

Proposed Natural Resources Plan:

Submitter:

Wairarapa Regional Irrigation Trust

Submitter Number:

S127

25 September 2015

Freepost 3156
Proposed Natural Resources Plan
Greater Wellington Regional Council
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Please find attached the initial submission for Wairarapa Regional Irrigation Trust on the Proposed Natural Resources Plan.

We are grateful for the extension that has been granted for our submission and may follow this submission with additional information before the end of the extension period.

The Wairarapa Regional Irrigation Trust was established in 2007 to promote the development of irrigated land use in Wairarapa.

It introduced the Wairarapa Water Use Project to GWRC and remains an integral part of that project the project's Governance Group, Stakeholder Advisory Group and Leadership Group.

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Wairarapa Regional Irrigation Trust prefers to receive information electronically to its email address as above.

Wairarapa Regional Irrigation Trust could not gain an advantage in trade competition through this submission.

We wish to be heard in support of our submission.

If others make a similar submission, we would consider presenting a joint case with them at a hearing.

Yours sincerely

Bob Tosswill

Chairman

Authorised to sign on behalf of Wairarapa Regional Irrigation Trust

Wellington Proposed Natural Resources Plan – Wairarapa Regional Irrigation Trust

Provision number	Text	Comment	Relief/Suggestion
1.5.1 Page 9 para 5	<p>Whaitua committees will work with their catchment communities to develop recommendations for limits related to water quality and quantity, as directed by Policy CA2 of the NPS-FM.</p>	<p>This provision states that the Whaitua committees will set limits as required by NPSFM Policy CA2. CA2 is about setting objectives, not limits. Limits can assist the achievement of the objectives. Provision needs to be amended accordingly.</p>	<p>Change reference in paragraph from limits to objectives to be more factually correct</p>
Definition	<p>Artificial farm drainage canal</p> <p>.....</p> <p>Note: maintenance of channels excluded from the definition of artificial farm drainage canal because they only convey water during rainfall events and do not convey or retain water at other times (e.g. swales) is not controlled by rules in the Plan.</p>	<p>Confusing note. What is controlled by rules in the Plan swales or artificial farm drainage canals? Unsure what the purpose is of the note. Needs amendment to clarify intent.</p>	<p>Clarify what is meant</p>
Definition	<p>Minimum flow or water level</p>	<p>The concept of the interim minimum flow needs to be clarified to make sense of this and other definitions referring to it.</p>	<p>Amend to clarify what the 'interim' minimum flow refers to.</p>
Definition	<p>Surface Water body</p> <p>A river, lake, wetland, estuary, open drain or water race, and its bed. For the purpose of the Plan, surface water body does not include ephemeral flow paths and bodies of water designed, installed and maintained for any of the following</p>	<p>Support exclusion of artificial water bodies, but the exclusion should refer to water storage ponds used for electricity generation to cover the situation of a small hydro generation installed to operate in conjunction with an irrigation scheme.</p>	<p>Support but amend to add new a (iv) "electricity generation".</p>

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	<p>purposes:</p> <p>(a) water storage ponds for</p> <ul style="list-style-type: none"> (i) fire fighting or (ii) irrigation, or (iii) stock watering, or <p>(b) water treatment ponds for</p> <ul style="list-style-type: none"> (i) wastewater, or (ii) stormwater, or (iii) nutrient attenuation, or (iv) sediment control, or (v) animal effluent, or (vi) operating sumps, quarries and gravel pits. <p>Also see definitions for Category 1, and Category 2 surface water bodies, and the definition for River class.</p>		
O6	<p>Sufficient water of a suitable quality is available for the health needs of people.</p>	<p>Support focus on human health</p>	<p>Support</p>
O8	<p>The social, economic, cultural and environmental benefits of taking and using water are recognised and provided for within the Plan's allocation framework.</p>	<p>Support recognising economic benefits of water use, but objective just relates to allocation (i.e. quantity) issues. Needs to relate to water quality as well.</p>	<p>Amend to add the words "in the management of water quality and " before "within"</p>
O19	<p>The interference from use and development on natural processes is minimised.</p>	<p>"Interference" has pejorative overtones and is open to wide interpretation. References to</p>	<p>Amend objective to refer to minimisation of adverse effects on natural processes.</p>

