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To: [Mailroom Mailbox](#)
Cc: ["mel@mhwwater.nz"](mailto:mel@mhwwater.nz); [Rachel Robilliard](#)
Subject: Submission on Plan Change 7 to the LWRP by MHV Water Limited
Date: Friday, 13 September 2019 12:37:39 PM
Attachments: [Submission on plan change 7 to the Canterbury LWRP by MHV Water Limited.pdf](#)

Hello,

Please find **attached**, on behalf of MHV Water Limited (*MHV*), submission on Plan Change 7 to the LWRP.

Kind regards,

BEN WILLIAMS
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**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR
PLAN, CHANGE OR VARIATION**

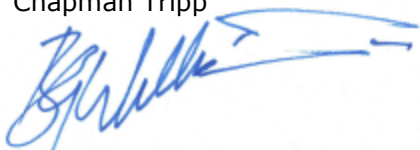
Clause 6 of Schedule 1, Resource Management Act 1991

To the Canterbury Regional Council

Name of submitter: MHV Water Limited (*MHV*)

- 1 This is a submission on plan change 7 (*PC7*) to the operative Canterbury Land & Water Regional Plan (*LWRP*).
- 2 MHV could not gain an advantage in trade competition through this submission.
- 3 Attachment A of this submission provides a brief overview of MHV and its interest in *PC7*. Within this discussion, MHV has also outlined the changes that are sought.
- 4 MHV seeks the relief set out (including such other additional, alternative or consequential relief as may be necessary to give effect to the changes sought).
- 5 MHV wishes to be heard in support of the submission.

Signed for and on behalf of MHV Water Limited by its solicitors and authorised agents
Chapman Tripp



Ben Williams
Partner
13 September 2019

Address for service of submitter:

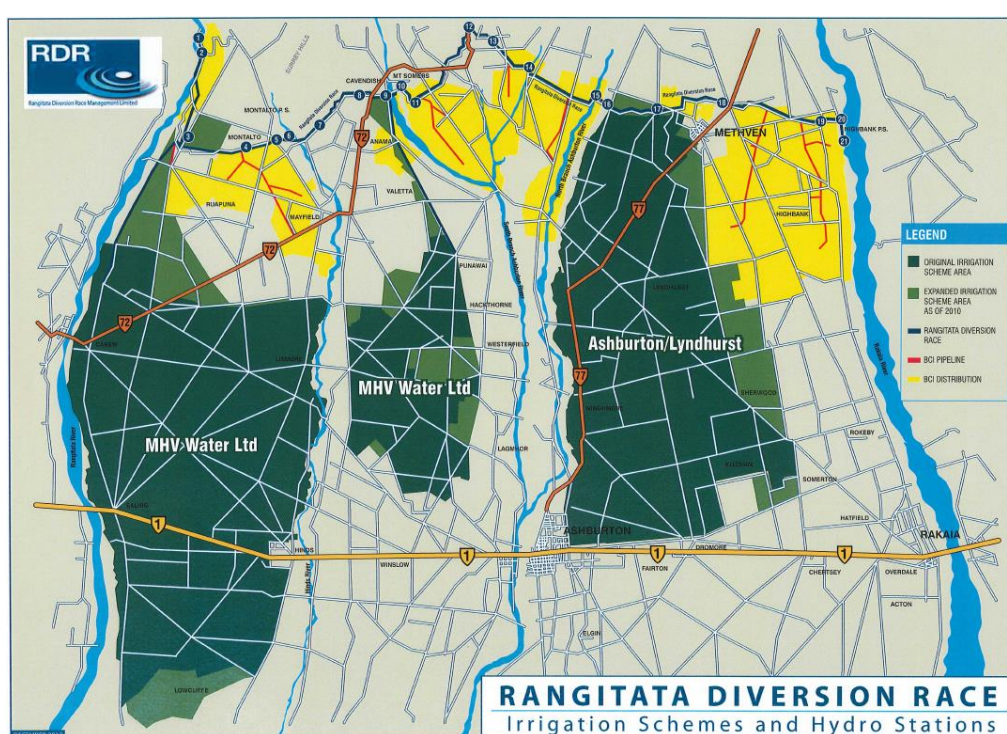
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ATTACHMENT A

Overview

- 1 The MHV Irrigation Scheme is an irrigation scheme that receives water from the Rangitata Diversion Race (RDR) and distributes its water through a network of pipelines to ~206 shareholder
- 2 The company's scheme area is located to both the north and south of the Hinds River (between the Rangitata and Ashburton Rivers) (see Figure 1 which also shows other key irrigation areas in the District).

