

BEFORE THE

Canterbury Regional Council

IN THE MATTER OF

the Resource Management Act
1991 and the Environment
Canterbury (Temporary
Commissioners and Improved
Water Management) Act 2010

AND

IN THE MATTER OF

the hearing of submissions on
the Proposed Canterbury Land
and Water Regional Plan

**STATEMENT OF EVIDENCE ON BEHALF OF COMBINED CANTERBURY PROVINCES,
FEDERATED FARMERS OF NEW ZEALAND**

Dated 9 April 2013

Introduction

1. My name is Lionel John Hume. I am a Senior Policy Advisor, employed by Federated Farmers, based in Ashburton.
2. I hold B.Ag.Sc and M.Sc. (First Class Hons) degrees from Massey University and a Ph.D. (Plant Science) from Lincoln University. I am a member of the NZ Institute of Agricultural Science, the NZ Society of Soil Science and the Agronomy Society of NZ.
3. I previously worked as a scientist for the Department of Scientific and Industrial Research in the area of plant nutrition/soil fertility. Currently I am a member of Federated Farmers' Regional Policy team and have eight years experience of working with regional water planning processes, including: the Natural Resources Regional Plan process (from submission through to resolution of High Court appeals); development of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 and membership of the implementation taskforce for those regulations; the development of catchment-based flow and allocation plans for several Canterbury catchments; the development of the Canterbury Water Management Strategy; and, recently, the Regional Policy Statement and Land and Water Regional Plan processes. I am a board member of Irrigation New Zealand.
4. With me is Christopher John Allen. Chris is President of the Mid Canterbury Province of Federated Farmers of New Zealand. He owns and manages a 360 ha mixed sheep, beef, arable and broad-acre horticulture property adjacent to the Ashburton River in Mid Canterbury. The property has on-farm water storage and is fully spray-irrigated, using both ground and surface water.
5. Chris assisted in setting up and is an active member of the Ashburton River Water User Group, whose function is to equitably manage the available water and to ensure that the river remains above its minimum flow for as long as possible. He also represents land holders on the Ashburton River Liaison Group, which deals with Environment Canterbury on flood control works in the Ashburton River and tributaries.
6. Chris has had involvement, at a governance level in a range of regional planning issues, particularly to do with water management. He has chaired the Canterbury Primary Sector Policy Group since its inception.

Canterbury Primary Sector Policy Group

7. The issues addressed in the Proposed Land and Water Regional Plan (LWRP) are of vital importance to the entire primary production sector, and to the economic and social wellbeing of local communities and the wider region. Although the interests of the various primary sector groups do not always precisely coincide, there is a large measure of agreement on many of the key issues to do with the management of water quantity and water quality.
8. In order to assist hearing panel to understand and take on board the needs and views of the primary sector, Federated Farmers convened the Canterbury Primary Sector Policy Group (representing over 20 primary sector interest groups) to form and consolidate common positions on some of the key LWRP issues (as outlined in our evidence statement presented on 26 February 2013).
9. In order to present a comprehensive and focused approach to the hearing process, which avoids unnecessary repetition, particularly by expert witnesses, the Group collectively commissioned the expert water quantity evidence, submitted on 4 February and presented by Peter Callander, Ian McIndoe (on 26 February) and Andrew Curtis (on 13 March).
10. The Group was also closely involved with preparation of the evidence of Shirley Hayward and Geoff Butcher, which was presented on behalf of DairyNZ (on 11 February).
11. Therefore, Federated Farmers adopts the evidence presented by expert witnesses Peter Callander, Ian McIndoe, Andrew Curtis, Shirley Hayward and Geoff Butcher. It is our intention now to present further evaluative evidence to expand on the evidence presented by the group, to focus on issues of particular importance to Federated Farmers.

