

From: [Carey Barnett](#)
To: [Mailroom Mailbox](#)
Subject: Submission: Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan, Ellesmere Sustainable Agriculture Inc
Date: Friday, 13 September 2019 12:14:27 PM
Attachments: [cover letter for subs PPC7 130919.pdf](#)
[Sub fnl PPC7 270819.pdf](#)

Hello

Please find attached a cover letter and submissions relating to Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan from Ellesmere Sustainable Agriculture Incorporated. A hard copy will follow in the post. Please email me a response to say that this information has been received today.

Kind regards
Carey Barnett
for Ellesmere Sustainable Agriculture Incorporated

SUBMISSIONS

ON

PROPOSED PLAN CHANGE 7

to the

CANTERBURY LAND AND WATER REGIONAL PLAN

NAME OF SUBMITTER: Ellesmere Sustainable Agriculture Incorporated

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DATE: 13 September 2019



SIGNATURE OF SUBMITTER (or person authorised to sign on behalf of submitter)

T Chamberlain

Chairman – Ellesmere Sustainable Agriculture Incorporated

Background of the Submitter

Ellesmere Sustainable Agriculture Incorporated (hereafter referred to as 'ESAI') is made up of farmers and consent holders with water take and use permits, approvals to farm and Farm Environment Plans located between the Rakaia and Selwyn Rivers and east of State Highway 1 to the east coast. This area is located within the Selwyn - Waihora Sub Region of the Canterbury Land and Water Regional Plan (hereafter referred to as 'CLWRP'). This area was subject to Variation 1 to the CLWRP, under which ESAI participated in significant consultation with Environment Canterbury (ECan) and a wide variety of other stakeholders.

ESAI was formed in 2009 (under the previous name Ellesmere Irrigation Society Inc.) in order to provide a collective representation on farm, water and environment related issues within the Ellesmere area of the Canterbury Region. The organisation has grown in recent times and now has 120 members which it represents at the local, regional and national level; focussing on positive outcomes, interactive relationships, environmental responsiveness and the development of policy and regulation that is practical 'on the ground', while also promoting and supporting non-regulatory projects.

ELLESMERE SUSTAINABLE AGRICULTURE INCORPORATED

c/- Ms C M Barnett
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13 September 2019

Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan
Environment Canterbury
P O Box 345
CHRISTCHURCH 8140

Dear Sir/Madam

**Submissions on 'Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan'–
Ellesmere Sustainable Agriculture Incorporated**

Please find attached submissions on 'Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan' from Ellesmere Sustainable Agriculture Incorporated.

If you have any queries then please do not hesitate to contact Ms Carey Barnett – phone 0274888055.

Yours faithfully

ELLESMERE SUSTAINABLE AGRICULTURE INCORPORATED



C M Barnett
Environmental Advisor

ESAI has a significant interest in Proposed Plan Change 7 (PPC7) and would be agreeable to engaging in any discussions relating to the matters raised in the following submissions. No consultation has occurred to date with ESAI members relating to the provisions of PPC7 and ESAI is very concerned that significant changes are proposed to provisions that were carefully determined under Variation 1 and the initial CLWRP involving and respecting the views of many parties. The proposed 'Omnibus' of PPC7 has disregarded that input of these groups and made changes to provisions without due regard to their impact on those most affected.

The submitter does wish to be heard in relation to this submission.

Ellesmere Sustainable Agriculture Incorporated could not gain an advantage in trade competition through this submission.

