

To be read in conjunction with
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**HEARD BEFORE JUDGE D SHEPPARD (CHAIR), MR K PRIME,
DR J HARDING AND MRS J VERNON, MEMBERS OF THE BOARD**

THURSDAY 6 AUGUST 2009

**HELD AT KINGSGATE HOTEL, 110 FITZHERBERT AVENUE,
PALMERSTON NORTH**

HEARING OPENED [9.31 am]

APPEARANCES

Dr C Cheyne, Taranaki/Whanganui Conservation Board

Mr G Carlyon, Horizons Regional Council

Mr A Cameron and Mr D Bridges, Manawatu, Tararua, Horowhenua District
Council

Ms E McGruddy, New Zealand Pork

Ms N Tuaine, Whanganui River Māori Trust Board

Audio file: dpm0117

CHAIR: Good morning and welcome to the Board of Inquiry. We are listening to the submissions on the proposed National Policy Statement, and we're looking forward to hearing about the submission of the Taranaki Wanganui Conservation Board this morning. And I understand you are Dr Cheyne, is it?

DR CHEYNE: That's right.

CHAIR: Well, good morning again, and welcome, and we're very glad that you've come, and we have the Board's submission in front of us, which we've all read, and so we'd like you now to take the opportunity to address us on that please.

DR CHEYNE: Mōrena, thank you for the welcome, and it is a reasonably brief submission, so there's not a lot that I'll need to say perhaps. And very happy to answer questions.

Just a little bit about our Board, perhaps in the context in which the submission was made. Our Board's conservancy area stretches from far North Taranaki, down to the Manawatu Estuary, and then over to the Ranges, the skyline of the Tararua and Ruahine Ranges. So we actually have some very significant rivers in the conservancy, and we also have two regional councils in particular, Taranaki Regional Council, and Horizons Regional Council, that have significant responsibilities in the area. And we often hear from staff in those regional councils about the work that they're doing around habitat protection and restoration and so on.

So we've also had a number of presentations on aspects of water quality and the impacts on flora and fauna, in and around fresh water environments. So we take a very keen interest in this and we make submissions to the other statutory authorities. So we've been following these issues for quite a number of years.

We're in the middle of - in reviewing our conservation management strategy, and thinking about the special places, which is what are the kind of features of these new CMSs. We have very much highlighted the rivers in our region, obviously Wanganui, Rangitikei, Manawatu in particular, and also other rivers in Taranaki have been a really distinctive feature of the environments in our conservancy.

So we very much welcome a National Policy Statement. We have been concerned about the lack of policy leadership, and like many people, you will be hearing that from a number of submitters. We are aware of public concerns about degradation in the area, but we also hear a lot of things that the public at large probably don't hear, because it's not general knowledge, and that is we hear from our technical support officers and the scientists in DoC; we have field trips as a Board to parts of the conservancy where we look at particular conservation issues. And we are aware of the challenge really, in terms of protecting habitat for eel, we've had a number of presentations about eel, and also a range of other, we've been aware of the efforts going on to restore riparian strips. We commend the councils that have taken a lead in this area, particularly Taranaki, and now Horizons, with its One Plan is - a lot of the things that Horizons is responding to in the One Plan is changing public expectation about fresh water quality for recreational purposes and for fishing. And just because people are starting to become more aware, as the Board is, about the importance of biodiversity in our own indigenous fresh water species.

Just moving on a little bit, of course we're very concerned about the potential for Didymo to come into this area. I mean we expect it will happen, but this will have a very negative impact on the region in terms of recreational values and other values.

We feel that the policy leadership that you would get through a National Policy Statement is vital, because while there is some, maybe belated, effort by regional councils to address issues to do with fresh water allocation and quality, these are not enough, and we would prefer there to be more consistency throughout the country and less of a need for councils to make their own policies and set their own standards. We feel that there is still considerable scope for further land use development that will have negative implications for fresh water quality, and also allocation. With intensification of dairying around here, and also with rural residential development, of which there is a lot in Taranaki and in Manawatu District, in particular, ones that we're aware of.

We've made submissions to the draft National Policy Statement on Renewable Electricity Generation, or the proposed NPS on Renewable Electricity Generation, and also the draft Coastal Policy Statement. And we're aware as a Board that conservation issues are very frequently being traded off against other national policy goals, around sort of maybe agriculture and development of the coast, in the case of the Coastal Policy Statement, and in the case of the proposed NPS on Renewable Electricity Generation, we are concerned about the way in which conservation values are being subordinated to the goals the country has, and government has, around the issue of renewables, or electricity coming from renewables. So we would really urge you to highlight the need for proper balancing of conservation values. We see these as very important to the long term economic development of the country. Often I think more short term considerations are prevailing, and we feel that conservation doesn't have

a very - well it's inadequately resourced. So much that is happening for example, around fresh water. (inaudible) is relying on voluntary efforts and rate payers, through the regional council contributions. Fresh water is just so important to the survival people, but also the quality of fresh water, and the quantity is important to our wider economy, and conservation very much supports that long term economic goal. So the "ecosystems services", the term now we hear is from the Minister of Conservation, I think, is really important to value.

I talked before about the development that's occurring in the region. We've got a region where there is declining population in some places, but there is also growth, and it's not just population growth either, we're getting household growth and subdivision.

[9.40 am]

So even in parts of the country that you will travel to, and you look around, and you think, well there isn't pressure, there isn't maybe the degradation that is evident in places where there's higher population growth and so on. There are real significant pressures, so regions like this, which don't have the rating base, the population base, do definitely need support that would come through more policy leadership, in the form of an NPS.

So yeah, just to finish off, we do need better alignment between the different NPSs that are starting to be developed, or revised in the case of the Coastal Policy Statement. I'll leave it at that.

CHAIR: Well thank you very much. There may be one or two questions if we may please.

DR CHEYNE: Sure

CHAIR: Mrs Vernon?

MRS VERNON I don't think so, thank you, but thank you for your submission.

CHAIR: Dr Harding?

DR HARDING: Thank you. You made some mention of the fact of your concern about Didymo. At the present moment, the draft NPS doesn't specifically make any mention of bio-invasion, and those sort of issues. Do you see a particular area where that could be incorporated?

DR CHEYNE: Into the NPS? Let me find it, sorry. It certainly would be important to add that. Obviously it's related to Objective 3 and 5. In terms of policies, either an additional policy, or a requirement for some - provision for territorial and regional councils to have more vigilance in monitoring and resource (inaudible) greater responsibility around this, but also through Ministries at the national level.

DR HARDING: Another point here I suppose is that most regional councils probably have bio-security officers and that sort of thing. So they're already aware of these issues. Do you think adding that to an NPS would make any significant difference?

DR CHEYNE: Well, the resourcing of this at regional council level is still not sufficient I would say, and I'm just speaking now without the benefit of other Board Members to sort of tell me what their knowledge of this is. But it doesn't feature large in the public understanding, so some of that can be assisted by national campaigns. But regional council staff would have limited capacity really to work with communities, and to be out there

in the field monitoring themselves, because you know, a region like this, it's just really stretched.

DR HARDING: I come from the South Island where Didymo is very much in your face, and there's advertising everywhere.

DR CHEYNE: Less so here, but we are very aware of - there are pockets in the community, obviously Fish and Game, which do have much greater awareness, but I think more broadly it's sort of a matter of time here. But if we can delay it as long as possible, then so much the better.

DR HARDING: Thank you very much Dr Cheyne.

MR PRIME: Thank you for your submission. I'm interested in the Ki te Hauāuru Fresh Water Forum, is that made up of Iwi, or Hapu - what is the make-up of that organisation?

DR CHEYNE: I should say that I'm here because I'm a Board Member that lives in the area, and our Board Members in Wanganui fed that into the submission. Greg might know better than me, I think it's based around the Wanganui area, and it is a hapu there, but I'm sorry, I would have to send you some more information about that. But it seems as if it's quite a positive initiative, in terms of getting collaboration and allowing iwi values to be given more attention.

CHAIR: I would like just to come back to the point that you made so eloquently about the trade-offs.

Those who support the trade-offs seem to feel that that's justified by reference to the stated purpose of the RMA. And it's possible to be unkind to the way the stated purpose is framed, but it's there in any event, and an

NPS has got to be part of the framework that serves that purpose. And I wonder whether there's anything further that you would like to say to help us of course even by reference to that?

DR CHEYNE: Yes, that's a very good point.

CHAIR: Would you like to suggest that - emphasising your long term point of the conversation values, serving the life supporting capacity value that's in section 5?

DR CHEYNE: For sure, for sure. I mean, I think the RMA does allow for that attention to the longer term, and it speaks about the reasonably foreseeable needs of future generations. And I think we have sufficient science to know what the needs of the future generations are in terms of fresh water quality, and what the challenges are if we don't do something now in the short term. So, and I think within the parameters of the RMA, and its statutory purpose, sustainable management, I do think there is scope to have a better balance, and it needs to have that longer term horizon, more so than what I think is currently the case.

CHAIR: Well the Board, by its submission, and by your presentation today is clearly fulfilling its role of advocacy of conservation values, and we're very grateful to you. Thank you very much.

DR CHEYNE: Thank you very much.

CHAIR: Next the Board would like to consider the submission by the Horizons Regional Council. I understand you're Mr Carlyon are you? And you're going to be presenting that. So if you'd like to come forward to the desk. We welcome you and thank the council for its submission, and we're looking forward to your elaboration on it.

MR CARLYON: Thank you sir. Judge Sheppard, members of the panel, thank you very much for this opportunity to be heard. I have some material to circulate, but I would like to stress that I'm not in front of you here today as an expert, and that will be very evident, but I hope I can add value to the submission of Horizons Regional Council.

I perhaps would like to start with some populous literature, out of this great document, The Dominion, from this morning, and we are looking for a hook for these discussions and you may well have read it, but if I could circulate a copy of that, and speak briefly to that, because I think this issue is intensely personal in the same way that it is a professional issue for all of us. So please, I'm sure you'll stop me well within time. So before I get into our general submission, if I could just make some comments in relation to this article, because it is relevant to the submission that's before you.

