



Submission on Proposed Plan Change 7 to the 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 5 of Schedule 1 of the Resource Management Act 1991

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
P O Box 345
Christchurch 8140

Full Name: John Talbot Phone (Hm): _____
 Organisation*: Bowden Environmental Phone (Wk): 3755015
* the organisation that this submission is made on behalf of
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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: J Talbot Date: 10/9/19
(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 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 my submission in a joint case with others making a similar submission at any hearing

(1) The specific provisions of PC7 that Bowden Environmental's submission relates to are:		(2) Bowden Environmental's submission is that:		(3) Bowden Environmental seeks the following decisions from Environment Canterbury (ECan) (Note: amendments sought to the text of PC7 are shown with additions in <u>underline</u> and deletions in strikethrough).
Section & Page Number	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
Section Policies Page 14	4 Policy 4.6	Oppose	Stockwater needs and drinking-water needs require better description to allow for priority usesstockwater needs, <u>including water for stock drinking, dairyshed washdown and animal welfare</u> ; an individual's or community's <u>domestic needs, including drinking-water needs,</u>
Section Hurunui-Waiiau Page 54	7 7.6 Allocation Limits Table 6	Oppose	The decrease in the limit for the Kowai groundwater allocation zone is not based on any resource management assessment, e.g. sustainability assessment or adverse effects assessment.	Retain limit of 17.4 MCM/yr
Section Waimakariri Page 59	8 Northern Waimakariri Tributaries Freshwater Management Unit	Oppose	The Eyre River headwaters are not north-west of Oxford; they are to the west and south of Oxford. The Eyre River is dry for most of the year and over most of its course rather than the more limited description suggested. An incorrect description appears to lead into policies which classify the Eyre River as a natural state waterbody, which it simply cannot be described as.	Rewrite the description for the Eyre River
Section Waimakariri Page 61	8 8.1A Definitions – Deep groundwater	Oppose	Deep groundwater is referenced in policies and rules for substituting surface water or stream depleting groundwater takes with groundwater takes that have limited or no stream depletion. The definition is very restrictive with the requirement of an average abstraction rate less than 10 l/s. The rate of take does not define an aquifer system, and this definition eliminates most irrigation takes. The depth and distance requirements are sufficient.	Delete clause c
Section Waimakariri Page 62	8 Policy 8.4.5	Oppose	The Eyre River cannot be described as a natural state waterbody. There are many activities carried out in the bed that may be curtailed if the classification remains.	Delete Eyre River from the policy

Section 8 Waimakariri Page 63	Policy 8.4.12	Oppose	Additional priority uses should not be subject to restrictions	As per relief sought for policy 4.6 above
Section 8 Waimakariri Page 64	Policy 8.4.16	Oppose	Additional priority uses should not be subject to restrictions	As per relief sought for policy 4.6 above
Section 8 Waimakariri Page 64	Policy 8.4.17	Oppose	The policy appears to prohibit the transfer of a water take permit to another property. This includes a groundwater take. This applies even if the allocation zone is not over-allocated (groundwater zone or surface waterbody). Transfer 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
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.	Delete Policies 8.4.36 and 8.4.37
Section 8 Waimakariri Page 70	Policy 8.4.38	Oppose	Reviews are a valid method to implement a new Plan's flow and allocation regimes. For those consents that will be subject to a change in restrictions, a longer lead-in time should be provided.	Amend review date to that of the majority of consent expiry dates for the surface waterbodies. This is around the early to mid 2030s.
Section 8 Waimakariri Page 75	Rules 8.5.6 to 8.5.11	Oppose	These surface take rules refer to allocation limits specified in Tables 8.1, 8.2 and 8.3. These allocation limits are ECan 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. 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 is unfair simply because of an incorrect calculation. 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 currently consented summation that the condition 2b needs amending. Region-	Delete from condition 2a of rule 8.5.9 the phrase following the abbreviation "...RMA....". 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. 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.

