

**From:** [Lionel Hume](#)  
**To:** [Mailroom Mailbox](#)  
**Subject:** LWRP Proposed Plan Change 4  
**Date:** Monday, 12 October 2015 4:45:29 p.m.  
**Attachments:** [FNZ Submission LWRP PC4 final.pdf](#)

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Dear Sir/Madam,

Attached is Federated Farmers' submission on Proposed Plan Change 4 to the Canterbury Land and Water Regional Plan.

Yours sincerely,

**LIONEL HUME**  
SENIOR POLICY ADVISOR

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# Federated Farmers of New Zealand

## Submission on Proposed Plan Change 4 to the Canterbury Land and Water Regional Plan

12 October 2015



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# **SUBMISSION TO ENVIRONMENT CANTERBURY ON PROPOSED PLAN CHANGE 4 TO THE CANTERBURY LAND AND WATER REGIONAL PLAN**

## Form 6

Further submission in support of, or in opposition to, submission on publicly notified proposed policy statement or plan

*Clause 8 of First Schedule, Resource Management Act 1991*

To: *Canterbury Regional Council  
PO Box 345  
Christchurch 8140*

Name of further submitter: Combined Canterbury Provinces, Federated Farmers of New Zealand

Contact person: Dr Lionel Hume  
Senior Policy Advisor

Address for service: PO Box 414, Ashburton 7740 or lhume@fedfarm.org.nz

This is a submission on the following proposed plan change: Proposed Plan Change 4 to the Canterbury Land and Water Regional Plan.

Federated Farmers could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that the submission relates to and the decisions we seek from Council are as detailed on the following pages.

Federated Farmers wishes to be heard in support of this submission.

(1) The specific provisions of the Proposed Plan that my submission relates to are:	(2) My submission is that: <i>(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.)</i>		(3) I seek the following decisions from Environment Canterbury: <i>(Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)</i>
Sub-section/ Point	Oppose/ Support	Reasons	
<b>Definitions</b>			
Earthworks Part a.	Oppose in part	We support crops and pasture not being included within the definition of Earthworks. However, in our view the amendments in Part a have the potential to create confusion, and inadvertently capture farmland as there is no corresponding definition of “production land”. For example would production land include land which has been very lightly grazed, is a mixture of exotic and native species and has very low production? We are also opposed to the 5 September 2015 date threshold. The exclusion should apply regardless of date. Other provisions in the plan address issues such as vegetation clearance.	Retain the definition of earthworks as contained within the Land and Water Plan <u>Cultivation of the soil for the establishment of crops and pasture</u> ;  <b>AND</b> Make any consequential amendments to give effect to this submission.
Flood waters	Support	The proposed definition of floodwater is helpful.	Retain the definition as notified. <b>AND</b> Make any consequential amendments to give effect to this submission.
Inanga Spawning Habitat	Oppose in part	The plan refers to inanga spawning sites which are specifically defined on a site by site basis; and inanga spawning habitat areas which are potential spawning sites (rather than known sites) and are broadly defined and broadly marked on the Planning Maps.  It appears that Council is trying to extend protection to potential inanga spawning sites.  the areas identified as inanga spawning habitat on the	Federated Farmers requests that: a) the definition of Inanga Spawning Habitat is amended to better reflect that CRC is referring to habitat that is suitable for inanga spawning (in contrast to known spawning sites); and to enable a case-by-case assessment of water bodies within the areas indicated on the Planning Maps to identify whether they actually contain habitat suitable for inanga spawning; and

