

Irrigation NZ submission on Natural and Built Environments Bill and Spatial Planning Bill

19th Feb 2023

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington
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Irrigation NZ welcomes the opportunity to submit on the Natural and Built Environment Bill and Spatial Planning Bill and appreciated the extension provided to us and the Irrigation Schemes.

We request the opportunity to speak in support of our submission or to provide additional information in writing prior to that.

Please, direct any inquiries to:

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About IrrigationNZ

Irrigation New Zealand (IrrigationNZ) represents over 3,800 members nationally, including irrigation schemes, individual irrigators, and the irrigation service sector across all regions of New Zealand.

Our irrigator members include a wide range of farmers and growers – sheep and beef, dairy and cropping farmers, horticulturalists, winegrowers, as well as sports and recreational facilities and councils. We also represent over 120 irrigation service industry members – manufacturers, distributors, irrigation design and install companies, and irrigation decision support services for both freshwater and effluent irrigation.

We are a voluntary-membership, not-for-profit organisation whose mission is to create an environment for the responsible use of water for food and fibre production for local and international consumers and to sustain the wellbeing of communities.

As an organisation we actively take a technical leadership role in promoting best practice irrigation and carry out a range of training and education activities associated with freshwater management. Over the last five years, we have trained over 3,000 irrigators on various aspects of irrigation best practices to improve water use efficiency (lowering consumption) and better manage environmental effects (improved soil moisture and surface water management).

IrrigationNZ members share many of the same goals as other New Zealanders:

- Reduce their environmental footprints and see improvements in the health of the natural environment,
- Contribute to the wellbeing of their communities, and
- Provide for a resilient future for New Zealand in the face of climate change.

Cosignatories and additional supporting submissions

The Irrigation NZ submission has been prepared with the support and contribution from our membership. As part of our submission, we reached out to our membership and sought further feedback and commentary which is provided within our submission itself.

Further to this, the following members wish to be noted as co-signatories to the submission and/or have appended their own case specific submission as indicated which represent their individual views/concerns.

Member name, geographic location	As Cosignatory to Irrigation NZ submission / Role	Supporting document	Wish to make a verbal presentation to the Select Committee
Amuri Irrigation Company, Canterbury	Andrew Barton, CE	Yes	Yes
Barrhill Chertsey Irrigation Ltd, Canterbury	Nick Daniels, CEO	Yes	Yes
Central Plains Water Limited, Canterbury	Susan Goodfellow, CE	Yes	Yes
North Otago Irrigation Company, Otago	Andrew Rodwell, CE	Yes	Yes
Opuha Water Limited, Canterbury	Andrew Mockford, CE	Yes	Yes
Rangitata Diversion Race Management Ltd, Canterbury	Tony McCormick, CEO	Yes, also under separate cover	Yes
Ashburton Lyndhurst Irrigation Limited, Canterbury	Rebecca Whillans, GM	No	Yes
MHV Water Ltd, Canterbury	Melanie Brooks, CE	No	Yes
Maniototo Irrigation Scheme, Otago	Jeremy Anderson, GM	No	No
Wairarapa Water User Society, Wairarapa	Geoff Coppins, Secretary	No	No

IrrigationNZ General Statements of Principle

We believe that there is a need for reform and that a case for change is clear. The Resource Management Act 1991 (RMA) is not fit for its intended purpose of balancing the protection of our natural resources and the needs of our society for safe, reliable, and affordable food and natural fibres produced by a resilient and strong primary sector economy.

Over the past 30 years, the RMA and its associated planning documents have been highly amended and manipulated, resulting in an unbalanced approach that has not achieved the intended outcomes for a protected environment, resilient and equitable society, and buoyant, inclusive economy. We believe that it needs to be replaced, but only with something that is better. The reform process is an opportunity to make significant amendments to the current RMA and planning documents, which should result in a better legislative framework for resource management and enable our community to progress. However, we do not support the current form of the Bills.

