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To: [Mailroom Mailbox](#)
Subject: PC7 Submission
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Please find attached a submission from the Pareora Catchment Society (Inc) to the proposed Plan Change 7 to the Canterbury Land and Water Management Plan.

Regards

Tom O'Connor

Secretary



PAREORA CATCHMENT SOCIETY INCORPORATED

Established 2019

Submission to the proposed Plan Change Seven to the Canterbury Land and Water Regional Plan

Submitter; The Pareora Catchment Society (Inc.)

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Introduction

The Pareora Catchment Society (Inc) (the society) represents farmers, land owners and residents of the Pareora River catchment. The principle objectives of the society are to help improve the environmental, economic, social and cultural wellbeing of the Pareora Catchment with a focus on ecologically sustainable water and land management.

The society supports the aims and objectives of The Canterbury Land and Water Regional Plan and the additional objectives of Plan Change 7 as we understand them.

Notwithstanding our support for the principles of the Canterbury Land and Water Regional Plan however we have serious concerns with the low level of public consultation and engagement, some of the methodology of achieving the objectives of the plan and the lack of overall clarity and accurate definition in proposed Plan Change 7 to the point where we consider the proposal in its present form to be unfit for public notification.

In particular we are concerned that;

The majority of the people affected by and subject to the Canterbury land and Water Plan and PC7 are non-academic lay people. They are farmers, not planners, scientists or engineers and PC7 appears not to have been written for them to easily understand to respond to. While much of the essential detail required for PC7 to make sense to lay people is missing from the main document but may exist in other documents there is no indication that this is the case or even where to find it.

Also the northern boundary of the Pareora catchment, for the purposes of PC7, was extended northwards to include the area between Pig Hunting Creek and Saltwater Creek in the final few days before the time for advice from the Orari-Temuka-Opihi-Pareora Zone Committee (OTOP) expired. This effectively excluded all those farmers, residents and land owners in that area from engaging in the initial process.

Also hard copies of the actual PC7 document were near impossible to obtain from Ecan but a covering document was provided instead when applicants persisted in their request. This document was particularly unhelpful in that it also lacked sufficient detail to be meaningful. This submission is therefore presented from the perspective of ordinary lay people many of whom feel they have been excluded from participation in the development of plans and policies of their region and which will affect them more than people from outside the region.

There is also a disturbing hint of predetermination and indications that Ecan was determined to get this inadequate plan change formally notified before the expiry of their empowering legislation which excludes oversight by the Environment Court. Be that as it may, without improved clarity, reliable data and accurate definition of essential elements, we will be faced with years of costly and damaging litigation as the courts are asked to interpret exactly what the plan change requires of the community.

We also note that the recently released Action for Healthy Waterways by Environment Minister Hon David Parker (a National Policy Statement on Fresh Water) contains much of what is in the Canterbury Water Management Strategy which was originally signed off in 2009 but which has been largely ignored and not actioned.



Remedy

Given that PC7 will need significant redrafting to be consistent with the eventual outcome of the Action for Healthy Waterways initiative we request that the proposed Plan Change 7 should be withdrawn from public notification, substantially re-written for clarity with accurate definitions, accurate boundaries and translations and explanations of Maori terminology, reliable baseline data and ecological justification for rules and policies or where such information can be found and then re-presented for genuine and meaningful public consultation.

Our other concerns include but are not limited to;

Economic impact

As we understand it not all Ecan's major economic reports were available to the OTOP zone advisory committee when forming advice on flow regimes, changes to nutrient budgets and other requirements and obligations on land owners.

PC7 places significant obligations on land owners and farmers to produce annual nutrient budgets fence off and protect important ecological and environmental sites and a range of other activities with little actual detail of what is required or how those costs will be assessed and who will pay them. These final reports were only made available at the time of P7 notification and were therefore not properly considered as they should have been.

Remedy

Proposed flow regimes and nutrient budgets should be withdrawn or held over and re-considered by the OTOP Committee alongside detailed economic reports and advice re-submitted to Ecan.