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		<p>planning maps could lead to considerably more areas needing stock exclusion for 5 months of the year – particularly around the Ashley River Mouth; Waimakriri River Mouth and coastal areas to north; Te Waihora; Wainono Lagoon.</p> <p>Many of the water bodies within the areas mapped as inanga spawning habitat are unlikely to offer suitable spawning habitat (e.g., isolated farm ponds, intermittently flowing or isolated drains or water races).</p> <p>Federated Farmers is concerned that the maps and associated definition of spawning habitat are too general, and could lead to stock exclusion from productive land with potentially little or no benefit to inanga spawning.</p> <p>We prefer an approach that allows for case-by-case examination of whether there is habitat for potential inanga spawning present and case-by-case assessments of practical risk mitigation.</p>	<p>b) the definition of Inanga Spawning Habitat is amended by deleting the word “lake” and replacing it with the phrase “natural lake”;</p> <p><b>AND</b> Make any consequential amendments to give effect to this submission</p>
Vegetation clearance	Oppose in part	<p>We support the cultivation of crops and pasture not being included within the definition of vegetation clearance. In addition we support the inclusion of the words “<u>or harvesting</u>”. However, in our view the amendments in Part a have the potential to create confusion, and inadvertently capture farmland as there is no corresponding definition of “production land”. For example would production land include land which has been very lightly grazed, is a mixture of exotic and native species and has very low production? We</p>	<p>Amend the definition to read: <i><u>Cultivation for the establishment of or harvesting of crops or pasture;</u></i></p> <p><b>AND</b> Make any consequential amendments to give effect to this submission.</p>

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Sub-section/ Point	Oppose/ Support	Reasons	
		are also opposed to the 5 September 2015 date threshold. The issue is generic and the exclusion should apply regardless of date.	
<b>Policies</b>			
Policy 4.13 (e)	Support	Policy 4.13 (e) as notified recognises that at times, even after reasonable mixing, the water quality within a waterway will be unable to meet the water quality standards set out within Schedule 5. This non compliance is not due to the discharge, rather due the quality of the water contained within the waterway. Federated Farmers supports this amendment.	Retain policy as notified.  <b>AND</b> Make any consequential amendments to give effect to this submission.
Policy 4.31	Oppose in part	As submitted above, under the definition of <i>Inanga Spawning Habitat</i> , the relevant planning maps and associated definition of spawning habitat are too general and could lead to stock exclusion from extensive areas of productive land with little or no benefit to inanga spawning. We prefer an approach that allows for case-by-case examination of whether there is habitat for potential inanga spawning present and case-by-case assessments of practical risk mitigation. We also request that livestock exclusion is confined to those portions of the identified areas in which spawning would be expected to occur (banks and beds of water bodies).	Amend Policy 4.31 (ba) as follows: (ba) excluding stock from <u>permanently flowing waterways located within the areas identified as inanga spawning habitat on the planning maps</u> during 1 January to 1 June inclusive;  <b>AND</b> Make any consequential amendments to give effect to this submission
Policy 4.85A	Oppose in part	This policy aims to provide a level of recognition of just how special Canterbury's braided rivers are. The intent of the policy is supported, however, in our view it is currently drafted as if it were a rule rather than a policy.	Delete policy 85A and replace with: <u>Recognise the unique characteristics of braided rivers and their associated ecosystems, and ensure activities enable the maintenance of sufficient variability in river flow and sufficient movement of gravels and sediment to maintain</u>

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Sub-section/ Point	Oppose/ Support	Reasons	
			<u>their braided characteristics.</u> <b>AND</b> Make any consequential amendments to give effect to this submission
Policies 4.86A	Support	This policy provides clear direction that activities should aim to avoid impacting upon inanga spawning habitat; however it also recognises that in some situations this may not be possible and best practicable options to minimise impacts should be used.	Retain Policy 4.86B as notified. <b>AND</b> Make any consequential amendments to give effect to this submission.
Policy 4.95A	Oppose in part	We do not see the need for Policy 4.95A. We acknowledge that it introduces the Canterbury River Regional Gravel Management Strategy, along with providing some guidance to consents staff around maximum volumes and durations of consents. In our view, this would be better achieved through specific conditions in the rule as these matters are already covered by Policy 4.95.	Delete Policy 4.95A. <b>AND</b> Make any consequential amendments to give effect to this submission.
<b>Rules</b>			
Rule 5.68A	Oppose in part	We are not opposed to the plan containing a definition of the bed of a braided river, because such definitions can be useful to provide a level of certainty. However, we are concerned about the proposed rule as it is currently drafted because it has the potential to capture a number of smaller waterways which meander within gravel beds and result in large areas of land being captured by the definition. This concern would be reduced if the 50 m setback in part (2) was reduced to a realistic distance such as	Delete Rule 5.68A <b>OR</b> Amend Rule 5.68A, as follows: For the purpose of Rules 5.68 to 5.71 of this plan: (1) The bed (including the banks) of a <del>braided river</del> <u>the Waimakariri, Rakia, Rangitata and Waitaki Rivers</u> is the wetted channels, any gravel islands and the gravel margins, and (i) The outer edge of any flood protection

