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From: Lynda Murchison <Lynda.Murchison@ngaitahu.iwi.nz>
Sent: Friday, 24 October 2014 4:21 p.m.
To: Mailroom Mailbox
Cc: James Caygill; Cathy Begley; kerry.smith@buddlefindlay.com
Subject: Fwd: Submission
Attachments: Submission.docx; ATT00001.htm

Categories: Orange Category

EC304219

Kia ora

Please find attached Ngai Tahu's submission on Variation 2 to proposed LWRP

Nga mihi

Lynda Weastell Murchison
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Te Runanga o Ngai Tahu

Begin forwarded message:

From: Lynda Murchison <lakecoleridge@amuri.net>
Date: 24 October 2014 4:17:21 PM NZDT
To: Lynda Murchison <Lynda.Murchison@ngaitahu.iwi.nz>
Subject: Submission

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Resource Management (Form, Fees and Procedure) Regulations - Schedules 2003

Form 5

Clause 6 of the First Schedule, Resource Management Act 1991

Submission on a publicly notified proposal for a plan

To: Environment Canterbury
PO Box 345
Christchurch

Name of Submitter: Te Rūnanga o Arowhenua, and Te Rūnanga o Ngāi Tahu

This is a submission on: Proposed Variation 2 to the Canterbury Land and Water Regional Plan

The submitters cannot gain an advantage in trade competition through this submission.

Introduction

1. The Hekeao/Hinds catchment is within the takiwā of Ngāi Tahu and Ngāi Tahu hold mana whenua over the areas bounded by the Variation 2 to the proposed Land and Water Regional Plan (LWRP).
2. Ngāi Tahu is made up of whānau and hapu groups who through whakapapa and mana whenua relationships have become established in distinct areas of the Ngāi Tahu takiwā. These groups are recognised in the Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act) as papatipu rūnanga within those takiwā areas.
3. The contemporary structure of Ngāi Tahu is set out in the TRoNT Act. Section 6 identifies Te Rūnanga of Ngāi Tahu (Te Rūnanga) as the iwi authority representing Ngāi Tahu whānui. Ngāi Tahu whānui is identified as the collection of individuals who descend from the primary hapu of Waitaha, Ngāti Mamoe and Ngāi Tahu, namely Kati Kuri, Kati Irakehu, Kati Huirapa, Ngāi Tūāhuriri and Ngāi tē Ruahikihiki; and are descendants of persons who were members of Ngāi Tahu living in 1848 and listed in the minute book of the 1929 Ngāi Tahu Census Committee
4. The hapu of Kati Huirapa hold mana whenua over the Hekeao/Hinds catchment and are represented through Te Rūnanga o Arowhenua, one of the 18 papatipu rūnanga that form Te Rūnanga under s9 of the TRoNT Act.
5. Section 15(2) of the TRoNT Act provides that where any act requires consultation with iwi this shall be held with Te Rūnanga in the takiwā of Ngāi Tahu whānui. Section 15(3) of the TRoNT Act requires Te Rūnanga to consult with papatipu rūnanga. Te Rūnanga encourages the rights of papatipu rūnanga to make their own submissions to councils and other decision-making bodies and will take into account the views of papatipu rūnanga when determining its position.

Ngai Tahu Position

6. Te Rūnanga o Arowhenua and Ngāi Tuahuriri Rūnanga hold mana whenua over areas in the Ashburton Zone in the Canterbury Water Management Strategy. Both rūnanga have representatives on the Ashburton Zone Committee which produced an addendum to the Zone Implementation Programmer (ZIP) identifying key issues and outcomes with respect to managing fresh water in the Hekeao/Hinds Catchment.
7. The ZIP Addendum identifies two key water quality issues in the catchment:
 - High and increasing concentrations of nitrogen in groundwater as a result of nitrate-nitrogen (N) losses mainly from farming activities in the catchment; and
 - Low flows in lowland streams and springs in the lower catchment.
8. The high water quality enjoyed in the Upper Hinds/Hekeao Plains area is recognised and protected and the ZIP Addendum also notes the importance irrigated land uses play in the local Ashburton and wider national economy. It provides for another 30 000 hectares of land to be irrigated in the zone. However Variation 2 is limited in the extent it addresses the issues and promotes the outcomes sought in the ZIP addendum.

