

90-104



IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an Inquiry concerning the Proposed National Policy Statement for Freshwater Management

**SUBMISSION ON PROPOSED NATIONAL POLICY STATEMENT FOR FRESHWATER
MANAGEMENT**

**BROOKFIELDS
LAWYERS**

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TO: The Chairperson
Board of Inquiry

1. This is a submission on the Proposed National Policy Statement for Freshwater Management. The submitter is the Manawatu, Tararua and Horowhenua District Council's.

2. The specific provisions of the Proposal that the submission relates to are:

- Preamble

The submitter generally supports the text of the preamble and in particular the timeframe identified to achieve the water quality sought i.e. 2035. It is noted that the use of the term 'swimmable' could be confusing and the phrase 'contact recreation standards' may be better understood and should be applied consistently. It is understood that the intent of the policy is that freshwater resources are safe for swimming where they are used or likely to be used for that purpose and a direct statement to this effect should be included in the preamble.

- Purpose

Submission: this is supported by the submitter.

Reasons for submission: the purpose specifically acknowledges the fact that the proposed NPS contains interrelated objectives and policies that must be integrated to achieve the purpose of the Act. This submitter has water takes and various discharges of treated sewage (in particular but not exclusively) to the Manawatu River Catchment and acknowledges that it is desirable for the water quality of the water resources in the catchment to be improved. However the cost to the communities concerned and their overall social, economic and cultural wellbeing and their health and safety will be dependant upon 'a whole of catchment' approach being applied to the management of these activities. The avoidance of arbitrary outcomes and arbitrary standards having regard to the location of those activities and their effects on the environment is fundamental to an equitable and environmentally appropriate approach to the ongoing improvement to the water quality of this catchment as a whole. The economic utility of any investment required having regard to other point source and non-point source discharges must be carefully considered when the nature and timing of any upgrades to existing

infrastructure is considered. It is understood that the purpose of the document reflects these interrelated considerations which must be integrated in any overall judgment required to achieve the purpose of the Act.

- Objective 1: this is generally supported by the submitter.
Reasons for Submission: same as for purpose above.

- Objective 2: this is generally supported by the submitter.
Reasons for Submission: same as for purpose above although it is submitted that the thrust of this objective appears to be directed at future development and it should also apply to existing communities and the investment they are required to make in infrastructure for the supply, storage and distribution of freshwater. This is particularly important in the circumstances applicable to the Manawatu River Catchment where the investment by one community may be rendered ineffective by the lack of timely or appropriate investment by another point source discharge and/or by ongoing non-point source discharges. This emphasises the need for a whole of catchment approach to water quality management if this objective is to be achieved in circumstances such as that applicable to the Manawatu River Catchment.

- Objective 3: this is generally supported by the submitter however the use of the word 'appropriate' needs to be clarified.
Reasons for Submission: the term 'appropriate' could be interpreted to mean only those freshwater resources with 'notable values' or outstanding freshwater resources as otherwise defined. It could also mean freshwater which could potentially be used for swimming or which is presently used for swimming (contact recreation). This needs to be clarified having regard to the need for a hierarchy of outcomes having regard to activities occurring in that part of the catchment generally (including existing discharges and consumptive uses).

- Objective 4: this is generally supported by the submitter however the use of the word 'inappropriate' needs to be clarified.
Reasons for Submission: as territorial authorities the submitter is concerned to ensure that these values are appropriately recognised but the concerns raised in relation to the previous objective are repeated. A focus on the

effects of activities rather than the activities themselves may assist to achieve an enhanced clarity.

- Objective 5: this is supported by the submitter.
Reasons for Submission: as territorial authorities the submitter is concerned to ensure that the water quality of the Manawatu catchment is not further degraded as they continue to implement improvements to their infrastructure over time to address the need for ongoing improvement.
- Objective 6: this is generally supported by the submitter.
Reasons for Submission: the submitter is concerned to ensure that existing community water supplies are in no way compromised by alternative demands and this needs to be appropriately addressed when determining what constitutes an 'available supply of freshwater' (including due regard being given to potential future demand from growth).
- Objective 7: this is supported by the submitter.
Reasons for Submissions: the submitter understands that the objective as presently drafted contemplates both technical and allocative efficiency. This ensures that maximum benefit will be derived by the community.
- Policy 1: this is generally supported by the submitter.
Reasons for Submission: the submitter is concerned that by identifying notable values including the potential values of outstanding freshwater resources and any degraded freshwater resources that the document as a whole will be applied in such a way that a hierarchy of outcomes having regard to activities occurring throughout the catchment will be established. Contact recreation may not be achievable in each and every location. The submitter strongly supports the contents of paragraph (i) of this policy and in particular the need for certainty for communities, priority for reasonably foreseeable domestic water supply, efficient freshwater use including the transferability of resource consents where appropriate. The submitter further strongly supports paragraph (j) and in particular the need to encourage coordination and sequencing of infrastructure for supply, storage and distribution of freshwater although the integrated management of the effects should not be limited to land use development but expanded to include integrated management of the effects of activities occurring within a

