

Further submissions in support of, or in opposition to, submissions on the publicly notified Proposed National Policy Statement on Freshwater Management

TO:

The Chairperson
Board of Inquiry

FURTHER SUBMISSIONS ON:

Proposed National Policy Statement on Freshwater Management

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Submitter Number	Name of Submitter	Particular parts submitted on	Position	Reasons for support / opposition
3	Selwyn District Council	Objective 1	Oppose in part	That part of the relief that seeks to prioritise water is opposed on the grounds that the order of priority requires further refinement. There needs to be differentiation in policy as between those resources that are already over allocated and those that are not. For example, it may not be appropriate to provide priority for the drinking needs of animals in the situation where to do so may derogate from existing consents.
3	Selwyn District Council	Policy 2	Support In Part	The relief in relation to Policy 2 (c) (ii) is supported. It is important that investors have certainty and security in relation to resource consents. This is consistent with the principle of sustainable management.
4	Renouf, David	Whole Document	Oppose	The relief sought in relation to Environment Court Decision No.A123/2008 (Waikato Regional Plan Variation 5 - Lake Taupo Catchment) is opposed. That decision is a site specific decision that was not intended to set a precedent for use outside of the Taupo catchment. It is not appropriate to allow regional councils to set stock limits, set baselines for nitrogen in specific catchments, and restrict nitrogen discharges from rural land uses by capping levels on the basis of the decision in question. Such relief is inappropriate and unnecessary.
5	Environment Canterbury	Objective 6	Oppose in part	The amendments to Objective 6 which seek to review consent conditions and consent duration are opposed where the consent does not provide for the ability to review the quantity of water allocated. To review a consent on any other basis undermines the security and certainty required for investment and is inconsistent with the principle of sustainable management.
5	Environment Canterbury	Whole Document	Oppose in part	The proposed new term in relation to "Land Use Development" is opposed for the reasons set out in Carter Holt Harvey Ltd's submissions.
5	Environment Canterbury	Policy 4	Oppose in part	The relief sought to delete Policy 4(c) is opposed. This is the first reference in the NPS to the needs of primary and secondary industry and should be retained in order to ensure that the principle of sustainable management is achieved.
6	Graeme, Meg	Whole Document	Oppose	The relief sought is inconsistent with Section 6(a) and Part II of the RMA.

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11	Local Government New Zealand	Whole Document	Oppose	The submission and rewrite of the NPS as a whole is opposed. In particular, the criteria for determining outstanding freshwater resources are inappropriate, unreasonable and inconsistent with the principle of sustainable management. The submitter uses the existence of particular types of vegetation to value the nature of the water resource. For example, it is not necessarily the case that indigenous vegetation confers outstanding water quality. The criteria would potentially identify a large number of water ways as outstanding.
15	South Waikato District Council	Whole Document	Support	The relief sought is supported in relation to the failure of The National Policy Statement to address cumulative effects associated with permitted activities for the reasons set out in the submission and on the further grounds that the relief sought is inconsistent with the provisions of the RMA.
16	Otago Regional Council	Whole Document	Oppose	To review a consent on any other basis than as provided for by s128 undermines the security and certainty required for investment and is inconsistent with the principle of sustainable management.
18	Ngati Awa & Mataatua Assembly	Policy 1	Oppose	The relief sought is opposed on the grounds that it is inconsistent with the provisions of the RMA. The Act does not create a dual assessment basis except in those situations where joint authority has been established.
18	Ngati Awa & Mataatua Assembly	Policy 2	Oppose	The relief sought is opposed on the grounds that it is inconsistent with the provisions of the RMA. The Act does not create a dual assessment basis except in those situations where joint authority has been established.
18	Ngati Awa & Mataatua Assembly	Policy 3	Oppose	The relief sought is opposed on the grounds that it is inconsistent with the provisions of the RMA. The Act does not create a dual assessment basis except in those situations where joint authority has been established.
18	Ngati Awa & Mataatua Assembly	Policy 4	Oppose	The relief sought is opposed on the grounds that it is inconsistent with the provisions of the RMA. The Act does not create a dual assessment basis except in those situations where joint authority has been established.
18	Ngati Awa & Mataatua Assembly	Policy 6	Oppose	The relief sought is opposed on the grounds that it is inconsistent with the provisions of the RMA. The Act does not create a dual assessment basis except in those situations where joint authority has been established.
20	New Zealand Freshwater Sciences Society	Whole Document	Support	Policies 1 and 2: The relief is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA..
22	West Coast Regional Council	Whole Document	Support	The relief is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the

