CANTERBURY REGIONAL COUNCIL HEARING

IN THE MATTER of Variation 1 to the proposed Canterbury Land & Water Regional Plan related to the Selwyn/Te Waihora catchment

Malvern Hills Protection Society Inc. 17 October 2014

To the Commissioners

- Thank you for the opportunity to present the views of the Malvern Hills Protection Society Inc. (the Society). My name is Rosalie Snoyink. I am a resident of Glentunnel and spokesperson for the Society. I am joined by committee members Brian Thompson from the Waianiwaniwa Valley, and Nicolle Hughes from the Wairiri Valley. Today we'd like to expand on some of the points raised in the Society's preliminary submission.
- 2. The Society submitted on the following:

Policies: 11.4.1, 11.4.12, 11.4.13, 11.4.14, 11.4.16, 11.4.22, 11.4.27, 11.4.28, 11.4.32.

Rules: 11.5.6 – 11.5.12, 11.5.13, 11.5.14, 11.5.15, 11.5.18, 11.5.32, 11.5.37 and 11.5.42.

History

- 3. The Malvern Hills Protection Society was formed in 2001 in response to the Central Plains Water (CPW) proposal to take and divert water from the Rakaia and Waimakariri Rivers, and to construct a water storage dam in the Wairiri Valley. CPW later changed the location of the dam and reservoir in 2002, to the neighbouring Waianiwaniwa Valley.
- 4. Our founding members were some of the farmers and residents affected by the CPW proposal, whose properties were to be compulsorily required for the dam, reservoir and headrace canal, and also some of the people who lived in close proximity to the proposed dam.

- 5. Some members of the Society are still recovering from the financial loss incurred by having a Notice of Requirement on their property between 2005 and 2010. In 2014 some of our members still remain affected by designations on their land for the head race canal.
- 6. At the time of the CPW Hearing in 2008, many people from the wider Canterbury region also joined the Society. Currently we represent about 60 people who live in and around the Wairiri and Waianiwaniwa Valleys and the surrounding Malvern Hills townships of Coalgate, Glentunnel and Whitecliffs. The Society was incorporated in 2005.



Figure 1. Waianiwaniwa Valley October 2014 Photo: R. Snoyink

7. The freshwater resource, the cultural, heritage landscapes, and amenity values of the Malvern Hills are highly important to our members. We recognise the area is rich in Maori and European history. These values are best described in the landscape evidence by Ms Di Lucas to the CPW Hearing (esp. paras 58 -64).

http://ecan.govt.nz/publications/Cons%20Notifications/HearingEvidenceDiLucas.pdf

- 8. The Society's interest in freshwater is not confined to the Malvern Hills area. It is the whole of the integrated catchment that is important to us. This includes tributaries, associated springs, streams, aquifers, wetlands, lakes, lagoons and finally the ocean. The Society supports the integrated approach of ki uta ki tai "from the mountains to the sea and beyond."
- 9. Since 2001 the Society has made numerous submissions to Environment Canterbury and to the Selwyn District and Christchurch City Councils. In August 2013 the Society made a presentation to the Selwyn Te Waihora Zone Committee in relation to recommendations in the Zone Implementation Plan (ZIP). The Society also submitted on the National Freshwater Policy Statement 2014. All submissions have conveyed the Society's deep concerns about the state of our waterways and declining water quality and quantity in the Selwyn Te Waihora catchment.

Variation 1

- 10. The Society supports Variation 1 in general, but believes the proposed rules and policies do not go far enough. Today we'd like to focus on the Society's key areas of concern:
 - a) Drinking water quality
 - b) Selwyn/Waikirikiri River and its tributaries
 - c) Dams and damming

Drinking water quality

- 11. Communities in our area are now receiving regular boil water notices. Over the last two years the Malvern Hills townships of Glentunnel, Whitecliffs, Coalgate, Hororata and Sheffield have all received notices to boil water because of **E.coli** contamination.
- 12.1 have lived in the Darfield /Glentunnel area for the last 50 years and can't recall receiving boil water notices until the last few years.
- 13. In 2009 the 70m deep Dunsandel community well was polluted with E.coli.
- 14. In August 2012, 128 Darfield residents became ill after a gastroenteritis outbreak. A few days earlier E.coli had been detected in the Darfield Community well and boil water notices issued. The numbers of people affected by these outbreaks was probably greater because not everyone would have gone to the Doctor.

