

Tamina Roberts

From: Doug and Rose Rankin <doug.rose.rankin@paradise.net.nz>
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Subject: TRIM: Submission by DAR on Proposed Variation 1 to the Proposed Canterbury Land and Water Regional Plan March 2014
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Please find enclosed a submission we wish to lodge on a recent Proposed Variation to the Canterbury Land and Water Regional Plan.

I realise this application is a little late. Please confirm by return email that you will accept it.

Many thanks

Yours sincerely

Doug Rankin
Conservation Officer
Whitewater NZ

SUBMISSION ON THE PROPOSED VARIATION 1 TO THE PROPOSED CANTERBURY LAND AND WATER REGIONAL PLAN

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1. This is a submission on the Proposed Variation 1 (PV1) to the Proposed Canterbury Land and Water Regional Plan (PCLWRP) notified in February 2014. Sections and page numbers referred to here relate to the PV1 where possible.

Background

2. This is a personal submission on my own behalf that may be supported by Whitewater NZ and the Whitewater Canoe Club (WWCC). This has yet to be confirmed.
3. Whitewater NZ, formerly the New Zealand Recreation Canoeing Association, represents more than 1,000 canoe club members and individual members from around New Zealand. The national body helps to look after the interests of paddlers with respect to access, safety, and river conservation, among other matters.
4. The WWCC is based in Christchurch and has about 200 members. It has been in existence for about 30 years. The Whitewater Canoe Club is affiliated to Whitewater NZ, as are other clubs in Christchurch including the BugSports Club and the University of Canterbury Canoe Club.

Overview

5. The wider Canterbury region encompassed by the Canterbury Regional Council is blessed with many outstanding white water rivers that are widely used by river users such as myself from within the region and outside our region. Many local rivers, such as the Selwyn¹, are also used by other sectors of the urban and rural communities for fishing, picnicking, swimming and other recreation activities.
6. Many of our rivers, however, are a shadow of their former selves, as the taking of water for farming has strongly reduced their flows and mauri, and as pollutants from farming have degraded their water quality. This is particularly true of the Selwyn River and streams flowing into Te Waihora, which used to provide an outstanding recreational trout fishery. There is mounting pressure to continue expanding irrigation development especially for dairy farming. However, the effluent from the form of dairy farming largely practiced in New Zealand at present, poses a significant threat to our surface and groundwater environment, and to the flows and health of our rivers.
7. Many members of the community prefer to see rivers flowing strongly and healthily, rather than as vestiges of their former selves. In the face of increasing demands on water resources and without clear guidance, this situation will only worsen.
8. I am very concerned that the PV1 reverses sustainable water management priority outcomes previously identified in the Selwyn Waihora Zone (page 4-2) and published in the PCLWRP (such as 'High quality and secure supplies of drinking water' and 'Te Waihora is a healthy ecosystem'). The PV1 replaces them with a vision that supports further farming and irrigation and infrastructure development within the zone that will not see Te Waihora restored in the long term. The Lake has a Water Conservation Order on it and is valued by Ngāi Tahu but this seems to count for little. PV1 does not promote sustainable practices. Furthermore, the setting of limits for rivers and groundwater around nitrate toxicity legitimises the already parlous state of the receiving environment from the unsustainable farming practices. The setting of limits too will not meet the requirements of the National Policy Statement on Freshwater Management (NPSFM) that requires water quality within regions to either be maintained or enhanced.
9. The nitrogen loads that are permitted to be leached into the catchment 4830 tonnes per annum are far in excess of those considered necessary to restore Te Waihora (800 tonnes per annum²). The continued expansion of farming is being done at the expense of the receiving environment and at a cost to the community that the polluter is not paying for nor being prevented from doing.

¹ This river used to be used a great deal more for recreational activities than it is now due to the very low flows it suffers from due to unfettered irrigation development.

² B Jenkins, Sustainability Analysis of the Approach to the Management of Six New Zealand Lakes, Waterways Centre for Freshwater Management, University of Canterbury and Lincoln University, 2013.