I worked for ten years in this very catchment that's talked about in the article here, the Mohaka River and its tributaries. I have rafted its length from its very source headwaters, and I paddled it to the ocean. And I've taken my family through there, and importantly, I've also been involved in resource consents for the dairy farms that are talked about in this article.

[9.50 am]

And the consents that were sought for those dairy farms, for both the Crafer brothers, whom we work with regularly in this region, and the other dairy farms that occupy that catchment. They were the best, highest quality applications that I saw in my ten year time span with the Department of Conservation, they were impeccable. The person who drafted those applications is currently a lead commissioner on the One Plan process that we're running at Horizons Regional Council now, and so he is connected to this catchment. And despite all of that input, and despite good quality decision making, high calibre applications; thoughtful and consistent compliance with the commitments that were put on to those consents, we're seeing gross degradation of that water body; hence the challenge that we're facing, and I think that that flows through into the water bodies, the major catchments of this region.

So the summary position that I'll put to you and which I'll put to you now, is that in the submissions that are before you and certainly in Horizons Regional Council's submission, and in the submission of Local Government New Zealand, we are asking you to be very certain in your directions to us from the National Policy Statement on freshwater. At the same time as we are asking you to be hugely flexibly in order that we can represent the interests of our local communities; that's an unmeetable and unwinnable challenge, and I'll come back to that at the end again.

So if I perhaps refer to the key elements of the submission, and then take any questions that you have.

I'd just briefly like to pass on my thanks to the staff at MfE. When we originally wrote this submission, our staff at Horizons indicated that they did not wish to be heard, and that certainly was not the position of our Chief Executive, of me and my team, and we were given an opportunity to

come before you today to speak to the submission and answer any questions you have. I think that is critical.

As I said at the start, my name's Greg Carlyon and I'm the Group Manager at Horizons Regional Council. I'm responsible for our policy functions, and that includes the broad strategy under Local Government Act as well as the Resource Management Act; the science functions, our compliance functions and consents functions and it's a joy to be in an organisation where those connections are made, and we are able to make them within a single team and it also breeds frustration that we still can't close the gaps.

And as I've said, I'm not a planner, but I have for the past five years, I was recruited to Horizons Regional Council specifically for the purpose of developing an integrated resource management document, and it's titled the One Plan. I have a copy here which I'm very happy to leave with the panel, and I also have the water chapter if you've got specific questions in relation to that as it falls from our submission.

The One Plan was an attempt to do at the regional scale what the Board of Inquiry is considering in relation to the National Policy Statement at the present time. And I'm intrigued on reading both the Local Government submission and our own submission again after all this time, that we have made comment to this Board of Inquiry that the policy statement as it is currently framed will cause frustration for us in relation to the One Plan. That's clearly identified in our submission. When I reflect on that, my view is that we actually think we are already doing the job that is described in that NPS around integrating our land and water functions, around integrating community values into decision making, around having science based decisions and making decisions most importantly. So I think that is what's bred the frustration. I don't know if it comes across as frustration,

but the commentary that you will see in the submission from Horizons Regional Council.

I think it is worth putting a little bit of background in front of this panel in relation to the organisation that I'm part of. Five years ago we had audit from the Office of Audit General in relation to our management of water, and Otago Regional Council was audited at the same time and it was a thorough and comprehensive assessment of our capacity and capability to manage water and where things were at and I think, in summary, the Auditor General found our management of water to be woeful and I concur with that view. It was a thoroughly constructive exercise. It was thoughtfully done. It included us and a large number of stakeholders, but it found that our science programme wasn't focussed, that we had no policy for critical issues like water allocation, that our water quality monitoring programme wasn't linked closely enough to state of the environment outcomes, let alone defuse all point source discharges and so on. The very things that the NPS is seeking to resolve. And I have to say that we have worked very hard in this past five years to confront those issues and resolve them and the One Plan is our attempt to resolve those in an integrated way. I now believe that we have one of the strongest science programmes in the country. We have been to our community extensively and polled the community for the values that they wish to see sustained and provided for in our three key catchments, Wanganui, Rangitikei and Manawatu, along with a number of other subsidiary catchments and we've attempted to resolve that with strong clear policy. The regional council also went through the exercise of, right at the outset, from travelling through the region, we're a very large region that goes from Otaki to Ohura, and from one coast to the other coast of the North Island. Predominantly hill country. And we also went through the exercise of trying to determine those matters which were significant, and those ones which weren't, which is a troubling exercise, and to show some leadership

around those things we would do something about. Our existing Regional Policy Statement identifies 230 significant resource management issues. The One Plan identifies four, and those four issues are water quality and quantity, quality overwhelmingly number one both from a technical perspective as well as a community perspective; sustainable land management and the protection of indigenous biodiversity. So the regional council's resources, both at a resource management level and an operational level, are almost entirely focussed in those outputs, so there are things that are suffering as a consequence. We are not putting the resource we should into coastal management. We're not putting the resource that we should into landscape management, because we've made the decision that with the resources that we've got, it needs to go into water quality fundamentally, water allocation after that, and those couple of other issues identified and I would just reflect on that in relation to both the draft NPS; our submission, and that of Local Government New Zealand is that we still have a very strong desire and hope that we can deliver on all fronts to a very highest standard and deliver on all the multiple expectations that we have, when I think that that is unrealistic.

And that's another reason that I'm here on behalf of our organisation today. There is an alternative stream of thinking going in New Zealand at the moment, which is we are involved in, we are collaborating in, but it's around that notion that if you join the community, we'll find a way to get through these major problems that we've got and that we'll do so. I do not hold that view and I think that it's very much the time, and that's our organisation's view, that we have strong decision making and that through that process, I heard the term "trade offs" before, but I think a coarser description is that there will be winners and losers and that it's very much time for that to be occurring, given that a number of resources are passing us by.

So the submission that you've got in front of you highlights at para 4 the One Plan and then at para 5 and 6 highlights those parts of the One Plan that address the matters that the NPS is raising and will drive us to seek resolution on, through the process of reviewing our Regional Policy Statement, Regional Plan, or suite of Regional Plans and then through advocacy into District Plans.

I should also say in relation to the One Plan, it's the first document in New Zealand - first second generation plan, which takes all of our existing Regional Plans, our Regional Policy Statement and our Regional Coastal Plan into the one document and provides for them in an integrated way. So it's been a trial in its own right and we've been severely tested in that regard.

At paragraph 10 there, I refer to the Local Government New Zealand's submission. Horizons Regional Council has been heavily involved in the development of that submission through the involvement of our Chairman, Gary Murfitt (ph) and Chief Executive Michael McCartney on the National Sub-Committee of Local Government New Zealand that's been dealing with it. So they will, as we do, stand behind the general sentiments expressed in that submission. But once again, reading that submission last night, and again this morning, I find that we are asking you to do the impossible, that we're asking you to provide very real certainty and give us that direction that sits between our RPSs and the Act itself, at the same time as we're saying let local communities make local decisions that suit their needs and I refer again to the article where the Chief Executive; that's in front of you, Andrew Newman, has talked about – there are legal rights and obligations. We are now asking are those measures enough? If not we'll need to look at what else needs to be done. We've got John Hutchings at Fonterra who we deal with regularly, talking about, gosh if there is non-compliance we'll get right on top of that. At the very

time that these issues have passed us by and it's relevant that we resolve those issues right now for future generations.

[10 am]

I made some comments here which I'd just like to add and then perhaps leave it open to you to ask questions if you should have any. We've sat in hearings for the One Plan. We've just completed the second set of hearings, although we've got half a day on Monday and then they're completed for the general component. We start the water hearings for the One Plan in November. The process from notification exceeding the statutory timeframes has now taken two and half years to this point. It's extremely contentious. There is very little interest in it, beyond the interest of those submitters who have a particular personal outcome and I've – it's my view of course, but those submissions are largely narrowly focussed; they are very much economically focussed which is one of the issues that has been brought to the fore both through these processes and NPS processes at the moment about the desire to meet the societal needs, as opposed to the environmental needs of our communities. The submissions are almost always immediate in their expressed desire and it's not fair to say, but it's my view, many of them are selfish in their drivers and I think as agencies we have an obligation at the local, regional and national context to take the broader public and long term good into account.

We have identified in paras 11(a) and (b) the two principle concerns for our submission and that is the need to review programmes like the One Plan immediately upon the NPS coming live and that is going to be difficult for a number of reasons. By the time the One Plan comes live, we would have spent in excess of 11 million dollars on a public policy process. We would have drained the professional staff resource

regionally, the community desire to engage further and I would say the political will to re-engage in this process. That said, I think one of the things I would implore this group to do is that if you give us a direction, it's time that we started following them. I think we wouldn't have a request on us to produce an NPS from our community and government had regional councils been doing the business they're charged with doing over this past decade or two. So if we get that direction, we will most certainly be honouring it and that would be my principle call for this forum, that we get clear directions that we can give effect to.

And then we have commented in para (b), 11(b), just on the prescriptive nature of the process and that's useful but our desired focus for this NPS is on outcomes are clearly articulated and directed to us. And I'm sure that once we ask for and receive those directions, I come back to my first point, we will pass commentary as a government sector just on how inflexible they are and how we should be resolving those at the community level.

It is interesting when we look at the national context at the moment. We are finally coming to the conclusion that environmental monitoring, many of the compliance outcomes we do, the statutory planning we do, we are actually a very small country that's quite capable of receiving direction from a national context and having it delivered. We're not so unique as we think we are.

Finally, the relief sought asks that this panel give effect to the submission proposed by Local Government New Zealand. Thank you for your time and I'm very happy to answer any questions that you may have.

CHAIR: Many thanks for that and perhaps there are some questions.