Objectives

12. Federated Farmers submitted that the objectives should contain an explicit statement recognising the economic and social values attached to abstracted water, specifically that: *Water is recognised as a key driver for the economic and social wellbeing of the region.* We appreciate the recommendation in the s42A report that a new objective be

added, as follows: *Water is recognised as an enabler of the economic and social wellbeing of the region* (Section 42A Report Vol. 1, p 98). However we believe that this recommended objective understates the true situation and needs to be strengthened along the lines requested in our submission.

13. The use of water resources for activities such as irrigation produces a great deal of wider social and economic benefit, for example, greater wealth for individuals and communities, more employment and more people in rural communities, as outlined in the expert evidence of Geoffrey Butcher and as demonstrated by economic studies on the Opuha Dam and the North Otago Irrigation Scheme^{1&2}.
14. Economic and social benefits to the community from the Opuha Dam Scheme include:
 - An additional \$7.7 million in output per 1000 ha of irrigation;
 - An additional 30 FTE's of employment per 1000 ha of irrigation (480 for the whole scheme);
 - An additional \$2.5 million of value-added per 1000 ha of irrigation (\$41 million for the whole scheme); and
 - An additional \$1.2 million in household income per 1000 ha of irrigation.
15. Economic and social benefits to the community from the North Otago Irrigation Scheme include:
 - A 308% (\$44 million) increase in revenue from irrigated properties (compared with un-irrigated);
 - A 310% (\$29 million) increase in annual farm expenditure flowing into the local economy; and
 - An increase in on-farm employment of 76 FTE's – it was estimated that there would be an approximately equal number of additional FTE's off-farm.
16. In Canterbury, water is not merely one ingredient which enables economic and social wellbeing. Because it is naturally in short supply, the provision of water via appropriate infrastructure underpins land-based primary production and is an absolutely vital component of the economic and social wellbeing of the region.

Strategic Policies

17. Policy 4.1 states that lakes, rivers, wetlands and aquifers will meet the freshwater outcomes set in sections 6-15 or, if outcomes have not been set at catchment level,

¹ Harris, S.; Butcher, G.; and Smith, W. 2006: The Opuha Dam: An *ex post* study of its impacts on the provincial economy and community. Aoraki Development Trust.

² The Agribusiness Group 2010: The Economic benefit to the Community of the North Otago Irrigation Scheme. Waitaki Development Board.

then the outcomes set in Table 1 will be met. As stated in our submission, Federated Farmers supports the setting of water quality outcomes in sub-regional plans via a collaborative, science-informed process consistent with the CWMS and the NPS for Freshwater Management. However, we opposed the reference to Table 1 because the outcomes in this table are aspirational in nature and not directly appropriate for inhabited, working landscapes. The table needs to be interpreted with some flexibility and used to assess overall condition rather than being used to provide strict compliance criteria. In this context, we refer to the expert evidence of Shirley Hayward. She points out, with regard to Table 1, that:

- The grouping of lakes and rivers according to common biophysical features is relatively coarse.
- Within river and lake type categories, there is considerable variability in responses and resilience to both natural and human influences.
- The broad categories mean that the numeric criteria may not be appropriate for individual rivers or lakes.
- Single number criteria, such as those in Table 1, imply a level of precision in defining indicator criteria that does not occur in reality.
- The recommended outcomes are better than values currently found at many sites.
- It may take a long time (years to decades) to achieve the outcomes set in some waterways.
- The social and economic implications of achieving the outcomes have not been determined.

Therefore, Federated Farmers continues to request deletion of the reference to Table 1 in its present form and opposes the recommended amendment to the policy (p 101), referring to meeting the Table 1 outcomes by 2023. This deadline is important because it will come into effect if any of the sub-regional plans are not operative before this date.

18. Policy 4.2 states that the management of lakes, rivers, wetlands and aquifers will take account of the cumulative effects of land uses, discharges and abstractions in order to meet the freshwater outcomes in accordance with Policy 4.1, and therefore in accordance with Table 1, if a sub-regional plan is not operative. Federated Farmers is opposed to the use of Table 1 to determine the management of cumulative effects on water bodies for the reasons given in the previous paragraph. Water quality outcomes should be set via a collaborative, science-informed process consistent with the CWMS. In the interim, we continue to believe that the plan should provide mechanisms to encourage all land users to adopt good management practice which, together with other

policies and rules in the plan, will ensure that land users and other dischargers are working towards maintaining water quality in the region.

