

From: [Keri Johnston](#)
To: [Mailroom Mailbox](#)
Cc: ["Mark Mulligan"](#)
Subject: Plan Change 7 to the LWRP Submission
Date: Thursday, 12 September 2019 11:45:10 AM

Please find this attached.

Thank you,

Keri



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

Clause 5 First Schedule, Resource Management Act 1991

TO: Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

Environment Canterbury
PO Box 345
Christchurch 8140

By email: mailroom@ecan.govt.nz

Name of submitter:

1 Orari Water Users Group (**OWUG**)

Address: c/- Mark Mulligan
1421 Earl Road
Geraldine

Email: mark.mary@xtra.co.nz

Trade competition statement:

2 The OWUG could not gain an advantage in trade competition through this submission.

Proposal this submission relates to is:

3 This submission is on proposed Plan Change 7 to the Canterbury Land and Water Regional Plan (**PC7**), specifically the Orari-Temuka-Opihi-Pareora (**OTOP**) sub-region component of PC7, comprising "Part B" (**Proposal**).

The specific provisions of PC7 that this submission relates to:

4 This submission is confined to matters in relation to the environmental flow, allocation and partial restriction regimes for the waterbodies of the Orari Catchment and therefore relates primarily to the following provisions of PC7B:

Submission

5 The OWUG was established in 2010 for the sole purpose of working with Environment Canterbury in the development of an environmental flow and allocation regime (the regime) for the waterbodies of the Orari Catchment. The regime was, at the time, forming part of Section 14 of the Land and Water Regional Plan (LWRP).

6 The OWUG was of the view that because this occurred as part of the LWRP process that the regimes would not be revisited as part of Plan Change 7. However, there are changes in PC7 to the regimes which the OWUG are concerned about as they change the basis for which the original regime was based on and may have perverse outcomes.

Decisions sought by the OWUG:

7 The OWUG seeks the following decisions from Environment Canterbury:

- 7.1 that the decisions sought in **Annexure A** to this submission be accepted; and/or
- 7.2 alternative amendments to the provisions of PC7 to address the substance of the concerns raised in this submission; and
- 7.3 all consequential amendments required to address the concerns raised in this submission and ensure a coherent planning document.

Wish to be Heard:

- 8 The OWUG wishes to be heard in support of this submission.
- 9 The OWUG would be prepared to consider presenting a joint case with others making similar submissions at the hearing.



PP

The Orari Water Users Group

Mark Mulligan: Chair

Date: 13 September 2019

ANNEXURE A – REASONS FOR SUBMISSION AND DECISIONS SOUGHT BY THE ORARI WATER USERS GROUP

(1) The specific provisions of Proposed Plan Change 7 (PC7) that the OWUG's submission relates to are:		(2) The OWUG's submission is that:		(3) The OWUG seeks the following decisions from Environment Canterbury (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in strikethrough).
Section & Page No.	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
14.1A Orari-Temuka-Opihi-Pareora Definitions	Orari Conjunctive Use Zone	Oppose in part	The proposed changes are an attempt to tidy up the definition to align more with general terminology used throughout the plan. The purpose of the zone in the first place was to recognise the interconnectedness between shallow groundwater and flows in the Orari River (especially as at times, surface flow ceases in the Orari River). The implementation of the zone meant that all groundwater takes less than 30 metres would be treated as, and therefore managed as surface water abstractions. This was also really easy to administer from a plan implementation and consenting point of view. The allocation for the Orari River was set on that basis. The proposed changes to the definition allow for an exception to this which must be demonstrated through field testing in accordance with Schedule 9. This change would mean that the Orari River allocation limit will need to be reassessed. Conversely, this change will also impact the allocation of the Orari-Opihi Groundwater Allocation Zone as anyone who can meet the exception will require groundwater allocation in accordance with Table S9.2 of Schedule 9, and as proposed, this may not be available (this is discussed later in this submission).	Amend definition of Orari Conjunctive Use Zone as follows: <u>Means the area identified as the Orari Conjunctive Use Zone identified on the Planning Maps. Groundwater abstractions which are screened 30 metres deep or less in this zone are considered to have a direct degree of connection with surface water.</u>
14.4 Policies	Policy 14.4.25	Oppose in part	This policy directly relates to takes from Orari Conjunctive Use Zone and the reasons for opposition are the same as above.	Amend policy 14.4.25 as follows: <i>In the Orari Freshwater Management Unit, permits for groundwater takes within the Orari Conjunctive Use Zone shall have minimum flow conditions in accordance with the environmental flow and allocation regime set out in Table 14(h).</i>
14.6.2 Environmental Flow and Allocation Regimes	Table 14(h) – Orari Freshwater Management Unit Environmental Flow and Allocation Regime	Oppose in part	<p>The reduction of the allocation limit for the Orari River from 1,400 L/s to 1,069 L/s has been premised on the removal of the Upper Coopers Creek allocation of 331 L/s from this block. The Upper Coopers Creek allocation is incorrect in the first instance. Two takes listed as being in the Orari River allocation in the consent inventory report prepared by Don Vattala are in fact in Upper Coopers Creek (Table SD1 – consents CRC962360.1 and CRC981979.1). Therefore, the basis for this change to the Orari River allocation needs to be reviewed further.</p> <p>It is also noted that, subject to errors identified in the consent inventory and the exclusion of the TDC community supply takes, that the allocation for the Orari River totals 1706.20 L/s. This is significantly higher than what was considered to be the actual allocation at the time the regime was developed (1,524 L/s) and it is also significantly more than the plan limit proposed of 1,069 L/s. The allocation regime did intend for a sinking lid on allocation between the then current</p>	<p>Review the allocation for the Orari River taking into consideration the OWUG's proposed changes to the Orari Conjunctive Use Zone definition and compare this to the original allocation inventory undertaken in the development of the original regime to understand the differences.</p> <p>Review the Upper Coopers Creek allocation.</p> <p>Set the allocation limit for the Orari River at:</p> <p><i>Current allocation – Upper Coopers Creek allocation – 124 L/s.</i></p> <p>Any allocation reduction beyond this level would require a through Section 32 analysis.</p>