http://www.stuff.co.nz/the-press/news/7527304/Darfield-residents-struck-by-E-coli

15. In May 2013 residents in Rolleston were advised to boil water after a higherthan-recommended E. coli level was found in a bore 195m deep.

http://www.stuff.co.nz/the-press/news/8667723/Water-woes-may-hit-ratepayerspockets

- 16. Nitrate levels in shallow and deep groundwater wells are a huge concern to the Society. A July 2014 memo to the Selwyn Te Waihora Zone committee, by Ecan water scientist Carl Hanson, reports two wells (over 250m deep) with nitrate levels over half the Allowable Maximum Value (MAV). One well is at the new Darfield Fonterra dairy processing plant (L35/0884), and the other is the Darfield township water supply well (L35/0980).
- Groundwater from several shallower wells had even higher concentrations of nitrogen above 8.4 mg/L, particularly in the Darfield-Kirwee area and further up the plains toward Sheffield. Pages 39 – 44 Memo Deep Groundwater Investigations, Carl Hanson, 28 July 2014. <u>http://ecan.govt.nz/publications/Council/selwyn-meeting-050814.pdf</u>
- 18. The levels recorded are indicative of past agricultural practices. Since irrigation and more intensive farming have increased in the area over the last 10 15 years, we shudder to think what future concentrations will be. If ever there were a time for a precautionary approach, it's now.
- 19. Although the Society is seeking a reduction in nitrogen loads across the catchment, we have concerns about the current inequitable approach in setting nitrogen baselines. Waianiwaniwa Valley farmer, Brian Thompson will explain the effects of nitrogen baseline limits on low discharge farmers.

The Selwyn/Waikirikiri River

20. Public notices now appear regularly at spots along the upper reaches of the Selwyn/Waikirikiri River from Whitecliffs to Glentunnel and Coalgate, and downstream to Te Waihora, warning people not to swim or fish because of toxic algal blooms. Even when the signs are not there, people are reluctant to swim or fish in the river. This river has provided enjoyment for many generations of New Zealanders over the years but the tragedy is that this basic pleasure has been lost.



Figure 2. Warning sign on banks of Selwyn/Waikiriri at Coalgate Bridge Photo R Snoyink

- 21. The river is in a degraded state and its waters are over allocated. This has resulted in decreased flows of 15 20%. Less water equals higher temperatures and adverse effects on river health. To ameliorate this situation the Society seeks that no new water takes from the river and its tributaries be granted for irrigation while the Selwyn Te Waihora catchment is classified as a red zone.
- 22. As the river is a source of drinking water for Malvern Hills communities the Society supports the Regional and sub-regional rules that require the exclusion of stock from the Selwyn/Waikirikiri River.



Figure 3. Pugging of streams by cattle grazing river flats above Selwyn/Waikiriri Gorge 2009 Photo R. Snoyink



Figure 4. Cattle in Upper Selwyn/Waikirikiri

23. The Society is relying on Variation 1 to protect and restore the instream, cultural, amenity and recreational values of the Selwyn/Waikirikiri and Te Waihora.

Dams and Damming

24. The Society supports the prohibiting of dams and damming on the main stems of both the Selwyn/Waikirikiri and Waianiwaniwa Rivers. In addition we seek that damming be a prohibited activity on the Selwyn <u>and its tributaries</u>

Seek: Change the wording in Policy 11.4.31 and Rule 11.5.42 to reflect the above.

Reasons

- 25. In August 2013 the Society made a submission to the Selwyn/Te Waihora Zone Committee after reading the Preliminary Strategic Assessment and Recommendations to the ZIP that included two areas for potential water storage.
 - a) Upper Selwyn-Waihora plains and foothills.
 - b) Waianiwaniwa River

26. The Executive Summary of the **Preliminary Assessment of Selwyn Te Waihora potential water storage areas against CWMS and other targets** included the following points:

The following "red flags" were identified for area 1 (Upper Selwyn-Waihora plains and foothills):

