

## Summary of submissions

### Process and consultation

- A number of submitters considered that public engagement in the development of the draft strategy had been poor. For some submitters this reinforced a perception that the process for developing the strategy had been captured by farming and irrigation interests. One of these submitters described the strategy as the ‘Canterbury Farmers Irrigation Strategy’.
- This reflects the view of a number of submitters that the strategy went into much greater detail on issues relating to irrigation than it did on those relating to the environment. These submitters were generally concerned that economic interests would continue to take precedence and be detrimental to the environment.
- Other commercial users of water expressed similar concerns arguing that their particular interests in water were not appropriately reflected in the strategy. They argued that the strategy did not differentiate between consumptive and non-consumptive abstractors, address the differing approaches needed for the allocation of water between different types of use, or confront how improved efficiency will be advanced in those situations where more than one use occurs following the abstraction of water.
- A common process issue raised in submissions was in respect of the timing of public meetings and the availability of information. These submissions were concerned that many people could not attend meetings held during traditional working hours. Other submitters questioned why there had been significant consultation to arrive at the principles and priorities but only three weeks allowed for consultation on the governance and management structure.

### Governance issues

- The bulk of submissions commented on the governance aspects of the strategy – governance at all levels. A significant number of submissions expressed concerns in respect of the zone committees. Many submitters felt that there simply wasn’t enough detail at this point on the role, purpose, processes for establishment and appointment, and the decision making powers of the zone committees.
- Some submitters suggested that the governance aspect of the strategy needed to be totally reconsidered so as to avoid unnecessary complexity, and duplication of functions. One submitter noted that the strategy seems to be moving in the opposite direction to that recent central government decisions on council consolidation in Auckland, and the establishment of the centralising Environmental Protection Authority.
- An often repeated submission was a concern that zonal committees would not be able to set targets which took account of the particular circumstances of their zone. In this case it was argued that the general targets should be able to be changed by zonal committee to reflect local conditions and problems. However, other submitters were concerned that providing this ability to zonal committees would undermine the necessary regional focus and leave committees further susceptible to local capture.

- One submitter suggested as currently drafted the adversarial RMA structure would simply be shifted out to 10 zones potentially leading to 10 smaller Environment Canterbury like organisations, all struggling with the same adversarial problems.
- It was argued that 10 zones each with between 10 and 20 members would spread available human resource too thinly resulting in those with financial interests in water dominating committees – “A proliferation of zone management groups could see valuable voice lost.” Many submitters saw the number of levels as unnecessarily complex and felt that the removal of a level would have a beneficial effect.
- There was a mix of submissions on the requirement that members of zone committees should live within the zone. Many submitters felt that this requirement would limit representation and expertise on committees.
- There were a number of submissions on zone committee boundaries. The general thrust of these submissions was that there needed to be further input into determining the final zone boundaries with many arguing that the number of zones could be reduced to between 3 and 5. Many submitters did not understand how the boundaries were determined. While one submitter wished to be excluded from the strategy altogether – on the basis that there were no water issues in their area.
- A number of submissions raised the possibility of cross zone issues. For example, a storage option may be located in one zone, but have the capacity to serve areas outside that zone. It was argued that there is no obvious mechanism for ensuring zones do not simply look after the interests of their own area. Submitters thought that there needed to be a mechanism in the strategy to deal with inevitable cross zone issues.
- A common theme across a large number of submissions was concern that both the zonal and regional committees were susceptible to capture by special interests – particularly irrigators. Some submitters based this view on local experience of such groups which they felt tended to be dominated by those with the main objective of financial gain over long-term environmental benefits. In the view of many of these submitters the number of proposed zones and the requirement to be residing in a zone reinforced the perception of capture.
- Some submitters thought that it was very important that the members of committees were local, because these local people were best placed to create local solutions and have to live and work with the community and therefore be responsible for their decisions. Supportive of the proposal a number of submitters believed that the zone committee structures, roles and responsibilities and operational processes were best suited to a pilot approach, with one or two representative zones being selected for priority implementation and supports for the CWMS. A couple of submitters promoted themselves for this pilot role.
- For many submitters the role of the Water Executive was unclear. For example, one submitter questioned why the Regional Water Management Committee and the Water Executive need to be split. Further clarification was also sought if it is the intent that the Water Executive would undertake work as directed by the Regional Water Management Committee.

