09 November 2020

Nicola Duke
Senior Consent Planner
Environment Canterbury

Our ref: /12534837/ DocNumber

Your ref:

Dear Nicola

Mr N J & Mrs L M Harris & Harakeke Nominees Limited
Assessment Against the NES-F and NPS-FM 2020

Mr N J & Mrs L M Harris & Harakeke Nominees Limited (otherwise known as Glenturret Farm Limited) applied for a renewal of their existing Water Permit (CRC169648/ CRC181649) and Farming Land Use (CRC169646) in October 2017. As part of this application a change of conditions was also sought to include the McLaughlan Block within the associated consented areas.

Since the applications have been lodged, the National Policy Statement for Freshwater Management 2020 (NPS-FM) and National Environmental Standards for Freshwater 2020 (NES-F) came into effect on 3 September 2020. An updated assessment of the application against the NPS-FM and NES-F is provided below.

In addition to this, Environment Canterbury has advised that the existing change of condition in relation to the take and use of surface water (CRC181686) can no longer be considered within scope of the original consent and should instead be considered as a 'new' consent application.

It is noted that the new application will relate to the use of water for irrigation purposes in the expanded area only (i.e for the use of water for irrigation purposes in the McLachlan block), there are no changes to the amount or volume of water being renewed under CRC181446. Further information required for the application to be considered as new Section 14 application is provided below.

National Policy Statement for Freshwater Management 2020 (NPS-FM)

Discussion on *Te Mana o Te Wai* is provided below along with an assessment of the activity against the Objectives and Policies of the NPS-FM in Table 1.

Te Mana o te Wai

The concept, framework and six key principals of *Te Mana o te Wai* are set out Section 1.3 of the NPS-FM. It is noted that Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its implementation.

There is a hierarchy of obligations in Te Mana o te Wai that prioritises firstly the health and well-being of water bodies and ecosystems, secondly the health needs of people, and finally the ability of people to provide for their social, economic and cultural well-being. Each of these obligations has been commented

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on below. For guidance on the assessment below, the relevant Objectives and Policies of the Te Rūnanga o Kaikōura Environmental Management Plan and Mahaanui Iwi Management Plan were considered (refer to Section 5.4 and 5.5 of the AEE).

(a) first, the health and well-being of water bodies and freshwater ecosystems

Comment: The Hurunui River is considered as a highly valued water body for its Cultural and Natural Values within both IMPs. Both IMPs give direction on the management of the health and well-being of the water body via the management of land use intensification so that water quality in the catchment does not decline and rather works towards an improvement in the water quality within the river. This has been encouraged via improved nutrient management, best farming practices, efficient use of water, sustainable irrigation design, delivery and management.

As detailed in the AEE, the focus of the application is around wider nutrient management and how the farm can be managed in order to limit and reduce the amount of nutrients travelling through the soil profile (land) into groundwater and ultimately the Hurunui River. The effects of the farm and its practises on the health and well-being on the river are managed via setting annual nutrient loss limits (calculated via OVERSEER), encouraging better farm management practices (soil health monitoring, irrigation monitoring, climate monitoring etc) and identifying key sensitive areas and providing setbacks (wetlands, riverbeds and riparian zones). All of these steps are related to the reduction or minimisation of nutrient losses to water. These practises are then regularly monitored via a FEP audit to grade the farm on how it is achieving these practises/ requirements and in-turn monitor the farm's effects on the well-being of the nearby water bodies and freshwater ecosystems.

The taking of water will continue in accordance with the Environmental Flow and Allocation Regime of the HWRRP. This Environmental Flow Regime has been established to (amongst other things) maintain the cultural value of the Hurunui River.

(b) second, the health needs of people (such as drinking water)

Comment: The Hurunui River at and below the farm is used for a number of both commercial and public purposes. One of the users of the wider river (via hydraulic connectivity) is a shallow groundwater take for a community drinking water supply (Hurunui Lower Rural Water Scheme). As detailed in the assessment on the Hurunui Lower Rural Water Scheme, the potential effects on drinking water has been considered negligible.

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Comment: The proposal is considered to enable Glenturrent Farm Limited to provide for their economic wellbeing, while promoting efficient farming practices to avoid, remedy or mitigate adverse effects on the environment now and into the future.

In addition to the assessment provided above, it is also noted that as part of a recent resource consent process in relation to Glenturret's existing water take infrastructure (CRC190984 and CRC190985), Glenturret agreed to develop an on-farm environmental enhancement project in collaboration with representatives from Te Rūnanga o Kaikōura and Te Ngāi Tūāhuriri Rūnanga. The environmental enhancement project will further identify practices to reduce nutrient losses as well enhance ecosystems on the farm.