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		<p>5 m.</p> <p>In addition, on some of the larger waterways (e.g. the Waimakariri) stop banks/flood protection works are located some distance from the physical bed of the waterway. In such circumstances, it is essential to be able to graze between the physical bed of the waterway and the stopbanks. Therefore, it would be useful to specify that the definition excludes flood protection works such as stopbanks.</p> <p>Lastly, we are very concerned about the proposed 50m setback specified in part (2). This could result in consent being required for normal farming activities such as pasture renewal on vast areas of farmland, particularly if small waterways fall within the definition of braided rivers. An example would be Weka Creek which, when it flows, contains a number of channels which meander through its gravel bed.</p>	<p>vegetation owned or controlled by the CRC for flood protection purposes, <u>and excludes stopbanks which are located on the landward side of any flood protection vegetation;</u> or</p> <p>(ii) Where no flood protection vegetation owned or controlled by the CRC exists, 50 m either side of the outer gravel margin as measured on any given day.</p> <p>(2) ...</p> <p><b>AND</b> Make any consequential amendments to give effect to this submission.</p>
Rule 5.68 3.(c)	Oppose	<p>We are of the view that this condition is unnecessary as the lakes of concern are protected in other ways e.g. located within the Sensitive Lake Zones with controlled activity status for farming activities, tight constraints on nutrient discharge and the requirement for farm environment plans.</p> <p>Alternatively, if the condition is not deleted, Condition 3. (c)(1) needs to be amended to specify that it applies only to natural lakes, to exclude farm ponds and dams e.g. those built for the purpose of supplying stock water.</p>	<p>Delete Rule 5.68 3.(c)</p> <p><b>OR</b> Amend Condition 3. (c)(1), as follows:</p> <p>(1) <u>natural</u> lake located outside of the Hill and High Country Area;</p> <p><b>AND</b> Make any consequential amendments to give effect to this submission.</p>
Rule 5.71	Oppose in part	<p>We understand that inanga are a species in decline and that initiatives are needed to address this. We also understand the importance of ensuring that habitat is available for inanga</p>	<p>Delete the proposed inanga spawning habitat amendment from Rule 5.71 1.;</p> <p><b>AND</b></p>



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Sub-section/ Point	Oppose/ Support	Reasons	
		<p>spawning. However, as submitted above, under the definition of <i>Inanga Spawning Habitat</i>, the relevant planning maps and associated definition of spawning habitat are too general and could lead to stock exclusion from extensive areas of productive land with little or no benefit to inanga spawning. We would prefer an approach that allows for case-by-case examination of whether there is habitat for potential inanga spawning present and case-by-case assessments of practical risk mitigation. We also request that livestock exclusion is confined to those portions of the identified areas in which spawning would be expected to occur (banks and beds of water bodies). Under this rule it would be a prohibited activity to graze those areas for 5 months a year. This would have significant adverse effects on farmers and their businesses within these areas. In our view there are alternatives, as follows:</p> <ul style="list-style-type: none"> <li>• Include stock exclusion for the purpose of inanga spawning habitat protection within the Industry Articulated Good Management Practices which we understand will be incorporated into the LWRP in 2015/2016.</li> <li>• Require stock to be excluded from the beds and banks of permanently flowing waterways within areas which have been identified as being important inanga spawning habitat, not from the whole area.</li> <li>• Replace prohibited with discretionary activity status,</li> </ul>	<p>Amend Rule 5.68 3. by adding an additional clause, as follows: <u>(x) farmed cattle, deer or pigs grazing the bed or banks of permanently flowing streams within the areas identified as inanga spawning habitat on the planning maps between 1 January and 1 June inclusive.</u> <b>AND</b> Replace prohibited with discretionary activity status, to enable site-specific assessment to determine whether or not there is inanga spawning habitat. <b>AND</b> Make any consequential amendments to give effect to this submission.</p>

