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Lower Waitaki River Management Society Inc (LWRMS)

Mr Bill Penno, Chairman

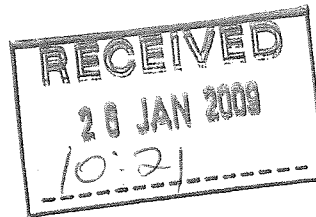
c/o the Secretary

Julia Laming

PO Box 550

Timaru

25 January 2009



Ministry for the Environment  
PO Box 10362  
Wellington 6143  
New Zealand

Dear Sirs

### **Submission on the Proposed National Policy Statement for Freshwater Management**

Before giving its submission on this NPS, the Society feels that some background as to its nature and activities will be important for its interpretation.

#### ***The Lower Waitaki River Management Society***

- 1.1 This submission has been prepared by the Lower Waitaki River Management Society, (LWRMS or the Society) an organization that has been meeting since 2004 and which became an Incorporated Society in August 2006. The Society formed in order to prepare and implement a community-based Management Strategic Plan for the Lower Waitaki River using the general principles of Integrated Catchment Management.
- 1.2 While the Society is multi-stakeholder with major commercial interests in the use of Waitaki River water, the vision and the objectives of its Plan reflect recognition that the river itself needs a clear and unequivocal voice to ensure its cultural, aesthetic, amenity, ecological integrity and intrinsic values are preserved.
- 1.3 The initiative for a group to develop a river management plan came from individuals in the North Otago community who were dismayed to see how, in the space of one single application, the Project Aqua proposal changed the perception of the Waitaki River from one of almost limitless bounty to yet another NZ river under real threat from human impact. The absence of a National Policy Statement on Freshwater, of an operative Regional Plan or of any non-statutory community agreement about the protection of instream values suddenly made the river appear very vulnerable.
- 1.4 To establish the society, Environment Canterbury facilitated a series of public meetings to canvass opinions, issues and options that represent all sectors of the community with interests in the Lower Waitaki River. Turnouts to these public meetings were regularly in excess of 80 individuals/organisations. The mailing list for the group is currently approximately 250 individuals/organisations.
- 1.5 The Society is made up of a broad cross section of individuals and organizations with an interest in the Lower Waitaki River including Irrigators and Irrigation Companies, Meridian Energy (in the early stages), Mana Whenua,

conservationists, recreationalists, anglers, adjacent landowners, community representatives, and coastal farmers. The Committee is chaired by Bill Penno, a local farmer, former Regional Councillor, and highly regarded community leader.

1.6 To ensure that the River Management Strategic Plan was based on sound and up to date scientific information, each of the meetings featured specialist speakers from a range of fields. These included braided river ecology, geomorphology, ecology, irrigation, weed control, as well as information on access, land tenure, ownership and existing management. In addition to scientific information, all individuals and organizations with an interest in the future management of the Lower Waitaki River were invited to provide their views.

1.7 A copy of the River Management Plan is attached to this submission. The overall mission statement is "To protect and enhance, in a sustainable way, the Lower Waitaki River System". This is supported by goals, objectives and actions.

### *Objects of the Society*

1.8 The following objects have been included in the Society's Rules

- (a) To create a Management Plan for the lower Waitaki River ("the River") that reflects and strengthens the social, environmental, cultural and economic values of the river system for the benefit of the wider Waitaki community while protecting and enhancing the river system in a sustainable way.
- (b) To pursue for the River the preservation of its natural, cultural and historic resources while maintaining the River's intrinsic value. To seek the protection of these resources, including restoration and enhancement, for the appreciation, recreation and enjoyment by present and future generations.
- (c) To achieve healthy working ecosystems for the River and its catchments through "Integrated Environmental Management", meaning a systematic effort to understand, through interactive interpretation and analysis, the linkage between ecosystems, resources and people.
- (d) To involve individuals, community groups and other organisations in learning and practising the principles of sustainable integrated environmental management so that all parties responsible for the management of the River and its resources apply these principles.
- (e) To strengthen relationships between Mana Whenua, communities, interest groups and statutory agencies for the better management of the River and its resources.
- (f) To acquire, publish and use information and knowledge of the River through research and monitoring, public education, contributing to planning, and any other actions that are necessary for the integrated environmental management of the River, its resources and its catchments.
- (g) To increase public recognition, understanding and appreciation of the qualities and values of the River.

### *Activities of the Society*

1.9 On finalization of the Strategic Plan in July 2006 the Society has been working to realize the objects of the society and to respond to all significant matters that may impinge on its overall vision. With Project Aqua came the realization that it was quite possible that should such a project proceed, there would be no water for future

irrigation developments. This created a plethora of new applications to take water and led to the idea of a new Regional Plan to manage the situation rationally.

1.10 So the first major activity undertaken by the society was to submit to the Waitaki Catchment Proposed Regional Plan (WRP). A copy of this Plan can be accessed at <http://www.ecan.govt.nz/Plans+and+Reports/Water/Waitaki+Catchment+Water+Allocation+Regional+Plan.htm>).