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O23	<p>The quality of water in the region's rivers, lakes, natural wetlands, groundwater and the coastal marine area is maintained or improved.</p>	<p>'adverse effects' would provide a more objective and certain end point...</p> <p>General objective to maintain and improve water quality suggests water quality remaining the same (at worst) at all places and at all times. NPFSM has maintain and improve overall water quality and this should be the objective of the Plan.</p>	<p>Amend Objective to line up with the NPFSM:</p> <p>The <u>overall</u> quality of water in the region's rivers, lakes, natural wetlands, groundwater and the coastal marine area is maintained or improved.</p>
O24	<p>Rivers, lakes, natural wetlands and coastal water are suitable for contact recreation and Māori customary use, including by:</p> <p>(a) maintaining water quality, or</p> <p>(b) improving water quality in:</p> <p>(i) significant recreation contact fresh water bodies to meet, as a minimum, the primary contact recreation objectives in Table 3.1, and</p> <p>(ii) coastal water to meet, as a minimum, the primary contact recreation objectives in Table 3.3, and</p>	<p>Linked to the issue posed by O23. While maintaining water quality where it is currently sufficiently high will provide for contact recreation and Maori customary use, it will also constrain temporary, localised and/or minor adverse effects on water quality.</p> <p>The objective should adopt the NPFSM approach of focussing on maintenance and improvement of overall water quality.</p>	<p>Amend (a) to refer to maintaining overall water quality.</p>

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O25	<p>(iii) All other rivers and lakes and natural wetlands to meet, as a minimum, the secondary contact recreation objectives in Table 3.2.</p> <p>To safeguard aquatic ecosystem health and mahinga kai in fresh water bodies and coastal marine area:</p> <p>(a) water quality, flows, water levels and aquatic and coastal habitats are managed to maintain aquatic ecosystem health and mahinga kai, and</p> <p>(b) restoration of aquatic ecosystem health and mahinga kai is encouraged, and</p> <p>(c) where an objective in Tables 3.4, 3.5, 3.6, 3.7 or 3.8 is not met, a fresh water body or coastal marine area is improved over time to meet that objective.</p> <p>Note Where the relevant whaitua sections of the Plan contain an objective on the same subject matter as Objective O25 (water quality, biological and habitat outcomes), the more specific whaitua objective will</p>	<p>Reference to restoration of ecological health needs identification of the desired end point-restored to what level?</p> <p>The Table 3.4 MCI values applicable to the Wairarapa Plains rivers and streams and sought to be achieved under O25 (c) appear to involve significant improvements in ecological health indicators if they are to be achieved. MCI is the product of multiple environmental factors, many of which are outside the control of individuals whose activities influence water quality.</p> <p>While the Table 3.4 periphyton values appear more achievable from the technical report benchmarking the proposed values, the report states that the conclusions reached are indicative only due to insufficient data being available to undertake a full assessment and that it is probable that the desired values will not be met in a number of cases, including on the Wairarapa plains.</p> <p>The section 32 analysis asserts that the benefits of achieving the objective exceed the costs but</p>	<p>Amend to clarify the level of ecological health restoration sought to be encouraged.</p> <p>Amend Table 3.4 to provide a measurable environmental outcome over the life of the Plan whose benefits and costs can properly be evaluated under 32 to demonstrate that the benefits exceed the costs over time.</p> <p>Amend to make it clear if O25(c) is intended to be aspirational only insofar as it incorporates periphyton and MCI values for rivers and streams on the Wairarapa plains, and/or substitute qualitative environmental outcomes for the numerical values currently in Table 3.4.</p>

