

Sarah Drummond

From: Carey Barnett <carey.barnett@xtra.co.nz>
Sent: Monday, 1 October 2012 10:29 p.m.
To: mailroom@ecan
Subject: Ellesmere Irrigation Society Inc - Submissions on Proposed Canterbury Land and Water Regional Plan
Attachments: cover letter for subs PLWRP 021012.doc; EISI subs PLWRP 140912.doc
Categories: Purple Category

EC277199

SUBMITTER ID: 0019

Hello

Please find attached submissions on the Proposed Canterbury Land and Water Regional Plan from the Ellesmere Irrigation Society Inc. A hard copy will follow by post. Could you please send an email to indicate you have received this submission.

Kind regards

Carey Barnett

ELLESMERE IRRIGATION SOCIETY INCORPORATED

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2 October 2012

Freepost 1201
Proposed Canterbury Land and Water Regional Plan
Environment Canterbury
P O Box 345
CHRISTCHURCH 8140

Dear Sir/Madam

Submissions on the 'Proposed Land and Water Regional Plan' – Ellesmere Irrigation Society Incorporated

Please find attached submissions on the 'Proposed Land and Water Regional Plan' from the Ellesmere Irrigation Society Incorporated.

If you have any queries then please do not hesitate to contact Ms Carey Barnett – phone 3243429.

Yours faithfully

ELLESMERE IRRIGATION SOCIETY INCORPORATED

C M Barnett
Secretary

SUBMISSIONS

ON THE

PROPOSED CANTERBURY LAND AND WATER REGIONAL PLAN

NAME OF SUBMITTER: Ellesmere Irrigation Society Incorporated.

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SIGNATURE OF SUBMITTER (or person authorised to sign on behalf of submitter)

S Osborne
Chairman – Ellesmere Irrigation Society Incorporated

Background of the Submitter

The Ellesmere Irrigation Society Incorporated (hereafter referred to as 'the Society') is made up of consent holders with water take and use permits located between the Rakaia and Selwyn Rivers and east of State Highway 1 to the east coast. This area is located within the existing Rakaia Selwyn Groundwater Allocation Zone under the provisions of the Canterbury Natural Resources Regional Plan (NRRP).

The Society was formed in 2009 in order to provide a collective representation on water related issues, predominantly in respect to irrigation and the protection and maintenance of the water resource, both ground and surface water, within the Ellesmere area of the Canterbury Region. The Society also encapsulates the area of consent holders ECan determined to be within the Cluster 2, 4 and 5 Groups as part of the Rakaia Selwyn Groundwater Allocation Zone Resource Consent Review.

The Society has a significant interest in the Proposed Canterbury Land and Water Regional Plan and would be agreeable to engaging in any discussions relating to the matters raised in the following submissions.

The submitter does wish to be heard in relation to this submission.

The Society could not gain an advantage in trade competition through this submission.

2 October 2012

Date

SUBMISSIONS ON PROPOSED LAND AND WATER REGIONAL PLAN

Section	Page Number	Paragraph	Support/Oppose	Decision Requested	Reason
Section 1 – Introduction, Issues & Major Responses					
1.2.1 Competing demands for water	1-3	Ninth	Oppose	Re-word last sentence in paragraph as follows: “The cumulative effects of abstraction of groundwater can reduce groundwater levels, in turn affecting the reliability of supply in shallower bores and flows in spring fed streams”	In the Ellesmere area the shallow bores are more reliable and very rarely have a problem with water being not adequately available. There is no reliability of supply to the shallow bores. The Society has presented this information to ECan on several occasions but continues to be ignored. This is actually what happens though. There is however, a cumulative impact on the flow of the streams from all takes in the entire Rakaia Selwyn Groundwater Allocation Zone..
1.2.2 Issues arising from interconnected water and land resources	1-3	Second	Oppose	Delete paragraph or re-word to make it only relate to cumulative connections/effects.	The information provided in this paragraph is too simplified and misleading. In some areas the connection between surface water and groundwater is complex and the level of connection is very slight. The Society recently proved through the consent review process that unless shallow bores are located very close to surface water bodies then their physical connection can only be considered in a cumulative way and not in a way that could be considered ‘directly’ connected. This paragraph flies in the face of some of the detailed work that has been done recently.
1.2.3 Issues relating to soil conservation, gravel resources and biodiversity <i>Conservation of Soils</i>	1-4	First paragraph under ‘Conservation of soils’ heading	Oppose	Re-word first sentence in paragraph as follows: “Cultivating soil and modifying vegetation cover on both arable plains land and hill and high country are important activities in	Remove the term ‘arable’ from this sentence. The term arable relates to the growing of crops and does not relate to pasture growth. All growth of vegetation either for cropping or dairying or other uses has cultivation and modification activities associated with them too.

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1.2.6 Managing New and Existing Activities	1-4	Second paragraph	Oppose	<p>providing for the social, cultural and economic well-being of people and communities.”</p> <p>Re-word paragraph as follows:</p> <p>“Maintaining a vegetation cover that is effective at preventing induced erosion is the most cost-effective form of management whether in the hill and high country or on arable <u>the plains</u> land. For example, deep-rooting vegetation binds soils on slopes, and shelter belts reduce the susceptibility of soil to wind erosion on arable land <u>the plains</u>”.</p>	Remove reference to ‘arable’. Paragraph needs to relate to all farming types not just arable.
	1-6	First paragraph, fourth sentence	Oppose	<p>Re-word sentence as follows:</p> <p>‘Where abstractions or discharges are <u>proven to be</u> over allocated, alternative management techniques are needed.</p>	Insert the words ‘proven to be’ because ECan has very little physical and actual data at present to substantiate this claim. Irrigators are only now starting to meter their water use and it will take some time for ECan to use this data to fully understand the nature of allocation in many areas. To date water allocation figures and water quality limits could not possibly be understood, revised or determined without at least a substantial period of recording and evaluating.

