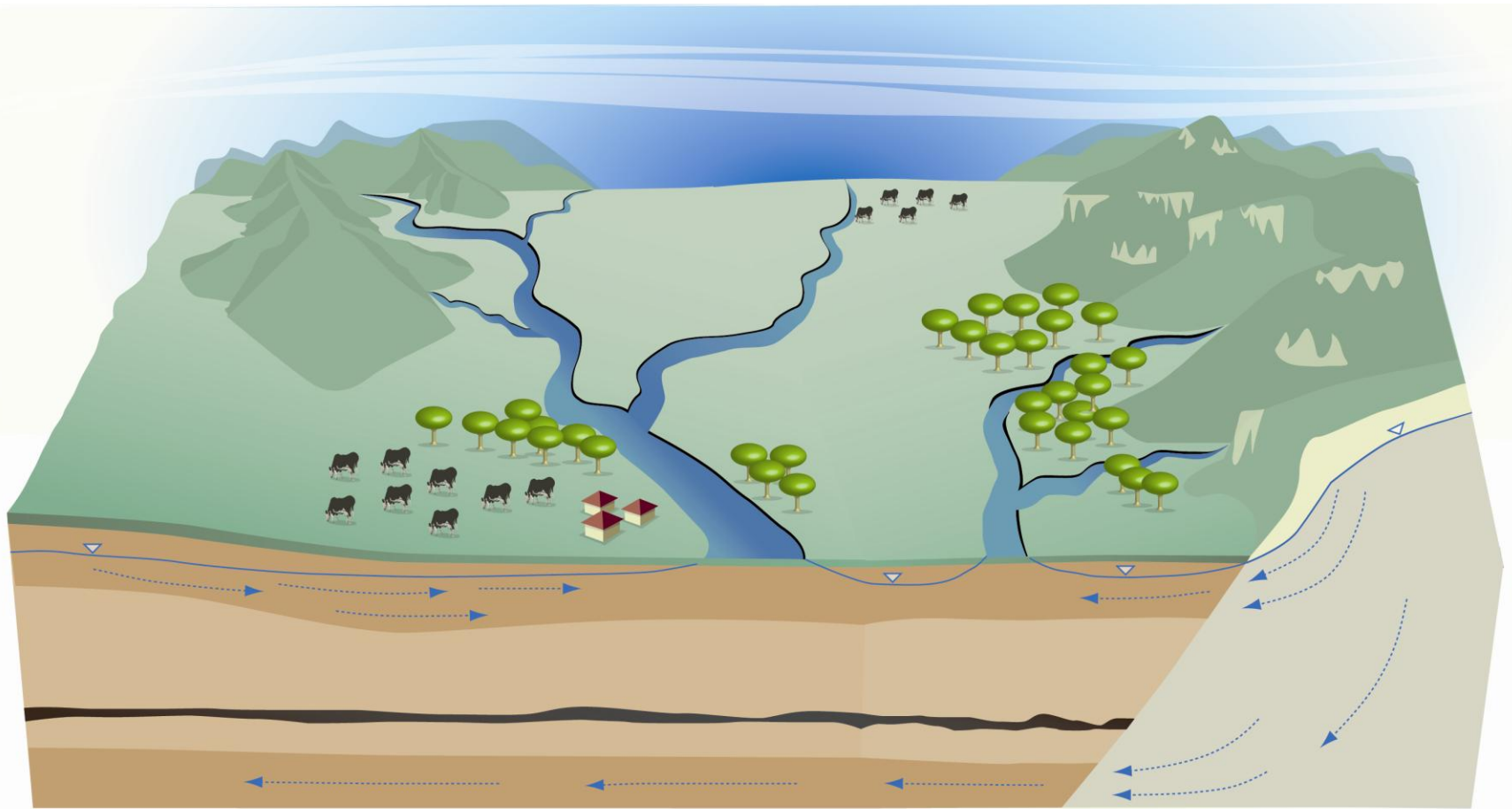
Themes of SENZ Submission Policy 3 and 6

Rules requiring resource consents to have conditions for:

- Sustainable management of demands on freshwater (individual and cumulative).
- Integrated management of effects of land use development and discharges of contaminants.
- Monitoring and reporting requirements.

