

**BEFORE INDEPENDANT HEARING COMMISSIONERS
APPOINTED BY THE CANTERBURY REGIONAL COUNCIL**

UNDER: the Resource Management Act 1991

IN THE MATTER OF: Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan – Section 14: Orari-Temuka-Opihi-Pareora

**SUMMARY OF EVIDENCE IN CHIEF OF KERI JOY JOHNSTON ON BEHALF OF
ORAKIPAOA WATER USER (SUBMITTER NO. PC7-165) AND TEMUKA
CATCHMENT GROUP (SUBMITTER NO. PC7-319)**

Dated: 27 October 2020

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1. INTRODUCTION

- 1.1 My full name is Keri Joy Johnston. My experience and qualifications are set out in my primary statement dated 17 July 2020.
- 1.2 The purpose of this summary is to provide an update where my earlier evidence has changed since filing following further information provided by council officers either in response to questions raised by the Commissioners, or in a Memorandum of Counsel on behalf of the Canterbury Regional Council.

2. GROUNDWATER ALLOCATION

- 2.1 A Memorandum of Counsel on behalf of the Canterbury Regional Council (hereon referred to as the Memorandum) was filed on 23 September 2020 relating to two technical matters, one of which was the resource consent inventory (RCI) prepared in respect of the Orari-Temuka-Opihi-Pareora (OTOP) zone.
- 2.2 My evidence in chief explains that Environment Canterbury has taken a view that 100% of a groundwater consent is included in the allocation for a groundwater allocation zone until a site-specific stream depletion assessment has been carried out, however, the same rationale is not applied to surface water allocations and that it is the corresponding stream depleting portion of the take that is included, in accordance with Schedule 9 of the Land and Water Regional Plan (LWRP).
- 2.3 The Memorandum refers to a new method that has been developed to "provide a more consistent way of reporting water quantity allocation against limits across Canterbury". The subsequent application of the new method to OTOP catchments significantly changes the current allocation for all of the groundwater allocation zones (as is shown in Table 1 of the Memorandum).
- 2.4 This is a function of many factors, one of which is the degree of stream connection assumed for hydraulically connected groundwater takes (and as advised in my evidence in chief, 74% of the groundwater takes in the Orari-Opihi Groundwater Allocation Zone alone are considered to be hydraulically connected).

- 2.5 If the groundwater allocation has changed, then it is very likely that any corresponding surface water allocation has also changed, and yet, there is no mention of this in the Memorandum. **This must be addressed before any surface water allocation limits are imposed.** This will occur if there is a change in the degree of connection previously applied to a consent, in particular, an increase to a direct degree of connection, or a change from a low degree of connection to any other category).
- 2.6 There are matters that arise from the release of the Memorandum. The first is that until every resource consent has an annual volume imposed and, where required, completes the necessary testing to determine the degree of stream depletion, it is going to change, and regularly.
- 2.7 In my view, it makes sense to apply the new method so that OTOP aligns with the rest of Canterbury. However, I still disagree with the “having your cake and eating it too” approach applied to groundwater allocation, particularly when surface water allocation is not being treated that way.
- 2.8 In the Memorandum, three possible solutions are set out for how to manage the differences between the RCI and the new method. I support the following possible solution:

Retain the total existing GWAZ limits for the Levels Plains and Orari-Opihi GWAZ's but split these into A and T blocks to reflect the intent of the Zone Committee's recommendation in the notified PC7 Limits. This could be achieved by setting the A block at the current 'discounted' allocation using the catchment accounting methodology and the volume remaining within the existing limit could be assigned as a T block. This would provide a pathway for surface water and/ or stream depleting groundwater abstractors to swap for lower depleting groundwater. This would help reduce surface water allocation in the Temuka Catchment where the catchment is deemed to be over allocated. There would however be the possibility that surrendered surface water may be re-allocated in catchments which are not deemed over-allocated.

3. HIGH NATURALNESS WATERBODIES

- 3.1 In response to questions from Commissioners (13 October 2020), Council Officers have proposed wording for possible rule (14.5.6A) for the renewal of takes from high naturalness waterbodies.

- 3.2 The proposed rule is for a restricted discretionary activity. I do note that the rule is specific to Milford Lagoon and Orakipaoa areas, and disregards the section of the Orari River which is also a high naturalness waterbody (as submitted by Rooney Farms Limited (submitter number PC7-453) who are impacted by this existing classification).
- 3.3 Therefore, I suggest the following change to the wording: (changes marked)

Despite Rules 14.5.4 to 14.5.6, the taking and use of surface water that will replace a lawfully established take affected by the provisions of Sections 124-124C of the RMA from the Milford Lagoon and Orakipaoa Creek High Naturalness Water Bodies in Section 14.8 is a restricted discretionary activity, provided the following conditions are met:....

- 3.4 While, if accepted by Commissioners, this changes the consent status from non-complying to restricted discretionary, the current wording of Policy 4.6 of the LWRP is still problematic as it intends that water is limited to that for individual or community stock drinking water and water for the operation and maintenance of existing infrastructure, and from Rooney Farms Limited submission, you will recall that Environment Canterbury is of the view that:

...the policy would cover if you have existing infrastructure that requires you to take water so you can maintain or operate it, then this policy would allow the water to be taken in high natural areas for that purpose. However, in this case, the situation is almost switched around. The irrigator is a result of being granted a water permit. If there was no water permit in the first place, then there would be no need for an irrigator, therefore I am not sure I would consider that this policy would cover this situation.

- 3.5 Therefore, a specific policy in Section 14 will still be needed to support any new rule. To be of assistance to Council Officer and the Commissioners, I offer the following suggested policy:

In considering whether to grant or refuse applications for replacement of existing consents from a High Naturalness Waterbody listed in Section 14.8, the consent authority will:

- a) *consider whether all reasonable attempts to meet the efficiency expectations of this Section have been undertaken.*

- b) recognise the value of the investment of the existing consent holder;
and
- c) consider whether the take will result in the exceedance of any allocation limit, or rate of take, or seasonal annual volume limit set in Tables 14(h) to 14(za).

Keri Joy Johnston

27 October 2020