Minimum Flow Regimes

Recent substantial changes in water flow regimes are already in place for the Pareora Catchment and the society supports the apparent intention in PC7 to leave them as they are for the time being. We do however have a concern that the surrender of surface water takes in exchange for deep well takes will be compromised by the application of past use data for surface water takes to deep well takes. Our concern is that historic surface water allocations were only ever fully utilised during one-in ten-year droughts and capping the deep well takes to average surface water usage will remove that essential fall-back position in time of severe drought. There appears to be insufficient recognition of the difference between actual average usage and allowable allocations.

Remedy

For the surrender of surface water takes in exchange for deep well takes to be effective and practical there should be a full quid pro quo exchange. There must also be an appropriate lead-in time for adaptation and change. We suggest time frames should be re-negotiated with key stakeholder groups.

Public consultation

Public consultation in the initial stages was delegated to the OTOP Committee but committee members report that PC7 was too technical and difficult for most lay people to understand and there was no meaningful, simple analysis or context to assist them in their engagement with community groups. Some OTOP Committee members were disappointed and frustrated that many of the recommendations that finally did come from the public and key stakeholder groups, and initially agreed to by Ecan staff on the OTOP Committee were dismissed by Ecan at the last minute with no explanation.



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We are also concerned that some members of advisory committees were representatives of irrigation and agricultural fertiliser companies. Irrigation company representatives in particular, as commercial exploiters of natural water, as different to irrigating farmers, appear to have had at least a perceived, if not actual, pecuniary conflict of interest. This would seem to cast some doubt on the reliability and indeed acceptability of any and all advice from these committees.

Also the OTOB Committee is prohibited from making a submission to PC7 although individual members are free to do so. That indicates a concerning degree of muzzling of those who have a better knowledge than most of the issues involved

Remedy

The OTOB Committee should be re-formed to exclude anyone with perceived or actual pecuniary conflicts of interest and given time to reconsider advice given to help produce an easy to read and understand synopsis of PC7 which should be made available to the public with additional time, at least two months, to respond.

Mahinga Kai, Ngai Tahu cultural traditions, wahi tapu, mauri and mataitai.

Farmers and land owners will be obliged, by a number of proposed rules and policies, to take into consideration and be aware of the presence of mahinga kai sites, wahi tapu, mataitai, the mauri of receiving waters and the cultural traditions of Ngai Tahu (in relation to natural resources)

This seems to perpetuate the myth that Maori have some distinctive or separate association with native flora and fauna not understood or shared by non-Maori New Zealanders.

The myth has its roots in the mis-application of Article Two of the Treaty of Waitangi which was designed to protect tribal property rights including the right of tribes to own land and the right to harvest natural resources on those lands as they always had. It was never intended to give one group of native New Zealanders privileged access to natural resources over another group of native New Zealanders.

The principles of British and New Zealand law suggest that those rights are shared by all native New Zealanders without distinction of race and within the constraints and boundaries of laws which apply to all people.

While the society strongly supports initiatives to preserve and protect traditional and historic sites, mahinga kai, nohoanga, wahi tapu and mauri are concepts which do not translate easily into English and there are no indications where these sites and resources are or what some of the terminology means.

This has the potential to impede resource consents and farming land use consent applications if these sites cannot be identified and reliable definitions given. While there are some definitions of mahinga kai in the CLWRP overall plan actual sites are not defined or located in PC7.

If the intent is to merely preserve historic sites of natural food gathering then that should be clearly set out in unambiguous language. Many of these known sites are now underneath hydro dams and irrigation dams or have been so modified by agriculture over the past century and a half as to be non-existent. The society supports any initiative to preserve what is left of historic mahinga kai sites as far as is practical and possible. If the preservation or augmentation of historic sites is not the intent of PC7 there needs to be an extensive and comprehensive explanation of what is required. There are no known mataitai reserves within the Pareora catchment.

Where some of these sites are located on private land there will be a requirement for a formal consent application to farm that land. That will bring additional costs in fencing and other protection measures but there is no indication of how these costs will be met.