SUBMISSIONS ON PROPOSED PLAN CHANGE 7 TO THE PROPOSED CANTERBURY LAND AND WATER REGIONAL PLAN

Section	Page Number	Provision	Support/Oppose	Decision Requested	Reason
Table 1 Part A of PC7 (Omnibus) –					
Combined Surface & Groundwater Allocation Zones <ul style="list-style-type: none"> Rakaia - Selwyn 	Planning Maps B-066 and 076	N/A	Oppose	<p>That direct consultation is undertaken with those parties that may have existing ground and/or surface water takes in this proposed new zone.</p> <p>That the zone is removed until such time as this consultation is undertaken and issues relating to this zone are addressed.</p>	<p>There may be some wells and surface water takes that will be significantly affected by this new zone. In some cases this may result in the viability of the farming operation or activity being severely impacted.</p> <p>ESAI is not aware of any consultation as a key stakeholder in this area being undertaken before these provisions were notified and considers that those parties directly affected by these provisions be approached and provided with information as to how this new zone may affect their current activities. This area has previously been subjected to highly restrictive provisions and this proposed zoning adds a further layer of constriction that compromises the entire viability of land uses in this area.</p>
Indigenous Freshwater Species Habitat	Planning Maps B-066 and 076	N/A	Oppose	<p>That direct consultation is undertaken with those parties that have properties bordering these new habitat sites.</p> <p>That the sites are removed until such time as this consultation is undertaken and matters of concern from landholders and stakeholders are addressed.</p>	<p>ESAI is not aware of any consultation as a key stakeholder in this area being undertaken before these provisions were notified and considers that those parties directly affected by these provisions be approached and provided with information as to how these new habitat locations may affect their</p>

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					current activities.
2.9 Definitions, Translations and Abbreviations					
Definitions					
<u>Baseline commercial vegetable growing area</u>	11	Definition – <u>Baseline commercial vegetable growing area</u>	Oppose	Delete/amend this definition and make any consequential amendments.	ESAI is concerned that there has been limited consultation around this proposed definition – as a known key stakeholder within the Canterbury region ESAI was not consulted prior to notification. There are key concerns relating to this definition – in particular how it is applied to a mixed farming system, how it applies to land that is leased within a wider owned farm system and whether there is flexibility within the provisions to allow the farmer to choose which definition best suits the farm operation.
<u>Commercial vegetable growing operation</u>		<u>Commercial vegetable growing operation</u>	Oppose	Delete/amend this definition and make any consequential amendments.	For the same reasons stated above and in addition, ESAI is concerned that the wording could lead to confusion where it states ‘includes the full sequence of crops and pasture used as part of that rotation’ and inadvertently result in other farm types being considered under this definition.
<u>Plantation forest or plantation forestry</u>	11,12	<u>Plantation forest or plantation forestry</u>	Oppose	Amend definition so that it also excludes: “... v. Long-term ecological restoration planting of forest species or native plantings : or...”	Significant restoration and riparian plantings are occurring in the Canterbury region and these largely occur as non-regulatory projects between stakeholders and councils/iwi.

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					It is important that these continue and that plantations of native trees and plants do not fall into the category of 'plantation forestry' given their impact on the environment is generally positive and not for commercial gain or harvest.
Tables 1a and 1b					
Tables 1a and 1b Cultural Attribute	15 and 16	Cultural Attribute column	Oppose	Delete cultural attribute column and make consequential amendments.	ESAI respects iwi, runanga and Ngai Tahu cultural values. However, no consultation has been undertaken with affected parties regarding the insertion of this column. The wording is somewhat subjective which has the potential to result in long delays and disagreement as to its application, resulting in inefficiencies in application and outcomes. What is meant by 'sufficiently abundant for customary gathering, water quality is suitable for their safe harvesting and they are safe to eat'? This wording needs to be revised to a level that is useful when determining desired outcomes to ensure the needs of all those affected are catered for and there is clarity for plan users/consent applicants.
Policies					
Livestock Exclusion from Water Bodies 4.31 and 4.31bb	17	Policy 4.31	Oppose	Delete proposed insertions and make consequential amendments.	ESAI is concerned that some of the mapped areas may not contain indigenous freshwater species habitat and the accuracy of the data used for

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					the establishment of these locations. Regardless of this, ESAI considers it imperative that ECan representatives consult directly with the landholders affected by these provisions before they are located and regulated by these provisions.
Nutrient Management 4.36A	17	Policy 4.36A	Oppose	<p>Delete and/or amend to ensure the following:</p> <p>That there is flexibility for farmers and/or operators to determine which definition of farm type their operation falls into – farm, farm enterprise or commercial vegetable growing operation, and to ensure that other farming types and/or mixed farming types are also provided flexible nutrient limits.</p>	ESAI considers nutrient limit compliance should be equitable across farm types and questions whether the proposed provisions regarding commercial vegetable growing have been assessed via a ‘practical application test’ whereby a farm or operation of this nature has been taken through these provisions as drafted and determined the pitfalls and practicality of their application.
Abstraction of Water 4.61A	18	Policy 4.61A	Oppose	Delete provision and make consequential amendments.	ESAI is concerned that directly affected landholders have not been consulted prior to the formulation of these provisions. The provision could significantly impact existing surface and groundwater takes when they come up for renewal. Considerable effort has been made to account for community water supply but no such provision is afforded other necessary water supplies which may have a smaller impact and have had a high level of infrastructure and investment put into them.

