

SUBMISSION ON ENVIRONMENT CANTERBURY'S DRAFT LONG TERM PLAN 2021 – 2031

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Are you submitting on behalf of an organisation?

Yes, I'm submitting on behalf of an organisation

~~No, I'm submitting as an individual~~

Which organisation are you submitting on behalf of?

Aotearoa Water Action (AWA)

Which of the proposed options would you like to see us progress with?

Option 1: statutory work, prior commitments and accelerating key initiatives

~~Option 2: statutory work and prior commitments~~

~~Other option (please specify)~~

Would you support the use of borrowing for operating expenditure to offset some of the first year rates?

Yes

~~No~~

~~Don't know~~

Any further comments on borrowing for operating expenditure to offset some of the first year rates?

Supporting documents

None

Public hearings

Do you wish to speak to your submission?

Yes

~~No~~

There is/are personal information/contact details in my submission I do not want disclosed

~~Yes~~

No

Portfolio: Water and Land / Te Wai me Te Whenua

Water and Land

LoS 1: Facilitate the Canterbury Water Management Strategy zone and regional committees to support achievement of the 2025 goals, in partnership with Ngāi Tahu and the Canterbury region's city and district councils

Submission 1:

AWA does not support the current Canterbury Water Management Strategy (CWMS).

Reasons:

The overarching vision of the Canterbury Water Management Strategy is "(T)o enable present and future generations to gain the greatest social, economic, recreational and cultural benefits from our water resources within an environmentally sustainable framework"

<https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/canterbury-water-management-strategy/>

However Central Government has articulated a new direction for water in its Essential Freshwater package. One of the mechanisms to achieve this is the National Policy Statement for Freshwater Management 2020 (NPSFM) which provides a stronger direction for freshwater management by way of the concept of Te Mana o te Wai. Regional councils must give effect to Te Mana o te Wai by actioning the five key requirements of Te Mana o te Wai - for example, regional councils must apply the hierarchy of obligations when implementing the NPS-FM 2020. This hierarchy means prioritising the health and well-being of water first. The second priority is the health needs of people (such as drinking water) and the third is the ability of people and communities to provide for their social, economic and cultural well-being

<https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/essential-freshwater-te-mana-o-te-wai-factsheet.pdf>

Amongst the implications are that Environment Canterbury's support for increased irrigation and water availability for bottling, for example, will need to change in documents such as the CWMS to align with the direction indicated in the National Policy Statement for Freshwater Management 2020 (NPSFM).

See also Submission 10 below on the lack of support for Managed Aquifer Recharge.

Proposed action:

1. Allocate funding to a programme to review the Canterbury Water Management Strategy to bring it into consistency with the concept of Te Mana o te Wai in the NPSFM.

Monitoring and understanding our environment (p.21 of the Draft LTP)

LoS 2: Monitor and provide accurate and timely State of the Environment data for Canterbury, for use by decision-makers and the community

Performance measures	Targets			
	Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 4-10 2024+
2.3 Ensure data collected is fit for purpose	Report and assess the quality of data collected and managed by Environment Canterbury, including the data provided by third parties	Report and assess the quality of data collected and managed by Environment Canterbury, including the data provided by third parties	Report and assess the quality of data collected and managed by Environment Canterbury, including the data provided by third parties	Report and assess the quality of data collected and managed by Environment Canterbury, including the data provided by third parties
	Assess each monitoring network at least once every 10 years	Assess each monitoring network at least once every 10 years	Assess each monitoring network at least once every 10 years	Assess each monitoring network at least once every 10 years

Submission 2:

AWA supports Level of Service (LoS) 2.

AWA supports in part the Targets for Performance Measure 2.3.

AWA does not support the Targets for Performance Measure 2.3 that enable monitoring networks to be assessed at least once every 10 years.

Reasons:

As national direction on freshwater management may change more frequently than once every 10 years or matters of regional significance may emerge or be revealed through water quality monitoring, more frequent sampling may be required. By way of example, NIWA scientists suggest that more frequent sampling of nitrates could be required as nitrate concentration can change significantly between samples.

<https://niwa.co.nz/publications/isu/instrument-systems-update-22-june-2018/time-for-a-closer-look-at-nitrates> [Accessed 8/4/21]

Proposed amendments to Performance Measure 2.3 are:

1. Allocate funding to develop a data collection programme for more frequent sampling of nitrates in groundwater.

LoS 3: Undertake targeted science research and investigations on matters relevant to policy development to inform Council and stakeholders

Performance measures	Targets			
	Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 4-10 2024+
3.1 Publish data and analysis electronically to ensure it is publicly available	Collect and publish data			

Submission 3:

AWA supports Level of Service (LoS) 3.

