

24 January 2014

## **The Orari River Protection Group (Incorporated)**

[withheld]

### **Submission on National Policy Statement for Freshwater Management (NPS FM)**

Thank you for the opportunity of submitting on NPS FM

**Orari River Protection Group (Incorporated) has over a hundred members, made up of a cross-section of the local community.**

The Orari River Protection Group (ORPG) was established in 2003, by concerned members of the community, to provide long-term protection for the environmental, recreational, and aesthetic values of the Orari River and its catchment.

### **Why we are qualified to comment on the NPS FM**

1. *Our involvement in whole catchment collaborative processes.* ORPG has been part of the Canterbury Water Management Strategy (CWMS) since its inception. Before that, in 2004, it was instrumental in initiating the Orari River Integrated Catchment Management (ICM) process, which was, at that time a new and largely experimental, whole-catchment, community-led management process with regional council support, culminating in a plan for the catchment. Because of our involvement in both of these 'collaborative' processes (as well as the Orari Water Allocation Plan for the regional land and water plan) over the last 10 years, we are well aware of the success, or otherwise, of such 'collaborative' processes. We continue to be represented on the Orari, Opihi, Pareora CWMS Zone committee.
2. *We are mainly long-term, rural residents with a considerable level of technical knowledge about freshwater.* As long-term residents of this catchment we are well aware of the consequences of rapid and significant changes with regard to water quality and quantity as a result of land-use changes in this region. We are informed and educated about technical matters and science relating to these issues.

Given our experience, we feel qualified to submit on this proposed NPS FM. We have a clear idea what level of guidance is required at a national level in order to support the regional councils in providing for fair distribution of water resources whilst protecting water quality for human health, recreational interaction, and for ecosystem resilience. We also are well-placed to have an accurate understanding about what is actually happening 'on the ground', what this proposal will mean, and how successful it is likely to be in addressing current and substantial issues with regard to water quality and quantity.

### **Our submission**

#### **General analysis**

Firstly, thank you for considering our submission.

This document *seems* to be a step in the right direction in that it purports to improve the general level of water quality in our rivers, lakes and streams. However on a closer reading, and weighing up the implications of the draft NPS FM, we find the document, as a whole, disappointing; having a number of glaring, and (in our view) unnecessary omissions. In addition to that, with our experience in CWMS and ICM processes, we find the lack of explicit direction regarding community collaboration alarming. As it stands, this document will only preside over a plummet to the bottom-lines; buying more time for

uncontrolled and inappropriate development (whilst everyone is kept talking as long as possible), and leaving a legacy that will take generations to turn around, and at significant financial cost. It may well also be the death knell for many of our remaining threatened and endemic (aquatic and terrestrial) species that depend on freshwater for survival.

## **Primary concerns:**

### **1. Community collaboration**

*ORPG believes it is essential that this document is explicit about how regional councils conduct community consultation, and with whom, ensuring fair representation.*

*Stakeholders must represent a cross-section of the community and must be guided by science.*

In our experience the CWMS process was hijacked by the government-appointed commissioners just as it was about to roll out. Selected 'stakeholders' with vested (financial) interests are disproportionately represented ie, those involved in irrigation development, or irrigating farmers. The meetings are held in the middle of the working day. This ensures that it is difficult for working members of the public to attend the meetings, or be involved on the zone committees. The CWMS has left many feeling completely disillusioned and disenfranchised. Adding insult to injury, the removal of council representation in Canterbury ensures no recourse. (Please refer to the attached letter dated 28 August 2013, which was sent to the ECan Commissioners. Our group was one of the signatories. Sadly we never received a reply to the concerns that were raised)

This 'collaborative' process has also weighted Water Allocation plans (part of the regional council's Land and Water Plan) in favour of more development. Again those with a vested interest were able to employ experienced consultants to put their case. This has been to the detriment of both our rivers and streams, and in at least one instance we know of, the availability of drinking water for those with shallow bores.

