

From: [William Rolleston](#)
To: [Mailroom Mailbox](#)
Subject: Submission to Var3 of the Canterbury Land and Water Plan
Date: Monday, 25 May 2015 12:29:00 a.m.
Attachments: [Submission to Ecan - Var 3 LWP - Blue Cliffs Station.pdf](#)

Please find attached my submission on Variation 3 of the Canterbury Land and Water Plan.

Regards
William

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Submission on Proposed Variation 3 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 Monday 25 May 2015 to:

Freepost 1201 Variation 3 to pLWRP
Environment Canterbury
P O Box 345
Christchurch 8140

Full Name: William Rolleston Phone (Hm): 03 612 6688
 Organisation*: Blue Cliffs Station Phone (Wk): 03 687 4050
* the organisation that this submission is made on behalf of
 Postal Address: PO Box 2117 Phone (Cell): 027 246 0634
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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:

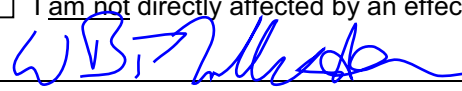
I could not gain an advantage in trade competition through this submission; or

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:  Date: 24 May 2015

(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

Submission to variation 3 of the pLWRP – Section 15: South Canterbury Coastal Streams

Blue Cliffs Station is located within the upper Otaio River catchment, and has been involved in the consultation process for the proposed South Canterbury Coastal Streams (pSCCS) sub – regional plan (Section 15 – proposed Land and Water Regional Plan (pLWRP)).

Blue Cliffs Station was purchased by the family of the current owners in 1879. Blue Cliffs Station and its associated properties occupy some 17% of the land area of the Otaio catchment, principally in the middle and upper catchment. The enterprise farms sheep, cattle, goats and horses with no dairy and no cropping other than fodder crops. While the Blue Cliffs School was closed by the Ministry of Education some two decades ago, employment at Blue Cliffs Station and associated companies related to product produced from the property has created over 60 jobs in the last twenty five years.

Blue Cliffs Station generally supports the provisions in the pSCCS and specifically the proposed flow regime for the Otaio River. Blue Cliffs Station does not have access to ground water and a large area of irrigable land on the property is outside the consented command area of the Hunter Downs Irrigation Scheme while other parts will not have access to the scheme even if it goes ahead. Therefore, Blue Cliffs Station supports the provisions in the proposed flow regime for the Otaio River which allows for new users to take Otaio River water to storage during times of high flow. The Pattle Delamore Partners Ltd (2015) technical report concludes that the proposed flow regime for the Otaio River has minimal impact on ecological values.

Blue Cliffs Station supports the proposed split of the 'B' block for the Otaio River between existing 'A' block irrigators and new irrigators as proposed in Rule 15.5.37; p 15- 20 . However, the wording suggests that no more than 500 L/s from the total 'B' allocation block can be allocated both under conditions '1' and '2' which is contrary to the total B-block allocation for the Otaio River (1,000 L/s) as specified in Table 15 (j). For example:

Under item 1, the final sentence states 'and not more than 500 l/s from the 'B' allocation block would be allocated, in combination with other granted water permits if the water permit was granted.' This indicates that once new users who do not hold an existing 'A' permit hold 500 L/s of B-block allocation no more B-block water is available for existing 'A' permit holders.

Under item 2, the final sentence states 'and not more than 500 l/s from the 'B' allocation block has been allocated'. This indicates that once existing 'A' block holders hold 500 L/s of B-block water no more water is available for new users.

As discussed during the consultation process the intent of these rules is to ensure that the available B-block water is split evenly between existing A-block users and new users. This needs to be reworded.

Suggested rewording **bold and** underlined below:

1. The applicant holds an existing resource consent to take water from the Otaio River 'A' allocation block, and the application for resource consent is received by the CRC prior to 20 December 2021 and not more than 500 L/s from the 'B' allocation would be allocated **to existing 'A' permit holders** in combination with other granted water permits if the water permit was granted.

2. The applicant does not hold an existing resource consent to take water from the Otaio River 'A' allocation block, and the application for resource consent is received by the CRC prior to 20 December 2021; and not more than 500 L/s from the 'B' allocation block ~~would be has been~~ allocated **to users who do not hold an existing 'A' permit in combination with other granted water permits if the water permit was granted;** or

Blue Cliffs Station would support the above changes to be made to the pSCCS sub – regional plan. The changes will enable the available 'B' block water within the Otaio River catchment to be evenly distributed between the existing Otaio River water users and new users.

Blue Cliffs Station makes a number of comments on other parts of the and these are contained in the attached table.

