

20 May 2014

Media Release

Major changes to Tukituki Draft Decision cannot be made by Board of Inquiry

The Tukituki Proposal Board of Inquiry released its draft decision on Proposed Plan Change 6 and the Ruataniwha dam resource consent applications on 15 April 2014. The decision set dual water quality limits for both phosphorus and nitrogen. A number of parties have now filed comments on the draft decision.

“The RMA allows parties to provide comments on “minor or technical” aspects of the draft decision,” said EDS Chairman Gary Taylor.

“This means the Board of Inquiry cannot consider comments that go beyond the “minor or technical” constraint and it cannot remake its substantive decision on water quality limits. The time for advancing those issues was at the hearing, when all parties had the ability to debate the pros and cons and call evidence on each issue.

“Like most parties, EDS was careful to limit its comments to “minor or technical” matters, such as typographical errors and inaccuracies in cross-references.

“However, some parties (including Hawkes Bay Regional Council) have lodged comments which challenge the Board’s proposed water quality limits. It is disappointing that those parties are seeking to subvert the process. We are particularly concerned that the local authority has taken this approach remembering that it must enforce the plan when it becomes operative.

“We are also concerned that the Council asked Ministers to extend the timeframe for the final decision and Ministers have agreed. This unilateral initiative seems intended to serve the interests of the Council in its challenge to the Board’s substantive decision on the dual nutrient approach. We have concerns at both the request and the fast approval of it by Ministers.

“The reality of freshwater limits that actually protect the environment is that they may limit land use and intensification. This proposition seems to have come as a shock to the Council.

“We are confident however that the Board understands the legal constraints it is under and will act in accordance with the legislative requirements,” Mr Taylor concluded.