

**From:** [Angela Christensen CSIFGC](#)  
**To:** [Mailroom Mailbox](#)  
**Subject:** CSIFGC PC5 Waitaki sub-region submission  
**Date:** Friday, 11 March 2016 4:29:44 p.m.  
**Attachments:** [CSIFGC submission PC 5 Waitaki.pdf](#)

---

Please find attached a submission from the Central South Island Fish & Game Council on PC5 Waitaki sub-region.

Best regards

**Angela Christensen** | Resource Officer  
**Central South Island Fish & Game Council**

PO Box 150, Temuka, New Zealand

**P** +64 3 615 8400 | **M** +64 021 843 968 | **E** [achristensen@csifgc.org.nz](mailto:achristensen@csifgc.org.nz) | **W** [www.fishandgame.org.nz](http://www.fishandgame.org.nz)





**SUBMISSION FROM:**      **CENTRAL SOUTH ISLAND FISH AND GAME COUNCIL**

**SUBMITTER:**                      **Jay Graybill**  
Chief Executive  
Central South Island Fish and Game  
32 Richard Pearse Drive  
PO Box 150  
Temuka 7948  
email: jgraybill@csifgc.org.nz

**Regional Council:**              Environment Canterbury  
PO Box 345  
Christchurch 8140

This submission is made in reference to Plan Change 5 (Waitaki sub-region) to the Canterbury Land and Water Regional Plan

**Trade competition**

Pursuant to Clause 6 of Schedule 1 of the Resource Management Act 1991, Fish and Game confirm they could not gain an advantage in trade competition through this submission.

**Hearing**

Fish & Game wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

Signature:

A handwritten signature in black ink, appearing to read 'Jay Graybill', is written below the 'Signature:' label.

Jay Graybill

Chief Executive

Date: 11 March 2016

## **ROLE OF FISH AND GAME**

Fish and Game Councils are Statutory Bodies with Functions (*inter alia*) to:

*'manage, maintain and enhance the sports fish and game bird resource in the recreational interests of anglers and hunters...*

*(b) 'to maintain and improve the sports fish and game resource-*

*(i) by maintaining and improving access*

*(c) 'to promote and educate-*

*(i) by promoting recreation based on sports fish and game*

*(e) 'in relation to planning-*

*(i)'to represent the interests and aspirations of anglers and hunters in the statutory planning process; and*

*(vii)'to advocate the interests of the Council, including its interests in habitats...'*

Section 26Q, Conservation Act 1987.

In addition, Section 7(h) of the RMA states that all persons *'shall have particular regard to... the protection of the habitat of trout and salmon.'*

## **GENERAL SUBMISSION**

1. Fish & Game supports the intent of Canterbury Regional Council and the Lower and Upper Waitaki Zone Committees in developing an integrated catchment land and water plan change to address the resource management issues in the Waitaki sub-region to ensure that the catchment's land and water resources are sustainably managed and its ecological values protected. In particular, Fish & Game supports the intent of Plan Change 5 to reduce nitrogen leaching from farming activities within sensitive and degraded catchments, the use of in-lake and in-river fixed loads to manage on-land nitrogen loads in response to Overseer version updates, and instream limits that acknowledge ecosystem health and life supporting capacity. Fish & Game, while supportive of non-regulatory actions aimed at improving water quality such as riparian planting and fencing, does not believe that they can be relied on alone without mandates to meet freshwater outcomes and provisions to meet in-stream and in-lake limits.
2. Proposed Plan Change 5 Waitaki sub-region sets provisions that relate to water quality. Given the statutory role of managing the sports fish and game bird resource that Fish & Game is tasked with, Fish & Game seeks provisions to ensure current water quality is maintained and improved over time where it is degraded, that water quality limits and freshwater outcomes safeguard life-supporting capacity and ecosystem health, that provisions effectively and efficiently monitor and review water quality limits and outcomes and respond should they deteriorate, and that the load limits set forth in the proposed Plan are not eroded through interim rules, provisions, and consent applications currently in progress yet to be granted.

