

29/11/20

## **Verbal Submission on the PROPOSED PLAN CHANGE 7 to the Canterbury Land and Water Regional Plan**

**My name is Mike Patchett, Chair of the Water and Wildlife Habitat Trust, with 40 years professional experience in environmental management in New Zealand, Papua New Guinea and Australia.**

**The Water and Wildlife Habitat Trust (WWHT)** has a mission of conserving, rehabilitating and sustainably managing freshwater ecosystems and their wildlife. Today we see many waterways in Canterbury that are no longer swimmable and whose aquatic life and fish stocks are depleted and struggling. The quality of life for our future generations is being compromised. The Trust is contributing to restore healthy waterways through its current project on Snake Creek and Silver Stream in the Selwyn/Waikirikiriri catchment. It is a successful, yet modest restoration effort given the task at hand. The Trust is currently leading the formation of a collaborative partnership for the Otukaikino Healthy Waterways Catchment Plan and is a partner in the proposed artificial wetland project on Silver and Snake Cks in the Selwyn catchment just above Coes Ford.

I have no doubt that the Commissioners are aware of the serious degradation of aquatic habitat, wildlife and the public use and enjoyment of our waterways, particularly over the past 30 years. Groundwaters and associated drinking water supplies and spring fed streams are seriously contaminated with nitrates and once popular swimming spots are now unsafe. We believe market failure in rural industries must be addressed with increased government regulation and societal change. Perceived private property rights, the externalities of environmental pollution and our failures to meet the statutory duty of care for the environment need to be challenged and transformed to a sustainable future.

**The Trust appreciates and supports the collaborative journey of the Canterbury Land & Water Regional Plan** that sets out the planning framework for the management of land and water resources in Canterbury and for implementing the Canterbury Water Management Strategy to improve freshwater outcomes throughout the region. However, achieving the desired *Freshwater Outcomes* will require more reason and will to change our behaviours, including adaptation to climate change and much more resource commitments.

### **There is a game changer**

The Central Government's new '**Essential Freshwater**' package should have a significant effect on the Regional Plan as it introduces new rules and regulations which are designed to stop further degradation of New Zealand's freshwater resources, improve water quality, reverse past damage and bring New Zealand's freshwater resources, waterways and ecosystems to a healthy state within a generation. The new hierarchy of obligations places the health and wellbeing of water bodies and freshwater ecosystems first, in contrast to economic development of the past. **In many ways, our submission for a stronger Regional Plan reflects the national water policy reforms.** Consequently, we believe that this **current Plan Change process should be diverted and reworked** to ensure consistency with the new national freshwater policies. Cost efficiency and consultation fatigue are too good reasons.

### **We are heading in the right direction but not strongly enough**

**The proposed improvements to the Regional Plan are supported in principal yet need to be strengthened to achieve our desired *Freshwater Outcomes within a generation*.** The proposed Regional Plan changes address better regional land and water management ((including:

1. Improving our desired Freshwater Outcomes;
2. Greater recognition of Ngai Tahu values, such as mahinga kai, and protection of sites of significance to Ngāi Tahu,
3. Protecting habitats of indigenous freshwater species;
4. The addition of new salmon spawning sites;
5. New water quality limits for ground and surface waters;
6. Capping water allocations to industry and other users;
7. Increases in minimum flows in streams and rivers; and
8. Increase regulation of farming practices through reducing nitrogen losses, stock exclusions in waterways and farm environmental planning and performance.

### **But we need to ADD**

9. - **Protecting and restoring wetlands and riparian zones along waterways.**
10. **Better management of land drainage, including erosion and sediment control.**

## **We need to aim higher and try harder to achieve equitable freshwater outcomes for Canterbury's environment and society.**

To halt and reverse the declining trends in water quality, river flows, ecological health and public safety of our surface and underground waterways is a huge challenge for the whole community. Our desired Freshwater Outcomes must be bold as the risk of not achieving even those proposed is real. While the proposed outcome for mahinga kai species is supported there needs measurable outcomes for indigenous freshwater species important to the whole aquatic ecosystem.

The Trust has proposed higher measures of desired **Outcomes** for Canterbury Rivers and Lakes and proposes **additional outcomes for indigenous freshwater biodiversity and the ecological health of waterways, lakes and wetlands.**

**Consequently, the water quality Limits in the Change 7 need to be consistent with achieving healthy ecosystems in our lakes and waterways.**

For our **groundwater**: Public safety in family and community groundwater supplies is paramount. A precautionary approach is required given research on the prevalence and risk of colon and rectal cancers etc (Canterbury had world's highest incidence of Crohn's Disease in 2006 and rate is probably increasing with increasing pollution loads.) It is recommended that the current limits for Nitrates be halved until an evidenced based process can reset the limits to ensure public safety.