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	take precedence.	<p>provides no quantification of either the benefits or the costs over time. The intention appears to be that the objective is aspirational only and that Council seeks to indicate a desire for progressive improvement at an unspecified rate over an unspecified time, pending firming up on these critical details through the Whatitua process.</p> <p>The objective needs to be clarified to make it clear what it seeks and a proper section 32 evaluation undertaken of its effect.</p>	
O29	Use and development provides for the passage of fish and koura, and the passage of indigenous fish and koura is restored.	<p>The objective suggests that fish passage needs to be 'restored' even if it exists already.</p> <p>The objective needs to acknowledge that barriers to the passage of fish and koura may be acceptable if desirable for other reasons and the adverse effects appropriately mitigated or offset.</p>	<p>Amend the objective to read as follows:</p> <p>"Use and development maintains the health of fish and koura populations where their free passage is impeded, including through restoration of fish and koura passage where barriers to such passage currently exist"</p>
O31	Outstanding water bodies and their significant values are protected.	<p>Protecting both outstanding water bodies and their significant values appears unnecessary. If you 'protect' the water body, you necessarily protect all its values- both significant and not significant.</p> <p>The NPSSFM focuses on significant values instead</p>	<p>Amend objective to read as follows:</p> <p>"Protect the significant values of outstanding water bodies"</p>

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		of, not as well as the feature itself. That way, effects on aspects that don't contribute to the outstanding character of the water body are treated as being of less significance.	
O35	Ecosystems and habitats with significant indigenous biodiversity values are protected and restored.	The way this objective is framed raises similar issues to O29 and O31. The focus of the objective should be on protecting the significant indigenous biodiversity values rather than on all aspects of the ecosystem and/or habitat. Reference to restoration seems problematic in the context of ecosystems already identified as having significant values. Why do they need to be restored, and what level of restoration is required?	Amend objective to read as follows: "Protect the significant indigenous biodiversity values of ecosystems and habitats, where they currently exist."
O52	<p>The efficiency of allocation and use of water is improved and maximised through time, including by means of:</p> <p>(a) efficient infrastructure, and</p> <p>(b) good management practice, including irrigation, domestic municipal and industry practices, and</p> <p>(c) maximising reuse, recovery and recycling of water and contaminants, and</p> <p>(d) enabling water to be transferred</p>	Support recognition of the need for efficient use and allocation of water including enabling water storage outside river beds. The reality is however that most suitable storage sites will have a river or stream running through them and that water storage outside river beds is in practice restricted to purpose built storage ponds like the Te Marua lakes or small on-farm irrigation storage ponds. From an efficiency perspective, there is no reason to limit this objective so as to exclude in-stream storage (i.e. water storage within river beds)	Amend 052 (e) as follows: (e) enabling water storage outside river beds.. Otherwise support.

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	<p>between users, and</p> <p>(e) enabling water storage outside river beds.</p>		
Policy 3 (P3)	<p>Precautionary approach</p> <p>Use and development shall be managed with a precautionary approach where there is limited information regarding the receiving environment and the adverse effects the activity may have on this environment.</p>	<p>Reference to the precautionary approach needs to be limited to the situation where there is both an absence of information and the potential for significant adverse effects- i.e. the way that the NZCPS Policy 3 uses that concept. It should not be framed as a blanket requirement for caution wherever the nature and scale of effects cannot be predicted with complete certainty (which in the natural environment, is on virtually every occasion) and should allow for measured development matching the scale of risk in the circumstances.</p>	<p>Amend Policy P3 to read:</p> <p>“A precautionary approach to management of the nature, scale and speed of use and development where there is limited information available and the potential for significant adverse effects”.</p>
P4	<p>Minimising Adverse Effects</p> <p>Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall include:</p>	<p>The policy could be improved by making it clear that “the smallest practicable amount is related to the nature and objectives of the activity. Otherwise it could be read as requiring reduction to close to nil.</p>	<p>Amend policy:</p> <p>Where minimisation of adverse effects is required by policies in the Plan minimisation means reducing adverse effects of the activity to the smallest amount practicable <i>having regard to the nature and objectives of the activity</i> and shall include:....”</p>
	<p>(a) consideration of alternative locations and methods for</p>		

