

**From:** [niki gladding](#)  
**To:** [RPS](#)  
**Subject:** Fw: Urgent! - FINAL REPLACEMENT late submission on Proposed regional Policy Statement  
**Date:** Monday, 6 September 2021 11:44:22 a.m.  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[AWA Submission on ORC PRPS - FINAL FINAL.pdf](#)

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Hi Policy team

I've had some issues with version control after suggested changes.  
Attached is AWA's **final** submission - please ignore the version that came to you at 11:19am. The correct version is saved as 'AWA Submission on ORC PRPS FINAL FINAL'  
Apologies for lateness and for any confusion!

Could you flick me a quick message to let me know you received this email?

Many thanks

Niki  
0276300654

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**From:** Customer Services <customerservices@orc.govt.nz>  
**Sent:** Monday, 6 September 2021 11:19 AM  
**To:** RPS <rps@orc.govt.nz>  
**Cc:** ngladding@hotmail.com <ngladding@hotmail.com>; aotearoawateraction@gmail.com <aotearoawateraction@gmail.com>; cblackfordcarolyn@gmail.com <cblackfordcarolyn@gmail.com>  
**Subject:** FW: Urgent! - REPLACEMENT late submission on Proposed regional Policy Statement

Hi Policy team

Please see email below containing a submission on the Proposed Otago RPS 2021.

Kind regards

Shelby

### Customer Services



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**From:** niki gladding <nigladding@hotmail.com>  
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**To:** Customer Services <customerservices@orc.govt.nz>  
**Cc:** cblackfordcarolyn@gmail.com; Aotearoa Water Action AWA <aotearoawateraction@gmail.com>  
**Subject:** Re: Urgent! - REPLACEMENT late submission on Proposed regional Policy Statement

Hello again

AWA's original submission (sent last night and attached to the email below) had some grammatical errors - lack of macrons  
I'd be grateful if you could substitute that version with the one attached here.  
Apologies for adding to your workload!

Many thanks

Niki

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**From:** niki gladding  
**Sent:** Monday, 6 September 2021 1:15 AM  
**To:** [customerservices@orc.govt.nz](mailto:customerservices@orc.govt.nz) <[customerservices@orc.govt.nz](mailto:customerservices@orc.govt.nz)>  
**Cc:** Aotearoa Water Action AWA <[aotearoawateraction@gmail.com](mailto:aotearoawateraction@gmail.com)>  
**Subject:** Urgent! - Late submission on Proposed regional Policy Statement

Morena

Please find attached the submission of Aotearoa Water Action on the Proposed Regional Policy Statement.

We apologise for lateness and request that this submission be accepted.

Many thanks

Niki Gladding  
Aotearoa Water Action  
0276300654



Otago Regional Council  
By email: [customerservices@orc.govt.nz](mailto:customerservices@orc.govt.nz)

## **Submission of Aotearoa Water Action on the Proposed Regional Policy Statement**

Aotearoa Water Action (AWA) requests that this be accepted as a late submission – we apologise for any inconvenience.

We *would* like to speak to this submission.

### **Contact:**

Niki Gladding  
Ph: 0276300654  
[nigladding@hotmail.com](mailto:nigladding@hotmail.com)

### **Background**

Aotearoa Water Action (AWA) was incorporated in 2018 to challenge water permits, granted by Environment Canterbury. The consents repurposed water taken under old industrial permits to enable water bottling and export. The case, which is currently before the Court of Appeal, raises questions about the allocation and reallocation of water and about the consideration of the end use effects of taking and using water. Ngāi Tahu (via Ngāi Tūāhuriri Rūnanga) has been involved in the case as an intervener.

One of the effects being considered by the Court of Appeal is the effect on Māori cultural values, specifically the loss of Mauri and loss of kaitiaki rights when water is shipped offshore. Different iwi, rūnanga/rūnaka will have their own position on these matters - our point is that it is becoming increasingly clear that some uses of water have unacceptable adverse effects, whereas others clearly benefit local communities.

AWA's Charter supports constitutional transformation in Aotearoa that entrenches te Tiriti o Waitangi and the protection of environmental values and human rights. It also supports the allocation of water amongst competing activities to ensure: the health of the wai; the health of ecosystems; the health of people; and the cultural, social and economic wellbeing of people and communities.

Unfortunately, planning frameworks across the motu are still allocating water on a 'first in first served basis', with planners and consenting authorities considering only the effects of the water **take** (on aquifers, surface waters and nearby bores), rather than the much broader effects of the particular **use** of the water. The requirement to give effect to Te Mana o te Wai ensures the

health and well-being of the water is protected and human health needs are provided for before enabling other uses of water; it does not prioritise amongst the 'other uses of water'.