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1.3 Key Management Responses for Land and Water 1.3.1 Key Partnerships	1-6 to 1-11	All this section	Oppose	Amend entire section to reflect a balanced partnership for all parties. Suggest Ngai Tahu information is separated out into an appendix as it is too detailed for this section.	This chapter now takes on a prolonged description of Ngai Tahu rights and activities and has almost no reference to the many other parties that are involved in partnerships with the various authorities. No reference is made to some very important stakeholders that are central in going forward for this region. There appears to be a major emphasis on what Ngai Tahu wishes and no recognition at all of any other parties. Stakeholders are given 'lip-service' at the start of this section and then ignored for the rest of it.
Section 2 – How the Plan Works & Definitions					
2.4 Regional and Sub-regional Sections	2-2	Second	Oppose	Amend this section so that it explains precisely when a rule in one part of the plan takes precedent over a rule in another part of the plan and make any consequential amendments.	There is a need to avoid confusion in the consideration of which rules apply to a particular activity and eliminating the application of potentially conflicting rules. Writing a plan in this way has the potential for uncertainty to occur, and can end up with the need to require resource consents for certain activities, just because the rules are not clear and the regulatory authority is forced to err on the side of caution and require resource consent applications. Real caution needs to be taken in clearly specifying which rules apply in which instances.
2.10 Definitions, Translations and Abbreviations	2-4	Definition of 'Artificial Watercourse'	Oppose	Re-word second sentence of definition as follows: 'It includes an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal <u>ditch</u> .' And make any consequential	The term 'canal' in relation to 'farm drainage' should be removed and replaced with 'ditch'. The Oxford Dictionary defines a 'canal' as "an artificial waterway allowing the passage of boats inland or conveying water for irrigation". Therefore the term 'canal' insinuates a rather large scale facility inappropriate for the description of a farm drain. 'Ditch' is a better description here. Farm drains would be very unlikely to be able to facilitate boat movement. The Oxford Dictionary defines a 'ditch' as meaning "a narrow channel dug to hold or carry water". This is the exact description of what is known as a farm drain. 'Channel'

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	2-5	Definition of 'Changed'	Oppose	amendments. Delete the definition and make any consequential amendments.	is also not an appropriate term for a farm drain as it is also considered to be able to carry a boat (see also 'Channel' definition in Oxford Dictionary.) The meaning proposed is cumbersome and confused. For example the change in the type of use of land does not necessarily mean any increase in the nutrient loss or volume of water used. In some cases it may actually be a decrease in levels. It would be better for the actual wording of the rule to determine when the consent is required rather than make a confusing definition of the word 'changed'.
	2-7	Definition of 'Drain'	Oppose	Re-word definition as follows: "includes any artificial watercourse that has been constructed for the purpose of land drainage of surface or subsurface water and can be a farm drainage channel ditch , an open race or subsurface pipe, tile or mole drain." And make any consequential amendments.	The term 'channel' in relation to 'farm drainage' should be removed and replaced with 'ditch'. The Oxford Dictionary defines a 'channel' as <i>Noun</i> "a navigable passage in a stretch of water otherwise unsafe for vessels", or <i>Biology</i> "a tubular passage or duct for liquid". Therefore the term 'channel' insinuates a facility inappropriate in the description of a farm drain. 'Ditch' is a better description here. Farm drains would be very unlikely to be able to facilitate boat movement and are not realistically a duct. The Oxford Dictionary defines a 'ditch' as meaning "a narrow channel dug to hold or carry water". This is the exact description of what is known as a farm drain. The description of a drain also needs to be consistent in all the definitions which it is not in the current proposed plan wording.
	2-7	Definition of 'Environmental Management Strategy for	Oppose	Re-word definition to explain exactly what the EMSI is without referring to another document.	A definition should not be simply a referral to another document that does not form part of the Plan. This makes it open to discrepancy and interpretation. The methodology should be included as an appendix to the

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		irrigation'		And make any consequential amendments.	Plan and form part of the Plan.
	2-8	Definition of 'Farm Environment Plan Auditor'	Oppose	Re-word definition to either remove reference to Massey University or add in wording that would allow other Universities to be accepted if they then too decide to make same course available. Word 'or' needs to be inserted at the end of point 1.	Other Universities may also offer to run these courses in future i.e. Lincoln University. Therefore the definition should not state a particular University name.
	2-9	Definition of 'Interference effects'	Oppose	Delete definition.	Real tested data used during the Rakaia Selwyn Groundwater consent review and real data used when determining the drawdown effects of wells adjacent to one another have shown that the estimates provided by ECan overstate this effect in some areas to in excess of 500%. This results in the need to obtain written approvals from parties that will not actually be affected in reality. ECan needs to seriously look at the information it uses in these assessments as recent well data monitoring in the Southbridge area has shown that the assessments done by ECan have vastly over-estimated such effects.
	2-11	Definition of 'Nutrient Discharge'	Oppose	Definition should be re-worded or deleted until the point when it is known	As yet there is no assurance that OVERSEER will be able to deliver a truly accurate estimate of discharge levels. The models used to date are still not at a level that