## **We need more certainty**

A fundamental element in building social capital for sustainable management of our natural resources and environment in Canterbury is everyone understanding and implementing a **duty to care for the environment**. The Resource Management Act (RMA), section 17, makes provision for this duty that applies to all of us.

The **environmental duty of care** for the landscapes and waterways of Canterbury needs to be articulated in the Regional Plan by referencing agreed **Codes of Practice**. Reliance on industry good practice guidelines is not enough to generate the change needed. Building knowledge and understanding of this duty and how it can be practically met in farming and other land-uses will be critical to halting and reversing the adverse effects on the environmental values of our landscapes and waterways. **Competent farm environmental planning and implementation** and compliance to resource consents are ways of demonstrating this duty.

There is also a need for more certainty in understanding and implementing the Regional Plan by **defining key terms such as “actual and potential adverse environmental effects”, “damage”, “wetland, river bank and ecological significance.**

Further, the Definitions in Schedule 7 of Management Area – should include **sediments and E-Coli sources** in addition to nutrients.

## **We need to Offset adverse effects - a net gain approach**

The L&WR Plan makes provision for **offsetting adverse effects on environmental values** such as wetlands, waterways and habitat for indigenous freshwater species. While protection of these habitats is a must, the allowance for offsetting acceptable adverse effects should be a last resort, competent, secure and governed by a clear Offsets Policy statement based on achieving a net gain in environmental values and replacement habitat.

(E-Can does not have a clear policy or guidelines on how acceptable offsets apply and can be determined and maintained. It is therefore recommended that E-Can review and strengthen its administration of offset provisions to generate a net gain in similar habitat area, biodiversity and condition and to secure this habitat in some form of legal protected area. This habitat should include the banks and riparian zones along the waterways.)

## **We need more focus on protecting and restoring habitats of indigenous freshwater species**

Protecting these habitats would require:

1. Reduced nutrient, sediment and pathogen pollution of waterways and maintenance of low, medium and high river ecological health flows.
2. Identify, map and protect key habitats for breeding, feeding and shelter;
3. Habitat restoration and legal protection on private and public lands;
4. Catchment scale waterways and wetlands protection and restoration action plans and supporting resources;
5. Secure waterways and wetland protection zones, including connected riparian areas, via covenants on private land title and district planning zones on public land;
6. Specific regulation of sport/exotic fish stocking of priority streams with indigenous freshwater species habitat;

## **We need to protect and restore our wetlands**

All E-Can mapped wetlands on private and public land should be protected, i.e. any application to drain, divert or otherwise adversely affect an existing mapped wetland should be unacceptable and not permitted, unless adequately offset like for like and multiplied. Existing farmlands mapped as wetlands and ground truthed should be retired from farming production and managed for sediment and nutrient treatment and ecological restoration of the wider landscape. All farm environmental plans should map land drainage/overland flow paths and connecting wetlands and plan stock exclusion and native revegetation.

## **Land Drainage policies and practices need to Change**

There are significant loads of sediment entering our waterways from rural areas due to inadequate erosion and sediment controls on farm. The business as usual routine excavation of modified waterways/Drains across rural landscapes for flood control needs to be re-thought given the increasing riparian restoration efforts and associated restrictions on the use of excavation machinery. A strategic network of sediment traps, constructed and maintained by local Councils and their Drainage Committees is strongly recommended to maintain waterways flow capacity and ecological health. I will address this matter further in Farm Environmental Planning.

## We need to improve Farm Environmental Planning and Performance

We advocate stronger drivers of change for farms to further reduce nitrogen losses over time

It is recommended that:

1. Increase proposed % N reductions by 30%.
2. Require 100% A rating farm audits by 2025.
3. Effective compliance monitoring and enforcement is programmed and well resourced.

## Schedule 7 Farm Environmental Plan - We need to improve erosion and sediment controls

### 5E Management Area: Waterbodies (wetlands, riparian areas, drains, rivers, lakes, springs)

#### Objective:

Wetlands, riparian areas and the margins of surface waterbodies are managed to avoid damage to the bed and margins of the water body, and to avoid the direct input of nutrients, sediment, and microbial pathogens.

To the C7 proposed Targets we need to ADD detailed farm drainage plan with sufficient contour interval to plot overland flow paths for rainfall runoff and management actions to prevent and or treat contaminated rainfall runoff from discharging to waterways (creeks, drains, wetlands). Fence off and retire wetlands identified in the drainage plan and or E-Can wetland mapping.

Note : exiting Lidar aerial mapping and Rain on Grid modelling technologies are available for mapping overland water flow paths and volumes.

