

From: [Fiona Mackenzie](#)
To: [Mailroom Mailbox](#)
Subject: Fed Farmers submission on Plan Change 6, Wairewa
Date: Wednesday, 4 November 2015 11:58:59 a.m.
Attachments: [Feds SUBMISSION Plan Change 6 061115.pdf](#)

Dear Ecan

Please find attached Federated Farmers submission on Plan change 6, Wairewa.
Grateful if you can please acknowledge receipt for our records.

Kind regards,

Fiona Mackenzie

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Federated Farmers of New Zealand

Submission on Proposed Plan change 6 to the Canterbury Land and Water Regional Plan: section 10, Banks Peninsula, Wairewa catchment

6 November 2015

**SUBMISSION TO CANTERBURY REGIONAL COUNCIL ON PROPOSED
PLAN CHANGE 6 TO THE CANTERBURY LAND AND WATER REGIONAL
PLAN: SECTION 10 BANKS PENINSULA, WAIREWA CATCHMENT**

Form 5

Submission on publicly notified proposal for policy statement or plan
Clause 6 of First Schedule, Resource Management Act 1991

To: Environment Canterbury
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This is a submission on the proposed Plan Change 6 to the Canterbury Land and Water Regional Plan.

The following pages detail the specific provisions of the proposed plan that our submission relates to and include the particular parts of each submission supported or opposed alongside our reasons for that position and what decision we seek from the Hearing Panel.

Signed:



Dated:

6/11/2015

Summary

Federated Farmers fully supports the aims of Plan Change 6, and broadly supports the policies and rules, however we have some concerns about how the plan will be implemented. Specifically, landowners may not be in a position to pay for all of the fencing needed in the proposed time frames, let alone complete the work. And it is unreasonable to expect them to carry the full cost of improving water quality for the good of all.

If the Plan is to succeed, practical details about how the plan will be implemented need to be discussed sooner rather than later, as part of the proposal. Are timeframes realistic for landowners to complete the work required? Is there funding available to assist with fencing and other work required?

We are also concerned about the 'hidden' cost of compliance. The matters for discretion at Rule 10.5.2 and the assessment matters under Schedule 24c are extensive and detailed.

We oppose any expectation that landowners be required to provide costly consultants reports in order to tick assessment boxes. Most of the information for assessment is already held by, and well understood by Ecan, and it is not the most appropriate way to achieve the objectives of Plan change 6 to require complex reports from individuals seeking consent to carry out minor works.

We address these and other concerns in our following submissions, and we have suggested amendments to the proposal where appropriate.

Plan provision	Reason for submission	Decision sought
Key actions at page 10-3	<p>We support the key actions. However we note that the proposal as drafted goes much further than appears to be mandated by key action at bullet point two, which is about preventing stock accessing the river banks in the Valley Floor Area.</p> <p>We support the Zone Committee's key actions but note that bullet points 1,2,3, 4,5 and 8 all require considerable investment.</p>	<p>Delete <i>and their tributaries</i> at 10.4.1(a) and at 10.4.3, 10.5.2, 10.5.3, 10.5.4, 10.5.5 and wherever else it appears in this context in the proposal.</p> <p>Perhaps another bullet point could be added in after bullet point five::</p> <p><i>Addressing the equitable balancing of cost for the key action projects, including additional fencing required by rules to achieve outcomes specific to this proposal.</i></p>
10.4 Policies	We have an interest in all policies and make the following comments pending further discussion.	
10.4.1(a)	<p>We are not sure how practical it is to include the tributaries of the Okana, Okuti and Takiritawai rivers, as some may be ephemeral.</p> <p>This rule as proposed appears to go much further than the solutions package key actions indicate.</p> <p>We understand the tributaries are only those within the Valley Floor Area, if any, rather than tributaries higher up, if they exist, which may be topographically impossible to fence.</p>	<p>As above, delete words: <i>and their tributaries</i> OR</p> <p>Add the words '<i>and where practical</i>' after the reference to the rivers.</p> <p><i>(a) Excluding stock from the bed and riparian margins of the Okana, Okuti and Takiritawai rivers, and where practical, their tributaries, and the lake within the Valley Floor Area, in order to reduce the risk of bank erosion and collapse and avoid animal effluent entering water; and</i></p>

