

From: [Tracey Anstiss](#) on behalf of [Grant Edmundson](#)
To: [Mailroom Mailbox](#)
Cc: sandsfraser@xtra.co.nz
Subject: Plan Change 7 to the LWRP Submission - Simon and Sue Fraser on behalf of Westburn Farm Limited
Date: Friday, 13 September 2019 12:36:09 PM

Dear Sir/Madam

Please find attached a Submission on Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan in respect of our client Simon and Sue Fraser on behalf of Westburn Farm Limited.

Regards

Grant Edmundson

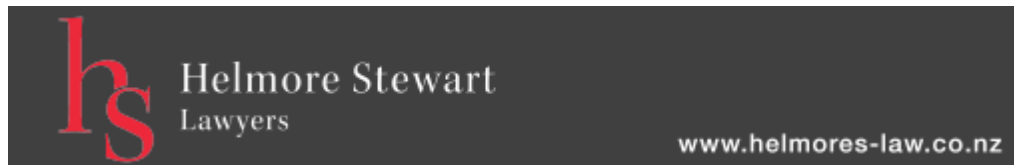
Partner

Email: grant@helses-law.co.nz

Helmore Stewart Lawyers

9 Good Street, P O Box 44, Rangiora, North Canterbury, New Zealand, 7440

T +64 3 311 8008 | F +64 3 311 8011 www.helses-law.co.nz



CONFIDENTIALITY The information contained in this communication is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or reproduction of this message is prohibited. If you have received this communication in error please notify us immediately and delete the original message and all attachments.

Submission on Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

FOR OFFICE USE ONLY

Submitter ID:

File No:

Return your signed submission by 5.00pm Friday 13 September 2019 to:

Proposed Plan Change 7 to the Land and Water Regional Plan
Environment Canterbury
PO Box 345
Christchurch 8140

Full Name: SIMON AND SUE FRASER

Phone (Hm):

Organisation*: Westburn Farm Limited

Phone (Wk):

* the organisation that this submission is made on behalf of

Postal Address:

Phone (Cell): 027 412 5831

1760 Cust Road, RD 1, Rangiora

Postcode: 7471

Email: sandsfraser@xtra.co.nz

Fax: N/A

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:

☒

We could not gain an advantage in trade completion 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: 13-09-19

(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 address for service, becomes public information.

☐

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

☒

We do wish to be heard in support of our submission; and if so,

☐

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

Schedule 1

Submission in regards to Plan Change 7 to the Canterbury Land and Water Regional Plan

This submission has been prepared and is submitted by us, Simon and Sue Fraser on behalf of Westburn Farm Limited in respect of the Plan Change 7 ("Plan") to the Canterbury Land and Water Regional Plan. We are duly authorised to make this submission.

1. Address: 1760 Cust Road, RD 1, Rangiora, Waimakariri District, Canterbury (CRC191465)

Land Size: 140 hectares

Land Use: Dairy support and finishing farm.

Irrigation: Three centre pivot irrigators.

Introduction

- A. Westburn Farm is a third-generation family farm. Five years ago, Environment Canterbury granted our first consent to irrigate the entire farm. As a result of being granted the consent, we invested heavily in infrastructure including three centre pivot irrigators, associated pumps, power and equipment. In addition, we developed the farm with fencing and replacing all pasture. We have also planted and fenced around waterways.
- B. The farm has both a land use consent and a surface water consent.
- C. To take up to 7085 cubic metres of surface water per day at a maximum rate of 82 litres / second. Source is Cust River and is for the irrigation of 140 hectares of pasture.

Concerns and Submissions

- 1. I submit that:

Submission 1

- 1.1. I support the Cust Water Group Submission as reiterated on pages 3-5 of this submission.

Concluding Remarks

- 2. It is essential for the Plan to focus and place significant emphasis on undertaking a comprehensive zone monitoring programme for the next 10 years which together with rigorous enforcement, will ensure that the data and the science will adequately prepare farmers for future plan changes.

Thank you for considering this submission.

(1) The specific provisions of PC7 that Cust Water User Group submission relates to are:		(2) Cust Water User Group submission is that:		(3) Cust Water User Group seeks the following decisions from Environment Canterbury (ECan)
Section & Page Number	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
Section 8 Waimakariri Page 64	Policy 8.4.12	Oppose in part	The requirement for a pro-rata reduction of a surface water take is sensible. Concern is held over what the cumulative effect will be of the numerous stock drinking water and community water supply within the specific area of the Cust River	Amend policy 8.4.12 to reference that the cumulative effect of stock drinking water and community water supply on the Cust River Flows are taken into account.
Section 8 Waimakariri Page 64	Policy 8.4.17	Oppose	The wording of this policy appears to prohibit the transfer of a water take permit to another property. Although the intent behind the policy may be just to limit the transfer of a water permit within the Ashely River/Rakahuri. The policy as it is written applies even if the allocation zone is not over-allocated. Transfer of water is an efficient method to re-distribute available water. Region-wide policies 4.50 and 4.71 adequately cover the situation.	Delete Policy 8.4.17. If the primary relief sought is declined then amend Policy 8.4.17 to clearly define the area restricted by the policy.
Section 8 Waimakariri Page 64	Policy 8.4.18	Oppose	Region-wide policies 4.50 and 4.71 adequately cover the transfer and granting of permits in over-allocated zone.	Delete Policy 8.4.18
Section 8 Waimakariri Page 70	Policy 8.4.36 and Policy 8.4.37	Oppose	Durations should be for the maximum in accordance with resource management. Short-term durations impede long-term planning. The use of the review of consents should be relied on. Longer term consents also enable confidence within a farming operation to allocate and spend capital to implement improvements.	Delete Policies 8.4.36 and 8.4.37
Section 8 Waimakariri Page 70	Policy 8.4.38	Oppose in part	Reviews are a valid method to implement a new Plan's flow and allocation regimes. The Cust Water User Group discussed with the Canterbury Regional Council and the Waimakariri Water Zone Committee the need for and timing of when review of consents may be undertaken during the preparation of the Waimakariri ZIPA. It is considered by the group that those consents that will be subject to a change in restrictions should have a longer lead-in time.	Amend review date to that of the majority of consent expiry dates for the surface waterbodies. This is around the early to mid 2030s.

