



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

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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
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Contact name and postal address for service of person making submission (if different from above):

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:

I could not gain an advantage in trade competition through this submission; or

I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

I am directly affected by an effect of the subject matter of the submission

I am not directly affected by an effect of the subject matter of the submission

Signature: [Signature] Date: 23/10/2014
(Signature of person making submission or person authorised to sign on behalf of person making the submission)

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

I do not wish to be heard in support of my submission; or

I do wish to be heard in support of my submission; and if so,

I would be prepared to consider presenting your submission in a joint case with others making a similar submission at any hearing

Tamina Roberts

From: Denis Stoddart <denis.stoddart@xtra.co.nz>
Sent: Thursday, 23 October 2014 11:31 p.m.
Subject: Submission Variation 2 to Cant LWRP
Attachments: ECGIS submission to variation 2 Hinds plains.docx; Submission-Var2 D Stoddart.pdf; Submission Var2 M stoddart.pdf

Categories: Purple Category

Submission by Denis Stoddart and Malcolm Stoddart, farmers in the Ashburton Hinds Drainage district

We wish to support Ian Mackenzie submission and although we have no direct involvement with the Eiffelton irrigation Scheme

Our farm is at the headwaters of the Parakoni Drain and which we have used for irrigation since the early 1960's

Malcolm Stoddart farms on Montgomerys Rd using the headwaters of the Flemington and Spices Drains

Regards
Denis Stoddart

*Submission by **Jon Mackenzie**, farmer in the Ashburton Hinds Drainage district and chairman of the **Eiffelton Community Group irrigation Scheme***

The members of the **Ashburton Hinds drainage district working party** believe that there are various ways in which the Hinds Plains sub regional plan could enable the district to achieve the aspirations of the Z.I.P. in terms of:

1. lowering the nitrate concentrations in the drains [the modified water courses and artificial water courses that make up the drainage network].
2. Increasing the flows in the drains
3. Providing for aquatic habitat for native species and in some drains habitat for trout
4. Providing for mahinga kai
5. Maintaining and enhancing economic and social well-being of the district
6. Increasing the area of irrigation

However the proposed plan [variation 2] prevents, makes difficult or does not enable most of these options.

Variation 2 picks one option for achieving the aspirations of the Z.I.P. but because there was little or no discussion with the local community and none with the major stakeholders within the drainage district several viable options have been made difficult or impossible by the proposed rules. The Ashburton Zone committee never genuinely engaged with the community to develop a package of solutions. If they had, introducing policies that result in the closing down of the Eiffelton Community group irrigation scheme [ECGIS] would not have been part of that package.

It is worth noting that in the preamble text that drainage is the primary function of the drainage network, however using the drainage network as a supply of irrigation water and as conduits for delivering water to farmers is also a vitally important function; especially for the ECGIS.

In the reference to catchment scale actions the examples include MAR and increased irrigation. This section of the Plan includes the policies and rules that reflect the regulatory recommendations of the ZIP. Clearly there is a failure of the policies and rules to implement the catchment scale actions as the rules close down the ECGIS. It is our view that the rules should enable other options other than just MAR to improve flows in the drainage network.

The section 32 analysis was not done in accordance with the changes made to section 32 reporting in December 2013. Consequently no assessment has been made of these alternative options.

The Ashburton/Hinds drainage district working party has discussed various alternatives and has agreed that variation 2 is inadequate. In particular there is little connection between the policies and the rules by way of enabling methods. We are proposing several changes to the rules to enable a wider range of actions that could be used to deliver the sought after outcomes.

The Zone Committee set up the working party after they had made their decisions for the future management of the drainage district. They were unwilling to change their proposed rules but did concede to set up the working party. [see last paragraph page 2].

The working party consists of 4 local farmers from the drainage district, 3 zone committee members, a representative from DoC, F&B and F&G, and Arowhenua.

The working party has met several times and has reviewed Ecan's information on drain flows, water quality, and aquatic species trends, minimum flows and current allocations. It has collected information on the source

of nitrates in the drains, the nature and habitat of the drains and the experience of the residents of the drainage district.

On reviewing that information the working party has concluded that:

1. The monitoring to date by the Group has shown nitrates coming into the drains are consistently high [9 to 11ppm] across the drainage network, and are the similar at the point the springs feed the drains as they are at the seaward end of the drains. This may indicate that it is not the drainage district that is the primary cause of the elevated nitrates in the water. The nitrates are the same or more coming into the drains as they are leaving. It also indicates that the water quality is not conducive to healthy fish life. However those drains associated with the Eiffelton Community Group Irrigation Scheme show significantly lower nitrate levels over the spring and summer period when flows in those drains are being supplemented by ground water.
2. Since 2006 most of the drains have become intermittent over the summer for periods of up to 3 to 4 months. The hydrographs provided by Ecan clearly show that the flows in the drains are directly related to aquifer pressures and levels [not abstraction from the drains] and are highly responsive to rainfall events. The only drains that have retained substantial fish life are those associated with the Eiffelton Community Group Irrigation Scheme [ECGIS] or those that are tributaries of the Hinds river.
3. There are significant differences between the nature of flows in the drains on the north side of the Hinds River to those on the South side. On the north side of the river, the hydrographs indicate that a significant increase in abstraction from ground water up gradient from the spring country is likely to be the major influence on aquifer pressures and levels and therefore reduced drain flows. While on the south side a change from border dyke irrigation to spray irrigation is likely to be the main influence in lowering drain flows.
4. The abundance of fish species collapsed in the period from 2006 on. It is our view that this is highly likely to be correlated to a lack of water, and chemical environment especially the high nitrate levels that prevent repopulation of the drains, other than by some resilient native species.
5. The physical habitat [the form of the drains] has not materially changed since the drain network was rebuilt in the late 1940's, and although is not ideal as aquatic habitat, may be a limiting factor but is unlikely to be the cause of the collapse.
6. The characterisation of the drainage district in the section 32 report is not an accurate description and misrepresents the nature of the problems the drainage district is facing, the nature of the drains themselves and the cause of loss of bio-diversity from the drains. It is worth noting that many of the drains are clearly artificial water courses and do not qualify as streams in the RMA definition. Some of the drains are also clearly modified natural water courses.

This information has led us to consider the proposed post 2020 management regime, the existing management regime and how best to achieve the outcomes sought by the community.

We believe there are much more effective ways to achieve the community outcomes than those proposed in variation 2. The Plan [Variation 2] and its rules need to enable a range of solutions, rather than prohibiting or making possible solutions difficult to achieve.

The Eiffelton Community Group Irrigation Scheme [ECGIS] has been operating a form of targeted stream augmentation [TSA] since its inception in 1986. The basis of the Scheme is to supplement the flows in 3 drains from a series of wells so that the members can abstract their irrigation allowance from those drains while collectively maintaining environmental flows in the drains so that the in-stream habitat is protected. Diluting the nitrates in those drains has been a co-benefit. ECGIS is an effective and well tested means of managing water use within the Hinds Drains environment. The ECGIS supplies irrigation water to some 2700ha and has always worked closely and enjoyed the support of F&G and other NGO's since its inception. We were

recommended for an Ecan environmental award for our innovative contribution to environmentally sustainable economic development in the 1990's.

We believe that the ECGIS provides a template for how to address water quality and quantity issues in the drainage network more certainly than the proposed use of managed aquifer recharge [MAR]. The drainage network is concerned that MAR should not be the only tool to dilute the nitrates in the ground water as such large quantities of water needed would risk elevated ground water and wet farms; increasing the risk of flooding and crop loss. We are advocating for policies, methods and rules that will enable a range of options.

However the proposed rules, allocation regime and minimum flows combine to make the ECGIS unworkable from 2020. No-one from the ZC discussed these proposals with us and the effect that these proposals will have on our irrigation supply and our farms and families.

Once we had seen the draft ZIP addendum we managed to persuade the ZC to set up the drainage district working party. The working party is required to make recommendations to the ZC by December 2016 with the intent, should the ZC and Ecan agree to those recommendations, that a plan change be proposed at some stage after that. In the meantime this variation moves to close down the ECGIS in 2020. The working party has already agreed that the ECGIS should be able to continue under its current management regime until such time as the working party can review the likely effects of MAR and recommend an alternative regime.

We are submitting to support that position. It is untenable for the ECGIS to have to wait until close to 2020 to see if Ecan will honour any commitment to instigate a plan change to correct what has clearly been a significant failure of the ZC to engage in a proper community collaborative process.

The proposed plan has the flavour of implementing policies so that intensive farming up gradient of the drainage district can continue and that farming in the drainage district is of less importance. This does not reflect a community view but is more likely to reflect the composition and interests of the ZC members none of whom have any detailed knowledge of the drainage district or the ECGIS.

As proposed by Variation 2 there is little direct benefit to the drainage district and none to the ECGIS with the introduction of MAR because of the proposed allocation and minimum flow regime and other proposed rules. However we do not want to set ourselves against those farmers up gradient who may need MAR to mitigate their nitrate losses, and so we propose some changes to *the* rules and policies. ECGIS wishes to give qualified support for a MAR trial and work with Ecan in order to ensure there are no negative benefits to the drainage district on the condition that the ECGIS can retain its current management regime until the working party is ready to recommend an alternative. This position has the support of at least 3 members of the ZC.

1. We support policy changes to 13.4.5 but note that allowing surface water takes to transfer to ground water in itself does not enable that transfer.
2. We are concerned that full regard has not been given to the risk that MAR imposes on the drainage district in terms of elevating ground water levels and the consequent damage done to our farms as in 13.4.9 d.
3. 13.4.10.....we are concerned about what is referred to here as a drain. We propose that the stock exclusion rule only apply to the main stems of the drains listed in table 13 [e] and farm environment plans manage stock exclusion in all other drains
4. 13.4.12We have no faith in this target catchment load as so many different methods have been used by Ecan to calculate loads and allocations for consents that this number may or may not be a nonsense. However the target load is an important number. There needs to be some consistency in approach in calculating such numbers as it is impossible to make sense of what is proposed given the nonsense that Ecan has created by allowing various methods to be used to calculate loads and limits.