### **Fish & Game seek the following relief**

Note: The submission has been set out in an attempt to be user-friendly. The outcomes sought and the wording used is as a suggestion only, where a suggestion is proposed it is with the intention of "or words to that effect."

Proposed provision	Support/oppose	Reasons	Decision sought
Policy 15B.4.4	Support	Avoiding the transfer of the take and future allocation of surface water meets the objectives of the NPSFM 2014.	Retain
Policy 15B.4.8	Support	The policy gives clear direction on aquaculture activities in the Waitaki sub-region with appropriate location restrictions and load limits as referred to in Table 15B(f).	Retain
Policy 15B.4.10	Oppose	The policy aims to set out how water quality outcomes are achieved through nutrient management. The provisions are not sufficiently clear or certain and as proposed, fail to ensure that land uses are managed in a manner that addresses environmental effects. They must ensure that water quality and the health of ecosystems is protected or where degraded, improved over time.	<p>Amend to include</p> <p>a) <u>all farming activities will be managed to ensure that water quality limits and freshwater outcomes will be met</u></p> <p>Amend bullet point (c)</p> <p>c) farming activities <del>with the potential for more significant nutrient losses being subject to</del> <u>causing or contributing to degraded ecological</u></p>

Proposed provision	Support/oppose	Reasons	Decision sought
			<u>health of freshwater habitats and exceedence of water quality limits will be managed through a resource consent process, and will be required to reduce contaminant discharges overtime to achieve water quality limits and freshwater outcomes</u>
Policy 15B.4.12	Support	Fish & Game supports this policy to address updates to Overseer through a methodology that ensures that nitrogen load limits in Table 15B(f) are not exceeded nor are they able to change due to on-land limit numbers changing. This ensures that despite changes to Overseer, water quality limits are certain and not exceeded.	Retain policy

Proposed provision	Support/oppose	Reasons	Decision sought
Policy 15B.4.13	Oppose	<p>Fish &amp; Game supports some instances to exceed the nitrogen baseline to allow flexibility in farming where it is appropriate and where water quality limits and outcomes will not be exceeded. However, as the policy is worded, it does not give effect to the NPSFM 2014. The policy lacks recognition around the importance of not exceeding water quality limits, which should be a driving factor in allowing exceedances of the nitrogen baseline.</p>	<p>Amend to include additional bullet point</p> <p><u>(c) the exceedance will not result in the water quality limits in Tables 15B (c), (d), and (e) being exceeded</u></p>
Policy 15B.4.16	Support with amendment	<p>Fish &amp; Game supports a policy that limits discharge consents to 15 years and enables a review should water quality begin to decline.</p> <p>If consents are granted that result in limits being exceeded and water quality deteriorating, then it is appropriate for the consents to be reviewed and if necessary, amended or overturned in order to give regard to the NPSFM 2014.</p>	<p>Amend to</p> <p>Within the Waitaki Sub-region, resource consents granted for the use of land for farming activities and the associated discharge of nutrients are restricted to a term of no more than 15 years and include conditions that enable a review of the resource consent under section 128(1)(a) of the RMA where <del>an exceedance of</del> <u>the water quality is declining and the outcomes or limits in Tables 15B(a), 15B(b), 15B(c), 15B(d)</u></p>

Proposed provision	Support/oppose	Reasons	Decision sought
			and 15B(e) <del>is</del> <u>are at risk of being exceeded and are identified.</u>
Policy 15B.4.18	Support with amendment	<p>The policy sets out to manage the discharge of nutrients by irrigation schemes. The load limit referred to in Table 15B(f) is considered by Fish &amp; Game to be the absolute limit in order to meet the water quality limits specified for waterbodies in the Waitaki sub-region. Any erosion of these loads will not protect the water quality limits nor meet the objectives of the NPSFM 2014.</p> <p>The policy is unclear in that it only references the nitrogen loss from properties in the scheme and restricts them to the load limits and water quality limits set out in the Tables; however, it is unclear from the policy that the load limit applies to all of the cumulative losses from farming activities in the Zone, not just to the properties supplied with water from the scheme.</p>	Amend sub clause (b) (ii) to (ii) the nitrogen load limit <u>allocated to all farming activities within the Zone that is specified in Table 15B(f) and the local in-stream and groundwater quality limits set out in Tables 15B(c) and 15B(e) for the Valley and Tributaries Zone or Whitneys Creek Zone;</u>
Policy 15B.4.20 (a)	Oppose	As proposed, the policy does not adequately signal that nitrogen losses from farming activities must be tied to the nitrogen load limits in Table 15B(f), which are calculated to ensure that current water quality is maintained. Referencing the Upper Waitaki Nitrogen Headroom does not provide a clear indication as to what	Amend to  (a) restricting increases in nitrogen losses from farming activities in the Haldon Zone or Mid



