

From: [Joanna Gilroy](#)
To: [Joanna Gilroy](#)
Subject: FW: proposed southland water and land plan 523 & 753
Date: Wednesday, 4 October 2017 11:44:29 a.m.
Attachments: [image001.jpg](#)

From: Grant [mailto:grant@wreysbushconcrete.co.nz]
Sent: Wednesday, 4 October 2017 9:32 a.m.
To: Policy and Planning Team
Subject: proposed southland water and land plan 523 & 753

Policy and planning team,
Answers to the panels questions

Rule 51 – Minor diversions of water

(a) Despite any other rule in this Plan, the diversion of water within a river or lake bed is a permitted activity provided the following conditions are met:

(i) the diversion is for the purposes of undertaking a permitted activity under Rules 55 to 79 or for the purposes of habitat creation, restoration and enhancement, hydrologic research and is carried out in accordance with the following conditions:

(1) fish passage shall not be impeded as a result of the activity;

(2) there shall be no bed disturbance of the roosting and nesting areas of the black fronted tern, black billed gull, and banded and black fronted dotterel;

(3) any activity in the water shall be kept to a minimum to avoid, as much as practicable, discoloration to the river or lake. Where any sediment release occurs, it will be only temporary;

(4) any bed disturbance shall be kept to the minimum necessary to undertake the activity and shall be returned as near as practicable to its original channel shape, area, depth, or gradient on completion of the activity (with the exception of revegetation);

(5) no fuel storage or machinery refuelling shall occur on any area of the bed;

(6) no contaminants, other than sediment released from the bed, shall be discharged to water during the activity unless allowed by a relevant permitted activity rule or resource consent;

~~(7) there are no recorded historic heritage sites, at the site of the activity;~~³⁷⁰

(8) before any equipment, machinery, or operating plant is moved to a new activity site it shall be effectively cleaned to prevent the spread of “pests” or “unwanted organisms” as defined by the Biosecurity Act 1993;

(9) all equipment, machinery, operating plant and debris associated with the bed disturbance activity shall be removed from the site on completion of the activity; and

(10) from the beginning of November until the end of May, there shall be no disturbance of

the tidal river habitat up to the spring tide level.

(ii) the diversion is carried out completely within a river or lake bed (i.e. no water is diverted outside of the river or lake bed);

(iii) the water is returned to its original course after completion of the activity, no later than one month after the diversion occurs;

(iv) the diversion does not compromise the ability of any other person to exercise a resource consent or undertake an activity permitted by this Plan; and

(v) the diversion does not result in a net loss of water from the catchment

Liaison Committees, as elected representatives of Catchment Rating District ratepayers, work closely with Environment Southland in the development, funding and implementation of river and drainage management programmes undertaken pursuant to the Soil Conservation & Rivers Control Act 1941.

A significant part of those programmes is the protection of adjoining land and flood protection works from riverine erosion.

Extensive use can be and is made of the installation of “live” vegetation/trees to reduce the erosive forces of the river on the adjoining land. The alternative to “live” protection is the installation of heavy/hard and much more expensive rock protection.

There can be a need to de-water a length of eroding river bank to enable the installation of live protection.

The Liaison Committees would argue that the usefulness of this rule is negated if there is a requirement to immediately (within 1 month of the completion of the activity) return the river to its pre-diversion course. The protection works are somewhat susceptible to damage until it has the chance to take root and grow to provide the energy dissipation of the erosive force.

In any event nature will take its course and in time, generally the next river event/fresh, the river will return to its pre-diversion course. That is an acceptable risk when considering the installation of live protection and its benefits both economically and managing erosion.

