

**SOUTH RAKAIA BACH OWNERS' ASSOCIATION FURTHER SUBMISSION ON THE  
PROPOSED CANTERBURY LAND AND WATER REGIONAL PLAN (GROUPS 2 & 3)  
JUNE 2013**

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This submission is in response to the Volume 2 and Volume 3 section 42a reports and is supplementary to our submission presented at the Group 1 hearing 15<sup>th</sup> March 2013.

Detailed information on the author, our association and our settlement was included in our previous (15<sup>th</sup> March 2013) submission thus will not be repeated here.

We will, however, reiterate that for us the key statement in the pCLWRP is in 1.2.1:

*High quality fresh water is fundamental for aquatic ecosystem health, drinking water supplies, customary uses and contact recreation*

In our original submission last year the farming points we raised centred on the rules around stock exclusion from waterways, nutrient loading, changing land use and catchment designation.

We acknowledge the proposed wording changes to the definitions, rules and policies regarding Stock exclusion from waterways, but we note the reference to schedule 6 and on reading Schedule 6 - Areas on rivers or lakes commonly used for freshwater bathing we note the absence of any part of the Rakaia River on this list. Many sites along the Rakaia River are used for bathing.

We request the inclusion of the south side of the lower Rakaia in Schedule 6.

With regard to nutrient loading, changing land use and catchment designation: The Group 2 Section 42a report has recommended significant shifts in wording from that originally proposed which overall we believe will further attenuate already weak policies and rules and if enacted will allow further degradation of our region's water.

Our major concerns remain:

1. Many rules are underpinned by the philosophy of subregional limit setting - a collaborative process for setting takes and nutrient limits at a sub regional level.

If such a process has to be worked through within each community, the only groups with the time and resources to lobby will not be those with a primary long term environmental goal. The process and its end results will be skewed to those seeking short term economic gain. The fox will end up in charge of the hen house and our water resource will be degraded.

2. Dilution of policies and rules by focussing on red and orange zoned areas with little regard to the green areas.

We do not accept the current designations which we note on the Nutrient Allocation map 4.8 are to be retained. As detailed in our previous submission: at the same time as we are experiencing reduced river flow on the Rakaia we are also experiencing greater nutrient loading on the river. The massive increase in dairying in the region since the introduction of the Rakaia Water Conservation Order has placed a loading on the river in terms of nutrient input and irrigation demand which was not anticipated when the WCO was introduced in 1988. We now have thousands of cows in areas surrounding the entire length of the Rakaia River. Cows urinate and defaecate and the nutrients in this excrement enter the River directly via surface flows or gradually leach into the surrounding waterways. We have no ongoing monitoring of river health in the lower reaches; yet we are designated green.

In the spirit of the key intents of the Resource Management Act definition of **sustainable management** (sustaining for future generations, safeguarding our water and its life supporting capacity and its ecosystems; avoiding harm as a first priority, remedying harm a second priority and mitigating harm as a third priority) we need to be preventing harm to the green areas whilst preventing further harm to the orange and red areas and remedying then mitigating existing problems.

To test the proposed rules and policies in the Group 2 Section 42a report against these intents we looked to our own immediate environment. The immediate south side of the lower Rakaia between Acton Road and the river, and Rakaia Island are zoned Green on both Nutrient Allocation Zone Map 4.8, and on Series 2 Map 76. As discussed in our submission in March a major farm in this area has converted from dry land sheep and beef to irrigated dairy farming over the last 20 years. This farm thus meets the proposed definitions of intensive stock; high nutrient risk farming; and, an existing farming activity - as the change has already occurred. So what pCLWMP rules govern the nutrient discharge from this property?:

***5.40 The use of land for an existing farming activity that is not permitted by Rule 5.39 in an area coloured Orange, Green or Pale Blue on the Series A Planning Maps is a permitted activity provided the following conditions are met:***

***1. Information on the farming activity, in accordance with Schedule 7 Part D is provided to the Canterbury Regional Council.***

