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Subject: Fish and Game Submission PC5 Part 1
Date: Friday, 11 March 2016 4:54:59 p.m.
Attachments: [Fish and Game submission LWRP Plan Change 5 Part 1.pdf](#)

To whom it may concern,
Please find Fish and Games PC5 submission Part 1 enclosed.

Regards, Scott

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RESOURCE MANAGEMENT ACT 1991

**SUBMISSION ON PROPOSED PLAN CHANGE 5 TO THE CANTERBURY LAND AND WATER REGIONAL PLAN
FISH AND GAME SUBMISSION – PART 1 NUTRIENT MANAGEMENT**

To: Environment Canterbury

From: North Canterbury Fish & Game and Central South Island Fish & Game

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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.

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.'*

INTRODUCTION

1. Canterbury is one of the key regions in the South Island for quality river fisheries. The sports fish and game bird resources of the North Canterbury and the Central South Island Fish and Game regions are highly valued.
2. The sports fishery, in particular is significant, with over 450,000 angler days spent on the Region's waters (NIWA National Angling Survey 2007/08). The value placed on the sports fish and gamebird resource in a wider context is encapsulated by the four operative Water Conservation Orders in the Region (Te Waihora/ Ellesmere, Rakaia, Rangitata and Ahuriri.)

GENERAL SUBMISSION

Fish and Game support the intent of Environment Canterbury (ECan) in developing an integrated catchment land and water plan variation to address significant resource management issues, and ensure that the catchment's land and water resources are sustainably managed and their values protected. The items raised below in relation to the proposed provisions of Plan Change 5, are submitted to give effect to the purpose of the Act, give effect to the National Policy Statement for Freshwater Management 2014 (NPSFM), the Canterbury Regional Policy Statement 2013 (CRPS), the vision and principles of the Canterbury Water Management Strategy 2009 (CWMS) and adequately address the significant water quality and quantity issues that Canterbury faces.

DEVELOPMENT OF GOOD MANAGEMENT PRACTICES AND THE MATRIX OF GOOD MANAGEMENT

- 1) Fish & Game has provided input into the development of Good Management Practices (**GMP**) and the Matrix of Good Management (**MGM**) in an advisory group and external governance capacity. We also note that under the timeframes for development ECan also ran a parallel policy process.
- 2) For the development of the actual GMP's, agricultural sectors were called upon to provide what they considered to be the most appropriate GMP's for their respective sectors. While this involved drawing on previous industry experience, including guidelines and codes of practice, it is important to note that other agencies and parties with an interest in the content of the GMP's, such as Fish and Game, were given limited opportunities to comment on their detail. For this reason Fish and Game consider GMP's in reality to be nearer to 'minimum practice standards', however we acknowledge use of the term 'good' has more positive connotations.
- 3) Throughout the development process, it has been emphasised that GMP and MGM are not comprehensive sub-regional allocation mechanisms in their own right, but a tool to help achieve sustainable nutrient management. For this reason, we are cautious about how far these tools can be applied in the creation of either headroom, or more permissive provisions – particularly for permitted activities in red zones.
- 4) Having been involved in nutrient working group processes in catchments like the Hurunui and Hinds, Fish and Game is aware that farming activities are not static and there is fluctuation from year to year. This means the thresholds need to allow some room for

flexibility (unders and overs over a time) for reasonable levels of change; provided the potential individual and cumulative effects are managed in accordance with the requirements of regional and national RMA provisions. This flexibility is particularly true in relation to dryland farming with lower leaching levels given their relative contribution to catchment nutrient loads and the disadvantages of a ‘grandparenting regime’ on existing lower nutrient dischargers.