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	2-11	Definition of 'Outdoor Intensive Farming'	Oppose	<p>exactly what model is the appropriate one to use for this work. As yet there are no accurate models for this determination.</p> <p>Delete points 1 and 4 that make up part of this definition and make any consequential amendments.</p>	<p>could be confidently used in a regulatory domain.</p> <p>Points 1 and 4 make no practical sense at all. In the Ellesmere area and in significant parts of the Canterbury region this would mean that all farming of stock was 'intensive' just because it was near a waterway. This is inappropriate. There are bylaws that require fencing out the main detrimental stock types from waterways. Also, just because land is irrigated does not mean that other stock grazing is also not intensive. This terminology should not relate to waterways. If there is some need to segregate out stock in watered areas then it should be dealt with by bylaws rather than clumsy and impractical rules in this Plan.</p>
	2-13	Definition of 'Reliability of supply'	Oppose	<p>Re-word definition as follows:</p> <p>"means, in relation to irrigation, the ability of the water supply to meet demand from one or more abstractors, when operating within the flow and allocation regime or allocation limits."</p> <p>And make any necessary consequential</p>	<p>Reliability of supply is about meeting demand requirements. It is not about whether rules within the Plan are being met. There are already situations where reliability of supply cannot be obtained under consent conditions and flow regimes through inappropriate application of rules. There is no need to have reference to rules when talking about reliability of supply. These objectives, policies and rules themselves should be trying to achieve this and therefore do not need to be included in the definition.</p>

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	2-13	Definition of 'Riparian margin'	Oppose	amendments. Delete point 2 of definition. And make any necessary consequential amendments.	An arbitrary measurement of 10m has been attributed to each riparian margin which is inappropriate in most areas. The margins need to be investigated properly for each water body. ECan has been advised this constantly over the last 20 years and yet has still failed to do the right 'homework' again. Riparian margins need to be looked at per water body as each one along its respective edge has different characteristics. To just have an arbitrary width will result in excessive expenditure by those affected by inappropriate rules.
	2-13	Definition of 'Water users group'	Oppose	Re-word definition as follows: Means a group of users with existing authorisations to take water, voluntarily grouped together to collectively manage <u>and/or address issues relating to</u> the water resource allocated to them, ; primarily during times of restriction. And make any necessary consequential amendments.	Water users groups deal with a number of matters relating to water issues and not just in relation to managing water allocation. They also undertake a much broader area of activity than just managing water in times of restriction. To date no groundwater users in the Rakaia Selwyn Groundwater zone have any water management responsibilities in a regulatory context outside of managing water permitted by each member's own personal water take consent.
Section 3 - Objectives					

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Objectives	3-1	Objective 3.12	Oppose	<p>Re-word objective as follows:</p> <p>'Groundwater continues to provide a sustainable source of high <u>adequate standard</u> quality water for flows and ecosystem health in surface water bodies and for abstraction.</p> <p>And make any necessary consequential amendments.</p>	The Society considers the word 'high' as potentially unachievable and subjective. The description of the quality of water here needs to be realistic and of a standard that is calculable rather than an unattainable wish beyond what would actually be achievable and feasible.
	3-1	Objective 3.14	Oppose	<p>Re-word objective as follows:</p> <p>'High <u>Adequate</u> quality fresh water is available to meet actual and reasonably foreseeable needs for community drinking.'</p> <p>And make any necessary consequential amendments.</p>	As above, the word used to describe the water quality that is trying to be achieved needs to be realistic and not subjective. The description of the quality of water here needs to be realistic and of a standard that is calculable rather than an unattainable wish beyond what would actually be achievable and feasible.
	3-2	Objective 3.21	Support	Accept the wording of this objective.	The objective supports land use change and development which is critical to the socio-economic wellbeing of the Canterbury region.
	3-2	Objective 3.22	Oppose	Delete objective.	This objective does not add anything to the outcomes sought by the Plan. The wording of it is clumsy and

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	3-2	Objective 3.23	Support	Accept the wording of this objective.	<p>open to various interpretations. It should be relating to the meeting of desired outcomes for water quality and quantity by using best practice and regulatory techniques within the appropriate limits provided for in the Plan. This is when these limits are fully understood and set at levels that become acceptable throughout the planning process. Deleting the objective would not result in any loss of community outcomes being achieved. Community outcomes will not be achieved just through management limits – they are just one mechanism.</p> <p>Best practice and better is what all parties should be doing in order to maintain and improve water quantity and quality.</p>
Section 4 - Policies					
Strategic Policies	4-1	Policy 4.5	Oppose	Delete policy until Sections 6-15 are completed.	You cannot have policies stated in a Plan where they relate to parts of the Plan that have not been written or notified yet.
	4-1	Policy 4.6	Oppose	Delete policy until Sections 6-15 are completed.	<p>You cannot have policies stated in a Plan where they relate to parts of the Plan that have not been written or notified yet.</p> <p>Wording is also too 'loose' in that it says 'will generally'. The wording needs to be more certain than this i.e. if the activity would result in more over allocation then it should effectively be a prohibited activity. Circumstances where consents may be granted need to be recognised in the wording of the policy.</p>

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	4-2	Table 1a	Oppose	Delete Table 1a	Information contained in Table 1a is far too generalised and does not serve any valuable purpose. Quality of waterways should be dealt with on a case-by-case basis as the characteristics of each waterway are extremely different and cannot be generalised into a table like this.
	4-3	Table 1b	Oppose	Delete Table 1b	Information contained in Table 1b is far too generalised and does not serve any valuable purpose. Quality of lakes should be dealt with on a case-by-case basis as the characteristics of each one will be extremely different and cannot be generalised into a table like this.
	4-4	Table 1c	Oppose	Delete Table 1c	Information contained in Table 1c is far too generalised and does not serve any valuable purpose. Aquifer information should be dealt with on a case-by-case basis as the characteristics of each one will be extremely different and cannot be generalised into a table like this, in particular the values stated.
Livestock Exclusion From Waterways	4-7	Policy 4.26	Oppose	Amend policy to specifically state what animals shall be excluded from water bodies and wetlands. And make any necessary consequential amendments.	Policy needs to specifically state which animals are to be excluded from water bodies and wetlands. Use of the term 'intensively farmed stock' is too general and the policy needs to be consistent with the relevant bylaws on this same matter.
Nutrient Discharges - General	4-7	Policy 4.28	Support in part	This policy should only become active when appropriate limits have been set and researched. At present this has not been achieved. And make any necessary	To date there is no certainty around the nutrient limits set and rules and policies should not take effect until such time as there is general acceptance as to what is an appropriate nutrient limit.

