

Tamina Roberts

From: Ben Williams <Ben.Williams@chapmantripp.com>
Sent: Friday, 21 March 2014 4:01 p.m.
To: Mailroom Mailbox; Sarah Drummond
Cc: 'Susan Goodfellow (sgoodfellow@cpwl.co.nz)'; 'Derek Crombie (dcrombie@cpwl.co.nz)'; Jo Appleyard; 'Mary O'Callahan' (Mary.OCallahan@ghd.com)'
Subject: TRIM: CPW - Selwyn Waihora - Variation 1
Attachments: WGND0C01-#1944840-v4-CPW_SW_submission.pdf

HP TRIM Record Number: C14C/43472

Hi there,

Please find **attached** the submission provided by Central Plains Water Limited in respect of Variation 1 to the proposed Canterbury Land & Water Regional Plan.

Thanks.

Kind regards,
Ben

BEN WILLIAMS
SENIOR ASSOCIATE

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**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR
PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To Canterbury Regional Council

Name of submitter: Central Plains Water Limited (*Central Plains*)

- 1 This is a submission on:
 - proposed variation 1 to the proposed Canterbury Land and Water Regional Plan (*Variation 1*)
- 2 Its submissions and sought relief are split between:
 - 2.1 general submissions - including the background of Central Plains and its general comments or concerns in respect of Variation 1 (**Annexure 1**) ; and
 - 2.2 specific provisions – the specific provisions of Variation 1 in relation to which Central Plains either supports, opposes or seeks amendments (along with reasons for that support, opposition or amendment) (**Annexure 2**).
- 3 Central Plains wishes to be heard in support of the submission.
- 4 If others make a similar submission, Central Plains will consider presenting a joint case with them at a hearing.

Signed for and on behalf of Central Plains Water Limited by its solicitors and authorised agents Chapman Tripp



Jo Appleyard / Ben Williams
Partner / Senior Associate
21 March 2014

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Annexure 1: Background and general submissions

Executive summary

The Central Plains Water Enhancement Scheme (the "Scheme") is a community irrigation scheme that will provide water to an irrigable area of 60,000 Ha to a command area that is over 100,000 Ha between the Southern Alps to the west, State Highway 1 and the Waimakariri and Rakaia Rivers.

The Scheme has been the subject of a lengthy and detailed resource consent process with the original water take being applied for in December 2001. The ultimate water take consents, along with a number of the other consents have been granted with all appeals being resolved in early 2012.

The Scheme, which will be built in stages, will utilise run-of-river water from both the Rakaia and Waimakariri rivers (and will, at least initially, be initially supported by stored water from Lake Coleridge). Construction is scheduled to commence in April 2014 with significant funding having already been committed.

With a current estimated construction cost of \$500 million (excluding on-farm costs), the Central Plains Water Scheme is also one of the most significant construction projects for the South Island. This significance also extends to the widespread benefits (both economic and environmental) that will arise through the development of Scheme:¹

- Once the Scheme is fully operational, annual direct and indirect regional agricultural output is expected to increase by \$264m per annum. A proportion of this agricultural output will be processed, generating an additional \$328m per annum, a combined increase of \$592m per annum. The impact on the wider economic activity is accordingly assessed at approximately \$1b to \$1.4b per annum;
- Direct plus indirect employment from the scheme is estimated to increase by about 1130 jobs, 416 of them from the expansion in farm output. A further 714 jobs will come from processing, transport and related off-farm activity; and
- As a result of the scheme, the pressure on the groundwater resources within the Central Plains' area will decrease (with the introduction of alpine water also ensuring

¹ As at 13 November 2013.

lowland stream flows increase).

Central Plains acknowledges the need to sustainably manage the environment and acknowledges the overall vision for Te Waihora/Lake Ellesmere catchment (as expressed in Variation 1):

'To restore the mauri of Te Waihora while maintaining the prosperous land-based economy and thriving communities'

However it has a number of fundamental concerns with Variation 1. These are set out in more detail in **Annexure 2**, but include:

- the nitrogen discharge restrictions that will apply to the Scheme. Central Plains does not have confidence that the modelled nutrient loads correctly reflect the actual load from existing users or the likely nutrient load that will arise through the development of the Scheme;
- the requirement to further reduce nutrient discharge over time. The required reductions are not justified on the technical work done to date and are an unreasonable adverse impact on those that might receive water from the Scheme;
- the restrictions placed around transfers. A core benefit of the Scheme is its potential to reduce the reliance on deep wells in the upper plains area while at the same time increasing the availability of water (including groundwater) for irrigation, via transfers in the down plains area. Members of the Scheme are also likely to seek to use their existing water more efficiently. The proposed transfer restriction for scheme shareholders will discourage investment in the Scheme as it will prevent farmers from rationalising their farm systems to optimise the benefits of cheaper groundwater on lower land and scheme water up-plains. Furthermore, the Scheme itself may also look to groundwater for occasional reliability enhancement so a transfer ability is needed to facilitate this; and
- the failure of the plan to promote and properly provide for storage. The proposed prohibited activity status for damming of mainstem flows is also of particular concern to Central Plains.

Overall, Central Plains already has a large number of resource consents (a summary of which is set out in **Annexure 3**). These were granted following a comprehensive notified resource consent process and already included detailed conditions around, for example, the management of farm nutrients and the provision of farm management plans.

In many places Variation 1 contradicts or fetters the effective and reasonable condition framework provided for by the Central Plains' consents.

The Central Plains Scheme in more detail

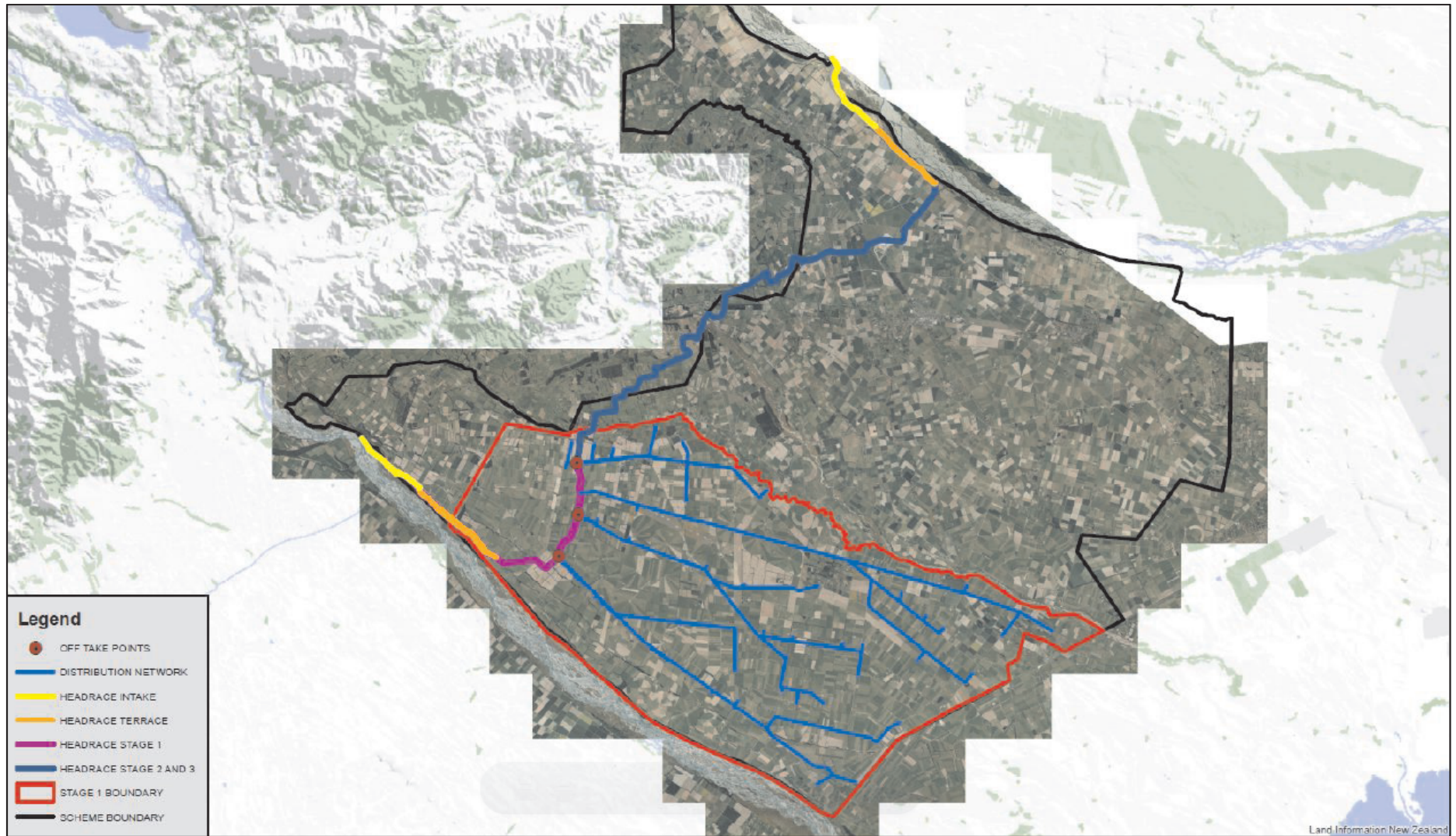
The Waimakariri and Rakaia River takes will be linked via a 56 km headrace canal running around the foothills and water from the canal will be distributed to properties by a combination of gravity feed throughout the 60,000 Ha by over 500 kms of underground piping.

