



# **Submission on Proposed Variation 1 to the Proposed Canterbury Land and Water Regional Plan**

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Form 5: Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by 5.00pm Friday 21 March 2014 to:

Freepost 1201 Variation 1 to pLWRP  
Environment Canterbury  
P O Box 345  
Christchurch 8140

Full Name: <u>Yvonne Thomas</u>	Phone (Hm): <u>03 318 0013</u>
Organisation*: <u>N/A</u>	Phone (Wk): <u>      </u>
* the organisation that this submission is made on behalf of	
Postal Address: <u>Box 72 Hororata</u>	Phone (Cell): <u>      </u>
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Contact name and postal address for service of person making submission (if different from above): <u>      </u>	

## **Trade Competition**

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

- ☒ I could not gain an advantage in trade competition through this submission; or
- ☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

- ☐ I am directly affected by an effect of the subject matter of the submission
- ☐ I am not directly affected by an effect of the subject matter of the submission

Signature: Yvonne Thomas Date: 11-3-14

(Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note:

(1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

- ☐ I do not wish to be heard in support of my submission; or
- ☐ I do wish to be heard in support of my submission; and if so,
- ☒ I would be prepared to consider presenting your submission in a joint case with others making a similar submission at any hearing

(1) The specific provisions of the Proposed Plan that my submission relates to are:		(2) My submission is that: (include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.)		(3) I seek the following decisions from Environment Canterbury: (Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)
Section & Page Number	Sub-section/ Point	Oppose/support (in part or full)	Reasons	
Policy		Oppose	Hororata Village has a	if canals proceed in this area they need to be made of impervious material And an undertaking that Hororata's flooding problems are not increased
11.4.32		Oppose	flooding problem. Aggravated	
11.4.21		Oppose	by the filling in of stormwater	
11.4.20		Oppose	drains by SDC	
			But caused by water entering	
			the village from Selwyn	
			River, Perkins Stream & other	
			sources.	
			Flowing thru numerous	
			residential properties & ending up	
			on Bealey Road Hororata	
			The land is predominantly clay	
			& water soaks over the land	
			rather than being absorbed	
			The area is low lying and	
			therefore I oppose large	
			scale irrigation schemes	
			that would adversely	
			impact the flooding.	

Add further pages as required – please initial any additional pages.

(b) Where a property's nitrogen loss calculation is greater than 15 kg of nitrogen per hectare per annum, meet the Good Management Practice Nitrogen and Phosphorus Loss Rates for the property's baseline land use.

11.4.14. From 1 January 2022, to achieve the water quality limits in Section 11.7.3 require farming activities to:

(a) Implement a Farm Environment Plan prepared in accordance with Schedule 7 Part A, where a property is greater than 20 hectares; and

(b) Where a property's nitrogen loss calculation is greater than 15 kg of nitrogen per hectare per annum, make the following further percentage reduction in nitrogen loss rates, beyond those set out in Policy 11.4.13(b), to achieve the catchment target for farming activities in Table 11(i):

- (i) 30% for dairy
- (ii) 22% for dairy support; or
- (iii) 20% for pigs; or
- (iv) 13% for irrigated sheep, beef or deer; or
- (v) 10% for dryland sheep and beef; or
- (vi) 7% for arable; or
- (vii) 5% for fruit, viticulture or vegetables; or
- (viii) 0% for any other land use.

11.4.15. In circumstances where the reductions required in Policy 11.4.14(b) are unable to be achieved by 2022, any extension of time to achieve the reductions will be considered having regard to:

- (a) The implications on achieving the catchment nitrogen load target in Table 11(i) by 2037; and
- (b) The nature of any proposed steps to achieve the reduction; and
- (c) The sequencing, measurability and enforceability of any steps proposed.

11.4.16. Despite Policy 11.4.14 and 11.4.15, from 2037 no property or farming enterprise shall leach more than 80 kg of nitrogen per hectare per annum.

11.4.17. To achieve the farming activity water quality targets in Section 11.7.3 require all farming activities within the command area of any Irrigation Scheme listed in Table 11(j), where they are irrigated with water from the Scheme:

- (a) To collectively not exceed the Irrigation Scheme Nitrogen Limits in Table 11(j); and
- (b) Where properties convert from dry land to irrigated land use, the nitrogen loss rates from the outset shall be managed in accordance with Policy 11.4.14(b).