5. 13.4.13We oppose the grand-fathering of land use as proposed by reference to base line land use activities and associated nutrient loss allocation. We favour the approach proposed by the "LWP Nutrient Management Guidelines".
6. 13.4.14.....with qualifications we support MAR and TSA. This policy should include retaining the use of the existing infrastructure and methods used by the ECGIS to run their irrigation scheme, others who have invested in infrastructure such as ponds and to allow similar schemes to be established within the Hinds Drains district, if this is feasible and necessary as a way of improving the flow and decreasing nitrates in the drains. Propose an additional condition that reads: "where existing infrastructure such as used by the ECGIS and others to supplement flows or harvest water for irrigation are used and encouraged"
7. 13.4.14 [f].... This condition is not to be taken lightly as MAR is likely to have this effect
8. 13.4.16....we conditionally oppose this policy as being too restrictive in preventing the use of some sensible and existing ways of improving flows in spring fed water bodies and the use of that water for irrigation. Where water is discharged in to the drainage network to use the network as a conduit for delivering irrigation water to irrigators method 1 in schedule 10 may be an inappropriate way to calculate allocation as water not used for abstraction will benefit the in-stream habitat.
9. 13.4.18 and 13.4.19...oppose as written....we propose that 13.4.18 should delete the reference to 30 June 2020 and read from "..... table 13[e] until there is a collaboratively developed flow and allocation regime that has been included in the plan through a schedule 1 RMA process." This new flow and allocation regime will seek to accommodate those that still use water from the drains, will reflect those who wish to surrender their surface consents, those who can successfully transfer to ground water and will reflect an intention to share additional flows [as a result of TSA and/or MAR] in the surface water bodies so that in stream values can be enhanced and existing water uses can be maintained...and that 13,4.19 be deleted and all other consequential changes as required.
10. 13.5.7...oppose. erecting signs at all public access points to drains where some drains run alongside roads is a nonsensical requirement...and delete.
11. 13.5.13 [2]....oppose.. this ties farming activities down to their existing land use . we support an allocation regime that has been developed as a result of following the principles and recommendations in the "LWP nutrient management guidelines" . And this apply to all other consequential changes as required
12. We support the views of Federated Farmers and Dairy NZ in their submissions on thses rules concerning nutrient management
13. 13.5.26.....any reference to drains should only apply to those main stems of the drains listed in table 13[e].
14. 13.5.27.....support for drains leading directly into the Ashburton and Hinds Rivers but oppose its use for other drains because of its effect on native fish species.
15. 13.5.30...conditionally oppose for ground water takes that are discharging to surface water bodies
16. 13.5.31[1]....oppose...this rule does not do enough to enable transfer of surface takes to groundwater. Condition 1 needs to say that water should be used on the same property but the take may be elsewhere. Many of those who still rely on surface water for their irrigation supply cannot get good ground water due to sand intrusion or no ground water. Allowing the ground water take [bore] to be put where it is known there is good ground water and using the drains as a conduit for delivering that water to the property where the water will be used may be a more pragmatic solution in some cases. This will also have a beneficial effect on the flows in the drains used as conduits. Condition 3 [well interference] needs to be more enabling. It is unlikely in many cases that neighbours will agree to new bores being drilled. Well interference rules may need to be modified to enable the intent of these rules.

17. 13.5.33 and 13.5.34 ... oppose these ...support enabling conditional transfer to allow permits to be transferred to irrigations schemes/collectives to surrender permits to be used to supplement flows in surface water bodies for the dual purpose of enhancing aquatic habitat and providing for irrigation takes.
18. 13.5.36.....the conditions for this rule suggest a significant bias against some current activities that are known to have no adverse environmental or human health effects and specifically exclude the supply of irrigation water as a purpose for such discharges. The ECGIS relies on such discharges. We oppose 4 [delete 4] and propose the inclusion of irrigation in 5.
19. Table 13 [e] refers to the minimum flow site on the Windermere drain as being at Lower Beach Road. It is at Poplar Road and is the only minimum flow site referred to for any of the Consents to abstract water from that drain. It is critical to the continuation of the ECGIS that the flow monitoring sites for Home Paddock drain, the Windermere and Deals drains remain at Poplar road. The dates 1st October 2014 to the 30th June 2020 be deleted as applying to the minimum flows and allocations.
20. In schedule 24a we oppose the 3m uncultivated vegetative strip required for cultivation for all drains. We would propose that buffer zones only apply to those main stems of the drains listed in schedule 13 [e] This is a very significant impost on arable farmers in the drainage district and we believe that soil loss to these drains from cultivation practises has been overstated.
21. We oppose the amendment to the A allocation limit for the Mayfield/Hinds groundwater allocation zone "table13[f] and support the retention of the existing limit of 148 million m3/yr.