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				consequential amendments.	
Nutrient Discharges – Region-wide Policies	4-7	Policy 4.31	Oppose	Delete policy and make any necessary consequential amendments.	Refer to reasons above relating to the definition of 'changed'. The policy needs to relate to any change in the effects, not the change in land use. You may be able to change a land use and either reduce or have the same effects which should not result in the need to apply for resource consent. It is not the regional authority's role to regulate land use types; it is their effects that are the issue.
Nutrient Zones Map	4-8	Un-numbered Nutrient Zones Map	Oppose	Delete map or revise when more knowledge is known about the nutrient levels in these areas.	To date there is insufficient knowledge of the state of nutrient levels in these zones and as a consequence it would be impossible to attribute nutrient limits for the future. Significant additional work and recording needs to be undertaken to firstly understand the state of the existing environment and then determine appropriate limits of nutrient loss for these areas.
Nutrient Discharges – Region-wide Policies	4-9	Policy 4.32	Oppose	Delete policy And make any necessary consequential amendments.	As with comments on Policy 4.31 above, it is not appropriate to have policies or rules applying to land use types or industry sectors specifically. There are some industries that do not have strong industry leadership for a multitude of reasons, particularly if they are new or niche land use types. It is the responsibility of each individual entity or farmer to ensure good practice in their operation. ECan also has to take ownership of limits set and work with the various industries and water user groups to ensure the limits are appropriate in the first place. The current Focus Group consultation is too large and general to achieve this.
	4-9	Policy 4.33	Oppose	Delete policy and make any	Refer to reasons above relating to the definition of

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				necessary consequential amendments.	‘changed’. The policy needs to relate to any change in the effects, not the change in land use. You may be able to change a land use and either reduce or have the same effects which should not result in the need to apply for resource consent. It is not the regional authority’s role to regulate land use types; it is the effects that are the issue. Where an activity is within the limits set there should be no requirement for a resource consent application. There will be practical implementation problems associated with rules and policies worded like this.
Nutrient Zones	4-9	Policies 4.34 and 4.35	Oppose	Delete policies and make any necessary consequential amendments.	How is this going to work in practice? It is not the change of land use that is the issue, but the effect. A consent should only be required where the limits set are not being met. Requirements to meet recording through farm plans can be achieved by a rule rather than resource consent conditions.
	4-9	Policy 4.36	Oppose	Delete policy and make any necessary consequential amendments.	All discharges should be required to meet nutrient loss levels. There is little point regulating other uses if you are blatantly going to allow what could be more detrimental practices to occur. It is precisely these types of uses and discharges that have caused much of the problem in areas such as Lake Ellesmere to date. To allow this to continue simply undermines the entire Plan and unnecessarily regulates one particular group of users i.e. farmers.
Nutrient Discharges – Sub-Regional Chapters	4-9	Policies 4.37 and 4.38	Oppose	Delete or amend policies and make any necessary consequential amendments.	These policies need to be excluded from the Plan until such time as Sections 6 to 15 have been established. There should not be a situation where the contents of these sections then result in conflicting policies in other previously determined parts of the Plan.
Abstraction of Water	4-10	Policy 4.46	Oppose	Delete policy and make any necessary consequential	The Society recognises the need to allow drinking water supplies. However, the development of such supplies

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				amendments.	being allowed in areas where there are significant restrictions on other users may result in major adverse effects on those existing consented users. For example, a new community water supply being allowed in an area where minimum flow conditions have been applied to groundwater take consents could quite easily result in consented uses no longer being able to be used. Water takes serving more than one household should be required to meet the same rules and not be permitted. There is little point regulating other uses if you are blatantly going to allow what could be more detrimental practices to occur. This could well happen where there is now pressure to develop land further into rural areas because of earthquake associated re-development.
	4-11	Policy 4.47	Oppose	Delete policy and make any necessary consequential amendments.	This policy should be deleted in so far as it affects the extended Little Rakaia Zone. Note that this area should extend its boundary out further to along the north western edge of Harts Creek until it reaches Lake Ellesmere. The eastern edge of this sub-zone should also extend further out and include the Ellesmere Golf Club land and other areas between that land and the Rakaia River. The wording of this policy at present without Sections 6-15 being completed illustrates the problem of having this part of the Plan notified before the rest of it is completed.
	4-11	Policy 4.58	Oppose	Amend policy to recognise what is actually meant by the terminology 'direct cumulative interference effect' and to determine a more relevant distance radius that is right for the	The 2km radius distance is excessive in the lower plains area. Tests have proven that in the Ellesmere area that the drawdown effects on nearby wells is not noticeable within very short distances i.e. less than 500m. This policy needs to set relevant data and distances to each specific water sub-zone area and should not be located in this section of the Plan. The drawdown needs to be