AWA supports in part the Targets for Performance Measure 3.1.

Reasons:

Data and analysis are essential to help inform amendments to the regulatory framework (to give effect to central government's Essential Freshwater package, including achieving Te Mana o te Wai). It is essential that the Canterbury community has access to robust analysis of freshwater quality data, for example, as the data alone is unlikely to provide informed support for policy development.

Proposed amendments to Performance Measure 3.1 are:

1. Amend the targets to read: "Collect, analyse, and publish data".

Freshwater regulatory framework (p.23 of the Draft LTP)

On p.23 of Ecan's Draft LTP it states that: "Region wide changes to deliver Essential Freshwater Package – we review and amend our regulatory framework to give effect to central government's Essential Freshwater package, the Resource Management Act and our Regional Policy Statement." This statement demonstrates the 'trickle-down effect' of central government legislation to regional government.

A review of the Regional Policy Statement (RPS) is listed separately (under the portfolio Regional and Strategic Leadership (LoS 34 below)) to the preparation and notification of a regulatory framework (Canterbury's Land and Water Regional Plan (LWRP)) that complies with the National Policy Statement for Freshwater Management (NPSFM) (and the National Environmental Standards for Freshwater (Freshwater NES)) (LoS 4 below).

Submission 4:

AWA does not support the lack of recognition in LoS 4 and LoS 34 of the hierarchical relationship between each of these legislative requirements, namely, the RPS and the LWRP.

Reasons:

Both the review of the RPS (LoS 34) and the regulatory framework (LoS 4) are scheduled to be publicly notified at approximately the same time. The RPS is the highest-level statutory document required of regional councils under the Resource Management Act (RMA) and a regional policy position/s on the NPSFM, including Te Mana o te Wai, and the Freshwater NES need/s to be included. It is essential that the higher-level RPS review reflects Central Government's Essential Freshwater Package requirements before the policy position is then carried through to the regulatory framework of the Land and Water Regional Plan (LWRP).

Proposed amendments:

See Proposed amendments to Performance Measure 4.1 in Submission 5 below.

See Proposed amendments to Performance Measure 34.1 in Submission 11 below.

LoS 4: Partner with Papatipu Rūnanga and engage with the community to inform amendments to the regulatory framework (to give effect to central government's Essential Freshwater package, achieving Te Mana o te Wai)

Performance measures	Targets			
	Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 4-10 2024+
4.1 Notify a land and water regulatory framework that provides for a Ngāi Tahu and community vision when giving effect to Central Government's Essential Freshwater package across the region	Design a programme to develop a compliant regulatory framework	Report on progress of the programme to develop a compliant regulatory framework	Report on progress of the programme to develop a compliant regulatory framework	Notify a regulatory framework that complies with the National Policy Statement for Freshwater Management 2020 by December 2024

Submission 5:

AWA supports Level of Service (LoS) 4.

AWA does not support the timeframes for the targets for Performance Measure 4.1.

AWA does not support the fragmentation of related statutory document preparation (i.e. a review of the Regional Policy Statement (LoS 34) from the updated regulatory framework in the Land and Water Regional Plan (LWRP).

AWA does not support the absence of recognition of the Freshwater NES in the target for year 4-10.

Reasons:

1. The year 4-10 target would not see the regulatory framework being notified until the middle of 2024 at the earliest (or December 2024 when it is required to have been notified) with the plan possibly not becoming operative until 2034, for example.

Greater urgency needs to be given to notifying the framework sooner to address and reflect research (examples listed below) on groundwater quality in Canterbury and the potential effects of nitrates in groundwater on colorectal cancer in particular. According to Dr Tim Chambers, Prof. Nick Wilson, Jayne Richards, A/Prof. Simon Hales, Dr Mike Joy, Prof. Michael Baker, “ (A)dressing the upstream determinants of water-related disease burden is a far better approach than treating water that has already become contaminated”. <https://blogs.otago.ac.nz/pubhealthexpert/tag/water-quality>

- Environment Canterbury 2009. Nitrate discharge to ground water from agricultural land use: an initial assessment for the Canterbury Plains. 2009 <https://api.ecan.govt.nz/documents/download/PDF>