Table 1: *Objectives and Policy of the National Policy Statement for Freshwater Management.*

Objective	Policy	Comment
The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises: (a) first, the health and well-being of water bodies and freshwater ecosystems (b) second, the health needs of people (such as drinking water) (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future	**Policy 1**: Freshwater is managed in a way that gives effect to Te Mana o te Wai	As discussed above, it is considered that the proposal has been undertaken in a way that gives effect to Te Mana o te Wai.
	Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.	As noted above, through the requirements of a separate resource consent, an on-farm environmental enhancement project is in the process of being developed in in collaboration with representatives from Te Rūnanga o Kaikōura and Te Ngāi Tūāhuriri Rūnanga. This will include identifying areas of cultural value on the farm.
	Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.	The proposal is assessed in accordance with the Environmental Flow and Allocation Regime of the HWRRP. This regime assesses the effects of agricultural activities on a catchment basis by setting minimum flows, flow allocation and nutrient allocation and limits.
	Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.	An assessment against the NES-F is provided below, there are no activities proposed that may result in the further loss or extent of a natural wetland.
	Policy 9: The habitats of indigenous freshwater species are protected.	There is no Indigenous Freshwater Species Habitat (PC7) identified in the receiving environments.
	Policy 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.	The proposal is assessed in accordance with the Environmental Flow and Allocation Regime of the HWRRP which is intended to manage freshwater within the catchment. Under the HWRRP framework, all applications are required to provide a water efficiency assessment (refer to Section 4.7 of AEE).

Overall it is considered that the proposal is consistent with the NPS-FM 2020 and can be shown to give effect to Te Mana o Te Wai.

Part 3 of the NPSFM 2020.

Part 3 of the NPSFM 2020 details a list of things that local authorities must do to give effect to the Objective and Policies in Part 2 of this National Policy Statement. A discussion of the relevance of each of the sub-parts to this proposal is provided as follows.

Sub-part 1 - Approaches to implementing the National Policy Statement:

- **3.2 Te Mana o te Wai** – The concept and application of Te Mana o te Wai has been discussed above.
- **3.3 Long-term visions for freshwater & 3.4 Tangata whenua involvement** - For the longer vision and application on Te Mana o te Wai it has been noted that Environment Canterbury will begin consultation with the relevant voices in the latter part of 2020. In the interim, guidance has been obtained via Iwi Management Plans and/or consultation with the relevant tangata whenua.
- **3.5 Integrated management –** It is considered that the LWRP and HWRRP framework have already been developed as an integrated approach (ki uta ki tai).

Sub-part 2 - National Objectives Framework:

- **Sub-part 2** is generally not considered relevant to the application as this sets out the National Objective Framework (NOF) and Freshwater Management Unit (FMU), with the exclusion of the following:
    - **3.13 Special provisions for attributes affected by nutrients –** The HWRRP already sets out instream concentrations and exceedance criteria for inorganic nitrogen (DIN) and dissolved reactive phosphorus (DRP). The AEE has provided an assessment against these concentrations and exceedance criteria.
    - **3.17 Identifying take limits –** The HWRRP already identifies and sets out take limits at multiple locations within the catchment (i.e. Blocks). These allocation limits are related to stream flows within the Hurunui River. The standard resource consent conditions for water takes within Canterbury set out an annual volume, weekly volume, and maximum rate of take, the conditions also restrict or cease the taking of water under certain flow conditions.

Sub- part 3 – Specific requirements:

- **Sub-part 3** is not considered as relevant to the application.

National Environmental Standards for Freshwater 2020

With regard to the Glenturret Farm Limited property, the following is noted:

- The farm is used for sheep and beef grazing, it is not used for intensive dairy farming (and therefore the rules around the intensification of irrigation area does not apply (regulation 20 of the NES-F);
- Sub-part 3 of Part 2 (intensive winter grazing) comes into force on 1 May 2021; and
- Subpart 4 of Part 2 (application of synthetic nitrogen fertiliser to pastoral land) comes into force on 1 July 2021.

Given the above, there are no applicable regulations in Part 2 of the NES-F that are relevant to the property. The relevant rules of Part 3 of the NES-F (Standards for other activities that relate to freshwater) is assessed below.

Table 2: *Assessment against the National Environmental Standards for Freshwater*

Rule & Applicable Standard		Compliance
Subpart 1—Natural wetlands		
Arable and horticultural land use		
50 - Permitted activities	(1) Vegetation clearance outside, but within a 10 m setback from, a natural wetland is a permitted activity if it— (2) Earthworks or land disturbance outside, but within a 10 m setback from, a natural wetland is a permitted activity if it—	No earthworks or vegetation clearance is proposed to occur in accordance with the application.
Drainage of natural wetlands		
52 - Non-complying activities	(1) Earthworks outside, but within a 100 m setback from, a natural wetland is a non-complying activity if it – a. results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland; and b. does not have another status under any of regulations 38 to 51.	No earthworks are currently proposed on site.