Thus it appears the only proposed requirement to manage the ongoing environmental impact of this farming operation is to provide the following information to the Canterbury Regional Council:

***Schedule 7 Part D – Farming Information:***

*Whenever one of Rules 5.39-5.51 requires information to be submitted, the following information is to be provided either in writing or via the Canterbury Regional Council's website*

- 1 The site area to which the farming activity relates;*
  - 2 A map or aerial photograph marked to identify the different blocks within the farm and the area in hectares of each;*
  - 3 Identification of any wetlands, watercourses, drains and swales on or adjacent to the property;*
  - 4 Monthly stocking rates (numbers, types and classes) including breakdown by stock class;*
  - 5 Annual yield of arable or horticultural produce;*
  - 6 A description of the farm management practices used on each block including:*
    - (a) Ground cover – pasture, crops, fodder crops, non-grazed areas (including forestry, riparian and tree areas);*
    - (b) Stock management – lambing/calving/fawning dates and percentages, any purchases and sales and associated dates, types and age of stock;*
    - (c) Fertiliser application – types and quantities per hectare for each identified block;*
    - (d) Quantities of introduced or exported feed;*
  - 7 Farm animal effluent, pig farm effluent, feed pad and stand-off pad effluent management including:*
    - (a) Area of land used for effluent application;*
    - (b) Annual nitrogen loading rate and nitrogen load rate per application;*
    - (c) Instantaneous application rate;*
  - 8 Irrigation – areas, rates, monthly volumes and system type.*
- The information is to collated for the period 1 July to 31 June in the following year and be provided annually, no later than the 31st of October.*

In reading the Group 2 Section 42a report we can not see when and how this information is to be further used, we therefore fail to see how supplying information will sustain the potential of our natural and physical resource - the Rakaia River - to meet the reasonably foreseeable needs of future generations; nor how the life-supporting capacity of the river's ecosystems is safeguarded.

Group 2 Section 42a report's proposed changes to the proposed plan appear to in no way ensure our water resource is sustainably managed.

So we asked ourselves: What if the dairy conversion were to take place now, therefore meeting the definition of a changed farming activity?

#### **Proposed rule**

*5.44 The use of land for a changed or new farming activity that is not permitted by Rule 5.39, where the property is wholly in an area coloured Green or Pale Blue on the Series A Planning Maps, is a permitted activity provided the following condition is met:*

*1. Information on the farming activity, in accordance with Schedule 7 Part D is provided to the Canterbury Regional Council.*

So.... Again the requirement is to provide information – and again we ask how does the mere provision of information sustain the water quality in the surrounding environment?

If one reads the policies around proposed nutrient management then one sees:

*4.60 Any abstraction of surface water or stream depleting groundwater with direct, high, or moderate depletion, is subject to conditions specifying .....*

***(h) where the water is used for irrigation, the need for, compliance with, and auditing of a farm environment plan.***

*4.62 Any abstraction of groundwater is subject to conditions specifying:*

*.....*

***(g) where the water is used for irrigation, the need for, compliance with, and auditing of a farm environment plan.***

So maybe this operation must also provide a farm environment plan, although this does not appear to be stated in any associated rule.

If a farm environment plan is required it is audited as follows:

#### **Schedule 7 - Part C – Farm Environment Plan Audit Requirements**

*Farm Environment Plans shall be audited annually and the audit results provided to the CRC no later than 31 December for the previous 1 July to 31 June year, or such other annual period nominated. Once a farm environment plan review and audit period is nominated, each successive audit may be no more than 12 months apart.*

*A grade of “A” for the Farm Environment Plan itself and “B” for performance against the Farm Environment Plan actions is considered an “A-B” grade in terms of Rules 5.39-5.51.*

*Any audit result that does not result in an “A-B” grade may be submitted with a revision of the farm environment plan, a list of corrective actions and a follow-up audit that shows an “A-B” grade within 6 months of the original audit without penalty under Rules 5.39 to 5.51.*

Thus a plan is written, an audit takes place, and if a short fall is noted the time taken from short fall to correction could be 18 months. A significant amount of harm may occur during 18 months.