- Environment Canterbury's 2016 Annual Groundwater Quality Survey <https://api.ecan.govt.nz/TrimPublicAPI/documents/download/3159733>
 - Community and Public Health (division of Canterbury District Health Board). Working towards safe drinking water for everyone. <https://www.cph.co.nz/your-health/drinking-water/> NB: This paper contains maps of nitrate risk in Canterbury drinking water.
 - Schullehner, J., Hansen, B., Thygesen, M., Pedersen, C.B., Sigsgaard, T. (2018) Nitrate in drinking water and colorectal cancer risk: A nationwide population-based cohort study. *International Journal of Cancer*. DOI: [10.1002/ijc.31306](https://doi.org/10.1002/ijc.31306)
 - Joy, M. (2019). The environmental and human health impacts of dairy intensification; a Canterbury case study. VetScript. <https://www.nzva.org.nz/page/VetScript1>
 - Richards, J.S. (Undated). Nitrate contamination in New Zealand Drinking Water and Colorectal Cancer Risk. Fluent Infrastructure Solutions and Loughborough University. <https://ecan.govt.nz/document/download?uri=3984697>
 - Fish and Game New Zealand. Canterbury water testing raises health concerns. <https://fishandgame.org.nz/news/canterbury-mater-testing-raises-health-concerns/> [Accessed 5/4/21]
 - Blog by Prof. Michael Baker (University of Otago, Wellington) and Dr Mike Joy (Victoria University of Wellington) <https://www.vestacover.co.nz/DrinkingWater.html> [Accessed 5/4/21]
 - Aotearoa Health¹ (Undated): Research – water quality. <https://onehealth.org.nz/research/water-quality/> [Accessed 2/4/21]
2. Greater urgency given to notifying the regulatory framework sooner will also enable the impact of the new hierarchy expressed in Te Mana o te Wai on the public notification of consents for taking and/or using water for irrigation and bottling to be considered. Te Mana o te Wai increases the potential for changes to policies/rules that currently allow consent applications for activities such as irrigation and water bottling, or which prevent or possibly unreasonably limit notification.
 3. Both the review of the RPS (LoS 34) and the regulatory framework (LoS 4) are scheduled to be publicly notified at approximately the same time. The RPS is the highest-level statutory document required of regional councils under the Resource Management Act (RMA) and a regional policy position on the NPSFM, including Te Mana o te Wai, and the Freshwater NES needs to be included. It is essential that the higher-level policy review reflects those requirements before the policy position is then carried through to the Land and Water Regional Plan (LWRP). (Repeated from Submission 4 above)
 4. Central Government's Essential Freshwater package includes a National Environmental Standard for Freshwater Management 2020 (Freshwater NES). This is not referred to in the Year 4-10 target and should be. It will enable a regulatory framework that demonstrates integrated management of land and freshwater as per Central Government's Essential Freshwater package.

¹ University of Otago, Massey University, and ESR.

Proposed amendments to Performance Measure 4.1 are:

1. As a precautionary approach, allocate additional resources to this Performance Measure to enable notification of the regulatory framework in Year 3 at the latest and not Year 4.

Allocate funding to enable epidemiologists and freshwater quality experts to undertake research to better understand links with nitrates in groundwater on colorectal cancer as South Canterbury has one of the highest rates in New Zealand.

2. AWA seeks sufficient funding to be specifically allocated to investigating and promulgating legally robust provisions that will prevent or substantially impede both the grant of new water bottling consents, and the conversion of existing consents to take and/or use water for other purposes such as use for water bottling. This request is in line with community expectations and the resolution recently adopted by Local Government New Zealand supporting a moratorium on the grant of new water bottling consents until a proper regulatory framework is in place.
3. Include a Performance Measure on the intention to integrate the programmes for reviewing the RPS (LoS 34) and the regulatory framework of the L&WP (LoS 4).
4. Include reference to the Freshwater NES in the Year 4-10 target.

LoS 4: Partner with Papatipu Rūnanga and engage with the community to inform amendments to the regulatory framework (to give effect to central government's Essential Freshwater package, achieving Te Mana o te Wai)

Performance measures	Targets			
	Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 4-10 2024+
4.2 Assess efficiency and effectiveness of the regulatory framework	Assess plan effectiveness prior to developing a regulatory framework to give effect to Central Government's Essential Freshwater package	Not measured in this year	Not measured in this year	Assess plan effectiveness every five years from plan operative date

Submission 6:

AWA supports Level of Service (LoS) 4.

AWA does not support the target for Year 1 and the target for Year 4-10 for Performance Measure 4.2.