	(2) The taking, use, damming, diversion, or discharge of water outside, but within a 100 m setback from, a natural wetland is a non-complying activity if it – a. results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland; and b. does not have another status under any of regulations 38 to 51.	One of the properties Surface Water Abstractions Points (WAP) (N33/0432) is located within 100m of a potential inland wetland (as identified by Canterbury Wetlands GIS Layer). However, as this water take is occurring down-gradient of the potential wetland, at a lower elevation and within the Hurunui river (i,e water level at the point of take is subject to the flow regime of the Hurunui River), it is considered highly unlikely the take will result in partial drainage of this wetland. A number of potential inland wetlands are located within the property, irrigation of water (use and discharge of water) may occur within 100 metres of these wetlands. However, the irrigation of water is not considered to result in the partial drainage of a natural wetland. It is therefore considered that the taking of water and irrigation of water on the property doesn't trigger a resource consent requirement under Regulation 52 of the NES-F.
Other Activities		
54 – Non-complying activities	The following activities are non-complying activities if they do not have another status under this subpart: (a) vegetation clearance within, or within a 10 m setback from, a natural wetland: (b) earthworks within, or within a 10 m setback from, a natural wetland: (c) the taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland.	Environment Canterbury has advised that the *use of water for irrigation* within 100 metres of a natural wetland falls within Regulation 54 as the activity is not considered to be covered by other parts of the regulations. The use of water for irrigation within 100 metres of a natural wetland is therefore considered a **non-complying** activity under Regulation 54 of the NES-FW.

It is noted that the existing application to renew the site's water take and use (CRC181649) has been previously assessed under Rule 2.3 of the Hurunui and Waiau River Regional Plan (HWRRP). The HWRRP considered the take and use of surface water as a restricted discretionary activity, however, as part of the use of water for irrigation is now also managed by Regulation 54 of the NES-FW, which cannot be separated into a separate activity, the overall status of CRC181649 should now be considered a **non-complying activity**.

CRC181686 – Additional planning matters to be considered

Environment Canterbury has advised that based on recent case law the existing change of conditions application in relation to the take and use of surface water (CRC181686) can no longer be considered within the scope of the original consent and should instead be considered as an application for a 'new' consent.

It is noted that this application will cover only the **use** of water for irrigation purpose on the McLachlan block (SEC 6 BLK XIX LOWRY PEAKS SD) as the taking of water will be covered within application CRC181649. An assessment of the relevant planning matters is considered as follows.

Identification of the relevant regional rule

The HWRRP is relevant to the use of surface water within the Hurunui area. The HWRRP became operative on 20 December 2013. The provisions of the HWRRP supersede those of the Canterbury Land and Water Regional Plan (LWRP) where an activity is expressly provided for (as noted in Section 1.1 of the HWRRP).

Regulation 54 of the NES-FW is also relevant to areas of irrigation occurring within 100 metres of a natural wetland on the site.

The proposed use of surface water for irrigation is considered a restricted discretionary activity under Rule 2.3, provided it complies with the following standards and terms of the rule. These are assessed in Table 3 below.

Table 3: *Standard and terms of Rule 2.3 of the HWRRP*

Condition	Activity	Compliance
a. The maximum rate of take, in addition to all existing resource consented takes, including expired resource consents continuing to be operated under section 124 of the Resource Management Act, does not exceed the permit allocation limit in the Environmental Flow and Allocation Regime in Table 1 for that surface water body	There will be no change in the maximum rate of take that has been applied for under CRC181649.	✓
b. for the Waiau River, when this water is allocated from the B permit allocation limit for irrigation, at least 6 m^3/s shall be taken and used downstream of Stanton River;	N/A	N/A
c. The take complies with the minimum flow for the relevant permit allocation limits for the surface water body as set out in the	The take to be authorised by CRC181659 complies with this regime.	✓