Remedy

Mahinga Kai and other sites must be mapped with credible and reliable information backed by historic data and affected property owners must be given access to that information. There should also be negotiations with Iwi, other stakeholders and land owners over the costs and other matters associated with these sites on private property a case by case basis.



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We also suggest that, for the purposes of PC7, mahinga kai should be defined to include, but not limited to, the harvesting of all wild food by anybody. i.e. vegetable matter, whitebait, gamebirds, sportfish, eels and big game animals on public or private land and waterways subject to the provisions of the Wildlife Act (1953) and Conservation Act (1987), RMA (S4) other statutes and the permission of private land owners. Note; Non-Maori New Zealanders today also have their traditional mahinga kai and traditional wild food harvest rights which are shared by all people and are also in need of protection.

Wahi Tapu should also be accurately defined, described and located by GIS for any requirement to be meaningful or logical. This is particularly important if human remains are, or could be involved.

Mauri is an esoteric spiritual concept which, while important to some Iwi, has no place in a land and water management plan which places obligations and requirements on those who may not subscribe to that philosophy.

Indigenous freshwater fish

PC7 requires the habitat of indigenous fish species to be protected, and new (instream) structures to allow the safe passage of indigenous fish species while avoiding the passage of invasive, pest or nuisance species. While the society strongly supports any initiative to protect the indigenous wildlife and their habitats such structures have yet to be invented and it is not the role of land owners and farmers to manage freshwater fisheries to that extent.

There needs to be a precise definition of the species to be excluded without which this rule risks being at variance with both the RMA(S4) and the Conservation Act (S6a.ab.) which provide for the protection of the exotic freshwater species trout and salmon. We don't believe a regional council has the statutory authority to introduce this rule in its present form. Also Parliament is currently considering the Conservation (Indigenous Freshwater Fish) Bill, which passed second reading on August 22. This Bill will adequately address issues between indigenous and exotic species and any regional plan would have to be consistent with the eventual statute.

Remedy

The rules and policies related to the protection of indigenous freshwater fish should be redrafted to protect the habitat of indigenous species and those introduced species protected by the RMA and the Conservation Act.

Stock Exclusion

PC7 prohibits the use and disturbance of the bed of a lake or river or intermittently or permanently flowing open drains by any farmed cattle, farmed deer or farmed pigs.

Without further clarification and reinforcement of existing exemptions this rule would be ineffective and confusing.

Remedy

This rule should be redrafted to more accurately define waterways from which livestock must be excluded to "a lake or river and from any intermittently or permanently flowing open drain or man-made waterway which flows into, or has the potential to flow into, the bed of any natural lake, river or stream".

This should exempt any enclosed stag or pig wallows which are provided for animal welfare purposes. There should also be a permanent exclusion for horses being ridden through or across a riverbed for legitimate farming and lawful purposes and an exemption for all farmed grazing animals when being mustered or moved when there are no alternatives to river crossings.

Nitrates and nitrogen leaching.

PC7 requires, by a range of policies and rules, the reduction of nitrogen leaching to be significantly reduced in the Pareora catchment to an agreed target by 2040.

The society strongly supports in principle any initiatives in PC7 to reduce nitrogen emissions but there are issues in with equity in that some farming operations will be allowed to continue with levels of emissions



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many times higher than others under the so called “grandfathering clause”. There is also a lack of reliable data on the actual nitrate levels in the Pareora River against which to measure success of loss reduction efforts. The society also believes all time frames to meet agreed emission targets are too long.

Remedy

Grandfathering exemptions for nutrient loss should be removed by 2025 and agreed reductions should be met by 2030.

Overseer

It has been well established that the Overseer programme for estimating nutrient leaching is neither accurate or reliable enough and not fit for the purpose it is used for.

Remedy

A new system of nutrient loss estimations, based on reliable operational data should be investigated and funded nationally.

We wish to be heard in support of our submission

Tom O’Connor
Secretary