Proposed provision	Support/oppose	Reasons	Decision sought
Policy 15B.4.20(d)	Support with amendment	<p>that headroom may be and that it must come from within the load limit specified in Table 15B(f).</p> <p>The recently granted Upper Waitaki consents have a number of conditions to maintain freshwater quality. Fish &amp; Game have been involved in ongoing discussions with consent holders to ensure intensification in the Upper Waitaki does not negatively impact freshwater quality. Whilst the sub clauses go some way in addressing this, sub clause (d) does not adequately define “adaptive management conditions,” nor does it stipulate what actions are to be taken and within what timeframe.</p>	<p>Catchment Zone to <u>the Nitrogen Load Limits for that Zone in Table 15B(f)</u>; and <del>a limit not exceeding the Upper Waitaki Nitrogen headroom</del></p> <p>(d) applying to any resource consent granted for the use of land for a farming activity, or any permit granted for a discharge associated with an aquaculture operation or community wastewater activity, adaptive management conditions in accordance with the <u>freshwater outcomes</u> set out in Tables <u>15B(a), 15B(b), and the</u></p>

Proposed provision	Support/oppose	Reasons	Decision sought
			<p>water quality limits in Tables 15B(c),15B(d) and 15B(e) <u>which may include:</u></p> <p><u>(i) imposing early warning triggers,</u></p> <p><u>(ii) identifying and requiring remedial actions if triggers are reached and exceedances occur</u></p> <p><u>(iii) ensuring timely and appropriate monitoring of the receiving waterbodies</u></p>

Proposed provision	Support/oppose	Reasons	Decision sought
Policy 15B.4.22	Support with amendment	The rule aims to ensure water quality outcomes are met until the provisions identified become operative. The Ahuriri Zone is classified as a nutrient Red Zone where water quality is not being met. Given that the Ahuriri Zone is Red, it must be clear and certain that water quality is not at further risk and that the nitrogen load limit in Table 15B(f) is not exceeded.	Amend to include <u>(c) by avoiding nitrogen losses in the Ahuriri, Haldon and Mid Catchment Zones that will exceed the nitrogen load limits in Table 15B(f).</u>
Policy 15B.4.28	Oppose	Monitoring water quality and undertaking reviews to ensure the Plan is effectively meeting the freshwater outcomes and limits is appropriate and supported. However, the policy lacks the necessary wording to make it enforceable and accountable. It does not address when this will happen or what triggers will cause the review. It is important to have clear direction to ensure water quality will not deteriorate and where water quality is not meeting limits, will improve over time.	Policy 15B.4.28 is amended to provide clear direction in relation to plan changes which ensure that freshwater ecosystem health is safeguarded, that water quality limits will achieve healthy freshwater ecosystems and provide for recreational and intrinsic values of freshwater, and that rules ensure that water quality limits are not exceeded (overallocation is avoided) and where currently exceeded that they are achieved over a set timeframe.