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				RMA..
25	Major Electricity User's Group	Whole Document	Support	The relief is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.
36	Environment Waikato		Oppose in part	That part of the relief that seeks to prioritise water is opposed on the grounds that the order of priority requires further refinement. There needs to be differentiation in policy as between those resources that are already over allocated and those that are not. For example, it may not be appropriate to provide priority for the drinking needs of animals in the situation where to do so may derogate from existing consents.
36	Environment Waikato	Objective 3	Oppose	The relief sought by the submitter is inappropriate, unreasonable and inconsistent with the purpose of the Act. It would fail a cost benefit analysis. The costs of remediation and enhancement of waterways would need to be borne by Central Government if this were to occur.
36	Environment Waikato		Oppose	The relief sought by the submitter seeking to have regional councils prioritise the use of water is opposed to the extent that the NPS represents an opportunity to provide a consistent and nationalised approach to freshwater management that does not have to deal with (and should not deal with) notional regional boundaries.
39	Waimakariri District Council	Policy 1	Support	Policy 1(a): The relief sought in relation to the definition of ephemeral stream is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.
39	Waimakariri District Council	Policy 2	Support	Use of the term "industry good practice and technology" in Policy 2(1) and "industry good practice" in Policies 5(b) and 6: The relief sought is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.
42	New Zealand Conservation Authority	Policy 2	Oppose	The requirements outlined in Policies 2 and 3: The relief sought is opposed as it is inconsistent with the provisions of the RMA. S 128(1) does not allow for consents to be retrospectively amended unless the consent already provides of reviews in a manner consistent with s128(1).
44	Clutha District Council	Whole Document	Support	The submitter seeks that the NPS be put on hold until the RMA changes are in place. The relief is supported as this will be more efficient and likely to ensure consistency.

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48	Wairakei Pastoral Ltd	Definition	Support	The relief sought in relation to the definition "Consumptive Use" is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.
50	Watercare Services Ltd	Objective 3	Support in part	The relief sought in relation to Objective 3 is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.
63	Greater Wellington Regional Council	Whole Document	Oppose	The definition of water body is too broad and is inappropriate for inclusion within an NPS. An NPS needs to provide appropriate and consistent direction. Referring to the generic term "water body" as defined by the RMA will not achieve this.
64	Hancock Forest Management	Objective 3	Support	The relief sought in relation to Objective 3 is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.
65	Franklin District Council	Policy 1	Support in part	The suggestion that the NPS initially restrict its scope to significant water bodies is supported as logical and cost effective. There is no reason why the NPS should not adopt a staged approach.
66	Metrowater	Whole Document	Oppose	The relief sought which seeks to "Redraft the NPS to require amendments to Section 30 and 31 of the RMA to give territorial authorities the legislative mandate to manage all aspects of land use development" is beyond the scope of the NPS and is unreasonable and inappropriate.
66	Metrowater	Whole Document	Support in part	The relief sought seeking that the NPS provide clear direction on national priorities and approach to balancing competing values when there are conflicts between values and uses is supported as necessary and appropriate. It is important that the NPS provides clear centralised direction to avoid inconsistent, cost effective and efficient approaches to water management.
68	Solid Energy Coals of New Zealand	Whole Document	Support	The relief sought seeking that the purpose of the proposed NPS be clarified is supported for the reasons set out in the submission.
68	Solid Energy Coals of New Zealand	Objective 4	Support	The relief sought in relation to Objective 4 is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.

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68	Solid Energy Coals of New Zealand	Policy 1	Support In part	The relief that seeks to "Ensure Freshwater Quality Standard and Environmental Flows and Water Levels are set within the context of the stream type, stream classification and takes into account natural variation and surrounding land use" is supported as appropriate, reasonable and consistent with the provisions of the RMA.
68	Solid Energy Coals of New Zealand	Policy 1	Support	The relief that seeks to "Amend Policy 1(g) to direct regional councils and territorial local authorities that consumptive uses can be maintained during times of low flow, when it can be shown that instream values can still be sustained and the effect on non-consumptive uses are no more than minor" is supported for the reasons set out in the submission and on the further grounds that it is consistent with the provisions of the RMA.
68	Solid Energy Coals of New Zealand	Policy 2	Support	The relief that seeks to "Amend Policy 2 (c)(iii)(A) to recognise that conditions on consent holders should relate to real observed effects, rather than the maintenance of a water quality standard alone and that minor short term impacts to water quality do not necessarily cause the degradation of the quality of Freshwater Resources." is supported for the reasons set out in the submission and on the further grounds that it is consistent with the provisions of the RMA.
68	Solid Energy Coals of New Zealand	Policy 3	Support	The relief sought in relation to Policy 3 is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.
77	Simon Berry Environmental Law	Policy 6	Support	The relief sought in relation to Policy 6 is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.
88	Federated Farmers of New Zealand Inc	Whole Document	Support	The relief sought to: "- Amend Policy 5 to focus on the effects of land use activities rather than land use itself. - Amend Policy 6 to focus on the effects of land use activities rather than land use itself."
88	Federated Farmers of New Zealand Inc	Policy 1	Support	is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA. The relief sought in relation to Policy 1 is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.