			(considered to be the actual allocation at the time of 1,524 L/s) and three years from operative regimes (1,400 L/s). This was a reduction in allocation of 124 L/s. If the allocation limit of 1,069 L/s is adopted, this will have a significant impact on users in the catchment and this has not been assessed at all in the Section 32 report (which is completely silent on any of the proposed changes to the Orari Freshwater Management unit!)	
14.6.3 Groundwater Allocation Zone Limits	Table 14(zb) – Orari Temuka Opihi Pareora Groundwater Limits	Oppose	<p>The OWUG is primarily concerned with the Orari-Opihi GAZ, although it is noted that some of its concerns may also be relevant for other zones as well.</p> <p>The assessments of PC7 appear to be reliant on the estimate of allocation of freshwater to water permits contained in the PC7 “Consent Inventory”¹, including <i>all existing water permits and applications being processed to take and use surface water in the Orari, Temuka, Opihi and Pareora River catchments as at on September 2018</i>. On close inspection of the allocations recorded in the inventory, it appears that only those water permits granted up to August 2017 have been considered and there are errors, such as permits being tagged to the wrong GAZ (CRC168346 is listed in Rangitata Orton and is actually in the Orari-Opihi zone), or surface water allocation zone (as stated above in relation to Coopers Creek for example), and how groundwater takes less than 30 metres in the Orari Conjunctive Use Zone have been calculated. It is also noted that the boundary of the zone has been extended, and it is unclear what allocation is associated with those formerly out of zone consents has been included in the proposed limit, but conversely, whether the allocation has been adjusted to take into account the additional land surface recharge that would be occurring from that land.</p> <p>Plan Change 7 proposes to cap the allocation for the zone at an A allocation limit of 43.8 million m³/yr, which is considered to be the current consented allocation. As stated above, the OWUG has concerns with the accuracy of that information. However, there does not also appear to be any justification for this move (effectively turning the zone red when to date, it has been white or yellow).</p> <ul style="list-style-type: none"> The OWUG supports a “T” allocation block in the Orari-Opihi GAZ as this is one of the tools that will allow the sinking lid on the Orari River allocation to be met. However, it is considered that the proposed block of 27.36 million m³/yr is very high. This should be reduced to 10 million m³/yr (being the groundwater allocation estimated to be required to enable permit swaps within that GAZ), with the “A” allocation limits being set as the balance of the pre-PC7 allocation limits (61.1 million m³/yr million). 	<p>Change the A allocation limit in Table 14(zb) for the Orari Opihi GAZ to 61.1 million m³/yr.</p> <p>Change the T allocation limit in Table 14(zb) for the Orari Opihi GAZ to 10 million m³/yr.</p>

¹ Resource Consent Inventory for Orari-, Temuka, Opihi and Pareora Canterbury Water Management Strategy Zone (Version 2), Don Vattala, April 2019.