Submissions

1. Variation 2 - General

1.1 The specific provisions our submission relates to are: All of Variation 2.

1.2 Our submission is: We oppose Variation 2 in part.

1.3 Our reasons are:

- (i) We are generally supportive of the issues and outcomes identified in the ZIP addendum but we oppose Variation 2 where it fails to address the issues and give effect to the outcomes of the ZIP addendum or it does not achieve the purpose of the Resource Management Act 1991 (RMA); give effect to the National Policy Statement for Freshwater 2014 (NPSF) or the Canterbury Regional Policy Statement 2013 (CRPS); or meet the requirements of s32 of the RMA.
- (ii) We note that progress in the management of freshwater issues seems limited by a lack of crucial information on reasonable rates of N loss (from the Matrix of Good Management Project) and the need for further work on managing freshwater allocation, particularly the relationship between surface and ground water.

1.4 We seek the following decisions from the council:

- Retain the provisions of Variation 2 subject to the amendments are requested below.

2. Catchment Objective

2.1 The specific provision our submission relates to is: Part 13

2.2 Our submission is: we request the inclusion of a catchment objective.

2.3 Our reasons are:

- (i) The management of the Hinds catchment requires a balancing of cultural, economic, social and environmental issues. The ZIP addendum identifies two key resource management issues in the catchment: water quality, particularly N concentrations in groundwater and flows in lowland streams. When and how these issues are addressed has significant implications for the community: culturally, socially, and economically. The ZIP addendum identifies these matters in six goals, but they are not all reflected in Variation 2.
- (ii) An objective would assist Variation 2 by helping to focus the provisions on balancing the economic, social, cultural and environmental issues as required to achieve the purpose of the RMA and give effect to the NPSF and CRPS. It would provide the statutory justification for the policies and rules which will give effect to it.

2.4 We seek the following decisions from the council:

- Include new catchment objectives that read:
The freshwater resources of the Hinds/Hekeao catchment support a prosperous land-based economy; and water quality and flows in the Upper Hinds/Hekeao Plains Area are maintained and in the lower Hinds/Hekeao Plains Area they are improved.
Ngāi Tahu is able to exercise kaitiakitanga in the Hekeao/Hinds catchment.
- Make any consequential amendments necessary to give effect to this decision.

3. Ngai Tahu Values

3.1 The specific provision our submission relates to is: Variation 2: policies.

3.2 Our submission is: we oppose Variation 2 in part and seek a new policy.

3.3 Our reasons are:

- (i) The Hinds/Hekeao River is an area of statutory acknowledgement to Ngāi Tahu under the Ngāi Tahu Claims Settlement Act 1998. This Act provides for a transitional period whereby Ngāi Tahu are considered affected parties in relation to these areas while appropriate provisions are incorporated into the relevant plans under the RMA.
- (ii) We do not agree the significant values of the Hinds/Hekeao Catchment to Ngāi Tahu have been adequately recognised and provided for in Variation 2. In particular the cultural significance of the catchment is not identified in the policies, nor the concept of continual improvement in the management of freshwater quality and flows in the catchment over time to restore the mauri of the waterways and to enhance mahinga kai. These outcomes are necessary to enable Ngāi Tahu to exercise its customary duty of kaitiakitanga.

3.4 We seek the following decisions from the council:

- Add the following new policy to Variation 2

Recognise the cultural significance of the Hekeao/Hinds River to Ngāi Tahu and enable Ngāi Tahu to exercise kaitiakitanga and mahinga kai in the catchment through:

- *Continual improvement in the flows in lowland streams and springs over time;*
 - *Continual reductions in the concentrations of nitrogen in groundwater over time;*
 - *Minimising the potential discharge of contaminants into water through land use practices, riparian management, and waterway and drain maintenance; and*
 - *Encouraging the protection or restoration of natural wetland areas and other mahinga kai.*
- Make any consequential amendments necessary to give effect to the decisions requested.