Water within the canal will be about 4 m deep and approximately 25 m wide at the surface.

The intention is to construct the scheme in three stages. The first Stage comprises 20,000 Ha between the Rakaia and Selwyn Rivers and construction works are scheduled to start in 1 April 2014.

The location of the core infrastructure associated with the scheme, the outline area and the stage 1 area are shown in **Figure 1**.

Figure 1 – The Central Plains Water scheme area – showing Stage 1 construction works



The footprint of future stages will depend on farmer demand and are likely to be within the Hororata Greendale areas and the Darfield Sheffield areas.

The key components of Stage 1 of the Scheme are:

- an intake and headworks at the Rakaia River to bring water into the headrace.
- a headrace alongside and traversing along the northern bank of the Rakaia river to the top of the main Rakaia terrace.
- a level headrace along the plains to convey water north and into the reticulation system.
- a piped reticulation system providing pressurised water to all shareholder properties in the Stage 1 scheme area.

As originally proposed, the Scheme would have included a large storage reservoir located in the Waianiwaniwa Valley. This would have provided 280,000,000 m³ of storage and delivered over 95% reliability to members of the scheme. Following a number of issues through the consenting process, the consent applications relating to reservoir were voluntarily withdrawn by the applicant (i.e. at no time were the applications relating to the Waianiwaniwa Valley refused consent).

The absence of central storage reservoir combined with lower reliability water takes means that the Scheme, as consented, has relatively low reliability compared to other irrigation schemes in Canterbury. The reliability of Stage 1 of the Scheme is supported by an agreement Central Plains has entered into with TrustPower for the supply of 'stored water' from Lake Coleridge. That agreement does not provide sufficient stored water to support the development of the wider Scheme. The agreement also terminates in ~17 years' time (2031) with no immediate right of renewal.

Although Central Plains has no current plans in respect of large scale storage, it is concerned to ensure that Variation 1 does not prohibit any option being considered if and when it is necessary to review the ability to provide stored water to the Scheme.

The existing nutrient management regime

As it provides important context to Central Plains' submission on Variation 1, it is appropriate to briefly summarise the relevant consent conditions of CRC061973 to "*Use water from Rakaia River and Waimakariri River*").

This consent provides a detailed nutrient management regime for the Scheme (noting it is also subject to the conditions in *Schedule 2: Administrative Conditions* which require variations to existing conditions where they relate to nutrient discharges as a result of the publishment of catchment wide Nutrient Discharge Allowance limits).

The conditions outlining nutrient requirements are extensive and are included in **Annexure 4**.

As set out in the conditions, farm management plans are required for all farms in the Scheme area. Included in these plans will be the establishment of a nutrient management regime for each farm that complies with relevant nutrient criteria for the area.

These plans are subject to an annual audit, which will be carried out by an independent assessor. Any non-compliance must be rectified within a specified period of time. If not rectified, the supply of water to the offending user will be turned off.

The key aims of the farm management plans are:

- To minimise the loss of nitrate-nitrogen to soil drainage water and to minimise any loss of sediment, phosphorus or nitrogen to surface waters; and
- To establish an annual nutrient budget

In addition, the farm management plan will ensure:

- Stock is excluded from waterways and wetlands including drains and races;
- All native plants and native animals and their habitats are protected;
- Water application effectiveness is maximised; and
- All irrigation systems meet industry and scheme standards

Central Plains has been working with a number of consultants to review the farm management plan template that was included in the consent. The template has been updated to include lessons learned from other Schemes but there has been no material

change to the information that the farmer is required to provide as set out in the resource consent.

The next step is to review this template with a focus group – farmer board members, key shareholder farmers, irrigation industry representatives and farm advisors to establish if further adjustments are required. Central Plains are about to commence the public process to establish the Community Liaison Group. One of the first jobs for this group will be to review and comment on the farm management plan template.

The farm management plan will be rolled out to Stage 1 farmer shareholders in early 2014. Training workshops to assist farmers with the preparation of their farm management plans and on-site checking/auditing will be conducted.

Overall, Central Plains is committed to complying with what is extremely detailed nutrient management regime (as recorded in its relevant resource consent) and it is also committed to ensuring that all farmers have the support they require to achieve successful implementation of their farm management plan.

Annexure 2: Specific relief sought

Note : Text from Variation relevant to sought amends is set out in italics. Further amends are shown in red and either as ~~strikethrough~~ or underline.

Introduction section

Page	Reference	Issue/concern	Relief sought
4-1	Introduction	<p>The introduction is currently imbalanced in that it does not properly identify the benefits that derive from irrigation and the development Central Plains Water enhancement scheme.</p> <p>Reference should also be made to the benefits that derive from storage to be consistent with Policy 11.4.32.</p> <p><i>[Relief sought only rough at this point as need to ensure consistency with other parties]</i></p>	<p>Oppose, with amendment</p> <p>Section 11 - Selwyn Waihora</p> <p><i>The area covered by this section is shown <u>on the map</u> below. It includes <u>the foothills catchment of the Waikirikiri/Selwyn River and its tributaries</u>, the plains between the Waimakariri and Rakaia Rivers, the Selwyn and Halswell River/Huritinis, and a number of other lowland streams and ephemeral waterways of Banks Peninsula that flow into Te Waihora/Lake Ellesmere. Te Waihora/Lake Ellesmere is central to Ngāi Tahu values and culture. This section does not set flow and allocation regimes for the Rakaia and Waimakariri Rivers. These are contained in the National Water Conservation Order (Rakaia River) Order 1998 and the Waimakariri River Regional Plan.</i></p> <p>[map]</p> <p><u><i>The Selwyn Waihora area that is addressed by this section includes a diverse range of farming, industrial and township based activities. The area is of significant economic, social and cultural importance to the</i></u></p>

Page	Reference	Issue/concern	Relief sought
			<p><u>wider Canterbury Region and New Zealand.</u></p> <p><u>The following sustainable water management priority outcomes have been identified by the Selwyn-Waihora Zone Committee:</u></p> <ul style="list-style-type: none"> • <u>Thriving communities and sustainable economies.</u> • <u>High quality and secure supplies of drinking water.</u> • <u>Good practice nutrient and water management.</u> • <u>Kaitiakitanga is integrated into water management in the Zone.</u> • <u>Healthy lowland streams.</u> • <u>Te Waihora is a healthy ecosystem.</u> • <u>Hill fed waterways support aquatic life and recreation.</u> • <u>Alpine rivers and high country values are protected.</u> • <u>Enhanced Indigenous Biodiversity across the Zone.</u> <p><u>Te Waihora/Lake Ellesmere is a tribal taonga for Ngāi Tahu. It has long been an abundant source of mahinga kai and is also known by the name Te Kete Ika a Rākaihautū, the fish basket of Rākaihautū. The outstanding cultural significance of Te Waihora/Lake Ellesmere is recognised in the Ngāi Tahu Claims Settlement Act 1998 and the National Water Conservation (Te Waihora/Lake Ellesmere) Order 1990. Under the Ngāi Tahu Claims Settlement Act 1998, ownership of the</u></p>