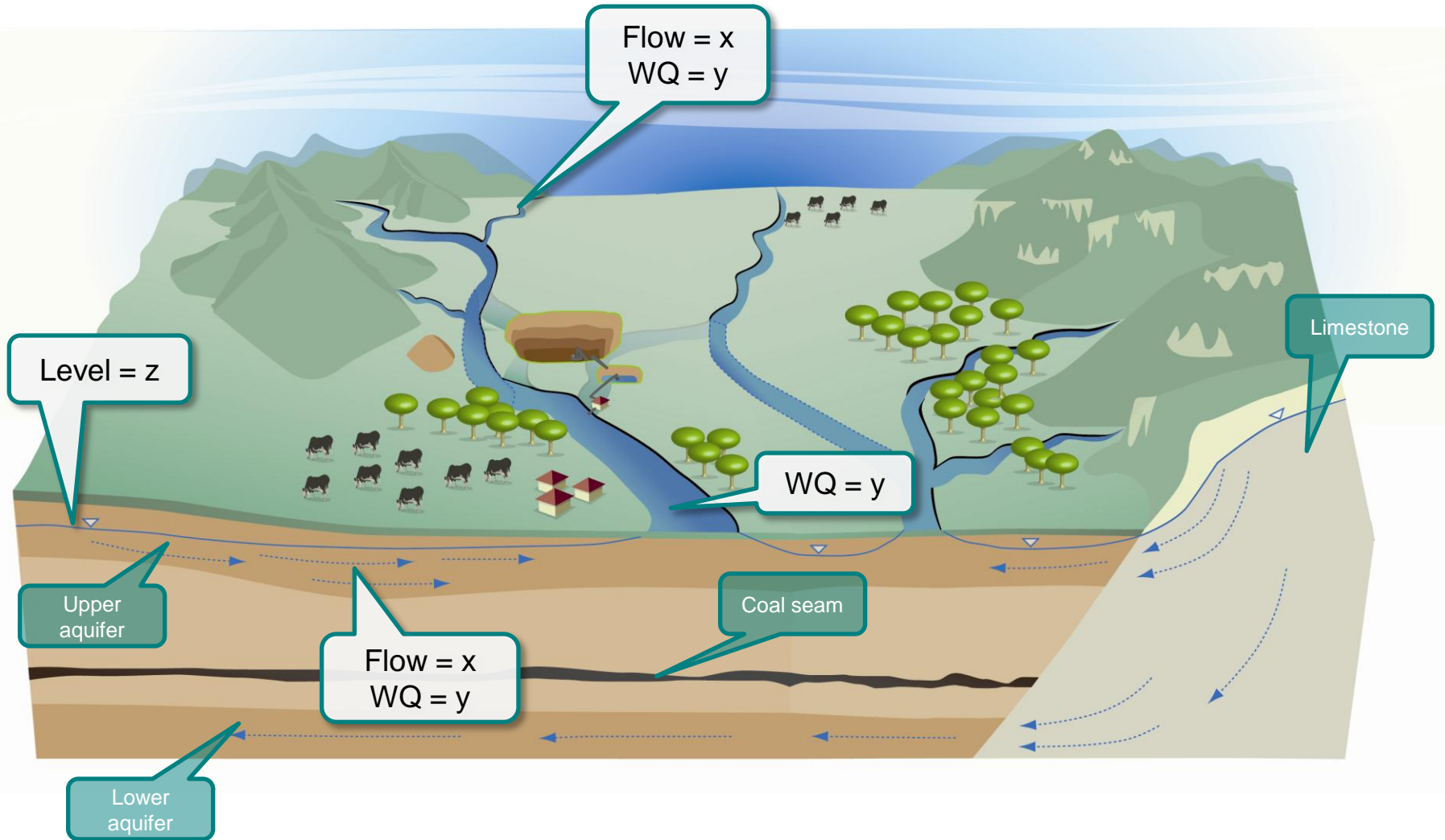


Policy 1(a)-(c) and 2(a) Establishment of Standards and Notable Values



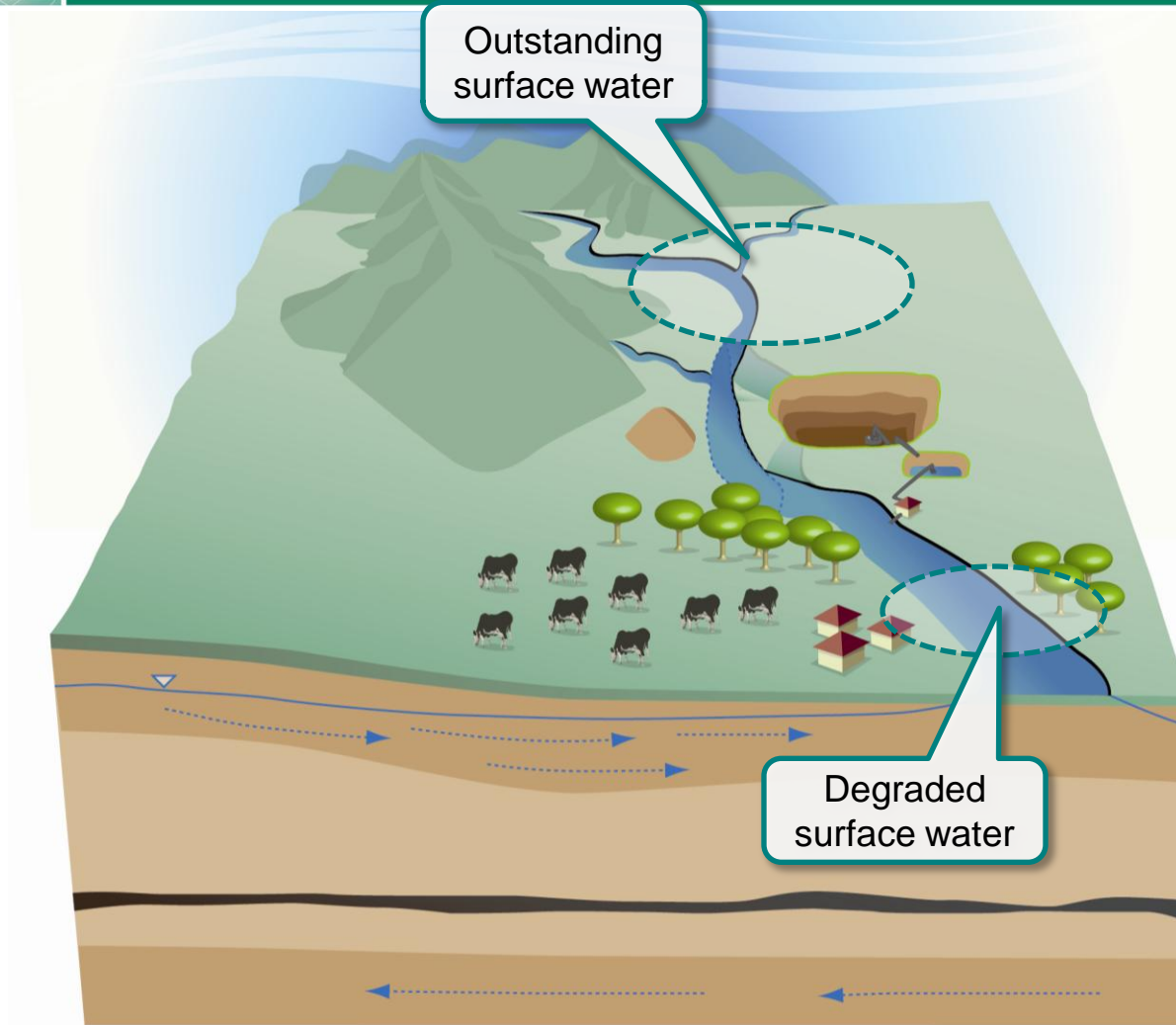


Policy 1(a)-(c) and 2(a) Establishment of Standards and Notable Values



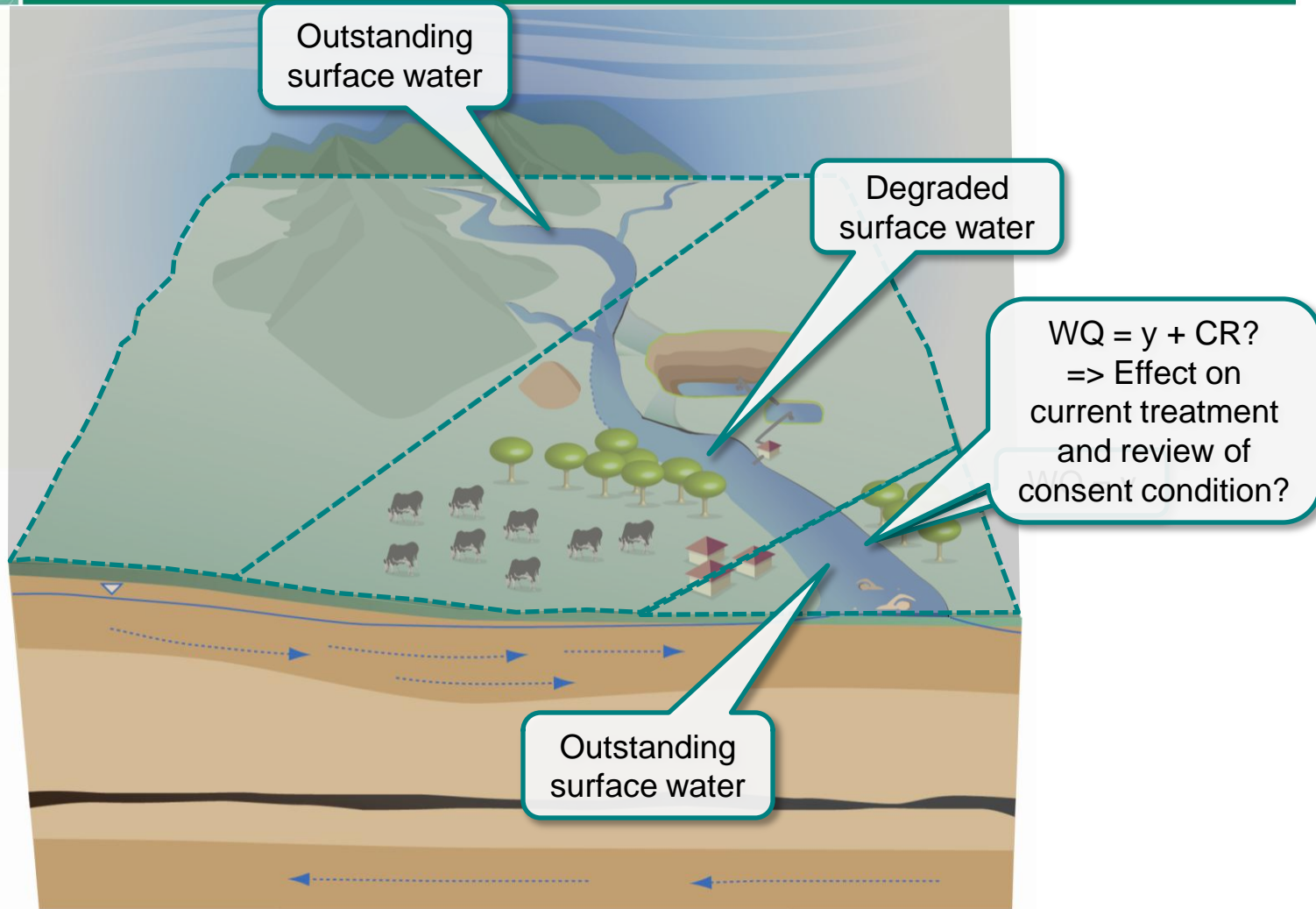


Policy 1(a)-(c) and 2(a) Establishment of Standards and Notable Values