19. Federated Farmers submitted that Policy 4.6 should be amended to clarify that the policy does not apply to consent renewal and to allow for allocation outside set limits if there is a net environmental benefit e.g. during/awaiting the development of infrastructure. We appreciate the recommended amendment referring to renewal of existing consents (p 108). However, we believe it needs to be strengthened. If an existing consent holder is complying with the conditions of his/her consent and is operating according to Good Management Practice, the presumption should be that the consent will be renewed upon expiry. The recommended statement that renewed consents will “likely be subject to additional restrictions” is subjective and unnecessary. Whether or not “additional restrictions” are necessary will depend on the particular circumstances surrounding the consent and what the existing conditions are. A more appropriate addition to the policy would be: *New consents replacing existing consents will normally be granted but may be subject to additional conditions where appropriate.*
20. Policy 4.8 states that: *the harvest and storage of water for irrigation or hydro-electricity generation schemes contribute to or do not frustrate the attainment of the regional concept for water harvest, storage and distribution set out in Schedule 16 or the priority outcomes expressed in the relevant ZIP.* In response to a submission from EDS, which Federated Farmers opposed, an amendment was recommended (p 110) which effectively states that harvest or storage of water should not frustrate a water quantity limit set in sections 6-15. This is potentially problematic. The addition of new water via storage and infrastructure development will change the context in which water quantity limits are set so they should not be cited as a barrier to such development. For example, if additional water is available from storage, previous limits may no longer be appropriate.

Water Takes

21. Federated Farmers supports the need to ensure security of supply for community water supplies and the priority given to drinking water and stock-water in the proposed amendment to Policy 4.46 (p 224). However, as requested in our submission, there needs to be an incentive for all water users to use water efficiently and participate in overall efforts to manage within limits, at all times, and not merely rely of being exempt from those limits once they are breached.

22. Federated farmers requested the amendment of Policy 4.47 (p 225) to recognise that, in the context of replacement of existing consents in excess of groundwater or surface water limits, that it may not be possible for an existing user to improve efficiency, where they are already using water efficiently. We support the proposed amendment.
23. Policy 4.49 addresses the abstraction of groundwater outside a Groundwater Allocation Zone. As stated in our submission, there may be quite legitimate applications for groundwater takes outside these zones. We requested amendment of the policy to enable fair assessment of such applications. The recommended amendment does not address our submission, and indeed strengthens our concerns. Therefore, we refer to the expert evidence of Peter Callander (paragraphs 4.1 – 4.8) and support his recommendations.
24. In a similar vein, Federated Farmers requested that the activity status of Rule 102 (abstraction outside of a groundwater allocation zone) be changed from non-complying to discretionary, because some parts of Canterbury are not included in a Groundwater Allocation Zone (as required by Condition 1 of Rule 5.101). It was recommended in the s42A report (p 288) that the rule be deleted. However, the same issue arises in Rule 103. It was recommended that our submission be rejected because “the pLWRP identifies appropriate areas from where groundwater can be taken” and that applications from outside of these zones should be non-complying and subject to a higher threshold of assessment. At this point we refer to the expert evidence of Peter Callander (paragraphs 7.1-7.9). Mr Callander notes that there are areas outside the Groundwater Allocation Zones from which it is appropriate to abstract groundwater, and given that such abstraction is typically of small scale, with localised effects, non-complying status (activity considered to be generally inappropriate) is not appropriate. The elevation of activity status from restricted discretionary to fully discretionary would be quite sufficient to enable consideration of all the matters relevant to an application to abstract groundwater from outside a groundwater allocation zone.
25. As stated in the expert evidence of Peter Callander, the movement of water between catchments is a key aspect of the Canterbury Water Management Strategy (CWMS), and the Canterbury Strategic Water Study (CSWS) which promote a ‘re-plumbing’ of the Canterbury plains to shift water from locations and times of surplus to areas of demand and current shortage. Policy 4.52, as proposed, contains a number of criteria which would prevent the sort of effects which would likely result from such transfer and discharge. The recommended amendment (p 232) is an improvement but still falls short

of what is required to be consistent with the CWMS and the CSWS. Therefore, Federated Farmers supports the recommendations contained in the expert evidence of Peter Callander (paragraphs 5.1 – 5.6).