(1) The specific provisions of PC7 that Cust Water User Group submission relates to are:		(2) Cust Water User Group submission is that:		(3) Cust Water User Group seeks the following decisions from Environment Canterbury (ECan)
Section & Page Number	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
Section 8 Waimakariri Page 75	Rules 8.5.6 to 8.5.11	Oppose in part	These surface take rules refer to allocation limits specified in Tables 8.1, 8.2 and 8.3. These allocation limits are Canterbury Regional Council staff calculations of the sum of all current surface take and groundwater stream depleting take consents. These summations have in the past been shown to be incorrect. This concern was raised by the Cust Water User Group during the Waimakariri ZIPA process. These concerns still stand. The concern is that the limits in the Tables may unnecessarily restrict renewals simply because they have been incorrectly summed. The conditions provide that the activity becomes a non-complying activity under another rule which we consider to be unfair simply because of an incorrect calculation. For clarification we agree that where the allocation limit is greater than the currently consented summation, i.e. there is still allocation available, then the limit should still apply. It is only where the limit has been capped to the currently consented summation (and this is latter found to be incorrect) that the condition 2b needs amending. Region-wide policy 4.50 still applies for renewals, and this requires some reduction in over-allocated zones.	<p>Delete from condition 2a of rule 8.5.9 the phrase following the abbreviation "...RMA....".</p> <p>Condition 2b of rule 8.5.9 needs to refer to all consented takes that exist as at the date of the Plan, rather than a potentially incorrect summation for the allocation limit.</p> <p>Delete condition 13 of rule 8.5.9, or add reference to Policy 4.50 instead of seeming to require the first renewals to achieve all the reduction required to meet the allocation limit.</p> <p>Delete reference to 2a in rule 8.5.10</p> <p>There may be consequential amendments required to other rules</p>
Section 8 Waimakariri Page 91	Table 8.2	Oppose in part	The allocation limit for the Cust River appears to mostly be Canterbury Regional Council staff summation of current consent rates. The Cust River User Group holds grave concerns about using these figures. In the past, these summations (including direct takes and stream depleting groundwater takes) have been shown to be incorrect. This will unnecessarily restrict renewals of consents. Amendments have been requested in above rules, but the Table limits need to acknowledge this as well.	<p>Request details of summations to confirm limits, and add a note to the Table to provide flexibility should the summation later be shown to be incorrect.</p> <p>Retain the minimum flow of 60L/s</p>

(1) The specific provisions of PC7 that Cust Water User Group submission relates to are:		(2) Cust Water User Group submission is that:		(3) Cust Water User Group seeks the following decisions from Environment Canterbury (ECan)
Section & Page Number	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
		Support in part	<p>The Cust River minimum flow is proposed to increase from 20L/s to 60L/s. The Cust River User Group undertook significant consultation with the Canterbury Regional Council and the Waimakariri Zone Committee during the ZIPA process relating to the environmental flow and allocation limits for the Cust River. The Cust River User Group support the Minimum Flow for A permits of 60L/s.</p> <p>During the ZIPA consultation period, the Cust River User Group repeatedly requested that a permanent recorder be installed at the minimum flow site for the Cust River rather than using a correlation with the Threlkelds Road recorder. The Cust River User Group is still seeking this</p> <p>The Cust River regime currently allows unlimited B allocation, and the proposed limit is set at 131 l/s. The Cust River User Group discussed the potential for a B allocation limit with the Canterbury Regional Council and the Waimakariri Zone Committee during the ZIPA process. These discussions did not conclude on what the B limit should be but outlined that a B allocation should be available and that further investigations would be undertaken to determine a limit. To date the Cust River User Group has had no further communication from the Canterbury Regional Council or the Zone committee regarding the matter. The proposed limit appears to be the summation of currently consented B permits. This needs to be confirmed. We consider that when the river is in high flow, there is an opportunity to store water, typically during winter.</p> <p>The dates for implementing the new minimum flows appears to be 2027.</p>	<p>Amend minimum flow site to include a permanent recorder</p> <p>Allow B allocation limit of 1,000 l/s.</p> <p>Extend the implementation date to reflect most current consent expiry dates.</p>