Page	Reference	Issue/concern	Relief sought
			<p><u>lakebed of Te Waihora/Lake Ellesmere was returned to Te Rūnanga o Ngāi Tahu.</u></p> <p><u>Te Waihora/Lake Ellesmere is also recognised as a nationally significant wetland for both wildlife and wildlife viewing. It supports a rich biological environment including native and introduced species. It is regarded as an important recreational resource for New Zealanders. It is used for fishing, kayaking, motor boating, wind surfing, water and jet skiing, duck shooting, picnicking, bird watching and sightseeing.</u></p> <p><u>Irrigation is critical to delivering a wide range of benefits at local, regional and national scales.</u></p> <p><u>In the last 20 years, water use, irrigation and intensive land use have increased substantially. Further irrigation development has been consented, and the implementation of this irrigation is anticipated by this section of the plan. In the future, it is possible that further storage will be required to offset the effects of low reliability and increased minimum flows.</u></p> <p><u>Although flows in lowland streams and the Selwyn River/Waikirikiriri have decreased by 15-20%, there is potential for flows to improve following the implementation of consented irrigation.</u></p> <p><u>Against the above, there are elevated nitrate concentrations in shallow groundwater and lowland streams, and the health of Te Waihora/Lake Ellesmere has deteriorated.</u></p> <p><u>There is a lag effect in the transport of nitrogen in the groundwater system of 10-30 years so some environmental and cultural health outcomes will continue to decline even with immediate action.</u></p>

Page	Reference	Issue/concern	Relief sought
			<p><u>Phosphorus from historical land use has also accumulated in the lake-bed sediments of Te Waihora/Lake Ellesmere and is released into the lake when wind-induced wave action disturbs the lake sediments. This can give rise to algal blooms that impact on cultural, recreational and amenity values associated with the lake.</u></p> <p><u>The overall vision for Te Waihora/Lake Ellesmere catchment is 'To restore the mauri of Te Waihora while maintaining promoting the prosperous land-based economy and thriving communities.'</u></p> <p><u>Achieving the vision for Te Waihora/Lake Ellesmere and its catchment will require a sustained effort over a long period of time. A package of actions to achieve the vision for the Selwyn Waihora catchment has been identified through a two year collaborative planning process with the Selwyn Waihora Zone Committee. The Selwyn Waihora Zone Implementation Programme Addendum 2013 records the full package of actions to be implemented. This sub-regional section comprises the regulatory actions.</u></p> <p><u>The key resulting actions included in the package are:</u></p> <ul style="list-style-type: none"> <u>Consented alpine water introduced to the catchment for additional irrigation development and is also</u> <u>used to replace groundwater takes, enable stream augmentation and/or managed aquifer recharge;</u> <u>Water allocation limits, to deliver ecological and cultural flows;</u> <u>New takes in over-allocated water management zones are</u>

Page	Reference	Issue/concern	Relief sought
			<p><i>prohibited and the volume of water allocated is reduced;</i></p> <ul style="list-style-type: none"> • <i>Reducing legacy phosphorus in Te Waihora/Lake Ellesmere by 50 percent and improved management of lake-level and opening;</i> • <i>Restricting the agricultural nitrogen load losses from the catchment;</i> • <i>A 50 percent reduction in the catchment phosphorus load;</i> • <i>Requiring all farming activities to operate with at good management practicess-then-make further improvements over time in managing nitrogen.</i> <p><i>The package of actions is significant but it will not achieve the catchment vision. Modelling indicates that to achieve the full vision for the lake under current land management techniques would require wholesale changes in land use in the catchment which would not enable people and communities to provide for their economic and social well-being. There is however, potential for further improvement in the management of irrigation and diffuse pollution as innovation continues to develop within the agricultural sector. This will provide the opportunity for continual improvement in the health of Te Waihora/Lake Ellesmere and water bodies in the catchment over time.</i></p> <p><i>This sub-regional section includes policies and rules in addition to those in Sections 4 and 5 of this Plan to support the implementation of the package of actions for the catchment and to sustainably manage water resources to achieve the purpose of the Resource Management Act 1991. It does so within the scope of a regional plan and regional</i></p>

Page	Reference	Issue/concern	Relief sought		
			<p><u>council functions under the Resource Management Act 1991. The objectives and strategic policies in sections 3 and 4 of this Plan in conjunction with the Selwyn Waihora catchment freshwater outcomes in Section 11.6 are the catchments 'freshwater objective's' in accordance with the National Policy Statement:</u></p> <p><u>Freshwater Management 2011.</u></p> <p><u>The Selwyn Waihora catchment is not currently achieving all its 'freshwater objectives' and water quality is anticipated to get worse before it gets better as a result of laq effects. The catchment is therefore over-allocated in accordance with the National Policy Statement: Freshwater Management 2011. In accordance with the Council's Staged Implementation Programme this sub-regional section implements Policy A2 and includes limits or targets (section 11.7) and rules (section 11.5) to assist with improving water quality and meet the limits or targets within the rules. This section also sets out the environmental flow regimes and allocation limits for surface and ground water in the catchment (section 11.7.1 and 11.7.2) and the rules (section 11.5) to phase out over-allocation of water in accordance with Policy B6.</u></p>		
4-4	11.1A (the definition of ' <u>Central Plains Water</u> ') and Table 11(j)	<p>Several Central Plains' resource consent numbers have recently changed. The definition of "<i>Central Plains Water</i>" needs to be updated.</p> <p>In addition, Variation 1 does not refer to the Glenroy Community Irrigation Scheme (the <i>Glenroy Scheme</i>). The properties currently supplied water from the Glenroy Scheme are therefore treated as individual farming operations and are subject to the nutrient</p>	<p>Oppose, with amendment.</p> <table><tr><td>Central Plains Water</td><td><u>means the holder of resource consents CRC061973, CRC061972, CRC062685, CRC137417 and CRC021091 CRC136234 (and any other resource consent held by the same entity that authorises the take of water from the Rakaia or Waimakariri Rivers) or</u></td></tr></table>	Central Plains Water	<u>means the holder of resource consents CRC061973, CRC061972, CRC062685, CRC137417 and CRC021091 CRC136234 (and any other resource consent held by the same entity that authorises the take of water from the Rakaia or Waimakariri Rivers) or</u>
Central Plains Water	<u>means the holder of resource consents CRC061973, CRC061972, CRC062685, CRC137417 and CRC021091 CRC136234 (and any other resource consent held by the same entity that authorises the take of water from the Rakaia or Waimakariri Rivers) or</u>				

Page	Reference	Issue/concern	Relief sought		
		<p>management rules set out in Rules 11.5.6 to 11.5.13.</p> <p>At some stage the Glenroy Scheme may be integrated in with the Central Plains Scheme. The references to the take consents held by Central Plains therefore need to be expanded to make reference to other consents that may be obtained by Central Plains (or clarification needs to be given to the effect 'the scheme' is not just limited to the existing consents as set out).</p> <p>It also unclear whether the allocation nitrogen in Table 11(j) has been based on the Glenroy Scheme being fully developed or a modelled scenario of possible existing irrigation in the Central Plains' Scheme Area (i.e. effectively only a proportion of the Glenroy area already being subject to existing irrigation). It may be necessary to increase the Central Plains allocation in Table 11(j) to properly accommodate integration.</p> <p>As should be clear from the above, given that the Glenroy Scheme is fully developed, it may not be necessary to provide a separate allocation for Glenroy in Table 11(j) as the properties within the Scheme are able to rely on Rules 11.5.6 to 11.5.13 as if they were individual farming operations.</p>	<table><tr><td></td><td><u>any variation or replacement consent.</u></td></tr></table> <p>The allocation of nutrient to Central Plains in Table 11(j) may also need to be increased to the extent that full uptake within the Glenroy area should be assumed to be part of Central Plains.</p>		<u>any variation or replacement consent.</u>
	<u>any variation or replacement consent.</u>				

Policies (11.4)

Page	Reference	Issue/concern	Relief sought
4-5	Policy 11.4.1	Policy 11.4.1 seeks to manage water abstraction and the discharge of contaminants within the entire Selwyn Waihora catchment to "avoid	Oppose, with amendment.