10. Although the decisions underlying this plan have been made within the Canterbury Water Management Strategy Zone Committee process and by the 'community'³ I doubt the wider New Zealand community will support the outcome⁴. The farming community is not being held accountable for the pollution it is causing. An outcome that the wider New Zealand community might support, could, for example, be restored flows in the Selwyn River at Coes Ford during summer with water quality suitable for swimming and participating in other recreation and picnicking activities. This will not be achieved by the current plan. So why should it be permitted?
11. The success of the plan, and its ability to look after water quality in ground water and surface water into the future, is predicated on suitable control of farming activities. If this does not happen, and there are no penalties in the plan for it not happening, then the plan will fail. There are no penalties in the plan if the total nitrogen load in the Catchment is exceeded. There is only one requirement that by 2037 (24 years away) no farm will be permitted to release more than 80 kg nitrogen/ha/year, i.e., it will not be allowed to farm. If the plan fails, and I think there is a real risk that it will, our community will be subjected to the nitrate pollution problems that have occurred elsewhere in New Zealand and throughout the world as a result of such farming activities.

Specific Comments

12. The definition for the words 'Good Management Practice Nitrogen and Phosphorus Loss Rates' in the Table on page 4-4 is a tautology and therefore meaningless. The definition needs to be reworded and properly defined. Furthermore, the words 'Good Management Practice' are not defined in the sub-regional section nor Section 2.10 of the plan (PCLWRP), further making the definition meaningless. They also need to be defined.
13. In 11.5.7 point 3. there is no Schedule 24 provided with the VP1 or in the CLWRP. Therefore it is impossible to assess what the impacts of this condition might be on this rule and the plan. This schedule needs to be made available.
14. In Table 11(c) on page 4-32 for the Irwell River at Leeston Christchurch Road minimum flow for A permits will be 90% 7DMALF. I understand this river does not flow at times due to excessive connected groundwater takes and low summer flows so how will this rule apply and so what flow data (what years) will be used?

³ The 'community' was largely represented by local farming interests, and certainly not by a representative cross section of the wider New Zealand community whose environment is being impacted.

⁴ Fish & Game commissioned study of public perceptions of farming, Horizon Research, reported in The Press, 10 March, 2014, Christchurch; K F D Hughey, G N Kerr, and R Cullen, Public Perceptions of New Zealand's Environment: 2013. EOS Ecology, Christchurch, VI+115pp.

15. In Table 11(c) on page 4-32 minimum flows are provided for rivers and streams that have (or had) important recreation values such as fishing and swimming (e.g., the L II and the Selwyn River). I am not aware of any comprehensive studies that have been performed to determine whether these flows meet recreation needs and would therefore question their basis and validity. What flows are needed to provide for such values in the L II and Selwyn Rivers? Have these been provided? Have these been discussed by the Selwyn Waihora Zone Committee? If so, what was agreed? The CWMS is supposed to be meeting a multitude of targets including those around recreation values, and policies and rules addressing these needs in the Selwyn and L II Rivers should be obvious in the CLWRP or PV1.
16. In Table 11(i) the nitrogen load in the Catchment for farming of 4830 tonnes/year reflects an increase in nitrogen load and in dairy farming permitted in the Catchment than is currently occurring. It is also predicated on the assumption that strategies such as good management practice (whatever they are) will reduce the impact of this increased load. The catchment is already over allocated without this additional nitrogen load that is likely to lead to increased leaching losses of nitrate to groundwater and surface water. For example 80-90% of nitrogen discharged onto pastures in the form of urine patches from cows is lost to the groundwater or surface water system and not able to be used by the pasture. Given these conditions it is difficult to understand how the actions in the proposed package discussed on pages 4-2 and 4-3 will do anything other than maintain or make worse the parlous state of surface and ground water quality in the Zone and not 'assist with improving water quality' as is claimed in the final paragraph on page 4-3. It is also difficult to understand how this will 'restore the mauri of Te Waihora' (page 4-3). This begs the question, when will this ever occur? Or is the current PV1 simply devised to maintain (and expand because that is what is permitted) 'the prosperous land-based economy', and fixing the problems in Te Waihora and elsewhere in the Catchment will be left to another day? If addressing the problem is left until 2037, and the establishment of other significant infrastructure has occurred between now and then, there might be even more tension to forget about restoring Te Waihora and just permit the pollution that has resulted to be continued. It may be even more difficult to reverse the situation and stop inappropriate farming systems that have produced the problems.
17. In Table 11(k) on page 4-35 nitrate nitrogen concentration limits are set for rivers of different types in the catchment. However, this is possibly unlawful as the NPSFM requires that water quality be maintained or enhanced within a region⁵. For example, if an Alpine – upland river currently has an annual median nitrate nitrogen concentration of 0.5 mg/l, setting a limit of 1.0 mg/l as in Table 11(k) suggests that an increase in median nitrate nitrogen concentration up to 1.0 mg/l is allowed. However, if this were to be allowed, and the NPSFM to be met, then there would have to be a concomitant increase in water quality in some other water body or water bodies in the region (that might be in the Selwyn Waihora Catchment or elsewhere in the Canterbury Region), corresponding to the same mass of nitrate nitrogen present in the site at which the flow and concentration were