- 5) We recognise the challenges associated with climate change and that some ‘limited’ drought proofing for sheep and beef farmers via irrigation has advantages for their long term viability in dryer years. However, the levels of permitted increase in irrigation and winter grazing could pose serious additions in nutrient load and associated water pollution that need to be managed carefully.
- 6) Our current position is that MGM/GMP is one management tool in the toolbox, not a comprehensive allocation mechanism. It could be likened to a minimum license to operate, as opposed to a medium or high level indicator of best practice. Therefore the allocation gains assumed or modelled under GMP gains should be limited to conservatively offsetting the incremental allowances for permitted activities (P.A) and consented land use activities as proposed, with the appropriate checks and balances. In Fish and Game’s view GMP/MGM should not be a means to create significant headroom for the catchments in the sub-regional processes until the approach has been proven to work and we have stronger evidence of the resultant improvements, both off-farm and in our freshwater bodies.
- 7) The first part of Fish and Game’s submission therefore addresses the provisions relating to the introduction of GMP and MGM and attempts to manage the expectations for these tools appropriately and the extent to which they will influence the maintenance or enhancement of water quality. We express caution in relation to the temptation to potentially double count the benefit of GMP improvements, when it is known that many GMP elements are already assumed to be met in Overseer, but in reality many are currently not. This is one of the major reasons why Fish and Game has sought to restrict the level of permitted irrigation and winter grazing in Orange and Red Zones.
- 8) Overall Fish and Game is cautiously supportive of the approach to ‘raise the bar’ of minimum practices across the agricultural industry as well as to ensure farms with higher nutrient footprints and risk profiles are managed and measured to a greater degree.

- 9) Fish and Game support the general intent of the proposed provisions in Plan Change 5 except where comments are specifically noted, and seek any further or alternative relief to the effect of that sought:

Proposed new provision	Support/oppose	Reasons	Decision sought
<p>Definition Winter Grazing</p>	<p>Support in part</p>	<p>Fish and Game consider break feeding of supplementary feed may also occur with cut supplementary feed grown and moved from another part of the same property, and therefore request the definition be inclusive of both supplementary feed sources.</p>	<p>Amend to: Means the grazing of cattle...or supplementary feed that has been brought onto the property <u>or from another part of the property</u>.</p>
<p>Policy 4.34</p>	<p>Support in part</p>	<p>Fish and Game support the intent of this policy to minimise nutrient loss from farming activity, but want to ensure that Overseer assumptions do not see a double counting of gains from projected nutrient improvement. In other words we wish to avoid gains through GMP achievement being counted twice, if for the property or scheme which achieved the gains, it had already been assumed that these gains were achieved in Overseer, when in reality they were not.</p>	<p>Insert new clause (d): Identify where Overseer assumed practices are or were not being met, and quantify against comparative improvements or projected improvements in GMP nutrient reductions.</p>

Proposed new provision	Support/oppose	Reasons	Decision sought
Policy 4.36	Support	Fish and Game support the intent of the proposed amendments to (a),(b) and (bb) of this policy. It is important that all farms are required to meet good management practices and further requirements as per the extent and scale of the farming activity.	Retain
Policy 4.37	Support	The amended requirements in the Lake Zone and red nutrient allocation zones are supported, because these limitations on new or renewed consents will assist the improvement of freshwater quality in these zones.	Retain
Policy 4.38AB	Support	This policy is supported because it does preclude a consent authority considering an adverse effect on its own merits, as opposed to total reliance on the 'permitted baseline' test.	Retain
Policy 4.38B	Support in part	<p>This policy is supported in part due to the importance of monitoring the effects on water quality from intensification or changes in farm activity. Fish and Game seek additional assurances that ECan will undertake random checks of contributions to the portal from 'permitted activity' land users. As provided for in Schedule 7A (4), it is important to formalise in this policy the requirement to carry out random checks of permitted activity management plans and associated actions, in order to identify problems and avoid potential abuse of this self-management system.</p> <p>This addition is also considered necessary for the achievement of proposed Policy 4.36 (a) and (b).</p> <p>The requirement to carry out some random checks on permitted activity</p>	<p>Amend to:</p> <p>Effects on water quality...is periodically review by Environment Canterbury as part of its monitoring programme, <u>including random checks for contributions to the portal and minimum Management Plan requirements and</u></p>

