



Environment Canterbury

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Aotearoa Water Action feedback on Our Future Canterbury – Water/Wai

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1. Thank you for the opportunity to have some early input into Environment Canterbury's (ECan) planning processes. Our submission is limited to the matter of water allocation – although we see water allocation as intimately linked to water quality, emissions reduction, improving biodiversity, human health and thriving communities. We have kept this submission reasonably brief; touching on our observations of the current Land and Water Regional Plan (LWRP) and on some high-level principles we would like councillors to consider adopting through any review of the planning framework.
2. Aotearoa Water Action (AWA) was incorporated in 2018 to challenge water permits granted by Environment Canterbury. The case is currently before the Supreme Court and the decision could have significant implications for water rights and consenting in Canterbury.
3. Over the last 6 years AWA has worked with the Regional Policy Statement (RPS) and the LWRP and has observed how the planning framework, with respect to allocation, has been implemented over time. A key observation is that in Canterbury no one is surrendering water permits and returning water to the 'pot'. Instead, there is a thriving and unregulated market for water. Through its Plan and planning practice, ECan has supported this trade of water by enabling changes or additions to the uses of water taken under existing water permits. This failure to pay any attention to what water is used for has made water more tradable but it doesn't allow ECan to control a vital and scarce resource. This approach may mean some activities with high social and environmental benefits can't go ahead because they can't afford access to the water.
4. The number of water bottling 'uses' that have been added to existing water permits (usually irrigation permits) is sobering; over 30 million cubic metres per year has now been

consented for water bottling in Canterbury - much of that consented volume is attached to 'mixed use' permits. Also, the bottling 'use' has generally been added to permits without any consideration for the specific potential effects of that use – including significant plastic production and heavy traffic generation. It doesn't help that the LWRP is silent on water bottling – an activity that should be specifically regulated like any other extractive industry.

5. Canterbury is a growing region facing Climate Change and with no more water to allocate. Given this context, letting the market (an international market) decide what uses of water are best is a huge risk for ECan to take on behalf of its communities. Therefore, AWA believes ECan needs to show strong leadership by daring to approach water allocation in a very different way than it has in the past.
6. AWA suggests that planners and councillors consider applying the following principles when developing plan changes for water allocation:
 - a. **Water is first and foremost a public good.**
 - b. **Differentiate between water with different qualities:** We zone land based on what it should be used for (given its location or soil quality or gradient, or hazard profile); we believe the use of water should be dealt with in a similar way. ECan should recognise that different waters have different qualities and that those qualities should play a part in determining which types of activities the water can be allocated to. For example, the cleanest potable water (often deep aquifer water) should be protected for community and domestic drinking water supply - to protect human health and reduce future infrastructure (treatment) costs.
 - c. **Ensure consents planners must consider the effects of the specific 'use(s)' of water as well as the effects of 'take'.** What water is used for, and the effects of those uses, requires greater scrutiny and consideration.
 - d. **Use the allocation framework to drive positive social and environmental outcomes:** ECan should develop an approach to water allocation that gives effect to Te Mana o te Wai and that also incentivises 'other' activities that support healthier water, healthier communities, and reduced emissions. The approach should enable ECan to reject activities that drive up emissions and otherwise damage our natural environment. In other words, **ECan should look to use water allocation as a 'lever' to significantly improve environmental outcomes.** For example, regenerative agriculture (through use of activity status and other rules) should be able to access water much more easily than intensive dairy feed lots.
 - e. **Redefine 'efficient':** Define 'efficient' allocation in a way that allows ECan to consider true economic efficiency (including environmental and social costs and benefits) rather than just the minimisation of waste.
 - f. **Manage risk:** Our communities can not function without water. ECan needs to take risk management seriously and ensure its Plan provisions (with respect to allocation) allow it to be flexible in responding to the science and a changing environment.

- g. Reject a market-based approach to freshwater allocation.** Instead, regulate to support the best uses of water in terms of achieving a range of social, environmental, and economic objectives (as determined through community consultation). It would be foolish to assume that those who can pay the most will deliver the best uses of water – and yet that is the premise behind market-based allocation. That approach could give foreign investors and large corporates an advantage over local owner-operators and SMEs and could lead to economic ‘leakage’ as well as social and environmental costs.
7. Section 30 RMA and s126 (5)(e) NBEA both enable regional councils to create rules in their Plans to allocate fresh water amongst competing activities. The NBEA also enables a comparative consenting process and requires that when considering allocation methods particular regard must be had to the (undefined) allocation principles of: environmental sustainability, efficiency, and equity. We think our principles and general approach could be implemented under either the NBEA or the RMA - subject to achieving the support of iwi and mana whenua.
8. We also see our approach as aligning with the Te Mana o te Wai but, in a sense, ‘going further’. Te Mana o te Wai ensures the health and well-being of the water is protected and human health needs are provided for before enabling other uses of water, but it does not prioritise amongst the ‘other uses of water’. We believe that prioritisation amongst the ‘other uses’ category is the key to improving environmental and human health outcomes.
9. Finally, AWA believes any Plan Change should seek to make water bottling a prohibited activity. Water bottling requires Canterbury’s best, deepest, aquifer water and AWA wants to see that water protected for drinking water for future generations.
10. Thank you for considering our suggestions. If you have any questions, please don’t hesitate to get in touch.

Best regards

Niki Gladding (co-convenor, AWA)