### 5C Management Area: Cultivation, Soil structure and Soil Erosion

#### Objective:

The physical and biological condition of soils is maintained or improved in order to minimise the movement of sediment, phosphorus and other contaminants to waterways.

#### Targets:

1. Farming activities are managed so as to not exacerbate soil erosion.
2. Add- Erosion prone areas are stabilised and retired from farming activities as necessary
3. Add- Suspended sediments in overland flow of stormwater are contained and settled out before discharge to waterways.

### 5E Management Area: Waterbodies (wetlands, riparian areas, drains, rivers, lakes, springs)

#### Objective:

Wetlands, riparian areas and the margins of surface waterbodies are managed to avoid damage to the bed, banks and margins of the water body, and to avoid the direct input of nutrients, sediment, and microbial pathogens.

#### Targets:

1. Stock are excluded from waterbodies in accordance with regional council rules or any granted resource consent.
2. Vegetated riparian margins of sufficient width are maintained to prevent and minimise nutrient, sediment and microbial pathogen losses to waterbodies.
3. Farm tracks, gateways, water troughs, self-feeding areas, stock camps wallows and other farming activities that are potential sources of sediment, nutrient and microbial loss are located and drained so as to minimise the risks to surface water quality and ecological health of waterways.
4. Mahinga kai values are protected as a result of measures taken to protect and enhance water quality and stream health.

Need to Add- 5 Habitats of indigenous freshwater species are protected. and

Add 6. Spawning sites for sports fisheries are protected.

Add 7. The ecological health of our waterways is progressively restored.

## **Selwyn Te Waihora – Additional Requirements for Farm Env. Plans**

Within the Selwyn Te Waihora sub-region, the following additional requirements for farm environment plans apply to :

1. Include a map(s) or aerial photograph at a scale that clearly shows the location of any known mahinga kai, wahi tapu or Wāhi taonga, **Habitats of indigenous freshwater species and spawning sites for sports fisheries** within any property or farming enterprise located in the Cultural Landscape/Values Management Area.
2. **Undertake riparian plantings of indigenous vegetation, and carrying out and managing any additional plantings in accordance with regional council guidelines for riparian planting;**

**Add Soils management:** To maintain or improve the physical and biological condition of soils in order to minimise the movement of sediment, phosphorus and other contaminants to waterways.

Minimise and control the overland flow of suspended sediments and pathogens in stormwater.

### **Add In-stream Biodiversity:**

#### **To protect and enhance in-stream biodiversity values by:**

1. On the map or aerial photograph of waterbodies required under Part A of this Schedule, specify the location of any spring heads, wetlands and spring-fed streams on the property or within the farming enterprise to recognise their high instream biodiversity values.
2. Prioritise achievement of the targets for Management Area: Waterbody Management for any spring heads, wetlands and spring-fed streams so as to protect and enhance the instream biodiversity values.

### **Add Wetlands and Riparian Margins:**

#### **To protect and restore wetland and riparian margins by:**

1. Enable activities that maintain, restore or enhance mahinga kai, safe fish passage, indigenous vegetation, habitats of indigenous fauna and significant habitats of trout and salmon.
2. Enable catchment restoration activities that focus on the protection of springs, the protection, establishment or enhancement of planted riparian margins, the creation, restoration or enhancement of wetlands, indigenous biodiversity in riparian margins, weed and pest control activities, and the targeted removal of fine sediment from waterbodies.
3. The high ecological values associated with rivers and wetlands in the Selwyn/Waihora catchment, including Te Waihora, are recognised and provided for by:
  - a. further reducing, relative to the region-wide permitted activity rules, the area of land used for winter grazing of cattle as a permitted activity; and
  - b. extending the region-wide provisions for stock exclusion to include drains, artificial watercourses and springs (waipuna).

## **Targeted Stream Augmentation is supported but – Too many barriers for success**

**Add . An assessment of the potential ecological and social benefits from the managed aquifer recharge plan, including any beneficial effects of improving the ecological health and function of a waterway or wetland and restoring degraded wetlands.**

In addition to:

- h. adverse effects on people, property and drainage systems from higher flows are (~~delete~~ avoided or) mitigated.

6. Any adverse effects on people and property from raised water levels (~~delete~~ and any reduction in the capacity of a drainage system) ;

## **Capping the volume of water available for allocation is supported but – We need to reverse over-allocation more quickly**

Setting clear caps on the volume of surface and ground water for allocation and abstraction water is supported. However, the proposed **caps should be lowered by 30% to provide reasonable environmental flows to sustain wealthy and diverse waterways.**

Further, to restore depleted groundwaters increase a farmer's requirement to **surrender 70% of groundwater abstraction rights held or 50% of the actual average annual use volume of groundwater abstracted over the past 3-5 years**, when allocated surface water through irrigation schemes.

**I thank-you for hearing our views**