

BEFORE INDEPENDENT COMMISSIONERS

UNDER the Resource Management Act
1991

IN THE MATTER of Plan Change 5 to the
Canterbury Land and Water
Regional Plan

SPEAKING NOTES OF BARRY SHEPHERD

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1. My name is Barry Shepherd, I am Chair of the Upper Waitaki Zone Committee (**Zone Committee**).
2. I have lived in the Omarama area since 2001 and currently manage the Benmore Irrigation Company. I have farmed in the Upper Waitaki and am a keen outdoor recreationalist.
3. Earlier in 2010, I was appointed as an interim zone representative on the Canterbury Water Regional Committee and elected to the Ahuriri Community Board. I also chaired the Upper Waitaki Applicants Group, which was a group of 30 smaller applicants dealing collaboratively with water consent issues.
4. I have been a community representative member of the Zone Committee since its inception and I am the inaugural Chair of the Zone Committee.

ZONE COMMITTEE

5. Members of the Zone Committee are listed in Appendix H of the Section 42A Report at page 106.
6. Section 12 of the Section 42A report outlines the process the Zone Committee has been through from 2013 to 2015 in preparing the ZIP Addendum for the Upper Waitaki. The ZIP Addendum provides recommendations on water quality limits and other non-statutory actions to implement the CWMS in the Upper Waitaki, building on the original ZIP. No changes to water quantity controls were considered as part of this process as they are governed by the Waitaki Catchment Water Allocation Regional Plan.

Collaborative Process (Paragraphs 12.3 to 12.20 of the Section 42A report)

7. In 2013 the Zone Committee began the process of determining the recommendations contained in the ZIP Addendum. The Zone Committee received a series of briefings on project scope, the National Policy Statement for Freshwater Management, key concepts such as eutrophication, and catchment hydrogeology. The Zone Committee also undertook a series of field trips with technical staff.
8. A series of community meetings were held to inform the community of the scope of the ZIP Addendum process, to receive feedback on the

original ZIP outcomes and to encourage future community involvement.

9. Part of the initial development phase also included gathering technical data with the involvement of the community. The Zone Committee established a Land Information Group of farmers in the Upper Waitaki Zone to 'ground truth' data that was to be used in the development of the ZIP Addendum. This involved a series of workshops on data such as: land-use maps, climate zones, farming systems and nutrient loss. A parallel process was used for aquaculture, with an Aquaculture Information Group.
10. At the same time the Zone Committee developed a number of draft scenarios to test the original ZIP outcomes. Community input was used to refine the scenarios and an effort was also made to avoid 'development vs environment'. The scenarios included: current state, all granted consents in the Upper Waitaki Zone being fully exercised and all the remaining water in the Upper Waitaki Zone available for irrigation being used in three different configurations.
11. In 2014 the Zone Committee hosted four community workshops based around the scenarios. Attendance at each of these workshops ranged from forty to seventy people from across the Upper Waitaki Zone and across perspectives on water management.
12. The workshops were staged. First, the community were presented with the technical analysis of the scenarios. Then community members provided feedback about the acceptability of the impacts. The community members then suggested solutions where the impact was seen as unacceptable. Finally, community members were invited to share the key points from their assessment.
13. In October 2014 the Zone Committee spent a five hour workshop analysing the messages from the technical team and all of the community analysis.
14. The Zone Committee concluded that principal tensions that needed to be resolved included how to maintain the recreational value of the Ahuriri Arm of Lake Benmore and not put the investment in lengthy consenting processes and infrastructure by farmers in the catchment at risk. The Zone Committee also needed to resolve how to provide for development in the Haldon Arm of the Lake Benmore catchment

while providing a 'safety margin' that would maintain the oligotrophic state of Lake Benmore; how to provide for aquaculture development when this was shown to cause increased risk in some parts of the zone and how to deal with aspects of the current state that were deemed 'unacceptable'.

