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Kind Regards
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Submission on Proposed Variation 1 to the Proposed Canterbury Land and Water Regional Plan

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Submitter ID:

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Form 5: Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by 5.00pm Friday 21 March 2014 to:

Freepost 1201 Variation 1 to pLWRP
Environment Canterbury
P O Box 345
Christchurch 8140

Full Name: John Talbot Phone (Hm): _____
Organisation*: Bowden Environmental Phone (Wk): 3755015
* the organisation that this submission is made on behalf of
Postal Address: PO Box 404 Phone (Cell): 0274322767
Kaipoi Postcode: 7644
Email: john@bowden.co.nz Fax: _____
Contact name and postal address for service of person making submission (if different from above):

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

- I could not gain an advantage in trade competition through this submission; or
- I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

- I am directly affected by an effect of the subject matter of the submission
- I am not directly affected by an effect of the subject matter of the submission

Signature: [Signature] Date: 19-3-14
(Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note:

(1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

- I do not wish to be heard in support of my submission; or
- I do wish to be heard in support of my submission; and if so,
- I would be prepared to consider presenting your submission in a joint case with others making a similar submission at any hearing

<p>Section 11.4 Policies, Page 36</p>	<p>Policies 11.4.21 and 11.4.28</p>	<p>Oppose</p>	<p>Policies 11.4.21 and 11.4.28 purport to manage the groundwater and surface waters of the catchment. However, providing for a combined groundwater/surface water annual allocation limit does not reflect proper management of the two resources, their interactions, or their dynamic nature. Groundwater must be managed via a dynamic water level regime (similar to the manner in which rivers are managed via a dynamic water level/flow regime). The s42A reports do not support the regime adopted in the Variation 1.</p>	<p>Change policy 11.4.21 to reflect appropriate management regime for groundwater based on a generalised annual allocation that, when exceeded, requires detailed groundwater investigations to support further allocation (for example, as required by policy 11.4.27). Delete the notion of a combined limit for groundwater and surface water.</p>
				<p>Change policy 11.4.28 by referencing a single Table that contains a minimum flow and allocation regime for each river (comprising a minimum flow, allocation restriction above the minimum flow, and allocation limit, all in flow rate, i.e. litres/second). The existing Tables 11(c), 11(d) and 11(g) should be combined and expanded to include the three components described for each river.</p>
<p>Section 11.4 Policies, Page 36</p>	<p>Policy 11.4.22</p>	<p>Oppose</p>	<p>The groundwater allocation zones have been altered in their geographical delineation, and this is reflected in the limits in Table 11(e). Groundwater does not adhere to such delineation. This is not an issue if the allocation regime reflects a dynamic regime as described above. In addition, the separation of the area into "down-plains" and up-plains" to then restrict transfers also does not make hydrological sense. If an appropriate dynamic groundwater management regime is adopted, then transfer of consented allocations will not alter the effects of that taking. Policy 11.4.22 is not necessary in these circumstances.</p>	<p>Delete Policy 11.4.22</p>

<p>Section 11.4 Policies, Page 36</p>	<p>Policy 11.4.23</p>	<p>Oppose</p>	<p>Policy 11.4.23 requires allocation based on “demonstrated use”. This is a new phrase and is not defined. The existing phrase is “reasonable use” which is fully defined already, and for irrigation, reflects the water requirements to meet demand in a dry season which is, after all, the reason for irrigating.</p>	<p>Delete Policy 11.4.23</p>
<p>Section 11.5 Rules, Pages 44 and 47</p>	<p>Rules 11.5.32 and 11.5.36</p>	<p>Oppose</p>	<p>As a result of the above policy amendments, the rules require amendment. Rule 11.5.32 condition (1) should refer to the combined new Table for surface water environmental flow and allocation regimes. For groundwater allocation, the activity classification as restricted discretionary remains valid. However, where the relevant conditions are not met, Rule 11.5.36 classifies the activity as prohibited. Amend this classification to non-complying.</p>	<p>Amend Rule 11.5.32 condition (1) to refer to a new Table. Amend Rule 11.5.36 to non-complying.</p>
<p>Section 11.5 Rules, Pages 47 and 48</p>	<p>Rules 11.5.37 and 11.5.39</p>	<p>Oppose</p>	<p>As a result of the above policy amendments, the rules require amendment. Rule 11.5.37 classifies transfers of groundwater as restricted discretionary providing specified conditions are met. The rule also requires the location of the take to not change. This requirement means that shifting the point of take on the same property due to, for example, a damaged bore, is not provided for. Amend the words in the parentheses to delete the second phrase. In addition: amend condition 2 to refer to a single Table for surface water allocation, amend condition 3(a) to remove reference to a combined allocation zone, and delete conditions 3(c) and 4. Where conditions are not met, Rule 11.5.39 classifies the activity as prohibited. Amend this classification to non-complying.</p>	<p>In Rule 11.5.37, delete the following phrase in the parentheses “and where the location of the take and use of water does not change”.</p> <p>Amend condition (2) to refer to a single Table for surface water allocation.</p> <p>Amend condition 3(a) to remove reference to a combined allocation zone.</p> <p>Delete conditions 3(c) and 4.</p> <p>Amend Rule 11.5.39 to non-complying.</p>

<p>Section 11.11 Schedules, Page 66</p>	<p>Schedule 10 – Reasonable Use Test</p>	<p>Oppose</p>	<p>The reasonable use test is defined in Schedule 10 of the PLWP. In particular, the seasonal volume for an irrigation use is currently set at meeting demand in 9 out of 10 years. The Variation 1 proposes to reduce this to 8.5 years out of 10. The reasons for further restricting the reasonable needs for water are not clear. The reason for undertaking irrigation is to mitigate against droughts. Clearly, if the volume of water is restricted too much, it calls into question the expense of purchasing and operating irrigation equipment.</p>	<p>Delete the change to Schedule 10.</p>
<p>Section 11.11 Schedules, Page 66</p>	<p>Schedule 13 – Water Allocation Regimes</p>	<p>Oppose</p>	<p>The Variation proposes to amend Schedule 13 by referring to a combined groundwater/surface water allocation regime. As a consequence of the above requests, this reference would be deleted. Also, the methodology to calculate the consented total volume in a zone, is specified as the sum of individual consent volumes. This does not reflect the actual average usage which would occur over all years (the actual usage in a year depends on a number of factors including the water demand as a result of climate conditions in that year). The Variation 1 appears to confuse the allocation limit with a proper groundwater dynamic allocation regime (as submitted on above). Previous policy understood this and proportioned the consented volume to 85% of that volume to then compare to the interim limit. If this comparison resulted in 85% of the consented total to exceed the interim limit, then further detailed technical investigation would be necessary to derive a proper groundwater management regime which would determine how new consents would be dealt with.</p>	<p>Delete the change to Schedule 13, and provide for an “effective” allocation of 85% of the consented allocation. Require ECan to audit the allocation of all current consents prior to implementing any new allocation regime.</p>