4. Water Quality

4.1 **The provisions our submission relates to are:** policies 13.4.9 to 13.4.3 and rules 13.5.8 to 13.5.20 and Tables 13(h) and (i).

4.2 **Our submission is:** We support the need to address potential adverse effects of contaminants on water quality in the Hinds. However we oppose the provisions in Variation 2.

4.3 Our reasons are:

- We do not agree the provisions for managing water quality in Variation 2 achieve the purpose of the RMA, give effect to the NPSF or the CRPS, take into account the relevant iwi management plans, or fulfil the duty under s32 of the RMA.
- The provisions do not implement the goals or outcomes in the ZIP addendum.
- The justification for grandparenting in the ZIP and Variation 2 appears to be based on a misunderstanding of the provisions in the proposed LWRP for red zones and the NPSF.
- Grandparenting N allocations is not an efficient or effective tool to improve water quality. It is not effects-based. It rewards high polluting activities and stifles innovation and further development among those land uses with the lowest environmental footprints.
- Some of the issues with rules grandparenting N loss were recognised in decisions on the proposed LWRP and replaced with thresholds or limits above which N loss is regulated.
- The potential economic effects of restricting very low N loss farms to their baseline levels is not justified in the Upper Hinds/Hekeao Plains Area.
- Rules grandparenting N loss encourage farmers to create the largest N footprint they can, to preserve future land development options. This approach coupled with the method to calculate nitrogen baselines encourages behaviour counter-intuitive to addressing nitrogen water quality issues.
- A requirement for high N loss land uses to make reductions is supported but the regime in Table 13(j) is opposed because it is based on land use type not quantum of N lost.
- The N reductions required in Table 13(i) rely on the development of N loss numbers from a project called the Matrix of Good Management (MGM) which will not be completed until mid 2015. This creates much uncertainty for all parties as to what the N losses from operating at

Good Management Practice will be and the quantity of additional N reduction likely from the percentages set out in Table 13(j).

- Variation 2 seeks to manage the loss of phosphorous and sediment to waterways, but the variation does not identify areas which are vulnerable to sediment or phosphorous loss or have rules that target these contaminants.

4.4 We seek the following decisions from the Council:

- Delete policies 13.4.9 to 13.4.13 and replace them with the following:

Policy 13.4.9

Improve the overall water quality in the Hinds/Hekeao Catchment by:

- (a) *Minimising the potential of any land use to discharge contaminants to water by adopting the good management practices listed in Schedule 24a;*
- (b) *Reducing the amount of sediment, phosphorous and microbial contaminants entering water through the use of Farm Environment Plans and excluding stock from waterways;*
- (c) *In the Upper Hinds/Hekeao Plains Area, maintaining current low levels of dissolved nitrogen concentrations in water by avoiding new land uses with estimated N losses that exceed the levels for the A Band limit set out in Table XX; and*
- (d) *In the Lower Hinds/Hekeao Plains Area reducing the concentrations of dissolved nitrogen in water by limiting the amount of N loss that can occur through changes in land use which exceed the A Band limits set out in Table XX; and requiring a reduction in N losses from existing land uses that exceed the B Band limit in accordance with Policy 13.4.10 (b).*

Policy 13.4.10

- (a) *By 01 July 2016 include by way of a plan change a schedule of reasonable N loss rates for farm activities on soil types when working to good management practice; and a schedule of requirements for N reductions for existing land uses which have N loss estimates in Overseer which exceed the B band limit (27kg/ha/yr).*

- (b) *By 01 July 2017 require:*

- (i) *All land uses which have nitrogen loss calculations above the A Band limit to reduce their N losses to no more than the applicable number for good management practice set out in the schedule under policy 13.4.10 (a); and*
- (ii) *Require existing land uses whose nitrogen loss calculation are higher than 27kg/ha/yr as set out in the B Band in Table XX to implement a nitrogen reduction plan to reduce N losses as required in the schedule introduced under Policy (a) above; OR*

If no such schedules exist, require all existing land uses with nitrogen loss calculations that exceed the A Band limit to adopt best practicable option to minimize N losses.

