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**Subject:** FW: Proposed Plan Change 7 Evidence Victoria Caseley Submitter ID 376 EMAIL:03620002099  
**Date:** Friday, 17 July 2020 1:42:38 pm  
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----- Original Message -----

**From:** Caseley Dean  
**Received:** Fri Jul 17 2020 13:18:31 GMT+1200 (New Zealand Standard Time)  
**To:** ECInfo; Mailbox Customer Services  
**Subject:** Proposed Plan Change 7 Evidence Victoria Caseley Submitter ID 376

Please find attached my evidence for Proposed Plan Change 7 to the Canterbury Land & Water Regional Plan submitted on behalf of Dean & Victoria Caseley, Submitter ID 376.

Please advise if you have any issues with this email or the attached document.

Regards

Victoria Caseley

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the Proposed Plan Change 7 to the Canterbury  
Land and Water Regional Plan

**AND**

**IN THE MATTER** of the Proposed Plan Change 2 to the Waimakariri  
River Regional Plan

**AND**

**IN THE MATTER** of submissions by Dean and Victoria Caseley  
(Submitter ID. 376)

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**STATEMENT OF EVIDENCE OF VICTORIA MARY CASELEY**

**ON BEHALF OF DEAN & VICTORIA CASELEY**

**16 JULY 2020**

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## **1. INTRODUCTION**

- 1.1 My full name is Victoria Mary Caseley.
- 1.2 Whilst I am employed by Ravensdown Limited as the Principal Planner in their Environmental Consultancy I wish to make it clear that the views and opinions expressed in this evidence are my own as a landowner and farmer of a beef cattle stud in the Oxford foothills within the Waimakariri sub-region. My husband and I have owned and farmed our property for approximately 25 years.
- 1.3 I have a Graduate Diploma in Surveying for Resource Development and a Master of Science in Marine Resource Management. I also have completed a number of animal science papers at Massey University.
- 1.4 I have over 27 years' experience of working as a planner in New Zealand. This has included 9 years as a planning consultant and 17 years as the Planning Manager at Waimakariri District Council. Whilst at Waimakariri District Council I was responsible for the District Plan, Resource Consents, Compliance and Enforcement. For the last three years I have been employed by Ravensdown as the Principal Planner in their Environmental Consultancy where I have provided farming related resource consent, planning and compliance advice to shareholders in relation to their farming activities across New Zealand.
- 1.5 During my time at Waimakariri District Council I was the Council's planning representative working with the Canterbury Earthquake Recovery Authority and other Strategic Partners to develop a variety of earthquake recovery plans and legislation including the Land Use Recovery Plan and the Waimakariri Residential Red Zone Recovery Plan.
- 1.6 I have also been appointed to Ministry for the Environment Advisory Working Groups looking at Resource Management Act Amendments, Processing of Resource Consents and Flood Risk Management.
- 1.7 I am also a qualified Hearings Commissioner, an appointed Planning and Development Fellow of the Royal Institution of Chartered Surveyors (the largest property professional group covering all property aspects from planning to facilities management), a Professional Surveyor with the New Zealand Institute of Surveyors and an Associate Member of the New Zealand Planning Institute.
- 1.8 I am presenting evidence as an affected landowner and not as a representative of Ravensdown or as an expert witness.
- 1.9 This evidence addresses specific concerns associated with the exclusion of farmed cattle and deer from ephemeral streams within the Waimakariri sub-region and the proposed prohibited activity status, especially given the permitted activity status in the proposed National Environmental Standard and associated Regulations under the Action for Healthy Waterways proposals.

## **2. SCOPE OF EVIDENCE**

- 2.1 In preparing my evidence, I have reviewed the following documents:
- (a) Proposed Plan Change 7 (pPC7) to the Canterbury Land and Water Regional Plan (LWRP) and Proposed Plan Change 2 to the Waimakariri River Regional Plan;
  - (b) The section 42A Report for PPC7 and PPC2 dated March 2020 and the 29 April 2020 errata;
  - (c) The proposed National Policy Statement for Freshwater Management, proposed National Environmental Standards for Freshwater and associated Regulations and documentation that forms part of the Action for Healthy Waterways.
- 2.2 In Section 3 of my evidence, I provide an overview of my property and farming activity. In Section 4 of my evidence, I discuss specific matters arising from pPC7 that relate to stock exclusion within the Waimakariri sub-region.