Page	Reference	Issue/concern	Relief sought
		<p><i>cumulative effects”.</i></p> <p>Not all effects will be adverse. Some (such as the flow enhancement in lowland streams that derives from irrigation) are positive effects. Other effects can be appropriately remedied or mitigated (such that the policy does not need to seek to avoid all adverse effects).</p>	<p><u>11.4.1 Manage water abstraction and discharges of contaminants within the entire Selwyn Waihora catchment to avoid, remedy or mitigate cumulative effects on the water quality of Te Waihora/Lake Ellesmere and flow of water in springs and tributaries flowing into Te Waihora/Lake Ellesmere.</u></p>
<i>Managing Land Use to Improve Water Quality</i>			
4-6	Policy 11.4.12	<p>Policy 11.4.12(a) requires farming activities to not exceed the nitrogen baseline where a property’s nitrogen loss calculation is more than 15 kg of nitrogen per hectare per annum. This part of the policy however omits any reference to the possibility of a property increasing its nitrogen baseline over 15 kg of nitrogen per hectare per annum where the property joins or is part of an irrigation scheme. An exception needs to be provided for in the policy.</p> <p>CPW is unclear on the appropriateness of a universal 15 kg of nitrogen per hectare per annum ‘universal entitlement’ given the uncertainties in the modelling undertaken.</p> <p>Policy 11.4.12(b) requires farming activities to implement the practices set out in Schedule 24.</p> <p>In many instances these duplicate the requirements already set out in the Farm Environmental Management Plan regime required under the existing Central Plans’ resource consents.</p> <p>Policy 11.4.17 manages farming activities within the command area of an irrigation scheme. It needs to be clear that policy 11.4.12 does</p>	<p>Oppose, with amendment</p> <p><u>11.4.12 Reduce discharges of nitrogen, phosphorus, sediment and microbial contaminants from farming activities in the catchment by requiring farming activities on land that is not irrigated with water from an Irrigation Scheme to:</u></p> <p><i><u>(a) Not exceed the nitrogen baseline where a property's nitrogen loss calculation is more than 15 kg of nitrogen per hectare per annum; and</u></i></p> <p><i><u>(b) Implement the practices set out in Schedule 24; and</u></i></p> <p><i><u>(c) Implement a Farm Environment Plan prepared in accordance with Schedule 7 Part A, from 1 July 2015, when a property is greater than 10 hectares and is within the Lake Area in the Cultural Landscape/Values Management Area; and</u></i></p> <p><i><u>(d) Exclude stock from drains, in addition to the regional requirements to exclude stock from lakes, rivers and wetlands.</u></i></p>

Page	Reference	Issue/concern	Relief sought
		not also apply to those properties.	
4-6	Policy 11.4.13	<p>Policy 11.4.13 requires “further” reductions from 2017 in the discharge of nitrogen, phosphorous, sediment and microbial contaminants from farming activities by requiring farmers to:</p> <ul style="list-style-type: none"> implement a Farm Environment Plan prepared in accordance with Schedule 7 Part A (where a property is greater than 50 hectares); and in the case of a property discharging more than 15 kg of nitrogen per hectare per annum, meet the Good Management Practice Nitrogen and Phosphorous Loss Rates for the property’s baseline landuse. <p>In the case of shareholders in the Central Plains Water Enhancement Scheme, the requirement for a Farm Environmental Plan is already addressed by the water supply agreement (and requirement for a Farm Environmental Management Plan under the Central Plains’ resource consents).</p> <p>Central Plains is particularly concerned with reference being made to a required reduction based on limits (via the Good Management Practice Nitrogen and Phosphorous Loss Rates) that are not yet available for review. This policy does not meet the requirements of section 32 of the Resource Management Act 1991.</p>	<p>Oppose – delete policy.</p> <p>Replace with a method requiring the Council to commit to the development of the Good Management Practice Nitrogen and Phosphorous Loss Rates for inclusion in a subsequent notified plan variation (with an expectation that those rates will be complied with from 2017).</p>
4-7	Policy 11.4.14	<p>Policy 11.4.14 requires from 2022 farming activities to:</p> <ul style="list-style-type: none"> implement a Farm Environment Plan prepared in accordance with Schedule 7 Part A (where a property is greater than 20 	<p>Oppose – delete policy.</p> <p>Replace with a method requiring the Council to commit to a nitrogen reduction strategy for inclusion in the subsequent notified plan</p>

Page	Reference	Issue/concern	Relief sought
		<p>hectares); and</p> <ul style="list-style-type: none"> in the case of a property discharging more than 15 kg of nitrogen per hectare per annum, reduce the property's nitrogen loss by certain percentage rates (depending on land use type). <p>In the case of shareholders in the Central Plains Water Enhancement Scheme, the requirement for a Farm Environmental Plan is already addressed by the water supply agreement (and requirement for a Farm Environmental Management Plan under the Central Plains' resource consents).</p> <p>Central Plains is concerned at the use of different rates for different land use types. The inter-relationship between the reductions sought and the Good Management Practice Nitrogen and Phosphorous Loss Rates is not clear at this time. It might be that further reductions beyond those envisaged by 2017 are not realistic. The different percentage reductions have not been appropriately tested (by, for example, reference to relative debt levels) and their inclusion at the point in time does not meet the requirements of section 32 of the Resource Management Act 1991.</p>	variation referred to in Central Plains' sought relief in respect of Policy 11.4.13
4-7	Policy 11.4.17	<p>Policy 11.4.17 requires all farming activities within the command area of an irrigation scheme (where they receive water from an irrigation scheme) to:</p> <ul style="list-style-type: none"> collectively not exceed the Irrigation Scheme Nitrogen Limits in Table 11(j); and where properties convert from dryland to irrigated land use, 	<p>Oppose, with amendment</p> <p><u>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:</u></p> <p>(a) To collectively not exceed the Irrigation Scheme Nitrogen Limits in</p>

Page	Reference	Issue/concern	Relief sought
		<p>to manage nitrogen loss rates “from the outset” in accordance with Policy 11.4.17(b).</p> <p>This current wording of the Policy is of significant concern to Central Plains. It appears that the policy will apply prior to 1 January 2022 (compared to Policy 11.4.14 which only applies from that date). That would provide prospective irrigators with a significant disincentive in terms of joining the Central Plains Water Enhancement Scheme.</p> <p>There is not justifiable or robust reason for penalising Central Plains and prospective irrigators/scheme members in the manner envisaged by the policy. This policy does not meet the requirements of section 32 of the Resource Management Act 1991.</p> <p>It is also inconsistent with the wider approach of the variation (and serves no reasonable purpose) given that Central Plains already has to comply with the scheme load limit specified in Table 11(j).</p>	<p>Table 11(j) and</p> <p>(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).</p>
<i>Sustainable Use of Water and Improved Flows</i>			
4-8	Policy 11.4.21	The development of the Central Plains Water Enhancement Scheme is essential if the outcomes envisaged by Policy 11.4.21 are to be met.	Support
4-8	Policy 11.4.22	<p>Policy 11.4.22 restricts the transfer of water permits by:</p> <ul style="list-style-type: none"> preventing irrigation scheme shareholders within the Irrigation Scheme Area from transferring their permits to take and use groundwater; 	<p>Oppose, with amendment</p> <p>11.4.22-Restrict Manage the transfer of water permits from site to site 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 providing that:</p>

