

Steph Bennett

From: Customer Services
Sent: Monday, 8 October 2012 8:13 a.m.
To: mailroom@ecan
Subject: FW: Submission re Canterbury LWRP [#F9E4I]
Attachments: EARTHWORKS AND VEGETATION CLEARANCE IN THE HILL AND HIGH COUNTRY.docx

Sub ID 344

Follow Up Flag: Follow up
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-----Original Message-----

From: "Sue and Philip Smith" <balmoral@amuri.net>
Sent: Friday, 5 October 2012 3:31 p.m.
To: "ecinfo@ecan.govt.nz" <ecinfo@ecan.govt.nz>
Subject: Submission re Canterbury LWRP



Submission on Proposed Canterbury Land and Water Regional Plan

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Submitter ID:

File No: PLAN/LWRP/DRFT/6SU/2

Form 5: Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by 5.00pm Friday 5 October 2012 to:
Freepost 1201 Proposed Canterbury Land and Water Regional Plan
Environment Canterbury
P O Box 345
Christchurch 8140

Full Name: PHILIP JOHN CHARLES SMITH Phone (Hm): 03 3158677

Organisation*: _____ Phone (Wk): _____
* the organisation that this submission is made on behalf of

Postal Address: BALMORAL 1143 BALMORAL Phone (Cell): 027 2227927
STATION ROAD R.D 2 CULVERDEN Postcode: 7392

Email: balmoral@amuri.net Fax: 03 3158677

Contact name and postal address for service of person making submission (if different from above):

Trade Competition

Pursuant to Clause 6 of Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

I could not gain an advantage in trade competition through this submission; or

I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

- I am directly affected by an effect of the subject matter of the submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.
- I am not directly affected by an effect of the subject matter of the submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.

Signature: Philip J. Smith Date: 5/10/12

(Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note:
 (1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

I do not wish to be heard in support of my submission; or

I do wish to be heard in support of my submission; and if so,

If others make a similar submission, I will consider presenting a joint case with them at the hearing.

EARTHWORKS AND VEGETATION CLEARANCE IN THE HILL AND HIGH COUNTRY

Rules 5.142 and 5.147 – 5.154, pages 5-32 – 5-36

I oppose in part Rules 5.142, 5.147, 5.148, and 5.149. I oppose Rules 5.150, 5.151, 5.152, 5.153, and 5.154.

Submission

Controls on earthworks and vegetation clearance will make it impossible to maintain pasture cover and access to production land without numerous resource consents in hill and high country areas.

In many respects the LWRP departs from the management framework developed through the Land and Vegetation Regional Management Plan (2005), also known as the „Burning Plan“, which took 12 years of painstaking collaboration to develop. The character and form of the high country, the underlying challenges in managing this country, the nature and intensity of enterprises carried out, have not significantly changed in the past 7 years. This plan is also reported as working well by farmers and Environment Canterbury staff; a view supported by the section 32 report „*the rule framework has been operating effectively in the areas of Canterbury to which these Plans apply*“. In light of the economic and social consequences of the proposed changes, we are concerned about the lack of pre-consultation with persons who worked on the Land and Vegetation Management Plan, and who would have been very willing to offer a balanced expert opinion of the proposed changes during plan development and prior to notification of the LWRP.

Protection of the beds of lakes and rivers, and wetlands in hill and high country areas

Anyone who has spent time in the high country will be aware that seeps and springs (which often form natural wetlands) and small ephemeral streams are most abundant on production land in the high country. It is simply not practical to farm land in the high country and avoid vegetation clearance, earthworks, or cultivation within them. It is essential therefore that policy and rules consider both what is achievable and appropriate in a lowland context and in the hill and high country where the underlying issues and appropriate responses to them are different. To achieve an efficient and effective outcome, only rivers, lakes and/or wetlands that are significant should be subject to restrictions on earthworks or vegetation removal.

Earthworks in riparian areas

Rule 5.148 controls the use of land for earthworks or cultivation outside the bed of a river or lake or adjacent to a natural wetland boundary. This rule includes a very restrictive 10 m³ cap on earthworks in riparian areas in hill and high country areas. As well as being excessively restrictive, this is not consistent with other controls on earthworks in LH2 areas, through Rule 5.150, which provides for earthworks such as erecting fences or maintaining tracks which are a practical necessity if people are to continue to undertake farming activities. We also oppose a 500 m² cap on cultivation in riparian areas, which applies regardless of the overall size of the farm involved.