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	4-12	Policy 4.60	Oppose	<p>respective groundwater area.</p> <p>Delete policy in relation to stream depleting groundwater takes in the Ellesmere area. Part (c) of policy should also not just relate to 'cease' but also reduce take when there are times of low flow. Part (g) should also be deleted in relation to groundwater takes. And make any necessary consequential amendments.</p>	<p>relevant to the specific area as well.</p> <p>Aquifer tests in the Ellesmere area have shown that only a minor number of wells have any noticeable effect on streams. It is estimated that unless wells are located within very close proximity i.e. less than 300m from a stream then they will have no significant effects on stream flows. Until such time as ECan does appropriate and actual aquifer testing to ensure true aquifer values are inserted in models used to assess stream depletion then no rules or policies should be applied. This is a major area of work that has still not been undertaken. It is not appropriate to apply rules to users where there is as yet no proof that these effects actually exist to the extent that applies now.</p>
	4-12	Policy 4.61	Oppose	<p>Amend and/or delete policy so that it is clear that the policy only relates to surface water abstractors. And make any necessary consequential amendments.</p>	<p>It is unclear from the policy whether it relates specifically to only surface water abstractors or all abstractors in a catchment. It should not relate to groundwater abstractors.</p>
	4-12	Policy 4.62	Oppose	<p>Delete part (e) and make any necessary consequential amendments.</p>	<p>This part of the policy should be deleted as it is an inappropriate way to manage the water resource. Ceasing use for some users when levels drop would result in failure of farming systems. The resource should be allocated properly in the first instance to ensure conditions of this type on consents could well result in the consent being unable to be used which is contrary to the Resource Management Act.</p>

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Efficient Use of Water	4-13	Policy 4.66	Oppose	Delete policy and make any necessary consequential amendments.	The amount of water allocated per consent holder should be uniform regardless of land use type.
	4-13	Policy 4.67	Oppose	Amend policy part (b); irrigation season should be September through to end of April and make any necessary consequential amendments.	Some irrigators start irrigating in September on lighter soils.
	4-13	Policy 4.68	Oppose	Delete policy	The intention of the policy is unclear. The policy is also redundant in practice. Once a consent expires then a new consent can be issued with appropriate conditions. There is no need for this policy.
	4-13	Policies 4.69 and 4.70	Oppose	Clarify policies in explanation of rules and methods and make any necessary consequential amendments.	Efficiency should not be measured in the age of the irrigating mechanism. In some areas it is not possible physically to use pivot or linear irrigators due to topography, the heaviness of the soil or the capital investment required. Therefore any determination of efficiency should relate to the amount of water used rather than solely the mechanism distributing the water. Older mechanisms with the right application and maintenance, in conjunction with low water use of high water holding capacity soils is one of the main characteristics of efficiency. It is not all about modern technology.
Transfer of Water Permits	4-13	Policy 4.73	Oppose	The policy needs to specify the amount of water that would be surrendered. And make any necessary	In some areas there should be no need to surrender a proportion of the allocated amount during a transfer as it may in fact result in positive effects on the environment. The problem in the Rakaia Selwyn Groundwater Zone is that too much water has been

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				consequential amendments.	allocated in the upper plains area and this has caused the problems in the lowlands. Reducing allocations in the lowland area will achieve nothing. Better understanding of the zones and their catchments is the main issue that this Plan needs to deal with and then come up with rules that relate specifically to those issues, namely getting catchment locations right and then working from there. With the introduction of the Central Plains Water Enhancement Scheme there will be no need to 'claw' back allocation in this zone, which therefore makes transfer rules and policies such as this redundant. The Plan should contain maps that better deal with transfers in each relevant catchment. These should be included in Sections 6-15 of the Plan.
Consent Duration, Lapse Periods and Giving Effect to Water Permits	4-13	Policy 4.75	Oppose	Amend wording of policy as follows: 'Resource consents to abstract water shall be given effect to within two five years unless a longer lapse period.....' And make any necessary consequential amendments.	It is not possible to undertake a development of a new abstraction within two years. Five years is the appropriate time frame as this allows time for planning and flexibility which can only be achieved on the ground once a consent has been approved.
	4-13	Policy 4.76	Oppose	Amend policy so that duration is for 35 years and not 5, and make any necessary consequential amendments.	A five year period for the duration of a consent is inappropriate. No-one can undertake a major investment in agriculture based on a consent that is only 5 years in length. Most commonly consents contain conditions that allow the review of the consent if it is considered that the activity is causing significant adverse environmental effects. These conditions are sufficient to allow dealing with a consented activity that

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					is having effects beyond those anticipated in the application. A 35 year period would be more appropriate. Importantly though ECan needs to understand the exact nature of the issue around non-point discharges of nutrients. There is not enough information at present to be implementing rules that will unnecessarily restrict farming activities.
Section 5 – Region-wide Rules					
General Rules	5-2	Rules 5.1 and 5.2	Conditional Opposition	Make entire Section 6-15 part of Plan have its own stand-alone rules that require no need to refer back to Section 5 Rules. And make any necessary consequential amendments.	The wording of these rules is not clear and it needs to be explicitly clear in Sections 6-15 which rules are and are not applicable.
	5-3	Rule 5.3	Oppose	Delete rule and make any necessary consequential amendments. .	The wording of this rule is not a rule. It is information that should be provided in the explanation and reasons for rules in a Plan and methods of implementation stated in the Plan.
	5-3	Rule 5.4	Oppose	Delete words at beginning of rule: 'For the avoidance of doubt,	These words are unnecessary at the start of the rule.
Farming	5-11	'Farming' Title	Oppose	Delete this title and replace with following: 'Nitrogen Loss' And make any necessary	There should not be rules about 'farming'. The rule should be titled in relation to the effect that is trying to be addressed. In this case nitrogen loss. Farming activities themselves are not being controlled but rather just one effect of a farming activity. A consent is not required to farm.

