Feedback from Waimakariri Irrigation Limited - Action for healthy waterways: A discussion document on national direction for our essential freshwater

1 This letter is prepared on behalf of Waimakariri Irrigation Limited (WIL).

2 WIL welcomes the opportunity to provide feedback on the recently released “Action for healthy waterways: A discussion document on national direction for our essential freshwater” (the Discussion Document).

Overview of WIL

3 WIL is a shareholder-owned co-operative irrigation company with resource consent to take and use water from the Waimakariri River in Canterbury.

4 The Scheme supplies approximately 30,000 hectares (ha) of irrigated land within an overall command area of 78,000 ha located between the Waimakariri and the Ashley Rivers and between Oxford and Rangiora townships (see Figure 1).

5 The WIL Scheme infrastructure is also used to convey stock water to both shareholders and non-shareholders who are part of the Waimakariri District Council stock water scheme.

6 WIL has been pro-active in developing a high standard in performance and environmental sustainability. This, for example, includes:

   6.1 obtaining a resource consent to discharge nutrients from the farming activities occurring within the WIL Scheme area. This resource consent places limitations on nutrient loss within the WIL Scheme area and requires WIL to establish an Environmental Management Strategy (with Audited Self-Management) and Farm Environment Plans for all scheme members;

   6.2 a specific Nutrient Management Policy (along with supporting policies) to ensure a high level of environmental compliance and the formalisation of a Scheme-wide requirement to achieve “good management practice” by 1 September 2020. Many shareholders have already achieved that level of performance; and
6.3 a biodiversity and planting programme. Development of this programme has included working closely with shareholders to identify not only riparian and wetland areas but also areas that might have some sensitives due to (for example) poor drainage or biodiversity values. WIL continues to work with shareholders to fence off and plant out such areas.

7 Although WIL is supportive of efforts to improve water quality on a national basis, especially where it is degraded, it is also concerned that a number of the proposals in the Discussion Document are either inconsistent with the efforts that are already being undertaken by WIL or they go too far and are not achievable.

**The Canterbury context – Plan Change 7**

8 Farming activities in the WIL Scheme area are already subject to the operative Canterbury Land and Water Regional Plan that imposes a number of restrictions on farming and requires resource consent for certain discharge and land use activities.

9 In relation to the wider Waimakariri area, the Canterbury Regional Council has also recently notified Plan Change 7 (with submissions having closed in September 2019). In the case of the Waimakariri area, the proposed additional requirements include:

9.1 new water quality limits for groundwater and surface water;

9.2 requirements for farms to achieve good management practice and then further reduce nitrogen losses over time (with up to a 90% reduction in nitrogen loss being proposed in some areas);

9.3 increases to minimum flows for rivers and streams;

9.4 a cap on the volume of water available for allocation; and

9.5 requirements to exclude stock from a range of waterbodies.

10 Participating in the Plan Change 7 process has required a significant commitment by WIL. Equally the Canterbury Regional Council has invested significantly in preparing the Plan Change and supporting, for example, a number of technical work streams and a zone committee process where various community views were captured as a part of its initial preparation.

11 The outcomes proposed by Plan Change 7 are, in WIL’s view, extremely onerous and intended to give further effect to (or potentially go beyond) what is required by the National Policy Statement for Freshwater Management 2014.

12 Given the above, the main reason for WIL providing this feedback is to ensure that the ‘exception’ provided for the Canterbury Region (i.e. that it is regarded as having already met the proposed 2025 requirements) continues to be carried through to the final provisions.

**Feedback provided**

13 WIL is not proposing to provide detailed feedback on all the questions that are set out in the Discussion Document. In **Annexure 1**, it has included comment on some of the issues that are of particular interest to WIL.
The fact WIL has elected to comment on only a limited number of questions should not be taken as any suggestion WIL intends its concerns to be limited to the specific areas identified. The issues raised by WIL should be read as applying to the wider Discussion Document and proposals.

WIL would welcome the opportunity to discuss any of the matters raised with the Ministry for the Environment.
### Annexure 1: Specific comment in relation to questions