Proposed provision	Support/oppose	Reasons	Decision sought
Rule 15B.5.10 (5)	Support with amendment	<p>Establishing Nutrient User Groups is an efficient way of sharing nitrogen losses in order to maintain water quality. The sub clauses under this policy define how the Nutrient User Group will be able to operate so that water quality does not deteriorate. Sub clause (5) refers to nitrogen loss calculations from the properties not exceeding the sum of the Upper Waitaki Nitrogen Headroom associated with those properties. However, it is unclear that this headroom is allocated to farming activities throughout the Zone and not allotted solely to the properties associated with the Nutrient User Group. It is important to identify what total headroom is available in order to establish the sum that can be associated with the properties.</p>	<p>Amend to</p> <p>(5) <u>The properties forming the Nutrient User Group are The aggregated nitrogen loss calculation for properties located within the Haldon or Mid Catchment Zone, and the combined nitrogen loss calculation for those properties</u> does not exceed the aggregate of the Upper Waitaki Headroom associated <del>available for</del> with those properties, <u>which is calculated from the Nitrogen load limits in Table 15B(f).</u></p>
Rule 15.5.10(6)	Support	<p>Fish &amp; Game support the retention of the sub clause that limits nitrogen loss to the lesser of the nitrogen baseline of the Baseline GMP Loss Rate as properties in a Lake Zone can add risk to sensitive waterbodies where water quality is at risk.</p>	<p>Retain sub clause (6)</p>

Proposed provision	Support/oppose	Reasons	Decision sought
Rule 15B.5.20	Support with amendment	To provide more clarity around the expectations that Upper Waitaki Nitrogen Headroom must ensure water quality limits are met, the load limit allotted to those Zones should be specifically referred to.	Amend to  (2) The nitrogen loss calculation for the property does not exceed the Upper Waitaki Nitrogen Headroom available to the property, <u>which is calculated from the Nitrogen load limits in Table 15B(f).</u>
Rule 15B.5.21	Support with amendment	To provide more clarity around the expectations that Upper Waitaki Nitrogen Headroom must ensure water quality limits are met, the load limit allotted to those Zones should be specifically referred to.	Amend to  (2) The nitrogen loss calculation for the farming enterprise does not exceed the <del>the</del> sum of the Upper Waitaki Nitrogen Headroom available to the properties forming the farming enterprise, <u>which is calculated from the Nitrogen load limits in Table 15B(f); and</u>

<b>Proposed provision</b>	<b>Support/oppose</b>	<b>Reasons</b>	<b>Decision sought</b>
Rule 15B.5.24	Support	The Hakataramea River Zone and Hill Zone were areas identified during the community process as areas where intensification is likely to impact water quality. Fish & Game are supportive of this rule to avoid intensification in these zones.	Retain
Rule 15B.5.25 Matter of discretion (6)	Support	The Hakataramea is a Schedule 17 Salmon Spawning Site. Fish & Game support stock exclusion with setback distances from waterbodies to help address sediment, phosphorous and E.coli contamination.	Retain
Table 15B(a) Dissolved Oxygen Temperature Chlorophyll a	Oppose	<p>The freshwater outcomes listed in the table should safeguard life-support capacity and protect ecosystem health.</p> <p>The Waitaki region is both a regionally and nationally significant sports fishery. Temperatures should be set to safeguard life-supporting capacity.</p>	<p>Dissolved oxygen should not fall below 80% saturation. Fish &amp; Game seek amendments to DO for the Valley and Tributaries Spring-fed plains and the Northern Fan Catchment Spring-fed plains.</p> <p>Temperature Max should be set at 19°C (Oct-Apr) and 11°C during spawning times (May-Sept)</p>

Proposed provision	Support/oppose	Reasons	Decision sought
		<p>A freshwater outcome for Chlorophyll a of 200 mg chl-a/m<sup>2</sup> does not reflect ecosystem health. Recently granted consents in the Upper Waitaki through mediation and extensive stakeholder involvement require consent holders to reduce their Irrigation Proportion Factor if a value of Chlorophyll a 200 is reached. Therefore, to allow this to become the normal or a freshwater outcome to be achieved by 2030 is neither appropriate to achieve ecosystem health nor fair on existing consent holders. It cannot be both an outcome for freshwater and a consent trigger that indicates that water quality is deteriorating and irrigation must be reduced.</p>	<p>Amend Upper Waitaki Chlorophyll a value to 120</p>