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	<p>undertaking the activity that would have less adverse effects, and</p> <p>(b) locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and</p> <p>(c) timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and</p> <p>(d) using good management practices for reducing the adverse effects of the activity, and</p> <p>(e) designing the activity so that the scale or footprint of the activity is as small as practicable.</p>		
P6	<p>Synchronised expiry and review dates</p> <p>Resource consents may be granted with a common expiry or review date within a whatua or sub-catchment, if:</p> <p>(a) the affected resource is fully</p>	<p>The meaning of the term integrated solution should be clarified in this context and in the definition of Whatua.</p>	<p>Amend to define what is meant by "integrated solution".</p>

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	<p>allocated or over-allocated, or</p> <p>(b) the exercise of the resource consent may impede the ability to implement an integrated solution to manage water quality, quantity or habitat within that whatua or sub-catchment.</p>		
P7	<p>Uses of land and water</p> <p>The cultural, social and economic benefits of using land and water for:</p> <p>(a) aquaculture, and</p> <p>(b) treatment, dilution and disposal of wastewater and stormwater, and</p> <p>(c) industrial processes and commercial uses associated with the potable water supply network, and</p> <p>(d) community and domestic water supply, and</p> <p>(e) electricity generation, and</p> <p>(f) food production and harvesting, and</p>	<p>Support recognition of the importance of water use.</p>	<p>Support</p>

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	<p>(g) gravel extraction from rivers for flood protection and control purposes, and</p> <p>(h) irrigation and stock water, and</p> <p>(i) firefighting, and</p> <p>(j) contact recreation and Māori customary use, and</p> <p>(k) transport along, and access to, water bodies</p> <p>shall be recognised.</p>		
P11	<p>In-stream water storage</p> <p>The benefits associated with the damming and storing of water within the bed of a river are recognised when:</p> <p>(a) there are significant social and economic benefits for the region, and</p> <p>(b) water remains available for multiple in-stream and out of stream uses concurrently, and</p> <p>(c) the reliability of water supply improves as a result, and</p> <p>(d) the damming and storage of</p>	<p>Support recognition of the benefits of instream water storage but the benefits of out-of-stream water storage are equally worthy of recognition. Expansion of the policy would also implement Objective 52 (e).</p>	<p>Amend policy as follows:</p> <p>In-stream w/Water storage</p> <p>The benefits associated with the damming and storing of water within the bed of a river are recognised when:</p> <p>(a) there are significant social and economic benefits for the region, and</p> <p>(b) water remains available for multiple in-stream and out of stream uses concurrently, and</p> <p>(c) the reliability of water supply</p>

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P31	<p>Aquatic ecosystem health and mahinga kai shall be maintained or restored by managing the effects of use and development on physical, chemical and biological processes to:</p> <p>(a) minimise adverse effects on natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and natural wetlands, and</p> <p>(b) minimise adverse effects on aquatic habitat diversity and quality, including the form, frequency and pattern of pools, runs, and riffles in rivers, and the natural form of rivers, lakes, natural wetlands and coastal habitats, and</p> <p>(c) minimise adverse effects on habitats that are important to the life cycle and survival of</p>	<p>Support the focus on minimising adverse effects but the requirement to 'avoid' barriers to migration and movement of indigenous species poses a higher and more absolute requirement that would preclude developments employing instream facilities that form a barrier to fish passage. Suggest the approach in P32 apply to that too, enabling trap and transfer type methods, and offset mitigation.</p>	<p>Amend Policy P31 (e) as follows:</p> <p>Avoid-creating <u>Manage proposals that involve</u> barriers to the migration or movement of indigenous aquatic species <u>consistently with the process outlined in Policy 32</u>, and restore the connections between fragmented aquatic habitats where appropriate, and</p> <p>(d) improves as a result, and the damming and storage of water contributes to the efficient allocation and use of water.</p>