MRS VERNON: Thank you and thank you for your interesting comments this morning which I've noted and I would like to perhaps further explore with you because in actual fact when we're going round, as you can imagine, listening to submissions, this thing about being flexible and certain, and I liked your statement, "we're not so unique as we think we are", whereas every regional council and every submitter is kind of saying that they are all unique and that you know the NPS has to be so broad and flexible that everybody is accounted for. Am I right in hearing what you're saying in actual fact that is not actually the way it is, as you see it, and that if the NPS was more directive than prescriptive, which I note in your 11(b), that in fact it will be well received and people will actually heed it, is that – do you think that we are ready for that sort of direction?

MR CARLYON: I don't think it will be well received at all. I think that that doesn't mean it's the wrong thing to do and if I can use analogies to answer these questions, we're sitting in hearings at the present time where we've got a community coming through saying that we need to abandon some of our rivers in favour of industry and that the call for, at the very lowest standard, recreational water quality standards for our rivers, is just hopelessly optimistic. So we've got some real challenges out there and I think in this community we are a predominantly proud rural region, we would sanction that. I think there's very low awareness in our urban communities just of the state of water quality. In fact the awareness is low generally speaking, even though the information is clearly there. So no, I don't think people would accept that, but the reality is for us as a regional council were we to go into an RPS review with a direction that we were to provide for recreational water quality standards over a 10 year cycle or as you saw fit, we would set out and achieve that target. There's no value in challenging it. It's there and it's clear for all to see.

MRS VERNON: So another words, in your opinion certainty is probably more important than flexibility?

MR CARLYON: I believe it is.

MRS VERNON: Thank you. And I just noted I think in my – looking at your – one of the other major points that you make is, and you're not the only regional council or district council to be concerned about all these reviews and timing and things like that, just give a rough estimate, you've still got hearings to be heard on the water segment of your One Plan --

MR CARLYON: Yes.

MRS VERNON: -- so are you looking at that, and I know the procedure that you've got to go through reasonably well, your view of when it would be operative, because that's one of the things that you talk about in your submission quite strongly and the cost obviously of going back to the community if you have to change it, is it two or three years down the track do you think? You know, I mean –

MR CARLYON: Judge Sheppard will have a better idea of how long this has got to go than I have, but our preparation for the One Plan has been predicated on doing the right job at the hearings we are currently in and not having a trial run for an Environment Court hearing, so our hearings for water are convening in November. They will be complete by the end of March. The decisions of the Hearing Committee which are being drafted in relation – there are 11 chapters, in relation to other chapters will be out and the plan will be released in August of next year, just prior to Local Body elections. The One Plan is obviously politically topical, running just behind Lake Taupo matters and so those decisions will be up and it's our view that we will be ready for Environment Court proceedings the following

day. It's not something we are wishing to linger on. We are ready to respond to any appeals that come through the door quickly, so I would hope that another year from that point is the sort of point that we would see the plan live. Having said that, many of its provisions are in force now and are causing consternation.

MRS VERNON: Right. So really that – going back to your paragraph 9, that's really the only thing that is the most incompatible sort of, or incompatible item that Horizon is concerned about isn't it?

MR CARLYON: Yes.

MRS VERNON: Yeah, that's clarified that I did read that correctly in your submission. Thank you. I don't have any other questions.

CHAIR: Dr Harding? Mr Prime?

MR PRIME: I've no questions thank you sir.

CHAIR: It's a satisfaction to this Board to find that as we go to various towns and cities around the country to hear submissions that we are hearing the submissions from, well that are advocating more emphasis on long term broad based public unselfish approach to the purposes of the RMA and if from your point of view you don't hear those so often, it's very satisfactory that in different parts of the country there are people who are quite unselfishly presenting those matters and so they are in the forefront of the Board's minds, along with of course the other matters that are valued in the purpose of the Act, which has to guide us in resolving these submissions. So thank you very much Mr Carlyon, we're very grateful and may we please take advantage of your offer and have a look at your

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One Plan at the stage that it is at the moment, understanding of course that it's being further improved by the process you've described.

MRS VERNON: Have you offered a copy of the water plan, the water chapter?
Could we also have that?

MR CARLYON: Yes, there's two elements there. There's the water chapter, chapter 6 and there's the whole plan so I'll leave those with you.

CHAIR: Thank you very much for coming in and presenting.

ADJOURNED **[10.10 am]**

Audio file: dpm0118

RESUMED [10.57 am]

CHAIR: Well good morning and welcome. We are grateful to have some representation to elaborate on the council's submission. We have the submission before us. We have read it, and we have also read the witness statement of Mr Bridges, and so we would like now to invite the council to present.

MR CAMERON: Sir, I am appearing on behalf of all three councils, members of the Board, and my name is Andrew Cameron, and I appear in a situation which for me, at least is a little unusual, in that I am generally supporting the document, as opposed to wanting to come before you, and to argue strongly why certain things should happen or should not happen in terms of in an adversarial contest, so to speak.

These councils do generally support the National Policy Statement itself, and that will be evident obviously from the form of submission that we filed. That is because it is a policy statement, and certainly in my submission, such a statement cannot be prescriptive as to outcomes, rather such documents provide an overarching direction to guide the preparation of plans and to be considered in the context of resource consent applications.

In my own experience of such documents, any attempt to be unduly prescriptive, and to reflect specific outcomes that any submitter or party may wish to pursue, can create a real tension in terms of the drafting, of such a document because a National Policy Statement can only provide an overarching conceptual basis to guide the preparation of plans regionally throughout this country, each region having different

environmental issues to grapple with, in differing circumstances and differing matters of emphasis. Here, from these councils' perspective, the primary concern that they have in this context is the Manawatu catchment, which presents some very specific and significant challenges for the regional councils and the TLAs.

[11 am]

The policy framework we support contains from the TLA's perspective the following essential directives, it recognises the relationship between section 5 considerations, it provides for a cessation of ongoing degradation, which the TLAs accept entirely is of considerable importance in this catchment. It provides however, for improvement of water quality over time where necessary, and by that I mean an improvement of water quality, where that qualitative outcome can reflect a use, or outcome which is relevant to the specific location concerned. And Mr Bridges develops this point in his evidence. I'm not sure I have expressed this as elegantly as I would have wished.

The point I am wanting to make here is that a "one size fits all" approach can lead to a one dimensional view of takes and discharges, which will not necessarily reflect the best approach to the sustainable management of a catchment and of communities, having regard to the specific differences of communities, and the impacts or effects that can be only localised rather than experienced catchment-wide, for all of the reasons that Mr Bridges has endeavoured to develop in his evidence by way of example, such as the Marton Tutaenui example and so forth, and he will wish to expand on that in his discussion with you.

It provides for a relevant standard to be met over time, namely the recreational and swimmability standard. We've suggested that contact

recreation standard is preferable. I think it is better understood. This document recognises that a “one size fits all” approach is inappropriate. It allows for a whole of catchment approach. It recognises the significance of community infrastructure as a matter of priority while promoting efficient use, and it recognises the importance of the interrelationship of land use, management, allocation and use.

So we see this very much as a template which these TLAs can work with, and wish to embrace. We don't consider it to be presently reflected in the current regional planning documents that we are working with, which is causing some difficulty for the TLAs, and a significant amount of debate and argument in this region, which we think would be assisted greatly by this proposed National Policy Statement, given the breadth of the conceptual framework which it will establish. And this is why the TLAs support the approach that is being taken conceptually within this document. So we are here to assist the flow of discussion where we are able, and as best we are able. We have quite deliberately couched our submission at a conceptual level for the reasons I have endeavoured to explain. And that is, in my respectful submission, the primary driver or purpose of a National Policy Statement in any case.

Critically from my client's perspective, the timeframe of 2035 is seen as a timeframe that is realistic and appropriate, provided that there is the cessation of ongoing degradation from both point source, and non-point source pollution and that over time, there is a whole of catchment developed which will ensure that where necessary - in other words, within the locations relevant to that catchment, or to these catchments that we are dealing with in this region, and in particular the Manawatu, contact recreation standards can be achieved.

We do not believe that meaningful progress can be made by for example, endeavouring to address this issue in terms of overall catchment improvement which is necessary, we accept, within the Manawatu catchment, in particular by simply trying to address that on a consent-by-consent basis. Rather, we see it as needing or requiring an overarching policy that addresses in an integrated way, improvement over time in relation to both non-point source and point source discharges, and the related issues of course that apply to takes, apply equally obviously to the argument that we are endeavouring to promote here.

I'm not sure that I can usefully add anything further to what has been said in the submission, beyond what I have said, because of the approach that we are taking to this matter. We have, as I say, deliberately endeavoured to avoid getting into a very highly specific semantic approach, we are wanting to emphasise is that we wish to work, with the overall conceptual approach that has been developed because of the advantages, which we have endeavoured to explain in this submission, and by virtue of the practical examples and evidence that Mr Bridges has prepared. If I can be of any further assistance, at this point I'm here to help as best I can.

CHAIR: Thank you Mr Cameron. What I would like to suggest, that instead of the question or two of you now, might you be comfortable with us proceeding from here with what Mr Bridges has to say? Then we might mention any issues that are in our minds, as general questions to be answered by either or both of you.

MR CAMERON: Yes sir. And that is very much the way we prepared for this morning. We really prepared very much on the basis that we are here to try and explain why it is we have supported the document in the way that we have, why we have taken the approach that we have, and we have

endeavoured to prepare practical examples. Of course, for that reason, that's a very good approach. How would you like Mr Bridges to proceed?

CHAIR: I think that we should offer Mr Bridges the opportunity to be sworn and make an affirmation, if you indeed think that that is appropriate? But we don't regard that as essential or critical, given the content of what we have here. It's not as if there is going to be any contest on questions in fact. Then I think that we might fairly ask if Mr Bridges would like to present some summary of the content of his statement, just reminding us again of the main points. And if you and he are comfortable with that, then I think we can then come to the point where we can have some exchange.

