Submission on Proposed Waipara Catchment Environmental Flow and Water Allocation Regional Plan

Environment Canterbury Regional Council

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* the organisation that this submission is made on behalf of.

email _____

Postal address for service of person making submission *(if different from above)*: _____

Signature: _____

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

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

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

☐ Tick this box if you do not wish to be heard in support of your submission;

☑ Tick this box if you do wish to be heard in support of your submission; and,

☐ Tick this box if you would be prepared to consider presenting your submission in a joint case with others making a similar submission at any hearing.

Return your signed submission by Monday 14th June 2010 to:

Freepost 1201
Proposed Waipara Catchment Environmental Flow and Water Allocation Regional Plan
Environment Canterbury
P O Box 345
Christchurch

Email: mailroom@ecan.govt.nz

(1) The specific provisions of the variation that my submission relates to are: (Specify page number and subsection numbering for each separate provision).

See 4 page Submission attached for (1) (2) (3) below.

(2) My submission is that: (State concisely: the nature of your submission, and clearly indicate whether you support or oppose each separate provision being submitted on, or wish to have amendments made, giving reasons.)

(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.)

Add further pages as required.

PROPOSED WAIPARA CATCHMENT ENVIRONMENTAL FLOW AND WATER ALLOCATION REGIONAL PLAN.
April 2010

Submission C R G FORBES

1. Part 1 Introduction:
I support this section and wish the proposals retained

2. Part 2 Legal Framework:
I note on Page 2 the paragraph below (h) a reference to (1) (fa) or (fb). We see no listing for (fb) nor understand its meaning.
Otherwise we support this section in its present form.

3. Part 3 Page 4 Overview:
Amend
Second para. After "Below White Gorge" add "Boby Creek flows into the river,"

Boby Creek is immediately down stream of White Gorge and contributes significantly at low river flows in the summer months.

4. Add to last Para. Page 4. A giant landslip 1.5km. Long and 300m wide near White Gorge spills into the Waipara River, which over 100's of years has added limestone material high in calcium, phosphate, and nitrogen and other nutrients to the surface flow of the Waipara River.

With these additions I support this section.

5. Part 4 Demand for water:
We support the text in its present form.

6. Page 11 - Part 5. Issues 4
Last paragraph:
'Willows absorbing 28 l/s' relates only to the Upper Waipara River not the whole Waipara River, which looses substantially more during summer months.
Otherwise I support the text in this section.

7. Part 6. Objectives and Policies
With the inclusion of the following alterations and amendments I support the text of Part 6.
Page 12. 5.
Amend:
Add these words after the last sentence.
'Provided that each consented take has no less abstraction water available than previously.'
Incase water added is lost to groundwater upstream of the consented takes.

8. Page 13. Part 6. Policy 1.1
Add:
Excluding any takes which have a stream depleting effect of 3 l/s or less
From Ground Water takes, galleries, bores, springs and ponds.

All excavated takes in the Upper Waipara A Block are variously named springs , ponds, bores or galleries and are situated at least 70 meters and up to 300meters from the river .There is inconsistency in their definition. Some are recorded as groundwater takes others as surface water takes. Given that they are all takes from 'below the

surface of the ground' (NRRP definition) they should be classified as Ground Water takes.

9. Page 14. Part 6. Policy 1.7
Amend:
Add after the last sentence: The Upper Waipara River MALF is the combined volume total of White Gorge plus Boby Creek.

Boby Creek is immediately downstream of White Gorge and contributes significantly at low river flows i.e. Boby Creek contributes 20 l/s when White Gorge is at 110 l/s. This is an important addition yet no inclusion is made of this extra water. See ref. Boby Creek, Page 22, Sub catchments.

10. Page 14. Part 6. Policy 1.8
Amend:
To limit the amount of water allocated in any new consent that replaces an expiring consent to take water within the A Block set out in Table 1, to no greater than the previous take.
Delete the rest of the sentence.

To allow existing consents to utilize water for future development which is not yet implemented i.e. maturing Grapes and Olive Trees, planned plantings of these and crops being planted in stages as well as improved technical efficiency in the use of water.