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	<p>aquatic species, and</p> <p>(d) minimise adverse effects at times which will most affect the breeding, spawning, and dispersal or migration of aquatic species, and</p> <p>(e) avoid creating barriers to the migration or movement of indigenous aquatic species, and restore the connections between fragmented aquatic habitats where appropriate, and</p> <p>(f) minimise adverse effects on riparian habitats and restore them where practicable, and</p> <p>(g) avoid the introduction, and restrict the spread, of aquatic pest plants and animals.</p>		
P33	<p>Protecting indigenous fish habitat</p> <p>The more than minor adverse effects of activities on the species known to be present in any water body identified in Schedule F1 (rivers/lakes) as habitat for indigenous fish species, and Schedule F1b (inanga spawning habitats), particularly at the relevant spawning and migration times identified in Schedule F1a (fish</p>	<p>The approach taken in this policy is extremely constraining, particularly given the extent to which rivers and lakes have been identified in Schedule F, and appears inconsistent with the approach taken in P32 to adverse effects on ecological health and mahinga kai and in P40-41 to ecosystems with significant indigenous biodiversity values.</p>	<p>Amend the opening words of P33 as follows:</p> <p>Protecting indigenous fish habitat</p> <p>The more than minor adverse effects of activities on the species known to be present in any water body identified in Schedule F1 (rivers/lakes) as habitat for indigenous fish species, and Schedule F1b (inanga spawning habitats), particularly at</p>

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	<p>spawning/migration) for those species, shall be avoided. These activities include the following:</p> <p>(a) discharges of contaminants, including sediment, and</p> <p>(b) disturbance of the bed or banks that would significantly affect spawning habitat at peak times of the year, and</p> <p>(c) damming, diversion or taking of water which leads to significant loss of flow or which makes the river impassable to migrating indigenous fish.</p>		<p>the relevant spawning and migration times identified in Schedule F1a (fish spawning/migration) for those species, shall be avoided <u>minimised consistently with the process to be followed in P32</u>.....</p>
P34	<p>Fish passage</p> <p>The construction or creation of new barriers to the passage of fish and koura species shall be avoided.</p>	<p>This policy duplicates and creates the same issue with the use of the word avoided as raised under P31.</p> <p>The same approach should be adopted to both.</p>	<p><u>Amend P34 as follows:</u></p> <p>Fish passage</p> <p><u>Manage</u> the construction or creation of new barriers to the passage of fish and koura species shall be avoided<u>consistently with the process outlined in Policy 32</u></p>
P39	<p>Adverse effects on outstanding water bodies</p> <p>The adverse effects of use and development on outstanding water bodies and their significant values identified in Schedule A (outstanding water bodies) shall be avoided.</p>	<p>This policy takes the same approach as O31, and creates the same issues.</p> <p>Protecting both outstanding water bodies and their significant values seems appears unnecessary. If you 'protect' the water body, you necessarily</p>	<p>Amend objective to read as follows:</p> <p>"Protect the significant values of outstanding water bodies as identified in Schedule A"</p>

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P40 & P41	<p>Ecosystems and habitats with significant indigenous biodiversity values</p> <p>Protect and restore the following ecosystems and habitats with significant indigenous biodiversity values:</p> <p>(a) the rivers and lakes with significant indigenous ecosystems identified in Schedule F1 (rivers/lakes), and</p> <p>(b) the habitats for indigenous birds identified in Schedule F2 (bird habitats), and</p> <p>(c) significant natural wetlands, including the significant natural wetlands identified in Schedule F3 (significant wetlands), and</p> <p>(d) the ecosystems and habitat-types with significant</p>	<p>protect all its values- significant and not significant.</p> <p>The NPSFM focuses on significant values instead of, not as well as the feature itself. That way, effects on aspects that don't contribute to the outstanding character of the water body are treated as being of less significance.</p> <p>The approach taken to ecosystems and habitats providing for remediation, mitigation and offsetting alternatives (to avoidance) is supported, but the inconsistency as between these policies and P33 needs to be addressed by appropriate amendments to P33 as above.</p>	Support P 40-41