<table>
<thead>
<tr>
<th>Question</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>20. Do you think the proposed attributes and management approach will contribute to improving ecosystem health? Why/why not?</td>
<td>WIL is concerned at the proposed attributes set out in the proposed National Policy Statement and the extent to which they are realistically achievable on a national basis. It is WIL’s view that what is appropriate ‘local’ water quality needs to be determined through considering the individual waterbodies in issue and associated ecosystem responses (such as periphyton and macroinvertebrates). Effects or concerns then need to be managed adaptively and with regard to wider socio-economic and cultural considerations where outcomes are not met.</td>
</tr>
<tr>
<td>23. Do you support the proposed fish passage requirements? Why/why not?</td>
<td>WIL understands and has no issue with the basis for maintaining fish passage in natural water bodies. However, the WIL Scheme includes around 1100 kilometres of constructed open water races. In some areas there are ecological values within the constructed race network but these values are generally low. WIL seeks that the restrictions on structures that may impact on fish passage only apply to natural water courses.</td>
</tr>
</tbody>
</table>
| 25. Do you support the proposal to protect remaining wetlands? Why/why not? | At a general level, WIL recognises the need to prevent further degradation and loss to New Zealand’s wetlands. WIL is, however, concerned that defining what constitutes a ‘wetland’ is not necessarily straight forward and it seeks that:  
  - the proposed rules and policies on wetlands do not capture artificial race networks and irrigation storage ponds, or areas within pasture that might from time to time be ‘wet’ (but not carry ecological values); and  
  - that farming activities around wetlands that do not adversely impact on wetland values and function are allowed to continue subject to existing Regional Plan restrictions. It is WIL’s experience that this can be effectively achieved through individualised farm plans. In the case of WIL, it is also noted that the Canterbury Regional Council has already mapped actual and likely wetland areas and incorporated appropriate rules into the relevant Regional planning frameworks. On that basis, it is WIL’s view that the protection of wetlands is already being achieved. |
| 51. Do you support interim controls on intensification, until councils have implemented the new NPS-FM? Why/why not? | WIL understands, at least on a national basis, why further intensification of rural land might be placed ‘on hold’ until the relevant regional authorities have fully implemented the various documents and amendments proposed. However, it is noted that although WIL does not have aspirations to intensify, it is possible it might expand its scheme area when, for example, individually held shallow groundwater bores and takes from sensitive small water bodies are retired and replaced with ‘alpine water’ from the likes of the WIL Scheme. The ‘substitution’ of water where there is no increase in overall nutrient loss should in WIL’s view continue to be enabled. |
55. What are your thoughts on the proposed minimum content requirements for the freshwater module of farm plans?

As noted, WIL already has Farm Environment Plans for all its shareholder farmers. The content of those Farm Environmental Plans (along with wider auditing requirements) is similar to that proposed as a part of the Discussion Document. WIL is therefore keen to ensure that it does not have further plan requirements posed on it within the lifetime of its resource consent that are inconsistent with that included in relevant Regional Plan.

More generally, WIL notes that the development and implementation of farm plans is dependent on specialist expertise. WIL is concerned whether such people are currently available to support any much broader roll-out of farm plans at a national scale.

56. What are your thoughts on the proposed priorities and timeframes for roll out of farm plans, as set out in the proposed Freshwater NES?

As set out elsewhere in this feedback document, for WIL the combination of the Land and Water Regional Plan and Plan Change 7 (as they apply in the Waimakariri catchment area) are extremely onerous.

In the particular case of farmers within the WIL Scheme coverage area not only will the farmers need to meet good management practice but there is also likely to be a need to make further significant reductions over time (with up to 90% reductions in nitrogen loss currently being proposed).

On that basis it is WIL’s view that the action already underway – at least in the Canterbury Region - will be effective and does not merit further restrictions being imposed.

61. Do you think the action already underway in five regions (identified in section 8.4) will be effective in reducing excessive nitrogen leaching in those high nitrate-nitrogen catchments?

More generally it is WIL’s view that in regions where an appropriate Regional planning framework is in place (such as the Canterbury Region), the position in the relevant framework should continue to prevail. WIL is accordingly concerned to ensure that (for example) the proposed National Environmental Standard is clear that it is a ‘default regime’ that only applies in the absence of a suitable Regional planning framework.

WIL supports the exclusion of stock from natural waterways and acknowledges that the most efficient means of doing this is through fenced setbacks from waterways.

However, it is emphasised that much of the WIL Scheme is also used to convey stock water to shareholders and other property owners. Stock will need access to artificial waterways that are used to supply stock water (or alternatively pumping infrastructure will be required). WIL encourages its shareholders to fence off water races, but this is not practical in all cases.

Overall, WIL is supportive of a general policy direction towards stock exclusion from waterways but it also notes there may still be some circumstances where access is appropriate (either for reasons of low stocking intensity/risk to the relevant waterway or a need for stock to have access for drinking water purposes). How such stock access might occur is best managed on a case by case basis, tailored to each farm and each waterway, and implemented through farm environment plans.
<table>
<thead>
<tr>
<th>Comment on the draft National Policy Statement and National Environmental Standard more generally. <strong>(Questions 440-42 and 76-78)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>WIL seeks that currently held resource consents are protected and prevail over the requirements of the draft National Policy Statement and National Environmental Standard until such time as those consents expire and the relevant Regional planning framework is updated (i.e. to accord with any amended National Policy Statement).</td>
</tr>
<tr>
<td>In the particular case of the Canterbury Region that should include (as set elsewhere in this submission), the Canterbury Regional Council not being required to undertaking further plan changes – especially in areas such as Waimakariri where robust planning regimes are already in place or are in the process of being amended.</td>
</tr>
<tr>
<td>Plan Change 7 should also be able to continue to be determined against the existing regulatory regime.</td>
</tr>
</tbody>
</table>