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88	Federated Farmers of New Zealand Inc	Policy 2	Support	The relief sought in relation to Policy 2 is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.
88	Federated Farmers of New Zealand Inc	Policy 3	Support	The relief sought in relation to Policy 3 is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.
89	Resource Management Law Association	Policy 1	Support in part	The relief sought in relation to seeking that policies address the adverse effects of existing land use activities is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.
89	Resource Management Law Association	Policy 1	Support	The relief sought seeking that the NPS should contain provisions that assist in the interpretation of section 70 of the Act is supported for the reasons set out in the submission.
89	Resource Management Law Association	Policy 3	Support	The relief sought in relation to seeking that jurisdictional issues be considered to avoid future challenges is supported for the reasons set out in the submission.
89	Resource Management Law Association	Policy 5	Oppose	The relief sought in relation to Policy 5 is supported for the reasons set out in the submission.
93	King Country Energy	Objective 7	Support	The relief sought in relation to Objective 7 is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.
93	King Country Energy	Whole Document	Support	The relief that seeks to "Recognise and provide for the value of existing investment and the principle of non-derogation." is supported for the reasons set out in the submission and because it is an important principle on which investment is based.
101	NIWA	Policy 1	Support in part	That part of the relief sought which relates to the development of measurable standards for water quality is supported for the reasons set out in the submission and because it is consistent with the provisions of the RMA, in particular s70.
104	Manawatu, Tararua & Horowhenua District Council	Objective 4	Support	The relief sought in relation to Objective 4 is supported for the reasons set out in the submission and on the grounds that the RMA adopts an effects based approach to the management of resources.
106	Dairy New Zealand	Whole Document	Support	The relief sought in relation to the document as a whole is supported for the reasons set out in the submission.

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108	Meridian Energy		Support	The relief sought "That the NPS clearly articulate the need to protect existing consent holders' rights to take, use, divert or dam water, or discharge into water, which will also be consistent with section 7(b) of the RMA." is supported for the reasons set out in the submission.
113	Fonterra Cooperative Group Limited	Whole Document	Support	The relief sought that: "The NPS should support increased efficiency of water use (across water users and by individual water user groups) as well as the development of infrastructure that provides for better use of water resources that are currently not suitable for use. Examples of this includes providing for a policy and regulatory environment that: - Allows for transfer of water resources between users in an efficient manner; - Encourages efficient use of water for municipal supply, power generation and irrigation etc; and - Recognises and supports greater use of water harvesting, storage and transfer." is supported for the reasons set out in the submission.
113	Fonterra Cooperative Group Limited	Objective 5	Support In Part	The relief sought in relation to Objective 5 is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.
125	Contact Energy Ltd	Whole Document	Support	The relief sought that "The submitter is generally supportive of the government's efforts, but has overall concerns with the drafting and layout, and states that it does not seem well integrated into the proposed wider government policy on water management and energy issues. The submitter states that the NPS should be a high level policy document providing guidance and currently lacks supporting rationale and is not aligned with other documents e.g. NPS for Freshwater Management. The submitter states that the overall policy framework for fresh water management should be carefully constructed and internally consistent." is supported for the reasons set out in the submission.
125	Contact Energy Ltd	Objective 8	Supports	The relief sought in relation to Objective 8 is supported for the reasons set out in the submission and on the grounds that it is consistent with the purpose and principles of the RMA.
126	Raukawa Trust Board	Whole Document	Oppose in part	The relief sought which seeks preferential allocation for iwi is opposed as it is not provided for within current legislation and is otherwise inconsistent with the purpose and principles of the RMA.

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129	Tainui - Waikato Taupatu Trustee Company Ltd	Whole Document	Oppose	The relief sought which reflects new objectives (a) to (h) is opposed. It prioritises restoration and protection of the Waikato River above other waterways and is a matter, that if appropriate, should be addressed at a regional level. Further, the relief sought fails to take into account the overall purpose of the RMA.
134	Ecologic Foundation	Whole Document	Support In Part	The relief sought which seeks the introduction of the term "Protracted Polluted Status" and its associated definition is supported. The term appropriately acknowledges that individuals cannot be expected to improve water quality status without significant cost and the potential to render land incapable of reasonable use.

Carter Holt Harvey Limited wishes to be heard in relation to its further submissions.

If others make similar submissions Carter Holt Harvey Limited would consider presenting a joint case with them at any hearing.

Dated this 9th day of April 2009

Signed:

Murray Parrish
On behalf of
Carter Holt Harvey Limited