

From: [Elizabeth Soal](#)
To: [Mailroom Mailbox](#)
Subject: Plan Change 4 to Land and Water Regional Plan
Date: Monday, 12 October 2015 4:52:19 p.m.
Attachments: [Waitaki Irrigators PC4-Submission-Form-signed.pdf](#)
[WIC submission re LWRP PC4 October 2015.docx](#)

Good afternoon,

Please find attached a submission form and submission document filed on behalf of the Waitaki Irrigators Collective Limited.

Kind regards,
Elizabeth Soal

Elizabeth Soal
Policy Manager
WAITAKI IRRIGATORS COLLECTIVE LTD



Cell: 021 454 615 | DDI: 03 434 5472 | Email: elizabeth@waitakiirrigators.co.nz
Level 1, 72 Thames Street, Oamaru 9400 | PO Box 159, Oamaru 9444 | New Zealand
www.waitakiirrigators.co.nz

This email is intended only for the person to which it is addressed and may contain confidential or legally privileged material. Any dissemination or other use of or taking of any action in reliance upon the content of this email by persons other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the email from any computer. Opinions and other information in this email that do not relate to the business of my employer are not given nor endorsed by it. Unencrypted email is not secure and may not be authentic. If you have any doubts as to the contents please telephone to confirm. Waitaki Irrigators Collective Ltd and its related entities accept no responsibility for changes made to this email or its attachments after transmission from Waitaki Irrigators Collective Ltd and its related entities and do not guarantee that this email or attachments are virus or error free.



FOR OFFICE USE ONLY

Submitter ID:

File No:

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

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 Monday 12 October to:

Freepost 1201 Plan Change 4 to LWRP
Environment Canterbury
P O Box 345
Christchurch 8140

Full Name: Elizabeth Soal Phone (Hm): _____

Organisation*: Waitaki Irrigators Collective Limited Phone (Wk): 03 434 5472

* the organisation that this submission is made on behalf of

Postal Address: PO Box 159, Oamaru Phone (Cell): 021 454 615

Postcode: 9444

Email: elizabeth@waitakiirrigators.co.nz Fax: _____

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

Trade Competition

Pursuant to 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

I am not directly affected by an effect of the subject matter of the submission

Signature: Date: 7 October 2015

(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.

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | I do not wish to be heard in support of my submission; or |
| <input checked="" type="checkbox"/> | I do wish to be heard in support of my submission; and if so, |
| <input type="checkbox"/> | I would be prepared to consider presenting your submission in a joint case with others making a similar submission at any hearing |

(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>
Section & Page Number	Sub-section/ Point	Oppose/support (in part or full)	Reasons	
See attached	submission	document.		

Add further pages as required – please initial any additional pages.



Waitaki Irrigators Collective Limited

Submission to the
Canterbury Regional Council

Plan Change 4 to the
Canterbury Land and Water
Regional Plan
October 2015

Representative: Elizabeth Soal, Policy Manager
Organisation Name: Waitaki Irrigators Collective Limited
Address: PO Box 159, Oamaru, 9444
Telephone: 021 454 615
Email: elizabeth@waitakiirrigators.co.nz

Signature:

A handwritten signature in black ink, appearing to read 'E Soal', written over a light blue horizontal line.

Date: 12 October 2015

About the Waitaki Irrigators Collective

The Waitaki Irrigators Collective Limited (WIC) is a company whose shareholders are irrigation schemes and a society of individual irrigators that take water from the Lake Waitaki, the Lower Waitaki River (or its tributaries or connected groundwater) and use that water to irrigate land downstream of the Waitaki Dam.

WIC was formed in 2010 in response to a number of common issues which the schemes were facing at the time. In mid-2011, WIC expanded to include the incorporated society of individual irrigators.

WIC represents over 580 irrigators, with an irrigated area around 80,000 hectares across North Otago and South Canterbury, which is approximately 12 per cent of irrigated land in New Zealand. The irrigators within the Collective contribute approximately \$550 million per annum in gross income to the local and national economies, and represent a capital value of land (with infrastructure) in excess of \$2.5 billion.

The overarching goal of WIC is to ensure the ongoing surety of water for its members. There are various dimensions to water surety, including surety of supply, reliability of supply, resource consent conditions relating to water take and usage, and community support for irrigation. WIC seeks to gain surety of supply within an approach which recognises the need for continuous improvement and environmental protection.