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	5-11	Rules 5.39 – 49	Oppose	<p>consequential amendments.</p> <p>Delete all these rules. In addition:</p> <p>The reference to 'farm' or 'farming activity' in these rules needs to be deleted and replaced with other terminology that relates to the effect not 'farming activity'. And make any necessary consequential amendments.</p> <p>Reference to the Lake Zone needs to be replaced with 'Sensitive Lake Catchment'. And make any necessary consequential amendments.</p>	<p>There is no definition of farming activity in the Plan to determine what these rules really relate to. The terminology used to describe the activities may be confusing as horticultural uses do not necessarily call themselves farms, and this may also relate to other activities that may locate in the rural area which have high nitrogen losses but also do not relate to the term 'farm'. The wording used needs to relate to the effect that is trying to be managed i.e. Nitrogen loss.</p> <p>There is no area called 'Lake Zone' on planning maps and ECan has informed the Society that this should read 'Sensitive Lake Catchment'.</p> <p>It is not known yet whether the levels of nitrogen loss are appropriate and that these restrictions may significantly hinder some operations. There are also questions over the workings of the OVERSEER model when applied to farms that are not just used for pasture. As yet there is no assurance that OVERSEER will be able to deliver a truly accurate estimate of discharge levels. The models used to date are still not at a level that could be confidently used in a regulatory domain.</p>
	5-11	Rule 5.39	Oppose	Delete rule and make any	As yet there is no assurance that OVERSEER will be able

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	5-12	Rule 5.40	Oppose	necessary consequential amendments. Delete rule and make any necessary consequential amendments.	to deliver a truly accurate estimate of discharge levels. The models used to date are still not at a level that could be confidently used in a regulatory domain. In relation to point 3 of the rule, is there people actually available to do the huge number of Farm Environment Plans or their auditing? This task may not be that simple to achieve in the professional arena. People at Focus Group meetings for the Selwyn Waihora zone have already alluded to there being a shortage of agencies or professionals able to undertake this task.
	5-12	Rule 5.41	Oppose	Delete rule and make any necessary consequential amendments.	Reasons as set out above. In addition, the discretion can only relate to what the rule is looking at. For example in point 1, the discretion cannot take into account levels of phosphorus, sediment and microbiological contaminants if the rule is about nitrogen loss. While the Farm Environment Plan may involve looking at other contaminants there needs to be some determination made about whether these rules are about just Nitrogen or they involve other contaminants. It should be just nitrogen because that is the only matter that can be reasonably considered at this stage. The note about limited notification in this rule contradicts itself. The first sentence says that a resource consent under this rule will not be limited notified and then the next sentence says it might be. This needs to be addressed if the rule is to stay in the Plan.
	5-12	Rules 5.42 – 5.43	Oppose	Delete Rules and make any necessary consequential	These rules would require someone that does not irrigate to obtain a resource consent to change the land

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	5-13	Rules 5.44-5.49	Oppose	<p>amendments.</p> <p>Delete Rules and make any necessary consequential amendments.</p>	<p>use on the property even if the proposed use had less of an effect on the environment (point 1). The Society does not support having to gain consents for land use changes where there is no change in effect. This would also be difficult to implement in practice.</p> <p>The ways in which these rules are worded are cumbersome when considered in conjunction with Rules 5.39 to 5.43. There are two levels of rules that need to be met and they are not displayed well here. For example when does Rule 5.39 apply and when does Rule 5.46 apply; they both relate to permitted activities but with one having an existence date imposed. In reality though farms have all existed prior to the 11 August 2011 date. Before rules such as this are applied a 'real' case scenario needs to be worked through to determine which rules are superfluous to requirements. Similarly this confuses the following rules numbered 5.47 to 5.49 inclusive.</p> <p>The limits set for nitrogen need far more investigation and the land use types are too generalised, especially in the mixed farming and arable scenario. The OVERSEER model is still in development phase and should not yet be applied for regulation at this level. Considerable and at the ground-level consultation needs to be undertaken before this type of limit and Schedule could be implemented successfully in practice. The reporting requirements/ Farm Plans for NDAs in excess of 20kg/Ha but within system guidelines are onerous. Seems punitive, not aligned to NDAs but rather farm management and information gathering. Much is</p>

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					<p>already provided in consent applications and this seems to require a level of information that replicates a considerable amount already held by ECan but imposes more costs on the farmer.</p> <p>The volumes in this rule may result in very recent upgrades to systems now being non-compliant. This value needs to be reassessed looking carefully at what levels are set in existing consents.</p>
Fertiliser Use	5-14	Rule 5.52	Oppose	<p>Amend point 2 of rule to read as follows:</p> <p>2. Fertiliser is not discharged directly into or within 10m of the bed of a permanently flowing river, lake, artificial watercourse or within 10m of a wetland boundary or any identified significant indigenous biodiversity site. unless the equipment used has a current Spreadmark Certificate, in which case the setback distance is reduced to 5m.</p>	Arbitrary setbacks for fertiliser applications within 10m of a surface water body are impractical on farms. No specified distance should be applied as farmers do not willingly wish to spread fertiliser in these areas. This is because it is not only detrimental to the local environment but also not cost effective to their farming operation. Setbacks on this nature would unnecessarily impinge into workable farm areas.
Bores	5-19	Rule 5.78	Oppose	Delete point 4 of this rule and make any necessary consequential amendments.	Point 4 of this rule does not have any relevance and it is not understood what this point means. This part of the rule should be excluded.

