

Form 3
**Submission on the Proposed National Policy Statement for
Freshwater Management**

In accordance with section 49 of the Resource Management Act 1991

To the Chairperson
Board of Inquiry

This is a submission on the (following) proposed national policy statement for renewable electricity generation (the proposal) that was publicly notified on 6 September 2008.

The specific provisions of the proposal that my submission relates to are:

General comments about the goals, objectives and policies.

My submission is:

Overall the Rotorua District Council supports the Proposed National Policy Statement (NPS) for Freshwater Management. The NPS is moving in the right direction, and is consistent with policies currently in our district plan. However, there are a number of policies that do not provide territorial authorities with any certainty with respect to domestic water supplies.

We suggest revising this NPS in conjunction with the NPS on renewable energy since they seem to have opposite aims and this will create conflict when local authorities attempt to implement them. For example, we noticed that objective 4 refers to the inappropriate "taking use, damming or diverting of fresh water" and later in policy 1 g) it also talks about "restricting existing takes, uses, damming and diversion of fresh water in order to sustain Notable Values...." This objective and policy, conflicts with the recently announced draft NPS on renewable electricity.

Goals

Most goals are similar to the Rotorua District Council's own issues and objectives. They take into consideration water availability, water quality and integrated management of freshwater resources. We agree and are aware that these goals are very important and need to be addressed. We support the goals on this NPS.

Objectives

Overall, the objectives are drafted more like goals than objectives.

As currently worded, they are hard to measure and monitor and not specific enough. Also, in some cases they have not been reflected in the policies.

The objectives provide a strong theme of ensuring that the well-being of the people and communities are met, while the policies give priority to setting restrictions on water use at the expense of people and communities. This seems to be contradictory.

Policies

Some of the policies do not have a strong link to the objectives specified in the NPS. Therefore, it will be hard to monitor and determine the efficiency and effectiveness of policies in achieving the objectives. Policies are quite repetitive; they could probably be condensed without losing any important points.

More guidance needs to be given on setting environmental flows. Present practice is for Regional Councils to use the ecological in-stream flow as the environmental flow without taking into account other values such as consumptive uses.

The policies need to focus on allowing territorial authorities sufficient certainty that they can meet the consumptive use of the people and communities affected by the supply in the near future. Territorial authorities have a responsibility to the ratepayers to provide safe drinking water in the most economic manner. Most territorial authorities do not operate water supply schemes as a profit producing business. The ability to change supply sources and build new infrastructure without the need to consult with the community and local Iwi and increase rates at short notice is non-existent.

Foreseeable risks:

1) Extra costs involved in giving effect to the NPS. The NPS will require implementation of plan changes after the district plan review, as the plan changes will flow from plan changes to be introduced by regional councils after a two + year time frame. This process represents a significant cost to council. While there will be consultation leading up to the Regional Plan change becoming operative, the time window to notify the subsequent required district plan change is short (40 days), potentially giving little time for preparation of the plan change, including the internal approvals process. Is it necessary for the NPS to be so prescriptive?

2) Extra costs on monitoring and compliance with the environmental standards developed under the NPS.

I seek the following changes to the proposal:

General

- 1) To have more clarity in respect to how territorial authorities should manage domestic water supply.
- 2) For the NPS to avoid repetition and be written as such.
- 3) We suggest revising this NPS in conjunction with the NPS on renewable energy because at present they seem to have opposite objectives.

Goals

We seek more clarity in describing and identifying the matters of national significance related to the sustainable management of freshwater resources.

Objectives

Reword the objectives in a more specific way that allows them to be monitored. Link them better with the policies.

Address the contradiction arising from the objectives promoting people's wellbeing and the policies restricting water use (with the consequent detrimental effect on people and communities)

Policies

Create a stronger link between objectives and policies so we are able to monitor whether the policies are achieving the objectives.

Avoid repetition

Provide some guidance in how to determine environmental flows

Provide local governments with autonomy when making decisions on changing the water supply and developing new infrastructure without having to consult with the community and Iwi.

The specific provisions of the proposal that my submission relates to are:

Specific comments about objectives

My submission is:

- **Objective 1.** This objective is too broad and does not provide any guidance or direction on which to base good policy development.

- **Objective 2.** The council is in support of this objective that allows territorial authorities the ability to manage water supplies by investing in storage and reticulation infrastructure. This is not supported in the policies which in principle limit a territorial authorities' ability to make the investment in water supply infrastructure.

- **Objective 3,** the notion of "progressive enhancement" should be defined qualitatively, even if it is not appropriate to put quantitative values on it in a NPS. Regional and local authorities will be able to implement this objective better if progressive enhancement is clearly defined. A clear definition of "progressive enhancement".

-**Objective 4 and 5.** Should the word "discharges" be read to include diffuse sources of contaminants such as effluent from dairy herds? If so, then objectives 4 and 5 and policy 1(h) imply that farmers may require a resource consent to manage the diffuse distribution of effluents on farms. "Discharges" should be defined explicitly to include or exclude such diffuse sources in order to avoid future ambiguity and disagreement.