The consequences of this unrepresentative 'collaboration' are far reaching. We see little real evidence that the CWMS process is likely to solve issues of degradation of waterways or drinking water. The zone committees remain primarily focused on obtaining 'new water' for further intensification, despite the evidence of declining water quality as a result of present practice. Some of our members have been testing domestic well water over some years; the results indicate steadily increasing levels of nitrate (now far in excess of the World Health Organisation standard) even in an area that the regional council considers to have good water quality (ie, zoned green).

The 'collaborative' process, in our experience, also allows independent science to be ignored. Independent, peer reviewed reports have been dismissed when they do not say what the majority of farmer stakeholders in a catchment group want to hear.

*ORPG would like this document to direct that any collaborative process must only take place after the science has established environmentally sustainable limits and bottom-lines. Bottom-lines should not be able to be eroded by stakeholders in a collaborative management process, but should be set in stone and should only be able to be revised upward, to benefit the 'freshwater management unit'.*

Another concern is the timescale this whole process takes. The degradation continues apace whilst the 'consulting' goes on. We believe there is no reason to suggest any arrest of this (even if nitrate limits are enforced) so long as more dairying is consented in areas with such high levels of nitrate contamination.

*If the document were to direct regional councils to put a peg in the sand, and halt further consents in catchments that are facing compromise that would be a step in the right direction. Canterbury Regional council is still granting consents for large-scale dairy*

farming in areas that are red-zoned in terms of water quality. This is now a human health and safety issue.

## **2. Human Health (Secondary Contact)**

Is this really the best we can expect for our waterways?

If the Freshwater Management Unit has only a high enough quality for secondary human contact, what will the effect be on the ecosystem that water supports? We understand that too much nutrient in freshwater impacts on freshwater ecosystems and biodiversity long before levels are reached which are toxic to humans.

This is inequitable. Only those who have boats can safely enjoy our rivers, lakes and streams.

*ORPG considers this bottom-line to be far too low. NZ rivers should, in general, be safe for swimming. We urge that the bottom-line be Primary Contact.*

## **3. Ecosystem Health. National Objectives Framework**

Even though we are not experts in this field, we understand enough about fresh water ecology to know there are large gaps here, and we see no reason why we have to wait to plug those gaps. There are a number of significant attributes, which ensure ecosystem resilience, that are missing. These include such things as; biological communities such as fish and invertebrates; water quantity; temperature (temperature is related to water quantity); sediment and clarity; and the effects of physical structures and impacts eg, dams and channelling. We understand that there are already tools and standards by which to assess most of these missing attributes and so do not understand why they are not included with this proposal now.

We also understand that the proposed limit for nitrogen will allow extremely high levels of nitrogen. The B acceptable level being higher, even than the Yangtze River at Shanghai. This would patently be unacceptable for most New Zealanders.

*This document needs to consider a full range of attributes, which affect indigenous ecosystem resilience.*

*ORPG finds the bottom line for nitrogen far too high. This needs to be revised.*

## **4. Aquifers/groundwater**

Groundwater comprises a massive fraction of our freshwater resource and is no less under threat from serious degradation. Aquifers are inextricably linked to surface water. In Canterbury shallow wells and wells down-stream of the main dairy development are already severely compromised with levels of nitrate toxicity far exceeding World Health Organisation guidelines. This is a human health issue that needs to be urgently addressed. Also, it is just a question of time before deeper wells are affected. The issue of the time lag must also be considered; it will be some time before the effects of present levels of intensive farming are likely to compromise the water quality of deeper aquifers. If not irreversible, this will in turn take many years, or generations, to turn around, and this will be at significant cost.

*This document needs to consider aquifers urgently.*

## **5. Water Allocation Plans and water quality.**

Water quality is affected by quantity. Water quality cannot be determined independently from water quantity.

