

Submission on Natural Character and margins of Waterbodies.

Introduction

My wife and I farm deer, sheep, beef, and dairy grazers in Barrytown. I am a fifth-generation West Coast farmer. Farming is a way of life not just a job. We have a connection to the land and water that many urban people would not understand because we interact with it on multiple levels daily. The land is part of who we are. Therefore, we are the last people who would want to see a major problem with margins of waterbodies. Farming is the main contributor to the West Coast economy at present.

It is important to note that the West Coast is unique. For example on the West Coast, 5% of land belongs to Ngai Tahu, 7% of land is in other private hands and the rest; 88%, is public land. Most other provinces in New Zealand would be the reverse of this (eg. 88% of land in private hands). Also, one fifth of New Zealand's flowing water is on the West Coast. So therefore, we have a huge amount of river and creek margins. As a result of our high rainfall, we have a lot of natural and unnatural wetlands.

Submission outline

We seek that the chapter be removed as we consider that the provisions do not align with the Regional Council rules – that allow for realignment of a waterbody after flooding, that there is inadequate provision for clearing existing and new fence lines, establishment and maintenance of farm tracks, creation of new bridges (as required under central government stock exclusion rules), weed control and clearing of manmade drains and hollows in wetlands.

There is insufficient evidence to show that there is need for the rules in this chapter, a lack of understanding of the impact of these rules, they are an erosion of private property rights and poor financial analysis of these rules; as per section 32 of the RMA, for the West Coast environment.

We believe that there is sufficient protection of waterbodies on the West Coast as land, as 88% of the land is public land and only 12% of the West Coast is in private hands. Not to mention that one fifth of the flowing water in New Zealand is on the West Coast. Due to this there is adequate protection for the waterways on the West Coast and therefore no need for the TTPP suggested Natural Character and margin of waterbodies rules on private land.

Realignment of a waterbody

With regards to this section please refer to the diagram; appendix 1. If a creek or river heads off course, at present it is a very simple and fast process to rectify the problem by notifying the regional council of what we need to do ourselves to prevent any further damage. The landowner can then get the job done promptly saving valuable land and potentially more costs to the landowner if they had to wait for consent and more erosion takes place in the meantime. On the West Coast, due to the very high rainfall and the braided nature of our creeks and rivers this is a common problem. Added to this there is a vast amount of native vegetation on the margins of waterbodies (only 4% of the West Coast is farmed). During a flood event (which we have plenty of) native vegetation comes down creeks and rivers which make them change course more regularly than other regions that have

braided rivers. Most other regions are the opposite to the West Coast where there is mostly clear land and very little native vegetation.

Under the proposed rules, a digger would not be able to access the creek/river bed if there is native vegetation present on the riparian margin due to potentially disturbing more than 20m² of native vegetation. The area of 20m² is about the size of a 20 tonne digger (3m x 7m). The digger could sit on the bank but would not be able to move. Therefore, a consent would be required. This is not practical. The probability of the creek/river moving further off course during the consent process is high. In our case, productive land could potentially be lost which of course negatively impacts production and our bottom line. Why change a system that works well?

Under the proposed variation NC-R1 Rule ECO-Rxxx this situation gets no better because of the word “and” between #1 and #2. This clearly says that you must not disturb more than 20m² per 200m, without getting a resource consent which is hugely restrictive. Without the word “and” the rules could potentially allow for maintenance and repair of a natural hazard mitigation structure. For example, a stop bank.

I have not seen any section 32 financial analysis when creeks/ivers take off of course. For costs such as a big repair and maintenance bill, consents, and loss valuable productive land to the private land-owner. Bear in mind there may be even more damage to the natural character of the water body, the very thing TTPP is trying to protect.

I see similar sorts of issues with earthworks. Only being allowed to do 20m³ every 200m is a very small amount; 3m by 3m by 3m is 27m³ a standard farm tractor could move that much in ten minutes. Under the proposed variation NC-R1 this does not give much more area; 25m³. Clause ‘n’ allows for things like cultivation, but I doubt realignment would be included unless specified. To allow for enough earthworks (say a few hundred meters cube) there would need to be an “or” at the end of clause n.

Clause NC -R2 allows for “a statutory agency or their nominated authority” to repair a stop bank. This is unreasonable when the cost to transport a digger could be over \$1000, before any work is done. When the farmer could use his own tractor to get the job done, quickly and efficiently. It makes me wonder why the district councils want to be involved in earthworks, until now that has been left up to the regional council.

Clearance for existing and new fence lines

The 20m² is simply not enough when trying to clear native vegetation off of a fence line. To put this into perspective if a 200m fence line needed vegetation to be cleared off of it, the width allowable could only be 100mm (or 4 inches). This is less than the width of the fenceposts. From a practical point of view, it makes you wonder what the TTPP were thinking.