(1) The specific provisions of the Proposed Plan (Variation 2) that my submission relates to are:	(2) My submission is that: (includes whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.)	(3) We 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.)	
Section & Page Number	Oppose/support (in part or full)	Reasons	
<i>Section 15.5 Rules</i>			
Definitions; p 15-3/4	Support in part	There is a definition of “Nutrient User Group” but no definition of “Irrigation Scheme” nor “Farming Enterprise”	Insert a definition of “Irrigation Scheme” and “Farming Enterprise” Define Farming Enterprise as: <u>“means a group of contiguous properties in the same or related ownership and within the same catchment which operates as a single enterprise for the purposes of nutrient management.”</u>
Policy 15.4.7	Oppose in part	The Waihao-Wainono Hill and Plains areas are within a red nutrient zone (fully or over allocated), the Northern Streams Hill and Plains are within an orange Nutrient Zone (not yet fully allocated). Consultation with the community and the resulting ZIP addendum allowed for increases in nutrient discharge from farming activities to be subject to a resource consent. This policy should reflect that.	Add new policy 15.4.7 (c) to say: <u>“requiring any proposal for a farming activity to increase the nitrogen loss calculation for the Northern Streams Hills or Northern Hills Plains above the nitrogen baseline or nitrogen flexibility cap relevant to the respective area to be considered through a resource consent process”</u>
Policy 15.4.10	Oppose in part	As per comment on policy 15.4.7 Northern Streams Hill in in a Nutrient Orange Zone. Therefore there is no justification in prohibiting increases in nutrient load in the Northern Streams Hill area.	Delete the words “Northern Streams Hill” from policy 15.4.10
Policy 15.4.16 (e)	Oppose	Use of the word “avoid” has been interpreted by the courts as meaning the activity is “prohibited”. The use of the “avoid” is an unreasonable test given scientific uncertainty and negligible but measurable adverse effects may be possible.	Policy 15.4.16(e) to read: “Significant adverse effects on people and property from raised groundwater levels and land inundation are avoided or otherwise mitigated.”
Rule 15.5.2 and Rule 15.5.3	Oppose in part	The Northern Streams Hill is in an Orange Nutrient Zone (see comment above for Policy 15.4.7) therefore the restriction as it relates to farming activities is not justified.	Rule 15.5.2 (1) (b)/(c) to read: “(b) column B or C of table 15(m) for any land within the Waihao-Wainono Plains; or columns E or F of table 15(m) for any land within the Northern Streams Plains; or column G of table 15(m) for any part of the property within the Northern Streams Hill ; or (c) Column D of table 15(m) for any land within the Waihao-Wainono Hill; or column G of table 15(m) for any part of the property within the Northern Streams Hill ; and
Rule 15.5.3	Support subject to above comment	There is a typing mistake	Change “Rule 15.4.2” to read “Rule 15.5.2”
Condition 3 of Rule 15.5.6	Oppose	Condition 3 means that even if the enterprise is operating below the flexibility cap there can be no	Delete condition 3 of rule 15.5.6

		change in activity which would increase the nitrogen loss calculation. It also places more severe restrictions on Farming Enterprises than individual farming operations. Within the Northern Streams Zone an increase in nitrogen loss calculation should be possible.	
Rule 15.5.27 condition 2	Oppose in part	There is no allowance for domestic water takes, stock water takes, washdown water takes or small industrial takes (e.g. a veterinary clinic) where a community scheme is not available.	Change rule 15.5.27 to read: “Except as provided for in Rules 15.5.34 to 15.5.39 ...” Add new rule 15.5.39 to allow for the taking and use of water for the purposes of domestic, stock water, washdown water and other small takes for commercial, research or industrial use which is outside the area of a community water supply scheme subject to a resource consent or as a permitted activity subject to certain conditions such as reasonable use for domestic and stock water and a maximum daily volume for other uses. Renumber current clauses 15.5.39 onward.
Rule 15.5.37; p. 15 - 20	Oppose in part Support in part	<p>The wording suggests that no more than 500 L/s from the total ‘B’ allocation block can be allocated both under condition ‘1’ and ‘2’ (Rule 15.5.37; p 20). For example:</p> <p>Under condition 1. (Rule 15.5.37; p 20) the final sentence states <i>‘and not more than 500 l/s from the ‘B’ allocation block would be allocated, in combination with other granted water permits if the water permit was granted.’</i>. This indicates that once new users who do not hold an existing ‘A’ permit hold 500 L/s of B-block allocation no more B-block water is available for existing ‘A’ permit holders.</p> <p>Under condition 2. (Rule 15.5.37; p 20) the final sentence states <i>‘and not more than 500 l/s from the ‘b’ allocation block has been allocated’</i> indicates that once existing ‘A’ block holders hold 500 L/s of B-block water no more water is available for new users.</p>	<p>Blue Cliffs Station seek a suggested rewording (in <u>bold and underlined</u>) to both condition ‘1’ and ‘2’ (Rule 15.5.37; p 15 - 20):</p> <ol style="list-style-type: none"> 1. The applicant holds an existing resource consent to take water from the Otaio River ‘A’ allocation block, and the application for resource consent is received by the CRC prior to 20 December 2021 and not more than 500 L/s from the ‘B’ allocation would be allocated <u>to existing ‘A’ permit holders</u> in combination with other granted water permits if the water permit was granted. 2. The applicant does not hold an existing resource consent to take water from the Otaio River ‘A’ allocation block, and the application for resource consent is received by the CRC prior to 20 December 2021; and not more than 500 L/s from the ‘B’ allocation block <u>would be has been allocated to users who do not hold an existing ‘A’ permit in combination with other granted water permits if the water permit was granted;</u> or

		<p>The intent of these conditions is to ensure that the available B-block water is split evenly between existing A-block users and new users. This needs to be reworded.</p> <p>The discretion matters are supported in that they provide flexibility to allow the latest science to be applied to any take consent conditions while protecting the environment and the interests of other water users.</p>	
Rule 15.5.40 p15-21	Oppose in part	Moving an intake while retaining the same use (i.e. the same irrigated area) should be permitted, subject to a resource consent, if the result is a better environmental outcome.	<p>Rule 15.5.40 to read: The temporary or permanent transfer, in whole or part, (other than to the new owner of the site to which the take and use of water relates and where the location of the take and use of the water does not change) of a water permit to take and use surface water or groundwater, is a prohibited activity.</p> <p>Make moving a take where there is environmental benefit subject to a resource consent.</p>
Table 15.8 p 15-33	Oppose in part	Reference is made to "St Andrews Stream" According to the land a water plan this stream appears to be on our property however we have never heard of it and we have been unable to find anyone in the community or at Ecan who has heard of it. In addition it is not shown on any planning map. We submitted on this issue in the land and water plan as well.	Remove reference to "St Andrews Stream"