This is a crucial opportunity in our agricultural history for IrrigationNZ and its members to make an ongoing positive and practical contribution to New Zealand's future. As all human existence has an environmental impact that will be exacerbated as the population grows, we need to strike a balance in our environmental policies, supported by sound and workable legislation, including sensible planning instruments. We agree that the management of New Zealand's natural resources should take a long-term approach, based on good knowledge and a combination of science and mātauranga mauri, such as Te Mana o te Wai.

To ensure that all community expectations are considered and where possible met, we need balance, with carefully planned and respectful utilisation of natural resources for community wellbeing as well as safe, healthy, and reliable food and fibre production.

IrrigationNZ endorses the argument for RMA reform and acknowledges that this significant transformation generates an unavoidable element of unpredictability. Nonetheless, the organization urges the Select Committee to prioritize the creation of certainty within the Bill itself as much as possible. Certainty is paramount because it permits irrigation schemes and water users to make plans and investments for the future. This includes the ability to facilitate changes in land use, prevent the consequences of drought and flooding, and ensure the sustainable welfare of the land, water, and the living organisms they support, such as native flora and fauna, as well as human life and the food supply.

IrrigationNZ emphasizes that investments in irrigation infrastructure require stability, which can be hindered by uncertain consent durations and the potential for mid-term reviews or changes. To promote business and community planning and development, it is necessary to establish transparent and reliable regulatory frameworks that can adapt to evolving needs. These frameworks must strike a balance between flexibility and specificity, local and national perspectives, and the involvement of a variety of stakeholders. This balance of certainty is essential for ensuring the prosperity of businesses, communities, and the environment.

We agree with many other submitters that the NBEB is complex and ambiguous. We believe that this will lead to lengthy litigation as the anomalies are identified and debated, with little benefit to the environment or meeting community aspirations. We echo requests for consistency of terminology throughout the NBE Bill, retention of RMA terminology to limit interpretation issues and litigation, and careful review of the structure of the Bill, including ordering and co-location of related provisions.

IrrigationNZ is concerned that comments in the Supplementary Analysis Report (SAR) raise questions about the robustness of analysis and the benefits of the Bill. Statements such as "the pace at which the proposals have been

developed means that much of the detailed policy and implementation decisions are still to be met" and "there is limited quantitative evidence of the effectiveness of the chosen option" suggest that more time is needed to develop the detail, gather feedback and quantify the impact of proposals.

We are concerned that tight legislative deadlines leave no room for testing and refinement and could result in a system that fails to achieve the objectives of the reform.

IrrigationNZ’s response to the NBEB:

- The NBEB will have a significant impact on water users, particularly farmers and growers. For example, 90% of all fruit and vegetables grown in New Zealand is done under irrigation.
- The NBEB unfairly targets farming by labelling it as only having an adverse environmental effect, while other human activities and industries with high pollution rates are not targeted to the same degree in the NBEB.
- The NBEB places significant limitations on farmers' ability to access and use water for food production, at a time when global food scarcity is on the rise.
- The NBEB discourages investment in water capture and storage, which is crucial for ensuring New Zealand's resilience in the face of climate change including the extremes of floods and droughts.
- Water storage has numerous benefits for the natural environment and human wellbeing, and the RMA reform provides an opportunity to prioritize regional water infrastructure in a way that reflects its national significance for the wellbeing of communities, the environment, and the economy. As it stands, the NBEB does not do this.

We have addressed the areas of concern in the Bill which are of particular significance to the irrigation industry and where possible have suggested solutions or alternative options in the table below. The primary areas are -

- Lack of certainty in high level statutory direction
- Recognition of irrigation infrastructure
- Allocation framework
- Consent duration, reviews and cancellation of consents
- Provisions relating to farming.

We then provide high level comment on other relevant matters.