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Sub-section/ Point	Oppose/ Support	Reasons	
		to enable site-specific assessment to determine whether or not there is inanga spawning habitat.	
Rule 5.96 2. (d)	Support	We support the permitted activity status for stormwater discharge to land used for rural activities.	Retain the notified amendment. <b>AND</b> Make any consequential amendments to give effect to this submission.
Rule 5.123 & Rule 5.128, matters of discretion	Support in part	These rules seek to include, as a matter of discretion, the preparation and implementation of a Farm Environment Plan in accordance with Schedule 7. While we are not opposed to farmers preparing and implementing FEP's, we consider that this matter should be limited to ensuring that water is used as effectively and efficiently as possible on-farm. We would be concerned if a situation arose where a farm has an approved FEP in place as part of their land use requirements, and then had to re-litigate the adequacy of the FEP as part of gaining or renewing their water permits. In our view this would be inefficient.	Amend Matter of Discretion 13 in Rule 5.123 and Matter 11 in Rule 128, as follows: Where the water is to be used for irrigation, <u>the adequacy of a Farm Environment Plan prepared under Schedule 7 to ensure that the water is used efficiently, including efficient operation of the irrigation system.</u> <del>the preparation and implementation of a Farm Environment Plan in accordance with Schedule 7 to manage the effects arising from the use of the water.</del> <b>AND</b> Make any consequential amendments to give effect to this submission.
Rule 5.128 4	Support	Federated Farmers supports the new condition because if there is no change in the physical nature of the consent (e.g. rate or volume of take) there should be no need to re-assess well interference effects.	Retain the notified amendment. <b>AND</b> Make any consequential amendments to give effect to this submission.
Rule 5.142	Support in part	We support the amendments to Rule 5.142 which aims to enable property owners to remove floodwater off their properties during adverse weather events. However, there could be situations where, to alleviate flooding, there is there is a need to discharge floodwater for	Amend Rule 5.142 by deleting condition (1) <del>(1) Is limited to a duration of 48 hours; and</del> <b>AND</b> Make any consequential amendments to give effect to this submission.

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Sub-section/ Point	Oppose/ Support	Reasons	
		more than 48hours. While we understand that a time limit is often used to address the adverse effects of an activity, in our view, any effects of discharging flood waters for periods longer than 48 hours would be covered by the other conditions associated with this rule. Therefore, Condition (1) is not needed.	
Rule 5.154	Support in part	We support the amendments being made to condition 1.(b) of this rule which clarifies that the depth of water is measured as the height of the crest of the dam above ground level immediately adjacent to the dam. It would also be useful to provide the same clarification to condition 1.(a), because the critical factor is the volume of water impounded above ground level immediately adjacent to the dam. Water impounded below that level is not a dam safety issue.	Amend Condition 1.(a) as follows The volume of water impounded <u>above ground level (where depth is measured as the vertical distance between the maximum water height within the dam and the natural ground level immediately adjacent to the dam)</u> is less than 20,000m <sup>3</sup> ; <b>AND</b> Retain Condition 1.(b) as notified. <b>AND</b> Make any consequential amendments to give effect to this submission.
Rule 5.163 Condition 7 & Rule 5.167 Condition 4	Oppose in part	While we understand that removal of inanga spawning habitat is undesirable, in our view these rules have the potential to have significant unintended consequences for farming activities located within inanga spawning habitat areas. This is because the definition of vegetation clearance could include farmland, depending upon how production land is defined. It is possible that ‘run down’ farm land could be considered not to be production land, and if located within an area modelled as being inanga spawning habitat the ability to undertake improvements might be significantly limited. In our view,	Amend Rule 5.163 Condition 7 and Rule 5.167 Condition 4, as follows Vegetation clearance does not occur in any inanga or salmon spawning site listed in Schedule 17, or undertaken <u>in the bed or on the banks of any waterway located within the area identified as inanga spawning habitat on the planning maps during the months 1 January to 1 June inclusive.</u> <b>AND</b> Make any consequential amendments to give effect to this submission.