- Inundation of an existing wetland (see Figure 7)
- Inundation of Wairiri intermontane basin ecosystem
- Inundation affecting known trout and salmon spawning areas on the mainstem of the Selwyn, Hororata, Wairiri and Hawkins Rivers
- Impacts on upland river health due to inundation of the mainstem of the Selwyn, Hororata, Wairiri and Hawkins Rivers
- Inundation affecting river reaches noted for native fish in the New Zealand Freshwater Fish Database (see Figure 5)
- Short term (<5yr) impacts of development on the local community
- Environmental flows that protect instream values and deliver cultural outcomes
- Ohinekakaraiti pā (and surrounding area near confluence of Waimakariri River and Kōwai River).
- Mixing of waters
- Wāhi taonga
- Cultural landscape values
- Water quality: direct & non-point source pollution (storage + use)
- Marae drinking water (storage + use)
- Increase the abundance, access, use mahinga kai (storage + use)

The following "red flags" were identified for area 2 (Waiāniwaniwa River):

- Inundation of an existing wetland (see Figures 7 &10)
- Inundation of Waiāniwaniwa intermontane basin ecosystem
- Impacts on upland river health due to inundation of the Waiāniwaniwa River
- Inundation affecting river reaches noted for native fish in the New Zealand Freshwater Fish Database (see Figure 5)
- Short term (<5yr) impacts of development on the local community
- Environmental flows that protect instream values and deliver cultural outcomes
- Mixing of waters
- Wāhi taonga
- Cultural landscape values
- Water quality: direct & non-point source pollution (storage + use)
- Marae drinking water (storage + use)
- Increase the abundance, access, use mahinga kai (storage + use)

- 27. The Assessment and Recommendations came as a complete surprise to the Society as no consultation had occurred with local people who were only just recovering from a long and gruelling RMA process, over 8 years between 2002 and 2010.
- 28. We explained to the Zone Committee, that the effects of water storage on Malvern Hills communities, and the environment, had already been exhaustively argued at the CPW Hearing, and we questioned why communities were being asked to repeat this process.
- 29. We told the Zone Committee there were over 3000 submissions to the CPW Hearing on the Waianiwaniwa proposal. Four commissioners sat through 63 hearing days, over two and a half years. One hundred and seventy people spoke at the Hearing. The commissioners heard from 34 witnesses for CPW, and 27 reporting officers or Council consultant witnesses. There were a further 34 witnesses representing Fish and Game, Dept of Conservation, Ngai Tahu and the Malvern Hills Protection Society, as well as numerous individual or group submissions. Added to this was a 'bevy of legal counsel'. (Source: CPW decision Part I, Para 1.47) We wondered what the Zone Committee now knew that would suddenly make it appropriate to revisit the prospect of damming these valleys.
- 30. The Hearing took a huge toll on the Society. Our volunteer group had to resort to fundraising to engage expert witnesses and legal counsel and spent untold hours preparing and presenting lay submissions, and attending the Hearing. Three members of the Malvern Hills committee attended all of the 63 Hearing days.
- 31. In 2010 Commissioners declined the Waianiwaniwa dam and reservoir applications and a run-of-river scheme was consented.
- 32. At the Zone Committee meeting the Society opposed the recommendations that included both the Waianiwaniwa and Wairiri Valleys as potential storage options in the sub regional plan. The Society concluded that the red flagged areas did not provide enough future social or environmental protection for these valleys.
- 33. The Canterbury Aoraki Conservation wrote to the Environment Canterbury Commissioners outlining the Board's view of putting the Waianiwaniwa and Wairiri Valley storage options 'back on the table'. Appendix 1. Letter Canterbury Aoraki Board.
- 34. The Society told the Zone Committee that storage options in the upper plains i.e. along the proposed CPW headrace canal are supported because these areas would not involve the damming of or inundation of the Selwyn/Waikirikiri and its tributaries, or effect existing thriving communities.

35. The Society received a fair hearing from the Zone Committee and received a letter (dated 7 October 2013) from the Chairman, Mr Pat McEvedy, confirming a key Policy in the draft sub regional plan:

11.5.29 Prohibit in-stream damming of the full flow on the main stem of the Waikirikiri/Selwyn River and the Waiāniwaniwa River above the confluence with the Selwyn River as shown in the Series A Planning Maps.