10.4.1 (e)	<p>Requiring community wastewater treatment systems to minimise phosphorus is a good aspiration but we are not sure who pays for this, or what the timeline may be.</p>	Is this detail to be found in Zone Committee reports?
10.4.1(f)	<p>As above, there is no indication in the Plan how preventing inundation from septic tanks will be achieved and paid for but we agree it is a worthwhile aim.</p>	Is this detail to be found in Zone Committee reports?
10.4.3	<p>We are not sure how practical it is to include the tributaries of the Okana, Okuti and Takiritawai rivers, as some may be ephemeral or topographically impossible to fence.</p> <p>This rule as proposed appears to go much further than the solutions package key actions indicate.</p>	Delete: <i>and their tributaries</i>
All policies at 10.4	<p>The cost of fencing is a very real factor in implementing the proposed policies. Rules 10.5.4 and 10.5.5 may be unrealistic. Five years is not long to comply before grazing stock becomes a prohibited activity.</p> <p>Landowners may not be able to absorb the full cost of rules made for the general good.</p>	Further information is required about cost of implementation and what sources of funding may be available.
Maps	<p>Figure 2 does not adequately show the Wairewa catchment as part of the Banks Peninsula zone.</p> <p>But Figure 2 is still needed to show the Valley Floor Area <u>within</u> the Wairewa catchment, at a meaningful scale.</p>	The inset at Fig 2 should show it within a Fig 1 type map, not a whole of Canterbury map. OR provide a separate map, not merely an insert, showing Wairewa within the BP zone.
10.5 Rules	<p>We are interested in all of the rules and look forward to assisting with further refinement, along with other parties.</p> <p>We wonder why the explanatory note has gone, explaining that the rules only affect the Valley Floor Area?</p>	It is not clear (without the note ahead of the Rules), where the proposed rules will apply. Reinstate the note (above the note about the Bylaw) to clarify this, in plain language. [This need not

		deduct from Rule 10.5.1]. OR Add the note under the heading <i>Bank Erosion and Flood Management</i> , if the Section 5 dispensation only applies 10.5.1 to 10.5.3
10.5.1	<p>We are a bit confused by this rule. Is it saying to check first in Section 5 of the LWRP, and if permitted by those rules, look no further?</p> <p>The implication is that for anyone outside the Valley Floor Area, being permitted under Section 5 alone may not be sufficient?</p>	<p>Add the note under the heading <i>Bank Erosion and Flood Management</i>, if the Section 5 dispensation only applies 10.5.1 to 10.5.3</p> <p>Clarify explicitly whether farming and fencing are permitted activities, without requiring plan users to go outside of these rules to other sections of the LWRP to find this out.</p> <p>The Plan needs to be clear what rules apply to the Valley Floor Area, and what rules apply to the wider Banks Peninsula zone. (This could be done by reference to a map.)</p>
10.5.2	<p>We do not believe it is practical to capture tributaries in this rule, particularly if they are ephemeral.</p>	<p>Delete: <i>and their tributaries</i> OR Add the words: <i>and where practical</i></p>
10.5.2	<p>Is this rule intended to make fencing of waterways a restricted discretionary activity? (b,c and d, if fences are structures?)</p> <p>Is fencing captured by 10.5.2 (b)? If so, it needs to be explicit rather than relying on a definition, or Rules in another part of the LWRP.</p>	<p>Clarify for ease of use whether fencing is caught by 10.5.2 or not. Users should not have to go to Section 5 of the LWRP to find out.</p>
10.5.2	<p>We do not support this rule if Ecan is going to require costly 'proof of compliance' consultants reports from landowners on matters 1 to 11.</p>	<p>It needs to be made very clear that Ecan (who already has all of the information) will assess an application using its own in-house experts and consulting sensibly with the landowner.</p>