## **3. FARMING ACTIVITY**

- 3.1 With my husband, I farm stud beef cattle on approximately 43ha at Sladdens Bush Road, Coopers Creek, on the foothills of Mt Oxford. As both my husband and I work full time we describe ourselves as 'night and weekend farmers'. The property is planted in permanent pasture and we do not undertake any cropping. Supplementary feed in the form of hay is made on the property and fed back to the stock generally between May and September. The property ranges from 310m a.m.s.l to just over 360m a.m.s.l and is best described as rolling. There are some areas of flat land and some areas of steeper slope that are not accessible by standard 4-wheel drive vehicles. These steeper areas are around the gullies.
- 3.2 There are 11 paddocks in total across the property and all contain an external boundary. Water is supplied via the Oxford Rural Water Supply and pumped around the farm. There are also two dams dug by a previous owner. Gorse is a major weed in this area and a large amount of time and money is spent trying to control this invasive plant. This includes ariel spraying every 5 or so years. Other pests encountered are wild goats and deer. These mean that repairs and maintenance are often required to the boundary fences.
- 3.3 The property is split into two by the permanently flowing Trout Stream. This stream is shallow, often no more than 30cm deep, and has a gravel bed in excess of 3m. The stream is fed from surface runoff from Mt Oxford and surrounding farmland. This makes this waterway sensitive to precipitation amounts and can be described as a flash flood stream due to the speed that the water level can rise in period of moderate to heavy rainfall. This does lead to the stream being erosive and moving around. Flood gates regularly need replacing or repairing, a couple of times a year, and we have to re-fence sections as the watercourse has eroded further into the paddocks.
- 3.4 The property also contains four ephemeral waterways, best described as gullies. They only flow when directly affected by precipitation on the surrounding farmland. Not

all of this farmland is contained within the property boundaries. Two of these ephemeral waterways are located in the middle of paddocks. To completely fence each gully would require between 150m and 700m of additional fencing depending on the gully.

- 3.5 Farming activity on the property consists of a beef cattle herd, maintained at 20 to 24 breeding cows, 1 to 3 replacement heifers and 1 stud bull, and 2 to 3 horses. This gives a stocking rate of around 162 stock units which is less than 4 stock units/ha on a property which should be able to maintain around 6 to 7 stock units/ha on an extensive basis. I therefore consider the farming activity to have a low intensity. The stock remain on the property all year. Calving rates are regularly around 85-90% and because of the changes proposed by pPC7 we have already made the decision to sell all youngstock, other than replacement heifers, at weaning. This ultimately means that we will no longer be able to sell commercial bulls which had been our main source of farming income. Our income will now come from selling the occasional heifer or cow, calves and cull cows.
- 3.6 A small cattle herd is really the only viable stock option on this farm given its size and location. It is too cold for sheep in winter and the growing season is too short for finishing stock.

#### **4. MATTERS ARISING FROM PROPOSED PLAN CHANGE 7**

- 4.1 Proposed Plan Change 7 for the Waimakariri sub-region proposes an amendment to the rules which would see any farmed cattle, farmed deer or farmed pigs within the Ashley-Waimakariri Plains Area permanently excluded from any lake, river, spring and artificial watercourses with surface water in them that discharge into a lake, river or wetland (Policies 8.4.30 and 8.4.31, Rules 5.71, 8.5.33 and 8.5.34).
- 4.2 The Ashley-Waimakariri Plains Area covers a large proportion of the sub-region up to approximately 350m a.m.s.l. However I do note that whilst some of my property above this elevation is excluded it does not cover the full extent above 350m.
- 4.3 River is defined in the LWRP as per the definition in the Resource Management Act 1991. This definition includes “*continually flowing or intermittently flowing body of fresh water*” and so by this definition includes ephemeral streams. This is further recognised by the proposed National Environmental Standard (NES) and associated Regulations which also uses the same definition for ‘River’ but then proposes to exclude ephemeral streams.
- 4.4 I acknowledge that the Resource Management Act 1991 provides for Councils to impose more stringent rules than an NES. However, with the proposed changes we would end up with gullies, such as those on my property, being excluded from the stock exclusion rules under the NES and cattle access being a permitted activity verses being a prohibited activity under the LWRP.
- 4.5 This is not a minor difference, this is total contrast – permitted verses prohibited. I accept that the provision in the Act for more stringent requirements is to allow for specific regional and local differences but I cannot accept, and am not aware of, such a difference, as that that occurs here, having being envisaged or actually occurring

elsewhere. I accept that maybe the whole of the Ashley-Waimakariri Plains Area warrants some additional restriction due to its specific nature but that is the purpose of the activity status - controlled, restricted discretionary, discretionary and non-complying – to allow for those specific matters to be considered and assessed on a case by case basis. Not with a singular prohibited activity status.