The RMA enables regional councils to create rules in their Plans to allocate water amongst competing activities<sup>1</sup>. We believe that now is the time to make good use of these provisions, in consultation with iwi, mana whenua and communities. With clean water becoming scarce, with many catchments fully or over allocated, with the climate changing, and a growing population, preferential allocation of water is the only way to allocate water to achieve sustainable management and meet GHG emissions targets.

**Summary of AWA's submission:**

AWA's submission is limited to the matter of water allocation.

The ORC has recognized that freshwater allocation should strike a balance between economic, environmental and social and cultural needs. It also intends to set water allocation limits for different groups of activities. This is a great start, but we would like the Council to take this approach a little further.

All activities need water – this is a key lever. We would like to see the ORC use it to drive excellent environmental, social and cultural outcomes – by prohibiting activities with unacceptable effects (such as water export) and incentivizing those we want to see more of e.g. regenerative horticulture. Activities that do not support reduced carbon (or equivalent) emissions over time should not be granted rights to use water.

In the table below we propose some changes to the PRPS.

There is some repetition in our submission across sections LF-WAI and LF-FW. LF-WAI has special significance for iwi/mana whenua. We have suggested some additional policy in this section but request that the ORC consider incorporating our suggestions where they fit best and only after considering submissions from iwi and mana whenua.

Finally, we are not drafting experts. We hope our intent is clear and that the ORC can improve on our efforts if relief is granted.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>The specific provisions of the proposal that my submission relates to are</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my views are</i>	<i>I seek the following decision from the local authority</i>  <i>Additions indicated as <u>underlines</u> and deletions indicated as <del>strikethroughs</del></i>

<sup>1</sup> See (s30(fa)(1) and s30(4)(e))

SRMR-15	Amend	<p>The context statement should acknowledge that different uses of water have different effects on the environment (including people and communities) and that s30 RMA enables the Council to allocate water amongst competing uses based on those effects (s30(fa)(1) and s30(4)(e))</p>	<p>That the second paragraph of the context statement be amended as follows:</p> <p><i>Population growth and land-use intensification in urban and rural environments can create increased demand for freshwater for human consumption, irrigation and other economic uses. <u>Some of these uses have largely beneficial effects on the environment and communities; in contrast, others uses of water can have unacceptable adverse effects.</u> Freshwater resources in some places are reaching, or are beyond, their sustainable abstraction limits. <del>However, there continues to be</del> <u>debate in the community about how historical freshwater allocations can be adjusted to achieve a balance of economic, environmental, social and cultural needs. The RMA enables regional councils to add rules to their plans to allocate water amongst competing activities. This approach will be adopted in the Regional Water Plan.</u></i></p>
LF-WAI-P1	Add policies: LF-WAI-P(4) and P(5)	<p>How water is allocated shapes our communities because different uses of water have different effects. LF-WAI-P1 addresses the priorities for the management of freshwater resources. AWA obviously agrees with priorities 1-3 as required by the NPSFM. We also applaud the intention to set resource limits for different groups of activities. However, we would like to see additional prioritisation to achieve better outcomes for the environment and communities. As the climate changes and the region grows, competition for water will only increase. Increased demand couple with limited supply and rules that demand better outcomes to achieve access to water</p>	<p>That the ORC provide further direction to guide the allocation and reallocation of water amongst the ‘third tier’ priorities as follows:</p> <p><i><u>LF-WAI-P(4) fourth, the activities in (3) that deliver the best outcomes for the environment and local communities, as determined through consultation with iwi, mana whenua and local communities.</u></i></p> <p><i><u>LF-WAI-P(5) fifth, the taking and use of water for water export will be a prohibited activity</u></i></p>

		<p>could speed progress on a number of fronts.</p> <p>In addition, the taking and use of water for export is an activity that has unacceptable environmental and cultural consequences, but increasingly, irrigation consents are being repurposed for this activity. This is something that is difficult to prevent under the current planning framework.</p>	
<p>LF-WAI-P3(x)</p> <p><b>And/or add new policy at LF-FW -PX</b></p>	Add policy	<p>There should be explicit reference to the need to maintain the structural integrity and capacity of aquifers. This goes beyond the ‘connections’ referred to LF-WAI-P3 as drafted</p>	<p>Include an additional policy as follows:</p> <p><u>(8) Protects the structural integrity and capacity of aquifers</u></p>
<p>LF-WAI-AERX</p>	Add AER		<p>That an additional LF-FW-AER be added as follows:</p> <p><u>Fresh water is allocated within limits in a way that gives effect to te Mana o te Wai, and supports the cultural, social and economic wellbeing of mana whenua and local communities</u></p>
<p>LF-FW-08</p>	Add objective	<p>The objectives for freshwater should not shy away from water allocation. The RPS needs a freshwater objective that addresses water allocation and demands better outcomes, in line with the stated desired outcome that “historical freshwater allocations can be adjusted to achieve a balance of economic, environmental, social and cultural needs”.</p> <p>A key environmental need is to reduce GHG emissions in line with regional targets.</p>	<p>Add an objective as follows:</p> <p><u>(6) the taking and use of the wai supports cultural, social and economic wellbeing and drives better environmental outcomes including reduced GHG emissions in line with regional targets</u></p>
<p>Interpretation</p> <p>Add Term and definition</p> <p>To assist with interpretation of LF-FW-P7(6)</p>	Add definition of “efficiency” in relation to the use of water	<p><i>LF-FW-P7(6) reads as follows: (6) freshwater is allocated within environmental limits and used efficiently.</i></p> <p><i>‘Efficient’ in relation to the use of water is not defined in the PRPS.</i></p> <p><i>The NPSFM directs regional councils as follows:</i></p>	<p>Add to the Interpretation section as follows:</p> <p><u>Efficiency</u></p> <p><u>Efficiency in relation to the use of water includes economic, technical, and dynamic efficiency, where ‘economic efficiency’ means maximizing the value (including non-</u></p>