Pg 3 Vegetation clearance and earthworks in erosion prone areas

Rule 1.150 includes restrictions on cultivation and spraying on land over 15o and earthworks on land zoned LH2 on the planning maps. LH2 land covers large areas of production land, including much of the cultivated land in the hill and high country and most of Banks Peninsula.

Even though a comprehensive technical exercise to define the extent of LH2 land according to scientifically determined criteria has clearly been undertaken, recognised community leaders in the hill and high country, were not made aware of it prior to the notification of the LWRP. Furthermore, having examined the LH2 overlay we see that the extent of Area LH2 bears little relationship to what our knowledge of what we know about geomorphology, soil type, and general erosion risk on our farms. The lack of prior consultation and our concerns about the quality of the technical work that has been done leads us to request that Environment Canterbury withdraw parts of the LWRP that pertain to Area LH2 of the planning maps, and notify a new framework once suitable work has been undertaken.

Within Area LH2, a blanket restriction on all cultivation or spraying will result in increased difficulty suppressing woody weeds colonising established pasture. If in spite of our submissions and decisions sought, Area LH2 and Rule 5.150 remain in the LWRP, I seek that as an absolute minimum, that a staged management approach is developed that reflects both the practical needs of farms and desired environmental outcomes, for example:

- No limit on slope if undertaking vegetation clearance associated with the maintenance of pasture, and no bare ground results from the activity. This provision is also essential to continue to manage pest plant species on land that farmers are responsible for. „Spot spraying“ will be inadequate, because the areas involved are often extensive, difficult to access and farmed at a very low intensity; Limit to slopes of 35o if doing a „pre burn“ spray, consistent with the 350 in Rule 5.152. Pre-burn spraying is desirable because it results in a more controlled and effective burn and greatly reduced the need for future burning;
- Limit to 20o on average if spraying or cultivating prior to sowing forage brassicas. Average slope should be used as it is relatively simple to calculate and is already understood and applied by farmers working under the Land and Vegetation Regional Management Plan.

I appreciate the enabling of earthworks associated with maintenance of tracks and establishment, repair, or maintenance of pipelines, electricity lines, telecommunications lines and radio communications structures and fences within the provisions of Rule 5.150. Generic earthworks, however are severely restricted with an allowable volume of 10 m³ and cut and fill of 0.5 m. This is quite impractical for other types of earthworks that might be required on farm from time to time. A 200 m³ limit and 2 m cut and fill would be more practical and would allow for minor tasks such as flattening a piece of ground to install a water tank or gateway, without resort to a resource consent.

The use of land for the burning of vegetation

Rule 5.152 controls burning in Hill and High Country Areas. The framework provided is similar to the requirements of the Land and Vegetation Regional Management Plan. The changes are the increase in required setbacks from 5 m to 20 m, from water, and the setting aside of the term „stream“, and adoption of the much more encompassing „bed of a lake, river, or wetland“. The modifications to the burning rule are likely to result in substantial loss of production land, or even loss of access to some areas. Again, these changes should not have been considered without consultation with persons expert in high country vegetation management during the plan development phase.

Decisions Sought

Amend Rules 5.142, 5.147, 5.148, 5.149, 5.150, 5.151, 5.152, 5.153, and 5.134 so that only beds of lakes or rivers or wetlands that have significant natural values or that can be protected at a reasonable cost are captured.

Retain the definition of „hill and high country“ in the LWRP as notified.

Develop and apply within the rule framework a definition of „hill and high country environment“

Hill or high country environment: An environment where the landform is predominantly moderately to severely sloping, and the land use is dominated, as consequence of the terrain, by extensive grazing or recreational activities, or set aside for conservation.

Develop and apply within the rule framework, a definition of „upland stream“ consistent with the term „stream“ in the Land and Vegetation Regional Management Plan (2005):

Upland stream: In the hill or high country environment, a continually flowing body of water within a defined channel which has an average width from bank to bank of 2 metres or more but does not include any artificial watercourse.

Separate Rule 5.142 into multiple rules, to provide for the differences between what is appropriate and achievable in lowland and hill and high country environments, for example:

Rule 5.142 –Reducing the area of a natural wetland by the taking, use, damming or diversion (including draining) of water or other means, including vegetation clearance, burning or earthworks, except as provided for in Rules 5.141 or 5.142 (2)

is a non-complying activity.