			wide policy 4.50 still applies for renewals, and this requires some reduction in over-allocated zones.	Delete reference to 2a in rule 8.5.10 There may be consequential amendments required to other rules
Section 8 Waimakariri Page 77	Rules 8.5.12 to 8.5.16	Oppose	<p>These groundwater take rules refer to allocation limits specified in Table 8.4. These allocation limits are not based on science. Further submissions are made below on this point. For stream depleting groundwater takes, the incorrect summations for the allocation limits in Tables 8.1, 8.2 and 8.3 may unnecessarily restrict renewals.</p> <p>The requirements for assessment of stream depletion are set out in Schedule 9. Condition 1 of rule 8.5.14 needs to refer to that schedule in the same manner as regional rule 5.128.</p>	<p>Delete from condition 2a of rule 8.5.14 the phrase following the abbreviation "...RMA...".</p> <p>Condition 2b of rule 8.5.14 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 reference to condition 2a in rule 8.5.15, add reference to condition 2b</p> <p>Delete reference to condition 2b in rule 8.5.16 related to Table 8.4 groundwater allocation limits, and add reference to condition 2b in rule 8.5.15</p> <p>Replace condition 1 of rule 8.5.14 with condition 2 of rule 5.128 with the necessary modifications to refer to Tables 8.1 and 8.2.</p> <p>There may be consequential amendments required to other rules</p>
Section 8 Waimakariri Page 74 and 77	Notes to the rules	Support in part	It is not made clear that some "regional rules" in section 5 of the plan are still valid, e.g. small and community takes	Amend the notes to clarify that regional rules still apply.
Section 8 Waimakariri Page 79	Rule 8.5.18	Support in part	Groundwater takes should be required to meet drawdown interference effect limits in the same manner as all other groundwater takes	Add condition 4 of rule 8.5.12 to conditions of this rule 8.5.18

Section 8 Waimakariri Page 90	Table 8.1	Oppose	<p>The allocation limits appear to mostly be ECan’s staff summation of current consent rates. 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.
Section 8 Waimakariri Page 91	Table 8.2	Oppose	<p>The allocation limits appear to mostly, but not all, be ECan’s staff summation of current consent rates. 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> <p>The minimum flow of 1000 l/s for the Cam River is not based on science.</p> <p>The Cust River currently allows unlimited B allocation, and the proposed limit is set at 131 l/s. This is assumed to be the summation of currently consented B permits. This needs to be confirmed. In addition, when the river is in high flow, there is an opportunity to store water, typically during winter.</p> <p>The Eyre River is included in the Table 8.2 but has no provisions. It is unclear what this means. Does it mean that takes from the river and stream depleting groundwater is prohibited? Perhaps the intention is to continue the current provisions that do not provide any restrictions. In contrast, Policy 8.4.15 clearly prohibits any taking from Kairaki/McIntosh SWAZ, and this is similarly set out in Table 8.2.</p> <p>The dates for implementing the new minimum flows appears to be 2027.</p>	<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>Change the Cam River minimum flow to 890 l/s.</p> <p>Allow B allocation limit of 1,000 l/s.</p> <p>Delete the Eyre River line from Table 8.2.</p> <p>Extend the implementation date to reflect most current consent expiry dates.</p>
Section 8 Waimakariri Page 92	Table 8.4	Oppose	The current allocation limits for each groundwater allocation zone are based on expert opinion of the stage that a closer examination of sustainability is required. They are not sustainable limits or limits beyond	Retain current limits as “interim” limits and amend the rule relating to allocation above the limit to be a non-complying activity rather than a prohibited activity.

			which adverse effects are shown to occur. Reducing the limits even further are likewise not based on resource management assessments and may unnecessarily restrict further economic growth and prosperity within the Waimakariri District. If there are water quality effects as a result of changes in land use brought about by irrigation, then this is covered in other nutrient management land use rules.	
Section 11 Selwyn Te Waihora Page 106	Rule 11.5.33	Oppose in part	This rule is referenced in the amendment to rule 11.5.35. Rule 11.5.33 has condition 8 relating to drawdown interference effects but does not exclude the requirement for renewals. All other groundwater take rules in the LWRP exclude the requirement for renewals. This exclusion has been incorporated in proposed rules 8.5.14 (page 78) and 14.5.9 (page 146). The same provision is required in rule 11.5.33.	Replace condition 8 of rule 11.5.33 with condition 4 of rule 8.5.14
Section 13 Ashburton Page 111	Policy 13.4.5A	Oppose	It is unclear what the reference to “economic impacts on any other authorised abstraction” is referring to. Is it existing groundwater users or surface water users? The policy reads as if the reliability of existing groundwater users can be ignored to some extent for the benefit of the surface waterbody. The reliability of existing groundwater users should not be reduced beyond those thresholds set out in Schedule 12.	Delete Policy 13.4.5A
Section 13 Ashburton Page 116	Rule 13.5.30A	Oppose in part	The rule allows for further effects on existing groundwater users beyond the thresholds set in Schedule 12 and seeks to include that the effects are no greater than 25% of the available drawdown. However, for some bores an interference effect of 25% may result in an effect which is more than minor. The classification as a non-complying activity brings the non-compliance with condition 3 into line with all other rules in the Plan	Delete the conditions of rule 13.5.30A Consequential amendments to rule 13.5.31 removing reference to rule 13.5.30A