Policy 13.4.11

Reduce losses of sediment and phosphorus to waterways by requiring land uses in areas which are vulnerable to sediment or phosphorous loss, as shown on Planning Maps xxx to implement sediment and phosphorous management measures as part of a Farm Environment Plan.

Policy 13.4.12

Exclude intensively farmed livestock from all waterways, wetlands and drains in the Hinds/Hekeao catchment and avoid the standing of cattle, pigs or deer in the Hinds/Hekeao River any waterway, wetland or drain in the Lower Hinds/Hekeao Plains Area.

Rules

- Remove the rules for grandparenting N losses and replace with N loss limits to meet the catchment load and replace with a table of N limits or bands as described below:

Table XX

Band	Limit	Status
A - Upper Hinds/Hekeao Plains Area	Up to 10kgN/ha/yr	Permitted activity
A - Lower Hinds/Hekeao Plains Area	Up to 15kgN/ha/yr	Permitted activity
B - Lower Hinds Hekeao Plains Area	>15kgN/ha/yr – 27 kgN/ha/yr And if land use established after 27 th Sept 2014 – maximum cap of 214 t/yr	Restricted discretionary activity
C – all areas	Over 27kgN/ha/yr	Discretionary If activity is established before 27 th Sept 2014 or if activity changes but no increase in nitrogen loss calculation. Prohibited if activity is established after 27 th Sept 2014.

...Or such other limits as determined by soil type and land use modelling considering the total catchment loads for N set out in Variation 2.

- Map areas of the catchment which are vulnerable to sediment or phosphorus losses.
- Delete rules 13.5.8 to 13.5.20 and tables 13(h) and (i) and replace with the following rules:

Rule 13.5.8

Notwithstanding any of rules 13.5.9 to 13.5.12, the use of land from a farming activity in the Upper and Lower Hinds/Hekeao Plains Area is a permitted activity provided the following conditions are met:

- (i) *The nitrogen loss calculation for the property does not exceed the limit for Band A set in Table XX; and*
- (ii) *The practices in Schedule 24a are implemented and information is recorded in accordance with Schedule 24a or a Farm Environment Plan has been prepared and implemented in accordance with Schedule 7 Part A;*
- (iii) *The property or part of the property is not located in an area shown on Planning Map xx as a sediment/phosphorous loss area; and*
- (iv) *The property is not being managed as part for a farming enterprise.*

Rule 13.5.9

The use of land for a farming activity which does not comply with rule 13.5.8(iii) shall be a controlled activity.

The Council shall restrict its control to:

- (i) *an assessment of the risk of potential sediment and phosphorus losses to water; and*
- (ii) *the mitigation measures to manage the potential loss of sediment and phosphorus to water.*

A resource consent application made under this rule shall not be notified and is not required to be served on or notified to any party who may be affected.

Rule 13.5.10

The use of land from a farming activity in the Upper and Lower Hinds/Hekeao Plains Area which does not comply with rule 13.5.8 (i) is a restricted discretionary activity provided the following conditions are met:

- (i) *The nitrogen loss calculation for the property is within the limits for the B Band set in Table XX ;and*
- (ii) *If the activity involves a change of land use from what was lawfully established on the property as at 27th September 2014, the application singularly and in combination with all other B Band resource consents issued after 27th September 2014 does not exceed the total nitrogen allowance of 214t N/yr.*

The Council shall restrict its discretion to:

- (i) *The content and implementation of a Farm Environment Plan that applies the good management practices shown in Schedule 24a; and*
- (ii) *The maximum N loss leaching rate for the proposed activity considering the MGM guideline for that land use or if such MGM guidelines do not exist, the best practicable option to minimise N loss.*