[11.10 am]

MR CAMERON: Thank you. Mr Bridges is more than comfortable, I'm sure to swear or affirm and then to summarise his evidence as requested.

DAVID BRIDGES (Affirmed)

CHAIR: You don't need to be standing but if you are more comfortable standing well you may.

MR BRIDGES: Thank you sir. Following Mr Cameron's lead, I wish to confirm my support for the proposed National Policy Statement. I think that it offers some very clear guidance on the policy level to move forward.

What I have endeavoured to do with my evidence is to use some examples as – at a practicable level, in terms of delivering environmental outcomes that we are struggling with which would be assisted by the National Policy Statement. The first of these areas is in the integration of objectives. Working for local authorities, there is often tension between

environmental outcomes, funding, obligations under the Health Act, and the four well-beings in the Local Government Act. Any assistance or guidance that can be provided through the National Policy Statement, in this area to provide balance in these areas is of great help to implementing projects and consenting projects. I will not go through the examples that are in the paper. I'll read through to the importance of a whole of catchment approach and the importance of "one size fits all." I think the simplest way to illustrate this point, is that a number of areas I could progress consent very efficiently and effectively if we simply spent money putting pipelines into a bigger body of water either to discharge or take water from. Now, from a community and affordability viewpoint, that doesn't seem very sensible to me. Again, I have illustrated with examples in my submission.

The third area is providing for reasonable and foreseeable use. And Mr Cameron has already mentioned, that the policy statement avoids, as it is currently written, being overly prescriptive. Consenting authorities tend to like to use hard numbers, and I understand that. But we, at the moment, do not seem to have a very clear understanding of those intangible factors that contribute to community well-being.

In my paper I have referred to the Ministry of Health guidelines, and those guidelines have derived figures of 250 or 300 litres per person per day. This is being picked up very much as a figure that should be adopted for water allocation. I have no dispute with those figures. They have been derived for new developments with energy efficient appliances, water saving devices such as dual flushing toilets and the like. The communities that I often work in have infrastructure that is of the range 50 to 70 years old. The housing stock is old. They cannot meet those sorts of performance targets. And all along, the point that I am making is that we need to recognise, and have flexibility, which I think that the National

Policy Statement provides, to accommodate communities at significantly varying degrees. This comes back to the point that Mr Cameron made about the 2035 date is it, there has been an aspirational goal, and some of these hard numbers, in my opinion, fit into those aspirational goals.

The fourth point, which I would like to touch on, is managing demand and land use development in a sustainable way. I simply reiterate that the National Policy Statement offers that potential. It recognises the existing infrastructure. I think one of the key issues for the local authorities in this region is to be able to have community water supplies, and infrastructure recognised in terms of a priority, in terms of a precedent. I think my evidence expands on that sufficiently.

In terms of effective consumptive use and transferrable permits, we need to be able to accommodate changes in communities. In my evidence I highlight the example of Fielding which has lost two wet industries. The moment they had to renew their water permits, the amount they may be allocated was based on current consumption. Notwithstanding that community has a significant investment in infrastructure which they cannot utilise, if that curve prevails. In my paper I cite work that I have managed on behalf of Tararua District Council, and it was an economic development strategy. And we were able to very clearly identify that the economic drivers were not changes of land use, but what you did with the consequences of those changes of land use in terms of processing and adding value. And the downside of that is having the ability to have access to community infrastructure.

The next point relates to environmental base line and environmental flows, and what I am asking in that area is for some guidance in terms of the use of progressive enhancement, and protection from inappropriate use. By way of example, I will use the Woodville water supply, which has been in

place for nearly a hundred years - you are obviously aware of it sir, for a very long time. It is in a highly modified catchment. I am not sure in terms of progressive enhancement, what I would be advising my clients in terms of the continued access, or the likelihood of consenting to that resource. To me, this is about where some of those baselines are set, and where the time clock is operating from.

[11.20 am]

Mr Cameron has touched on swimmability and recreational values, and I will not add further to that.

In terms of timeline Mr Cameron has touched on the value of the 2035 aspirational goal. The only point that I would like to make is that in my experience the greatest certainty that we can deliver for community infrastructure by way of consented timeframes access to the resource, the more likely we are to get better environmental outcomes. It's my experience that where the councils have been consented for a longer term, they will make the investment, and make those progressive improvements over time.

Sir I think that is a very brief summary. I apologise if I was too rapid. But I'm happy to assist and answer questions.

CHAIR: Well thank you very much Mr Bridges. I think we will have some exchange now, and I will see if Ms Vernon has any questions to start with?

MRS VERNON: Thank you. I hear in through your evidence, and your concerns, and is it difficult when an NPS for big and small, and from one end of the country to the other. We understand that issue for you. But I want to perhaps go to some specific items and I wonder within the

document, you're talking about demand and limited tools that you have on influencing large users. And I just wonder if it would be helpful if the term "land use development" in the document, that in fact it was "land use and development" rather than those three words running together. Is that sort of the direction that you are seeking from the NPS and what would be your comment on that?

MR CAMERON: My response to that is that certainly in the submission filed, we've said we would like to concentrate or achieve a greater focus on effects as opposed to discussing it in the context of land use, and specifically, and with respect I think that that is a progression of that issue, and in a manner which is very helpful, because it encapsulates both - land use and development, and then contextualises it in terms of the effects of both land use and development, generally. As we all understand it is (inaudible), so yes I agree with you.

MRS VERNON: Thank you, in your paragraph 55 in Mr Bridges' evidence, I also note that you, and again, this is about, I hear what you are saying about concept, so for example, would it be helpful if some of the terms were either further defined or refined in their definition, such as the term "efficient use" in a document like that. Is that sort of some of the concepts you are looking at, coming from this document?

MR BRIDGES: If I may Mrs Vernon that would be of great assistance. The point that I was endeavouring to make in the submission in that area, was that New Zealand has a relatively unsophisticated approach to efficient use. Elsewhere in the paper I have cited a paper authored by some Chinese student and there are a number of bodies of similar work, which have taken quite sophisticated approaches to defining this term "efficiency".

In my experience, particularly in this region, the use of the term efficiency relates or is being applied primarily as technical efficiency, and we are struggling to deal with those intangible issues, that contribute to the wider well-being of the community. If I may expand just slightly further, in Canterbury for example, Rolleston, which is inland from Christchurch, and is subject to the hot northwesterly winds, they are doing a lot of work to meet the allocated limit set by Environment Canterbury. And that extends to having a very strong brownning strategy, including the playing fields, and planting, and all of those sorts of things. I make the observation, that's probably not somewhere where I would choose to live, and when we define this term "efficiency" we actually need to understand how all those factors come together.

MR CAMERON: Can I just add to that? Because I think that is what perplexes me, in terms of an attempt to refine definitions such as "efficiency" in the context of a policy statement, one has to be careful, in my respectful view, to at least – to accept and appreciate that by doing so it remains at a relatively higher conceptual level, because of the risks associated with adopting a definition that may not apply, for example, as well in the far north as it might in the far south. And I think that can become an obstacle, to endeavouring to achieve a definition, which has a national relevance, as opposed to one that plainly can quite readily have a regional relevance. To that extent, at least in my mind, the approach that the National Policy Statement is taking, does allow for the concept of efficiency to be applied regionally, and applied in a manner which will be directly relevant to the regions concerned.

I accept that that is not what others want. I accept also that is not necessarily the view that, perhaps is the trend of the submissions that are being made to you, or reflects the predominance of the submissions being made. My only concern is that there is a risk that the policy statement

itself, may founder by an attempt to create a very tight set of definitions, which will in turn be an obstacle to practical application on a region-by-region basis.

What we have endeavoured to do here, is to raise the issues as we perceive them within our region, in the context of what we consider to be concerns relevant to issues of efficiency, by way of example. We do acknowledge that what we want is a document that allows for a definition of efficiency relevant to this region, to be developed from the conceptual direction that this proposed national policy, ultimately the National Policy Statement should provide. I have to say that I am not convinced. But, by the same token it may be that is because I haven't given the matter sufficient in-depth consideration that you have the opportunity to give it in the course of your deliberations.

[11.30 am]

I don't wish to say we have given this a shallow consideration because I don't believe we have. We are wrestling here with some very quite difficult issues. And we do have views as to how we think those should be progressed within our region. And we wish to debate those, and to ensure that that approach is reflected ultimately in the documentation that we have to apply within this region. But we do not think that that will necessarily be relevant to everybody else.

MRS VERNON: You finish that at an interesting point, because I would like to go back to the statement that you made in your opening address about that each region has its own environmental issues to grapple with. But are they all so unique? Aren't we really with the National Policy Statement looking at improving water quality, and looking at how we can improve the allocation, and I notice in Mr Bridges' evidence, he does talk about the

issue of demand, and allocation and concern. So is it so unique throughout New Zealand, that it is in actual fact, those issues are quite common, with water quality and allocation? And in that in actual fact, people do expect a higher standard.

MR CAMERON: I accept that fundamental point. I think there is a general expectation of a higher standard by New Zealanders, generally. I think also, that we do have this conflict throughout the country of land use development, and non-point source pollution with the maintenance of water quality, and an achievement of the standard, which we, as New Zealanders generally, I think would commonly accept to be appropriate. We have refined that to the extent that we do say that it doesn't necessarily need to be achieved throughout a catchment provided that catchment as a whole is functioning appropriately. I think Mr Bridges makes those points very well, in the course of his evidence.

But what we are finding here, for example, if I were to compare three catchments: the Whanganui, the Rangitikei, and the Manawatu, they are different with different pressures, and with important differences applying between them. The Manawatu catchment has a significant problem in relation to both point source and non-point source pollution, which is not an issue in the Rangitikei, where the issue is primarily one of land use. It is a predominantly rural catchment. The Whanganui catchment again, has a different suite of issues, not wholly different, but a refined set of issues. It has an issue of flow. It has an issue of land use. It has issues relating to point source discharges. But if one was to compare the Manawatu with the Wanganui, the Manawatu catchment is in a situation where unless we can get an integrated outcome, we are not actually – and between the point source and the non-point source over time. It's going to be very difficult to achieve an improvement of water quality standard by 2035, that I think, we as New Zealanders would all like to see occur. Whereas in the

Whanganui catchment, I think it is much easier to manage, because we are not having - there aren't the conflicts occurring within the catchment between the various forms of discharges and use, which are occurring for example in the Manawatu.