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					This is where it is imperative that the location of indigenous species is accurate and the impact of such provisions on the adjacent landholders and stakeholders are considered and consulted on – then appropriate provisions drafted.
Managed Aquifer Recharge 4.99	19	Policy 4.99	Support in part	<p>Retain current wording and amend/insert as follows:</p> <p><i>“g. adverse effects on people, and property <u>and land use activities</u> from raised groundwater levels and higher surface water flows are as a first priority avoided, and where avoidance is impractical, effects are minimised <u>and remedied.</u></i></p> <p><u>h. downstream and downgradient landholders that may be affected by the managed aquifer recharge are consulted”</u></p> <p>Make any consequential amendments.</p>	ESAI is very concerned about the downstream impacts of managed aquifer recharge. Significant impacts on properties and land uses can occur as a result of augmented aquifer recharge in the form of raised water tables. It can cause the loss of crop, wetter land areas for stock, and the inability to manage crop and pasture appropriately or at the correct time due to over-abundance of water. Aquifer recharge needs to be managed carefully with high care taken in regard to downstream effects both in relation to surface water and groundwater. Significant consultation needs to be undertaken in relation to such recharge activities to ensure the impacts are considered and how they might be dealt with.
Habitat of Indigenous Freshwater Species 4.101/102	19	Policies 4.101/102	Oppose	Delete and make any consequential amendments.	ESAI is concerned with the location of these areas and the lack of consultation with affected parties and/or adjoining land holders regarding the locations of these habitats and the ground truthing that has been undertaken to determine

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					the location of these sites. Until such time as these activities have been undertaken then these areas and their provisions should not be imposed.
Rules					
On-site Wastewater 5.9 Swimming Pool or Spa Water 5.11 Greywater 5.12 Pit and Composting Toilets 5.15, 5.17 Dust Suppressants 5.19 Offal and Farm Rubbish Pits 5.26, 5.28 Stock Holding Areas and Animal 5.36 Silage Pits and Compost 5.40 Bores 5.110 Small and Community Water Takes 5.115 Water for Construction Maintenance 5.117 Site De-Watering – Groundwater 5.120	23, 24, 25, 26, 27, 28, 29, 34, 36, 37, 38, 39, 40, 45, 46, 49, 50.	Rules 5.9, 5.11, 5.12, 5.15, 5.17, 5.19, 5.26, 5.28, 5.36, 5.40, 5.110, 5.115, 5.117, 5.120, 5.123, 5.126, 5.128, 5.133, 5.161, 5.164, 5.176, 5.178, 5.180.	Oppose	Delete the wording from each rule: <u>“Any adverse effects on Ngai Tahu values or on sites of significance to Ngai Tahu, including wahi tapu and wahi taonga.”</u> Make any consequential amendments.	ESAI is currently consulting with Mahaanui Kurataiao Limited and Te Taumutu Runanga regarding provisions relating to the Selwyn District Plan and consider that the insertion of these provisions may well result in extended processing periods and duplication of costs when it comes to the consideration of consent applications within each regulatory authority. ESAI respects the values of Ngai Tahu and all the relevant runanga and believes that the provisions of the plan respect the environmental outcomes sought by everyone. The insertion of these considerations seem to indicate that there are additional effects that are not previously covered by the assessment matters of concern, when in practice if all the other assessments are undertaken then effects on iwi values may also be met at the same time. ESAI is concerned that each activity will require further assessment and handling with associated costs and potential for assessments to culminate in conditions that impose an even