- (iii) *If the activity is fully or partly located within a Sediment and Phosphorus Management Area showing on Planning Map xx, the assessment of the risk of potential sediment and phosphorus losses to water; and the mitigation measures to manage the potential loss of sediment and phosphorus to water.*
- (iv) *The exclusion for livestock from waterways in accordance with policy 3.4.12 and rule 13.5.26.*

Rule 13.5.11

The use of land for a farming activity in the Upper and Lower Hinds/Hekeao Plains Area which does not comply with Rule 13.5.8(i) or 13.5.10 is a discretionary activity provided the following conditions are met:

- (i) *The land use was lawfully established before 27th September 2014; and*
- (ii) *There has been no change in land use since 27th September 2014 or there has been no change in the nitrogen loss calculation for the property since 27th September 2014; and*
- (iii) *A nitrogen reduction plan is submitted with the application which shows how N losses will be reduced to comply with the reduction requirements set out in Schedule XX or where there are no reductions set out in Schedule XX the best practicable options that will be used to minimise nitrogen losses; and*
- (iv) *If the activity is fully or partly located within a Sediment and Phosphorus Management Area showing on Planning Map xx, a plan showing the assessment of the risk of potential sediment and phosphorus losses to water; and the mitigation measures to manage the potential loss of sediment and phosphorus to water.*

Rule 13.5.12

The use of land for a farming activity in the Upper and Lower Hinds/Hekeao Plains Area which does not comply with and of rules 13.5.8 to 13.5.11 shall be a prohibited activity.

- Delete the definition 'baseline land use' in section 13.1A and replace with a definition which reads:

'Change of land use' means *any increase in the area of land irrigated on a property; or*
 any increase in the area of land under cultivation; or
 any increase in the number of weaned cattle grazed on the
 property; or
 any increase in the amount of effluent, sewage, bio solids or
 other organic material spread or otherwise disposed of on a
 site;

But does not include any of these activities where they have been authorised by a resource consent issued prior to 27th September

2014 where that resource consent has not yet been given effect to but has not lapsed.

- Make any consequential amendments necessary to give effect to the decisions requested.

5. Irrigation Schemes

5.1 The specific provisions our submission relates to are: Policy 13.4.13(c), rules 13.5.21 and 13.5.22 and Table 13(i).

5.2 Our submission is: we oppose these provisions.

5.3 Our reasons are:

- (i) Variation 2 provides a catchment load for additional land intensification with a N loss cap of 27kgN/ha/yr in Policy 13.4.13(c). The policy does not whether the land use intensification has to be associated with irrigation and if so whether that is a scheme or individuals, It is unclear why the area is limited to 30 000ha if the 214t limit has not been exhausted.
- (ii) Rule 13.5.22 and Table 13(i) provide an alternative N loss management regime for irrigation schemes and principal water suppliers to the grandparenting rules for individual properties. Rule 13.5.22 sets out the requirements for calculating N loss accordance with Table 13(i). Table 13(i) is uncertain as it relies on N loss numbers that have not yet been developed.
- (iii) Rule 13.5.21 through its reference back to Rules 5.61 and 5.62 will allow N loss for irrigation schemes and principal water suppliers to be based on the current nitrogen baseline of shareholders without considering the reductions required under Tables 13(i) or 13(j).

5.4 We request the following decisions from the council:

- Delete Policy 13.4.13(c) and replace with the following:

Policy 13.4.13

Provide opportunities for changes in land use and associated increases in N loss above the A Band limits in the Lower Hinds/Hekeao Plains Area up to a maximum estimated nitrogen loss limit of 27kgN/ha/yr and a total cap of 214t N/yr; and require new land uses applying for N losses in this B band to be operating at best management practice from the outset.