In the Rangitikei we have a water conservation order on the Rangitikei River which extends as far as Mangaweka. That water conservation order provides a relatively high level of protection, in terms of the values of that river in the upper reaches, and in terms of the lower reaches, we are dealing with a different set of pressures again to for example, the pressures that are been experienced on the Whanganui and they are related to the nature of the communities concerned they're older, smaller communities, they're financially struggling. And they need to be managed with care, such that whatever discharge or take is occurring, and whatever their infrastructure can manage, and whatever improvement that can be made to it, has to be proportionate to the benefit that that is going to achieve for that catchment, and that environment generally.

So again, my observation is if I look at it from a regional basis Mrs Vernon, that in fact we are looking at quite different - we have got three primary catchments. They are different. And yes, while generically speaking, at a conceptual level, yes I accept entirely that there is a commonality of purpose. The outcomes that we need to be considering in relation to each of those catchments, and how they might be achieved today, each is somewhat different to the other, and the implications for each community is different. And therefore, how it is to be approached, in my view, is different. So I guess that is the point we are trying to make.

CHAIR: Dr Harding?

DR HARDING: Thank you. One of the points which appear in Mr Bridges' evidence, gives the reference, I guess, to the need for long-term consents, sort of investments in infrastructure and that sort of thing, some of the other submitters to the Board have made comments about lack of scientific certainty, issues such as climate change and that sort of thing. And so there has been some discussion about the need to make sure of the consents. Would you like to make some sort of comment on that?

MR BRIDGES: One of the most interesting aspects of my job is that when we have to renew consents, and we talked to our clients about the size of the bill, I say, "Perhaps if we just hold off" - and I'm not being flippant, sir, I say look, "If we hold off there will be some new technology which will be a silver bullet." I think that the question you are asking sir is - are two different aspects. The first is, yes, there is a lot of uncertainty in terms of what is occurring with climate change, how we are managing emissions and all of those sorts of things. The issue for me when I have to consent something is, what is the best job I can do for my clients to justify that level of investment and get sustainable improvements in environmental outcomes? In my paper I cite the example of Dannevirke's sewerage, and I was engaged in, I think it was in 1998, to start a series of options and issues studies for that. Out of that work, I and my team identified that membranes were an emergent technology. That council could not afford to throw away their investment from their existing pond infrastructure, so we worked through it, and we came up with a hybrid way of incorporating membranes into the solution.

[11.40 am]

The council eventually adopted that and the consent was lodged in 2001. It was granted in 2002. But the council was very clear that unless they were able to get a 25 year consent, they could not justify their investment.

We were able to secure that 25 year consent, and one of the important outcomes of that is that it has created a platform for them now to look at removing the discharge from the waterway completely, and going to land because the membranes off of that - the treatment standard that will meet Fonterra's requirements for going into the food chain.

As we have become more aware of the value of nutrients in that discharge, again it has addressed those issues so effectively we have got a platform which has provided flexibility for future significant improvements. Now that same council was very clear that if they did not get the 25 year consent they would go to plan B, and most likely would have received a 10 or 15 year consent and just kept tinkering with the environmental outcomes.

I say to my clients when they talk about uncertainty, that you have to make the best decision for your community based on the current information. Otherwise you are in deferral, a lot of the time I have got clients that are in that mode and they are very difficult to work with, sir. Does that answer your question?

MR CAMERON: Can I take it one step further, and from a legal point of view I think, in terms of the sorts of discussions Mr Bridges and I would have if we are considering an approach. And I think it is also a discussion that we are trying to, at the moment, tease out in the context of discussions we are having generally with the regional council. And that is, from our perspective, there is a greater value for the reasons that Mr Bridges has really identified in his evidence of long term adaptive consents, then short term bursts of energy that can in fact be short term in their approach, short term in their thinking and which don't in effect, contain within them the ability to invest with certainty, but to build on that investment to achieve longer term environmental benefit such that by, let's say 2035, the

outcomes do reflect the sort of standard which New Zealanders generally expect.

And so, in my view, for the reasons that Mr Bridges has summarised in his evidence, the better approach is longer term adaptive consents. There should be reviews, particularly bearing in mind the purpose of a National Policy Statement such as this, which is to achieve ongoing improvement. But those reviews need to take into account the nature of the investment, and the level of improvement that can and should be contributed to by that particular discharger or take at that particular location, over time, in other words, what improvements within that review process should be occurring to achieve an overall improvement in an integrated way within that catchment? And I think longer term adaptive consents are more likely to achieve that, than the inevitability of intense adversarial contest on a short, let's say, 10 year framework.

I think it would be fair to say, that that is a view that I have formed in recent years, based on recent experience. And I certainly take the view that longer term adaptive consents should reduce the likelihood of short term adversarial interest, and should enhance the likelihood of achieving longer term environmental benefit.

Now, uncertainty about science and so forth, I accept as relevant, but nonetheless can be accommodated and should be capable of being accommodated within the conceptual framework that this policy statement is endeavouring to promote, while at the same time the longer term adaptive consents reflect in my view at least, that approach. I don't know if that helps.

DR HARDING: That is quite a reasonable answer. I guess again, some might say that some longer term consents, the new consents, etc might be

viewed by some clients to be “business as usual” and you are suggesting that longer term adaptive consents is a (inaudible) attitude to take or a better strategy. Would you say in your experience that many of your clients would be much more receptive to the idea of longer term adaptive consents?

MR CAMERON: That is the advice we are giving. It is the advice that certainly I am giving. It is the argument that I daresay we are having with Mr Carlyon in many respects and which we are endeavouring to work through. But yes, I do think that is the approach, but I do accept that from the regional council’s perspective, and I think also from a national perspective, that the key is the nature of an adaptive review process. Now, I accept that. But of course, there are all the legal principles that apply around all of that, that are relevant to that, which I daresay from one perspective, makes it difficult to calibrate how that might work in practice. But in my respectful view, while that is a challenge, we are likely, for the reasons that Mr Bridges has articulated, to achieve our goals much more - I think we are much more likely to achieve our goals, by taking that approach than by taking the short term approach because there will be the reluctance to invest because of the short term approach, that can be I think avoided and at least we can advise realistically around, if we take the longer term adaptive approach.

So again, I emphasise that we are not trying to suggest to our clients, and certainly I don’t suggest to mine. And the regional council needs to understand, and I am sure that it is a useful opportunity for me to say, that they do understand that this is not business as usual, that we actually have to achieve improvement. Ongoing degradation is utterly unacceptable. We have to make progress. The question is how to calibrate that progress across catchments, within catchments and between, and to ensure that that calibration doesn’t create distortions

between communities, in such a way that it is ultimately affecting the overall purpose of the Act in terms of sustainable management. I think I have said something that's, in my view, I feel quite strongly about that, as a submission. But I do think that the art of this is going to be in how we go about this process, in terms of how we calibrate any long term adaptive consents. And I think that is the challenge that we are all going to need to, in this area, at least embrace as we go forward. Now that is my view.

MR BRIDGES: Sir, could I just add a comment please? In terms of, in my paper I have cited the example of central Hawke's Bay where they have been granted a long term consent from Waipukurau and Waipawa. And there are a number of key milestones in there, which is about the progress that have been made to deliver those environmental outcomes. And I have to say that as a practitioner, that is a very effective way in terms of community cost and certainly to progress. And it is encouraging them to make that investment.

[11.50 am]

DR HARDING: Okay. Thank you.

CHAIR: I have thought I would ask a couple of questions, and I thought I have a logical order, but I really think I would like to pick up on the last topic, even though it isn't really a sensible first question. But when you are speaking as you have been about milestones, is that another way of talking about staged improvements? You see when you say milestones, it's a metaphor and sometimes, metaphors aren't the most effective communication. So are we talking about staged improvements?

MR CAMERON: Yes we are. But again, if I can just go to the comparison that I was endeavouring to draw between the catchments within this region and

then to go to the Manawatu directly. The staged improvement of the Manawatu River is one which is difficult because to identify milestones within specific consents, isn't necessarily going to achieve the whole of catchment improvement that is necessary to achieve the 2035 contact recreation standard. The milestones that need to be identified, that need to be applied to the Manawatu catchment require a slightly more refined approach, that is identification of the priorities for improvement within the catchment on a milestone basis. And then the implementation of those priorities, through the processes that are available, and also having regard to funding equity because of the impacts all of this has on communities throughout the catchment. So if I were to compare for example, the milestone approach we have taken in relation to specific point source discharges, let's say at Wanganui, where we had a dreadfully parlous powerless situation in the early 1990s, which has been improved over the last 20 odd years with milestones. They were milestones that could be applied to the specific discharge occurring at that location here, where we are talking about the Manawatu River. We are talking about milestones that need to be applied to the catchment as a whole first, by way of priority in my view, and then implementing that through the catchment, having regard to the consents and the land use, and development that is occurring and inevitably will occur over time. So that's the challenge.

CHAIR: Can the Board think of the milestones as being measurable staged targets? Or perhaps even better than targets, limits?

MR CAMERON: Very interesting question. I think it is much easier to say "yes" in a quite unambiguous way when one is dealing with specific discharges, to a specific environment where plainly that approach can be applied. Again, going to the Manawatu catchment, that can only be achieved if there's a catchment plan that identifies the milestones in relation to all of the considerations that are relevant to achieving improvement over time,

and identifies the priorities relevant to achieving that and how those priorities will be implemented and funded during the period concerned.