- 4.6 The s.42A report correctly recognises that these areas do not need to be permanently fenced but can be temporarily fenced. However, that in itself has time and cost implications. To give some comparison the largest gully on my property would require approximately 700m of fencing. To be effective, whether permanent or temporary this would need to be as a minimum a two strand electric fence. The cost of fencing this one area with a temporary electric fence would be approximately \$2300 plus GST. It would also takes approximately 2 hours each time to put up and take down the temporary fencing. The cost of permanently fencing this one area and ensuring it is electrified would be approximately \$4300 plus GST as some earthworks and vegetation clearance would also be required. This work would also most likely require a resource consent if the gully is deemed a river. There would also be an issue on accessibility and on-going weed control within this area.
- 4.7 One of the gullies on my property commences on the neighbouring land. At the point where the gully starts and for some distance it is located above 350m a.m.s.l. and therefore my neighbour is not required to exclude his cattle from this area. This leaves a situation where his cattle can access this gully for some 200m, whereas I am required to exclude cattle from my 200m. I accept that with all rules a line has to be drawn somewhere but again I cannot accept an activity going straight from permitted to prohibited. I struggle to understand how the effects can change so much that such a drastic alteration in the activity status is warranted and defensible under the Resource Management Act.
- 4.8 These circumstances are not just particular to my situation. There are a number of smaller blocks across the foothills which will be affected in the same way. They will generally be 'night and weekend' farmers with a low intensity farm system which will generally give rise to effects on the environment that are less than minor and with minimal nitrogen losses. Yet they will be put in same bracket as a more intensive farm system and where farming is providing a financial return. The plan as proposed means they are unable to even apply for a resource consent where the effects on the environment that their activity generates can be properly assessed on a case by case basis.
- 4.9 Central Government by proposing to exclude ephemeral stream recognises the issues and practicalities related to cattle exclusion from these areas.
- 4.10 I would like to record that I have no issue with the exclusion of farmed cattle or deer from a river such as Trout Stream that flows through my property.
- 4.11 With regard to the exclusion of farmed cattle, farmed deer and farmed pigs from permanently or intermittently flowing springs again whilst I consider the principal of this exclusion is valid some of the intermittent springs in the foothills are extremely small, and when flowing, flow for little distance before disappearing back underground. By making access to these springs a prohibited activity no consideration has, or can be given, to their scale or location and the practicalities of stock being

excluded. I have one on the property which is about 2m in diameter and runs for about 3m down the slope. This is located on a steeper section of slope in the middle of an 8ha paddock. The actual or potential effects on the environment from my farming activity on this spring would be de minimus and little benefit would be gained from fencing this small area especially when the practicalities of gorse control and costs of fencing this area are considered.

- 4.12 I would like to see Policies 8.4.30 and 8.4.31 and the associated Rules 8.5.33 and 8.5.34 amended to exclude ephemeral streams and to recognise that in certain circumstances farmed cattle and deer need not be excluded from springs. I have excluded pigs as it is highly unlikely they are farmed in areas where the situations I have referred to occur.
- 4.13 My submission also addressed concerns over the definition of wetlands. This in part relates to my experiences with properties across the foothills where areas of wet pasture or where water temporarily ponds are being considered by ECan staff as wetlands. Often this is because the area contains sporadic patches of exotic sedges and rushes. This is recognised by the proposed National Environmental Standard (NES) and associated Regulations which proposes to specifically exclude areas “*that contain patches of exotic sedge or rush species*’. While the definition of wetland cannot be reviewed by pPC7 this exclusion could be added within a rule to provide further clarification of what a wetland is not.

## 5. CONCLUSION

- 5.1 In conclusion my frustration stems from the chasm between the proposed NES and Regulations on stock exclusion and the proposed Policies and Rules in pPC7 which would make access to ephemeral streams by farmed cattle and deer a permitted activity under one set of rules and a prohibited activity under another.
- 5.2 Under the Resource Management Act 1991 I fail to understand how the regional circumstances and environmental effects are not only the same across the whole of the Ashley-Waimakariri Plains Area but so different from those considered at a National scale that such a drastic alteration in the activity status (permitted to prohibited) is warranted and defensible under the Resource Management Act.
- 5.3 The totally contrary activity status can be avoided by either changing the activity status associated with stock exclusion with the Waimakariri sub-region or providing for the exclusion of ephemeral streams in line with the proposed NES.



**Victoria Caseley**  
**16 July 2020**