Topic	Issue
Lack of certainty in high level statutory direction	
System outcomes	A key element of the reform is the direction to achieve positive outcomes for the environment. While system outcomes are identified, the Bill lacks guidance on how to resolve conflicts between competing priorities. While the NPF is intended to provide direction, it has not yet been developed. IrrigationNZ is concerned that the Minister's direction and issues of focus may not reflect community-level concerns, and that in the

	<p>vacuum of statutory direction, there is scope for significant policy change and uncertainty with changing Ministers and Governments.</p> <p>The decision making principles in clause 6(1) provide little assistance to the Minister (or the Regional Planning Committee (RPC)) in addressing conflict between outcomes, noting that they direct that decisions must "actively promote the outcomes provided for under this Act"; "recognise the positive effects of using and developing the environment to achieve the outcomes"; and "manage the effects of using and developing the environment in a way that achieves, and does not undermine, the outcomes". This perpetuates the unrealistic direction throughout the Bill to "achieve the outcomes" without acknowledging that in many cases, simultaneously meeting all outcomes will not be possible.</p> <p>IrrigationNZ considers that there should be further statutory direction as to how conflicts between competing outcomes are to be resolved, and careful consideration of how all references to "achieving outcomes" throughout the Bill will be interpreted and applied where there is conflict between outcomes.</p>
<p>National Planning Framework (NPF)</p>	<p>IrrigationNZ is concerned that the NBE Bill direction for the NPF lacks focus on and prioritisation of key matters for national direction, and that as a result the NPF will not be effective in achieving the objectives of the reform. The Bill prescribes a range of matters which the NPF "must" address, but enables direction on many important matters to be deferred to NBE Plans. The Bill also provides a very broad range of matters that "may" be addressed in the NPF, ranging from high level direction as to priority of system outcomes, to detailed limits, rules, or direction on review of consents. Again, IrrigationNZ is concerned that the Bill gives broad discretion to the Minister for the Environment of the day to direct the content of the NPF wider than what was intended</p> <p>A number of matters that "may" be addressed in the NPF have the potential to impose national direction (in terms of both substance and process) on matters that are better addressed at a regional or subregional level. It could also result in an unnecessarily complex planning framework which requires detailed assessment against the full range of provisions (objectives, policies, rules, limits, etc) across both the NPF and NBEA Plan.</p> <p>IrrigationNZ seeks clearer direction on matters which must be addressed in the NPF, and refinement of matters that may be addressed, together with direction that the "may be addressed" matters should only be included in the NPF where this is consistent with the purpose of the NPF provided in clause 33.</p>
<p>Recognition of water storage and distribution infrastructure</p>	
<p>Definition of 'infrastructure' and 'network utility operator'</p>	<p>IrrigationNZ supports the recognition of irrigation infrastructure through the definitions of infrastructure and network utility operator, which includes a person who undertakes or proposes to undertake distribution of water for supply (including irrigation)".</p>
<p>Considering the value of existing investment in</p>	<p>Clause 223 lists matters to be considered when determining applications for resource consent, and requires that the value of existing investment be considered</p>

<p>infrastructure during consenting</p>	<p>where application is affected by section 268 (which relates to exercise of resource consent while applying for a new consent).</p> <p>IrrigationNZ seeks amendment to clause 223(4) to remove the reference to section 268.</p> <p>There may be other circumstances where the value of existing investment is relevant, but section 268 does not apply.</p> <p>Clause 223(5)(a) provides that the requirement to have regard to the value of existing investment "does not apply" in an affected application consenting process. It is not clear whether this means that it is a matter that the decision maker may, but is not required to, have regard to; or whether the decision maker must not take this into account. In any event, IrrigationNZ sees no justification for a different approach in an affected application process, and considers this undermines sustainable and efficient use of existing built resources. IrrigationNZ considers that existing investment should be a relevant consideration when assessing the relative merits of competing applications. That does not require that existing investment will result in any priority for existing activities in all cases, just that it must be considered.</p> <p>IrrigationNZ requests that clause 223(5)(a) be deleted.</p>
<p>Allocation</p>	
<p>Allocation principles</p>	<p>New allocation principles of sustainability, efficiency and equity are introduced. Further direction is to be provided on these principles through the NPF.</p> <p>IrrigationNZ is concerned that the introduction of new principles creates uncertainty and that the proposed principles lack balance. There is also a need to balance socio-economic needs with environmental concerns.</p> <p>IrrigationNZ requests that contribution to positive economic, social, and cultural outcomes for a community, and existing investment, be included in the allocation principles.</p>
<p>Affected application process</p>	<p>The affected application process has the potential to create considerable uncertainty to existing consent holders. It is not clear how existing consents with would be affected by notification of an affected application process. For example, if notification of an affected application process is given, what is the implication for a consent to take water that has a remaining duration of 1 year? If the consent holder does not participate in the affected application process, is the consent holder still able to seek a replacement consent when the existing consent expires?</p> <p>IrrigationNZ seeks clarification that a resource consent that is in existence at the time an affected application process is notified will continue to have legal effect throughout its term, and that the affected application process does not alter that consent holder's ability to seek a replacement consent at a later date.</p> <p>As noted above, clause 223(5) provides that the requirement to have regard to the value of existing infrastructure does not apply to affected applications. Accordingly,</p>