- A number of submitters argued that the needs of the general public were better served by the current regional and central governance approach. Some submitters questioned whether the Regional Water Management Committee role could be performed by ECan.
- It was submitted that the Water Infrastructure and Services Entity would not work adequately because it would be unattractive to would-be investors. In this respect some submitters were pleased that it was described in the strategy as only one possible vehicle for investment in infrastructure. One submitter asked for information on the options considered and suggested that it would be useful to see why public/private company options or cooperative models were considered unsuitable.

### **Biodiversity**

- Some submitters argued that indigenous biodiversity should be a primary principle or first order priority rather than a supporting principle. This seemed to be on the basis that “Sustainable management”, a primary principle, must give regard to indigenous biodiversity in terms of Part II of the RMA, section 6 matters.

### **Efficiency gains**

- Most submitters provided their support for the more efficient use of water. Many of these submitters expressed the view that efficiency measures are some of the essential early steps – the successful implementation of which would scale back the need for ‘new water’. These submitters saw efficiency measures as coming first and only then followed by storage facilities.
- Generally these submitters coupled their support with the need to improve the accuracy of measurements by the use of appropriate technology – such as water meters. Effective use of technology was seen as providing greater transparency and freeing up the need for close policing.
- However, some submissions questioned how much could be achieved through efficiency measures arguing that the scope for increased water use efficiency is quite limited. Another submitter questioned what is meant by efficiency arguing that any ratings developed need to take in not simply the type of irrigation system used but also, soil types, period of irrigation, irrigation types etc.

### **Auditing and monitoring**

- Submissions were generally in agreement that incentives for good management will have an impact but that regulation and enforcement would also be required. This was echoed in a number of submissions arguing that self-auditing would not be enough and that there needed to be tough consequences and sanctions for non-compliance. Of those that submitted on the “name and shame” measures few were supportive. They questioned what such measures would achieve.

### **Land use practices**

- Submitters argued that the right incentives need to be in place to encourage appropriate land use, best management practices and the most efficient water use. It was argued that there was insufficient focus on land management practices in the strategy and that anything other than regulation, enforcement and the right price mechanisms would do this.

- One submitter stated that “land-use effects on water quality are narrowly associated with nitrogen losses from land”. This submitter suggested that phosphorus may pose a greater ecological risk than nitrogen in Canterbury because plant and algal growth in most of the surface and water bodies in the Canterbury agricultural catchments is phosphorus-limited. The submitter pointed to a lack of information on the local effectiveness or negative environmental effects of nitrification inhibitors. To varying degrees a small number of other submitters also raised these points.

### **Existing consent holders**

- Submitters argued that the principle of ‘non-derogation of grant’ had to be recognised and reflected within the strategy. In particular, that any ability to derogate from existing resource consents would make further investment in existing water resource infrastructure, and the development of new infrastructure a risky proposition and detract from the viability of such proposals. Some concern was expressed that large water users may be required to subsidise infrastructure investment in other parts of the region that will be for the benefit of other users (such as irrigators).
- A common concern of these submitters was to ensure that existing users weren’t made responsible for funding new infrastructure. Equally, new irrigators should not have to contribute to the environmental restoration that was caused by existing irrigation. However, existing users should be compensated for efficiency improvements i.e. be able to trade their surplus water. This it was argued would create an incentive for existing users to improve their efficiency, making more water available.

### **Water Conservation Orders**

- A number of submitters requested that existing Water Conservation Orders (WCO) should remain in place arguing that these orders were established after extensive legal debate and high level judgement.

### **Minimum flows versus environmental flows**

- Some submitters argued that environment flows needed to be defined and that the strategy at points mixed the concepts of environmental flows and ecological flows. Some submitters thought that it would be appropriate from the outset to identify flows – minimum low, flushing, and flood – for all significant water ways so that baselines could be established.
- There was some concern that the focus on the restoration of environmental flows to surface and groundwater systems was based on several unfounded assumptions and knowledge gaps. This point was based on the general poor state of available information on the flow regimes and requirements of Canterbury streams and rivers, the majority of which are not gauged.

### **New water**

- Some submitters questioned the accuracy of the term “new water” and whether creating “new water” was possible. These submitters considered that the meaning of the term as used in the strategy needed to be clarified as it could have a number of possible meanings.