11. Page 14. Part 6. Policy 1.10.
Amend

(a) end sentence after " Table 1." Delete "and "
(b) delete all.

To be consistent with the submission for Page 18 Part 7. Rules : Rule 2.2
It is not necessary to increase the minimum flow for such activities.
Water harvesting and storage should be encouraged. This provision is seen as a disincentive to install storage, and is also punitive towards existing abstractors who have storage.

12. Page 15. Part 6. Policies 1.12
Amend:
Add an extra sentence at the end.
If a Hurunui Water Scheme in future provides water to the Hurunui/Masons Flat area, a condition of that consent be, an addition of water into the Waipara River System during low summer flows.

This is the most practical method of increasing naturally low surface flows in the Waipara River.

13. Page 15. Part 6. Policy Section 2 Groundwater
Amend to
Note: Groundwater abstraction with a stream depleting effect greater than 3 l/s is managed as a surface water allocation in accordance with Policy 1.1 and the definitions in Part 9.

To be consistent with this plan

14. Page 16. Partial Restrictions Policy 3.5
Oppose
Delete all Policy 3.5

Partial Restrictions are contrary to the plan because it does not "ensure that existing abstractors are able to maintain a reasonable reliability of supply".
See Part 1. Introduction Page 1. In "This first part" (Right side top, end of paragraph).

Partial Restrictions do nothing to increase the flow in naturally occurring no flow Sections.

15. Page 17. Duration of Consents. Policy 3.8
Oppose.
Delete all.

Existing Resource Consent duration criteria should apply.(Ref. S:123 of RMA)
All consents, new and old will be aligned when the final EFAR is set for the Catchment.
Important to avoid wasteful loss in time and money for all, (Consent Holders, Submitters, Ecan Staff and Decision Makers) that this proposed 5 year consent duration would impose.

16. Page 18. Part 7. Rules
We support the Rules in Part 7 with the following exceptions.

Page 18. Part 7. Rules: Rule 2.2
Oppose.
Delete (c) (i) (b).
(ii) (b).

Because the deleted sections discriminated against frost protection and storage.

17. Page 19. Rule 6.1 (c)

This provision is inconsistent with the definition of hydraulically connected groundwater – see definitions page 22.
This rule should be amended to show:
If the ground water take has a stream depletion effect of <u>greater than 3 l/s</u> on any surface water body in the Waipara River Catchment, the groundwater take, singularly or in combination with other lawfully established take, complies with the environmental flow and allocation regime for that surface water body as set out in Table 1

18. Page 20. Table 1 AA Block 20 l/s
Page 9 Town and Community Requirements for Water.. The Hurunui District Council has been investigating a gallery intake on the Lower Waipara for a take of 20 l/s, for the supply of Amberley. In table 1 page 20 this is shown as an AA Block. This proposal could seriously compromise the The Croft's reliability of supply (CRC040492.1) unless the proposed AA consent is made
Conditional on being situated sufficiently down stream of the Crofts take to avoid interference.

19. Page 21. Table I
Amend:
Delete note at bottom of Table 1 "Frost Protection and A Block storage minimum flow: Lower Waipara = 200l/s, Upper Waipara 80 l/s"
Penalizes the present frost protection at Pegasus Bay
The best approach is to look at future takes to storage/ frost protection on an individual basis.

Section 32. Report
I support Section 32 Report with the following exceptions:
Amend:
1. I take issue with the statements as set out in Pages 10 and 11 claiming that the A Block, on the Upper Waipara already reduces the flow in parts of the river to Zero.

I know of no evidence to support this new assertion and wish these references removed.

2. Section 32. Page 19.
Consent Duration.
The 5 year time limit proposed is unnecessary and arbitrary as an interim measure. The duration of consents for the taking and use of water is governed by S:123 of the RMA.

The 5 year time limit and then renewal again is a wasteful loss in time and money for all involved because the EFAR plan when operative will encompass all consents in the Waipara Catchment.

Variation 17
I support Variation 17 to allow the Waipara River Plan to stand alone.