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Small and Community Water Takes	5-20	Rule 5.84	Oppose	Point 3 should be worded as follows: 'Where the take or diversion is from a water body with a minimum flow that is set in Sections 6-15, the take or diversion of water for other than an individual's reasonable domestic and stock water use ceases when the flow is at or below the minimum flow for that water body, as published on the CRC website;' and make any necessary consequential amendments.	Developments or uses of any type should be subject to the same need to cease use of the water body regardless of what that use is for.
Take and Use Surface Water	5-23	Rule 5.96	Oppose	Delete Point 2 of this rule and replace with a specified water flow level at which surface water takes cease. Delete Point 3 of this rule.	This rule is unclear and it is more practical just to work with a minimum flow level at which a consent holder simply stops taking water when that limit is reached. It may take some time before Sections 6-15 are completed and therefore this rule becomes flawed in that this point 3 becomes redundant or difficult to apply.
Take and Use Groundwater	5-24	Rule 5.101	Oppose	Delete entire rule and/or in particular delete points 2 and 4 of this rule. Delete matters of discretion – in particular matters 5 and 6.	The Society does not agree to this rule in its current state as there are no requirements as yet set out in Section 6. In addition the regional authority needs to undertake aquifer testing to determine what are actual stream depleting takes and not rely on models and

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				And make any necessary consequential amendments.	inappropriate values inserted in these models to determine levels of stream depletion. The regional authority already has proof from aquifer testing undertaken in the Southbridge area that proves only very few wells in this area are likely to be having any significant stream depleting characteristics. The authority needs to address this immediately and set about doing the appropriate aquifer testing instead of continuing to make the same ill-informed errors it has made for many years on this topic. Bore interference effects also need to be readdressed and assessed using actual aquifer testing results not relying totally on desk top assessments using inappropriate values. Major work needs to be done in this area before such rules are inserted in the plan in order to avoid the mistakes that are contained in the existing operative regional plan.
	5-24	Rule 5.103	Oppose	Amend rule so that the status is a discretionary activity if any of conditions 1, 2 and 4 are not met. And make any necessary consequential amendments.	The main area of concern in an over-allocated groundwater allocation zone is that there is not more water allocated. Stream depletion is a far lesser concern given that there is now proof that there is little effect of individual wells on stream flows. Therefore failure to meet conditions 1, 2 and 4 should only result in a consent being required for a discretionary activity.
	5-25	Rule 5.104	Oppose	Amend rule to read as follows: 'The taking and use of groundwater that does not meet one or more of conditions 2 and 3 in rule 5.101 is a prohibited	As per the reasons above, only the potential to cause further over-allocation should be considered a prohibited activity.

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				activity.’ And make any necessary consequential amendments.	
Transfer of Water Permits	5.25	Rule 5.107	Oppose	Delete rule as it reads presently, in particular, but not limited to, conditions 4 and 5 of the rule.	The conditions of this rule are too generalised. For example if this rule was applied in the Rakaia Selwyn Allocation Zone, then it would result in further adverse effects on lowland stream levels. This is because any transfer of water from the down plains to upper plains will further reduce flows in the lowland streams and potentially increase nutrient loss in the zone. The catchment boundaries shown in the planning maps for the Rakaia Selwyn Groundwater Allocation zone also need amending as they are not correct. In this zone there is unlikely to be any surface water transfer from down plains to up plains other than in relation to the Rakaia River surface takes.
Stock Exclusion from Water bodies	5-30 and 5-31	Rules 5.133 to 5.137	Oppose	Delete rules and insert rule/s that prohibits stock crossings in lakes, rivers and wetlands. And make any necessary consequential amendments.	Stock such as cows and cattle, deer etc should not be allowed to cross waterways. It is this type of activity that has contributed largely to the state of the Selwyn River and Lake Ellesmere. To allow rules such as these totally contradicts other rules that aim to control on-farm nutrient loss.
Earthworks and Vegetation Clearance in Riparian Areas	5-33	Rules 5.148 to and 5.151	Oppose	Delete rules and make any necessary consequential amendments.	There are large areas of land located near to Lake Ellesmere that are proposed to be zoned LH2 and LH1and therefore restricted markedly by these rules. A considerable area of this land is farmed to a high quality level and has never experienced soil erosion. To require a resource consent for cultivation in these areas is significantly inappropriate. A more appropriate distance

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					would need to be negotiated on a case-by-case basis. Cultivation machinery on farms these days has such precision that you can easily work within close proximity to water bodies without causing any disturbance to vegetation or soils.
Sub-Regional Section					
Sub-regional Sections	vii	Paragraphs 2 and 3	Oppose	Amend wording so that there is a clear distinction in the plan as to which rules apply in which circumstances. And make any necessary consequential amendments.	The Plan needs to be written in a way that makes it quite clear which rules apply to an activity. There should not be rules that contradict one another which then result in unnecessary resource consent applications.
Section 11 – Selwyn - Waihora	11-1	Second paragraph bullet points	Amend	Add additional outcome: <ul style="list-style-type: none"> 95 to 100% reliability of irrigation water supply. 	It is imperative to the economy and social well-being of the local, regional and national economies that the Canterbury region is supplied with highly reliable irrigation water.
Schedules					
Schedule 7 – Farm Environment Plan	16-13	Entire Schedule 7	Oppose	Delete Schedule 7 in its current form and make any necessary consequential amendments.	There is still a considerable amount of knowledge missing in understanding existing and determining any future levels of nutrients within zones. In addition, until such time as more definitive information is available, then Farm Environment Plans should only relate to those matters that are being regulated and that are acceptable and relevant to the various industry standards. For example, a farm plan should only need to detail activities that are being regulated i.e. nitrogen application. To require recording of other activities beyond what the rules require is beyond the scope of what a farm plan should legally require.