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	<p>indigenous biodiversity values in the coastal marine area identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats).</p> <p>Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values</p> <p>In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, in the first instance activities, other than activities carried out in accordance with a restoration management plan, shall avoid these ecosystems and habitats.</p> <p>If the ecosystem or habitat cannot be avoided, the adverse effects of activities shall be managed by:</p> <p>(a) avoiding more than minor adverse effects, and</p> <p>(b) where more than minor adverse effects cannot be avoided, remedying them, and</p> <p>(c) where more than minor adverse effects cannot be remedied, mitigating them, and</p> <p>(d) where residual adverse</p>		

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	<p>effects remain it is appropriate to consider the use of biodiversity offsets.</p> <p>Proposals for mitigation and biodiversity offsets will be assessed against the principles listed in Schedule G (biodiversity offsetting). A precautionary approach shall be used when assessing the potential for adverse effects on ecosystems and habitats with significant indigenous biodiversity values.</p> <p>Where more than minor adverse effects on ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40 cannot be avoided, remedied, mitigated or redressed through biodiversity offsets, the activity is inappropriate.</p>		
P65	<p>Minimising effects of nutrient discharges</p> <p>The effects of nutrient discharges from agricultural activities that may enter water shall be minimised through the use of:</p> <p>(a) good management practices, and</p> <p>(b) information gathering, monitoring, assessment and reporting, and</p>	<p>This policy is supported but it requires clarification as to what constitutes a 'nutrient discharge' for this purpose- in particular whether nutrients contributed by grazing stock are intended to be considered under this policy or, as is understood to be the intention, under P96 (and the future amendments to that policy resulting from the Whaitua process) governing land use management.</p>	<p>Add a Note to this policy, as follows:</p> <p>"It is intended that nutrients ultimately entering water as a result of stock grazing are managed under landuse policies (P96) rather than this and other policies governing discharges of contaminants to land."</p>

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	<p>(c) integrated management within the Wellington Regional Council and with the involvement of mana whenua, territorial authorities, water users, farmers, households, industry, environmental groups and technical experts, and</p> <p>(d) regulatory and non-regulatory methods, and</p> <p>(e) plan changes or variations resulting from catchment-specific recommendations from the whatua committee process.</p>		
P96	<p>Managing land use</p> <p>Rural land use activities shall be managed using good management practice.</p> <p>Note</p> <p>Allmit, target and/or allocation framework will be established through the whatua committee process and incorporated into the Plan through a future plan change or variation.</p>	<p>The approach taken to managing rural land uses pending the outcome of the Whatua process is supported.</p>	<p>Support.</p>
P105	<p>Protecting trout habitat</p>	<p>This policy will have an extremely constraining effect on use and development affecting the rivers of the Waitarapa Plains, by reason of the number</p>	<p>Amend P105 as follows: Protecting trout habitat</p>