Reasons:

1. While local authorities are required to assess the efficiency and effectiveness of statutory plan provisions, assessing the efficiency and effectiveness of the regulatory framework of the existing LWRP prior to developing a framework to give effect to Central Government's Essential Freshwater package (Target for Year 1) does not seem appropriate. S.32 of the RMA appears to be forward and not backward looking, and as elements of the Essential Freshwater package, i.e. the NPSFM (including the concept of Te Mana o Te Wai) and the Freshwater NES have the potential to require significant changes to existing plans, it would be more efficient and effective to assess the potential efficiency and effectiveness of the proposed provisions as part of the process of developing a compliant regulatory framework.
2. The target for Year 4-10 may not be relevant as the amended LWRP may not become operative until 2034 (see comments on Performance Measure 4.1 above).

Note: Performance measure 4.2 has the potential to delay achievement of the target in Year 1 of Performance measure 4.1 (see above).

Proposed amendments to Performance Measure 4.2 are:

1. Amend the wording of Target 1 for Performance Measure 4.2 to read: "Assess plan effectiveness in conjunction with the development of a regulatory framework to give effect to Central Government's Essential Freshwater package".
2. Amend the wording of the of Target 4-10 for Performance Measure 4.2 to more accurately reflect the Council's anticipated programme.

LoS 6: Increase community awareness and understanding of NPS FW and LWRP requirements

Performance measures	Targets			
	Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 4-10 2024+
6.1 Develop campaigns to improve landowner/community understanding of new national direction and LWRP requirements	Scope required campaigns	Deliver two campaigns	Deliver two campaigns	Deliver two campaigns
	Report on progress against campaigns			

Submission 7:

AWA supports Level of Service (LoS) 6 in part.

Reasons:

1. The National Environmental Standard for Freshwater (Freshwater NES) is an integral part of Central Government’s Freshwater package and should be recognised in LoS 6.

Proposed amendment to LoS 6:

1. Amend LoS 6 as follows: Increase community awareness and understanding of NPS FW, Freshwater NES, and LWRP requirements.

LoS 8: Work with landowners, stakeholders, Ngāi Tahu and the community to identify and manage significant emerging environmental issues

Performance measures	Targets			
	Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 4-10 2024+
8.1 Deliver programmes with the community to respond to significant emerging environmental issues	Report on response to emerging environmental issues			

Submission 8:

AWA supports Level of Service (LoS) 8.

AWA supports Performance Measure 8.1 in part.

Reasons:

1. The purpose of LoS 8 is to work with landowners, stakeholders, Ngāi Tahu and the community to identify and manage significant emerging environmental issues.

However the wording of Performance Measure 8.1 refers to ‘managing’ (responding) but not identifying significant emerging environmental issues.

The targets provide for reporting on responses but do not appear to provide for the costs of managing (delivering programmes) significant emerging environmental issues.

Proposed amendments to Performance Measure 8.1:

1. Amend the wording of Performance Measure 8.1 to enable funding to be allocated to the process of identifying significant emerging environmental issues in addition to managing those issues.
2. Insert an additional set of targets to recognise the process of identifying significant emerging environmental issues.

LoS 9: Enable resource users to implement Good Management Practices (GMP)

Performance measures	Targets			
	Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 4-10 2024+
9.1. Ensure satisfaction with our advice to resource users to enable implementation of GMP	Undertake a targeted biennial survey of customers (eg auditors and consent holders) to determine level of satisfaction with our system/framework/tools	Not measured in this year	Undertake a targeted biennial survey of customers (eg auditors and consent holders) to determine level of satisfaction with our system/framework/tools	Not measured in this year

Submission 9:

AWA does not support Level of Service (LoS) 9.

Reasons:

1. The Strategic Direction (p.12 of the Draft LTP) identifies a number of challenges for the Canterbury region including impacts associated with Changing Climate and Changes in Central Government Policies which include those relating to freshwater management. A number of these challenges can be identified as existing significant environmental issues while others are emerging or are yet to emerge.

Implementing Good Management Practices (GMP) appears to be insufficient in some circumstances to address these challenges as demonstrated by current significant environmental issues associated with water quality (see Submission 5 above). Best Management Practices (BMP) include tools to reduce fertilizer runoff and to protect water quality.

Proposed amendments to LoS 9:

1. Include a new Performance Measure and Targets in LoS 9 to investigate, develop and adopt industry-agreed Best Management Practices (BMP) for dairy farming.