15. Over the next month the Zone Committee resolved its draft position on these tensions. This required a request for additional specific technical information regarding the resolution of Trophic Level Index between the scientists.
16. At this time the Zone Committee also formally considered the recently developed Mackenzie Agreement and how the ZIP Addendum could support the intent and potentially contribute to aspects of the agreement. The Zone Committee resolved to be informed by the intent of the agreement and to give effect to it, where appropriate.
17. During early 2015, a series of further community engagement sessions were held based on the draft Zone Committee position on limits and other actions (except for the allocation framework). The Zone Committee hosted a multi-stakeholder feedback session and a series of 'drop in sessions' for community members at Otematata, Omarama, Twizel and Tekapo.
18. In parallel, the Zone Committee considered options for how to advance the allocation of catchment loads. The Zone Committee established a Nitrogen Allocation Working Group (NAWG), based on the Land Information Group and Aquaculture Information Group, to develop the preferred method for managing to the limits.
19. All NAWG meetings were open to the public. After initial meetings the group split into an 'Ahuriri Arm' and 'Haldon Arm' group, due to different catchment statuses. The Ahuriri group agreed that Good Management Practice (**GMP**) for current and consented land-use was the preferred way of allocating the load and that GMP was used instead of a baseline – to avoid rewarding poor practice.
20. The Ahuriri group also grappled with the issue of how to provide flexibility for low intensity land use in a catchment with no 'headroom' and a few smaller intensive properties. They agreed that any future headroom available should go to low emitters first and that nutrient user groups should be provided for to allow extra flexibility.

21. The Haldon group agreed the same method to allocate the current and consented load and then explored a variety of methods for managing the headroom. Their key driver was that the headroom should be available to all land users for 'intergenerational benefits'. The group finally agreed a modified equal method of allocating the headroom available to ensure it was available across the productive land.
22. By April 2015 the NAWG as a whole had agreed the preferred method for allocating loads. The Zone Committee adopted by consensus the NAWG preferred method and this became part of the ZIP Addendum.
23. The recommendations in the ZIP Addendum were agreed at the Zone Committee meeting on 17 April 2015 and received by the Canterbury Regional Council on 14 May 2015.

ZIP Addendum recommendations (Paragraphs 12.21-12.28 of the Section 42A Report)

24. The ZIP Addendum is designed as a package and aims to: maintain the oligotrophic state of Lake Benmore, maintain the ecosystem health of the streams in the Upper Waitaki Zone and improve the ecosystem health of the 'impacted' stream in the zone. It also aims to address hotspots of elevated contaminants, improve mahinga kai gathering and nohoanga, provide for the development of small blocks on extensive properties to maintain the viability and resilience of farming systems in the zone and ensure any large scale development is done incrementally, and provide for consented aquaculture and urban expansion.
25. A series of actions are recommended by the ZIP Addendum to manage the impact of visitors on the recreational experience of lakes and rivers. These actions included: an education campaign, a consistent approach to freedom camping and new toilet facilities. Also, a review of the efficacy of wastewater holding tanks at Lake Alexandrina.
26. GMP is recommended for all resource use, including aquaculture. Farm Environment Plans (FEPs) are also recommended to facilitate and demonstrate good practice.

27. District and/or Regional Plans are recommended to incentivise biodiversity protection, through enabling development that is accompanied by suitable conservation.
28. The solution recommends limits based on a TLI in the Haldon Arm of 2.7, in the Ahuriri Arm of 2.9, and a TLI of 2.7 at the Benmore Dam. This would ensure the lake remains in an oligotrophic state. It is recommended that any outlier TLI measurements then trigger an investigation into the cause, and appropriate action based on the cause.
29. For the sensitive lakes, the solution was consistent with the existing regional provisions, prohibiting any increase in leaching, but with the requirement for GMP. Additional flexibility for land-use was to be provided for by providing for nutrient user groups and in the Haldon Arm allowing headroom to be allocated to sensitive lake land, but not to be used in the lake catchment. For Wairepo Arm and Kellands Pond it is recommended a definitive investigation is carried out into water and nutrient movement and then, planning cycle dependent, a more flexible regime is implemented.
30. For the Willowburn, a whole of catchment rehabilitation programme is recommended. This includes: identification and management of critical source areas for nutrients, stream blocking willow removal, and enhancement of the nohoanga area.
31. The ZIP Addendum recommends GMP for current and consented land-use is required, thus allocating the current and consented load. Where there is headroom then this is managed via modified equal allocation with the criteria being: land is less than 900masl and less than 25 degrees of slope, and is not currently or consented to irrigate. 9% of the headroom is recommended to be allocated to aquaculture, 9% to future township expansion and 82% to agricultural development. Where there is not headroom then gains beyond GMP are able to be used on-farm or within a sub catchment for extra flexibility and any future catchment wide headroom that is developed is available to the lowest intensity land-uses first.

Barry Shepherd

22 August 2016