**We suggest that the Farm Environment Plan should be written and audited before any change occurs in any area – red, yellow or green - as only in this way can we truly protect our water resource from nutrient harm from new activity.**

**We do note Policy 4.38A states:**

*Resource consents are required for activities that discharge nutrients where:*

- 1. auditing of farm environment plans shows the farm environment plan is inadequate or there is poor performance in terms of its implementation;*
- 2. farm environment plans are not prepared or audited; or*
- 3. where the potential effects of nutrient discharges are greater*

Thus a poorly performing plan will require resource consent. But nowhere is there the provision to suspend a farming operation until compliance is achieved which we believe should be the process.

Overall the plan lacks an ongoing monitoring programme for detecting water quality issues. Early recognition is essential for adequate remedy. Focusing only on the red and the orange areas will allow unchecked degradation of green areas which may well reach a point where it is hard to remedy before it is noted.

**We support the intent of policy statement 4.83:**

*“Water quality, indigenous biodiversity and ecosystem health in lakes, rivers, natural wetlands, hāpua, coastal lakes and lagoons are enhanced through establishing or restoring riparian planting.”*

However, we could find no actual requirement to riparian plant within the Plan.

We do note that in **Schedule 7**, Farm Environment Plan it does state:

*The plan shall contain as a minimum: .....*

*(d) The location of riparian vegetation and fences adjacent to water bodies*

And that it is mentioned again in:

***Recommendation R2.10.XX***

*Advanced mitigation measures means the adoption of multiple techniques from the following list to minimise nutrient losses from a property: .....*

***19. Riparian margins***

But, no detail is given as to who is required to undertake riparian planting, where or when, which makes for a hollow policy statement. Our understanding is that riparian plantings along all waterways are essential to minimise nutrient leaching. We request more specific wording around the requirement to adequately plant riparian margins.

With regard to the specific proposed nutrient management policies:

We find policy

*4.29 Prioritise improving the performance of higher nutrient risk activities and farming and other activities in the catchments of waterbodies that are more sensitive to increases in nutrients.*

to be particularly woolly in it's meaning – “higher risk” than what? and “more sensitive” than what? This policy requires rewording to clarify its intent.

*4.32 In areas where regional water quality outcomes are not being met, as shown by a Red colouring on the Series A Planning Maps and in Lake Zones as shown on the Series A Planning Maps, a changed or new farming activity will be required to show that there is no net increase in nutrients discharged from the property or that advanced mitigation farming practices are applied such that the property operates in the top 10% of nutrient discharge minimisation practices when measured against practices in the relevant farming industry.*

Surely this should be a blanket requirement – not just on red or orange areas – we suggest omission of the first phrase and addition of a final phrase as follows:

~~*4.32 In areas where regional water quality outcomes are not being met, as shown by a Red colouring on the Series A Planning Maps and in Lake Zones as shown on the Series A Planning Maps,*~~ a changed or new farming activity will be required to show that there is no net increase in nutrients discharged from the property or that advanced mitigation farming practices are applied such that the property operates in the top 10% of nutrient discharge minimisation practices when measured against practices in the relevant farming industry before commencing operation.

*4.33 In areas where regional water quality outcomes are not being met, as shown by a Red colouring on the Series A Planning Maps, priority will be given to collaborative catchment management processes that culminate in the promulgation of plan changes to set local water quality outcomes, and methods and timeframes to achieve those outcomes, including nutrient discharge allowances, pro-rata reductions in nutrient discharges, or other methods beyond good practice.*

This policy encompasses all of what we are concerned about: focusing only on “red zones” and then managing these by “collaboratively” setting local water quality outcomes. The intent is admirable, but we fear the actual outcome will be a degraded river which will not “*meet the reasonably foreseeable needs of future generations*”.

Jackie Wright  
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