*Integrated planning for water quality and quantity should be required by this document.*

## **6. Land-use, non-point source contamination**

This document needs to consider the wider issue of land-use change and cumulative detrimental effects to groundwater, rivers, lakes, streams and wetlands.

Refer to Parliamentary Commissioner for the Environment PCE report, which clearly details the problems associated with inappropriate over-intensification. Water quality in New Zealand: Land use and nutrient pollution, November 2013. The report states 'if we continue to see large-scale conversion of land to more intensive uses, it is difficult to see how water quality will not continue to decline in the next few years' (pg. 67).

*Regional Councils need provision to limit intensive land-use, the cumulative effects of which are detrimental to our freshwater, eg, intensive dairying.*

## **7. Indigenous species**

New Zealand's indigenous species, many of which are either 'threatened' or 'at risk', do not have the luxury of time. We have to be serious about their protection and must act with urgency on this in a country that prides itself on biodiversity that exists nowhere else on the planet and even uses this to sell its all-important 'brand story'.

*This document needs to provide a greater level of protection for indigenous species.*

## **8. CB. Monitoring Plans**

ORPG agrees that in order to 'maintain or improve' freshwater quality of any given freshwater management unit we need to have an idea what that quality is now. How many freshwater management units are being measured now? How many regional councils will be monitoring comprehensively enough now in order assess further degradation? How will regional councils decide what is a representative site for monitoring?

With regard to the attribute dissolved oxygen; whilst this is a useful attribute for measuring ecosystem health, we understand that this needs to be measured at various stages in the 24hr cycle in order to provide an accurate picture. How many Regional Councils will be monitoring Dissolved oxygen at 4 am when it is at its lowest level?

*ORPG would like the document to be more explicit about which attributes are to be monitored, how often, and what a representative site might look like.*

## **9. Exception to bottom-lines.**

ORPG considers this a concerning precedent. Where do we draw the line? Who decides? There must always be a mechanism to ensure improvement.

*ORPG wishes to see this exception removed.*

## **10. Compulsory National Values (p65) The health and mauri of water.**

What 'range' of species deserve protection? What does this mean exactly? What kind of a range? Does this, for instance, include braided river bird species?

*The Compulsory National Values should detail what it means by 'a range'.*

## **11. Dilution effect (p.26) Hinds example of impacts of bottom lines.**

"Meeting national bottom lines in Hinds will require a 45% reduction in nitrate leaching after the expansion of irrigation in the zone and dilution through the release of alpine rivers in the catchment"

This statement indicates a poor understanding of the consequences of increased intensification; it is also warped logic. Surely the first priority in Hinds is to address the high level of nitrates, *before* expanding irrigation, and thus further increasing the nitrate levels. 'The release' of water from alpine rivers into the catchment will not 'dilute' as it is

being used to increase irrigation and intensify farming; dairy farming being the main recipient (if not the only recipient in Hinds).

Again the PCE report, Water quality in New Zealand: Land use and nutrient pollution. November 2013 details the issues and concerns relating to dairy intensification.

Nitrate levels in groundwater in Hinds are above World Health Organisation standards and as such are a health and safety issue and should require urgent attention. More intensification, even if we cut nutrient loss from existing operations, will not improve water quality.

Also, what about the catchment from which the water was derived? Is it reasonable or equitable to deplete one catchment in order to promote the economic development of another? What are the costs to the catchment from where the water is derived in terms of ecosystem resilience and coastal erosion, where the mechanics of the river are being compromised in their function of carrying the gravels and sediments out to the coast? This also increases the risk of flooding on land adjacent to the alpine rivers as the riverbeds build up.

## **12. Lack of urgency**

Most of the impacts of intensive development have happened in less than ten years, and in Canterbury, present day effects have still to filter through the gravels into the deeper aquifers before that reality is known. Without urgent changes we are likely to see consequences, which may well be irrevocable, both for the environment and for human health. 2030 is far too late.

