

## **Submission on Plan Change 7 to the Canterbury Land and Water Regional Plan**

By **Bubb, M**

Submitter Identification number: **PC7-527**

Wishes to be heard: **Yes**

Would consider making a joint submission at the hearing: **Yes**

Submitted on: **10/09/2019**

This submission was submitted via Environment Canterbury's online submission portal. The Submissions portal generates pdf files of submissions (as attached). However, some of the information that appears in the pdf files is not consistent with information the submitter entered into the portal, specifically, where submitters have ticked:

- "I wish to be heard in support of my submission" ; and
- "If others make a similar submission I will consider presenting a joint case with them at a hearing".

Additionally, the submissions portal has generated submitter and submission point numbers that are not consistent with the numbering applied in the Summary of Decisions Requested. Submission points in the Summary of Decisions Requested (SODR) are numbered using the following format:

PC7 – Submitter ID #.Submission point #

**The correct submitter identification number and submitter information is specified above. This will be the number referred to in the SODR.**

# Proposed Plan Change 7 to the Land and Water Regional Plan

## Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To Environment Canterbury - Tavisha Fernando  
Date received 10/09/2019 3:16:39 PM  
Submission #50

### Address for service:

Bubb Matt / 50  
PO Box 557 Ashburton 7740  
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Email: m.bubb@aqualinc.co.nz  
Wishes to be heard? No  
Is willing to present a joint case? No

**Proposed Plan Change 7 has been developed to respond to emerging resource management issues, to give effect to relevant national direction, to implement recommendations from the Hinds Drains' Working Party, and to implement recommendations in the Waimakariri and Orari-Temuka-Opihi-Pareora (OTOP) Zone Implementation Programme Addenda (ZIPA).**

- Could you gain an advantage in trade competition in making this submission?  
- No
- Are you directly affected by an effect of the subject matter of the submission that  
(a) adversely affects the environment; and  
(b) does not relate to trade competition or the effects of trade competition  
- No

## Submission points

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### Point 50.1

#### Submission

Oppose the removal of Condition 2, which states:

*The groundwater take will not have a direct or high stream depletion effect.*

Without this more reliance will be 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.*

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 prohibited activity (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.

## Relief sought

Oppose the removal of Condition 2, which states:

*The groundwater take will not have a direct or high stream depletion effect.*

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*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 prohibited activity (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.

**Section:** Section 13 Ashburton

**Sub-section:** 13.5 Rules

**Provision**

13.5.30

**The taking and use of groundwater within the Valetta and Mayfield-Hinds Groundwater Allocation Zones that will substitute an existing surface water or groundwater permit with a direct, high or moderate stream depletion effect is a restricted discretionary activity, provided the following conditions are met:**

1. The use of groundwater is on the same property as the existing resource consent and there is no increase in the annual volume, or is for the sole purpose of augmenting a surface waterbody; and
2. ~~The groundwater take will not have a direct or high stream depletion effect; and~~
3. The bore interference effects are acceptable, as determined in accordance with Schedule 12; and
4. The proposed take, in combination with all other resource consents granted under this Rule, will not exceed the T allocation limits in Table 13(f); and
5. The take is from deep groundwater or the application for resource consent demonstrates that the take is not from stream depleting groundwater; and
6. 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, the combined volume of the proposed deep groundwater take and the existing surface water or stream depleting groundwater take is the same or lesser volume than the existing water permit, and the existing water permit is surrendered concurrently with the application; or
  - b. if no portion of the existing surface water or stream depleting groundwater take will be retained, the 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.

**The exercise of discretion is restricted to the following matters:**

1. Whether the volume and abstraction rate of water to be taken and used is reasonable for the proposed use assessed in accordance with Schedule 10; and
2. The timing of the surrender of the existing surface water or groundwater permit or permits; and
3. The effects the take has on any other authorised abstraction, including interference effects as indicated by an Aquifer Test undertaken in accordance with the requirements of Schedule 11 and well interference calculated in accordance with the method in Schedule 12; and
4. Where the take is less than 2 km from the coast, whether salt-intrusion into the aquifer or inland movement of the salt water/fresh water interface is prevented; and
5. The protection of groundwater from contamination, including the prevention of backflow of water or contaminants; and

6. Where the proposed point of take is within the Hinds Coastal Strip Zone:
  - a. the timing of the disestablishment of the existing bore, and provision of proof to the Canterbury Regional Council to demonstrate that disestablishment has occurred; and
  - b. where a combination of deep groundwater and surface water abstraction is to continue, the need for telemetered data that demonstrates in real time that abstraction limits are not breached.