	<p>in comparing the relative merits of competing applications, there does not appear to be any consideration of the value of existing investment or priority for renewal to existing consent holders ahead of new allocations, creating further uncertainty for existing activities.</p> <p>As set out above, IrrigationNZ requests that clause 223(5)(a) be deleted.</p> <p>Clause 312 provides that the consent authority may request that the Environment Court determine affected applications, with subclause (2)(c) providing that this does not require agreement from any affected applicant. Determination by the Environment Court has implications for process, cost, and the ability to appeal the decision. Any provision enabling direct referral to the Environment Court should include direction as to relevant considerations and appropriate circumstances for the referral, and provide for challenge to that referral by consent applicants.</p> <p>In the case of affected party applications, IrrigationNZ requests that clause 312 be deleted.</p>
<p>Freshwater Working Group</p>	<p>In relation to the Freshwater Working Group proposal, IrrigationNZ's submission is that greater clarity regarding the objective of this Group, application of the outcomes of this Group, and the subsequent engagement between the Government and iwi and hapū, are required.</p> <p>The Freshwater Working Group provisions prescribe a process for a report to Government on allocation issues, a response from Government, and subsequent engagement between the Crown and iwi and hapū to develop an allocation statement. The allocation statement is provided to the RPC, who will determine how the NBE plan is to be updated.</p> <p>The Freshwater Working Group provisions are not well integrated with the remainder of the NBE Bill, and the place of an allocation statement within the framework of the NBE Bill is unclear. There is no clarity around the scope of matters an allocation statement may address, other than that this will be directed to "matters of freshwater allocation that are relevant to the plan for the region". There is no requirement for the Freshwater Working Group, the Minister, or the allocation statement to have regard to or achieve the system outcomes, be consistent with the Regional Spatial Strategy, consider or apply the resource allocation principles, or consider or apply the NPF. IrrigationNZ notes that clause 106 also provides that an iwi or hapū may provide a statement on te Oranga o te Taiao to the relevant regional planning committee, and that this statement may relate to allocation matters. It is not clear how this statement and the allocation statement relate to each other.</p> <p>The wording of clause 693(6) is particularly vague. It is not clear what the meaning of the dual directions for the RPC to "determine how the plan is to be updated" and to "update the plan in a manner that is consistent with this Act" is. Does this require that the RPC follow the Schedule 7 submission process, providing an opportunity for input by other stakeholders, or can it set another process?</p> <p>It is not clear whether the RPC is required give effect to the allocation statement, or has a discretion to consider the allocation statement alongside other matters to be considered or implemented in NBE Plans. We note that clause 126(2) lists matters</p>