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					<p>A large proportion of the information required in the farm plan is already held by ECan. Therefore the information required imposes another cost on farmers that is unnecessary and already recorded by ECan. A large proportion of the information could be put together by the farmer themselves and not require the need for any 'expert' to be involved. Nutrient budgeting and recording may be the only area where off-farm assistance may be required and the only information that need to be supplied to ECan.</p> <p>There may also be difficulties in finding enough qualified professionals to undertake the formation of such plans. A considerably large number of plans will be required and it was brought to ECan's attention at the Selwyn Waihora Focus Group meetings that such experts may not actually be available to construct these plans. It will also take some time to ensure there are appropriate compatible databases between entities such as Ravensdown and other farm consultants to compile information.</p> <p>Rules relating to Farm Environment Plans should not come into account until a date in 2015 so as to give all parties enough time to make the formation of plans easier.</p>
Schedule 9 – Assessment of Stream Depletion Effect	16-15	Entire Schedule	Oppose	<p>Delete Schedule as it relates to the Ellesmere Irrigation Society Inc. area shown in attached map.</p> <p>And make any necessary consequential amendments.</p>	<p>The Society opposes the application of this Schedule to the area in which the Society operates. Aquifer testing done in a considerable part of this area has shown that wells here do not have any significant adverse effect on streams. The recent review of groundwater consents in this area has left less than 30 consent holders with minimum flow conditions on groundwater take consents that give them the opportunity to undertake</p>

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					<p>aquifer testing to prove these wells are not having any significant effects. Aquifer testing on one property proved that the information being used to determine stream depletion effects by ECan was significantly over estimating the level of effect.</p> <p>Table 9.1 should not be applied in the Ellesmere area because irrigation has been developed here for many decades and there are very few properties that are not already irrigated. Those that are using shallow bores either are not deemed by ECan to be having an effect on streams greater than the 5 L/s threshold, or they were deemed by ECan to be having a greater effect already and have minimum flow conditions on their consents. To require further restrictions on them would not result in any change in effects on the streams and would effectively shut down irrigation in this area. Flows in the lowland streams were good until water was over-allocated in the upper plains area where large quantities of water is used on high drainage land for intensive farming uses of which they are not naturally suited.</p> <p>The information provided in Table 9.1 is not explained and will be open to interpretation as there is no explanation or reasons for rules contained in this Plan or methods of implementation.</p> <p>ECan needs to do aquifer testing in relation to stream depletion effects before imposing such rules.</p>
Schedule 10 – Reasonable Use Test	16-16	Entire Schedule	Oppose	Irrigation annual volumes should be divided equally among all users regardless of use types. Schedule 10	Annual allocation limits based on current use restricts the future potential of land. There should be an allocated amount per area of land. What is happening currently is that large quantities of allocation is being

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				should be re-written to recognise this.	attributed to land based on high intensity uses where the land is naturally unsuitable for the use. This results in high water application on soils that are free draining causing higher nutrient loss and higher water use. The system proposed in the Plan creates significant inequalities, particularly in relation to zones that are already over-allocated.
Schedule 11 – Aquifer Testing	16-19	Entire Schedule	Oppose	Delete Schedule and re-write to insert more appropriate testing using information from actual testing	Aquifer testing parameters need to have specific guidelines set down to eliminate any problems when consent holders undertake testing as per such schedules and then have them discounted by ECan based on not meeting some requirement that sits outside the Plan.
Schedule 12 – Well Interference Effects	16-20	Entire Schedule	Oppose	Delete Schedule and re-write to insert more appropriate analysis using information from actual testing.	The methods proposed for determining the level of well interference effects are inappropriate in the Ellesmere area. For example requiring assessment of wells within a 2km radius is excessive when tests have proven that there are no effects on wells at this distance or a much reduced distance. Actual test data needs to be used to determine a more accurate way of considering well interference effects. ECan needs to undertake this testing.
Schedule 13 – Requirements for implementation of water allocation regimes	16-21	Entire Schedule	Oppose	Delete Schedule. Schedule should be re-written and any necessary consequential amendments.	Stream depletion effects from any groundwater abstraction should not be included in allocation regimes. Surface water allocation and groundwater allocations should be kept entirely separate.
Maps					
Maps A-076 and B-076		Entire Maps	Oppose	Delete maps and produce new maps with correct information.	Parts of the Ellesmere area have a markedly different groundwater and surface water system than the rest of the Rakaia Selwyn Groundwater zone and as yet these are not recognised in this Plan. The significant difference between water allocation and its associated effects experienced in the upper plains and the down

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					<p>plains areas is not addressed in the maps or the rest of the Plan and should be.</p> <p>The LH2 High Soil Erosion areas shown around Lake Ellesmere are excessive and relate to significant areas of farmland which is not known to have any problems with soil erosion. If anything, the farming activities in these areas are aiding significantly the retention of strong soil cohesion. It is also questionable as to why the entire Rakaia Selwyn Groundwater Allocation Zone area has been recognised as have moderate soil erosion risk. This area is not known to have issues with soil erosion.</p> <p>The Little Rakaia Nutrient Allocation Zone does not extend far enough towards Lake Ellesmere to follow the known local information about what surface water and groundwater systems do in this area. Note that this area should extend its boundary out further to along the north western edge of Harts Creek until it reaches Lake Ellesmere. The eastern edge of this sub-zone should also extend further out and include the Ellesmere Golf Club land and other areas between that land and the Rakaia River.</p> <p>The location and extent of some lowland streams are incorrectly shown again on these maps.</p> <p>There is an inappropriate location of a 'Sensitive Lake Catchment' shown in the Sedgemere area.</p> <p>Appropriate consultation with the local communities needs to be undertaken in order to achieve the development of appropriate and accurate maps.</p>

Ellesmere Irrigation Society Area