Allow N loss to be managed by irrigation schemes and principal water suppliers on behalf of their shareholders provided:

- (a) *For any irrigation scheme or principal water supplier that exists as at 27th September 2014 the N loss calculation for the total area shall be based on adopting best practicable option to mitigate N loss from the land uses occurring as at 27th September 2014; and once the N reduction schedule is put in place in accordance with Policy 13.4.10 (a) the N loss totals shall be reviewed to ensure compliance with the N reduction requirements.*
- (b) *For any irrigation scheme or principal water supplier established after 27th September 2014 the N loss calculation for the total area shall not exceed the N load limits for new land uses in Band B of Table XX.*

- Amend Rule 13.5.21 by deleting the references to rules 5.61 and 5.62.
- Amend Rule 13.5.22(2) to read:

“The nitrogen loss calculation for the total area of land will not exceed the maximum N loss per hectare for land uses established after 27th September 2014 as set out in the B Band in Table XX nor the total allocation of 214 t N/yr either singularly or in combination with other resource consents granted for new land uses established after 27th September 2014.

- Delete Rule 13.5.22(3) and replace with:
“The total nitrogen loss calculation for the total area of land will not exceed the nitrogen baseline for land uses established or resource consents granted to establish land uses on or before 27th September 2014 less any N reduction required under Policy 13.10.4(b).”
- Make any consequential amendments necessary to give effect to the decisions requested.

6. Water Quantity – General

6.1 The specific provision our submission relates to is: all of Variation 2.

6.2 Our submission is: we support the recognition in Variation 2 of the issue with flows in lowland streams and springs in the Hinds/Hekeao catchment. We support the provisions in Variation 2 in part.

6.3 Our reasons are:

- The ZIP addendum recognises the issue of low flows in lowland streams and springs in the Lower Hinds/Hekeao Plains Area and attributes the cause to a combination of the quantum of groundwater being abstracted from the catchment and improved irrigation efficiency which has reduced recharge from upstream irrigation.
- Variation 2 uses the same regime to manage surface water and groundwater as the operative Natural Resources Regional Plan or the proposed LWRP. It relies on improving minimum flows by targeting surface water and high stream depleting groundwater takes and does not address the cumulative effects of low stream depleting groundwater takes on base flows in springfed streams.
- Variation 2 acknowledges that the allocation limits for groundwater abstraction in the Valetta Groundwater Zone are exceeded and prohibits further takes but it does not include any plan to phase out over-allocation to give effect to the NPSF.
- The provision to prohibit the transfer of water permits is not a plan to address over-allocation and may frustrate more efficient use of water.
- While provision is made to enable targeted stream augmentation and managed aquifer recharge to enhance flows in lowland streams and springs and groundwater levels in the lower Hinds/Hekeao Plains Area, there is no specific proposal mooted and no indication as to where recharge water would be sourced.
- Provision is also made to enable resource consent holders to change surface or shallow groundwater takes for deep groundwater, however there is no alteration to the groundwater allocation limits to enable the additional abstraction to occur in the Valetta zone under the NPSF.

- Provision is also made to increase the minimum flows and reduce the allocation limits for surface water bodies from 01 July 2020 in Policy 13.4.19. It is unclear how that provision will address low flows in lowland springfed water bodies which are caused by the cumulative effects of groundwater abstraction. The provisions are also uncertain as 7DMALF is a changing number and needs to be translated into a flow in litres/sec to determine the effect of the changes on low flows and reliability of supply cannot be assessed.
- Despite the adverse effects on low flows and springfed streams, there is still provision in the plan for further abstraction from the Mayfield-Hinds Groundwater Allocation zone. The allocation limits for this zone need to be amended to give effect to the NPSF.
- In summary, we do not agree the provisions for managing water quantity in Variation 2 achieve the purpose of the RMA, give effect to the NPSF or the CRPS, take into account the relevant iwi management plans, or fulfil the duty under s32 of the RMA.