	<p>that the RPC must have regard to when developing rules relating to allocation methods, however this does not include either a te Oranga o te Taiao statement or an allocation statement.</p> <p>Allocation, and in particular the way in which this addresses Māori rights and interests in freshwater, is a significant issue for New Zealand. The content and implementation of an allocation statement has the potential to be contentious. It is therefore important that there is legislative certainty as to the substantive and procedural requirements of the Freshwater Working Group and allocation statement provisions, and the way in which these integrate with the remainder of the NBE framework.</p> <p>IrrigationNZ seeks amendments to address the issues detailed above, or alternatively, that the Freshwater Working Group provisions are removed from the Bill and advanced in a more considered way through an Amendment Act.</p> <p>IrrigationNZ has not proposed particular changes, given that the policy intent of the Freshwater Working Group and allocation statements are not clear on the current drafting of the Bill.</p>
Consent duration, review, and cancellation of consents	
<p>10-year duration for consents relating to freshwater</p>	<p>Clause 275 proposes a maximum 10 year consent duration for a range of activities, including taking, using, damming or diverting of water; and certain discharges to water and to land. IrrigationNZ seeks that this clause be deleted, or the ability to seek a longer consent duration be broadened.</p> <p>IrrigationNZ considers that the benefits of default 10 year consent duration are outweighed by the costs. For activities where improvements in environmental performance are anticipated, shorter consent durations can create uncertainty, challenges for funding and investment in a way that obstructs achievement of the environmental improvements, and diversion of resources and capacity away from environmental initiatives and towards more frequent re consenting processes. For activities which are unlikely to alter in their operation or environmental performance, frequent re consenting is again a drain on resources and capacity, not only for the consent holder but also consent authorities. We note that the Supplementary Analysis report estimates annual costs associated with the introduction of shorter permit durations as between \$19.80 - \$29.83 million per year for RM users.¹ Those costs are significant and must be weighed against a more nuanced approach that sets an appropriate consent duration to the circumstances of each application.</p> <p>In relation to alignment with new or updated environmental limits and targets, policies and rules, many consent authorities are already alive to this and set consent durations to coincide with anticipated new regulation. Where consent durations do not coincide with new regulation but there is merit in reconsidering the conditions of the consent to speed implementation, this could be achieved through consent</p>

¹ Page 112

	<p>reviews.</p> <p>In relation to irrigation infrastructure in particular, upgrades to improve environmental performance, such as new fish screens, sealing of races or piping, require significant investment. In order to secure finance, lenders must be satisfied that the scheme can continue to operate throughout the term of the loan. Short consent durations create uncertainty about continued ability to operate, and reduce the ability for schemes to obtain the necessary funding to undertake upgrades.</p> <p>For those reasons, IrrigationNZ requests that clause 275 be deleted.</p> <p>Clause 276 provides circumstances in which a longer duration could be sought, and requires that the consent is primarily for one of the activities listed in clause 276(3).</p> <p>If the default 10 year duration is retained, IrrigationNZ seeks that at a minimum sub-clause (3)(a) is amended to include "water storage and distribution infrastructure (including for irrigation)".²</p> <p>IrrigationNZ also requests that the clause be amended to enable consent authorities to consider longer consent durations in other merits-based circumstances, including where a longer consent duration supports achievement of system outcomes.</p>
<p>Shorter term transitional consents</p>	<p>The NBE Bill includes transitional provisions³ directing that resource consents for activities relating to freshwater (including taking, using, damming or diverting of water; and certain discharges to water and to land) will expire 3 years after the date on which the first NBE Plan for the region is notified.</p> <p>The implications of this provision are significant and will result in an extensive number of consents within the same region all expiring on the same date (particularly if the NBE Plan is not notified for many years after the NBEA comes into force). There are already recognised capacity constraints (in councils, iwi and the private sector) throughout the resource management system. Although the NBEA is intended to reduce the number of consents required overall, IrrigationNZ does not anticipate that the number of consents related to freshwater will reduce, or that the level of assessment required to support and process an application will diminish. A common expiry date for such a large number of consents is completely impractical, will overwhelm the consenting system, and is likely to see many consents continue to operate for years in reliance on an application having been made prior to expiry, undermining the intent of the provision. The proposal will also create uncertainty (with consequent implications addressed above) and is likely to result in unnecessary re-consenting of activities that have been recently assessed, at considerable cost.</p> <p>IrrigationNZ seeks that the proposed RMA Schedule 12, Part 6 be deleted. In the event that the Select Committee considers that legislative direction is needed to</p>

² IrrigationNZ propose that water storage and distribution infrastructure be included in clause (a), rather than clause (c), because duration of consent is relevant to operation of this infrastructure, in addition to the construction, upgrading and maintenance of infrastructure.

