

**Proposed Plan Change 3 (SCCS Area) to the Operative Canterbury Land and Water
Regional Plan**

**Summary of Evidence of Sarah Margaret Dawson
on behalf of Hunter Down Development Company Limited**

- 1 My evidence covers a limited number of matters within Hunter Downs' submission and further submission:
 - (a) Providing improved clarity of the role of irrigation schemes in meeting the intended water quality outcomes for the South Coastal Canterbury area;
 - (b) Providing for the use of land for farming activities within the command area of an irrigation scheme as a permitted activity where a discharge consent is held;
 - (c) Ensuring activities required for the augmentation of Wainono Lagoon are appropriately recognised and provided for; and
 - (d) Supporting the approach to addressing over-allocation of water resources by using irrigation scheme water where available.

The Role of Irrigation Schemes in improving Wainono Lagoon water quality

- 2 The ZIP Addendum in several places, and the introductory discussion to sub-regional Section 15A in PC3, explicitly refer to the importance of HDIS in meeting the zone objectives for the SCCS Area. The ZIP Addendum recognises that highly reliable and secure irrigation is important for a vibrant economy and sustainable growth. It also recognises HDIS as being critical to delivering the augmentation of Wainono Lagoon to improve its water quality and ecological health, and as a consequence to allow the discharge of nutrients associated with increased irrigation and its wider social and economic benefits. These intertwined aspects are stated as being part of a solutions package – improved water quality in the lagoon, and increased irrigation with its associated discharges.
- 3 I consider the policies of PC3 recognise the means by which irrigated land-uses and schemes will need to manage land-uses and associated discharges to maintain or improve water quality. However, the policies do not recognise the role and importance of irrigation schemes in this package – to achieve the augmentation and, thereby, also allow the social and economic benefits from increased irrigation. HDIS requests that this is recognised through an amendment to Policy 15.4.8 (which relates to Wainono Lagoon) and a new policy under the heading “Irrigation Schemes”. This is not discussed in the s42A Report, and these amendments are not recommended.

- 4 My experience with plan interpretation and plan writing leads me to the view that plans should clearly and explicitly say what they mean. If irrigation schemes (such as HDIS and WDIS) are an integral part of the solutions package and crucial for both water quality improvement and community wellbeing, then I consider the PC3 policies should say so specifically. The ZIP will have limited RMA status, and so too will the introductory statements in Section 15A, when it comes to considering resource consents. Including these matters in policies will provide greater transparency and clarity to plan users about the role of irrigation. It would also provide certainty for the HDIS (and WDIS) schemes that the plan supports the development of irrigation, and acknowledges its benefits in supporting the improvement of water quality.
- 5 Policy 15.4.8 recognises the importance of enabling augmentation to allowing the higher flexibility caps to be accessed. In a plan structure sense, I consider providing a link between irrigation facilitating augmentation, to augmentation facilitating the higher flexibility caps to be accessed, whilst improving water quality, sits within this policy. New Policy 15.4.14A would recognise that enabling irrigation through the consented schemes is critical to augmentation and improving catchment water quality (as well as to the wider community benefits of irrigation in this area). I consider this policy is appropriately located with the other policy relating to irrigation schemes.
- 6 As set out in paragraph 27 of my evidence, I consider this would support a number of relevant objectives in the CLWRP.
- 7 I cover one other matter relating to Policy 15.4.8. I support an amendment recommended in the s42A Report, limiting access to the higher flexibility caps in Table 15(m) until the freshwater outcomes in Tables 15(a) & (b) are met. I consider a further amendment is needed, to add the date after which these outcomes would need to be achieved (1 January 2030), in accordance with this requirement in Table 15(m).
- 8 I set out the amendments to Policy 15.4.8 and new Policy 15.4.14A at the end of this summary.
- 9 My evidence also outlines my support for proposed Policy 15.4.14 relating to the management of discharges within an irrigation scheme area. In paragraph 34 of my evidence, I set out the relevant objectives and strategic policies of the CLWRP which I consider this policy supports.
- 10 I also discuss the need for a rule providing for the use of land for farming activities within an irrigation scheme command area, which is not provided for through the PC3 rules nor in the general rules of the CLWRP. I support the submission by HDIS to provide for this as a permitted activity where the property is part of an irrigation which holds an appropriate discharge consent. The s42A Report recommends acceptance

of this submission and notes that this would be consistent with the parallel general rules in the CLWRP (Rule 5.60 & 5.61). However, I note some imprecision in the recommended wording and inconsistency with the format of other rules, and have recommended alternative wording. This is set out at the end of this summary.

Restoration of Wainono Lagoon

- 11 My evidence discusses two points relating to the policy and rule framework for the augmentation and restoration of Wainono Lagoon.
- 12 I support the request by HDIS to broaden Policy 15.4.32 to protect augmentation water, such as that for Wainono Lagoon, from reallocation to abstraction. Policy 15.4.32 does this for augmentation of the Waihao River by the Morven Glenavy Scheme, but stops at that. Broadening this policy would ensure that the recognised benefits of introducing augmentation water for Wainono Lagoon, such as via the Hook River, are not subsequently lost by allocation to other activities, and it would support objectives of the CLWRP.
- 13 The s42A Report expresses concern that this would risk enabling augmentation without knowing the potential effects. However, I note that this policy is clearly about protecting the environmental benefits of augmentation. Other policies and rules specifically address potential effects of augmentation (such as Policies 15.4.15 & 16, and Rule 15.5.24). I set out the amendments sought to Policy 15.4.32 at the end of this summary.
- 14 My evidence discusses some changes to Rule 15.5.24, which is a restricted discretionary activity for the use of a wetland, and discharge from that wetland, to augment Wainono Lagoon. I discuss Condition 5, the maximum flow rate, and a turbidity condition requested by DOC.
- 15 Mr Ellwood has outlined the relationship of augmentation flows to flood flows, and how Condition 5 could restrict the ability to adequately provide the augmentation flows identified in the supporting technical publication for PC3. Not meeting Condition 5 would trigger full discretionary activity status. I consider this is unnecessary as the potential for effects on flooding, channel scouring and bank erosion, for example, can be effectively addressed through a restricted discretionary activity consent. The matters of discretion in Rule 15.5.24 are broad and capture related matters. These could be added to more specifically, with the same wording as recommended in the s42A Report for Rule 15.5.21.
- 16 Similarly, I do not consider the matter raised by DOC relating to turbidity (and discussed by Dr Sutherland) needs to be addressed as a condition to Rule 15.5.24.