The amendment that Liaison Committees would request is:

Rule 51(a)(iii) be amended to read: Unless undertaken for the purpose of Soil Conservation and Rivers Control Act 1941 programmes, the water is returned to its original course after the completion of the activity, no later than one month after the diversion occurs

Rule 61 - Erosion control structures

(a) Notwithstanding any other rule in this Plan, the placement or reconstruction of rock rip rap or anchored or layered trees in, on, under or over the bed of any river, modified watercourse, or lake, and any associated bed disturbance and discharge resulting from the carrying out of the activity, is a permitted activity provided the following conditions are met:

- (i) the work is not in a lake bed, national park, reserve or land in respect of which there is a covenant under the Conservation Act 1987, Queen Elizabeth the Second Trust Act 1977 or Reserves Act 1977;*
- (ii) any anchored or layered trees shall be anchored to the bed or banks so that they will not wash away in a 2% Annual Exceedance Probability flood event;*
- (iii) there shall be no planting of pest plant species as identified in the Regional Pest Management Strategy for Southland 2013 or Biosecurity NZ Register of Unwanted Organisms;*
- (iv) the structure is not within any mātaihai, noboanga⁴³⁹, or taiāpure⁴⁴⁰;*
- (v) fish passage shall not be impeded as a result of the activity;*
- (vi) there shall be no bed disturbance of the roosting and nesting areas of the black fronted tern, black billed gull, and banded and black fronted dotterel;*
- (vii) any activity in the water shall be kept to a minimum to avoid, as much as practicable, discoloration to the river or lake. Where any sediment release occurs, it will be only temporary;*
- (viii) any bed disturbance shall be kept to the minimum necessary to undertake the activity, and shall be returned as near as practicable to its original channel shape, area, depth, or gradient on completion of the activity (with the exception of revegetation);*
- (ix) no fuel storage or machinery refuelling shall occur on any area of the bed;*
- (x) no contaminants, other than sediment released from the bed, shall be discharged to water during the activity unless allowed by a relevant permitted activity rule or resource consent;*
- ~~*(xi) there are no recorded historic heritage sites, at the site of the activity;*~~⁴⁴¹
- (xii) before any equipment, machinery, or operating plant is moved to a new activity site it shall be effectively cleaned to prevent the spread of “pests” or “unwanted organisms” as defined by the Biosecurity Act 1993;*
- (xiii) all equipment, machinery, operating plant and debris associated with the structure or bed disturbance activity shall be removed from the site on completion of the activity;*
- (xiv) from the beginning of November until the end of May, there shall be no disturbance of the tidal river habitat up to the spring tide level;*
- (xv) the structure shall not cause significant erosion of, or deposition on, the surrounding bed or banks;*
- (xvi) any build-up of debris against the structure, which may adversely affect flood risk, drainage capacity or bed or bank stability, shall be removed as soon as practicable; and*
- (xvii) the structure shall be maintained in a state of good repair.*

*Note: In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites is set out in Appendix Schedule X.*⁴⁴²

The Liaison Committees notes “Report- Proposed Plan with section 42A recommendations in track changes” that unless all of the conditions listed in Rule 61(a) are able to be met the

activity moves from being permitted to a discretionary activity.

The area of concern relates to 61(iii) where the use of Crack Willow on Southland Rivers, with an exemption under Southland's Regional Pest Management Strategy, moves from being a permitted activity under the Regional Water Plan for Southland 2010 to a consented activity under the Proposed Southland Water and Land Plan.

Crack Willow is a very good tool in the tool box of river management.

It is fast growing.

It has a very strong, expansive root system that is ideal for holding the line on river edges where the soil/land is at threat of erosion.

It is currently growing on vast areas of Southland river beds and river edges

There is not currently an alternative providing the same characteristics and/or quantity for river edge protection

It is a plant that if not controlled through management programmes is invasive in a downstream direction from its growth. It can only invade upstream through actions of man.

Management programmes are in place to prevent this unwanted invasiveness

River management programmes do not plant or transport crack willow in river systems to where it does not already exist

The use of crack willow as a permitted activity has been an acceptable activity for significant number of years

Any control requirements to prevent it spreading is better undertaken as a part of pest plant strategies

Under the ES pest plant strategy exemption to use for river control activities is required and has to date been provided through that strategies process.

Additional cost of applying for and renewing consents to enable the continuance of the activity is not seen as an effective use of limited ratepayer funds that are funding the activity of river management in Southland

Rule 61(a)(xii) effectively is about controlling the spread of pests such as crack willow

The amendment that Liaison Committees would request:

Support the rule but ask that 61(a)(iii) be deleted.

Regards

Spokesman of joint liaison committees

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