Condition	Activity	Compliance
Environmental Flow and Allocation Regime in Part 4, Table 1 of the HRRP.		
d. The take occurs downstream of: I. the confluence of the Hope River with the Waiau River mainstem in the Waiau Catchment; or II. The confluence of the Hurunui mainstream and Surveyors Stream in the Hurunui catchment.	The take does occur downstream of the confluence of the Hurunui mainstream and Surveyors Stream in the Hurunui catchment. There will be a minimal effect on downstream users as this is an existing water right that is utilised currently within the Domett region.	✓
e. Fish shall be prevented from entering the water intake as set out in Schedule WQN12 of the Natural Resources Regional Plan as contained in Schedule 4 of this plan.	Glenturret Farm has an existing gallery intake that fish are prevented from entering. Details of the fish screen was previously supplied to Peter Taylor (Compliance Officer)	✓
f. An Infrastructure Development Plan is submitted with any application to take a maximum rate exceeding 100 litres per second.	There is an Infrastructure Development Plan for the existing activity. There will be no change in the maximum rate of take.	✓
g. The annual volume applied for, provides for 80% or greater application efficiency and the reasonable water use for the intended land use for 9 out of 10 years.	As assessment on the efficient use of water has been supplied in Section 4.7 of the Application	✓
h. For irrigation takes that are variations or renewals of water permits, and where water will be used for a change of landuse, the use of that water in combination with all other activities will not lead to an exceedance of the nutrient limits in Schedule 1 (taking into account limits specified in resource consents) or the nitrogen toxicity limits in Policies 5.3 and 5.3A.	The take is a renewal of an existing permit, and the water will be used for the same land use as before (farming). Nevertheless, the original consent application has assessed the nutrient limits in Schedule 1 and the nitrogen toxicity limits in Policies 5.3 and the Water Quality Policy 5.3 will not be breached.	✓

Under Rule 2.3 of the HWRRP the proposal is considered a restricted discretionary activity. However, portions of Honeymoon Creek within this parcel are also identified as being natural inland wetlands, therefore Regulation 54 of the NES-FW is also applicable to the irrigation of water within this parcel (as assessed above).

Therefore, the use of water for irrigation within the McLachlan block is overall considered a **non-complying activity**.

Identification of the relevant Objectives and Policies

It is not considered that there are any considerable changes in the Objectives and Policies Assessment provided in Section 5 of the application, except for the updated NPS-FW provided above. Nevertheless, the relevant objectives and policies of the HWRRP are:

- *Objective 3 (Water is allocated to enable further economic development)*
- *Policy 3.2 (Environmental Flow and Allocation Regime)*
- *Objective 8 (Efficient Use of Water)*
- *Policy 8.1 (Maximise efficiency in the take and use of water)*

Glenturret seek to increase the irrigation area authorised in their resource consent to enable further economic development of the properties. It is noted that Glenturret is not applying for an increase in water take rate or volume, rather, the increase area can be developed due to greater efficient use of water on site via the upgrading of the properties irrigating infrastructure. The proposed take will comply with the Environmental Flow and Allocation Regime in Table 1 of the HWRRP.

- *Objective 5.1 and 5.2 (Concentrations of nutrients entering the mainstem of the Hurunui).*
- *Policy 5.3 (Water Quality in Hurunui River)*
- *Policy 5.3B (To protect existing values, uses and the mauri of the Hurunui while also allowing for a larger area of land to be irrigated)*

As discussed in Section 4.5 and Appendix D (Overseer) of the application, the proposal is not considered to result in a breach of water quality standards for the Hurunui River, the protection and enhancement of cultural values have also been discussed above.

Overall, it is considered that the proposal in consistent with the objectives and policies of the HWRRP, furthermore, Policy 5.3B allows for the expansion of the irrigation land provided that the existing values, uses and mauri of the Hurunui River, the application and associated assessment has shown that the proposal is consistent with this policy.

Section 104D - Non-complying activities

In accordance with Section 104D of the RMA, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either:

a. the adverse effects of the activity on the environment will be minor; or

b. the application is for an activity that will not be contrary to the objectives and policies of the relevant plans.

For both the renewal of the site's water take and use (CRC181649) and the use of water for irrigation on the McLachlan block adverse effects on the environment have been determined to be less than minor. In addition, the proposal is considered to be consistent with the objectives and policies of the HWRRP and the NPS-FW.

Summary

The NPS-FW and NES-F came into effect on 3 September 2020. The proposal must now also be considered against these documents.

An assessment against the NPS-FW shows that the activity can be considered to give effect to Te Mana o Te Wai and the proposal can be considered consistent with objectives and policies of the NPS-FW.

In regards to the NES-F, the irrigation of water (use of water) within 100 metres of a natural wetland is considered to be managed by Regulation 54 of the NES-F and is a non-complying activity. While this does

not require additional resource consents for the proposal, it changes the overall activity status to a non-complying activity for both applications.

However, both applications are considered to have a less than minor effect of the environment and have been shown to be consistent with the objectives and policies of the HWWRP and NPS-FW.

We trust that this letter fulfils Environment Canterbury's requirement to provide an assessment against the NES-F and NPS-FM for Glenturret Farm Limited renewal applications and the additional planning matters required to be addressed.

If you have any further questions of the proposal, please feel free to contact Amy Callaghan via email or telephone.

Sincerely
GHD Limited

Sean Mooney
Environmental Planner

Amy Callaghan
Planning Lead