³ NBE Bill, Schedule 15, page 804 – 806, to insert a new RMA Schedule 12, Part 6, clause 38 - 40.

	<p>limit the potential for longer RMA consent durations to impede timely implementation of the NBEA framework and plans, a new clause could be added to direct decision makers on consents determined after the NBEA comes into force to have regard to this matter when setting consent durations.</p>
<p>Review of consent duration</p>	<p>Clause 75(2) provides that the NPF may direct consent authorities to review conditions of consent relating to duration. Review of duration of consent could effectively result in cancellation or a significant reduction in the term of the current consent.</p> <p>While IrrigationNZ accepts that there will be circumstances where it is appropriate to review conditions of consent, the ability to review duration of consent creates uncertainty as to the ability to operate throughout the term of consent as granted.</p> <p>IrrigationNZ requests that clause 75(2) be deleted.</p>
<p>Provisions relating to farming</p>	
<p>General comment</p>	<p>IrrigationNZ is concerned that the NBE Bill, implies a negative view of farming and the food/fibre production outcomes for the community. No other human activity appears to be referenced in NBEA as only impactful to the environment without reference to corresponding positive outcomes e.g. landfills, urban sprawl, municipal waste treatment are not referred to.</p> <p>IrrigationNZ particularly requests that clause 399 (Purpose of freshwater farm plans) is amended and "better control the adverse effects of farming" is replaced by more neutral or positive wording.</p>
<p>Freshwater Farm Plans</p>	<p>The Freshwater Farm Plans provisions reflect the current RMA provisions, but are very prescriptive. An alternative approach would be to remove Freshwater farm plans from the NBEA and place them within the NPF framework so they can be reviewed, updated, consulted on as part of the rest of the national direction and be included in the conflict resolution process the NPF is seeking to provide. This will allow for detail to be updated and changed as practices, science and understanding changes</p>
<p>Other relevant matters</p>	
<p>Role of the Minister for the Environment</p>	<p>We are very concerned that a fundamental shift in the legislation passes significant control of outcomes to the Minister for the Environment of the day and not within the community of interest. This risks politicizing decisions open to spurious interests and political lobbying.</p> <p>We are very concerned about the concentration of power in the hands of the Minister for the Environment and suggest that other ministries, such as the Minister of Primary Industries, should also be involved in decision-making related to the</p>

	management of resources in the agrisector.
<p>Implications of a reduction in the number of plans</p>	<p>We support the development of a National Planning Framework and in principle the reduction of plans to fifteen regional spatial strategies. However, we point out that while fewer plans may have an impact on the ability of participants to navigate the system, the main costs associated with resource management are deeper than the number of plans (e.g. the time and cost of obtaining a resource consent). There are also trade-offs associated with reducing the number of plans and types of consents. Fewer plans may mean less ability for plans to be tailored to local values and conditions and catchment-based outcomes which goes against a rūnanga based approach.</p>
<p>Consents – Setting activity status and implications for notification.</p>	<p>An activity may now be permitted, controlled, discretionary or prohibited.</p> <p>The Bill prescribes a number of factors to be used in determining which activity status applies, including whether it meets relevant outcomes (clause 154).</p> <p>One of the challenges in the NBEA framework will be resolving or balancing conflicting outcomes. Activities may significantly achieve most outcomes, but fail to achieve some others – we question whether these are required to be prohibited activities because they fail to achieve relevant outcomes. At the time rules are set, the activity is hypothetical, and rules relate to discrete components of the overall activity. If it is not possible to confirm that an activity will meet all outcomes, there is potential for this to result in a large number of discretionary activities. That would fail to achieve the desired reduction in reliance on consent processes, and has implications for notification.</p> <p>The test for notification of resource consent applications has changed. The general intent is that notification requirements will be set in the NPF or the NBE Plan, but there is the ability to delegate this.</p> <p>The default position is that, unless NPF or Plan says otherwise:</p> <ul style="list-style-type: none"> • Controlled activity – not publicly notified (may be limited notified) • Discretionary activity – publicly notified. <p>The NBE Bill also contains direction for setting of activity status in the NPF or Plan:</p> <p>Must require public notification if - sufficient uncertainty would meet outcomes or breach limit; clear risk or impacts not mitigated; there are relevant concerns from the community; or scale or significance warrants it.</p> <p>Must require limited notification if - it is appropriate to notify anyone who may represent the public interest; there is an affected person; or scale or significance warrants it.</p> <p>There are a number of issues with the provisions, including that the direction for setting of activity status appears to assume that the proposal, or the communities view on it, would be known at the time the NPF or NBE Plan is prepared.</p> <p>IrrigationNZ seeks amendments to address the issues above, particularly the requirement to consider, at the plan making stage, whether an activity "achieves relevant outcomes", and the link between that determination and activity status</p>