WIC recognises and accepts the need to work with the community within which it operates, in order to promote and support social and economic development. WIC's role is neither technical nor operational (although it may facilitate operational or technical projects), but to lead the development of an integrated social contract between irrigators and the wider Waitaki community of interest.

The shareholders of WIC are:

- The Kurow-Duntroon Irrigation Company Limited (KDIC);
- The North Otago Irrigation Company Limited (NOIC);
- The Morven, Glenavy, Ikawai Irrigation Company Limited (MGI);
- The Maerewhenua District Water Resource Company Limited (MDWRC);
- The Lower Waitaki Irrigation Company Limited (LWIC); and
- The Waitaki Independent Irrigators Incorporated (WIII) (which includes the Haka Valley Irrigation Company Limited).

These schemes and individuals use irrigation water for production across the primary sector, including the agriculture, horticulture, dairying and viticulture industries. Some of the schemes also provide water to other industries, town supplies and sports clubs. WIC represents a large number of farmers, farming companies and irrigators who bring significant benefits to their communities, well beyond the farm gate.

The irrigators within WIC have water take consents within Environment Canterbury territory. MGI, KDIC, MDWRC, and the majority of WIII members use water to irrigate land within Environment Canterbury territory (the balance of shareholders using water within the Otago region).

This submission is set out in two parts – a narrative submission which discusses aspects of the plan generally, followed by a table setting out WIC's submissions and relief sought in relation to specific sections of the Plan.

Narrative submission

WIC is supportive of the changes in approach that have been adopted by the Canterbury Regional Council (ECan, the CRC) in recent years. In particular, we are encouraged by the establishment of the Zone Committees as a mechanism to ensure that local communities are able to set the values and limits that apply to the waterbodies in their catchments. We are also supportive of the general move towards a more consultative approach to land and water management.

WIC is generally concerned about the effects of some rules which have been introduced through the original Land and Water Regional Plan (LWRP) and now Plan Change 4 (PC4) which affect large areas of landholding along the Lower Waitaki River. Specifically, this relates to the change in definition of a braided river bed for stock exclusion purposes and the designation of the entire Lower Waitaki River as sensitive due to salmon spawning habitat, and the consequential rules and policies which flow from these two rules.

Between the Waitaki Dam and the coast, the majority of the land close to the River is highly productive farmland. Much of this is irrigated for the production of pasture and crops for dairy cattle (either dairy farms or dairy support blocks), but also for sheep and beef finishing and grazing. Although not adjacent to the River, there is also irrigated deer farming, horticulture, and viticulture. There is approximately 85 kilometres of Lower Waitaki River frontage within the Canterbury region that is potentially affected by these rules.

For example, the change in definition of the "bed" of a braided river to include a 50m area from the river margin if there is no flood-control vegetation owned or managed by ECan, in combination with the prohibition of cattle grazing within that 50m area due to the salmon spawning site rules, will have a *significant* impact on farmers with river frontage in the Lower Waitaki.

WIC submits that the effect of these rules is unlikely to be fully understood by many landowners in this area. It is unclear whether these changes (and their impacts) were appreciated and assessed by the Lower Waitaki-South Coastal Canterbury Water Management Strategy Zone Committee (LWSCZC). This would have been an ideal vehicle to discuss and test these rules given that the Committee is the designated representative of the community in relation to water- and associated land-management issues.

To this end, WIC submits that it would be appropriate for the LWSSCZC to undertake a review of the designation of the entire Lower Waitaki River and Hakataramea River as significant sites in relation to salmon spawning, and the consequential effects of this and other LWRP rules.

WIC's specific submissions are provided in the table attached. The relief requested is set out in the following way:

- requested additions are indicated by underlining
- requested deletions are indicated by ~~striketrough~~.

Appearance before the Council

WIC wishes to be heard in support of its submission.

