

IN THE MATTER OF The Resource Management Act
1991

AND

IN THE MATTER OF Proposed Variation 1 of Proposed
Canterbury Land and Water
Regional Plan

SUPPLEMENTARY STATEMENT OF ELLESMERE IRRIGATION SOCIETY INCORPORATED

7 November 2014

Contact: Mrs Carey Barnett

Contact Details: Tel 03 3243429 Lakeside, R D 3, Leeston 7683

1. **INTRODUCTION**

1.1 This supplementary statement is provided in response to the Hearing Commissioners' request that the Ellesmere Irrigation Society Incorporated (hereafter referred to as 'the Society') provide alternative wording in relation to Clause (d) of Schedule 24 – Farming Practices as provided in Proposed Variation 1 of the Proposed Canterbury Land and Water Regional Plan (hereafter referred to as 'the Variation'). This information is provided below.

1.2 The Hearing Commissioners also requested the Society provide them with a copy of two documents that were referenced in the Society's Statement presented at the hearing on 17 October 2014. These documents:

'Riparian shading mitigates stream eutrophication in agricultural catchments' by T.K. Burrell, J.M. O'Brien, S.E. Graham, K.S. Simon, J.S. Harding and A.R. McIntosh; and

'Evaluating the effectiveness of riparian plantings on water quality: A case study of lowland streams in the Lake Ellesmere catchment' by K.E. Collins,

have been provided to the Canterbury Regional Council, Attention: Sarah Drummond in electronic form on 7 November 2014.

1.3 In addition, and as a result of questioning from Commissioners Van Voozthusen and Sheppard, the Society also provides in this supplementary statement some proposed alternative wording of provisions relating to matters associated with the proposed Cultural Landscape Values Management Areas. This alternative wording may serve better to clarify what would be suitable in terms of the Society's request on these matters.

1.4 The Society understands and appreciates that this information has not been specifically asked for and therefore is at the Commissioners' discretion as to whether they think that they can consider it. The Society is of the view that the Commissioners can consider it as it:

- Will assist to clarify matters that were brought up at the hearing;
- Relates to matters for which the Hearing Commissioners were seeking answers to at the hearing; and
- Falls within the scope of the Society's submission.

1.5 The Society thanks the Hearing Commissioners for the opportunity to provide this supplementary information.

2. **ALTERNATIVE WORDING FOR CLAUSE (d) SCHEDULE 24 – FARMING PRACTICES**

Wording contained in Variation 1 and as Recommended by Section 42A Reporting Officer.

2.1 The Variation contains the following definition of cultivation which is stated as follows:

'Cultivation - means the preparation of land for growing pasture or a crop and the planting, tending and harvesting of that pasture or crop, but excludes:

- *direct drilling of seed;*
- *no-tillage practices;*
- *re-contouring of land; and*
- *forestry.'*

2.2 The Variation proposes the following wording for Clause (d) of Schedule 24 – Farming Practices:

'(d) Cultivation:

- (i) *For all cultivation adjacent to any river, lake, artificial watercourse (excluding irrigation canals or stock water races) or a wetland, a 2m uncultivated vegetative strip (measured from the edge of the bed of the river, lake, artificial watercourse, or wetland) is maintained around the water body.'*

2.3 The Section 42A Officer's Report has not proposed any changes to these provisions other than removing the definition of Cultivation from the Definitions section of the Variation and inserting it in Clause (d) of Schedule 24.

Ellesmere Irrigation Society Inc. preferred wording for Clause (d).

2.4 The Society requested the definition of cultivation be deleted from the Variation along with the deletion of Clause (d). The reasons for this were set out in the Society's submission and statement provided to the Hearing Commissioners. This remains the preferred request of the Society. However, the wording below is provided as an alternative to this request and is a second preference of the Society:

Clause (d) Schedule 24 – Farming Practices

'(d) Cultivation:

'Cultivation -

means the preparation of land for growing pasture or a crop and the planting, tending and harvesting of that pasture or crop, but excludes:

- *direct drilling of seed;*
- *no-tillage practices;*
- *re-contouring of land; and*
- *forestry.'*

- (ii) *For all cultivation adjacent to any river, lake, artificial watercourse (excluding irrigation canals, ~~or~~ stock water races **or ephemeral drains**) or a wetland, a **minimum of a:***

- (a) ***1m uncultivated vegetative strip (measured from the edge of the bed of the river, lake, artificial watercourse, or wetland) is maintained around the water body; and***
- (b) ***a 2m uncultivated vegetative strip (measured from the edge of the bed of the river, lake, artificial watercourse, or wetland) is maintained around the water body in the location where there is an identified surface water flow into the water body.***

Clause (b) above will only apply to those specific locations or points where the surface water flows into the water body. One stretch of water body may have a combination of 1m and 2m uncultivated strips, or only a 1m uncultivated strip depending on the presence and/or nature of any surface water flows into the water body. Where there is no surface water runoff then only a 1m strip shall apply.'