An augmentation shut-off in times of high turbidity in the Waitaki River, for example, could be addressed through appropriate conditions on a restricted discretionary activity consent. I consider turbidity effects would be adequately captured under the proposed matters of discretion.

- 17 In my opinion, triggering a full discretionary resource consent would be neither effective nor efficient, as it would open up the assessment of the application to a much wider range of considerations, well beyond those matters the Council has restricted its discretion in Rule 15.5.24. I have set out the amendments suggested to this rule at the end of this summary.

Use of Irrigation Scheme Water to reduce Over-Allocation

- 18 Finally, my evidence supports Policy 15.4.25 which seeks to reduce over-allocation of water by requiring applicants for replacement water permits to use irrigation scheme water, where available, to the fullest extent possible. I consider this accords with the intent of the ZIP Addendum. It provides an appropriate basis to address over-allocation, and certainty and support for the role of irrigation schemes. It also supports a number of relevant objectives and policies of the CLWRP, which I set out in paragraph 70 of my evidence.

Suggested Amendments (deletions ~~struck out~~, additions underlined)

15.4.8 Improve water quality within the Waihao-Wainono Area by:

- (a) enabling the development of irrigation in the Waihao-Wainono Area using consented Waitaki River water to facilitate the augmentation of Wainono Lagoon; and
- (b) enabling farming activities to access the higher flexibility caps in Table 15(m) only once when augmentation of Wainono Lagoon has occurred in the preceding calendar year and, after 1 January 2030, the freshwater outcomes in Tables 15(a) and 15(b) are met.

15.4.14A Enable the development of new irrigation in the Waihao-Wainono Area and Northern Streams Area for the purposes of giving effect to:

- (a) the consented HDIS and WDIS schemes, which are intended to take water from the Waitaki River for the irrigation of a further 27,000 hectares; and
- (b) the augmentation of Wainono Lagoon.

15.4.32 Environmental benefits from the discharge of water for augmentation and environmental purposes from the Morven-Glenavy Irrigation Scheme into the lower reach of the Waihao River a surface water body are protected by avoiding the allocation of that discharged water for abstraction.

15.5.12A The use of land for a farming activity on a property that is supplied with water by an irrigation scheme, provided the irrigation scheme holds a consent that is subject to conditions that specify the maximum rate of discharge that may be leached from the land for the area where the property is located is a permitted activity.

15.5.24 **The use of land for a wetland, the discharge of water into that wetland, and the subsequent discharge of water from that wetland for the purpose of augmenting Wainono Lagoon, is a restricted discretionary activity, provided the following conditions are met:**

1. The activity does not take place on land that is listed as an archaeological site; and
2. The activity is not within a Community Drinking Water Protection Zone as defined in Schedule 1; and
3. The discharge from the wetland is not within 100m of any abstraction point used for drinking water; and

4. *A management plan is prepared and submitted with the application for resource consent; and*
- ~~5. *The discharge from the wetland does not result in an increase in the flow in the river or artificial watercourse at the point of discharge by more than one percent of a flood event with an Annual Exceedance Probability of 20 percent (one in five year event); and*~~
- 6.5. *The discharge does not result in the erosion of the bed or banks of any receiving waterbody; and*
- ~~7. *The turbidity of the discharge does not exceed 6 NTUs (Nephelometric Turbidity Units).*~~

The exercise of discretion is restricted to the following matters:

1. *The appropriateness of the location of the wetland and any associated discharge points.*
2. *The content and quality of the management plan, and the methods proposed to:*
 - a) *avoid or mitigate adverse effects resulting from the construction and use of the wetland; and*
 - b) *control livestock access to and within the wetland including any proposed grazing regimes; and*
 - c) *control plant and animal pest species within the wetland; and*
 - d) *ensure the purpose and ongoing functioning of the wetland is achieved; and*
 - e) *monitor and report on the discharges to and from the wetland; and*
 - f) *manage the timing of the discharge to the wetland.*
3. *The appropriateness of integration with existing or planned infrastructure and water conveyance systems; and*
4. *Adverse effects on people and property arising from raised groundwater levels and reduced drainage capacity in the drainage system; and*
5. *Adverse effects on the Wainono Lagoon and the Waihao Box; and*
6. *Adverse effects on water quality in Wainono Lagoon and significant habitats of indigenous flora and fauna; and*
7. *Adverse effects on sites or areas of wāhi tapu, wāhi taonga or mahinga kai; and*
8. *The potential benefits of the activity to the community and the environment; and*
9. *Adverse effects on Ngāi Tahu cultural values; and*
10. *Rate and volume of the discharge.*
11. *Adverse effects on bank stability, erosion and capacity of the waterway(s).*