Proposed new provision	Support/oppose	Reasons	Decision sought
		<p>users was raised by Fish and Game in the Policy Working Group Process.</p> <p>We note that Canterbury is experiencing declining water quality on a large scale in part due to permissive planning frameworks, for this reason permitted activity monitoring and compliance is essential.</p>	<p><u>achieved actions, for permitted activity land users.</u></p>

Proposed new provision	Support/oppose	Reasons	Decision sought
Policy 4.38E(b)	Support in part	Clause (c) does not go far enough in protecting phosphorus loss in high risk zones for permitted activities and existing use activities. Therefore (b) should be amended to include them in order to effectively achieve the intent of this policy. The alternative amendment also supports proposed Schedule 7A (2)g in relation to critical source areas for phosphorus loss.	Amend to: requiring any application for resource consent for a farming activity that is located within a Phosphorus Risk Zone to identify within the Farm Environment Plan or Management Plan the critical areas for phosphorus loss; and
Rule 5.41A	Oppose in part	This rule lacks the ability to adequately manage adverse effects particularly in the situation where Environment Canterbury may need to review all consents in a catchment in order to maintain overall water quality. A new sub-clause is required to address this limitation.	Insert an additional clause (c) stating: <u>c. the land is not subject to a whole of catchment review of resource consents in order to maintain or improve water quality or meet plan limits.</u>
Rule 5.44A	Support in part	Fish and Game considers the potential for a property to increase from 0 to 20 hectares of winter grazing in a red nutrient allocation zone will not maintain water quality. An additional requirement is suggested that is similar to Clause 3.	Amend Clause 4 to include: The area of the property used for

Proposed new provision	Support/oppose	Reasons	Decision sought
			winter grazing within the period 1 May to 1 September does not exceed a total area of 20 hectares, <u>any increase in the area of winter grazing is limited to 10 hectares above that which was winter grazed at 13 February 2016;</u>
Rule 5.48A	Support	It is appropriate for farms that exceed limits to be a prohibited activity, to ensure overallocation does not occur.	Retain
Rule 5.52A	Support	It is appropriate for farms that exceed limits to be a prohibited activity, to ensure overallocation does not occur.	Retain
5.54A	Support in part	This rule will not maintain water quality in the Orange Zone due to the size of the potential increases in irrigated land and winter grazing above existing use. Fish and Game seek the same permitted activity restrictions on land use change as for Red Zones, given the vulnerability of Orange Catchments and the emphasis being on maintaining water quality, and not allowing it to degrade.	Insert a new clause 2(a) to state: <u>For any property where, as at 13 February 2016, the area of land authorised to be irrigated with water is less than 50 hectares, any increase in the area of irrigated land is limited to 10</u>

Proposed new provision	Support/oppose	Reasons	Decision sought
			<p><u>hectares above that which was irrigated at 13 February 2016;</u></p> <p>Amend (3) to state:</p> <p>The area of property used for winter grazing is less than 20 hectares, <u>any increase in the area of winter grazing is limited to 10 hectares above that which was winter grazed at 13 February 2016;</u></p>

Proposed new provision	Support/oppose	Reasons	Decision sought
Schedule 7 Farm Environment Plan	Support	Fish and Game supports the overall intent and content of Schedule 7 given its importance in helping achieve the Objectives, Policies and Rules in this plan.	Retain
Schedule 7A Management Plan for farming activities	Support in Part	Environment Canterbury should provide more details in Schedule 7A or another part of the plan that details their methods for achieving effective monitoring, education and actions with regard to these Management Plans.	Insert methods by Environment Canterbury to achieve effective monitoring, education and actions under Schedule 7A, clause 4. Including those suggested in Policy 4.38B above.