

## BEFORE THE CANTERBURY REGIONAL COUNCIL

**Under** Resource Management Act 1991

**In the matter** of s65 and Schedule 1 of the Resource Management Act 1991

**Between** CANTERBURY REGIONAL COUNCIL  
Consent Authority

**And** CRAIGMORE FARMING COMPANY LIMITED  
Submitter

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**SUBMISSION ON THE PROPOSED PAREORA CATCHMENT ENVIRONMENTAL  
FLOW AND WATER ALLOCATION REGIONAL PLAN**

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## Introduction

1. This is a submission made on behalf of Craigmore Farming company Limited (“Craigmore”). It addresses the proposed Pareora Catchment Environmental Flow and Water Allocation Regional Plan (“the Proposed Plan”).
2. Craigmore conditionally supports the proposed plan and wishes to be heard in support of its submission.
3. Craigmore requests the relief that the approach of providing additional water beyond the existing A Block allocation, which would enable water harvesting and storage, be upheld, subject to amendments to the objectives, policies and rules that will:
  - 3.1 Expressly provide for and promote the sustainable taking of surface water for water harvesting and storage purposes.
  - 3.2 Ensure that the allocation blocks are amended so that the needs of ecological protection and provision for irrigation are more appropriately balanced in terms of s5 and are tailored specifically to the proven regularity and volumes of flushing flows required in this particular catchment.
  - 3.3 Ensure water is equitably allocated amongst the irrigable land within the catchment.
4. The relief sought is set out in further detail below.

## Reasons

5. To reflect the appropriate balance required by s5, the management regime must reflect the right balance between the specific water needs of the affected people and communities and the particular ecological values and characteristics of the Catchment. In particular, less reliance should be placed on national guidelines and more evidence is required to demonstrate that the regime is tailored specifically to the correct balance between the specific ecological and irrigation needs of this Catchment.

6. Although the proposed plan recognises that water harvesting and storage is an appropriate means to provide water for irrigation, the issues, objectives and policies fail to address adequately this issue and its importance in this water-poor Catchment. The existing objectives and policies fail to provide adequate direction to ensure that the rules and other methods as well as the processing of resource consents under the proposed plan will indeed promote sustainable harvesting and storage of water.
7. The rules currently included in the Proposed Plan, including allocation blocks and rules governing the activity status of works such as damming required to facilitate water harvesting are overly restrictive. They fail to provide for the possibility that in some circumstances the benefits of water harvesting and storage may justify some adverse effects on ecology and instream values. They fail to create an appropriate regulatory regime to facilitate the use of this important means of enhancing access to and reliability of irrigation water in the Catchment. These rules and allocation blocks impose harsher restrictions on A Block takes for storage than those for other purposes. This is not justified by evidence of effects requiring this differentiation.
8. The Plan proposes to impose an unduly harsh regime on the remaining unallocated water, seemingly to overcompensate for the over-allocation of surface water within the Catchment previously. The correct means to redress this situation is to address the existing A allocations by stipulating that existing consents will have to comply with the allocation rules in accordance with Section 68(7).
9. Craigmore agrees that the surface water in the Catchment should be equitably shared amongst users in the Catchment, but considers the Proposed Plan does not go far enough to prevent monopolisation of the resource by large abstractions on a first come first served basis.

### **Relief sought**

#### Issues

10. Add to Issue 3 recognition of the importance of providing for the social and economic wellbeing of people and communities of the Catchment by where possible enhancing access to irrigation water. Further recognise in the

opportunities provided by water harvesting and storage to lessen the risks to existing businesses and reduce limits on development opportunities posed by the low availability and reliability of water within the Catchment. Suggested wording to be added to Issue 3:

- 10.1 *At the beginning of Issue 3:* The ability of the people and communities of the Catchment to provide for their social and economic wellbeing is influenced strongly by availability of and access to irrigation water within the Catchment. It is important to provide for this ability to enhance access and availability and reliability in a manner that appropriately avoids, remedies or mitigates adverse effects on in-stream ecological values.
- 10.2 *At the end of Issue 3:* Water harvesting during periods of high flows for storage provides a sustainable means of providing irrigation water for use during periods of low natural flows. Given its potential to increase reliability of and access to irrigation water it is important for maintaining and enhancing viability of agricultural activities through irrigation.

#### Objectives

11. Insert an objective promoting water harvesting and storage to increase the water available for irrigation within the Catchment during periods of reduced or low flows. The following wording or wording with the same effect is sought:
- 11.1 To maximise the ability of people and communities within the Pareora Catchment to provide for their social and economic wellbeing through irrigation by promoting the development and use of high flow water harvesting and storage for the purposes of irrigation use within the Catchment.