6.4 We seek the following decisions from the council:

- Introduce a new Policy 13.4.14 to Variation 2 which reads:
Manage groundwater and surface water as a single resource to ensure flows in the Lower Hinds/Hekeao Plains Area are improved and the allocation limits set in Table 13(f) are met.
- Renumber subsequent policies accordingly.
- Combine the surface water and groundwater allocation limits for the Valetta and Mayfield-Hinds groundwater allocation zones and surface water bodies within these zones to create single allocation blocks.
- Deem the Mayfield-Hinds Water Allocation Zone fully allocated and prohibit any further allocation of groundwater or surface water for abstraction from this zone except for the renewal of existence resource consents at the same or a lesser rate of take or annual volume.
- Delete Policies 13.4.18 and 13.4.19 and replace with a policy committing to working with abstractors and Ngāi Tahu to develop a plan to phase out the over-allocation of groundwater and improve the flows in lowland springs and streams. This plan could be introduced alongside the plan change for MGM numbers by 01 July 2016 and commit to continual improvement in lowland flows to achieve the conditions recommended in the COMAR report for this catchment.
- Review the allocation limit for the Valetta and Mayfield-Hinds water allocation zones given that the combination of the 50% rainfall recharge formula and improvements in application efficiency have failed to maintain the life-supporting capacity and ecosystem processes of lowland streams as required under the NPSF (Objective B1).
- Introduce a double allocation system for groundwater: that quantum of the annual volume which is available in an average rainfall year – known as an A allocation; and the additional allocation needed to provide reliably in 9 years out of 10 – known as a B allocation.
- Make access to B allocations only available in dry years as declared by the Canterbury Regional Council and prevent the site to site transfer of B allocations.
- Make any consequential amendments necessary to give effect to the decisions requested.

7. Deep Groundwater Abstraction

7.1 The specific provisions our submission relates to are: Policy 13.4.5 and Rule 13.5.31.

7.2 Our submission is: we oppose these provisions in part.

7.3 Our reasons are:

- The concept of replacing surface and stream depleting water takes with deeper groundwater abstraction is worthy of consideration, but the geohydrology of the catchment and the effects of deep groundwater abstraction on base flows, particularly cumulative effects are not well understood.
- The rule as currently written allows for deep groundwater abstraction that has a low connectivity to surface water bodies. It is the cumulative effect of groundwater abstractions with low connectivity that is not managed under the current regime.
- It isn't clear why the deep groundwater bore must be on the same property. This precludes the option to replace several surface or shallow groundwater abstractions with one deep groundwater bore serving several properties.
- There is no requirement to ensure the rate of take does not exceed the rate of recharge and avoid mining deep groundwater.

7.4 We seek the following decisions from the council:

- Delete the proposed amendment to Policy 13.4.5.
- Introduce a new policy 13.4.5(b) which reads:

To consider the use of deep groundwater as a replacement water source for surface or stream depleting groundwater in the Valetta and Mayfield Hinds Water allocation zones provided:

- (a) There is no hydraulic connectivity between the deep groundwater and shallower groundwater sufficient to result in long term adverse effects on base flows in lowland springs and streams either singularly or cumulatively;*
 - (b) Moving to deep groundwater abstraction will improve flows in the surface water body;*
 - (c) The volume abstracted does not singularly or cumulative exceed the rate of aquifer recharge;*
 - (d) The abstraction does not result in over-allocation or further over-allocation of water for abstraction from the zone;*
 - (e) There is no adverse effect on any silent file area or site of wāhi tapu or wāhi taonga; and*
 - (f) Any bore interference effects are acceptable in accordance with Schedule 12.*
- Delete Rule 13.5.31 and replace with a rule which reads:

The taking and use of groundwater within the Valetta and Mayfield-Hinds allocation zones shall be a discretionary activity where the following conditions are met:

- (a) The groundwater is not hydraulically connected to any surface water body; and*
- (b) There will be no increase in the volume of water allocated for abstraction from that allowed by the consents replaced; and*
- (c) The consent to abstract surface water or stream depleting groundwater is surrendered.*

- Make any consequential amendments to give effect to this decision.

8. Stream Augmentation and MAR

8.1 The specific provision our submission relates to is: Policy 13.4.14.

8.2 Our submission is: we support the provision in part.

8.3 Our reasons are:

- We support the provision to consider stream augmentation to improve flows in lowland streams and springs through the resource consent process.
- We believe some amendments to the policies and rules will better achieve the purpose of the RMA and give effect to the NPSF and CRPS.
- In particular we believe stream augmentation should be for the purpose of improving lowland flows to restore mahinga kai, ecosystem health, recreational values and amenity opportunities; not as a primary option for managing nitrogen concentrations
- The primary method for reducing nitrate-nitrogen concentrations in waterways should come from reducing the leaching of nitrate-nitrogen from land uses.
- There are no catchment specific rules relating to this activity.