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Take and Use Service Water 5.123, 5.126 Take and Use Groundwater 5.128 Transfer of Water Permits 5.133 Wetlands 5.161 Vegetation in Lake and Riverbeds 5.164 Earthworks Over Aquifers 5.176, 5.178 Hazardous Substances 5.180					<p>greater restriction on the activity which may not be warranted under scientific evaluation. This has occurred in the past and has resulted in some consents being effectively unable to be used.</p> <p>Before such assessments are required and these provisions inserted, ESAI requests that careful consideration be given to how they would be resourced in practice and what the likely outcomes would be.</p>
Commercial Vegetable Growing Operations Rules 5.42CB, 5.42CC, 5.42CD and 5.42CE	30	Rule 5.42CB, 5.42CC, 5.42CD and 5.42CE	Oppose in part	<p>Delete and/or amend to ensure the following:</p> <p>That there is flexibility for farmers and/or operators to determine which provisions their farming operation falls into – farm, farm enterprise or commercial vegetable growing operation, and to ensure that other farming types and/or mixed farming types are also provided flexible nutrient limits.</p>	ESAI considers nutrient limit compliance should be equitable across farm types and questions whether the proposed provisions regarding commercial vegetable growing have been assessed via a ‘practical application test’ whereby a farm or operation of this nature has been taken through these provisions as drafted and determined the pitfalls and practicality of their application.
Stock Exclusion 5.71	32	Rule 5.71	Oppose	Delete and make any consequential amendments.	ESAI is concerned with the location of Indigenous Fresh Water Habitat areas and the lack of consultation with affected parties and/or adjoining land holders regarding the locations of these

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					habitats and the ground truthing that has been undertaken to determine the location of these sites. Until such time as this has been undertaken then these areas and their provisions should not be imposed.
Site Dewatering – Groundwater 5.120	36 and 37	Rule 5.120	Oppose	Delete and make any consequential amendments.	ESAI is concerned with the location of Indigenous Fresh Water Habitat areas and the lack of consultation with affected parties and/or adjoining land holders regarding the locations of these habitats and the ground truthing that has been undertaken to determine the location of these sites. Until such time as this has been undertaken then these areas and their provisions should not be imposed.
Structures 5.136, 5.137, 5.138, 5.139, 5.140, 5.140A, 5.141 and 5.141A	40 - 43	Rules 5.136, 5.137, 5.138, 5.139, 5.140, 5.140A, 5.141 and 5.141A	Oppose	Delete and make any consequential amendments.	
Gravel from Lake and Riverbeds 5.148, 5.151 and 5.152	43, 44, 45	Rules 5.148, 5.151 and 5.152	Oppose	Delete and make any consequential amendments.	ESAI is concerned with the location of Indigenous Fresh Water Habitat areas and the lack of consultation with affected parties and/or adjoining land holders regarding the locations of these habitats and the ground truthing that has been undertaken to determine the location of these sites. Until such time as this has been undertaken then these areas and their provisions should not be imposed.
Vegetation in Lake and Riverbeds 5.163	45 and 46	Rule 5.163	Oppose	Delete and make any consequential amendments.	ESAI is concerned with the location of Indigenous Fresh Water Habitat areas and the lack of consultation with affected parties and/or adjoining land holders regarding the locations of these habitats and the ground truthing that
Earthworks and Vegetation Clearance in Riparian Areas	46 and 47	Rules 5.167 and 5.168	Oppose	Delete and make any consequential amendments.	

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5.167 and 5.168 Plantation Forestry 5.189	51 and 52	Rule 5.189	Oppose	Delete and make any consequential amendments.	<p>has been undertaken to determine the location of these sites. Until such time as this has been undertaken then these areas and their provisions should not be imposed.</p> <p>This also puts at risk the viability of restoration programmes that require significant input from the regional authority and stakeholders. Further consenting requirements would halt such programmes and cause unnecessary time delays.</p>
Managed Aquifer Recharge 5.191	52 and 53	Rule 5.191	Oppose in part	<p>Amend as follows:</p> <p>Insert new point 7 and re-number existing 7 to point 8 –</p> <p><u>“7. The application demonstrates the proposal will not raise the height of the receiving groundwater table or any hydraulically connected surface water bodies to an extent that will adversely affect people, property or land use activities; and</u></p> <p><u>8. 7. A Managed Aquifer Recharge Plan”</u></p> <p>Amend Discretion Matter 11 as follows:</p> <p><u>“11. Any adverse effects of the discharge on people, and property and land use</u></p>	<p>ESAI is very concerned about the downstream impacts of managed aquifer recharge. Significant impacts on properties and land uses can occur as a result of augmented aquifer recharge in the form of raised water tables. It can cause the loss of crop, wetter land areas for stock, and the inability to manage crop and pasture appropriately or at the correct time due to over-abundance of water. Aquifer recharge needs to be managed carefully with high care taken in regard to downstream effects both in relation to surface water and groundwater. Significant consultation needs to be undertaken in relation to such recharge activities to ensure the impacts are considered and how they might be dealt with.</p>