		<p>If this is not the case, we oppose this rule in its entirety, as it will place an intolerable burden on landowners, and will defeat the aim of the plan change.</p> <p>All Ecan should require from an applicant is the Schedule 24C Erosion Plan (which in itself we currently oppose, for similar reasons, see below).</p> <p>Ecan must then assess the proposal based on all of the information it already has about matters 1 to 11. This should be a two way process with the applicant, who may also have useful information that Ecan is not aware of.</p>
10.5.3	<p>We do not support the rule as drafted (see above at 10.5.2) as it talks about activities in the Valley Floor Area that are controlled by the Rules, but makes no mention of fencing.</p> <p>The Rules need to be able to be understood by lay people (including lifestyle block holders) who will be looking for what they <u>can</u> do as well as what they can't do.</p>	<p>Clarify whether resource consent is needed for fencing, ideally without requiring plan users to go to another part of the plan.</p>
10.5.4, 10.5.5 Stock exclusion rules	<p>We support the objective but wonder whether a deadline of 2020 is realistic to complete fencing.</p>	<p>Further discussion re feasibility may be needed.</p>
10.6 Fresh Water Outcomes	<p>At page 10-8, we would like to see direct reference to the Land and Water Regional Plan. Non-expert plan users may be confused if they expect to find Section 3 and policies 4.1, 4.2, 4.3 and 4.4 within this proposal.</p>	<p>Add:set out in the Objectives in Section 3, and in Policies 4.1, 4.2, 4.3 and 4.4 of the <u>Canterbury Land and Water Regional Plan</u>.</p>
10.6,10.7, 10.8 and 10.9	<p>We note our interest in all of 10.6 -10.9 and our wish to take part in any discussions concerning refinement of these sections.</p>	

<p>10.10 Schedule 24c,</p>	<p>We oppose the Schedule 24c erosion plan as currently drafted. The requirements on landowners are very onerous: on the basis of 5a. to h. an overzealous consents officer could demand eight different reports at a total cost of many thousands of dollars.</p> <p>We understand that much of the land in the Valley Floor Area is in small blocks, and the requirements of the erosion plan could be simplified considerably without affecting the desired outcome at all.</p> <p>How, for example, is a small block holder going to provide an assessment of the flood carrying capacity of the river? And why is it necessary for an applicant to do so, when Ecan already has all of this data? Such a report from a Christchurch consultant would cost several thousand dollars.</p> <p>We are extremely mindful of the 'hidden' cost of compliance which can be lumped on to landowners by regulators who have not fully considered the practicalities of what they are asking for.</p> <p>What amounts to a box-ticking exercise for a consents officer, can translate into a very expensive and time consuming exercise for a landowner. There is no mandate for over-engineered reports to 'prove' compliance, and such requirements would contravene key sections of the RMA.</p>	<p>Sections 1-4 of the Schedule 24c should be simple and able to be provided by the landowner, although the requirement for photos, as well as a map (at 1a.) is probably excessive, as we hope that site visits will naturally occur.</p> <p>24c. (5) is excessive. This level of data should not be required, as most of it is already well understood by Ecan's own experts.</p> <p>We know that there is a rider (at a level of detail commensurate etc.) but given our experience in other similar matters, we request the following amendment:</p> <p>5. <u>Provide an assessment of the effects of the proposed activities, at a level of detail commensurate with the scope and significance of the effects, and using such information as the landowner can reasonably be expected to provide from his own knowledge and experience of the property.</u></p> <p><u>Environmental effects which Ecan may choose to separately assess, in order to decide on an application, include the following:</u></p> <p>a to h as listed.</p> <p>ENDS.</p>
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