

Form 5

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Submission on publicly notified proposal for policy statement or plan

Clause 6 of First Schedule, Resource Management Act 1991

To: Canterbury Regional Council

Name of submitter: Canterbury Regional Council

This is a submission on the following proposed plan (the proposal): Proposed Waipara Catchment Environmental Flow and Water Allocation Plan and to the extent relevant Variation 17 of the Proposed Natural Resources Regional Plan

The specific provisions of the proposal that my submission relates to are:	My submission is:	I seek the following decision from the local authority:
Part 2 – Legal Framework and Part 7 – Rules.	At present the relationship between the Waipara Catchment Environmental Flow and Water Allocation Plan (the "Plan") and the Proposed Natural Resources Regional Plan (the "PNRRP") is explained in Part 2 – the legal framework of the Plan. The legal status of this text is questionable for interpretation of subsequent parts of the Plan, given that it is not expressed as a rule. No change in the intended relationship is proposed – merely making it more formal.	Introduce a clear rule framework that clarifies that the Plan is the only relevant regional plan for those matters covered by the Plan, unless expressly stated to the contrary.
Part 2 – Legal Framework and Part 6 – Objectives and Policies.	The Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 has set out additional matters and processes that the Council needs to incorporate into the Plan.	Add a description of the relationship to the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 and the Canterbury Water Management Strategy to the introductory/legal framework text. Add a 6th 'prong' in the approaches in Part 6 to discuss the relationship to Zone Implementation Programmes.

The specific provisions of the proposal that my submission relates to are:	My submission is:	I seek the following decision from the local authority:
Part 6 – Objectives and Policies.	At present it is not sufficiently clear that cumulative effects can compromise the sustainability of the water resources in the catchment. This is particularly relevant for small takes, whether stream depleting or not, that may otherwise have negligible effects.	Add a policy to recognise and manage the cumulative effects of multiple takes, including small takes, in the catchment.
Part 6 – Objectives and Policies and Part 9 – Definitions.	Water User Groups are an effective method of managing water. Due to policy decisions made, they are of limited use under the existing Plan framework. However, if that was to change, Water User Groups should be provided for.	Add a policy framework to encourage the use of Water User Groups, should partial restrictions be introduced in the catchment. Add a definition of Water User Group
Part 6 – Objectives and Policies, Part 7 – Rules and Part 9 – Definitions.	The present simplified assessment method, rules and definition of stream depleting effects do not adequately manage the interrelationship between groundwater and surface water, particularly when it is highly connected. There is also a potential conflict between the rules and the definitions.	Replace the definition to clearly define low, moderate and highly stream depleting groundwater. Alter the rules to improve the management of stream depleting groundwater, including specific rules for identifying and managing highly connected groundwater and moderately connected groundwater. Add a new condition to Rule 8.1 and 8.2 for transferring consents, that the degree of hydraulic connectivity (as well as the stream depletion rate) must be the same or less.
Appendix 1.	The scale of the present maps is too small, with over 700km ² reduced to a single A3 map. In addition a greater range of underlying topographical features need to be shown, so that property locations can be more accurately identified.	Replace maps with maps of a larger scale and showing a greater degree of detail of the underlying topography/features.

The specific provisions of the proposal that my submission relates to are:	My submission is:	I seek the following decision from the local authority:
Part 7 – Rules.	The RMA sets out, in section 14, the circumstances in which people can take water without needing a resource consent. The Plan currently attempts to further define takes for reasonable domestic and stockwater needs and fire-fighting. This can create difficulties as the RMA is the primary document and should be relied upon on a case-by-case basis, rather than the application of blanket rules.	Permitted activity rules – delete those rules that overlap with activities permitted by s14 of the RMA (reasonable domestic and stockwater needs and for fire-fighting).
Part 6 – Objectives and Policies, Part 7 – Rules and Part 9 – Definitions.	Monthly and annual volumes are specified in many resource consents in the catchment. For pastoral farming, Schedule WQN9v3 of the PNRRP is appropriate. However, this is not appropriate for grapes which are one of the major demands for water in this catchment. The Plan needs to specify the method of calculating the reasonable demand for water when an activity other than pastoral farming is proposed. In addition, the Plan should specify that monthly and annual volumes need to be stated on all water take consents.	Provide guidance (rules) on how monthly and annual volumes should be calculated for individual consents, particularly grapes. Add a policy requiring monthly or annual volumes on consents to take water.
Table 1.	The Upper Waipara B block minimum flow and allocation in the Plan was based on the size of the A block. This has led to monthly varying B block minimum flow and allocation. This is difficult to manage, both for the Council and abstractors. By averaging the present B block values, a single, year-round, minimum flow and allocation can be derived which will be easier to implement.	Amend the Upper Waipara B Block "minimum flow" and "allocation" to simplify these from monthly varying to single year-round numbers of: Minimum Flow: 415L/s Allocation: 183L/s.

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Minor changes to correct Appendix 4 – Summary of Existing Surface Water Consents and Table 1.	CRC012868 is listed as a stream depleting groundwater take. Analysis has determined that the stream depleting effect is less than 3L/s and therefore should not be included in Appendix 4 and the relevant allocation.	Remove CRC012868 from Appendix 4 and correspondingly reduce Table 1.
Part 9 – Definitions.	The PNRRP defines a number of terms that are used in the Plan. Some of these definitions are different, which causes difficulties in interpretation and consistency. It is preferable to have these definitions consistent, where possible.	Amend definitions for consistency with PNRRP, including but not limited to: MALF/mean annual low flow; minimum flow; freshes; hydraulically connected groundwater
Part 6 – Objectives and Policies, Part 7 – Rules and Table 1	The existing allocation framework is based on the existing level of abstraction, with a long-term preference for reducing the level of abstraction to 30% of MALF. This is a pragmatic approach, but is not based on technical analysis. By altering the approach, the limitations for allocating new water are made more clear, while giving continued certainty to existing abstractors.	<p>Alter the objectives, policies, rules and Table 1 to make it clear that:</p> <ul style="list-style-type: none"> • The A allocation block for new takes is 30% of MALF, as determined by ECan using the flow data at the specified flow recorder or min flow sites for each sub-catchment; but • Existing lawfully established takes may have new consents issued, in accordance with s124 above that limit, provided the take is at the same or lesser rate and the same or lesser volume. Where no previous consent specified a maximum volume, a maximum volume will be specified on the new consent determined in accordance with an NRRP compliant method.
Entire Plan.	There is potential for confusion with interpretation of Mean Annual Low Flow (MALF) when the 7-day MALF is intended.	Replace the term MALF with 7DMALF, where MALF is used to mean 7DMALF in the Plan.
Entire Plan.		Consequential amendments and adjustments to give effect to the above points.

The following clarification issue relates to Variation 17 to the Proposed Natural Resources Regional Plan (for clarification, the remainder of this submission does not relate to variation 17): Correct the reference in section 2.6 to clarify that the variation is only seeking to add to Table WTL1 and not amend Chapter 5. (~~2.6 Amend Proposed NRRP Chapter 5, Section 5.6 Regional Rules 2.4 Add to Table WTL1 Relationship between other plans and Proposed NRRP Chapter 7 a new row as follows:~~)

Canterbury Regional Council wishes to be heard in support of its submission.



Signature of submitter (or person authorised to sign on behalf of submitter)

Date: 14 June 2010

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