Page	Reference	Issue/concern	Relief sought
		<ul style="list-style-type: none"> avoiding transfers that are down-plains to up-plains; and requiring that in the case of all other transfers, 50% of the transferred water is surrendered. <p>Policy 11.4.22 is potentially onerous and will provide a disincentive for a number of farmers to join the Central Plains Water Enhancement Scheme if, in particular, transfers within the same property (or between properties owned or operated by the same person) are not able to occur. In many cases existing shareholders have made investment decisions (in purchasing shares in the Central Plains' scheme). Preventing such transfers increases the risk that farmers will choose to stay with their existing groundwater takes (rather than being supplied by the Central Plains Water Enhancement Scheme). This would reduce the extent of alpine water entering the Selwyn-Waihora Zone potentially providing a worse environmental outcome than the status quo.</p> <p>There are also difficulties with the policy as currently proposed in that a Central Plains shareholder may only seek to irrigate part of their property (or only 'top-up' existing groundwater takes) in which case there will be circumstances where groundwater transfers should legitimately and reasonably be able to occur. The policy seems to anticipate that a property will be fully irrigated with Central Plains water upon joining the scheme which, in many instances, will not be the case.</p> <p>The policy is also unreasonable in that it unfairly penalises the Central Plains scheme (when, for example, many existing properties will have both ground water and surface water takes but are not subject to the same transfer regime). The different approach and</p>	<p>(a) For land irrigated by an Irrigation Scheme, within the Irrigation Scheme Area shown on the Planning Maps, any groundwater consents applying to that land do not can be transferred their permits to take and use groundwater to:</p> <p>(i) the Irrigation Scheme; or</p> <p>(ii) to another Property owned by the same person or a related entity (as that term is defined in section 2(3) of the Companies Act 1993)</p> <p>—and</p> <p>(b) No permit to take and use groundwater is transferred from down-plains to up-plains; and</p> <p>(c) In all other cases 50% of any transferred water is surrendered.</p>

Page	Reference	Issue/concern	Relief sought
		<p>more onerous approach for the Central Plains Water Enhancement Scheme is unreasonable and unjustified.</p> <p>Going forward, Central Plains may seek to use groundwater for the periodic provision of 'stored water'. This would be used for the occasional supplementary supply. On that basis CPW is seeking that there be no penalty for the surrender of an existing groundwater consent to the irrigation scheme. The sought provisions (and the transfer of water to Central Plains) will ensure consistency with the <i>Agreement in Relation to Proposed Central Plains Water Enhancement Scheme</i> with Te Runanga o Ngai Tahu and other parties.</p> <p>The policy as worded also appears to capture changes of ownership which is unlikely to be what was intended. A further amendment to ensure it only applies to transfers from 'site to site' is also proposed.</p>	
4-8	Policy 11.4.23	<p>Policy 11.4.23 effectively provides a 'use it or lose it' regime for existing resource consents. The policy, as proposed appears to apply to all irrigators (including Central Plains).</p> <p>The policy should not apply to irrigation schemes (such as the Central Plains Scheme), which have development timeframes that are staged and extend over a number of years. It is also reasonable to expect that some of the farmers that buy shares in the Central Plains Water Enhancement Scheme will either delay developing their own irrigation infrastructure or simply sit on the shares. The full consented rate of take may therefore not be taken by Central Plains for a number of years (possibly extending well beyond the life of the existing consents).</p> <p>Application of the policy could also result in perverse behaviour with</p>	<p>Oppose, with amendment</p> <p><u>11.4.23 Except in the case of an Irrigation Scheme, o</u>Only <u>reallocate water to existing resource consent holders at a rate and volume that reflects demonstrated use.</u></p> <p>[or]</p> <p><u>11.4.23 Only reallocate water to existing resource consent holders at a rate and volume that reflects the greater of:</u></p> <p><u>(a) demonstrated use; or</u></p> <p><u>(b) in the case of an Irrigation Scheme, the volume of water required to supply the Irrigation Scheme when fully developed.</u></p>

Page	Reference	Issue/concern	Relief sought
		<p>incentives created to use water extravagantly or inefficiently.</p> <p>The policy should be amended to explicitly provide that it does not apply to irrigation schemes and/or should not be based on demonstrated use but reasonable future use (with regard being had to past demonstrated water use and the opportunities for future increased use).</p> <p>There is also tension between Policy 11.4.23 and 11.4.26. Policy 11.4.23 should not apply where a farmer, for example, continues to hold either a groundwater or a surface water resource consent while receiving water from an irrigation scheme. It is proposed to amend Policy 11.4.26 to address this tension.</p>	
4-8	Policy 11.4.26	<p>As submitted in respect of Policy 11.4.23, there is tension between Policies 11.4.23 and 11.4.26.</p> <p>Central Plains also seeks to have Policy 11.4.26 amended to provide for 9 in 10 year reliability (for consistency with the wider consent and planning framework).</p>	<p>Support, with amendment</p> <p><u>11.4.26 Notwithstanding Policy 11.4.23, where a consent applicant holds shares in an Irrigation Scheme, limit any additional consented volumes to the volume required to meet demand conditions in nine eight and a half out of ten years for a system with an application efficiency of 80%.</u></p>
4-8	Policy 11.4.28 (and all other plan provisions addressing minimum flows – including, in particular, Table 11(c))	<p>Variation 1 introduces a new flow regime for low land streams within the Selwyn Waihora catchment. The revision of the minimum flows appears to <i>inter alia</i> upon the development of the Central Plains Scheme (i.e. additional drainage associated with further irrigation and the introduction of alpine water).</p> <p>This creates some inconsistency within Variation 1 in that on the one hand Variation 1 has been structured with a reliance on the fact certain benefits will arise from the development of Central Plains while on the other hand it seeks to put significant restrictions in place</p>	<p>Support in part, oppose in part - with amendment.</p> <p>Central Plains seeks such relief as is necessary to address its concerns. This includes better recognition of Central Plains throughout the variation and making more explicit the benefits derived from Central Plains in terms of stream flows.</p> <p>The uncertainties could be addressed through a method that provides for further work to be done following the development of Central Plains to ascertain the actual benefit of the Scheme on stream flows. This</p>

Page	Reference	Issue/concern	Relief sought
		<p>that will fetter or possibly even limit that development. If the benefits of stream flow enhancement are to be used as justification for the variation then the balance of the plan needs to be amended to better accommodate the development of the Central Plains Water Enhancement Scheme.</p> <p>Although Central Plains is committed to building all proposed stages of the Central Plains Water Enhancement Scheme, it also assumed that the relationship between scheme development and actual stream flows is uncertain.</p> <p>There are also some uncertainties as to how the provisions and outcomes anticipated by Variation 1 will impact on Central Plains' compliance with its existing resource consents. There are, for example, requirements within the Central Plains consents for it to avoid, remedy or mitigate the effects of groundwater mounding. The extent to which Central Plains will be able to meet its obligations is not clear.</p>	<p>could then lead to a Schedule 1 process to include a revised Table 11(c). In the interim it may be appropriate that the table is deleted or amended to include the existing minimum flows on the relevant water bodies.</p> <p>In addition, Central Plains seeks further amendments (if any) to Variation 1 to ensure there is no conflict between the outcomes anticipated and the compliance obligations recorded in the Central Plains Water consents.</p>
4-8	Policy 11.4.30	<p>There are a number of shareholders within the Central Plains Scheme that hold resource consent to take, for example, band 1, 2 and 3 water from the Rakaia River. In time Central Plains is likely to seek into arrangements with some of those entities such that the band 1, 2 & 3 water is transferred to Central Plains with those properties being supplied water from groundwater.</p> <p>In terms of allocation, the grant of any additional groundwater consent(s) would be more than balanced against increased drainage associated with the wider Central Plains Water Enhancement Scheme.</p> <p>Central Plains seeks an acknowledgement within Policy 11.4.30 of</p>	<p>Oppose, with amendment</p> <p><u>11.4.30 Enable existing resource consent holders to take groundwater where:</u></p> <p><u>(a) an equivalent volume of surface water allocation from the Rakaia River is transferred to Central Plains; or</u></p> <p><u>(b) It will not have a direct or high stream depletion effect on a surface water body; and</u> (c) A <u>an existing resource consent to take surface water or groundwater with a direct or high stream depletion effect</u></p>