The proposed changes to (ii) above are considered adequate to allow appropriate farming practices to apply and yet also prevent sediment adversely impacting flowing waterways.

3. ALTERNATIVE PROVISIONS FOR PROTECTION OF CULTURAL SITES OF SIGNIFICANCE.

3.1 The Society wishes to reiterate that it does respect sites of cultural significance and retains a good relationship with the Te Taumutu Runanga. However, the Society is concerned with the extent of the proposed Cultural Landscape/Values Management Areas and the River Zones (CLVMA). These concerns were stated in the Society's submission and the statement provided at the hearing and will not be repeated here.

3.2 Alternative provisions to those proposed relating to the CLVMA that would be agreeable to the Society are as follows:

- A. Remove CLVMA and River zone shading on all Variation 1 planning maps;
- B. Remove clauses from relevant rules which may ultimately require a Farm Management Plan (FEP) only on the basis that the land area is subject to a CLVMA i.e. Rules 11.5.7 (Clause 4) and 11.5.8 (Clause 2). All farms will be required to have a FEP from 2017 regardless of their location anyway and these provisions will protect against any adverse effects that nutrient loss or sediment may cause on the environment.
- C. Show on the Variation planning maps the specific sites of significance to tangata whenua as listed in Appendix 5 of 'Cultural Values, Flow and Water Management Issues for the Waimakariri/Selwyn – Te Waihora Catchments'¹ and that are shown on the Selwyn District Plan planning maps that were included in the Society's original statement as Annexure B.
- D. Insert as an amendment to Schedule 24 – Farm practices, a clause that would require the necessity to locate on a map within the FEP the whereabouts of any site of tangata whenua significance. For example new Clause (f):

¹ Report for Environment Canterbury by Tipa and Associates, 2013. Available on Environment Canterbury Website link: <http://files.ecan.govt.nz/public/lwrp/variation1/cultural-values-flow-water-management-issues-waikirikiri-selwyn-te-waihora-catchments.pdf>

(f) Sites of Significance to Tangata Whenua

The location of any sites of significance to tangata whenua shall be recorded and located on a map of the property. These sites are shown on the planning maps that form part of the Canterbury Land and Water Plan.

E. Amend policies 11.4.3 and 11.4.4 as follows:

11.4.3 ~~“Establish~~ **Protect** and maintain ~~a Cultural Landscape/Values Management Area that~~ **sites and areas within and near** ~~encompasses~~ Te Waihora, its margins, wetlands, springs and tributaries to:

(a) recognise the nature, concentration, networks and significance of Ngai Tahu of sites and values ~~within the Area~~; and

(b) provide for the relationship of Ngai Tahu with Te Waihora/Lake Ellesmere.

11.4.4 Manage **any significant adverse environmental effects on sites and areas of significance to tangata whenua** ~~the Cultural Landscape/Values Management Area:~~

~~—(a) as one integrated freshwater mahinga kai system with outstanding values;~~

~~(a) to protect mahinga, wahi tapu and wahi taonga;~~

~~(b) to restore the health of Te Waihora/Lake Ellesmere; and~~

~~(c) to recognise the cultural and ecological sensitivity of the catchment Area to discharges of contaminants and the taking and use of fresh water.”~~

3.3 Changes to these provisions could be achieved either by using the Society’s original submission or further submissions on these provisions and/or the submission of Lochlea Farming Company Limited. Consequential amendments to related provisions where the Cultural Landscape/Values Management Areas and River zones are referenced could also be achieved using these submissions and further submissions. The Society retains its stance in relation to other relevant CLVMA provisions as stated in its submissions and further submissions.

3.4 The Society considers that the above amendments would provide the same level of protection of the tangata whenua values under the Variation and in conjunction with the further protection mechanisms provided in the provisions of the Proposed Land and Water Plan and the Selwyn District Plan. It would also make it clear as to which specific areas/sites were relevant for consideration when creating, reviewing and auditing a FEP.

4. CONCLUSION

4.1 The Society thanks the Hearing Commissioners for their consideration of this supplementary statement. Any further enquiry if required can be directed to Mrs Carey Barnett as per the contact details shown on the front page of this document.

Ellesmere Irrigation Society Incorporated.