CHAIR: Thank you. Now I want to come to - and I am doing the opposite of what I originally intended, I'm going to the more specific to more general now. But I am wanting to come to another thing that you have been urging on us, and others have been too, about communities' limited resources. I made this note from what you were saying earlier. "Advances have to be proportionate to benefits" and then recently, you have used the words "funding equity", I think. And what I am wondering is whether those kind of considerations and measures, while of course they must have some place, are incentives for the denial or deferral approach, and whether they might be ignoring the more intrinsic, or inherent benefits of improvements, things that can't be measured in terms of the economic benefit to a community, but are certainly part of the environmental health of the nation.

MR CAMERON: My response to that is to say, that is a risk that has to be addressed within the process that applies - within the process that is developed, within the framework that this National Policy statement as I see it, proposes. I'm not endeavouring to sidestep the question because I think it's the real conundrum. The conundrum being on the one hand, there is the perception that unless we have specific standards and very rigorous targets, that it will be business as usual, that there will be deferment and that - let's take TRAs for example and let's take the arguments that we hear every day about rates, that just simply means that we won't rate for this. We don't have to worry anymore. Somehow we will back this out. We accept that is not acceptable. We do accept that.

What, on the other hand, we need to ensure is occurring, and I can only do this by practical example - sorry, and I wish to do this by practical

example. I act for the Horowhenua District Council. Foxton lies at the very head of the river. And upstream there are a whole host of discharges both non-point source, and point source occurring. So far as the communities in the lower end of the river are concerned, the investment they might make today won't actually make a blind bit of difference to the water quality of the lower Manawatu, until other concerns are addressed upstream of those communities. It so happens that both of those communities are highly economically challenged.

And so when I am talking about equity and outcomes being proportionate to environmental benefit, what I am submitting is that for example, those communities which effectively receive the pollution or the contaminants of others should not necessarily be the first to resolve their particular discharge issue. What they need to do is to be looking at a process of improvement over time, which reflects the improvement that is occurring within the catchment as a whole over time, so that those communities don't become economically stressed within a narrow band of time, but can achieve an investment over time which will both achieve environmental benefit, and at the same time reflect an environmental benefit for the catchment as a whole, but also an environmental benefit commensurate with their investment as a community within the environment that they occupy. That's the subtlety of it.

[12 pm]

And, in my respectful view, that is why, for example, in a catchment such as the Manawatu, which in my experience at least presents quite a specific suite of difficulties, perhaps similar to those that are being experienced on the Canterbury plains for a different reason. What we are having to do, is to try to achieve an equitable outcome but acknowledging of course, the fact that it cannot be business as usual within this

catchment. We have got to achieve improvement. But it's a question of how we do so, having regard to the very point that Your Honour is making, but while at the same time I think, acknowledging the conundrum that the communities for example, themselves face in terms of the benefit of the investment that they need to make over time. That comes back, I think to the point that I strongly have submitted, and that is part of the reason why long term adaptive consents, and coherent catchment management planning which identifies priorities, is quite critical at the next step down from this National Policy statement process. And I have used the Manawatu as an example of that point in an endeavour, I think, to answer the question by suggesting that "yes" at one level that point can be fairly levelled, in terms of some circumstances, but it doesn't necessarily mean that it can be easily or as readily addressed as I think we were able to address problems with specific problematic discharges, say 15, 20 years ago. I think the issues have become more complex than that now.

CHAIR: Well thank you for that clarification and elaboration.

MR CAMERON: I'm not sure; I hope it has been of some assistance.

CHAIR: I'm sure it is. Thank you. I now want to go to another level of abstraction to the more general contemplation of a National Policy Statement. Because your opening address was to the effect that the National Policy Statement and you were talking in general, cannot be prescriptive as to outcomes. And then you were going on to say that an attempt to be too prescriptive can create a tension in drafting, and of course in application. But the implication seemed to be that a National Policy Statement should be just an overarching policy in the original sense of that word. And my question is not a deep philosophical question, it is a question of law. I suppose on the 1st of October 1991 one might have thought that the word "policy" in the RMA had that meaning. But am I right

in thinking, that within the first decade of the RMA, there was authoritative determinations binding on all who make decisions within the functions of the RMA that the word “policy” can be prescriptive, and can apply at a quite “specific level”, rather than being confined to policy in the original sense.

MR CAMERON: I accept that proposition entirely sir.

CHAIR: But does that apply to a National Policy Statement?

MR CAMERON: Yes it does. But it doesn’t necessarily imply that the answer – I’ll rephrase, it doesn’t necessarily imply that the sort of outcome that one contemplated through those authorities in terms of policy that was developed through Regional Policy Statements and so forth, should necessarily be transposed to the sort of policy detail that on the one hand can be achieved within a regional policy, as opposed to a national policy. It is - I’m not suggesting that it can’t be achieved in some cases.

For example, if we were to develop a National Policy Statement, as some have suggested we should, in relation to wind farms, we might be highly prescriptive about what it is we wish to see occur in relation to policy for wind farms. But I think it is more difficult to achieve that in relation to freshwater management, for the reasons that I have endeavoured to argue. Now I am not suggesting that it can’t be. I do suggest however, that if that is to be done, first, we wouldn’t want to see that dilute the overarching conceptual approach that we have endorsed here. That’s the first point. And the second point is we would want to see such policy be capable of flexible application on a region-by-region basis. So that is the answer.

CHAIR: Yes. All right, well thank you for that. That's cleared up what I think was a misunderstanding on my part.

You see, one does hear suggestions that there might be some parts of the total suite of freshwater in New Zealand that can be abandoned, that ought to be abandoned, in terms of achievement of standards for economic benefits that might be gained in return for that abandonment. And it may be that there needs to be - there could be some reasonably prescriptive elements in a National Policy Statement that might bear on that attitude. It's a bit again, like the denial/deferral attitude, but taking in another level of magnitude, really.

MR CAMERON: I don't disagree, but with respect sir, by the same token, I do have confidence that with the right overarching policy framework, the process of making an overall judgment in the context of specific catchments, and how they might best be managed, can be confidently approached to ensure that the very point of concern isn't unreasonably urged upon a decision maker. Now I accept that that is a concern. I also submit, however, that my clients accept for the purpose of this discussion that that is an unrealistic approach.

[12.10 pm]

CHAIR: It may be unrealistic in their districts. I am not wishing to pick on Foxton, but it was your example. And you quite fairly made the point, should they have to bear a burden, which others in the catchment are not sharing, and you made that very eloquently of course. But we've to avoid a situation, don't we, where it's a chicken and the egg and Foxton does nothing because the people up river do nothing and overall there is no achievement, as far as catchment is concerned.

MR CAMERON: Sir, I agree. And indeed Mr Carlyon and I, no doubt, have strong debate about these issues, but to that extent, I absolutely agree. It's a question of how, though, one identifies priorities and then creates the construct to achieve those priorities in such a way that an inequitable outcome, for example, for the population of Foxton, does not occur. Now to that extent, I have to say that I think that the National Policy Statement such as this, can create a framework to avoid that. By the same token, there may well be arguments that have to be teased out in relation to how priorities are to be implemented in the context of funding, which may mean for example, that we have to look in catchments such as the Manawatu, much more closely as we can, and as the Rating Act permits, at catchment wide rating, to ensure that the overarching structure such as that we are urging upon the Board, can in turn be funded in such a way that the very problem that we are discussing can be avoided. So I am not convinced that it necessarily lies - what I am suggesting is that funding outcomes are an equally significant part of this discussion, as is the structure itself or the construct that we are discussing now.

CHAIR: Well thank you for that. It is not the first time in this sequence of hearings when the potential value of greater integration of the Local Government Act and the RMA has come up.

MR CAMERON: Yes.

CHAIR: The Board has been given as much value I think from the exchanges, that we've been having, even the prepared address and evidence. But overall we have to thank the councils for taking part in the process, both in the original submission, and in the way in which it was couched, and in the presentation today. We thank you both very much.

ADJOURNED [12.14 pm]

Audio file: dpm0119

RESUMED [1.33 pm]

[no audio recording between 1.33 and 1.56 pm]

MS MCGRUDDY: ...we would support that. In order to achieve that I think we need more attention to prioritising the objectives. I suggest that that might mean identifying catchments as a key unit of management as the primary sector water partnership document did. And to make serious progress on complex issues, government is signalling that the partnership approach is the way forward. I don't see that currently in this draft NPS document.

For New Zealand Pork, with significant experience of what it means to be at the sharp end of RMA regulatory processes, our suggestion is that much more serious effort, investment, and resource needs to go into the integrated catchment management approach, to make real progress on water quality.

CHAIR: Thank you. Maybe my colleagues have some questions if you are agreeable and we have reached the stage in your presentation where that is appropriate.

MRS VERNON: Just a point of clarification in your submission under your paragraph titled, "general" you talk about the primary sector water partnership leadership document. And, I just wonder is it a huge document, and whether it is possible to get a copy?

MS MCGRUDDY: Yes, in fact I will leave this with Steve. It is relatively - no, it is not a big document. In fact I think I slipped over a slide where I highlighted key points in this, in essence the key points in this document

and in behind it we have got Federated Farmers, Fonterra, Pork, Sheep and Beef, not actually - Pork a little tidy sector, but we certainly support the essence of it. What this document does is make the very similar statements about partnership, make the very similar statements about sitting down with national and regional government, identifying the priority catchments, and then working with communities in those priority catchments, catchment-by-catchment, to make progress on the ground. Do the first set of catchments, then move on to the next set.

MRS VERNON: So that was a collaborative document (inaudible)?

MS MCGRUDDY: Yes it is. I'll leave this with Steve.

CHAIR: Dr Harding?

DR HARDING: Thanks very much for your presentation. Just sort of an aside, you showed the photo of the buffer strip.

MS MCGRUDDY: Yes.

DR HARDING: How - do you have a set buffer strip width?

MS MCGRUDDY: Most (inaudible) is 20 metres.