(1) The specific provisions of the Plan that our submission relates to are:		(2) Our submission is that:		(3) Relief sought from Environment Canterbury
Section & page number	Sub-section/ point	Oppose/support (in part or full)	Reasons	
Throughout			In some parts of the Plan, the defined term "defences against water" (which includes vegetation) is used, whereas in others reference is made to "flood protection vegetation" which is undefined.	For the sake of fullness and consistency, inclusion of a definition of flood protection vegetation.
Section 2, page 4	Definitions: Vegetation clearance	Oppose in part	The exclusion of the cultivation and harvesting of crops or pasture on production land is supported, but the limitation on it applying only to that "established prior to 5 September 2015" is too narrow. It is unclear whether this would apply to areas where there has (for example) been pasture for many years but has been re-grassed since the specified date.	Amend to read "...on production land established prior to 5 September 2015 that has been lawfully established."
Section 5, page 4	Stock exclusion Rule 5.68A	Oppose in part	For the purposes of Rules 5.68 to 5.71, PC4 provides in Rule 5.68A(1)(1) a definition of the bed of braided rivers which includes "the outer edge of any flood protection vegetation owned or controlled by the CRC for flood protection purposes." The repetition of the words "flood protection" in this sentence seems unnecessary. Some affected landowners have planted flood protection vegetation themselves. It is not clear why a distinction has been drawn between flood protection vegetation which is privately owned or controlled, and that controlled and owned by the CRC. As it is in those landowners' best interests to actively manage that vegetation (to protect	Amendments as follows: 5.68A 1. ... (1) the outer edge of any flood protection vegetation owned or controlled by the CRC for flood protection purposes ; or (2) where no flood protection vegetation owned or controlled by the CRC exists, 50m <u>10m</u> either side of the outer gravel margin as measured on any given day.

			<p>productive land from flood damage), the River bed margin should not change depending on who owns or controls flood protection vegetation.</p> <p>Rule 5.68(1)(2) provides that in the absence of such flood protection vegetation, the bed of a braided river extends 50m from the gravel margin on any given day.</p> <p>In the case of the Waitaki River, there is approximately 85km of River frontage in Canterbury. For some farmers, the introduction of this rule effectively means that they will need to obtain consent to farm dozens of hectares of highly productive land or else take the land out of production. As well as reduced income from that land, this will immediately affect the value of the land by potentially tens of thousands of dollars per hectare. This applies even when farms are subject to requirements to have farm environmental management plans, either through water permits, or land-use permits required according to new sub-regional limits and rules being introduced. A smaller buffer zone measurement is therefore sought. However, in the case of the Waitaki, this new definition has an even greater impact, as grazing by cattle, farmed deer, and farmed pigs within this 50m zone has become a prohibited activity (see below).</p>	
Section 5, page 5	Stock exclusion Rule 5.71	Oppose in part	<p>Rule 5.71 provides that the use of the bed of a river by any farmed cattle, deer, or pigs, is a prohibited activity within a salmon spawning site listed in Schedule 17. This means that in the Waitaki</p>	<p>As well as the amendments sought above, amend Rule to read "The use and disturbance of the bed...is a prohibited <u>discretionary</u></p>

			<p>catchment, the grazing of cattle within 50m of the River, if there is no flood protection vegetation owned or controlled by CRC in place, will not be allowed. This rule significantly reduces or removes the productive potential of up to hundreds of hectares of land. The nature of braided rivers means the boundary of where grazing is permitted or prohibited could change very quickly. Prohibited activity status is the strongest activity control classification available under the RMA, and it is submitted that this is too high a hurdle to be applied in this instance, and the costs and benefits of this approach have not been adequately assessed in the Section 32 Analysis of PC4. Resource consents should (at least) be available to graze land (for instance) 45m away from the River margin.</p>	activity..."
<p>Section 5, page 28</p>	<p>Vegetation in Lake and Riverbeds Rule 5.163 (9)</p>	<p>Oppose in part</p>	<p>Braided rivers in Canterbury are threatened by the encroachment of pest plants (such as gorse, broom, crack willow etc) which have the potential to "fix" islands, thereby reducing the dynamic nature of the river, potentially spreading the flow of the river wider (and impacting on its flood-carrying capacity), and reducing available habitat for indigenous bird species that require bare islands for nesting. The Rule as drafted would apply equally to the control of pest species as well as native and beneficial plants. For these braided rivers, the "bed" is defined through PC4 as including a 50m margin on any given day. This rule therefore means that a resource consent is required for the removal of pest plant species (for example) 45</p>	<p>Amend to read "a reduction in the area or diversity of existing <u>non-pest</u> vegetation, unless..."</p>