#### **Lake, Catchment and Flow Restoration**

11.4.18. Enable lake restoration activities that re-establish aquatic plants, lake margin wetlands and remove phosphorus from lake bed sediments in Te Waihora/Lake Ellesmere.

11.4.19. Enable catchment restoration activities that protect springheads, protect, establish or enhance plant riparian margins, create restore or enhance wetlands and target removal of macrophytes or fine sediment from waterways.

11.4.20. Enable managed aquifer recharge and targeted stream augmentation to assist with improvements to lowland stream flows.



**Sustainable Use of Water and Improved Flows**

- 11.4.21. Manage groundwater and surface water together as a single resource, to ensure, in combination with the introduction of alpine water into the catchment, flows in the Waikirikiri/Selwyn River and lowland streams are improved and the allocation limits in Table 11(e) are met.**
- 11.4.22. Restrict the transfer of water permits within the Rakaia-Selwyn and Selwyn-Waimakariri water allocation zones to minimise the cumulative effects on flows in hill-fed lowland and spring-fed plains rivers from the use of allocated but unused water, by requiring that:**
- (a) Irrigation scheme shareholders within the Irrigation Scheme Area shown on the Planning Maps do not transfer their permits to take and use groundwater; and**
  - (b) No permit to take and use groundwater is transferred from down-plains to up-plains; and**
  - (c) In all other cases 50% of any transferred water is surrendered.**
- 11.4.23. Only reallocate water to existing resource consent holders at a rate and volume that reflects demonstrated use.**
- 11.4.24. Any replacement resource consent to take and use water for irrigation shall not include any water that has been transferred to another site and not used by the consent holder.**
- 11.4.25. Prior to the transfer of any existing resource consent to take and use water for irrigation to another site, if no annual volume has been applied to the resource consent, then an annual volume shall be applied in accordance with method 1 in Schedule 10.**
- 11.4.26. Where a consent applicant holds shares in an irrigation scheme, limit any additional consented volumes to the volume required to meet demand conditions in eight and a half out of ten years for a system with an application efficiency of 80%.**
- 11.4.27. Apply adaptive management conditions to groundwater resource consents that have previously been subject to adaptive management conditions.**
- 11.4.28. Protect the ecological and cultural health of the Waikirikiri/Selwyn River and lowland streams by including the minimum flow and partial restrictions in Tables 11(c) and 11(d) on new and replacement resource consents from 2025.**
- 11.4.29. Where the minimum flow and restriction regime in Table 11(c) will result in a significant loss of reliability enable a staged increase in the minimum flow, but only in circumstances where a consent applicant can demonstrate that they have had a high reliability of surface water supply for irrigation and/or prior to 22 February 2014, significant investment in infrastructure to take water has been made.**
- 11.4.30. Enable existing resource consent holders to take groundwater where:**
- (a) It will not have a direct or high stream depletion effect on a surface water body; and**
  - (b) An existing resource consent to take surface water or groundwater with a direct or high stream depletion effect greater than 5 L/s has been surrendered.**
- 11.4.31. Prohibit in-stream damming of the full flow on the main stem of the Selwyn River/Waikirikiri and the Waiāniwaniwa River above its confluence with the Selwyn River/Waikirikiri.**
- 11.4.32. Enable the storage of water from the Rakaia River and Waimakariri River to improve the reliability of supply of Irrigation Scheme water and support a reduction in the use of groundwater provided:**
- (a) A Ngāi Tahu cultural impact assessment has been undertaken; and**
  - (b) The mixing of water from different water bodies is avoided or mitigated through site specific design; and**

**The exercise of discretion is restricted to the following matters:**

1. The nature of the transfer, whether short term, long term, partial or full, and the apportioning of the maximum rate of take and annual volume in the case of a partial transfer; and
2. The appropriateness of conditions, including conditions on minimum flow, annual volume and other restrictions to mitigate effects; and
3. The reasonable need for the quantities of water sought, the intended use of the water and the ability of the applicant to abstract and use those quantities; and
4. The efficiency of the exercise of the resource consent; and
5. The reduction in the rate of take in times of low flow; and
6. The method of preventing fish from entering any water intake.