Policy 1(b) Notable Values



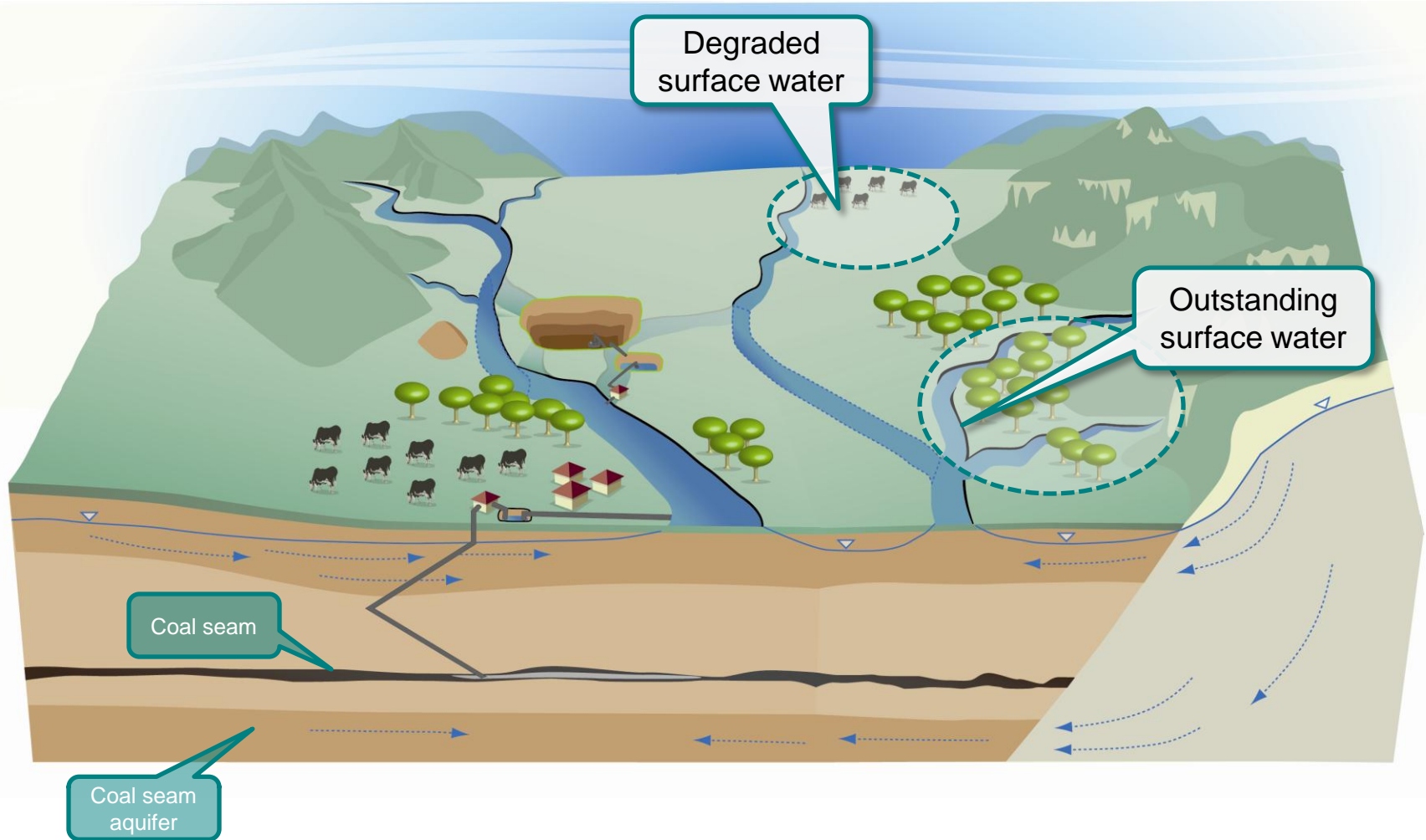


Policy 1(g) and 2(c)(i) Restrict Existing Uses and Efficient Consumptive Use



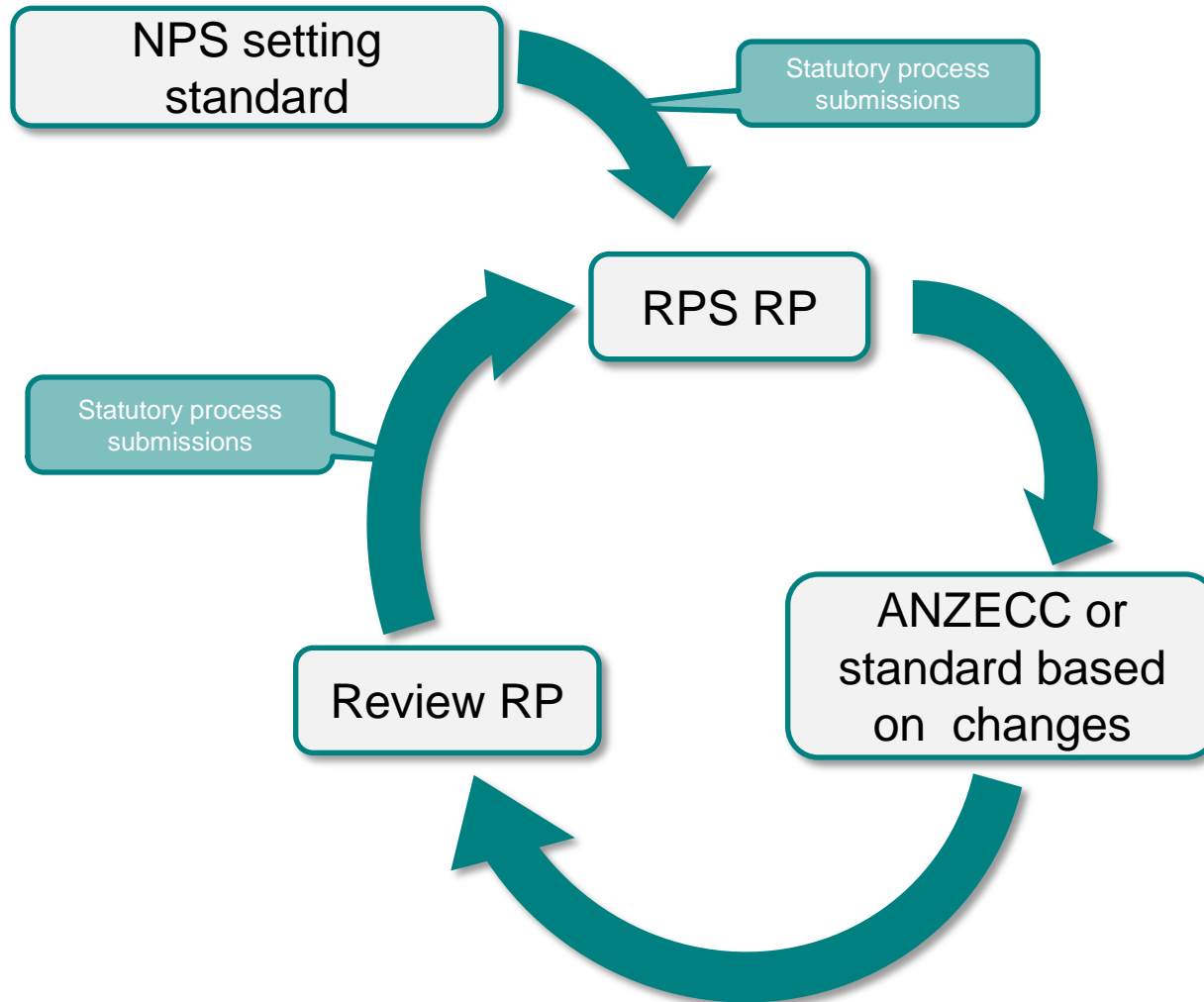


Policy 2(c)(ii) Return of Freshwater to Freshwater Resources





Planning Process and Standards





Amendment Sought – Policy 1 (a) Prioritise Establishment of Standards

- Prioritise Water Quality Standards and Environmental Flows and Water Levels to outstanding and/or high use Freshwater Resources.
 - Not always necessary to establish Environmental Flows.
 - Water resources should be classified according to both their physical characteristics and their relative significance (e.g., Nationally Significant waterways programme).
 - Amendment to Policy 1(a) suggested as outlined in submission.



Amendment Sought – Policy 1(b) Notable Values

- When identifying Notable Values:
 - Resource users thoroughly consulted;
 - Baseline assessment scientifically robust and available to public;
 - Trigger levels should be set;
 - Cultural values defined which reflect cultural importance; and
 - Recreational values considered relative to scarcity and use.
- When identifying Outstanding Freshwater Resources:
 - Apply baseline assessments and trigger values; and
 - Allow for use of Outstanding Freshwater Resource when effects are minor.
- Amendment to Policy 1(b) suggested as outlined in submission.