1.11 Subsequently the society has submitted on a large number of applications for water – including the North Bank Tunnel Scheme (Meridian Energy for up to 260cumecs) and the Hunter Downs Irrigation Scheme (for 20.5 cumecs) and then 55 resource consent applications in the Lower Waitaki Catchment (downstream of Waitaki Dam) that were heard at a group hearing. During 2009 there will be hearings for all Upper Waitaki Catchment consent applications to which we have applied to be party to with the primary intention of seeking to protect water quality in the Lower Waitaki from further serious degradation (Procedures and all submissions for these various applications can be viewed at <http://www.ecan.govt.nz/Resource+Consents/WaitakiConsents/>)

1.12 Prior to submitting on these applications, the Society has engaged in a series of “River Science” Workshops with Meridian Energy. These meetings have been an opportunity to engage with Meridian’s scientists interactively to better understand current scientific understanding of all aspects of the Lower Waitaki River. While these have been focused primarily on the impacts of the proposed North Bank Tunnel Concept (NBTC), the information gained allowed the Society to provide much more informed comment on all matters with the potential to affect the river.

1.13 In March 2008, the Society visited the Waiiau Trust in Southland to learn about their programme to enhance the Waiiau river, particularly enhancing fisheries and wildlife habitat and improving recreation access to the Waiiau and tributaries. Although the Waiiau is not a braided river system like the Waitaki, its natural flow regime has been highly altered by hydrogenation activity. Our society came back enthusiastic to do similar work and has begun promoting wetland protection in the Lower Waitaki.

1.14 In December 2008 Meridian Energy were granted their applications to reduce the flow in a 32km reach of the river from a mean of 370cumecs to a flow varying throughout the year from 150 to 110cumecs. This is a non-complying consent which sets a precedent for all other abstractors. It also removes a great deal more flow variation from the river, which will radically alter its character, form and ecology including its associated wetlands and groundwater levels.

1.15 In Jan 2009 the Society has decided to appeal the decision on the grounds that the severity and scope of impacts appear to contravene WRP provisions. Key aspects for appeal include baseline and cumulative effect; interpretation of variable flow needs from the plan; the maintenance of connectedness, braids and wildlife protection; the loss of the big river and associated amenity; the assessment of, and potential for, loss of wetlands and habitat; the potential consequences for degrading water quality; the loss of mauri and a general loss of ecological integrity and resilience, particularly adjacent to the proposed tunnel.

### *Submission*

- 1.16 The main contribution we feel we can make to the discussions about this NPS is to provide a case study of what can happen under present policy with apparently similarly worded provisions. We refer to the recent NBTC Scheme deliberations and decision under the WRP and the RMA. In spite of all the lovely words and the best efforts of many concerned community members and river users, the effect of the decision will be to further degrade the river.
- 1.17 On the face of it, the objectives and certain key policies in the WRP would appear to afford the kind of protection to the Lower Waitaki River envisaged in the Proposed NPS. Likewise, the objectives and policies established by our society in its Strategic Plan after thorough consultation with the community are also surprisingly consistent with those of the WRP. Part II of the RMA also appears to permit development provided key environmental parameters are protected.
- 1.18 Yet, despite this, we have a situation where commissioners to the NBTC application, after hearing all the evidence, consider that the national benefits of such a scheme outweigh the expected adverse effects and effectively that a trade-off is justified.
- 1.19 It is not possible of course to outline all the various freshwater protections issues discussed at the hearing, but one or two may serve to illustrate why the decision is highly contentious in terms of environmental impact.
- 1.20 For instance, with the NBTC the watertable beneath the floodplain is anticipated to decline by up to 0.5m. Many of the floodplain wetlands and backwaters which provide much of the richness of habitat for biota and wildlife will be affected by this order of change. In this respect we note that the Proposed National Environmental Standard on Ecological Flows and Water Levels suggests that a change in water level of over 0.3m is considered "high" and assessment standards applied accordingly.
- 1.21 Water quality in the Waitaki was shown in evidence at the hearing to be deteriorating to such an extent that there are now times and locations when it is not safe for contact recreation even with the current flow regime. Currently there is a massive expansion in dairy farming and irrigation development, very often on light soils adjacent to the river, in the full knowledge that this will aggravate nitrate and bacteriological contamination of the shallow groundwater and degrade surface water quality – particularly if the NBTC Scheme proceeds, reducing dilution capacity. Meridian Energy is itself heavily engaged in such activity on land it purchased for Project Aqua.
- 1.22 Our Appeal will attempt to highlight these and other likely environmental consequences of granting these consents because we do not feel permitting this level of change in a river is in the best interests locally, nationally or for future generations – environmentally, socially, culturally and ultimately, economically. Yet such are the resources of Meridian and the skills of their legal advisers, we are under no illusion as to how difficult this will be, even with the apparently sympathetic WRP and RMA.
- 1.23 Our Society is encouraged by the general thrust of the Proposed National Policy statement. The essential point we wish to make is that if this Statement is to

have any significant impact on changing the steady (and sometimes frighteningly swift) deterioration in quality and life supporting capacity of New Zealand's freshwater bodies, then it will need to be worded more cogently and powerfully than existing statutory documents.

1.24 In other words, it must be said like it is meant, with no room for manipulation.

*Hearing*

1.25 If there is to be a hearing or further drafts of this Statement then we would like to be given the opportunity to be heard or submit in more detail.

Yours sincerely

Bill Penno  
Chairperson  
Lower Waitaki River Management Society

Attached: The Lower Waitaki River Management Society Strategic Plan

