

Proposed National Policy Statement for Freshwater Management

Lower Waitaki River Management Society verbal submission to Board of Enquiry

Primary Submission

1. If this National Policy Statement is to have any significant impact on changing the sudden deterioration in quality and life supporting capacity of New Zealand's freshwater bodies, then it will need to be worded more cogently and powerfully than existing statutory documents.
2. Can this be done under Part II of the RMA?
3. Case study – WRP objectives and Policies as they applied to a major RC application

Society and NBT

4. The LWRMS Strategic Plan – how it was developed – similar environmental objectives to the WRP so very upbeat about the likelihood of a good outcome for the river
5. The Application and the Appeal

General comments

6. The Plan enabled an inventory of resources and values to be made – then that inventory bulk allocated in order to avoid further stress in the community and establish bottom lines. Essentially, a non-complying application would grab more from one of the other allocations (the environment) that already represented a compromise by the community. If flows below the minimum provisions had been made prohibited it would have avoided re-litigation and great stress and demand on the community, or if alteration to the flow regime could only be done by Plan change.
7. The adoption of a widely accepted standard (we suggest the 80% of MALF recommended in the Proposed National and Environmental Standard on Ecological Flows and Water Levels, Discussion Document, March 2008 as an absolute minimum). The advent of Didymo has put further strain on the waters of the Waitaki, and so extra flows need to be left in the river to deal with such contingencies.
8. The imbalance of power between economic activity and instream interests in deciding fresh water issues has major implications for sustainable outcomes.
9. Who compromises? Currently the mindset of people is still that their demand is more important than the environment and that in the case of freshwater, any

running to the sea is wasted. With the Waitaki the squeeze was put on by the generators with a non-complying application, irrigators insisted on retaining their near 100% reliability, so the environmental allocation would take the hit.

10. The explanations of the Boards intent in the WRP Annex - as "part of the plan" - have been very helpful. It makes the Plan accessible to the lay person.

Key issues identified in the LWRMS Legal Submission

The importance of wording

11. Objective 2 "consistent with" objective 1 (enabling vs sustaining). If it is the Board's intention, then any priority ranking needs to be absolutely clear. Endless "enabling" where minor only needs to be demonstrated (usually by more resources proponents) eventually leads to one thing – total degradation. We had experts arguing that because we are now getting from time to time microbiological counts that exceed recreational standard in certain places we may as well not try and contain further contamination!
12. The ideas of "whole of catchment" and "connectedness" in the plan very important and close to mauri – also a very integrating and ecologically sound idea. It reflects also the "life supporting capacity" of the objectives.

Groundwater

13. Divert? Dewatering of the shallow aquifer by 0.5m as a result of diversion of 2/3 of the flow causing effects on wetlands and backwaters – not take, use, dam or divert? – needed a "drain".

The role of the Plan in promoting certainty among local communities

14. The Plan process involved 1200 submissions and was accepted as a contract between the regulators and the community. The first non-complying application was so large it threatens to the throw the parameters of the Plan wide open again.
15. What does (should) "local" mean now that the river is largely managed by and given over to National interests – generation is for out of catchment use.
14. Total loss of local control? Concern about possibility of sale of SOE and privatization of the river