

From: [Richard Draper](#)
To: [Mailroom Mailbox](#)
Subject: LWRP PC7 submission
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Attachments: [image001.png](#)
[Rooney Farms LWRP PC7 submission.pdf](#)

Please find attached submission.

Kind regards,

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Submission on Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

Submission on publicly notified proposal for policy statement or plan under Clause 5 of Schedule 1 of the Resource Management Act 1991

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This is a submission on the following proposed plan change – Plan Change 7 to the Canterbury Land and Water Regional Plan

Rooney Farms Ltd could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that the submission relates to and the decisions we seek from Council are as detailed on the following pages.

Rooney Farms Ltd wishes to be heard in support of this submission.



Richard Draper

Date: 13th September 2019

Introduction / Background

Rooney Farms Ltd (RFL) runs an integrated farming business which includes sheep, beef, deer, dairy and arable enterprises. Our business operates throughout Canterbury and North Otago; with nine of our farms located within the OTO zone. Our organisation is environmentally conscious and has a strong focus on protecting the natural environment. Our recent efforts and achievements include the protection of large tracts of high-country land, significant annual investments in weed and pest control programs, and a significant ongoing stock exclusion and planting program. RFL hold a number of individual irrigation consents (take and use water) and are shareholders in a number of developing and operational irrigation schemes in the zone. We are advocates of sustainable irrigation, recognising the significant economic and community benefits water brings to our region.

Through our farming activities, own consenting experience, and our involvement in other zones and sub-regional processes, RFL has become acutely aware of the importance of ensuring planning and regulatory frameworks are underpinned by good evidence, well thought through, practical to implement, and workable for stakeholders. Critically these regimes need to also facilitate the economic and social wellbeing of the district; the first being intrinsically connected to the second.

With the above in mind, RFL submits the following feedback on proposed plan change 7 to the Land and Water Regional Plan:

Orari River Flow and Allocation and High Naturalness Waterbody

The specific provisions of PC7 that my submission relates to are:		RFL's submission is that:		Changes Sought
Section & Page Number	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
14.4 Policies		Oppose in full	<p>Currently there are no provisions that would allow for the renewal of the small number (2) of existing irrigation consents in the upper Orari catchment (proposed as a High Naturalness Waterbody) except via the non-complying resource consent application pathway. This would be a disproportionately costly and complex pathway for landowners given the small abstraction volumes involved. Furthermore, the absence of a policy to facilitate existing renewals clearly does not give effect to proposed Recommendation 4.5.4 from the OTOP ZIP addendum. Particularly when landowners have invested in good faith and consents were lawfully granted.</p> <p><i>The policy and rule framework for High Naturalness Waterbodies needs to recognise the value of, and investments in, existing irrigation infrastructure when considering resource consent applications that will replace an existing resource consent for the same activity on essentially the same terms and conditions (OTOP ZIPa, sec 4.5.4.ii)</i></p>	1) Add policy to enable renewal of existing irrigation water take from high naturalness waterbody where this was established lawfully and the renewal is for the same activity on the same terms
14.5 Rules	14.5.4.c	Oppose in part	As per above, as currently written this rule excludes the renewal of consented irrigation takes as a restricted discretionary activity contrary to the ZIPa recommendation above.	2) Delete 14.5.4.c, or 3) Introduce an additional restricted discretionary rule to cover irrigation consent renewals where these are from a high naturalness waterbody where these were lawfully established
Table 14.6.2	Orari River Flow and Allocation Regime	Opposed in part	The combined flow recorder site on the Orari of 'Upstream Ohapi' is an inappropriate (indeed illogical) place to measure those irrigation takes that occur above the Orari Gorge, where the river is much more stable and has more consistent flows throughout the season. Existing irrigation takes above the Orari Gorge total less than 110 L/s, so are unlikely to have a greater than minor effect on Orari flows downstream of the Gorge, given there are considerable inflows, abstractions, and periodic dry reaches in this section of river. A separate (albeit small) allocation block for above Gorge water takes would seem a fairer and simpler way to achieve the desired outcomes/objectives of protecting the natural values associated with the Gorge than the current whole-of-catchment allocation block and minimum flow site. This block should be based on the sum of existing water takes (110 L/s), and current minimum flows.	1) Introduce separate (small) A-block to for irrigation consents above gorge based on existing consent allocations and minimum flows

High Nitrogen Concentration Areas and Nutrient Management

The specific provisions of PC7 that my submission relates to are:		RFL's submission is that:		Changes Sought
Section & Page Number	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
Definitions				
14.1A Orari-Temuka-Opihi-Pareora Definitions (pages 125 to 128)	Rangitata Orton High Nitrogen Concentration Area	Oppose	We oppose the inclusion and extent of the Rangitata Orton High Nitrogen Concentration Area, on the basis that it is not supported by the water quality data referred to in the technical documents supporting PC7. ECan's own scientific evidence [1] indicates that there has been a marked improvement in water quality in this area since the Rangitata South Irrigation Scheme commenced delivering large volumes of water to this area. As such defining the Rangitata Orton High Nitrogen Concentration Area on the planning maps seems premature. [1. <i>Evaluation of potential impacts fo the Rangitata South Irrigation Scheme on Groundwater, R16/3, Kaelin et. al. (2017)</i>]	Removal of the Rangitata Orton High Nitrogen Concentration 'Area' from the planning maps Alternatively, restrict the spatial extent of the Rangitata Orton High Nitrogen Concentration Area to areas proximal to wells actually exhibiting a measurable decline in water quality (rather than the majority of the 'area' where water quality is showing significant recent improvement).
14.4 Policies and Rules				
Policy 14.4.7.c	Winter grazing of deer	Oppose in part	The threshold of 20 ha of winter grazing for deer or cattle as a trigger in the High Runoff Risk Phosphorous Zone (HRRPZ) may seem understandable at first glance. However, there seems little justification as to why deer farmers grazing more than 20 ha of winter feed have been singled out but not other land-uses which also disturb soil. For example, arable farmers also cultivate and therefore create an enhanced risk of scouring and erosion. Furthermore, the nominated area of 20 ha of winter grazing for deer or cattle within the HRRPZ seems a relatively arbitrary figure when farms vary greatly in size and scale and contour. This figure could easily equate to either 10% or 2% of a deer farm but are quite different proportions.	Remove the reference to deer from policy 14.4.17(d)
Rule 14.5.17	Winter grazing of deer	Oppose in part	The premise of rule 14.5.17.4 (of "10% of the area of a property between 100 and 1000 ha) seems an appropriate threshold which to move deer farming from the default 'permitted activity' requirements (of a Management Plan rather than an audited FEP) to the 'controlled' threshold. This would be preferable to the current proposal where, most deer farms within the HRRPZ are likely to trigger the more costly and complex 'restricted discretionary' threshold (due to having more than 20 ha of winter feed/grazing) which is inequitable compared to comparable alternate land uses and creates an unreasonable burden on deer farmers.	Remove the reference to 'deer' from rule 14.5.17(7)
Table 14.6.4	Reductions in N-loss	Oppose	As detailed above, there is little justification for the restrictions proposed for the Rangitata-Orton area in table 14.6.4. However, if restrictions are to go ahead, adequate timeframes are required to achieve the required level of change so as to not overly impact on business viability, asset values, and therefore the health and wellbeing of local economies. For many farmers in the area, significant long-term investments in infrastructure have been made based on lawful activities, most of which were undertaken with an expectation the land-uses undertaken would be viable into the future.	Extend timeframes for compliance to 2035 and 2040 respectively