Rule 5.142 (2): In the hill and high country environment, reducing the area of a natural wetland that is not ecologically significant natural wetland, or greater than 3000m:

- Is a permitted activity if it is by vegetation clearance or burning, and subject to the conditions of Rule 1.46;*
- Is a restricted discretionary activity if it is by taking, use, damming or diversion (including draining) of water, earthworks, or other means.*

Amend Rule 5.148 to provide practical plan provisions for earthworks reasonably necessary to continue to undertake farm activities, while still protecting the values of streams, for example:

The use of land for earthworks or cultivation outside the bed of a river or lake or adjacent to a natural wetland boundary but within:

a. 20 m of the bed of an upland stream lake or river or a natural wetland boundary in Hill and High Country land and land zoned LH2 on the Planning Maps; or

b. 10 m of the bed of an upland stream a lake or river or a natural wetland boundary in land zoned LH1 on the Planning Maps;

is a permitted activity provided the following conditions are met:

1. The earthworks are for:

a) Maintenance of existing firebreaks, roads and tracks and, during a fire emergency, construction of new firebreaks and tracks;

b) Construction of walking tracks no more than 1.5 m wide;

c) Maintenance of existing transport networks;

d) Earthworks and vegetation clearance associated with the establishment, repair or maintenance of pipelines, electricity

2. The extent of other earthworks or cultivation within the relevant setback distances in on any property does not at any time exceed:

(a) an area of 500 m², or 10% of the area, whichever is the lesser greater; or

(b) a volume of 10 200m³ on Hill and High Country land and land zoned LH2 on the Planning Maps;

I seek that Area LH2 is removed from the planning maps, reference to LH2 removed from the rules of the LWRP, and the overall framework re-notified at a later date, once appropriate work has been undertaken, most likely in the development of the sub-regional plans. At a minimum this will involve comprehensive consultation with affected landowners. Including:

The opportunity to evaluate and seek expert opinion on technical work and criteria that underlie the definition of „Area LH2“;

Further discussion and evaluation of what the issues are, or which activities are of concern in Area LH2;

Investigation of what landowners can reasonably be expected to do in these areas and efficient and effective mechanisms to achieve this.

If, in spite of our decision sought, Area LH2 and the associated planning provisions are to remain in the LWRP, we seek amendments to Rule 5.150 to reflect the differing level of risk that arises from different types of cultivation or spraying activities within Area LH2, for example by making the following changes:

Within Area LH2 of the Planning Maps and outside any riparian margin, the use of land for:

(a) spraying woody weeds that are colonising established pasture, with no bare ground resulting from the activity;

(b) spraying if undertaking a „pre burn“ spray that meets the conditions of Rule 5.152.

(c) Cultivation or spraying of land with an average slopes less than 15°;

(b) Cultivation or spraying on slopes greater than 15° provided the total area sprayed or cultivated is less than 200 m²;

...is a permitted activity provided the following conditions are met...

If, in spite of our decision sought, Area LH2 and the associated planning provisions are to remain in the LWRP, we seek amendments to Rule 5.150 to provide reasonable scope for earthworks not already specifically provided for, for example:

(i) Other earthworks where:

(i) the volume is less than 10 m³ per site or per hectare (whichever is the greater); and

(ii) the maximum depth of cut or fill is less than 0.5 m; or

(iii) the site is left tidy and all practicable measures taken to replace vegetation and topsoil after completion of the earthworks, and vegetative cover restored within 6 months.

Amend the provisions of the LWRP to provide for burning of vegetation in a way that is practically useful, and still enables cost effective farming of the hill or high country, as a first preference by ensuring that controls on burning of vegetation in hill and high country areas are as consistent as practicable with the provisions of Part IV of the Land and Vegetation

Pg 5 Management Plan (2005), or, as a second preference by making the following changes to Rule 5.152: *Within the Hill and High Country, the use of land for the burning of vegetation is a permitted activity provided the following conditions are met:*

1. *Burning does not occur within 20 5 m of the bed of an upland stream river or lake or a natural wetland boundary;*
2. *Within an area to be burnt:*
 - (a) *the extent of bare ground is less than 20%;*
 - (b) *the slope is less than 35o; and*
 - (c) *the land is less than 900 m above mean sea level;*
3. *The person undertaking the burning has, at least twenty five working days prior to commencing the burning, notified the CRC and provided location maps or aerial photographs of the sites to be burnt at a minimum scale of 1:50,000;*
4. *The same area of land has not had the vegetation burnt within the preceding ten years;*
5. *The burning is carried out between 1 June and 31 October; and*
6. *The burnt area is either:*
 - (a) *Spelled from grazing for a minimum of 6 months following burning;*
 - (b) *Sown with pasture seed within 6 months of burning; or*
 - (c) *Planted with trees within one year of burning.*