			metres from the river margin (as this would potentially reduce the area of existing riparian vegetation).	
Section 5, page 30	Earthworks and vegetation clearance in riparian areas Rule 5.167 (6)	Oppose in part	Braided rivers in Canterbury are threatened by the encroachment of pest plants (such as gorse, broom, crack willow etc) which have the potential to "fix" islands, thereby reducing the dynamic nature of the river, potentially spreading the flow of the river wider (and impacting on its flood-carrying capacity), and reducing available habitat for indigenous bird species that require bare islands for nesting. The Rule as drafted would apply equally to the control of pest species as well as native and beneficial plants. For these braided rivers, the "bed" is defined through PC4 as including a 50m margin on any given day. This rule therefore means that a resource consent is required for the removal of pest plant species (as this would potentially reduce the area of existing riparian vegetation).	Amend to read "a reduction in the area or diversity of existing <u>non-pest</u> vegetation, unless..."
Section 16, pages 9 and 10	Schedule 17 Salmon Spawning Sites	Oppose in part	A number of rules and policies apply to salmon spawning sites within the LWRP, including (but not necessarily limited to): <ul style="list-style-type: none"> - Policy 4.31: livestock exclusion - Rule 5.71: stock exclusion - Rules 5.136, 5.137, 5.138, 5.139, 5.140, 5.141: structures - Rules 5.148, 5.151, 5.152: gravel from lake and riverbeds 	A review is requested of the classification of the entire Lower Waitaki and Hakataramea Rivers as sensitive sites due to salmon spawning. An assessment of the potential effects of the rules and policies to Lower Waitaki and Hakataramea river frontage should be undertaken. This could be done through the Lower Waitaki-South Coastal Canterbury

			<p>- Rule 5.163: vegetation in lake and riverbeds</p> <p>- Rules 5.167, 5.168, : earthworks and vegetation clearance in riparian areas.</p> <p>The classification of the entire Lower Waitaki River (approximately 85 kilometres of river frontage) and the majority of the Hakataramea River (approximately 60 kilometres of river frontage) as sensitive sites for the purposes of salmon spawning appears to have been carried over from the Natural Resources Regional Plan. In combination with the new definition of the bed of a braided river, the rules in application for the Lower Waitaki River margins represent a significant change for landowners, which has not been adequately assessed.</p>	<p>Zone Committee, and particular rules for the Waitaki catchment set through the sub-regional limits-setting process (Variation 5).</p>
<p>Section 16. pages 11 and 12</p>	<p>Schedule 17 Inanga Spawning Sites</p>	<p>Oppose in part</p>	<p>PC4 identifies an inanga spawning site in the Waitaki River. The narrative description of the site states that the site is "140m north of the box". Presumably, the box being referred to is the Waihao Box, which is used as the narrative reference point for three sites on the Waihao River in this Schedule. The Waihao Box is located at the mouth of the Waihao River, which is approximately 22km north of the Waitaki River. Clearly, the narrative description of the spawning site for the Waitaki River is therefore incorrect.</p> <p>According to Planning Map B-117, the site is located within the Otago region, and the habitat extends from the mouth of the Waitaki River north, to include also the confluence of Whitneys Creek with the mouth of the Waitaki River. Due to the incorrect description of</p>	<p>Clarity of the exact site in the Waitaki River is required, and its consequential applicability to all policies and rules associated with inanga spawning sites and habitats within the LWRP due to the uncertainty created by:</p> <p>(1) The incorrect description of the spawning site; and</p> <p>(2) The placement of the spawning site on the planning map (and a section of the spawning habitat) within the Otago region.</p> <p>The Council should consider</p>

			<p>the site, uncertainty exists as to the applicability of rules and policies that relate to this spawning site and habitat.</p> <p>As the Schedule defines a site as having a 20 metre diameter protection zone, the incorrect description and location of the site on the Planning Map within the "greyed out" Otago region, mean it will be difficult for affected landowners and land managers in this area to determine the applicability of related rules and policies to them. The Council should consider inclusion of a description of the inanga spawning habitat areas, given that, at least in the case of the Waitaki, two waterways are affected (the Waitaki River and Whitneys Creek) to provide clarity as to applicability.</p>	<p>inclusion of a description of the inanga spawning habitat areas, given that, at least in the case of the Waitaki, two waterways are affected (the Waitaki River and Whitneys Creek) to provide clarity as to applicability.</p>
--	--	--	---	--