

Sharrie Campbell

From: Warwick Pascoe <adamel@maxnet.co.nz>
Sent: Friday, 24 October 2014 4:48 p.m.
To: Mailroom Mailbox
Cc: Edward & Angela Winchester; Anthony Davoren
Subject: submission on Variation 2, pLWRP
Attachments: Winchester covering page.tiff; Winchester submission_final.pdf

Categories: Orange Category

EC288370



Submission on Proposed Variation 2 to the Proposed Canterbury Land and Water Regional Plan

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Submitter ID:

File No:

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

Return your signed submission by 5.00pm Friday 24 October 2014 to:

Freepost 1201 Variation 2 to pLWRP
Environment Canterbury
P O Box 345
Christchurch 8140

Full Name: <u>Edward Winchester</u>	Phone (Hm): <u>03 303-7677</u>
Organisation*: _____ <small>* the organisation that this submission is made on behalf of</small>	Phone (Wk): <u>"</u>
Postal Address: <u>83 Oldstream Settlement Road</u>	Phone (Cell): _____
<u>103, Ashburton</u>	Postcode: <u>7773</u>
Email: <u>ae.winextra.co.nz</u>	Fax: _____
Contact name and postal address for service of person making submission (if different from above): <u>Warwick Pascoe, on behalf of Hydro Sources Ltd acting for Mr Winchester</u> <u>PJ Box 3132, Christchurch 8140</u>	
Trade Competition	
Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:	
a) adversely affects the environment; and	
b) does not relate to trade competition or the effects of trade competition.	
Please tick the sentence that applies to you:	
<input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission; or	
<input type="checkbox"/> I <u>could</u> gain an advantage in trade competition through this submission.	
If you have ticked this box please select one of the following:	
<input type="checkbox"/> I <u>am</u> directly affected by an effect of the subject matter of the submission	
<input type="checkbox"/> I <u>am not</u> directly affected by an effect of the subject matter of the submission	
Signature: <u>[Signature]</u>	Date: <u>24 October 2014</u>
<small>(Signature of person making submission or person authorised to sign on behalf of person making the submission)</small>	
<small>Please note: (1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.</small>	
<input type="checkbox"/>	I <u>do not</u> wish to be heard in support of my submission; or
<input checked="" type="checkbox"/>	I <u>do</u> wish to be heard in support of my submission; and if so,
<input type="checkbox"/>	I would be prepared to consider presenting your submission in a joint case with others making a similar submission at any hearing

(1) The specific provisions of the Proposed Plan that my submission relates to are:		(2) My submission is that: <i>(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.)</i>		(3) I seek the following decisions from Environment Canterbury: <i>(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.)</i>
Section & Page Number	Sub-section/ Point	Oppose/support (in part or full)	Reasons	
Amend Policies 13.4.5 & 13.4.6, page 3 of Variation 2	Policies 13.4.5 & 13.4.6	Support	It's helpful to extend these policies to the Lower Hinds / Hekeao Plains Area to afford surface water permit holders, and groundwater permit holders with a significant stream depletion effect, the opportunity to shift their point of take to deep groundwater, if this exists in their area at an economically viable depth.	Retain Policies 13.4.5 & 13.4.6
Insert Policies 13.4.9 to 13.4.19, page 5	Policy 13.4.18	Oppose in part	While maintaining the existing minimum flows & allocation limits provides certainty for existing consent holders, it is of concern that there is an element of uncertainty in the event that new minimum flow & allocation limits are not in place by 30 June 2020 due to the fact that the default minimum flow (50%7DMALF) may not have been accurately calculated, and / or may be completely inappropriate for some spring-fed watercourses such as Oakdale Drain.	Amend Policy 13.4.18, in conjunction with Policy 13.4.19, so that existing minimum flows are not replaced by the proposed default minimum flow unless it can be conclusively shown through site specific field investigations that this will benefit instream values, while not reducing the current reliability of supply of existing consent holders.
	Policy 13.4.19	Oppose in part	Setting new minimum flow & allocation limits is important where this can be shown to benefit instream values, but it should not happen automatically on 1 July 2020 as new limits may not have been included in the pLWRP by this time. This could result in a significant reduction in the reliability of supply for existing water permit holders, without benefiting instream values at all as these may be limited by other factors such as fish passage (eg Oakdale Drain).	Amend Policy 13.4.19, in conjunction with Policy 13.4.18, so that existing minimum flows are not replaced by the proposed default minimum flow unless it can be conclusively shown through site specific field investigations that this will benefit instream values, while not reducing the current reliability of supply of existing consent holders.
13.5 Rules,	Lower Hinds / Hekeao	Oppose in part	Prohibited activity status is opposed because a proposed change in land use could show up as an	Amend the activity status of Rule 13.5.20 to non-complying which provides a sufficiently high