26. Policy 4.53 states that: *where water is introduced from outside the catchment, the additional surface water flows are not available for abstraction unless a new or revised environmental flow and allocation regime is introduced through a plan change*. A plan change should not be mandatory. Federated Farmers submitted that any need for a plan change should be determined on a case-by-case basis, as part of a collaborative community-led process. It may be that the introduction of water from outside the catchment is anticipated by a sub-regional plan. The development of regional-scale infrastructure has been well signalled through the CSWS and CWMS processes and there is no reason why plans should not be designed to accommodate the introduction of water from outside a catchment. One reason given in the section 42A report for recommending rejection of our submission is that there are currently “no flow and allocation regimes that provide for water (from) outside the catchment” (p 232). This does not mean that future flow and allocation regimes will not do so. In addition, specific environmental conditions which are required, but not contained in an existing plan, could be imposed through consent conditions. We believe it is unnecessary and administratively inefficient to have a blanket requirement for a plan change.
27. Policy 4.58 protects 80% of the water column in bores. Many bores do not require this level of protection. Where self induced drawdown in a bore is small, such as in many domestic and stockwater bores, protecting 80% of the water column may be unnecessarily restrictive. It is important that the yield of neighbouring bores is protected and this policy provides a useful surrogate for this. However, blanket protection of 80% is unnecessary and may prevent the most appropriate and economic use of the groundwater resource. Accordingly, Federated Farmers submitted that drawdown greater than 20% should be allowed if effects on other existing users is no more than minor or those effects are mitigated. The policy should be focused on the ability of neighbours to operate their wells, given that the overall effects of groundwater use are dealt with via the allocation regime. Therefore, we are opposed to the recommendation in the section 42A report (p 235), that the policy not be amended other than to refer to Schedule 12 (which we support), and continue to request amendment as sought in our submission and recommended by Peter Callander (paragraphs 6.1 – 6.6 of his expert evidence).

28. The proposed Policy 4.67 (part (a)) states that: *winter flows are available for extraction to storage, while ensuring ecosystem recovery*. Federated Farmers submitted that takes to storage should not be confined to winter but should also be able to occur at other times of the year e.g. during the irrigation season when irrigation is not required. Ecosystem recovery may or may not be relevant, depending on the state of the ecosystem, and in any event should be catered for by the particular flow and allocation regime. The reporting officers (p 242) recommended rejection of our submission on the basis that the policy “does not exclude the storage of water during the irrigation season”. We continue to maintain that, if takes to storage are only provided for during winter, they are largely precluded during the irrigation season. Therefore, we continue to request amendment as sought in our submission.
29. Further, part (b) of Policy 4.67 states that abstraction is for the summer (Oct-Apr) irrigation season, unless specified otherwise. Amendment is recommended (p 242) to extend the irrigation season to September – April, which is an improvement. However, we continue to argue that irrigation may sometimes be needed outside of this timeframe. There is no need to specify an irrigation season. Seasonal volume limits, and flow and allocation regimes are designed to ensure efficient use of water and protect environmental values.
30. Federated Farmers submitted that the requirement (Policy 4.69) of achieving 80% irrigation application efficiency is a worthy aim, but this will not currently be universally achieved. Seasonal volumes are based on 80% efficiency, so if irrigators are less efficient than this, they will not be able to irrigate their full irrigable area for a full season in a dry year. This is a strong incentive to improve efficiency. In addition, how would efficiency of irrigation application be monitored and by whom? The reporting officers recommended rejection of our submission because the policy “aims for a high level of application efficiency, which can be met by many irrigators”, while accepting that it will be “difficult to achieve 80% efficiency in some circumstances”. It is further stated that the policy “clearly sets out target the industry should be seeking to achieve”. We believe that the policy, as written, is more a requirement than a target and that it will currently be impossible to achieve in some circumstances. The plan should not set up water users, or itself, to fail.
31. Policy 4.71 links the reduction in water use in over-allocated catchments with managed transfers of water take and use permits. Federated Farmers submitted that transfer may assist with the more effective and efficient use of water but it will not address over-allocation. The reporting officers (p 245), while acknowledging that transfers may result