Figure 1



- 3 Irrigation is authorised under two core consents:
 - 3.1 CRC183850 – to take and use water from the RDR (noting that the original take of water from the Rangitata and Ashburton Rivers is authorised under separate consents held by Rangitata Diversion Race Management Limited); and
 - 3.2 CRC183851 – to discharge contaminants associated with the MHV and Ashburton Lyndhurst Irrigation Limited irrigation schemes.
- 4 Both consents are currently held jointly with Ashburton Lyndhurst Irrigation Limited (the other major irrigation scheme taking water from the RDR). Resource consent CRC183850 expires on 31 January 2041. Resource consent CRC183851 is currently operating under section 124. It is envisaged that on renewal of CRC183851, MHV

and Ashburton Lyndhurst Irrigation Limited will hold their own separate consents in respect of their respective command areas.

5 One of the reasons for this approach is that a comprehensive sub-regional section (Section 13) is now operative in the Hinds/Hekeao Plains Area. The balance of the Ashburton District outside of the MHV Scheme area is covered by (in particular) the wider suit of provisions included in Sections 4 and 5 of the LWRP.

6 Section 13 includes a number of required reductions over time and in accordance with Rule 13.4.15 the MHV Irrigation Scheme has been operating at good management practice since 1 January 2017.

7 Given that MHV's interests are largely addressed by the separate Section 13 provisions, it has only limited interest in PC7. That interest includes:

7.1 the changes to Rule 13.5.21;

7.2 the proposals re Managed Aquifer Recharge and Targeted Stream Augmentation.

8 Each is discussed below.

Rule 13.5.21- Previous absence of equivalent of Rule 5.41 in Section 13

9 To date, MHV has effectively had two categories of properties within its scheme, i.e. properties:

9.1 that receive irrigation water from MHV (i.e. scheme irrigated properties); and

9.2 properties that do not receive water from MHV (and which may or may not be irrigated with water from other sources or which are dryland).

10 MHV has been previously advised by the Canterbury Regional Council that each group of properties would need to be consented through the renewal process on a separate basis – the main reason being that Rule 13.5.21 (being the permitted activity rule that otherwise applies) and its associated note refer to Rule 5.60, with the latter having a condition that required that “[t]he property is irrigated with water from an irrigation scheme or a principal water supplier...”

11 PC7 proposes to delete Rule 5.60 and Rule 5.61 and replace them with a cross reference to Rule 5.41.

12 This is supported by MHV. Practically speaking it will mean that MHV is able to hold resource consent that allows it to manage in an integrated manner losses from both scheme-irrigated and non-scheme irrigated properties.

13 This is especially relevant where a shareholder, for example, may rotate crops between various properties (with only some being irrigated by the MHV Scheme) or where a dairy farming operation is split between a scheme-irrigated dairy platform and a dryland (or non-scheme-irrigated) support property.

14 MHV's sought relief is briefly summarised below.

#	Provision	Support/oppose (including relief sought)
1	Rule 13.5.21 (including associated <i>Note</i>) Deletion of Rules 5.60 and 5.61	Support Accept proposed change

Rules 13.5.35 to 13.5.37 and all provisions associated with Managed Aquifer Recharge

- 15 There a number of opportunities for Managed Aquifer Recharge and Targeted Stream Augmentation in the MHV Scheme Area (and the wider Ashburton District).
- 16 The wider Section 13 provisions (and the earlier Zone Committee process) were predicated on Managed Aquifer Recharge and Targeted Stream Augmentation occurring.
- 17 Prior to the notification of PC7, both Managed Aquifer Recharge and Targeted Stream Augmentation were addressed in Rules 13.5.35 to 13.5.37. It is now proposed that those rules be amended to refer to only Targeted Stream Augmentation/discharges into surface water (or discharges onto or into land where it may enter surface water), with references to groundwater being amended to refer to (only) *hydraulically connected* groundwater.
- 18 As proposed there will now be a disconnect between the Managed Aquifer Recharge provisions which are to be managed on a region-wide basis and the Targeted Stream Augmentation provisions which, for MHV, will continue to be provided for in Section 13.
- 19 Although the provisions as proposed appear to differentiate between groundwater and surface water, in MHV's view this distinction is strained or artificial. In many instances a proposal will have effects on both surface water and groundwater (i.e. it may be partially Targeted Stream Augmentation and partially Managed Aquifer Recharge). Discharges in or in the vicinity of a waterbody may for example have positive effects to on flows and groundwater levels (to the extent that flows are also lost to groundwater).
- 20 MHV is also of the view that both activities should be considered together.
- 21 As a final matter it is noted that MHV considers Policy 4.100 is unclear and that better provision should be made to ensuring that:
- 21.1 where environmental flow or allocation limits are not exceeded then such consent holders should be enabled to use a portion of their flows for Managed Aquifer Recharge and Targeted Stream Augmentation; and