**11.5.38 Despite Rule 11.5.37, the permanent transfer, in whole or in part, of a water permit to take or use surface water or groundwater in the Selwyn Waihora catchment, is a discretionary activity provided the following condition is met:**

1. The take is to be transferred to a local authority and is to be used for community water supply.

**11.5.39 The transfer, in whole or in part, of a water permit to take or use surface water or groundwater in the Selwyn Waihora catchment that does not meet one of the conditions of Rule 11.5.37 or Rule 11.5.38 is a prohibited activity.**

**Augmenting Groundwater or Surface Water**

*Rules 11.5.40 and 11.5.41 are new rules.*

**11.5.40 The discharge of water into water or onto or into land for the purpose of augmenting groundwater or surface water to increase stream flows within the Selwyn Waihora catchment is a restricted discretionary activity, provided the following conditions are met:**

1. The discharge is part of a trial for investigative purposes and for a duration not exceeding 5 years; and
2. The activity does not take place on a site listed as an archaeological site; and
3. The discharge is not within a Group or Community Drinking Water Protection Zone as set out in Schedule 1; and
4. The discharge is not within 100 m of any well used to supply potable water.

**The exercise of discretion is restricted to the following matters:**

1. The location, method and timing of the discharge to groundwater or surface water; and
2. The adequacy of the scheme design, construction, operation, monitoring, reporting and management processes; and
3. The appropriateness of integration with existing or planned infrastructure and water conveyance systems; and
4. Any adverse effects on people and property from raised groundwater levels and higher flows; and

### **Notification**

Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.

**11.5.34. Despite Rule 11.5.32 the taking and use of surface water or groundwater for the sole purpose of augmenting groundwater or surface water to increase stream flows in the Selwyn Waihora catchment and including all areas within the Little Rakaia Combined Surface and Groundwater Allocation Zone is a discretionary activity.**

**11.5.35. The taking and use of surface water from a river, lake or wetland or groundwater within the Selwyn Waihora catchment and including all areas within the Little Rakaia Combined Surface and Groundwater Allocation Zone that does not meet Conditions 3, 4, 5 or 8 in Rule 11.5.32 is a non-complying activity.**

**11.5.36. The taking and use of surface water from a river, lake or wetland or groundwater within the Selwyn Waihora catchment and including all areas within the Little Rakaia Combined Surface and Groundwater Allocation Zone that does not meet Conditions 1, 2, 6 or 7 of Rule 11.5.32 or Rule 11.5.33 or Rule 11.5.34 is a prohibited activity.**

### **Transfer of Water Permits**

Rules 11.5.37, 11.5.38 and 11.5.39 prevail over Regional Rules 5.133 and 5.134.

**11.5.37. The temporary or permanent transfer, in whole or in part, (other than to the new owner of the site to which the take and use of water relates and where the location of the take and use of water does not change) of a water permit to take or use surface water or groundwater within the Selwyn Waihora catchment, is a restricted discretionary activity, provided the following conditions are met:**

1. The reliability of supply for any other lawfully established water take is not reduced; and
2. In the case of surface water, the point of take remains within the same surface water catchment and the take complies with the minimum flow and restriction regime in Tables 11(c) and 11(d); or
3. In the case of groundwater:
  - (a) the point of take is within the same groundwater allocation zone or combined surface and groundwater allocation zone; and
  - (b) the bore interference effects as set out in Schedule 12 are acceptable; and
  - (c) the transfer is not from down-plains to up-plains; and
  - (d) the transfer is not from a person who holds shares in an Irrigation Scheme in the Irrigation Scheme Area as shown on the Planning Maps; and
  - (e) In addition for stream depleting groundwater takes:
    - (i) the transfer is within the same surface water catchment; and
    - (ii) the take complies with the minimum flow and restriction regime in Table 11(c) and 11(d); and
    - (iii) the stream depletion effect is no greater in the transferred location than in the original location; and
4. If the transfer is within the Rakaia-Selwyn or Selwyn-Waimakariri Combined Surface and Groundwater Allocation Zones 50% of the volume of transferred water is to be surrendered.