

**From:** [Tony Howey](#)  
**To:** [Mailroom Mailbox](#)  
**Subject:** Plan change 7 submission  
**Date:** Friday, 13 September 2019 3:21:54 PM

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**SUBMISSION ON PROPOSED PLAN CHANGE 7 TO THE CANTERBURY LAND AND WATER REGIONAL PLAN**

*Clause 5 First Schedule, Resource Management Act 1991*

**TO:** Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

Environment Canterbury  
PO Box 345  
Christchurch 8140

By email: mailroom@ecan.govt.nz

**Name of submitter:**

- 1 Name: ViBERi New Zealand Ltd  
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**Trade competition statement:**

- 2 I, Tony Howey, could not gain an advantage in trade competition through this submission.

**Proposal this submission relates to is:**

- 3 This submission is on proposed Plan Change 7 (PC7) to the Canterbury Land and Water Regional Plan (PC7).

**Wish to be Heard:**

- 4 I wish to be heard in support of this submission.  
5 I would be prepared to consider presenting a joint case with others making similar submissions at the hearing.



**Tony Howey**

*Date: 13 September 2019*

**Submitter:** Tony Howey, Managing Director of ViBERi New Zealand Ltd.

### **Background;**

When moving from the heavy clay country of Waitohi to farm on the alluvial flats of the Levels Plain in 1987 we quickly came to realize the importance of water on these free draining soils. When we first arrived, the Levels Plain Irrigation Company took water from the Opihi river with no restrictions on how the water was to be applied to farmland (mostly border dyke systems) or how much could be abstracted. The only concern was if the river was flowing or not to allow abstraction. Pre Opuha Dam, the Opihi would often go dry.

Shortly after arriving on the Levels Plain, community consultations began on restricting irrigation abstraction based on minimum flow regimes.

By today's standards, the restrictions imposed on irrigators in the late 1980's on the Opihi river by the Regional Council would be considered moderate, or by others too lax. However because of the unreliability of water, farming systems were mostly limited to cereal and dry stock production. With the almost certain prospect that those restrictions would become more restrictive over time, alternative intensive land use systems like vegetable and fruit production that are very summer water dependent, were increasingly seen as being too risky to grow and invest in.

Without the relative certainty that the Opuha Dam bought to South Canterbury farming systems, the region would not only have stagnated economically but would have become an economic backwater where extensive sheep production would have been the only viable option for many areas. We now have a range of companies that make a significant contribution to the local economy that is reliant on irrigated crops (McCains, JPNZ, Southern Packers, Heartland, Farmers Mill, MA Orchards).

Ten years after the commissioning of the Opuha Dam, the Harris Report identified that the main economic benefit accrued to the community as a whole. Since that report was written the region has continued to have above average GDP growth and has had very low unemployment in recent years. With that comes a healthy community with more cultural diversity, full classrooms etc. Our own company, ViBERi New Zealand, based at Pleasant Point, has created a number of employment opportunities on a relatively small land area. Being certified organic means that our environmental footprint is very benign. Ironically however, we have a higher water demand for our bushes than if we were growing conventionally as we have high weed and grass pressure on available nutrients and water, and would not be able to operate without a highly reliable water source.

### **Submission**

#### Opihi Flow Regime Proposed Changes

The current system of defined flow regimes through the year was the basis on which farmer irrigators invested large amounts of money with the understanding that this regime would stay largely intact through the duration of the consent. To significantly change this would not only be unjust to those investors, but would undermine the confidence of any future investments in large infrastructure projects based on granted consents.

I agree with the objectives of the Plan that an adaptive flow regime is preferred. We have seen in recent years that when there is very little snow pack and long periods of summer drought that the Opihi and tributaries can come under significant pressure. If strict consent conditions were imposed during two of those dry seasons I understand that the river would have gone dry, long after full irrigation restrictions were put in place. It was only through the moderated flow regime recommended by OEFRAG, and accepted by Ecan, that allowed community agreed compromise positions to be taken which meant that the river didn't go dry, a position that both Fish and Game and farmers publicly applauded. My submission is that this worked very well in extremely dry years, which demonstrated that the current system and limits work, so if it isn't broken, why fix it? I submit that OEFRAG should retain a pivotal role in the adaptive management of the Opihi river system and that the flow regime currently consented should be retained.

I support the submission put by the Opuha Dam Company in regards the Opihi Flow Regime

### High Nitrogen Concentration Areas

The recommendation that groundwater nitrate limits for the Levels Plain should be set at an arbitrary level of half the Maximum Acceptable Level of 11.3 mg/L, ie 5.65 mg/L is without any basis of fact (the MAV for humans is 11.3, not 5.65) and when groundwater enters the Levels Plain area well in excess of 5.65 (as regularly tested near Butlers road on the top side of the Levels Plain area where levels often exceed 7 mg/L). If there was zero leaching in the Levels Plain HNCA, the limits would still be exceeded. the only conclusion from this would be that no farming should occur on the Levels Plain, and even then the environmental standards would be exceeded.

*I seek the following decisions from Environment Canterbury:* I submit that nitrogen loss limits should be practical and achievable and should reflect the science regarding maximum levels for human consumption from groundwater.

### Bore Stream Depletion Effect on Existing bores

5.123 sets out the rules around the stream depletion effect but there is no mention in the plan that the way this will be measured for the OTOP area is fundamentally different to the current plan. While it's not mentioned in the plan, I understand that the existing pumping test regime of 30 days will change to 150 days. This will potentially make hundreds of existing bores redundant and irrigated properties being forced to reduce the groundwater take significantly or stop pumping altogether. Such a significant change should have been discussed with affected parties and an economic assessment be carried out based on the impacts to the individual farmers, community water users and to the region as a whole.

For the Opihi and the Opuha rivers, below the Dam, it could be well argued that this will make no difference to minimum flows as if there is any improvement in stream depletion as a result of these new rules then the releases from the Dam would simply account for these.

*I seek the following decisions from Environment Canterbury:* On the basis that the changes of this rule for the OTOP area have not been even mentioned in the plan, there has been no consultation with affected parties, there has been no analysis of either the hydraulic benefit or the economic hardship this rule change will have for this catchment area, I submit that the measurement regime should remain as per the current plan. This might be a consideration for a future plan change after engineering studies and consultation has occurred.

### Capping of Groundwater Takes

14.4.7 (.8 and .9) of the Plan sets out that new groundwater takes in the OTOP area will only be considered if substituting existing surface water takes, in other words, no new bores will otherwise be consented.

As mentioned in my introduction, irrigation is the life blood of intensive horticultural production and to simply cap all future groundwater consent applications seems draconian and unwarranted. I accept that there should be a high bar for such consents to be considered including any stream depletion effects, effects on neighboring consented bores and any cultural (Runanga) considerations, etc.

There is an erroneous perception in the wider community that irrigation is synonymous with 'pollution'. Our organic blackcurrant production is a good example of a very environmentally sustainable production system that relies heavily on irrigation. Our native shelter plantings would not be able to be established on our free draining without irrigation. As a community we shouldn't simply ban all new irrigation from bore water, especially in areas where groundwater levels can become too high near the coast.

*I seek the following decisions from Environment Canterbury:* I submit that all new bore consent applications should be considered in the OTOP area against strict criteria.