Proposed provision	Support/oppose	Reasons	Decision sought
Table 15B(b)  Kellands Pond Wairepo Arm	Oppose	<p>Water quality limits have been set for a number of lakes in the Upper Waitaki FMU; however, Lake Ruataniwha is not included. Lake Ruataniwha is an important recreational lake with a camping ground along its shore, swimming access, angling opportunities, jetboating, and a rowing course. It is important that limits be set for the lake's water quality to be maintained and not allowed to deteriorate in order to ensure that it meets water quality suitable for recreational purposes and to protect ecosystem health.</p> <p>Kellands Pond and Wairepo Arm are showing signs of degradation due to intensification of farming activities in the area. The areas are located in the Sensitive Lake Zone and water quality should be maintained at current state or where degraded, improved over time. The TLI for these waterbodies should be maintained at current state and not be allowed to deteriorate. The proposed TLI of 4 would allow degradation to water quality and would allow shifting from a mesotrophic to the beginnings of a eutrophic state. This is not consistent with the NPSFM 2014 and proposed policy 4.37.</p>	<p>Amend to include Lake Ruataniwha in Table 15B(b)</p> <p>Table 15B(b) Lake Ruataniwha TLI 1.7</p> <p>Table 15B(b) Kellands Pond and Wairepo Arm TLI 3.2</p>
Table 15B(c) Henburn, Omarama Stream, Willowburn- Quailburn Rd,	Oppose	Fish & Game support many of the values for nitrogen allotted to waterbodies throughout the Upper Waitaki sub-region that support life-supporting capacity and ecosystem health. Where nitrogen annual median and 95 <sup>th</sup> percentile values do not safeguard life-supporting capacity and ecosystem health, Fish & Game seek that	<p>Amend waterbodies as follows for Nitrate-nitrogen concentration</p> <p><b>Upper Waitaki-</b></p>



Proposed provision	Support/oppose	Reasons	Decision sought
Penticotico Stream, Hakataramea, Whitneys Creek, Waikakahi Stream		they are met over time by preventing over-allocation of nutrients where water quality is not currently being met.	Spring-fed-upland: Henburn 0.08mg/L (Annual Median)  Omarama Stream 0.08 mg/L (Annual Median)  Willowburn-Quailburn Rd 0.08mg/L (Annual Median)  <b>Valley and Tributaries-</b> Spring-fed plains: Penticotico Stream 0.4mg/L (Annual Median) 1.3 mg/L (95 <sup>th</sup> Percentile)  <b>Hakataramea-</b> Hill-fed lower: Hakataramea River at Main Rd 1.3 mg/L (95 <sup>th</sup> Percentile)  <b>Northern Fan-</b> Spring-fed plains:

<b>Proposed provision</b>	<b>Support/oppose</b>	<b>Reasons</b>	<b>Decision sought</b>
			<p>Whitneys Creek 0.4mg/L (Annual Median) 1.3 mg/L (95<sup>th</sup> Percentile)</p> <p>Waikakahi Stream at Te Maiharoa Rd 0.4 mg/L (Annual Median) 1.3 mg/l (95<sup>th</sup> Percentile)</p>
Table 15B(d)		As above, Fish & Game submit that Lake Ruataniwha be included in the water quality limits for lakes in the Upper Waitaki FMU. The Lake has many values and water quality parameters should protect those values.	<p>Amend to include Lake Ruataniwha in Table 15B(d) with the following values</p> <p>TLI 1.7 TP &lt;10 TN&lt;160 Chlorophyll a: Annual median &lt;2 Annual maximum &lt;10</p>
Kellands Pond Wairepo Arm	Oppose	The parameters set for Kellands Pond and Wairepo Arm do not appear to maintain the current state of water quality in a Sensitive Lake Zone and therefore, do not meet proposed policy 4.37 and the	Amend Kellands Pond and Wairepo Arm to

Proposed provision	Support/oppose	Reasons	Decision sought
		NPSFM 2014.	TLI 3.2 TP <20 TN <350 Chlorophyll a: Annual median <2 Annual maximum <10
Table 15B(f)	Support	Fish & Game supports nitrogen load limits calculated in-river or in-lake and the use of a methodology referred to in the footnote noted as Schedule 27 to calculate the nitrogen load limits available for agricultural intensification that maintains water quality limits. This ensures that water quality limits and outcomes will be met and are not moving targets with changes to Overseer.	Retain