Page	Reference	Issue/concern	Relief sought
		such an application being made.	<u>greater than 5 L/s has been surrendered.</u>
4-8	Policy 11.4.31	<p>This policy seeks to prohibit the in-stream damming of the full flow on the main stem of the Selwyn River/Waikirikiriri and the Waianiwaniwa River above its confluence with the Selwyn River/Waikirikiriri.</p> <p>Central Plains seeks that the policy be deleted. Although it has no current proposal in respect of large scale storage (such as that proposed during its original consent hearing), it remains of the view that the damming of, for example, the Waianiwaniwa Valley might be the only viable option for large scale storage within the Selwyn Waihora Zone.</p> <p>In accordance with section 32 of the Resource Management Act 1991, a prohibition at a policy level does not appear to be justified. It is also quite possible that circumstances might change in the future such that large scale storage again becomes essential for the Central Plains Water Enhancement Scheme (noting, for example, that its existing contractual arrangements with TrustPower with regard to the supply of stored water from lake Coleridge do not provide it with sufficient water for the development of the full scheme and in any event terminate in 2031).</p> <p>Any future proposal would of course be subject to its own consent process and could be either granted or declined.</p>	Oppose – delete policy.
4-8	Policy 11.4.32	The provision of storage has the ability to reduce the pressure on groundwater resources and also surface water resources (at least at the times of restriction).	<p>Support, with amendment</p> <p><u>11.4.32 Enable the storage of water from the Rakaia River and Waimakariri River to improve the reliability of supply of Irrigation</u></p>

Page	Reference	Issue/concern	Relief sought
		<p>In the case of Central Plains, full development of the Central Plains Water Enhancement Scheme will require access to considerable volumes of stored water. Central Plains seeks to ensure that the final plan provisions continue to encourage and accommodate the development of further storage within the Selwyn Waihora Zone.</p> <p>Given that the Central Plains Water Enhancement Scheme is already consented and involves the take of water from both the Rakaia and Waimakariri Rivers (and considerable mixing of that water), it appears that Policy 11.4.32(b) serves little purpose. The use of "avoid" and "avoided or mitigated" is also done inconsistently through the policy. The policy should be amended to refer to "avoid remedy or mitigate" to be consistent with the Resource Management Act 1991.</p> <p>There is no justification for favouring avoidance over remedying or mitigating.</p>	<p><u>Scheme water and support a reduction in the use of groundwater provided:</u></p> <p><u>(a) A Ngāi Tahu cultural impact assessment has been undertaken; and</u></p> <p><u>(b) The mixing of water from different water bodies is avoided or mitigated through site specific design; and</u></p> <p><u>the Adverse effects on cultural values are satisfactorily avoided, remedied or mitigated in accordance with the recommendations in the cultural impact assessment; and</u></p> <p><u>(dc) Adverse effects on the availability and quality of community drinking water are avoided, remedied or mitigated; and</u></p> <p><u>(ed) Inundation of existing wetlands is avoided, remedied or mitigated through site specific design; and</u></p> <p><u>(fe) Adverse effects on fish passage are avoided, remedied or mitigated; and</u></p> <p><u>(gf) Inundation of river reaches with significant indigenous vegetation or significant habitat of indigenous biodiversity is avoided, remedied or mitigated; and</u></p> <p><u>(hg) Inundation of known trout and salmon spawning areas is avoided, remedied or mitigated; and</u></p> <p><u>(ih) Infrastructure is designed to accommodate the effects of climate change.</u></p>

Rules (11.5)

Page	Reference	Issue/concern	Relief sought
4-13	[New Rule] Rule 11.5.10A	<p>Central Plains seeks amendments to Variation 1 that would expressly provide for nutrient management groups that would allow nutrients to be managed on a collective basis between, for example, the Central Plains Scheme and other persons who may wish to jointly manage their nutrient loss with the Scheme.</p> <p>This would provide an opportunity to have wider scheme oversight to the management of nutrients and give wider flexibility across the Selwyn Waihora Zone.</p>	<p>Amendment sought</p> <p><u>11.5.10A Notwithstanding rules 11.5.6 to 11.5.9, the use of land for a farming activity as part of a nutrient management group in the Selwyn Waihora catchment is a discretionary activity, provided the following conditions are met:</u></p> <p><u>1. the nutrient management group has a nutrient management plan that manages the allocation of nutrients between members;</u></p> <p><u>2. the properties subject to the nutrient management group are all subject to a Farm Environment Plan that has either been prepared in accordance with Schedule 7 Part A or is consistent with Schedule 7 Part A; and</u></p> <p><u>3. the nitrogen loss calculation for all members of the nutrient management group does not increase above the total combined nitrogen baseline for all members.</u></p> <p><u>Note:</u></p> <p><u>If a member of the nutrient management group receives water from the Central Plains scheme, then compliance for Central Plains with the total scheme nitrogen limit in Table 11(j) shall be based on the individual nitrogen baseline of the relevant member and not its share of the total combined nitrogen baseline available by virtue of any</u></p>

Page	Reference	Issue/concern	Relief sought
			<u>nutrient management group.</u>
4-13	Rule 11.5.14	<p>Rule 11.5.14 appropriately permits farming land use, however the conditions require a “discharge consent” where a property is irrigated with water from an Irrigation Scheme listed in Table 11(j). Central Plains is the only scheme listed in this table and while Central Plains hold consents which require a nutrient management regime, these conditions apply to a water use permit rather than a discharge permit.</p> <p>Central Plains seeks to have the Rule reworded to accord with Rule 5.61 in the proposed Land and Water Plan it is however unclear as to whether the rule should only apply prior to 2017 and the relationship between 11.5.14 and 11.5.15.</p>	<p><u>Oppose, with amendment</u></p> <p><u>11.5.14</u> <i>Despite any of Rules 11.5.2 to 11.5.13, the use of land for a farming activity in the Selwyn Waihora catchment is a permitted activity provided the following conditions are met:</i></p> <p><u>1. There is an existing consent, held by an irrigation scheme or a principal water supplier, that has conditions that specify the maximum amount or rate at which nutrients may be discharged or leached from the subject land; or The property is irrigated with water from an irrigation scheme and the discharge is a permitted activity under Regional Rule 5.61; or</u></p> <p><u>2. The property is irrigated with water from an Irrigation Scheme listed in Table 11(j) and the irrigation scheme holds a discharge consent under Rule 11.5.15.</u></p>
4-13	Rule 11.5.15	<p>Rule 11.5.15 provides that the discharge of nitrogen, phosphorous, sediment and microbial contaminants is a discretionary activity provided that the applicant is an irrigation scheme (i.e. Central Plains) and the irrigation scheme will not exceed the Irrigation Scheme Nitrogen Limits in Table 11(j).</p> <p>The use of discretionary resource consent status is of significant concern to Central Plains and potentially results in investment uncertainty for the Scheme. The use of discretionary activity status is unjustified and should properly be amended to controlled activity status where the two conditions in the rule are met. A controlled activity status would also better align with the non-notification clause</p>	<p><u>Oppose, with amendment</u></p> <p><u>11.5.15</u> <i>From 1 January 2017, the discharge of nitrogen, phosphorus, sediment and microbial contaminants onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA, in the Selwyn Waihora catchment, is a discretionary controlled activity, provided the following conditions are met:</i></p> <p><u>1. The applicant is an Irrigation Scheme listed in Table 11(j); and</u></p> <p><u>2. The nitrogen loss calculation for the Scheme will not exceed the Irrigation Scheme Nitrogen Limits in Table 11(j).</u></p>