DR HARDING: 20 metres?

MS MCGRUDDY: It's fairly standard, yeah.

DR HARDING: So I guess that sort of leads on a little bit to my second question, which is a number of submitters have talked about the idea of best practice or good industry practice --

MS MCGRUDDY: Yes.

DR HARDING: -- and that sort of thing. Does your industry have a set of guidelines of best practice or that sort of thing?

MS MCGRUDDY: Yes.

DR HARDING: And that is quite an extensive thing is it?

MS MCGRUDDY: Yes, there has been 30 years worth of commitment within the industry to developing best practice, so over the course of the last 30 years there have been a series of documents, and publications and road shows, developed by industry and out to producers. And yes, along with all the other industry bodies we have got sets of documents and guidelines which demonstrate good practice. Yes we do.

DR HARDING: And bearing in mind, you have mentioned that you have got a relatively low number of producers.

MS MCGRUDDY: Yes.

DR HARDING: Are those best practices – are farms certified, or what sort of encouragement is there for producers to uptake those practices?

MS MCGRUDDY: In terms of water quality, it's all about manure. And for our industry it's about spreading manure, and probably a key driver here is the fact that pig manure is good fertiliser. So in terms of forcing uptake, ensuring that good practices are happening out there on the ground, there's a really strong economic driver, which dovetails with the environmental imperative.

As far as a formal certification system goes, no, no we don't. And perhaps unlike Fonterra, Fonterra manage the whole value chain, so Fonterra can impose restrictions on picking up milk. The New Zealand pork industry, the value chain is not integrated all the way through, so our piece of the game is the farm. So if where you are going is "What if they're not performing out there", then perhaps whatever -

DR HARDING: I'm not necessarily implying that. I'm just - you know, a number of submitters have brought up this - focused on this area, of best practice and that sort of thing and I'm just trying to get a feel for what sort of systems you have to encourage best practice, whether you know that 99% of your producers are doing this, or whether it's just left up to each department.

MS MCGRUDDY: Yeah, okay. Well perhaps the Sustainable Farming Fund Stewardship project that we have got on the go currently, is an example of how we do support and encourage best practice. And that is where we took the 10, we have been out to talk to the 10, we have taken the photos, we got the stories, and then we have just very recently run the regional seminar series at Canterbury, Manawatu, Waikato, where the producers are standing up in front of PowerPoints of their own farms, and talking about how they are managing their farms, how they are managing manure and what they are doing in terms of environmental programs.

The advantage of course always, of that type of approach is that other producers will be much more likely to pay attention to their own peers, and much more likely to take on board good ideas that their own peers are implementing, than someone waving at them with a finger.

So that is part of it. The farms that we have been on, obviously we have selected good quality operators. Are they the cream of the crop or reasonably representative? I think they are reasonably representative of the industry. The bell shaped curve applies to all these matters. You've always got 10% of your operators who are at the top end of the game, at the front end, industry or council or anybody else, it doesn't need to do anything with those guys. They are always at the front end of the game. There is always, maybe it's 10% lagging behind, for whatever reason. In my view, the area that's most at issue is the 80% in the middle. And these are just good, hardworking guy's who have been in the game probably for quite some time, who are doing their best, can't do everything all at once. Those are the guys who the target for any initiatives, be they industry, council or government-led NPSs. It's those guys in the middle, the 80% I think is the real target. Not a superstructure of rules to catch the 10%, but working alongside these guys who are well-meaning, hard working, not doing everything perfectly all the time, but systematically making progress.

DR HARDING: You have talked quite a bit about the manure, the dry waste product. What about the wet?

MS MCGRUDDY: May I just correct that list waste (inaudible) – manure.

DR HARDING: Right. What about the wet side of things? You showed a settling pond there with methane coming off and that sort of thing.

MS MCGRUDDY: Broadly three options. So as manure comes out of the shed, it - just very briefly, pig manure we can do in a number of different ways. If it is in the shed then it will either be on a (inaudible) system, straw or sawdust, so it will come out of the shed semi-composted in a solid form. Or we are on a static floor type system, and the liquid manure is dropping out from under, in a slurry form. Now in that slurry form, it is either going

To be read in conjunction with
the tabled evidence/statement

directly out onto the paddock fresh, and the advantage of that is that it retains all its nutrients. The minute you start handling or storing manure, you are losing "N", you are losing nitrogen. So it is either going out fresh as slurry, or it is going through a solid separator, with the solids going this way and the liquid going - and you put it through the solid separator, then you are much less likely to get blockages in your irrigation line.

Irrigating the liquefaction out to pasture, or it's going into a pond and being stored, and held up over winter, preliminary to pumping it back out over summer.

DR HARDING: So it's pumped out, so is it treated in the same way that dairy -

MS MCGRUDDY: Very, very similar, and in fact a lot of our guys are pigs plus dairy. Exactly the same sort of principal.

[2 pm]

CHAIR: Thank you. I just understood from my colleague's question and your answer to it, that your Board is concerned with the producers only, and so am I right in understanding that the processing industry, the industry that processes pig meat is outside your purview all together?

MS MCGRUDDY: Not totally outside the purview. I mean obviously there are relationships there - and within the industry, there are producers who are involved with value add activities down the track. But yes, in the first instance the New Zealand Pork Industry Board is a levy-funded organisation, and it's gone pork producers. That is correct.

CHAIR: Thank you. Now this Board, whose task is to look at the proposed NPS, look at its contents, and consider the submissions, and see what

improvements can be made to the contents. So when you present the values, and perhaps comparative value of other kinds of processes, all we can say is, "That's very interesting but that's outside our purview." Because what we are to do, is to improve this document, and not to decide that this doesn't need to be had at all, or that some other way should be found. So I just want you to understand that to the extent that you were advocating other ways of approaching these problems, we'll just say, "Well that's very interesting, but it doesn't bear on what we have to do".

[2.10pm]

MS MCGRUDDY: Perhaps I didn't quite explain myself as well as I should have.

I see the potential for the National Policy Statement to help improve - the intention of it is to give more leadership and clarity and direction to councils. And councils are all independently and currently working away, doing their best and may or may not be making quite the progress that everybody hopes.

The opportunity is for the NPS to improve the clarity and discipline and prioritisation of effort which councils apply to the task. That as I understand, is the intention of it. That I would very much support, given our experience in how it is operating currently, but to deliver on some improved outcomes, to deliver on that clarity and leadership. I think it needs to be tightened up. I think it needs to be firm on priorities, and I think it needs to really address the question of "Is it going to be done in a partnership model?"

CHAIR: All of that except for the last two or three words is of course, what we are aiming to do as well. And thank you for that. Partnership model

sounds like it is getting beyond the scope of the RMA kind of process that we are concerned with. But of course we take notice of what you say.

And then finally in your recommendation, of which we thank you, you recommend that the Policy Statement be substantially restructured. We understand that clearly, and all of the preceding pages identifying areas where you say it should be restructured.

And then you say preliminary to seeking further public submissions. And I am obliged to say to you that that is not something that we can give you. Our job is to do exactly what the process calls for, to consider all of the submissions, and to make a report with recommendations about improvements, we (inaudible) the proposed statement to the Minister and to the Government, and it's not for us to say we should be seeking any further submissions.

MS MCGRUDDY: I understand.

CHAIR: All right. Can we say thank you very much for this illumination about the nature of the industry that you are representing, and your submissions on it?

MS MCGRUDDY: Thank you very much.

CHAIR: Now we have much pleasure in considering the submission of the Whanganui River Māori Trust Board. And we are really looking forward to the presentation that we have on that submission. And we understand that you are Ms Tuaine, is that right?

MS TUAINÉ: Yes, Ms Tuaine.

CHAIR: Ms Tuaine, thank you and welcome. Thank you very much for coming. And you can present just as you would like to do, and we will be listening closely and of course, looking as well.

MS TUAINÉ: Kia ora. (Mihi in Māori). So after my little mihi to you, so my name's Nancy and I am the manager of the Whanganui River Māori Trust Board and prepared the submission on the NPS for Freshwater. But I've come here today really to reinforce our relationship with the awa and to show you the background behind I suppose who we are and that relationship in support of our submission. So I've just prepared a little PowerPoint.

So the role of the Trust Board, the Trust Board was enacted in 1988 and in addition to the normal Māori Trust Board functions the Board was given the role to negotiate from time to time with Government or any Body or authority concerned for the settlement of outstanding claims relating to the customary rights and usages of Te Iwi o Whanganui or any particular hapu, whanau or group in respect of the Whanganui River, including the bed of the river, its minerals, its water and its fish.

So I really wanted to set a background for you in terms of our history of the people in the awa, so I hope you don't mind.

CHAIR: No, we're interested to hear what you'd like to tell us.

MS TUAINÉ: That's good. So you'll see here, this is a map – two maps, the one on the left-hand side, that's the map around tribal rohe, so it starts down the bottom here - oh actually it begins up here (inaudible). The source of our awa comes off Tongariro and it goes through to Taumaranui right down to Whanganui. So traditionally there were 138 marae that were within the region of our iwi and those are represented by all of those dots. So you'll see all of these dots are along the breadth of the awa and these ones based around the mahinga.

I've included here also that is a map of the alienation of our land blocks and I've put that in really to show you the extent to which we've been impacted on as a people in terms of decision making over our own land. But you can reflect on that. Most of that area in pink is the land acquired by the Crown; most of that is under claim and recently we've been heard in two inquiry districts, the National Park Inquiry District that heard claims around this area and then the Whanganui Land Inquiry District that heard claims throughout the whole of the rest of the river in terms of the land.