- **Objectives 5.** We believe that the control of further water degradation should not only be restricted to the effects of land-use development and discharges of contaminants. It should be left open similar to the wording in Objective 3 and allow regional and local authorities to decide what effects are the most appropriate for them to control.

-**Objective 6.** Demand should be managed in relation to supply. We support this excellent idea as it allows a dynamic response in situations of change. However, our concern is that in some cases we might not be able to identify water supply for all our water resources. For example, household water supply in Rotorua comes from an underground reservoir and therefore we are not able to identify the current and future amount of water at any point in time. In the event that the water supply can be clearly identified we suggest the use of an adjustable quota managed through the resource consents process. This quota system could be integrated within the policies.

-**Objective 7.** Support with variation. We are concerned about the use of the word "excessive" in (b). Excessive is a relative term, which does not provide clarity. How much is excessive.

I seek the following changes to the proposal:

Redraft Objective 1 to be more specific.

To support Objective 2 with a clear policy

To have a clear definition of “progressive enhancement” in Objective 3.

Define the word discharges in Objectives 4 and 5 so it is clear whether it will include diffuse production of effluents on farms.

Referring to Objective 5. Let regional and local authorities decide how best to control water degradation in their region or district.

Referring to submission on Objective 6, we seek to allow for some flexibility if supply of water cannot be easily identified and to explore the possibility of using an adjustable quota system for managing water resources where feasible.

Referring to Objective 7. Do not use the word “excessive” since this is a relative term or define what is meant by “excessive” (quantitative)

The specific provisions of the proposal that my submission relates to are:

Specific comments about policies

My submission is:

Policy 1(a)(c). To determine the level of water available of some water reservoirs may be impossible for some Districts (eg. Groundwater levels) so this policy will not be able to be implemented throughout the whole country. Nevertheless, the flow and level of rivers and lakes are easily measurable. We want these policies to reflect the monitoring difficulty experienced by some Council's.

Policy 1(i)(ii). There are some issues involved if council is required to identify foreseeable domestic water supply over other competing demands. How costly this will be for regional- local authorities? Who will pay?

Policy 1(i) The council is in support of this policy by providing councils' the ability to invest in water supply infrastructure. However, the rest of the policy does not support this by allowing environmental flow limits to be set on water supply sources without acknowledging that in some cases the sources have been used for anywhere up to 100 years, resulting in a highly modified environment.

Policy 1(i)(j). There is considerable potential for overlap of regulatory roles in management of water, and confusion rather than transparency as a result, given that both regional and district councils are required to manage demands

for fresh water. It is also unclear what the distinction is between (i) and (j), given that one is about managing development and contamination, and the other is about integrated management (which is undefined in the NPS) and both are about controlling adverse effects. Integrated management appears to be primarily about co-ordination and sequencing of infrastructure development, which is too narrow. Definition needed.

Policy 2 (c)(ii). The council disagrees with this policy in that the availability of water from existing water supplies can be reduced to the extent that existing infrastructure becomes redundant. There is an assumption that territorial authorities have in place supply infrastructure that can handle variable loads without affecting the integrity of supply. Reductions in water flow will affect pressure within the upper reaches of supply networks and the ability to replenish reservoirs.

Policy 2(c)(iv). Monitoring requirements could be quite onerous if this policy was properly implemented, although the policy is good in principle. More specific direction on the nature and scale of the required monitoring would be useful, otherwise the minimum is likely to occur.

Policy 4 relating to the preparation of regional policy statements and the contribution of existing infrastructure needs to be highlighted for municipal supplies. Territorial authorities have invested a lot of time and money into existing water supplies and their ability to meet the requirements of the Drinking Water Standards. Without having security of supply for the present and near future, councils will become hesitant in investing and upgrading existing supplies while there is no security that they can meet the communities' needs in the foreseeable future. All of this will be a cost to the ratepayer.

Policy 4(h). We believe that the "value of swimmability" is extremely difficult to identify. Therefore, it would be hard for local authorities to implement this policy.

I seek the following changes to the proposal:

Referring to submission on Policy 1(a)(c). Allow some flexibility when the level of water at any point in time cannot be determined or it is uneconomical to determine.

Referring to submission on Policy 1(i)(ii) Recognise the difficulty of identifying future domestic supply over other competing demands.

Policy 1(i). Support Council's ability to invest in water supply infrastructure throughout the policy.

Policy 1(i)(j). Provide more clarity on the roles of regional and local authorities when referring to managing the demand for fresh water and provide a definition for "integrated management".

Policy 2 (c) (ii). Take into consideration that a reduction in water supply can affect pressure in other networks so it is not always achievable.

Policy 2 (c)(iv). Specify the nature and scale of monitoring required.

Policy 4(h). We suggest changing the term swimmability to “the use by the communities for swimming”.

I do not wish to be heard in support of my submission.

Paulina Wilhelm

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Address for service of submitter:	Rotorua District Council Private Bag 3029 Rotorua Mail Centre Rotorua 3046
Telephone:	(07) 348 4199
Fax/email:	Paulina.Wilhelm@rdc.govt.nz
Contact person: <i>[name and designation, if applicable]</i>	Paulina Wilhelm Senior Policy Planner Planning Services Rotorua District Council