Page	Reference	Issue/concern	Relief sought
		<p>which has been appropriately applied for this rule.</p> <p>There is typographical error in the “<i>Notification</i>” explanation to the rule.</p> <p>In addition, the relationship of Rules 11.5.13 to 11.5.17 is unclear. Both rules have the same wording, but a different activity status. This is likely to lead to interpretation issues as both could apply to the CPW situation. It appears an exclusion of some form is necessary.</p>	<p><u>Notification</u></p> <p><u>Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processesd and considered without public or limited notification.</u></p> <p><u>Note that limited notification to <i>any</i> affected order holders-protected customary rights group in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.</u></p> <p><u>In addition, Central Plains seeks such further relief as is necessary to clarify the relationship between Rules 11.5.14 to 11.5.17.</u></p>
4-17	Rule 11.5.33A [new Rule]	<p>There are a number of shareholders within the Central Plains Scheme that hold resource consent to take, for example, band 1, 2 and 3 water from the Rakaia River. In time Central Plains is likely to seek into arrangements with some of those entities such that the band 1, 2 & 3 water is transferred to Central Plains with those properties being supplied water from groundwater.</p> <p>In terms of allocation, the grant of any additional groundwater consent(s) would be more than balanced against increased drainage associated with the wider Central Plains Water Enhancement Scheme.</p>	<p>Oppose, with amendment</p> <p><u>11.5.33A Despite Rule 11.5.32 and 11.5.33, the taking and using of groundwater within the Selwyn Waihora Catchment and including all areas within the Little Rakaia Combined Surface and Groundwater Allocation Zone is a restricted discretionary activity provided the following conditions are met:</u></p> <p><u>1. The applicant holds a resource consent to take and use surface water from the Rakaia River; and</u></p> <p><u>2. The existing resource consent referred to in condition 1 is:</u></p> <p><u>(a) transferred either in whole or in part to Central Plains in accordance with Rule 11.5.38(b); and</u></p> <p><u>(b) is for an equal or greater volume than the take of groundwater for which resource consent is sought.</u></p> <p><u>and</u></p> <p><u>3. If the groundwater abstraction is from an up-plains location, it is</u></p>

Page	Reference	Issue/concern	Relief sought
			<p><u>below 50 metres deep; or</u></p> <p><u>4. If the abstraction in from a down-plains location, it is below 30 metres deep or from the second confined aquifer; and</u></p> <p><u>5. the annual volume and maximum rate of take sought have been calculated in accordance with Method 1 in Schedule 10; and</u></p> <p><u>6. the bore interference effects are acceptable, as determined in accordance with Schedule 12.</u></p>
4-19	Rules 11.5.37 and 11.5.39	<p>Rule 11.5.37 relates to transfers.</p> <p>Central Plains repeats the submissions it has made in respect of Policy 11.4.22.</p>	<p>Oppose, with amendment.</p> <p><u>Transfer of Water Permits</u></p> <p><u>Rules 11.5.37, 11.5.38 and 11.5.39 prevail over Regional Rules 5.133 and 5.134.</u></p> <p><u>11.5.37</u> <u>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:</u></p> <p><u>1. The reliability of supply for any other lawfully established water take is not reduced; and</u></p> <p><u>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 11the and 11(d); or</u></p> <p><u>3. In the case of groundwater:</u></p> <p><u>(a) the point of take is within the same groundwater allocation</u></p>

Page	Reference	Issue/concern	Relief sought
			<p><u>zone or combined surface and groundwater allocation zone; and</u></p> <p><u>(b) the bore interference effects as set out in Schedule 12 are acceptable; and</u></p> <p><u>the the transfer is not from down-plains to up-plains; and</u></p> <p><u>(d) the transfer is to another Property owned by the same person or a related entity (as that term is defined in section 2(3) of the Companies Act 1993); and</u></p> <p><u>(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</u></p> <p><u>(e) In addition for stream depleting groundwater takes:</u></p> <p><u>(i) the transfer is within the same surface water catchment; and</u></p> <p><u>(ii) the take complies with the minimum flow and restriction regime in Table 11the and 11(d);</u></p> <p><u>and</u></p> <p><u>(iii) the stream depletion effect is no greater in the transferred location than in the original location unless an equivalent volume of surface water allocation from the affected water body can be surrendered alongside the transfer.; and</u></p> <p>11 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.</p>

Page	Reference	Issue/concern	Relief sought
			<p><u>The exercise of discretion is restricted to the following matters:</u></p> <p><u>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</u></p> <p><u>2. The appropriateness of conditions, including conditions on minimum flow, annual volume and other restrictions to mitigate effects; and</u></p> <p><u>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</u></p> <p><u>4. The likely irrigation efficiency of the exercise of the resource consent; and</u></p> <p><u>5. In the case of surface water:</u></p> <p style="padding-left: 40px;"><u>(a) the reduction in the rate of take in times of low flow; and</u></p> <p style="padding-left: 40px;"><u>(b) 6. The method of preventing fish from entering any water intake.</u></p> <p>11.5.38 <u>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:</u></p> <p><u>1.(a) the take is to be transferred to a local authority and is to be used for community water supply; or</u></p> <p><u>(b) the take is to be transferred to an Irrigation Scheme or is a site to site transfer by an Irrigation Scheme and it is intended to be used to improve reliability at times when the surface water is not able to be accessed</u></p>

Page	Reference	Issue/concern	Relief sought
			<p><u>by the Irrigation Scheme is on restriction</u></p> <p><u>11.5.39</u> <i>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.</i></p>
4-20	Rule 11.5.42	<p>Rule 11.5.42 seeks to prohibit the in-stream damming of the full flow on the main stem of the Selwyn River/Waikirikiriri and the Waianiwaniwa River above its confluence with the Selwyn River/Waikirikiriri.</p> <p>Central Plains repeats the submissions it has made in respect of Policy 11.4.31. It considers discretionary activity status more appropriate.</p>	<p>Oppose, with amendment.</p> <p><u>11.5.42</u> <i>The damming of the full flow of water within the bed of the main stem of the Selwyn River/Waikirikiriri between the mouth at or about map reference BX23: 5559-5636 to BW21: 9667-9703 and BX21:9752-8937, and within the bed of the Waiāniwaniwa River above the confluence with the Selwyn River/Waikirikiriri at or about map reference BX22: 2494-7347 to BW21:1130-9083 is a <u>discretionary prohibited</u> activity.</i></p>

Tables

Page	Reference	Issue/concern	Relief sought
4-27 4-28 4-34 4-35	Tables 11(a), 11(i) and 11(j)	<p>At the time of preparing this submission Central Plains has commissioned a peer review of modelling underlying the allocations set out in Tables 11(i) and 11(j).</p> <p>The modelling also informs 11(a).</p> <p>Central Plains is concerned that the allocations as set out in the proposed variation are incorrect and/or unreasonable.</p>	<p>Oppose, with amendment</p> <p>Central Plains seeks that the allocations be corrected to remove any errors and to ensure that they are reasonable. It is not able to provide any specific sought relief at this time.</p>

Page	Reference	Issue/concern	Relief sought
4-36	11.8 and Table 11(n) <i>(and all other plan provisions referring to "Cultural Landscape/Values Management Area")</i>	<p>Although Central Plains acknowledges and supports the intent of the "Cultural Landscape/Values Management Area" it is unclear as to whether the 20 metre "River Zone" provided in Table(n) is justifiable or reasonable.</p> <p>Despite generally supporting the exclusion of stock from waterways, Central Plains is concerned that the 20 metre zone (i.e. 40 metres for each river) creates an unnecessary compliance burden or even has the potential to sterilise large areas of land that are currently used for day to day farming operations.</p>	<p>Oppose, with amendment</p> <p>The "River Zone" should be limited to the bed and riparian margin of each water body. Consideration also needs to be given to whether a 'whole' catchment approach is appropriate or necessary in respect of the cultural landscape.</p>

General

Page	Reference	Issue/concern	Relief sought
All	All	N/a	<p>In addition to the specific (and General) relief set out above, Central Plains seeks such other further and alternative relief that addresses all of the concerns/issues set out.</p> <p>In this respect, the Central Plains submission should read as applying to, and to the extent necessary opposing, all of Variation 1 and not just the specific provisions identified or discussed in this Annexure 2 table.</p>
All	All	<p>There is no policy direction as to how nutrients are to be allocated within an irrigation scheme (especially as between existing dryland properties and already irrigated properties.</p> <p>It is not clear how that is intended to occur (and for example is it</p>	An effective allocation regime for Irrigation Schemes (which may or may not need to be expressly reflected in Variation 1).