### Ownership of water

- Some submitters thought that water taken by irrigation and large commercial users should pay for each litre of water they use. This it was argued would encourage efficient water use without the need to effectively hand over ownership of water.

### Trading of water

- A significant number of submitters expressed their opposition to the trading of water. Some of this opposition appeared conditional. For example, one submitter was opposed to the trading of water if it became clear that trading would lock up water in the hands of the wealthy who may choose to simply hold it rather than use it.
- There were also various comments made on the options of consent holders who did not use their full allocation of water. It was the view of many of these submitters that the unused allocation should remain in the river or stream without the ability of the consent holder to profit. Other submitters thought that there needed to be a clearer statement that water in existing rights which was freed up by more efficient use should have a value which can be traded for improved reliability or to compensate for the cost of improving efficiency.
- Most submissions called for further information on how the proposed “brokering system” will operate, and what differences are envisaged from the current transfer system. For example, one submitter suggested that it was unclear what is meant by the term “brokerage” as it is applied in the strategy.

### Implementation timetables

- Some submitters argued that the timetable for transition and implementation was not feasible. Particularly, the appointment of the zone and tripartite committees within the first quarter of 2010.

### Targets

- Submissions on the achievability of targets were mixed. Some considered the targets overly ambitious. For example, in respect of establishing “environmental limits” 0-2 years was said to be a large undertaking as the natural surface and groundwater flow regime and interactions was not yet properly understood and that this would require a longer timeframe. While other submitters thought that some of the targets were too generous – such as 10-20 years of environmental research before construction of irrigation storage gets underway.
- Submissions suggested that the targets needed to be clearer, specific, defined, and measurable. For example, the goal of 95% reliability was seen as too vague to be meaningful. It needed to state over what time period it was referring to as 95% could mean 50% reliability for one year in five, which is effectively 80% on average. There was some concern that the underpinning knowledge behind some of the targets and specific interventions was often missing.

### **Infrastructure**

- A number of submitters were opposed to the target of no new dams on main stem of alpine rivers. These submitters argued preventing the development of already identified storage areas would place severe limitations on the strategy. In these submissions it was suggested that the emphasis should be on minimum environmental impact rather than simply ruling out options.

### **Special legislation/legal validity**

- A number of submitters expressed their preference for legal processes which some perceived as being more transparent and ultimately leading to “justice”. Other submitters suggested that there needed to be clear guidance given as to how the strategy will fit and be implemented in relation to other legislative and regulatory frameworks, and for the strategy to be effective there needed to be a direct and implement-able connection between the strategy and regulating mechanisms, policies, plans, and other entities.
- In a similar vein, some submitters were concerned to ensure that priority was afforded to and remained focused on the existing regulatory framework. Some submitters argued that the strategy was inconsistent and contrary to the various processes set out in the RMA. The legal validity of the Mayoral Forum was questioned, as well as the legal status of the strategy.
- The view of some submitters was that the objectives of the strategy could be achieved without changing the RMA and without implementing all of the new bureaucratic structure proposed. However, these submitters acknowledged that present arrangements had not worked well to date. One submitter suggested that there needed to be a better assessment of why previous proposals haven’t happened under the RMA rather than just dismissing it.

### **Sources of funding**

- A number of submitters argued that environmental protection, preservation, and restoration funding needed to be sorted before infrastructure investment was permitted. However, other submitters argued that contributions to environmental enhancement should be delayed to allow schemes to execute and establish themselves. This was on the basis that added restoration requirements and levies would act as a significant barrier to construction

### **Fundamental principles and priorities**

- Submissions on the fundamental principles and priorities were mixed. Submissions were generally split between those that endorsed the fundamental principles and priorities as expressed, and those that found them confusing, contradictory, simply buzz-words, or needing better definition and re-ordering. Overall submissions reflected general acceptance of the value and intent of stating fundamental principles and priorities in the strategy albeit with differing views on the best format of expression.

**Other matters**

- *Water footprint* – Two submissions raised the increasing importance of the concept of the water footprint and the need for the strategy to pay close attention to developments. There was no suggestion in these submissions on how the concept could be incorporated into the strategy.
- *Tourism* – It was submitted that the strategy should recognise both the recreational and economic contributions of tourism in the Canterbury region.