8.4 We seek the following decisions from the council:

- Amend Policy 3.14.4 to read:
Allow the use of targeted stream augmentation or managed aquifer recharge to improve flows in the Hinds/Hekeao springfed waterbodies and groundwater levels in the Lower Hinds/Hekeao Plains Area provided all of the following effects are avoided, remedied or mitigated:
 - (a) Any adverse effects on cultural values including mahinga kai and any unnatural mixing of waters;*
 - (b) Any adverse effects on community drinking water supplies;*
 - (c) Any adverse effects on fish passage;*
 - (d) Any adverse effects on people and property from raised groundwater levels and higher flows; And*

The inundation of natural wetlands is avoided or where it cannot be avoided is offset by wetland restoration or enhancement so there is no net loss of biodiversity habitat or significant indigenous biodiversity.

- Make consequential amendments necessary to give effect to this decision.

9. Transferring Water Permits

9.1 The specific provisions our submission relate to are: Policy 13.4.16 and rules 13.5.33 and 13.5.34.

9.2 Our submission is:

We support the concept in Policy 13.4.16 that the transfer of water permits should not result in any increase in water abstracted from the Valetta Groundwater Zone. However we think this policy should be expanded and we oppose rules 13.5.33 and 13.5.34.

9.3 Our reasons are:

- The transfer of water permits can occur for many reasons. If the permit has not been used the transfer can result in additional abstraction of water in a catchment and exacerbate adverse effects when a catchment is already over-allocated for abstraction. This case is recognised in Policy 13.4.6.

- However there are situations when the temporary or permanent transfer of water permits does not result in any additional abstraction and in some cases reduces environmental effects of abstraction.

- It is questionable whether a rule in a plan can make a blanket prohibition on the transfer of water permits when s136 of the RMA provides for a water permit holder to make an application to the council to transfer a water permit.

- It is also questionable how a prohibition on transfers can be justified if the effects of transferring the water permit are no greater and possibly less than those of exercising the existing permit.

- In our view the rules are unnecessarily restrictive and do not implement the policy.

- In its decisions on the proposed LWRP, the Council rejected the appropriateness of blanket conditions applying to the transfer of all water permits, finding that each application should be assessed on its merits and conditions imposed appropriate to that situation.

9.4 We seek the following decisions from the Council:

- Delete Policy 13.4.16 after the words 'schedule 10.'

- Add a new policy 13.4.17 which reads:
Ensure any transfer of water permits within the Valetta and Mayfield Hinds Water Allocation zones does not result in any increase in the amount of water abstracted from those zones and any other adverse effects on the environment are avoided, remedied or mitigated.

- Renumber subsequent policies accordingly.

- Delete Rules 13.5.33 and 13.5.34 and replace with a rule that reads:

Rule 13.5.33

In the Valetta and Mayfield Hinds Water Allocation zones, the permanent or temporary transfer of water permits shall be a discretionary activity where the following conditions are met:

- (i) *The water permit has been exercised by the permit holder within the last two years; and*

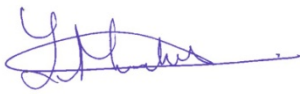
- (ii) *The maximum amount of water transferred does not exceed the lesser of the volume of water which is reasonable for the proposed land use calculated in accordance with Schedule 10 or the volume which the permit holder has demonstrated that they have abstracted on average each year over the last two years.*

Rule 13.5.34

Any water permit transfer which does not comply with Rule 13.5.33 shall be a non-complying activity.

- Make any consequential amendments necessary to give effect to this decision.

We do wish to be heard in support of our submission.



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James Caygill
General Manager Tribal Interests
Te Rūnanga o Ngāi Tahu
(Being the person authorised to sign this submission on behalf of the submitter)

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