

Janel Hau

From: Anthony Davoren <tony@hydroservices.co.nz>
Sent: Friday, 21 March 2014 12:18 p.m.
To: Mailroom Mailbox
Subject: TRIM: Variation 1 - LWRP Submission
Attachments: HydroServices submission.pdf

Categories: Purple Category
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Attached HydroServices Ltd submission, Variation 1.

Regards

Tony D

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

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Submitter ID:

File No:

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: <u>ANTHONY DAVOREN</u>	Phone (Hm): _____
Organisation*: <u>Hydro Services Ltd</u> <small>* the organisation that this submission is made on behalf of</small>	Phone (Wk): <u>03-340970</u>
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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:	
<input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission; or	
<input type="checkbox"/> I could gain an advantage in trade competition through this submission.	
If you have ticked this box please select one of the following:	
<input type="checkbox"/> I am directly affected by an effect of the subject matter of the submission	
<input type="checkbox"/> I am not directly affected by an effect of the subject matter of the submission	
Signature: <u></u>	Date: <u>21 March 2014</u>
<small>(Signature of person making submission or person authorised to sign on behalf of person making the submission)</small>	
<small>Please note: (1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.</small>	

<input type="checkbox"/>	I do not wish to be heard in support of my submission; or
<input checked="" type="checkbox"/>	I do wish to be heard in support of my submission; and if so,
<input checked="" type="checkbox"/>	I would be prepared to consider presenting your submission in a joint case with others making a similar submission at any hearing

(1) The specific provisions of the Proposed Plan that my submission relates to are:		(2) My submission is that: <i>(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.)</i>		(3) I seek the following decisions from Environment Canterbury: <i>(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.)</i>
Section & Page Number	Sub-section/ Point	Oppose/support (in part or full)	Reasons	
Section 11.4 Page 4.8	Policy 11.4.21	Oppose in part	The rationale for managing groundwater and surface water together on the Canterbury Plains between the Waimakariri and Rakaia Rivers is supported, as is the decision not to manage groundwater and surface water together in the proposed Kaituna Combined Water Allocation Zone. However the decision to incorporate the Kaitorete Spit area into the Selwyn-Waimakariri Water Allocation Zone is not supported, unless discretion is allowed for in the decision-making process on water permit applications that take into account the hydro-geological differences between these two areas. These differences are noted in Technical Report R14/9 (Elemental Geoconsulting 2014), and in the s32 report, but are then ignored in the final recommendations.	Either create a separate groundwater zone for the Kaitorete Spit, and / or amend Rules 11.5.32 and 11.5.35 and / or 11.5.36, or create a new rule, to allow new takes from this area to be considered on their merits, even when the allocation limit for the Selwyn-Waimakariri Water Allocation Zone has been exceeded.
Section 11.5 Page 4.16	Rule 11.5.32	Oppose in part	<p>This rule doesn't allow new groundwater takes from the hydrogeologically distinct Kaitorete Spit area to be considered on their merits, given that it has been incorporated in the over-allocated Selwyn-Waimakariri Water Allocation Zone.</p> <p>The creation of the Kaituna Groundwater Allocation Zone with it's own allocation limit is supported, assuming that the allocation limit of 2.1 million m³/year (Table 11(f)) is in excess of the current level of groundwater allocation.</p> <p>Creation of Groundwater Allocation Zones for other valleys with their own allocation limit should also be</p>	<p>Amend this rule, or possibly Rule 11.5.35, or create a new rule, to allow discretion for new takes from the Kaitorete Spit area, either as a separate zone, or as a defined area within the Selwyn-Waimakariri Water Allocation Zone.</p> <p>Retain provision in this rule (condition 1) that recognizes the creation of the Kaituna Groundwater Allocation Zone.</p> <p>Provide within this rule (condition 1) recognition of and creation of other basaltic valley Groundwater Allocation Zones</p>

			created. Each valley (e.g. Prices, Gebbies) are likely to have their own discrete basalt aquifer that is most likely not connected to the neighbouring valley.	
Section 11.5 Page 4.19	Rule 11.5.36	Oppose in full	<p>This rule doesn't allow for new groundwater takes to be considered on their merits as new information becomes available, and / or the environment changes due to climatic or recharge factors, or changes in water use, arise. Prohibited activity status might only be justified if robust 'third order' allocation limits had been set for the water allocation zones, as envisaged under the NRRP. Instead, 'second order' groundwater limits that fail to include any adaptive management provisions have been incorporated in the new combined surface and groundwater limits. While the "death by a thousand cuts" argument has been used to justify the use of second order limits in this way, and private plan changes are touted as a means of providing new information in support of changing allocation limits, this fails to recognize the significant hurdle that a notified process for a non-complying activity already imposes, and instead introduces a well-nigh impossible hurdle for would-be new groundwater users.</p> <p>Prohibited status is especially inappropriate for the Kaitorete Spit area given the proven existence of groundwater that is almost certainly not derived from the Canterbury Plains.</p>	<p>Delete the rule, or change the classification for activities that do not comply with the specified conditions to non-complying rather than prohibited, and, in the case of new takes from the Kaitorete Spit area, to discretionary.</p> <p>Alternatively, create a new rule, or amend an existing rule such as 11.5.34 or 11.5.35, to allow specifically for new groundwater takes from the Kaitorete Spit area as discretionary activities.</p>
Section 11.7 Page 4-33	Table 11(e)	Oppose in part	The allocation zone limits are opposed as the groundwater component has been calculated using 'second order' methodology, which is too coarse to be used in conjunction with prohibited activity status for new takes. Limits in sub-regional chapters should be robust, based on detailed investigations, and for groundwater should incorporate adaptive management	Either create a separate groundwater zone for the Kaitorete Spit, and / or amend Rules 11.5.32 and 11.5.35 and / or 11.5.36, or create a new rule, to allow new takes from this area to be considered on their merits, even when the allocation limit for the Selwyn-Waimakariri Water Allocation Zone has been exceeded.

			<p>provisions to reflect the dynamic nature of groundwater in this catchment.</p> <p>The Selwyn-Waimakariri Allocation Zone limit is also opposed because it includes the Kaitorete Spit area that is hydrogeologically distinct, without taking into account effects arising from, amongst others, recharge from Te Waihora / Lake Ellesmere and Banks Peninsula. Thus new takes in this area are doubly penalised in that they are now in a zone that is considered to be highly over-allocated due entirely to abstractions from other areas, and localized source of recharge are ignored.</p>	
Section 6 Pages 6-2	Map Index, Map SW12 & Map SW13 Pages 6-2, 6-14 & 6-15	Oppose in part	<p>Following on from the failure of the policies and rules to accommodate the create of a separate groundwater zone for the Kaitorete Spit area as noted above, consequential changes are required to these maps.</p> <p>The delineation of a separate Kaituna Groundwater Allocation Zone is supported.</p> <p>The delineation of separate Groundwater Allocation Zones for other basalt valleys should also be included.</p>	<p>Delineate a Kaitorete Spit groundwater zone and retain the Kaituna Groundwater Allocation Zone.</p> <p>Delineate Groundwater Allocation Zones for other Banks Penninsula Valleys.</p>