From:	Rab McDowell
To:	Mailroom Mailbox
Subject:	Plan Change 7 to the LWRP Submission
Date:	Friday, 13 September 2019 1:02:02 PM
Attachments:	HHWET submission on PC7 .pdf HHWET submission on PC7 .docx

Please find attached a submission to plan Change 7 from the Hekeao Hinds Water Enhancement Trust.
The submission is attached as a word doc and also as a pdf.

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

Form 5
Submission on publicly notified proposal for policy statement or plan
Clause 6 of First Schedule, Resource Management Act 1991

To: *Environment Canterbury*

Name of submitter: Hekeao Hinds Water Enhancement Trust (HHWET)

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This is a submission on the following proposed plan change – Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan.

HHWET could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that the submission relates to and the decisions we seek from Council are as detailed on the following pages.

HHWET wishes to be heard in support of this submission.

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

Overview

The Hekeao Hinds Water Enhancement Trust (HHWET) has been formed to take over the task of implementing the Managed Aquifer Recharge (MAR) project in the Hinds Plains from the previous unincorporated MAR Governance Group. The project has the goals of protecting drinking water supplies, improving spring fed streams for the purposes of biodiversity enhancement, improving groundwater levels and enhancing groundwater quality by recharging aquifers with clean alpine water.

The project is complementary to on-farm mitigations to reduce Nitrate leaching into groundwater being carried out by farmers in the Hekeao Hinds Plains.

HHWET welcomes the opportunity to provide feedback to Environment Canterbury (ECan) on Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan. Specific feedback on the omnibus plan change section (Sections 2, 4 and 5 of the Canterbury Land and Water Regional Plan (LWRP)), is given below.

HHWET strongly supports the introduction of policies and rules in the LWRP to allow and control the use of Managed Aquifer Recharge as a tool to assist in the mitigation of environmental issues in Canterbury.

While it strongly supports MAR, HHWET does have some proposed amendments to parts of the plan.

HHWET supports the introduction of definitions, policies and rules in the LWRP to enable the outcomes of the Hinds Drains Working Party. HHWET sees the work of the Hinds Drains Working Party as complementing and enhancing the environmental outcomes sought by HHWET.

Specific submissions

HHWET's submissions on specific provisions of Proposed Plan Change 7 are set out below, along with decisions sought. In addition to the submissions themselves, we request that any consequential amendments will be made to give effect to these submissions.

(1) The specific provisions of the Proposed Plan that my submission relates to are:	(2) My submission is that: *(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.)*		(3) I seek the following decisions from Environment Canterbury: *(Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)*
	Oppose/ Support	Reasons	
Section 2 How the Plan Works and Definitions			
Definitions			
Definition: Managed Aquifer Recharge	Support	The definition concisely recognises the purpose of MAR and its potential for assisting in the management of water quality issues in Canterbury.	Retain as notified.
Definition: Highest Groundwater Level.	Support	Given that MAR has the goal of lifting groundwater levels, this definition identifying highest groundwater levels is appropriate to its outcomes.	Retain as notified.
Section 4 Policies			
Policies			
Policy 4.99	Support	This policy permits the use of MAR, where applicable, and avoids possible adverse effects. MAR is potentially a powerful tool for the management of specific water quality and quantity issues in Canterbury and nationwide. Initial trials in Canterbury have been promising and the technique is widely used internationally.	Retain as notified
Policy 4.100	support	HHWET strongly supports this policy in its present form.	Retain as notified

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	Oppose/ Support	Reasons	
		MAR is an environmental take, not a consumptive take, and will therefore have a positive environmental effect. This effect should be permitted when these benefits outweighs any adverse effects.	
Policy 4.100 (b) And proposed policy 4.100 (c)	Support and extend	Where environmental flows or allocation limits are exceeded, this policy states applicants holding existing water permits for irrigation are to be permitted to use a portion of that water for managed aquifer recharge as long as benefits outweigh any adverse effects. HHWET requests that where environmental flows or allocation limits are <u>not</u> exceeded, applicants holding existing water permits for irrigation should also be permitted to use a portion of their flows for managed aquifer recharge. Where the combination of total takes does not exceed environmental flows or allocation limits the issues of over allocation are not present.	That ECan include a policy 4.100 (c) That when considering applications to take surface water for managed aquifer recharge where the rate of take and/or volume of water sought for abstraction from that surface water body, in combination with other takes, <u>will not</u> exceed the environmental flows and/or allocation limits in Sections 6 to 15 of this Plan: If the applicant holds an existing water permit that authorises the take and use of surface water for irrigation and proposes to use a portion of that water for managed aquifer recharge that this be permitted.
Section 5 Region-wide rules			
Rules			
Rule 5.191	Support in part	HHWET supports the rules in 5.191 with two exceptions. 5.191.5. HHWET recognises that where there is no existing drinking water supply source within 1 km of the discharge, there may still be a need to demonstrate that there will be no degradation of groundwater quality. As the potential for degradation of water quality reduces with distance from the discharge, it follows that, if there is no	Amend 5.191.5 as follows; "The application demonstrates the proposal will not reduce the quality of human and animal drinking water at any existing drinking water supply source within 1 kilometre of the point of discharge; and where there are no existing drinking water supply sources within 1 kilometre of the proposal the application demonstrates there will be no