- 36. The Society agreed with the new Policy and Rule but felt it should include the Selwyn/Waikirikiri **and its tributaries**. As currently written Policy 11.4.31 and Rule 11.5.42 do not provide adequate protection for the river.
- 37. As we understand from the original Wairiri water storage concept, the only option for getting the outlet water (releasing up to 30 cumecs) from the dam to the head race canal at Coalgate, would be down the Selwyn River. A dam in the Wairiri Valley would result in inundation of most of the Wairiri River and a section of the Selwyn/Waikirikiri from Glentunnel to the CPW headrace canal, a distance of approx. 3 kilometres of the river.



Figure 5. Wairiri Valley October 2014 Photo R. Snoyink

- 38. This 3 km of river provides significant and varied amenities for local communities and visitors. Along this popular stretch one can find a busy Camping Ground, a long established Golf Course, the Glentunnel Primary School, three local swimming holes (when swimmable), and a network of walking tracks. A dam in the Wairiri Valley would threaten the three downstream townships of Whitecliffs, Glentunnel and Coalgate and destroy the small community atmosphere enjoyed by those living there.
- 39. The tributaries of most of the upper Selwyn/Waikirikiri are some of the last areas of significant habitat for the acutely threatened, currently classified 'nationally endangered' Canterbury mudfish (Neochanna burrowsius).



Figure 6. Fenced Mudfish habitat Waianiwaniwa Valley 2010 Photo R.Snoyink

- 40. The Wairiri and Waianiwaniwa Valleys have areas of significant wetlands including rare raised peat bogs, and small remnant areas of indigenous vegetation. Halls Bush Nature Reserve in the Wairiri Valley is one of the few areas of foothills indigenous forest remaining.
- 41. The amount of remaining native vegetation in Canterbury is one of the lowest in New Zealand. Less than 1% of the original vegetation remains and the majority of the region is classified as either 'acutely threatened' and 'at risk' or 'critically under-protected' (Walker, et al., 2006). In the Selwyn District the situation is even more critical where less than 0.5% of the native vegetation remains (Meurk, pers. comm.). (Source Te Ara Kakariki website).

- 42. There is a lack of legal protection for what little indigenous biodiversity remains within in the Selwyn Te Waihora catchment. Why is the CWMS and Variation 1 not giving effect to the Canterbury Biodiversity Strategy? Variation 1 appears to primarily focus on how to build more water storage infrastructure.
- 43. Many people in both valleys are planting native vegetation on their properties, fencing stock out of waterways, and fencing areas of significant biodiversity. Over the last few years members of the Society have been planting natives along the public walking track on the south side of the Selwyn/Waikiriri between Glentunnel and Coalgate. We don't want this work to have been for nothing.
- 44. The Society is also concerned about the loss of indigenous vegetation in the back country as intensive farming spreads inland as a result of the new pivot irrigation methods, adapted to irrigate steep hillsides. Current rules seem unable to prevent the clearance of indigenous vegetation on the plains, in the foothills, and in the back country.
- 45. The Society believes that Variation 1 should maintain and enhance indigenous biodiversity in the Selwyn Te Waihora catchment and across the Selwyn District.
- 46. It is clear from the Section 42a report that Environment Canterbury supports the damming of other foothills rivers, and the inundation of parts of the Selwyn/Waikirikiri, and the damming and inundation of tributaries such as the Wairiri, Hororata and Hawkins Rivers:

15.19 It is noted that, prohibiting storage on the main stems of the Selwyn/Waikirikiri and Waiāniwaniwa Rivers does not preclude storage proposals in other locations, for example in the upper plains along the proposed Central Plains Water headrace canal or in other foothills rivers if suitable and needed to top-up reliability for Central Plains Water.

15.20 It is not recommended to extend the prohibition on damming to tributaries of the Selwyn River/Waikirikiri and/or Waiāniwaniwa River as sought by several submitters. The Zone Committee sees the development of water storage as essential to deliver the outcomes for the catchment and does not wish to prohibit storage in the foothills, except for the main stems of the Selwyn and Waiāniwaniwa Rivers.

47. The Society believes it is neither fair nor reasonable to perpetuate ongoing uncertainty for the foothills townships and communities living in the Wairiri and Waianiwaniwa areas who understood that the threat of dams and inundation had been removed by the recent RMA process. Many are still unaware of the importance of Variation 1 and possible effects on their futures. Nicolle Hughes will speak of the potential impacts of water storage in the Wairiri Valley.