in increased water use, recommended that the policy be retained without amendment, including the statement that: *Reduction in water use in over-allocated catchments.....will be achieved through managed transfers of water take and use permits.* Allocation issues should be addressed directly, thus avoiding the perverse outcomes which will tend to result from addressing these issues indirectly.

32. Policy 4.73 requires *surrender of a proportion of the allocated water* upon transfer, in an over-allocated surface water catchment or groundwater zone, unless the transfer is to an irrigation scheme. We submitted that this is not appropriate for those transfers which will lead to more efficient use of water such as transfers of groundwater from the upper to lower plains and transfers of surface water from the lower to upper plains and that it is not consistent with the CWMS. It is acknowledged in the s42A report that the NPS for Freshwater Management provides for transfers as a means of promoting the efficient use of water. However, it is argued that the requirement for regional councils to address over allocation overrides this (p 247). Both matters are addressed in the NPS, but the major flaw in the s42A argument is that the surrender of water upon transfer is an indirect and probably ineffective method of addressing over-allocation, which may have the effect of reducing the effectiveness and efficiency of water use.
33. Similarly, Federated Farmers opposed Condition 5 of Rule 5.107, which sets conditions for the transfer of water where there is full allocation. Parts (b) and (c), as written, are in conflict with the CWMS and provide a disincentive for transfers which will increase the efficiency of water use. The CWMS advocates for the use of surface water on the upper plains and groundwater on the lower plains in the interests of efficient use. Transfers which would help to implement this are penalised by the requirement to surrender 25% of the transferred water (Condition 5, parts (b) and (c)). Part (d) applies a 50% rate of surrender to all other transfers. This is inconsistent with recommendations from the Land and Water Forum (LWF)³ which encourage transfers, to improve dynamic efficiency and assist with getting water to its greatest value use. It is specifically stated in the third LWF report “that the transfer and trading of consents should be facilitated through the removal of regulatory barriers”. Consistent with our submission on Rule 5.107, we opposed non-complying status for Rule 5.108. It was recommended that our submissions be rejected for the reasons given with regard to Policies 4.71 and 4.73 (p 292-294). Our response to that reasoning is given in the above two paragraphs. Therefore, we continue to seek the amendments requested in our submissions on Policies 4.71 & 4.73 and Rules 5.207 & 5.108.

³ Land and Water Forum, 2012: Third Report of the Land and Water Forum: Managing Water Quality and Allocating Water.