- 21.2 that even where environmental flow or allocation limits are exceeded then consent holders should be able to apply to use existing consented entitlements for Managed Aquifer Recharge and Targeted Stream Augmentation – on the basis that demonstrated use is not exceeded or the proposal is able to provide better overall environmental outcomes (especially in the context of such water already being consented for other purposes) (i.e. as is consistent with Policy 4.100(a)).
- 22 As they read at the moment, there is potentially a disconnect between Policy 4.100(a) and (b), in that it is not clear whether a consent holder who holds an existing permit is required to show either a no net increase (as per Policy 4.100(b)) or whether they are able demonstrate that taking further already consented water will have benefits that outweigh the adverse effects (as per Policy 4.100(a)). The situation where a water body is not over-allocated is also not provided for.
- 23 MHV's sought relief is briefly summarised below.

#	Provision	Support/oppose (including relief sought)
2	<p>Rules 13.5.35-37</p> <p>Definition: <i>Managed Aquifer Recharge</i></p> <p>Policies 4.99 & 4.100</p> <p>Rules 5.191- 5.193</p> <p>Schedule 32</p>	<p>Support with amendment.</p> <p>Amend such that:</p> <p>a) Rules 13.5.35-37 are incorporated into the PC7 Managed Aquifer Recharge provisions (with the amended provisions applying to Section 13);</p> <p>b) Policy 4.100 is amended to provide:</p> <p>4.100 When considering applications to take surface water for managed aquifer recharge <u>or targeted stream augmentation</u> where the rate of take and/or volume of water sought for abstraction from that surface water body will,</p> <p><u>a. in combination with other takes, comply with the environmental flow and/or allocation limit in Sections 6 to 15 of this Plan, enable the use of existing consented takes for the purposes of managed aquifer recharge or targeted stream augmentation;</u></p> <p><u>b. in combination with other takes, exceed the environmental flow and/or allocation limit in Sections 6 to 15 of this Plan. to restrict any the further over-allocation of take of surface water for the purposes of managed aquifer recharge or targeted stream augmentation by ensuring that:</u></p> <p><u>i. in the case of any proposal that relates to existing consented entitlements, the use of surface water for the purposes of managed aquifer recharge or</u></p>

		<p><u>targeted stream augmentation does not exceed previously demonstrated use; or</u></p> <p>ii. <u>in the case of any proposal that relates to existing consented entitlements and exceeds previously demonstrated use or is a new proposal, to proposals which demonstrate</u> the environmental benefits of the managed aquifer recharge <u>or targeted stream augmentation</u> to the receiving waterbody outweigh any adverse effects.;<u>and</u></p> <p>b. 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, require that there is no net increase in the total rate of take or volume of water compared with that authorised under the existing permit.</p> <p>c) all other references in the PC7 to “<i>Managed Aquifer Recharge</i>” are amended to include “<u><i>and Targeted Stream Augmentation</i></u>”;</p> <p>d) reference is made to “<u><i>surface water</i></u>” in the list of environments for which improvement is sought (e.g. Policy 4.99: “<i>Improve the quality and/or quantity of <u>surface water</u>, groundwater, and any hydraulically connected surface water...</i>”);</p> <p>e) amend Rule 5.191 by deleting (6)(a) as in practice possible sites for managed aquifer recharge may include now unused irrigation and stockwater races that are now no longer in use (given the previous decision to pipe the MHV Irrigation Scheme);</p> <p>f) a new definition of Targeted Stream Augmentation is provided for:</p> <p><u>means an activity that is for the express purpose of improving the quality and/or quantity of water in a receiving surface water body or hydraulically connected groundwater.</u></p>
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