	<p>and notification requirements. IrrigationNZ considers that the clauses require significant redrafting, and notes that this has been addressed in further detail in other submissions.</p>
<p>Water Conservation Orders (WCO)</p>	<p>Part 6, Subpart 1 contains similar WCO provisions to those currently existing in the RMA.</p> <p>It is unclear why the development of improved legislation to cover all rivers is not sufficient for some rivers taken in isolation and allow a somewhat antiquated planning tool to be carried over from the RMA without improvement. This duplication seems unnecessary.</p>
<p>Places of National Importance</p>	<p>Clause 559 provides for protection of places of national importance. Activities that would have a more than trivial adverse effect on a place of national importance, including:</p> <ul style="list-style-type: none"> • a wetland, lake, river, or its margins that has outstanding natural character, or • a significant biodiversity area (which could include freshwater biodiversity) <p>are effectively prohibited.</p> <p>Clause 559(1)(a) provides for exemptions as provided in clauses 64-67 (which are actually exemptions to the requirement to apply the affects management hierarchy). Clause 64 provides exemptions for significant biodiversity areas and specified cultural heritage, but does not appear to allow an exemption for waterbodies that have outstanding natural character.</p> <p>IrrigationNZ requests that specific exemptions to clause 559(1) are provided, and that these include exemptions in relation to waterbodies that have outstanding natural character.</p>

Additional signatories as tabulated above.

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|---|------------------------|
| • Amuri Irrigation Company, Canterbury | Andrew Barton, CE |
| • Barrhill Chertsey Irrigation Ltd, Canterbury | Nick Daniels, CEO |
| • Central Plains Water Limited, Canterbury | Susan Goodfellow, CE |
| • Maniototo Irrigation Scheme, Otago | Jeremy Anderson, GM |
| • North Otago Irrigation Company, Otago | Andrew Rodwell, CE |
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| • Rangitata Diversion Race Management Ltd, Canterbury | Tony McCormick, CEO |
| • Ashburton Lyndhurst Irrigation Limited, Canterbury | Rebecca Whillans, GM |
| • MHV Water Ltd, Canterbury | Melanie Brooks, CE |
| • Wairarapa Water User Society, Wairarapa | Geoff Copps, Secretary |

19th February 2023

Vanessa Winning
CEO Irrigation NZ
Level 6, 120 Featherston Street, Wellington 6011

--- End of Irrigation NZ submission ---

Attached – additional member submissions

1. Amuri Irrigation Company, Canterbury
2. Barrhill Chertsey Irrigation Ltd, Canterbury
3. Central Plains Water Limited, Canterbury
4. North Otago Irrigation Company, Otago
5. Opuha Water Limited, Canterbury
6. Rangitata Diversion Race Management Ltd, Canterbury (also transmitted to the SC under separate cover)