Central government have said to fence 3m from a waterbody to protect the banks. Why has TTPP recommended 10m when we live in an area with such good quality water.

Obviously, it would be impossible to put up a fence line through native bush, closer than 10m from the creek, river, or wetland without getting a resource consent through the TTPP. Where central government rules allow stock to be as close as 3m. This extra 7m over many kilometres of creeks and rivers, which would be typical of a farm on the West Coast, could be seen as a land grab. This would be 1.4 ha every kilometre. All this even though our water beside farmland, on the West Coast

is in the top category (very good) according to hydrologists and freshwater ecologists, that I have spoken to.

Establishment and maintenance of farm tracks

It is very common practice on the West Coast to have a farm track beside and within 10m of a creek or river. If we wanted to maintain the track by putting fine gravel down onto of the track it would be almost impossible to do this under the proposed rules. A 50mm gravel layer over a 3m wide track would exceed the 25 cubic meters allowed.

Creation of new bridges

To have a crossing of only 3m wide is impractical. Most farm machinery is wider than this. It is common practice for cow races to be 5 to 8 meters wide and deer races even wider.

Central government stock exclusion rules require us to put in bridges or culverts. It would now seem that, as part of the compulsory legislation costs of bridging, we would have to get a resource consent from both the regional and district councils just to be able to do the vegetation clearance and earthworks.

Weed control

How do you spray gorse and blackberry and other weeds without affecting any other plants? You would not be allowed to accidentally spray native vegetation of more than 100mm over 200m. How would the Council's police this? They will have to do a site visit after a complaint and measure the area of damage to any native vegetation present.

Tutu, a native plant, is considered a weed due to potentially being poisonous, especially to stock. We need to have the ability to remove this and other native plants like this.

Topping and hedge trimming could easily result in more than 20m² of native species every 200m being removed.

Wetlands

The definition of a wetland is too broad. It would have been far better to have used natural (ie. Natural wetlands) otherwise things like effluent ponds and drains would be included. So, as a result farmers would need to get a consent from the district council to clean out a man-made drain. Even the central government has used the term 'natural wetlands'.

It should be noted that the RMA definition of a natural wetland under the freshwater rules 2020, that the TTPP refers to has become inappropriate for the West Coast. If a farmer has too much of buttercup, rushes and Yourkshire fog in his paddock this is considered a wetland.

Even if the definition that the TTPP use is a 'significant natural wetland' therefore, only those wetlands identified in schedule 1 and 2 of the WCRC plan would come under this protection. This would in effect give the schedule 1 and 2 wetlands a 10m buffer, which regional council did not want at the time they were being formed.

Section 32

I have searched and searched for section 32 economic analysis for this, and I could not find any. Yes, it may be difficult and expensive to do, but we doubt this could be used as an excuse not to do the section 32 economic analysis.

Objective & Policy

The TTPP policy is to “encourage the restoration of the natural character of lakes, rivers and wetlands” (NC-P4). These rules will have the opposite effect to what the desired outcome would be. For example, the landowner will not want to plant natives in these margins if they know they will need to get a resource consent to clear that native vegetation off of their fence lines in the future. If you don’t already know electric fences don’t work if vegetation is touching them as they cause the fence to short out. Also, flax is capable of slowly pushing over a permanent fence.

Private property rights

This section from my point of view is an erosion of private property rights and looks like a land grab. It has made the creeks and rivers that run through private property of which we have plenty, a liability, rather than an asset.

Evidence

I could not find any evidence to show that such extreme rules are needed, in our West Coast environment. The West Coast regional council policy statement is that the natural environment needs to be addressed by the district council. Possibly a more pragmatic approach for the TTPP would have been to follow the lead of the regional council and allowed vegetation clearance and earth works when putting creeks and rivers back on course.

Cut and Past

The TTPP seems to have done a simple cut and paste exercise on these natural character and margins of waterbodies policies and rules. This was shown when they forgot to remove the words “Selwyn district plan” on page 108 of the TTPP s32 report 5 natural environment values. This clearly demonstrates that they have not thought about our unique characteristics and challenges that we face here West Coast.

Conclusion

The outcome we are wanting is for the “natural character and margins of waterbodies” rules to be removed due to:

1 - Insufficient evidence.

- 2- The opposite will happen regarding the policy of encouraging the restoration of these areas.
- 3- There has been insufficient consideration of private property rights.
- 4- These rules are impractical from a West Coast farmers point of view.
- 5- In general, the rules are overly restrictive.
- 6- Lack of Section 32 financial analysis.

Appendix 1