catchment as a whole. This will ensure that investment by one community will not be rendered ineffective by lack of timely or appropriate investment by another point source discharger and/or by ongoing non-point source discharges. This level of integrated management is regarded by this submitter as being of fundamental importance to the successful management of the Manawatu catchment as a whole while also delivering socially and economically efficient and appropriate outcomes for the communities concerned. So far as paragraph (g) is concerned the submitter is concerned that existing water takes for community purposes are not restricted in times of low flow where that will necessarily imperil the health and safety of any community or create an unacceptable financial burden.

- Policy 2: the submitter generally supports this policy.
Reasons for this Submission: the use of the term 'industry good practice' needs to be clarified so that what constitutes such practice is as a matter of fact accepted by the industry to constitute 'good practice' as opposed to any view arbitrarily held by a particular regional council.
- Policy 4: the submitter generally supports this policy.
Reasons for this Submission: the submitter understands that this policy is intended to allow for a flexible approach to activities which may occur in any part of a catchment having regard to the various competing considerations relevant to an assessment of what is appropriate. A 'one size fits all' approach to catchment management is avoided by such an approach so that (for example) contact recreation or swimmability is but one consideration relevant to what must be considered under this policy. Accordingly this submitter supports paragraph (b) on the basis that it allows for contaminants to be discharged in circumstances where the adverse effects of that discharge in that receiving environment are otherwise acceptable (i.e. notwithstanding the fact that contact recreation standards will not be met); supports paragraph (c) in that it acknowledges the consideration of the needs of a community for a sustainable freshwater supply; supports paragraph (g) in that it acknowledges the need to consider social and economic transition costs although having regard to the 'aspirational' date contained in the preamble (ie 2035), this date should be benchmarked to this particular provision and also supports paragraph (h) to the extent that the value of

swimmability to the community is only one consideration and is not to be the dominant and overriding consideration.

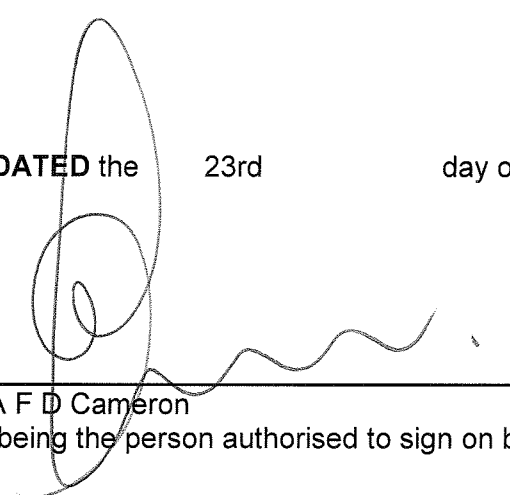
- Policy 5: the submitter generally supports this policy.
Reasons for Submission: the submitter is concerned that paragraph (c) of this policy is not solely related to 'land-use development'. This submitter considers that integrated management of infrastructure for water supply, wastewater treatment and stormwater by different local authorities within a catchment is required to ensure that the adverse effects created by any one local authority (or any other resource user) is not imposed on another, such that their investment is compromised. The submitter considers that consistent 'whole of catchment management' is extremely important in this context and having particular regard to the circumstances relevant to the Manawatu catchment as a whole. Paragraph (e) of this policy is also strongly supported in that it acknowledges social and economic transition costs (which is also relevant to the wider point being made in relation to paragraph (c)) although, again, the 2035 date should be benchmarked in this context and in particular in relation to any significant upgrades/investment required to community infrastructure.
- Policy 6: the submitter generally supports this policy.
Reasons for submission: this support must be read in the context of submissions previously made otherwise relevant to the issues addressed in this policy.

3. Relief Sought (Changes)

The submitter seeks such changes to this Proposed National Policy Statement for Freshwater Management to give effect to the concerns expressed within this submission generally, for the reasons given for each submission specifically and on the basis sought in connection with each submission made.

4. I wish to be heard in support of my submission. If other parties make a similar submission, this submitter is prepared to consider a joint case.

DATED the 23rd day of January 2009



A F D Cameron
(being the person authorised to sign on behalf of the submitter)

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