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	<p>I (trout habitat). The effects of use and development in and around these rivers shall be managed to:</p> <p>(e) maintain or improve water quality in accordance with the objectives in Table 3.4 and Table 3.5 of Objective O25, and</p> <p>(f) minimise changes in flow regimes that would otherwise prevent trout from completing their life cycle, and</p> <p>(g) maintain the amount of pool, run and riffle habitat, and</p> <p>(h) maintain fish passage for trout, and</p> <p>(i) minimise adverse effects on the beds of trout spawning waters identified in Schedule I (trout habitat).</p>	<p>of rivers identified in Schedule I, the use of maintenance as the sole management imperative in relation to (a), (c) and (d), and the lack of any qualification as to the nature and extent of adverse effects caught by the policy. It is also incongruous that trout habitat should be valued more highly than indigenous ecosystems (as per P40-41).</p> <p>The cross reference to O25 in (a) potentially elevates the aspirational nature of that objective to a policy requirement.</p>	<p>Particular regard shall be given to the protection of trout habitat in rivers with important trout habitat identified in Schedule I (trout habitat) by managing the effects of use and development in and around these rivers shall be managed to:</p> <p>(a) maintain or improve water quality in accordance consistently with the objectives in Table 3.4 and Table 3.5 of Objective O25 <u>related to water quality, and</u></p> <p>(b) <u>to</u> minimise changes in flow regimes that would otherwise prevent trout from completing their life cycle, and</p> <p>(c) maintain to minimise any significant loss of the amount of pool, run and riffle habitat, and</p> <p>(d) maintain to minimise loss of fish passage for trout, and</p> <p>(e) <u>to</u> minimise significant adverse effects on the beds of trout spawning waters identified in Schedule I (trout habitat).</p>
Section 4.9 (Policies P107 to p127)	Water Allocation policies.	The policies governing allocation and use of water, including those related to minimum flows, fail to take account of the fact that water storage	Add a new policy to section 4.9, worded along the following lines:

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		<p>schemes involve a take of stored water and sometimes (where the Scheme design involves use of a natural watercourse to move water from a storage reservoir to water users downstream) a discharge to and retake of water from the watercourse.</p> <p>Provided the storage water is collected in compliance with relevant minimum flows, and within relevant allocation limits, the subsequent operation of the Scheme should be provided for as an exception to those policies as an additional allocation. Otherwise it would not be possible to establish or operate a storage-based scheme, and would likely create a hazard for instream storage due to the inability to take (and discharge) sufficient water in times of high inflows to avoid over-topping of a dam.</p>	<p>"Policy xxx: Take and Use of Stored Water</p> <p>In the situation where water is stored in a storage reservoir as part of a scheme for storage and supply of water pursuant to a resource consent authorising damming, diversion and/or taking of water for that purpose:</p> <p>(a) Subsequent take and use of the stored water, including the take of water by the consent holder or any person authorised by the consent holder from any watercourse into which the stored water has been discharged shall constitute a tertiary allocation of water not subject to Policies 111-127 inclusive or to the policies in sections 7-11 inclusive of this Plan;</p> <p>(b) Policies 111-112 and the policies in sections 7-11 inclusive of this Plan shall apply to takes of water other than by the consent holder or persons authorised by the consent holder on the basis of the water flows and levels that would have occurred without the operation of the water supply scheme, as assessed by Greater Wellington Regional Council."</p>

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Provision number	Text	Comment	Relief/Suggestion
Rule R.R1	<p>Rule R.R1: Take and use of water in the Ruamāhanga Whaitua – restricted discretionary activity</p> <p>The take and use of water from any river (including tributaries), Lake Wairarapa (including tributaries), and groundwater in the Ruamāhanga River catchment above the Lake Wairarapa outflow, and in the Lake Wairarapa catchment, is a restricted discretionary activity provided the following conditions are met:</p> <p>(c) at flows above median flow:</p> <p>(i) the frequency of flushing flows that exceed three times the median flow of the river is not changed, and</p> <p>(ii) 50% of the river flow above the median flow remains in the river.</p>	<p>The way the supplementary allocation is framed in Rule R.R1 (c) is framed means that exactly 50% of the river flow above median must remain in the river. It is likely that a consent applicant may wish to take less water than this, meaning that more than 50% of the river flow above median remains in the river.</p> <p>As the rule is currently framed however, this is not permitted and the application would therefore be discretionary under rule R.R2. This does not seem to be an outcome that would have been intended since there is no obvious effects-based rationale to treat an application to take less water less favourably.</p>	<p>Add a new definition to section 2.2 as follows:</p> <p>Tertiary allocation: an amount of water stored pursuant to resource consents authorising the damming, diverting and/or taking of water and available for the consent holder or persons authorised by the consent holder to subsequently take and use.</p> <p>Amend Rule R.R1 (c)(ii) to read:</p> <p>(ii) A minimum of 50% of the river flow above the median flow remains in the river.</p>