⁵ This matter was raised in Whitewater NZ's submission on the NPSFM (D A Rankin, Submission on: Improving our freshwater management: Proposed amendments to the National Policy Statement for Freshwater Management 2011, Whitewater NZ, 2 February 2014)

measured in the Alpine–upland river. If this was not the case then the overall water quality in the region would not be maintained, and this would be contrary to the NPSFM. Thus, if for example, the limits as in Table 11(k) are to be applied as outlined across all rivers in the Selwyn Waihora Catchment, and this meant that overall an increase in nitrate nitrogen would result in the Selwyn Waihora Catchment, then this would be unlawful unless a concomitant increase in water quality with a decrease of the same mass of nitrate nitrogen was demonstrated to have occurred elsewhere within the Region. There are no rules in the PV1 or PCLWRP that address this issue. There need to be to meet the NPSFM.

18. In Table 11(k) on page 4-35 nitrate nitrogen concentration limits are set for rivers of different types in the catchment but no limits are set for Boggy Creek and Doyleston Drain. What are they?
19. In Table 11(k) on page 4-35 nitrate nitrogen concentration limits are set for rivers of different types in the catchment. These limits are relatively permissive and reflect rivers that are degraded and in poor ecological health and therefore these rivers would likely suffer toxic algae blooms and not provide water environments conducive to recreation activities such as picnicking and swimming. This is contrary to the recreation outcomes and targets of the CWMS. Where are the analysis and deliberations of the Zone Committee on this matter and outcomes in the PV1?

Concluding Comments

I am very concerned about the impact of proposed increases in dairy farming and intensification of farming and lack of controls of same in the PV1 in the Selwyn Waihora Catchment. The permissive rules in PV1 have no teeth. Teeth would be provided by withdrawing consents to farm or prohibiting new farming activities unless the new farming activities would meet new leaching rates that will not lead to increasing nitrate ground water and surface water concentrations and lead to their continued reduction in the Catchment. The permissive rules will likely have the effect of maintaining the status quo. The lag effects will mean nitrate concentrations in ground water and surface spring water will increase to much higher levels than those already observed and exceed the current proposed limits. Many wells used for drinking water will likely exceed WHO drinking water standards and the appearance of our rivers and water quality will decline with more toxic algae blooms. This will have a severely adverse effect on our tourism industry and clean green image and our general community health and wellbeing with rivers no longer being available for recreation or food gathering activities. These outcomes are totally predictable based on overseas experience of uncontrolled pasture dairy farming (with cattle urinating directly onto pasture) as widely practiced in New Zealand at present. In this day and age and with this knowledge widely available this is not good enough.

As I have heard some Maori kaumatua express ‘the health of our community can be judged by the health of our rivers and lakes’. Clearly we do not have a very healthy society at the moment if the health of Te Waihora is anything to go by.

Thank you for the opportunity to make these submissions. I hope they are of value.

I wish to be heard in support of this submission.

A handwritten signature in black ink, appearing to read "D. A. Rankin". The signature is written in a cursive style with a large initial "D".

Douglas A Rankin

21 March 2014