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				<u>activities from raised groundwater levels and higher flows in hydraulically connected surface water bodies; and"</u>	
Schedules					
Schedule 7 Farm Environment Plan	189	Management Area	Oppose pending on-going consultation with iwi.	Delete insertion of 'springs' under point e.	ESAI is currently consulting with Mahaanui Kurataiao Limited and Te Taumutu Runanga regarding provisions relating to the Selwyn District Plan, including the treatment of springs. ESAI respects the values of Ngai Tahu and all the relevant runanga and believe that the provisions of the plan respect the environmental outcomes sought by everyone. It is ESAI's preference that springs are dealt with via Farm Environment Plans and not included again in district plans. Ongoing consultation will determine the best way forward.
	190	Part B – Farm Environment Plan Default Content 2(c).	Oppose pending on-going consultation with iwi.	Delete insertion of 'springs' under point 2(c).	
	192	Part B – Farm Environment Plan Default Content 5E Management Area: Waterbodies	Oppose pending on-going consultation with iwi.	Delete insertion of 'springs' under heading 5E Management Area: Waterbodies.	
Schedule 7A Farm Environment Plan for Farming Activities	197	Part B – Management Plan Default Content 2(c).	Oppose pending on-going consultation with iwi.	Delete insertion of 'springs' under point 2(c).	
Schedule 8 Region-wide Water Quality Limits Rivers Lakes	200 and 201	Tables	Oppose	Delete all of both these tables and make consequential amendments.	Stakeholders and directly affected land holders have not been consulted in regard to these limits or given the opportunity to have input into the limits proposed. These may have a

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					significant impact on the operation of land use activities in the catchment.
Schedule 32 Managed Aquifer Recharge Plan	218	2.(a), (b)	Oppose in part	Amend wording as follows: “a. The highest groundwater <u>levels within the receiving down gradient catchment;</u> and... b. iv. rivers, streams, lakes, ponds, wetlands, springs and permanent or intermittent drains <u>within the entire receiving down gradient catchment;</u> and...	ESAI is very concerned about the downstream impacts of managed aquifer recharge. Significant impacts on properties and land uses can occur as a result of augmented aquifer recharge in the form of raised water tables. It can cause the loss of crop, wetter land areas for stock, and the inability to manage crop and pasture appropriately or at the correct time due to over-abundance of water. Aquifer recharge needs to be managed carefully with high care taken in regard to downstream effects both in relation to surface water and groundwater. Significant consultation needs to be undertaken in relation to such recharge activities to ensure the impacts are considered and how they might be dealt with.
		4. (b)	Oppose in part	Amend wording as follows: “b. the groundwater quality and quantity objectives beyond the proposed discharge point, including at distances beyond 1km from the discharge point <u>and for the entire receiving down gradient catchment;</u> and”	
		5.	Oppose in part	Amend wording as follows: “An assessment of the actual and potential adverse environmental effects associated with the construction and operation of the managed aquifer recharge system, and a description of the proposed monitoring <u>and remediation and/or compensation</u> to avoid, mitigate or minimise these risks, <u>including adverse effects caused by raised groundwater</u>	

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		6.	Oppose	<p><u>levels on people, properties and land use activities in the entire receiving down gradient catchment of the discharge point."</u></p> <p>Delete wording and replace with a suite of reporting requirements that deals with the entire operation, maintenance and down gradient effects of the managed aquifer recharge system and the down gradient positive and adverse effects as well as mitigation and remediation.</p>	