34. To further clarify and emphasise our position on Policies 4.71 & 4.73, and Rules 5.107 & 5.108 we refer to the expert evidence of Peter Callander (paragraphs 9.1-9.12).
35. We support the recommended amendment of Policy 4.73 to refer to *principal water suppliers* in addition to *irrigation schemes* for the reasons given by RDR Management Ltd.
36. Federated Farmers supported Policy 4.74. In addition, we support the recommended amendment (p 249) to enable sharing of water takes at any time, not just during times of restrictions, because this will lead to more effective and efficient use of water. However, we are opposed to the recommended requirement for both a daily and a seasonal or annual volume, as well as a maximum rate of take. There is no need for all three of these limits. Rate of take will address immediate effects, while seasonal or annual volume will address the issue of reasonable need and encourage efficient use. A daily volume could be added if necessary in particular circumstances.
37. Policy 4.76 states that resource consents for nutrient discharges or water takes in catchments that are over-allocated will generally be of 5 year duration. No change was recommended apart from some clarification, which we support. Federated Farmers continues to argue that short consent durations will probably lead to sub-optimal environmental outcomes by discouraging investment in effective and efficient (and expensive) infrastructure. The s42A report (p 250-251) did not address this critical issue. We believe that issues related to over-allocation would be best addressed via an appropriate suite of consent conditions, which directly address the relevant water quality issues, and are supported by consent durations which are sufficient to enable investment in the necessary on-farm or off-farm infrastructure.
38. Rule 5.85 deals with small takes from rivers subject to a Water Conservation Order and prescribes restricted discretionary activity status for these takes, which would otherwise have permitted status. Federated Farmers requested a change of activity status from restricted discretionary to controlled. It was recommended that our submission be rejected on the basis that restricted discretionary status is “prudent” for a river subject to a Water Conservation Order. However, we continue to believe that controlled activity status is appropriate given that flow and allocation conditions for water bodies subject to a WCO are already tightly prescribed.
39. Rule 5.97 states that the taking and use of surface water which does not meet condition 2 or 3 in Rule 5.96 is a non complying activity. Condition 2 refers to the minimum flow

and allocation limits specified in the Proposed NES for Ecological Flows. Federated Farmers submitted that this NES is not operational, should not be used to provide justification for non-complying activity status and that discretionary status would be appropriate. Condition 3 specifies that the take is not from a natural wetland, hapua or a high naturalness river. We agreed that this might be a sound condition for a restricted discretionary activity, but submitted that there may be valid reasons which justify such takes e.g. from alpine rivers as part of regional water infrastructure. We argued that discretionary status would be appropriate. The s42A report (p 278-281) did not acknowledge or address the issues raised before recommending no change to the policy. Therefore, we continue to request discretionary status for this rule, so that consent applications can be considered in the context of the full range of relevant matters.

40. Federated Farmers initially supported Rule 5.98 on the basis that surface water quantity limits, properly set via a rigorous community process, should be regarded as firm limits, consistent with the recommendations of the Land and Water Forum⁴. However, many of the limits contained in Sections 6-15 have not been set by such rigorous processes. Therefore, we revised our position and further-submitted in opposition to prohibited activity status. We continue to request that prohibited activity status be replaced by non-complying status.
41. Similarly, we initially supported Rule 5.104 on the basis that groundwater quantity limits, properly set via a rigorous community process, should be regarded as firm limits, consistent with the recommendations of the Land and Water Forum. However, groundwater quantity limits have generally been set in an interim manner using first order methodology and have not been upgraded using second or third order methodology, even where information exists to enable this. In this context, we refer to the expert evidence of Peter Callander (paragraphs 8.1-8.13) and Ian McIndoe (paragraphs 13-47). Therefore, we revised our position and further-submitted in opposition to prohibited activity status. We continue to request that prohibited activity status be replaced by non-complying status.
42. Federated Farmers requested amendment of Rule 5.99 (dealing with takes from surface water bodies) to state that notification is only to affected parties if condition 1 is met (limits have been set in Sections 6-15 or the lake or river is subject to a Water

⁴ Land and Water Forum, 2012: Second Report of the Land and Water Forum: Setting limits for Water Quality and Quantity, and Freshwater Policy- and Plan-Making through Collaboration.

Conservation Order), in order to put greater focus on the plan process rather than conflict over individual consent applications. It was acknowledged that public notification was “unlikely to be necessary in the event that a flow and allocation regime has been set through a robust planning process” (p 282-283). However, it was recommended that our submission be rejected because such a robust process has not occurred for all waterways in Canterbury and, therefore, “limited notification is inappropriate as a default provision”. We do not believe that our submission has been appropriately addressed. We only requested limited notification, to affected parties, if condition 1 is met (that is, when limits have been set in Sections 6-15 or the lake or river is subject to a Water Conservation Order). We believe this is reasonable and limited notification would only effectively become a default provision when all water bodies have limits set in Sections 6-15 or the lake or river is subject to a Water Conservation Order.