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	Oppose/ Support	Reasons	
		demonstrable reduction in quality within 1 kilometre, there will be little risk over longer distances. This condition is open ended. There is no limit to the distance so could potentially cover the whole of the Hinds Plains. At distances greater than 1 kilometre the "noise" from other factors such as other contamination makes the task of demonstrating that the discharge will not reduce quality problematic. 5.191.6(a). Remove the inclusion of "artificial watercourse". Possible potential sites for MAR identified by HHWET include irrigation races or stock water races that may now be redundant because of scheme piping. These would meet the classification of artificial water courses. HHWET also uses artificial water courses such as irrigation races for the conveyance of water. These races commonly allow some water to leak into aquifers and HHWET considers this leakage to be a legitimate part of their MAR project. This rule would prevent these uses for no recognisable benefit or reduction of risk.	degradation in groundwater quality ~~further than~~ **up to** 1 kilometre beyond the discharge point; and" Rule 5.191.6(a). Delete "an artificial water course or"
Section 13 Ashburton			
Definitions			
Definitions "Augmenting" "Hinds Coastal Strip" "Main and Secondary Hinds Drains".	support		Retain as notified

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	Oppose/ Support	Reasons	
Policies			
13.4.5A, 13.4.11, 13.4.18, 13.4.22,	Support		Retain as notified
13.4.23	Support in part	HHWET supports Policy 13.4.23 with one addition. MAR is expected to have a positive effect on environmental flows in these drains and the ongoing work by the Hinds Drains Working Party will provide more data on biodiversity enhancement. This will allow better informed decisions approaching 2030 than can be made at this time. It is important to include a latest possible starting date for the collaborative process so that stakeholders can plan appropriately.	Amend the policy by inserting as follows: "unless there is a collaboratively developed flow and allocation regime, **beginning in 2025 at latest,** that has been included in this plan through a Schedule 1 RMA process."
13.4.24	Support	The Hinds Drains Working Party requested that, in locations near the coast where deep wells frequently have problems associated with ingress of sand, they have the option of retaining some or all of their surface or shallow groundwater take for a period of time (3 years) to allow for full development of their deep bore. Policy 13.4.24 reflects this. However, parts of Rule 15.5.30 contradict this policy (see below in Rules in this submission)	Retain as notified
Rules			
13.5.30	Oppose in part	Rule 13.5.30, Condition 2 is cited to be deleted. If Condition 2 is deleted more reliance is placed on Condition 5 which states: *The take is from deep groundwater or the application for resource consent demonstrates that the take is not from stream depleting groundwater.*	amend condition 5 as follows: The take is from deep groundwater or the application for resource consent demonstrates that the take **will not have a direct or high stream depletion effect** ~~is not from stream depleting groundwater~~; and

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	Oppose/ Support	Reasons	
		The definition of "stream depleting groundwater" in the LWRP is: *groundwater abstraction that has a direct, high, medium or low stream depletion effect, calculated in accordance with Schedule 9 of this Plan.* This definition includes low stream depletion effect which is defined as: *A low degree of stream depletion effect is where the effect of 150 days of steady continuous groundwater abstraction on the surface waterbody is less than 40% of that abstraction rate and the effect of pumping the proposed annual volume over 150 days at a continuous steady rate is less than 5 L/s unless a greater or lesser rate is specified for the catchment in Sections 6 to 15.* Because this refers to anything less than 40% of the abstraction rate any stream depletion effect, no matter how small, will make the take a <u>prohibited activity</u> (under Rule 13.5.31). It is not usually possible to determine that there will be absolutely no stream depleting effect from taking groundwater. As such, the current drafting of the Plan may prevent some of the desired outcomes being achieved i.e. prevent the change from surface water or shallow groundwater to deeper bores. If Condition 2 is to be deleted Condition 5 would need to be amended	

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		Rule 13.5.30, Condition 6 Part (a) contradicts Policy 13.4.23 and its intent because it requires the existing water permit to be surrendered concurrently with the application. This does not therefore support the holding of the surface water consent for a period of time to see if the deep bore is reliable. Part (b) of this same Rule (as currently drafted) serves no purpose. This is because this is for situations where **no** portion of the existing consent is to be retained. If nothing is to be retained then the activity is the same as those located outside of the coastal strip.	That condition 6 be amended as follows Where the proposed point of take is within the Hinds Coastal Strip Zone: a) if a portion of the existing surface water or stream depleting groundwater take will be retained, for a period of up to 36 months the combined stream depletion effect ~~volume~~ of the proposed deep groundwater take and the existing surface water or stream depleting groundwater take is the same or less~~er volume~~ than the existing water permit; and, ~~and the existing water permit is surrendered concurrently with the application; or~~ b) if ~~no~~ a portion of the existing surface water or stream depleting groundwater take will be retained, within 36 months of the issue of the consent the combined volume of the proposed deep groundwater take and the existing surface water or stream depleting groundwater take shall be the same or a lesser volume than the existing permit ~~existing surface water or stream depleting groundwater take is surrendered and the bore dis-established within 36 months of the date of the new resource consent, and the combined rate and volume of water taken at any time is the same or lesser amount than the existing water permit.~~

Conclusion

HHWET thanks Environment Canterbury for the opportunity to submit on Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan. We look forward to ongoing dialogue about Plan Change 7 and continuing to work constructively with Council.

Peter Lowe
Chair
Hekeao Hinds Water Enhancement Trust