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Rule R.R3	<p>Rule R.R3: Taking and use of water that exceeds minimum flows, lake levels or core allocation – prohibited activity</p> <p>The take and use of water from any river (including tributaries), Lake Wairarapa (including tributaries), or groundwater in Tables 7.3-7.5 in the Ruamāhanga River catchment that does not meet conditions (a) or (b) of Rule R.R1 is a prohibited activity.</p>	<p>This rule (and Rule R.R2) needs to provide for take and use of stored water as a separate exception to the minimum flow and allocation provisions, for the reasons set out above in relation to section 4.9.</p>	<p>Amend the opening words of Rule R.R3 to read: <u>“Except in the case of take and use of stored water pursuant to Rule R.R1A the take and use of water from any river.....”</u></p> <p>Add new Rule R.R1A as follows</p> <p>Rule R.R1A: Take and Use of Stored Water in the Ruamāhanga Whatua- Restricted Discretionary Activity</p> <p>The take and use of water from any river (including tributaries) or lake in the Ruamāhanga River catchment that has previously been stored for use as part of a water supply scheme pursuant to resource consents authorising damming, diverting and/or taking of water for that purpose is a restricted discretionary activity, provided the following conditions are met:</p> <p>(a) The take of previously stored water shall be by</p> <p>(i) the holder of the resource consents for the relevant water supply scheme; or</p> <p>(ii) a person authorised in</p>

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			<p>writing by the holder of those resource consents and advised to Greater Wellington Regional Council.</p> <p><i>Matters for Discretion</i></p> <ol style="list-style-type: none"> 1. The reasonable and efficient use of water, including the criteria in Schedule Q (efficient use) 2. Preventing fish from entering water intakes; 3. Measuring and reporting, including the guideline in Schedule S (measuring takes) <p>Amend Rule R.R2 as follows:</p> <p>Rule R.R2: Taking and using water – discretionary activity</p> <p>The take and use of water in the Ruamāhanga Whatua <u>not meeting the conditions of Rule R.R1A</u> from:.....</p>
Schedule G	<p>Principle 2</p> <p>Limits to what can be mitigated or offset</p> <p>Consideration of mitigation or biodiversity offsetting is inappropriate when an activity</p>	<p>Excluding sites whose values are irreplaceable is an obvious corollary of a no net loss approach. The rationale for excluding highly vulnerable sites is not apparent. Particular biodiversity habitats by be highly vulnerable but relatively common. In</p>	<p>Amend Principle 2(a) as follows:</p> <p>(a) "where the values of that area are highly-vulnerable or irreplaceable, or"</p>

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	<p>has the potential to cause adverse effects, or residual adverse effects, on an area:</p> <p>(a) where the values of that area are highly vulnerable or irreplaceable, or</p> <p>(b) where there is no appropriate site, knowledge, proven methods, expertise or mechanism available to design and implement an adequate mitigation or biodiversity offset.</p>	<p>such instances, an offset (eg to make a similar nearby site less vulnerable) should be able to be considered..</p>	
Schedule I	<p>Important trout fishery and spawning waters in the Wairarapa including: Tauweru, Waingawa and Ruamahanga Trout spawning Waingawa, Blakes Stream, Atiwhakatu Stream Wakamoekau Creek (under Waiohine) Tauweru River</p>	<p>Unclear whether tributaries are included. Wakamoekau is listed under Waiohine</p>	<p>Amend to clarify and correct.</p>
Schedule R	<p>Guideline for Stepdown allocations</p>	<p>The provisions governing stepdown need to provide for take and use of stored water as a</p>	<p>Amend the first paragraph as follows:</p>

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		<p>further exception to Table R1, for the reasons set out above in relation to section 4.9</p>	<p>"When <u>natural</u> flows are low, stepped down allocations may be included as conditions of resource consent <u>not involving take and use of previously stored water as part of a water supply scheme</u> when rivers approach minimum flows.</p>