		<p><i>(1) Every regional council must make or change its regional plan(s) to include criteria for:</i></p> <p><i>(a) deciding applications to approve transfers of water take permits; and 30 National Policy Statement for Freshwater Management 2020 (b) <b>deciding how to improve and maximise the efficient allocation of water (which includes economic, technical, and dynamic efficiency).</b></i></p> <p><i>(2) Every regional council must include methods in its regional plan(s) to encourage the efficient use of water.</i></p> <p>There is a tendency when assessing applications for the take and use of water to consider only technical efficiency i.e. whether water will be wasted. Rarely do consenting authorities consider opportunity costs or non-monetary value when assessing whether a particular use of water is efficient. But economic efficiency is not the same as financial efficiency. Economic efficiency is concerned with all goods and services valued by the public regardless of whether consumption is accompanied by monetary exchange.</p> <p>Therefore, the ORC must direct its Regional Plan to understand which uses of water can deliver the best overall value to its communities.</p> <p>It would be inefficient to enable activities that do not contribute to reducing GHG emissions.</p>	<p>monetary value) to communities from the use of water, <b>including reduced GHG emissions.</b></p>
<p>Methods LF-FW-M6(5)(a)</p>	<p>Amend</p>	<p>This method recognises the need to allocate water amongst competing activities while at the same time providing certainty. We support this but want to make the point that not all water is the same.</p> <p>Limits for different activities may need to differentiate between water bodies of different water quality e.g. the best quality groundwater requires the least treatment and should be secured for</p>	<p>Amend as follows:</p> <p><i>LF-FW-M6</i></p> <p><i>(5) Include limits on resource use that:</i></p> <p><i>(a) differentiate between <u>water bodies (based on water quality and quantity) and different types of uses, including drinking water, and social, cultural and economic uses, in order to meet the needs of communities</u></i></p>

		<p>drinking water if that is practicable. In other words, the process for setting resource limits for activity groups should be more nuanced than allocating volumes across catchments.</p> <p>The suggestion we have included (right) is a preliminary attempt at resolving our concerns</p>	<p><i>and provide long-term certainty in relation to those uses of available water,</i></p>
<p>Methods LF-FW-M6</p>	<p>Add</p>	<p>We appreciate the requirement for the Regional Plan to allocate limits on resource use to different categories of activities.</p> <p>AWA would like the ORC to go a step further and develop water allocation rules that prohibit certain activities (e.g. water export) and incentivise others (e.g. regenerative farming methods or sheep farming) in order to achieve better outcomes for the environment and communities.</p> <p><b>In a nutshell, the rules should ensure scarce water is allocated to economic activities that deliver the most environmental, social, and cultural value.</b></p>	<p>Add:</p> <p><u>LF-FW-M6(X) include rules to allocate water within limits amongst competing activities to ensure the most efficient use of water</u></p> <p>(noting that <i>economic efficiency</i> should be clearly defined as maximizing the value (including non-monetary value) to communities from the use of water.</p>
<p>LF-FW-AERX</p>	<p>Add AER</p>	<p>Overallocation and competition for water is a significant and unresolved issue for the region. The PRPS also acknowledges the debate about how historical freshwater allocations can be adjusted to achieve a balance of economic, environmental, social, and cultural needs (page 74). Despite this there is no anticipated environmental outcome that the allocation of water will deliver a good balance of outcomes for Otago’s communities.</p>	<p>That an additional LF-FW-AER be added in line with desired outcomes as follows:</p> <p><u><i>Fresh water is allocated within limits in a way that will give effect to te Mana o te Wai, and that will deliver a balance of good social, cultural and environmental outcomes, including reduced GHG emissions.</i></u></p>