#### Policies

12. Insert the necessary policies and amendments to policies to give effect to this objective, to ensure that applicable rules and allocation blocks promote water harvesting and storage, and that consent can be granted for applications to harvest and store water, provided the effects are avoided, remedied or mitigated

appropriately. The following changes or changes with the same effect are sought:

- 12.1 *Amend Policy 1.1(d) to read:* In the mainstem of the Pareora River, protects freshes of sufficient intensity and regularity to achieve appropriate levels of scouring of periphyton build up and when necessary, to open the mouth of the Pareora River.
- 12.2 *Insert a new policy as follows:* To provide for the taking, diversion, damming and use of water for storage purposes, provided that:
  - 12.2.1 The storage and end use of the water meet the efficiency requirements of this Plan;
  - 12.2.2 The adverse effects on in-stream ecological values and existing authorised downstream abstractors are appropriately avoided, remedied or mitigated.
- 12.3 *Delete that part of Policy 1.2 from the words “and prevent the taking and use...” to the end of clause 1.2(c) inclusive.*
- 12.4 *Amend policy 1.6 to read:* To prevent any damming of any surface water in the mainstem of any waterway within the Pareora Catchment, except where that damming was lawfully established prior to this plan becoming operative or where that damming is provided for by policy 1.6A.
- 12.5 *Insert a new policy 1.6A to read:* To provide for the damming of any tributary of the Pareora River (including the South Branch), but only where it is in accordance with the following and does not include damming the mainstem of the Pareora River itself:
  - 12.5.1 It is for the purpose of water harvesting and storage, and
  - 12.5.2 The adverse effects on in-stream ecological values and existing authorised downstream abstractors are appropriately avoided, remedied or mitigated.

### Explanations

- 12.6 Amend the explanations to the policies, including the explanation to Policy 1.6 to recognise that water harvesting and storage provides a valuable opportunity to enhance access to and reliability of irrigation water in a water-poor Catchment. As such it is a key tool for ensuring efficient and sustainable management of the surface water resource of the Catchment. Adverse effects on in-stream values must be avoided, remedied or mitigated to the extent appropriate in view of the benefits of the take, storage and end use.

### Rules

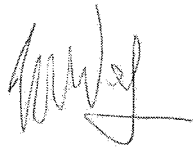
13. Amend Rules 2.3-4.3 inclusive and Table 1 and Table 2, Schedule 2 so that:
- 13.1 The damming of surface water of any tributary (including the South Branch), but not the mainstem of the Pareora River, for the purpose of water storage, is a restricted discretionary activity subject to appropriate conditions;
- 13.2 The taking and use of water for the purpose of water storage is a restricted discretionary activity subject to appropriate conditions designed to ensure adverse effects on in-stream values and downstream users are appropriately avoided, remedied or mitigated;
- 13.3 The A and B allocation blocks are set and the associated rules are amended to ensure that for the taking and use of surface water for storage purposes:
- 13.3.1 The minimum flow for A Block takes is the same irrespective of whether the water is taken for storage or immediate use;
- 13.3.2 There is no permanent gap for flushing flows between the A and B Blocks, but flushing flow requirements are dealt with by conditions requiring adequate frequency and volume flushes to be maintained;

- 13.3.3 A Block water not actually being abstracted is made available for allocation on a water sharing basis when the relevant A Block permit holders are not abstracting, including when they have reached their consented annual volume;
- 13.3.4 The annual seasonal volume in Schedule 2, Table 2 is calculated in accordance with the Irricalc methodology;
- 13.3.5 The annual seasonal volume that can be abstracted to fill a storage dam for irrigation purposes cannot exceed that needed to irrigate the pasture to be serviced by the dam, as calculated in accordance with Schedule 2, Table 2 (making allowance for reasonable evapotranspiration and transport losses)
- 13.3.6 The instantaneous take rate that can be abstracted to fill a storage dam cannot exceed 500l/s per property or that reasonably required to fill that dam, whichever is less;
- 13.3.7 The taking and use of water from a storage dam for irrigation is a controlled activity not subject to Table 1, provided the irrigation occurs with a minimum efficiency of 80% as calculated in accordance with Schedule 2 (as amended by the Irricalc methodology);
- 13.4 In relation to Rules 1-7.1 inclusive:
- 13.4.1 That the Proposed Plan states in accordance with Section 68(7) that these rules will affect the exercise of existing consents for surface and groundwater abstraction and that consent holders will have to comply with those rules from the date of the Proposed Plan becoming operative.
- 13.5 Maintain the controlled activity status of the transfer of a surface water take within one surface water zone.

**Additional and/or Alternative Relief**

14. Craigmore seeks the additional and/or alternative relief that all such other and/or consequential changes are made as are necessary to give effect to the above relief and/or address the reasons for this submission.

Dated 1 October 2010



J M van der Wal, counsel for Craigmore Farming Company Limited