page 9	Plains Area, Rule 13.5.20		increase in nitrogen loss over the baseline, when this is actually due to bugs or model limitations in Overseer, rather than any real increase. This activity status would mean that the proposal couldn't even be considered, hence it is not the most appropriate method for avoiding increases in nitrogen loss above the baseline. Seeking a formal change to the plan in order to have a 'paper increase' considered is totally unreasonable given that this rule will most likely catch out small farming operations.	threshold for applicants to pass.
13.5 Rules, page 10	Stock Exclusion, Rule 13.5.26	Oppose in part	Ephemeral natural watercourses are not excluded from the stock exclusion rules, as are artificial ones, despite the fact that the effects may be no different. If a natural watercourse becomes "intermittently flowing" rather than "ephemeral" due to aquifer recharge or natural changes in groundwater levels or higher than average rainfall then the stock exclusion rules would kick back in, thus protecting both ephemeral and artificial watercourses that are more likely to have significant instream values.	Amend the pLWRP definitions to define "ephemeral" and "intermittently flowing," and remove reference to "artificial" watercourses in Rule 13.5.26 so that it applies to all truly ephemeral watercourses.
13.5 Rules, page 11	Small and Community Water Takes, Rule 13.5.29	Oppose	Removing Rule 5.111 from applying in the Lower Hinds / Hekeao Plains Area will mean that a water permit application will be required for even a very small take, such as 0.5L/s. Given the very small number of takes that are likely to be sought under Rule 5.111 in this area, and the very small actual and potential effects that may arise, even in small drains, Rule 13.5.29 is unnecessary.	Delete Rule 13.5.29
	Take & Use of Ground and Surface Water, Rule 13.5.30	Oppose in part	While it is important to ensure that replacement takes are only granted in accordance with "reasonable use," it is unreasonable to limit the calculation of "reasonable use" to only method 1 of Schedule 10. Often water use records are too short (<10 years)	Amend Rule 13.5.30 to remove reference to method 1.

			and/or incomplete (due to data gaps for various reasons) to enable the calculation of reasonable use with a high level of confidence.	
13.5 Rules, page 13	13.6: Freshwater Outcomes	Oppose in part	Setting freshwater outcomes can be helpful, however it is unclear from Variation 2 how the failure to meet them will impact on existing abstractors. This is especially important for landholders at the bottom of the catchment where surface water and groundwater quality is primarily affected by activities up-plains.	Amend Variation 2 to make it clear what the implications are for existing abstractors / landholders if these outcomes not being met.
Table 13(a), pages 14 & 15	Spring-fed streams	Oppose in part	It isn't clear how applicable some of the targets / limits are for spring-fed plains watercourses such as Oakdale Drain. For example, it is understood that QMCI isn't appropriate for soft sub-strate streams as the results can be highly variable. It is also noted that dissolved oxygen readings in Oakdale Drain varied from 55 to 100% during field investigations carried out in 2013, and yet this did not appear to adversely affect instream values in any way.	Review the appropriateness of the targets / limits chosen for spring-fed plains watercourses based on actual field investigations, such as those carried out in Oakdale Stream by Applied Ecology Ltd in 2013 (refer to CRC143912).
Table 13(e), page 18		Oppose in part	Retaining the current low flow provisions for Oakdale Drain (incorrectly spelled 'Oakdate') is supported until such time as on-site field investigations have determined the need for changes, and what these should be, without requiring the default provisions of Policy 13.4.19 to be implemented after 30 June 2020.	Remove reference to 30 June 2020, and correct the spelling of Oakdale Drain.
13.7.3: Water Quality Limits and Targets, page 19		Oppose in part	Setting limits / targets for nitrate toxicity (Table 13(j)) and nitrate-N, E.coli and "other contaminants" (Table 13(k)) may be helpful, but it isn't clear from Variation 2 how the failure to meet them by 2035 will impact on existing abstractors / landholders. This is especially important for landholders at the bottom of the catchment where surface water and groundwater quality is primarily affected by activities up-plains.	Amend Variation 2 to make it clear what the implications are for existing abstractors / landholders of these limits / targets not being met.

Table 13(j), page 21		Oppose in part	As above	As above
Table 13(k), page 21		Oppose in part	As above	As above

Add further pages as required – please initial any additional pages.