So just a little bit of history about our people and their I suppose interaction with authorities in relation to the river. Right back in 1849 was the first piece of I suppose legislative recognition to Whanganui iwi in relation to their eel fishing rights. But in terms of our first attempt to address our decision making and rights and interests in relation to the river was in 1886 when 501 of our iwi members petitioned the government regarding the destruction of our eel weirs along the awa. As we come down from 1895 to about 1948 many of our ancestors, our tikanga, worked through a number of petitions, court proceedings and appeals in respect of the Whanganui River. And in 1988 the Whanganui River Māori Trust Board was established to negotiate, hopefully, still doing that, for the settlement of the Whanganui River Train. Which in 1994 was presented before the Waitangi Tribunal.

So our people have presented their river claim separate from our land claim and the reason that they did that was because they see the river as something that joins us all together, it is something that flows from the top to the bottom. Whereas our land is owned specifically in some cases by whanau or collective of hapu and some pieces in, you know, by just I suppose individual whanau. So, they saw the river as being the most important factor to us as a people, the most important thing to be settled in terms of our future moving forward. So they went off and did that.

[2.20 pm]

We signed terms of negotiations in respect of that with the Labour Government in 2003 and those really stymied in 2005 and National has - the National government has picked up on those and have agreed to recommence those with us this year.

And I've also put there - and Tena Koe to you Mr Prime, Whanganui iwi, as you will know, have had a continuation of litigation in respect of a 35 year resource consent by Genesis Regional Council - I mean, by - provided by Horizons Regional Council to Genesis in relation to the Tongariro Power Development Scheme.

So we know very well some of the issues in relation to the term of resource consents and been through the whole process of the Environment Court, two High Courts, recently decision from the Court of Appeal has seen us apply to the Supreme Court.

But in clarifying that, I should mention that we've come a long way in terms of our relationship as two parties to that process and we are at the moment working through the, I suppose, meeting of the minds concept

that the Environment Court gave in their ruling as a way for us to move forward. So I mean, that's hopefully something that we're going to resolve outside of the Court process and we're working hard to do that. But I think it was necessary to give some history to processes that we've been engaged with over a number of years.

So really, it's just a really short presentation and our submission is really short too, and the submission really it supports - the Trust Board and our iwi definitely support the need to manage New Zealand's freshwater better. We reinforce the input that the Māori Reference Group has provided in the development of the NPS and many of the specific provisions in our submission were ones that the Māori Reference Group put forward in the development of the NPS, so we included them to just reinforce that we are behind those - that input a hundred percent.

I suppose the point that the Trust Board wants to make is that we seek greater connectedness in freshwater management; that includes understanding the nature and extent of freshwater resources, improving the impacts of land use on our freshwater and greater analysis of appropriate water uses.

And finally, the Trust Board really wants to confirm the right of tangata whenua to be engaged in all levels of decision making in regards to their freshwater resources. In our case Whanganui Iwi has maintained the uninterrupted occupancy of its lands and waters prior to and since the Treaty of Waitangi in 1840.

The National Policy Statement for Freshwater Management needs to provide for distinctive relationships such as ours and ensure that we are decision/policy makers and not submitters to a process where others make the decision for us.

In this case, decisions that involve one of our most significant taonga, freshwater in the Whanganui river catchment.

And so I'm kind of - just before I finish, I'm glad that I came today because I've been able to listen to the people before me and I reflect, I suppose, on the analysis provided this morning on the differences in the catchment.

And we agree about that, that there are different catchments have different needs that they are servicing and we want, in terms of our catchment, in terms of the Whanganui River, we want those needs to be - those needs to be considered in terms of our environment and what's happening in our region. But we need to have that reinforced by something that is centrally driven. So I'm not sure how you do that, but right now as it is we don't really have any say because we don't have the resources to participate in decision making process. The One Plan will come out to us - there's two full time people in my office, plus two part time people in my office. But in terms of working through that document and many others that we have passed by us as a Tribe it's just - we just don't have the capacity. So if we're going to be truly participating in a process - planning process in relation to our waterways, we need the regional authority to be able to resource or assist with our participation.

I don't think that's within your scope, but I'm just trying to present some of the realities that we have in terms of participating in planning processes.

But also, we do need a centralised, I suppose, value system as a country that's probably what we support the most. Maybe the decisions are made regionally, but we still need some strength provided from the central government about who's values they have to take into consideration and how they incorporate those into their work and that it's not just based on that particular policy writer's opinion on what he needs to consider. So, I don't know if you get what I'm trying to say?

CHAIR: I think we can congratulate you for being able to say what it is quite clearly so that we can immediately understand it, it doesn't need lots of pages. It's entirely clear and thank you very much for coming to tell us that. Now, my colleagues and I may have one or two questions if you would allow us to ask some of you?

MS TUAINE: I hope I can, yeah.

CHAIR: Thank you. And I'd like to invite Mr Prime first if he has any questions?

MR PRIME: Yes thank you sir. Thank you for your presentation. I just want to refer first to your submission on – it's number 5(b) of your submission and right at the end of it at the second page you talk about wanting the water to exceed swimmable standards. Are you able to elaborate a bit more on that?

MS TUAINE: Well when I showed this to our Chairman and he said that - and he's no scientist, so swimmable might be drinkable, but at number 12 he said that it needs to be more than swimmable, it needs to be drinkable.

MR PRIME: Oh yes.

MS TUAINE: I thought they went down the same channel if you choked, but I don't know, he just wanted me to reinforce the fact that it needed to be drinkable.

MR PRIME: Thank you. I also wanted to tease out the better understanding of when you refer to tangata whenua or hapu or iwi, do you see a difference? Is there a difference between those terms?

MS TUAINE: I suppose when I referred to tangata whenua I was referring particularly in our case to the relationship as people of the land. And when I referred to iwi and hapu, I suppose I'm referring more to the collectives that they form and their responsibilities. They're interrelated, yeah.

[2.30 pm]

MR PRIME: So when you gave that map with the 138 marae you would consider where those dots would be tangata whenua would be occupants where those dots are?

MS TUAINE: Where they maintained - yeah.

MR PRIME: Yeah, occupancy on where they stayed on the land.

MS TUAINE: Where they maintain that ahika (ph), where they're living right there. Whereas you know, we might have housing or whanau all around that, that form a hapu and then totally through the awa, but I was reflecting to those that maintain those relationships every day.

MR PRIME: So the hapu could be included in a number of those dots?

MS TUAINE: Yeah, definitely.

MR PRIME: So a number of marae a number of tangata whenua collective could make up a hapu?

MS TUAINE: Yeah.

MR PRIME: And when you referred to iwi, are you talking about everything within that green on the map or?

MS TUAINE: Yeah, that whole green - light green shade.

MR PRIME: With the dark green on the white blank at the bottom?

MS TUAINE: Yes.

MR PRIME: Thank you. Your presentation actually answered my other question I had from this submission, so thank you very much for that.

MS TUAINE: Thank you.

MRS VERNON: Just to compliment you on your frank last statement that you made of the value system and we do understand, so thank you.

DR HARDING: I think most of the points have been covered, although I was just wondering in your original submission on the second page there, it talks about policy 4(d) and you've suggested deleting the including electricity generation. And looking at my version, it doesn't actually have the electricity generation on it?

MS TUAINÉ: No so when I – when – so, what I'm referring to there is the work that actually occurred, so it's really just supporting that that was actually taken out - probably shouldn't have had that in there, yeah.

DR HARDING: Was there a particular reason why you wanted an electricity - not that it is in there, but that you did want it taken out?

MS TUAINÉ: Why that we wanted it taken out? Oh, in our particular case that's been our biggest I suppose competing value, is the value of electricity to the country and the value of our water to us as a people. Particularly in our case where our water's taken out of our system, like it doesn't mean that we are against electricity, but we are against the fact that our waters not sustaining us any longer, it's sustaining somebody else.

DR HARDING: So the previous presentee you probably heard talking about - asked us to think about priorities and I guess that begs the question of what your priorities are for your group, would you like to comment on that?

MS TUAINÉ: Well our first priority is the well being of the river. As a river people we have had an interconnectedness that says if the river is well we are well. So whilst it may not be termed "environmental goal", it could be seen to be one, but it's far greater than that in its true essence, but yeah I was really interested in terms of priorities, because at the end of the day our cultural values and one of which is the river's well being has always been

secondary to economic values. And I was more interested by her term “partnership”.

DR HARDING: Right. Thank you very much.

CHAIR: Now I do have a question about the original submission. Because what paragraph 2 says is that the approach has been piecemeal and will place tangata whenua under considerable stress to meet the demands and separate standards such as, and then you’ve got four examples. And number (d) is electricity transmission.

MS TUAINÉ: Yeah.

CHAIR: Now I know all - or I don’t know all about, but I’m certainly quite familiar with the points you’ve been repeating a moment or two ago in response to my colleague’s question about how some of the water of your awa is taken out for electricity generation. And I’ve had something to do with that in the past as well, and so has Mr Prime more recently. And I had thought that perhaps you would be talking about electricity generation here in item (d), but in fact you’re talking about electricity transmission. Which sometimes means the power lines on pylons that take the electricity from where it’s generated to the towns or cities where it’s used. Now which of those are you really referring to here in 2(d)?

MR TUAINÉ: What I was referring to then were all of the streams of properties that the government was undertaking at the time when they released the NPS. So we had all these four things to comment on at the time, they were all going out and processes of engagement.

CHAIR: Oh thank you very much, yes I know exactly what you’re saying now, I don’t know why I was so slow to capture what you were talking about, but you were concerned with the National Policy Statement on Electricity Transmission, of course you were, and you’ve used exactly the right word and I apologise for being slow about it.

MS TUAINE: No, that's okay.

CHAIR: What I would like you to do is to take back to your people the gratitude of the Members of this Board for sending you to come and present your submission today; that's been very helpful to us and we're grateful to you and thank you for coming.

MS TUAINE: Thank you Judge I just wanted to say I'm not here by myself because they don't think it's important, but I'm here because they're all busy, but we also had a runanga where I presented all of this stuff around water to them and they were happy to see that we were just in there.

CHAIR: Well they were right to trust you to do it.

MS TUAINE: Thank you.

ADJOURNED [2.37 pm]