## **13. Drinking water and human health and safety**

*ORPG believes the NPS FM should require regional councils to alert individual users of shallow wells for domestic purposes if the nitrate and/or cadmium levels in a given area exceed the World Health Organisation standard.*

Finally, the NPS FM should take an intergenerational approach and must be above short-term political bias. It must provide for the careful management of freshwater in all our rivers, streams, lakes, aquifers and wetlands for now and for future generations. The NPS FM must protect and reinforce NZ's much-envied brand image and stem the on-going assault on our indigenous freshwater species. In order to do this the NPS FM needs to give the regional councils the power to put a peg in the ground and put a halt to free-wheeling, inappropriate development until such a time that we can be sure that it can be done without poisoning our land, rivers, and aquifers; and above all, be sure that we're not compromising the health of our people now and in future generations.

Should there be an opportunity to be heard regarding our submission we wish to be heard. We are certainly keen to share our experience of the CWMS 'collaboration', and the situation many of us are now finding ourselves in regarding, not just the health of our rivers and streams, but our own health and the safety of our drinking water.

Catherine Sintenie

for the Orari River Protection Group

The Commissioners  
Environment Canterbury

[withheld]

Dear Commissioners

On Thursday May 2<sup>nd</sup> 2013, a 'Fresh Water Hui' was held at the Coalgate Bowling Club.

Of the more than 50 people present, there were farmers, landowners, Fish & Game, Forest & Bird, Water Rights Trust, Our Water Our Vote, Canterbury Aoraki Conservation Board, Braid, the Malvern Hills Protection Society, Jet Boating NZ and White Water NZ.

The overwhelming sentiment expressed by attendees was that the current approach to the collaborative process in Canterbury is not working, namely that:

- The quantity and quality of Canterbury's water bodies is still in decline.
- The environmental and recreational targets are not being met.
- Consents are still being issued liberally in catchments where the results will exacerbate over-allocation and cause further water quality decline, in clear breach of environmental targets.
- Water quality limits and environmental flows are not being treated as first order priorities. Instead they are being assigned to Zone Committees and collaborative processes to decide, which inappropriately politicises the outcomes.
- There has been no attempt to measure progress against environmental targets based on measurable outcomes (as opposed to measurable initiatives, which may or may not achieve the desired outcomes).
- Zone committees are not representative. Most are dominated by farming and irrigation interests, including those with direct vested interests in the outcomes.

Fish & Game, Malvern Hills Protection Society, and Water Rights Trust have already withdrawn from the collaborative process as a result of these concerns. Those present resolved to request that you, the ECan Commissioners, seriously consider the following actions to avert a complete loss of faith in your governance by the environmental sector.

#### **Water quality limits and environmental flows**

- That the nutrient limits and environmental flows required for ecosystem and species health be determined independently, based on the best available science.
- That based on this, interim nutrient limits and environmental flows be set for all water bodies immediately, with clear timeframes and milestones to achieve them

#### **Representation**

- That Zone Committees no longer be given the role of recommending nutrient limits and environmental flows.
- That the function of Zone Committees be primarily to consider 'how' to

achieve limits and targets once these have been scientifically assessed and determined in a statutory plan.

- That Zone Committees be elected rather than appointed, with genuine representation from each sector

### **Consents**

- That no new consents be issues where catchments are already over-allocated or where water quality limits are likely to be thereby exceeded or exacerbated.
- That Council review existing consents (using its section 128 RMA powers) in order to meet the CWMS environmental targets, in particular to reduce over allocation and achieve adequate environmental flows.
- That consents be more closely monitored and robustly enforced.

### **The CWMS**

- That an independent audit is carried out to measure the extent to which CWMS targets are being met, or are likely to be met, by an independent body such as the Office of the Parliamentary Commissioner for the Environment.

Yours faithfully

[withheld]

On behalf of:

Forest & Bird

Orari River Protection Group

Fish & Game

Water Right Trust

Our Water Our Vote

Malvern Hills Protection Society

Canterbury Aoraki Conservation Board