LoS 12: Partner with others to ensure that regional water infrastructure contributes to outcomes sought through the Canterbury Water Management Strategy and central government's Essential Freshwater package, and improves resilience

Performance measures	Targets			
	Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 4-10 2024+
12.1. Identify opportunities for improving environmental outcomes through infrastructure and establish projects through a regional work programme	Publish an annual report on the Selwyn Targeted Stream Augmentation and Near River Recharge projects, until they are commissioned and operational	Publish an annual report on the Selwyn Targeted Stream Augmentation and Near River Recharge projects, until they are commissioned and operational	Not measured in this year	Not measured in this year
	Develop business case and transfer ongoing responsibility for the catchment scale Managed Aquifer Recharge trial in Hinds Hekeao to the Hekeao Hinds Water Enhancement Trust	–	–	–
	Publish an annual report outlining progress made on the Regional Infrastructure Work Programme	Publish an annual report outlining progress made on the Regional Infrastructure Work Programme	Publish an annual report outlining progress made on the Regional Infrastructure Work Programme	Review and refresh the work programme to check for alignment with amended regulatory framework; and publish an annual report outlining progress made on the Regional Infrastructure Work Programme

Submission 10:

AWA does not support Level of Service (LoS) 12 (see also Submission 1 above on the need to review the Canterbury Water Management Strategy).

AWA does not support the Targets for Managed Aquifer Recharge projects and trials.

Reasons:

1. The potential benefits of managed aquifer recharge are uncertain at best, particularly having regard to the area proposed to be recharged. Any continuation, much less any further expansion of the project including by way of developing a business case would not be a productive use of Council funds, which would be better employed reducing both levels of abstraction and levels of discharge into the aquifer. The environmental and performance risks involved in transferring responsibility for the project are not warranted.
2. These projects and trials may not be consistent with Central Government's Essential Freshwater Package and the hierarchy of water values in Te Mana o te Wai specified in the NPSFM (see Reasons in Submission 1 above).

Proposed amendments to Performance Measure 12.1:

1. Remove Performance Measure 12.1 and accompanying Targets from the Draft Long Term Plan and remove the funding for this measure.

Portfolio: Regional and Strategic Leadership

Leading regional planning, consenting and compliance

LoS 34: Provide and implement a Regional Policy Statement to achieve integrated management of natural and physical resources in Canterbury – in partnership with Ngāi Tahu and the Canterbury region’s territorial authorities

Performance measures	Targets			
	Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 4-10 2024+
34.1 Progress a review of the Canterbury Regional Policy Statement	Seek feedback from from Papatipu Rūnanga and the wider community on issues and options in the Canterbury Regional Policy Statement	Prepare draft Canterbury Regional Policy Statement and Section 32 report	Prepare draft Canterbury Regional Policy Statement and Section 32 report	Notify the reviewed draft Canterbury Regional Policy Statement by 31 December 2024
34.2 Work collaboratively with the region’s district and city councils to implement and give effect to the Regional Policy Statement	Provide planning support for Canterbury territorial authorities completing District Plan Reviews and Plan Changes on issues of regional significance	Provide planning support for Canterbury territorial authorities completing District Plan Reviews and Plan Changes on issues of regional significance	Provide planning support for Canterbury territorial authorities completing District Plan Reviews and Plan Changes on issues of regional significance	Provide planning support for Canterbury territorial authorities completing District Plan Reviews and Plan Changes on issues of regional significance

Submission 11:

AWA supports Level of Service (LoS) 34.

AWA supports in part Performance Measure 34.1.

Reasons:

1. Both the review of the RPS (LoS 34) and the regulatory framework (LoS 4) are scheduled to be notified at approximately the same time. The RPS is the highest-level statutory document required of regional councils under the Resource Management Act (RMA) and a regional policy position on the NPSFM, including Te Mana o te Wai, and the Freshwater NES needs to be included. It is essential that the higher-level policy review reflects those requirements before the policy position is then carried through to the Land and Water Regional Plan (LWRP). (Repeated from Submission 4 above)

2. While the Performance Measures refer to a review of the highest-level statutory planning document Environment Canterbury must prepare, and not the detail of what that document could or should contain, AWA advocates for additional funding for recognition of an issue of high regional significance, namely, the potential effects of nitrates in groundwater on bowel cancer. As a precautionary measure, there is a need to consider possible alternative land uses to dairying in Canterbury.

Proposed amendments to Performance Measure 34.1:

1. Include a Performance Measure on the intention to integrate the programmes for reviewing the RPS (LoS 34) and the regulatory framework of the LWRP (LoS 4).
2. Include a Performance Measure with allocation of specific funding to programmes to encourage regenerative farming practices and in particular the conversion (wholly or partially) of dairy farms to alternative land uses, including employing or engaging experts in regenerative land and farming practices, community engagement, advocacy to central Government and lobbying for funding.