Conclusion

48. The Society supports the Vision of the CWMS which underpins the policies and rules of Variation 1. We hope that the following priorities remain foremost in the minds of the commissioners when making decisions that will affect the health and well-being of future generations.

First Order Priorities: environment, customary use, community supplies and stock water.

Second order priorities: irrigation, renewable electricity generation, recreation and amenity

Primary principles – sustainable management, regional approach, and tangata whenua

Supporting principles – natural character, indigenous biodiversity, access, quality drinking water, recreational opportunities, and community and commercial use.

49. The Society applauds the Zone Committee's agreed nine priority outcomes for action that are specific to the Selwyn Waihora Zone which are:

- thriving communities and sustainable economies;
- high quality and secure supplies of drinking water;
- · best practice management of nutrients and water;
- the integration of kaitiakitanga into water management;
- healthy lowland waterways;
- Te Waihora is a healthy ecosystem;
- hill-fed waterways that support aquatic life and recreation;
- the protection of alpine rivers and high country values; and
- enhanced indigenous biodiversity across the Zone.
- 50. Variation 1 as it stands now, will not allow for the outcomes sought in the First Order Priorities. The current plan seems to place second order priorities above first order priorities with the primary focus on irrigation and water storage infrastructure at the expense of communities and the environment. The Society sincerely hopes that Variation 1 will truly bring about the paradigm shift required to achieve these outcomes.

Thank you.

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Malvern Hills Protection Society Inc.



Ecan Commissioners Environment Canterbury Christchurch.

1 August 2013.

Dear Commissioners,

Re: Waianiwaniwa and Wairiri Valleys as storage options under the Canterbury Water Management Strategy

The Canterbury-Aoraki Conservation Board was dismayed to learn recently that the Selwyn-Waihora Zone Committee has brought the Waianiwaniwa and Wairiri Valleys back to the table as potential storage options in the course of their Canterbury Water Management Strategy (CWMS) activities.

These projects' unsuitability has been scrupulously proven by experts in all germane fields, with acceptance and endorsement by independent commissioners in relation to the earlier consent application by Central Plains Water. The zone committee's move is doubly egregious: firstly, in respect of the known existence of robust and coherent evidence against the appropriateness of inundation proposals; and secondly, as an affront to the Malvern Hills community, whose dedication led to the evidence's presentation.

In our view, it is improper that the zone committee has so apparently glibly allowed this kind of proposal back into the conversation, in a Zone Implementation Programme (ZIP) addendum that has failed to even entitle the waterbodies correctly, let alone adequately acknowledge their well-proven value.

Not for the first time, in the CWMS arena, the board questions how such a move might test public faith in the Strategy, whose delivery so far has not conspicuously tended to its agreed first order priorities (environment, customary use, community supplies, and stock water). The Strategy's vision statement lists as its first indicator of success that *people will feel they are being treated fairly and involved in decision-making* (pg.6). The zone committee should always have these CWMS fundamentals in view as it attends to its business.

Further, the CWMS, and proposed changes to broader resource management law, have brought collaborative processes, as alternatives to the present reactive model for decision-making on natural resources, to the public's attention, locally and nationally. The board suggests that the playing out of the CWMS is and will be something of a proving-ground for such processes in the resource management field, in Canterbury and around New Zealand. The Strategy's frank and fair rendering has potential to inspire public confidence in this nationally relatively untested discursive mechanism; conversely, stakeholders who feel that their willingness to trust in the fledgling 'collaboration' has not been worthwhile may influence future local and/or wide-scale inclination to reject the framework and retain present consultation systems.

The Canterbury-Aoraki Conservation Board urges you to remove the Waianiwaniwa and Wairiri Valleys from the Selwyn-Waihora ZIP addendum's list of storage options. This is because of the strength of established data relating to the valleys; it is also in the interests of the scientific processes that should inform the CWMS that such information is, and is seen to be, valued and deferred to. We make the recommendation, additionally, for the sake of the CWMS' integrity and the trust the Malvern Hills and wider Cantabrian community have had in it. And, though slightly outside the direct ambit of the Selwyn-Waihora committee, the board would encourage heightened awareness of the responsibility that all involved in the CWMS have in modelling a collaborative process, under the interested gaze of the nation's resource management community.

Yours sincerely,

J. R. Finlayson, Chair, Canterbury-Aoraki Conservation Board.

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