Page	Reference	Issue/concern	Relief sought
		intended that shareholders receive a universal discharge entitlement of 'X kg' without regard to their individual nutrient baseline - or whether regard is intended to be had to farming systems and existing individual discharges prior to joining the Scheme). Central Plains has a tentative preference towards the latter (and expects that is the approach anticipated by the Variation) but it wishes to reserve its position as to whether an express regime should be included.	

Annexure 3: Consent summary

Central Plains has obtained all the necessary Resource Consents from Environment Canterbury and the Selwyn District Council to construct and operate a 60,000Ha surface water irrigation scheme, including a designation for the headrace.

The consents were issued under the Joint Decision and Recommendations of Independent Commissioners on 28 May 2010. Appeals on the Decision were received and these were settled via consent order in early 2012, and amended consents were issued by the Environment Court in July 2012, enabling the scheme to proceed.

The consent authorities have agreed that the consents can be given effect to in a staged manner, as described in **Annexure 1**.

The consents obtained by Central Plains Water Trust are summarised below:

- Selwyn District Council – Designation for intake and headrace (D060001)
- Selwyn District Council – Resource consents for pipe reticulation
 - Central 065241
 - Darfield 065215
 - Sheffield 065216
 - Springfield 065217
 - Te Pirita 065218
 - Windwhistle 065219
 - Additional by-wash discharges Selwyn River, Hawkins River 075156
- Environment Canterbury – land use, water and discharge permits, as listed below:
 - Land Use Consents
 - CRC061814 To excavate and deposit material over an unconfined aquifer
 - CRC102325 Disturb, excavate, deposit material, remove and plant vegetation in riparian margins: construct supply infrastructure
 - CRC102326 Disturb, excavate, deposit material, remove and plant vegetation in riparian margins: operate and maintain supply works
 - CRC102328 To disturb and excavate the bed of a river to place structures
 - CRC102329 To disturb and excavate the bed of a river to operate, repair and maintain structures

- CRC102330 To disturb, excavate and deposit material, and to remove and plant vegetation within the bed and riparian margins of a river for the construction of intake structures.
- CRC102331 To disturb, excavate and deposit, and to remove and plant vegetation within the bed and riparian margins of a river for the operation and maintenance of intake structures
- CRC062680 To disturb the bed and banks of Rakaia River to excavate and construct galleries and associated pipelines, form diversion channels and construct temporary settlement ponds
- CRC063823 To remove vegetation and disturb and deposit soil, whilst excavating and placing pipelines, within 7.5 m of the Rakaia River bank

Water Consents

- CRC061768 Dam and divert water during construction
- CRC062685 Divert, take and use water from the Rakaia River
- CRC061940 Divert water from the Rakaia River for irrigation, sediment sluicing and fish passage
- CRC061943 Divert water from the Waimakariri River for irrigation, sediment sluicing and fish passage
- CRC061925 Take water for dewatering
- CRC061972 Take water from the Waimakariri River at a maximum rate of 24m³/s
- CRC061973 Use water from the Rakaia River and Waimakariri River at maximum rate of 65m³/s
- CRC137417 (replaces CRC021091) Take water from the Rakaia River at a maximum rate of 40m³/s
- CRC136234 (replaces CRC100581.1) to take water from Waimakariri River at a maximum rate of 1,000 litres per second

Discharge Permits

- CRC102332 Discharge contaminants and water during construction
- CRC102333 Discharge contaminants and water during scheme operation and maintenance
- CRC102334 Discharge stormwater which may contain contaminants onto or into land and into water
- CRC061928 Discharge water for dewatering purposes during construction
- CRC061949 Discharge water and contaminants as seepage from canals and distribution races to land where it may enter water

- CRC102335 Discharge surplus water and contaminants from canals and distribution network to water and to land
- CRC062686 Discharge unused water and natural sediment back into the Rakaia River
- CRC061980 Discharge diverted water into the Rakaia River
- CRC061982 Discharge diverted water into the Waimakariri River
- CRC102336 Discharge contaminants and dust to air during scheme construction
- CRC102337 Discharge contaminants and dust to air during scheme operation and maintenance

Schedule 1 – General Conditions

Schedule 2 – Administrative Conditions

Schedule 3 – Schedules A, B, C

Annexure 4: the Central plains nutrient management regime

The Central Plains use consent (CRC061973) includes the following nutrient management regime:

- Condition 7 - Requires implementation of best management practices on all properties receiving water from the scheme to minimise the loss of nitrate-nitrogen to soil drainage water, and minimise any loss of sediment, phosphorus or nitrogen to surface waters and outlines these practices shall be outlined in each Farm Management Plan.
- Condition 9 - Requires the preparation and implementation of a Farm Management Plan for each property receiving water from the scheme.
- Condition 10 - Outlines the filing and implementation and auditing requirements for Farm Management Plans.
- Condition 11 - Outlines the objectives of the Farm Management Plan and includes minimizing nutrient losses to surface and ground water through the use of nutrient budgeting; and minimization of nitrate and phosphate leaching through careful fertiliser management, planting buffer zones and exclusion of stock from water bodies.
- Condition 12 - Specifies best management practices to minimise the loss of nitrate-nitrogen to soil drainage water and surface waters.
- Condition 15 - Specifies auditing requirements for the Farm Management Plans.
- Condition 16 - Specifies requirements in relation to wintering of stock
- Condition 17 - Requirement for an annual report on exercise of consent on all properties for the previous irrigation season to CRC.
- Condition 18 - Requirement to obtain, for each property, data demonstrating either: a nutrient budget confirming average total nitrogen application has been less than 200 kgN/ha/yr or calculations of the average annual concentration of nitrate nitrogen in the soil drainage below the plant root zone.
- Condition 19 - Requirement for collation of the information obtained in Condition 18 in a schedule and map to be provided to the Council and nitrate-nitrogen soil drainage information to be classified.
- Condition 20 - Requirement to implement management practices to reduce loss of nitrate nitrogen to soil drainage water if average annual concentration is between 8 grams per cubic metre and 16 grams per cubic metre and where concentration exceeds 16 grams per cubic metre require the adoption of management practices to reduce loss of nitrate-nitrogen to soil drainage water by various measures (including: the average total nitrogen (fertilizer and effluent) application to that property shall be limited to 200 kgN/ha/yr).

- Condition 21 - Requirement for an annual report on compliance.

In addition, Schedule 2 (Administration conditions) provides that:

- Condition 34(h) - CRC able to review the conditions to address any differences between actual calculated scheme-wide nutrient discharges and the catchment wide Nutrient Discharge Allowance (being provisions to limit the volumes of N or P that can be discharged into the catchment by land use) information being published as part of the work for the Canterbury Water Management Strategy.
- Condition 35 - Requires that within six months of a regional plan becoming operative that sets catchment wide NDA within the areas to which the scheme supplies water, the consent holder shall apply to vary the conditions of their consents that relate to nutrient discharges in a way that is consistent with the catchment wide NDA that are designed in the regional plan.
- Condition 36 - In December 2015 or within six months of catchment wide NDA being published the consent holder must review and modify its individual FMPs and its scheme Sustainability Protocol to ensure that they describe the actual farm and scheme discharges in a manner that is consistent with the NDA methodology. Where in excess, there shall be a scheme wide review of the FMPs and Sustainability Protocol to identify feasible options to minimise the exceedence.