Amendment Sought – Policy 1(b) Notable Values

- Definition of Outstanding Freshwater Resources must reflect quantifiable and justifiable scientific process.
- When identifying Degraded Freshwater Resources:
 - Allow for use of the resource while maintaining its life supporting capacity;
 - Level of restoration and enhancement commensurate with future likely values; and
 - Definition of Degraded Freshwater Resources to include a scale in relation to the level of degradation and a framework of potential objectives for enhancement.
- Amendment to Policy 1(b) outlined in submission.



Amendment Sought – Policy 1(c) Standards

- Ensure Freshwater Quality Standard and Environmental Flows and Water Levels are set within context of:
 - Stream type;
 - Stream classification;
 - Natural variation; and
 - Surrounding land use.
- Amendment to Policy 1(c) outlined in submission.



Amendment Sought – Policies 1(g) and 1(h) Restrict Existing Uses

- Amend Policy 1(g) to direct regional councils and TLA's that consumptive uses can be maintained during low flows.
- Amend Policy 1(h) to ensure future rules governing water and land use effects on Freshwater Resources recognise that if values can be protected then use of Freshwater Resource should be allowed.
- Amendments to Policies 1(g) and 1(h) outlined in submission.



Amendment Sought – Policy 2 Rules in Regional Plans

- Policy 2(c)(i):
 - Amend to exclude requirement for efficient consumptive use of freshwater when water take is a “passive” extraction of groundwater.
 - Amendment to Policy 2(c)(i) as outlined in submission.
- Policy 2(c)(ii):
 - Recognise return of freshwater to Freshwater Resources may not be feasible or possible.
 - Amendment to Policy 2(c)(ii) as outlined in submission.
- Policy 2(c)(iii)(A):
 - Amend to recognise conditions of consents should relate to real observed effects.
 - Amendment to Policy 2(c)(iii)(A) outlined in submission.



Amendment Sought – Policy 2 Rules in Regional Plans

- Policy 2(c)(iii)(B):
 - Recognise that in relation to compliance with consent conditions, SENZ is only able to influence sustainable management of its own demands.
 - Amend to direct regional councils and TLA's that consent conditions only able to cover activities which consent holder has influence over.
- Policy 2(c)(iii)(C):
 - Recognise, in relation to consent conditions, that although SENZ may implement land use control, complete integrated management can only achieved on a catchment wide basis.
 - Amend to direct regional councils and TLA's that consent conditions only able to cover activities which consent holder has influence over.
- Amendments to Policy 2(c)(iii)(C) and (b) outlined in submission.



Amendment Sought – Policy 2 Rules in Regional Plans

- Policy 2(c)(iv):
 - Monitoring and reporting rules in regional plans should only require consent holders to monitor and report on their own operations.
- Amendment to Policy 2(c)(iv) outlined in submission.



Amendment Sought – Policy 3 Rules in District Plans

- Policy 3(b)(ii) and 3(b)(iii):
 - Amend to direct TLA's that consent conditions only able to cover activities which consent holder has influence and consent holders cannot implement land use controls to reduce overland flow etc on a catchment wide scale.
- Policy 3(b) and 3(c):
 - Amend to direct TLA's that consent conditions on monitoring and reporting should only require holders to monitor and report on their own operations.
- Amendment to Policy 3(b) and 3(c) outlined in submission.



Amendment Sought – Policies 6 and 7 Conditions on Resource Consents

- Amend to clarify that it is applicable to current resource consents and designations confirmed after date of commencement of NPS.
- Policy 6(c), 6(d) and 6(e):
 - Amend to direct regional councils and TLA's that consent conditions and recommendations on designations only covers activities over which the holder has influence and that consent holders monitor and report on their own operations.
- Policy 7:
 - Amend to direct regional councils and TLA's to implement non-regulatory methods that address only the specific effects on use of Freshwater Resources by the consent holder.
- Amendment to Policies 6 and 7 as outlined in submission.