

FORM 3

Submission on Proposal for National Policy Statement for Freshwater Management

Section 49 of the Resource Management Act 1991.

To: The Chairperson
Board of Inquiry

This is a submission on the **proposed national policy statement for freshwater management (“NPS”)**.

The specific provisions of the proposal that our submission relates to are:
The NPS in its entirety.

Our submission is:

There is an urgent need for the NPS given the very poor quality of New Zealand’s freshwater resources as evidenced by the 2007 State of the Environment Report and by regional council assessments of water quality.

However, the NPS lacks focus, certainty, appropriate timelines, and a precautionary approach.

The NPS lacks sufficiently robust objectives and policies. The NPS needs to set robust goals based on water quality. This includes fishable, swimmable and ecologically healthy surface waters and drinkable groundwater. These goals need to be encapsulated within the objectives. A means of achieving these goals should then be detailed in the policies.

Without ambitious yet achievable timeframes the robust set of goals necessary will in effect be diluted. In our submission, the objectives must actually state deadlines for achieving these goals, and that these timelines should be within one generation. It is not, therefore, appropriate that a target of 2035 for water quality that meets the aspirations of New Zealanders be included only in the preamble and not in any of the objectives. We submit that the NPS as it is currently worded will not result in a timely improvement of water quality.

The management of both water quality and water allocation has suffered from not being precautionary in relation to cumulative effects. It has become too easy to over-commit resources through, for example, allowing excessive water takes from streams and aquifers, and through allowing excessive nutrient discharges into sensitive water bodies such as lakes and spring-fed streams. The NPS needs clear objectives and policies to address this issue.

The NPS lacks appropriate provisions to guide the allocation of water. As catchments approach or exceed full allocation, the *de facto* reigning principle of first-in, first served falls short of what is required. An allocation policy should also address default environmental flows and levels; establish a precautionary approach to allocation; generate incentives for efficiency and flexibility while maintaining environmental standards; and provide for the collection of rents when public resources are used for private commercial gain. The last two matters need to be considered in a wider context than this NPS, because they would require statutory amendments and changes to governance structures, including consideration of a role in governance for tangata whenua. For these reasons, we submit that the present NPS should not generally address allocation except through default environmental flows and levels and through promulgating a precautionary approach.

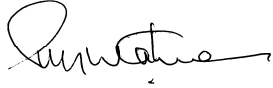
The NPS imposes an unreasonable burden on councils through proposed Policies 1 to 5 by obligating them to prepare plan changes or variations to regional policy statements and district and regional plans. We submit that the proposed method of implementation of the NPS is cumbersome, resource intensive and unrealistic. We submit that the NPS should utilise section 55(2A)(b) of the RMA to insert provisions directly into regional and district planning instruments so that they have direct and immediate effect within those documents (for example, Policy 5). These provisions should set a “default” position which local authorities must comply with until councils set out their own regime in accordance with the Schedule 1 process.

We wish to record that we have jointly established a dialogue process with primary sector and iwi organisations regarding sustainable land use and water matters which we hope may lead to some agreement regarding matters embraced by this NPS. We believe that such an agreement, if it eventuates, may materially assist the Board in its deliberations. The dialogue process may lead us, after consideration of the primary sector’s views, to modify our submission later in the formal process. We may also, by the time we reach the hearings stage of the process, be in a position to advise the Board that it is likely that the parties could achieve an agreement around certain issues if the hearings procedure could be modified to provide some further time for negotiation and for consideration by all parties of the provisions of any agreement.

We seek the following changes to the NPS:

- (a) All the amendments proposed in the draft Proposed NPS which is attached to this submission (Attachment A); or
- (b) Any other amendments proposed in accordance with our concerns; and
- (c) Any other provisions which will satisfy our concerns as detailed above; and
- (d) All other relief incidental to the (a) and (b) above.

We wish to be heard in support of our submission.



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23 January 2009

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Date

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