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		constraints on the removal of vegetation within areas modelled as being inanga spawning habitat should be limited to waterways (bed and banks).	
Rule 5.163 condition 9 & Rule 5.167 Condition 6	Oppose in part	We presume that this condition aims to provide a level of protection to indigenous vegetation within the large braided rivers. However, the way this condition written (“does not result in a reduction in the area or diversity of existing riverbed vegetation”), it could prevent the removal of any vegetation and certainly result in the inability to control pest weed species within the beds of these rivers. It may be impossible to prevent even small reductions in indigenous vegetation e.g. where this is scattered amongst dominant weed species.	Amend Rule 5.163 Condition 9 and Rule 5.167 Condition 6, as follows: ... the vegetation clearance does not result in a <u>significant</u> reduction in the area or diversity of existing <u>indigenous</u> riverbed vegetation... <b>AND</b> Make any consequential amendments to give effect to this submission
Rule 5.163, Condition 10 & Rule 5.167, Condition 2A	Oppose in part	These conditions aim to ensure that activities which occur in close proximity to waterways do not result in excessive amounts of sediment being discharged into those waterways. While this aim is supported, we are concerned that people will not be able to determine whether they comply with this condition at the time of undertaking the activity. This is because determination of compliance would require a sample to be taken and sent to a lab for testing. In our view, people should be able to determine compliance with conditions of a permitted activity at the time of the activity. In this case, compliance could only be determined after the event.	Delete Condition 10 of Rule 5.163 and Condition 2A of Rule 5.167 <b>AND</b> Make any consequential amendments to give effect to this submission.
Rule 5.174	Support	Federated Farmers supports the removal of 1ha restriction.	Retain as notified <b>AND</b> Make any consequential amendments to give effect to this

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Sub-section/ Point	Oppose/ Support	Reasons	
			submission.
<b>Schedules</b>			
Schedule 8	Oppose in part	The proposed amendment improves Schedule 8. The proposed approach is more pragmatic and reasonable, and is consistent with the approach taken in the NRRP. However, less than one organism per 100 ml is effectively zero. This standard may be difficult to consistently achieve in some situations, even in 50% of samples (e.g. below septic tank disposal fields). One way to address this issue would be to apply separate standards to shallow groundwater (say < 30 m) and deeper groundwater (say > 30 m), apply the Schedule 8 standard to deeper groundwater, recognise the vulnerable nature of shallow groundwater to microbial contaminants and encourage appropriate treatment of shallow groundwater to ensure its portability.	In addition to the proposed amendment, state that the groundwater <i>E.coli</i> standard applies to groundwater > 30 m depth and that groundwater < 30 m depth should not be used for drinking water supplies unless tested and found to consistently meet the Schedule 8 standard or treated to ensure potability.
Schedule 17	Oppose in part	We support the inclusion of inanga spawning sites within Schedule 17, because this provides a high level of clarity for the rule framework. We particularly support the note contained within Schedule 17 which states that the 20m protection zone does not include “any land that is outside the bed or banks of a lake, river or wetland”. We are concerned that this element hasn’t been incorporated into the rule framework.  In addition we note that within the inanga spawning sites, there is duplication which could cause confusion.	Amend relevant rules to ensure it is clear that for inanga spawning sites, the 20m protection zone does not extend to any land that is outside the bed or banks of a lake, river or wetland. <b>AND</b> Amend Schedule 17 to remove duplication (e.g. Le Bons Bay stream is mentioned twice) <b>AND</b> Make any consequential amendments to give effect to this submission.

## Conclusion

Federated Farmers thanks Environment Canterbury for the opportunity to submit on Proposed Plan Change 4 to the Canterbury Land and Water Regional Plan. We look forward to ongoing dialogue about Plan Change 4 and continuing to work constructively with Council.



Willy Leferink  
Chair, Canterbury Regional Policy Committee  
Mid Canterbury Provincial President  
Federated Farmers of New Zealand