43. Federated Farmers supported Rule 101, but requested amendment to state that notification is only to affected parties if conditions 2 and 3 are met, in order to put greater focus on the plan process rather than conflict over individual consent applications. It was recommended that our submission be rejected on the basis that determination of who is an affected party is best made “on a case by case basis” (p 286). Our submission is consistent with this position. We seek that notification is limited to (genuinely) affected parties once limits have been set in Sections 6-15.

Beds of Lakes and Rivers

44. Condition 6 of Rule 5.114 requires that the works described in the rule do not occur in flowing water. We asked that the rule be amended or at least qualified because the requirement is impractical for many tasks. It was recommended that our submission be rejected on the basis “that works involving tunnelling and drilling are unlikely to result in minor effects”. This would depend on the scale of the tunnelling or drilling. In addition the rule covers other activities including the installation, maintenance or removal of pipes, ducts, cables or wires, which, depending on scale, may have very little effect. Therefore, we continue to request deletion of Condition 6 or amendment as follows:
Where practicable ~~The~~ works do not occur in flowing water.
45. Similarly, Condition 3 of Rule 5.114 requires that the works described in the rule do not occur in flowing water. Again, effects could be minor e.g. minor maintenance to bridges and culverts. Using similar logic to the previous paragraph, we continue to request


deletion of Condition 3 or amendment as follows: Where practicable ~~The works do not occur in flowing water.~~

46. It is recommended that conditions are added to Rules 5.115 and 5.116 (p 345-346) stating that *The works or structures do not impede any existing fish passage*. These conditions need to be qualified. Any activity, however minor, in the bed of a lake or river has the potential to impede fish passage. Therefore, we request the conditions refer to: *...significantly impeding existing fish passage*.
47. Condition 2 of Rule 5.125 requires that the works described in the rule do not occur in flowing water. Again, effects could be minor because of the small volumes of gravel being removed. Using the logic used previously, we request deletion of Condition 2 or amendment as follows: Where practicable ~~no part of the activity does not~~ occurs within flowing water. The recommended new Condition 10 (p 358) to prevent excavation from within 100 metres of birds which are nesting or rearing their young in the bed of a river creates a number of problems, including identification/definition of nest sites and rearing areas and the large set-back specified. It has the potential to prevent gravel extraction from extensive portions of river bed for several months of the year.

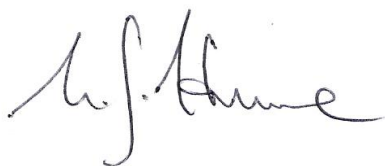
Damming and Diversion of Water

48. Policy 4.44 provides for small-scale diversions of water *within the beds of lakes, rivers or adjoining wetlands*. The policy requires that *there are no potential adverse effects on any other person, their property, or any ecological, cultural, recreational or amenity values of the fresh water body*. We submitted that there will often be some effect (however minor) and that this should be recognised by referring to potential significant adverse effects in the policy. It was recommended that our submission be rejected (p 370) on the basis that the effect of such small scale diversions are “expected to be managed within the boundary of the site where the works are to be undertaken”. This comment is relevant to effects on neighbours but not to effects on ecological, cultural, recreational or amenity values which could exist on the property where the work is being done. Therefore we continue request amendment of the policy as sought in our submission.

On behalf of Federated Farmers, we thank you for the opportunity to present these submissions.

A handwritten signature in black ink, appearing to read 'C. Allen', with a long horizontal stroke extending to the right.

Chris Allen
Mid Canterbury President
Federated Farmers of New Zealand

A handwritten signature in black ink, appearing to read 'L. Hume', with a long horizontal stroke extending to the right.

Lionel Hume
Senior Policy Advisor
Federated Farmers of New Zealand

9 April 2013