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PERNOD RICARD NEW ZEALAND LIMITED

**SUBMISSION ON PROPOSED WAIPARA CATCHMENT ENVIRONMENTAL
FLOW AND WATER ALLOCATION REGIONAL PLAN**

**UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE
RESOURCE MANAGEMENT ACT 1991**

To: Environment Canterbury
PO Box 345
Christchurch

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Pernod Ricard would like to be heard in support of its submission.

If other persons make a similar submission, then Pernod Ricard would consider presenting joint evidence at the time of the hearing.

**THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN THAT THIS SUBMISSION
RELATES TO ARE AS FOLLOWS:**

- The Objectives, Policies, Rules and related text that defines the allocation regime for abstractions from the Omihi Stream

Pernod Ricard is a long-standing existing abstractor from the Omihi Stream. They operate two vineyards (Omihi and Camshorn), covering 195 ha growing grapes for Pinot Noir, Riesling and Pinot Gris. Water is used for frost protection and irrigation. As a result, the allocation of water is of critical importance to its vineyard operation. Therefore, Pernod Ricard wishes to ensure that the Waipara Plan adequately protects its access to the Omihi Stream water.

This submission relates to all parts of the plan that affect the Omihi Stream allocation and, in particular, the following clauses:

Maintaining the Reliability of Existing Abstraction

Objective 2 recognises the economic and social benefits of surface water abstraction and seeks to protect the reliability of supply to existing abstractors. Pernod Ricard's Omihi Stream abstraction is one such existing abstraction. Similarly, Objective 5 indicates that any extra water should, amongst other things, be used to maintain or improve reliability of supply for abstractors.

These objectives are supported by Pernod Ricard.

However the policies do not effectively implement these Objectives. In particular, Policy 1.2(c) (page 13) makes reference to the allocation regime in Table 1. To ensure the Objectives are achieved, the following wording is proposed:

- (c) *complies with the environmental flow and allocation regime for the catchment as set out in Table 1, in a way which ensures that the reliability of supply to existing abstractors is protected.*

Policy 1.7 (page 14)

Policy 1.7 defines a limit for the A block consents which is confusing. A suggested re-wording is:

"To limit the A block to existing water takes which were lawfully exercised prior to 17 April 2010 or 30% of the MALF for that sub-catchment, whichever is greater".

Policy 1.8 (page 14)

Policy 1.8 needs to allow for future property developments and climatic variations from year to year. Therefore, it should be re-worded as:

"When A block consents expire, the quantities allocated to any replacement consents shall not be greater than the previous consented quantity and shall be limited to the realistic quantities of use as defined by:

- a review of actual historical water use data;*
- a consideration of climatic variability in relation to the actual water use;*
- a consideration of future reasonable plans for development of the water use".*

Partial Restrictions: Policy 3.5 (page 16)

Partial restriction can perhaps imply a pro-rata reduction in abstraction rates as river flows fall. For many pumping systems such an approach is not practical to implement. Therefore the plan should also promote rostering of water use between users.

The change requested is that the term "Partial Restrictions" should be changed to "Partial Restrictions or Rostering of Abstraction Times between Consent Holders".

Duration of Consents: Policy 3.8 (page 17)

This policy limits the duration of consents to five (5) years, until such time as the environmental flow and allocation regime for the Waipara River Catchment is finalised through the making of this Plan operative.

Pernod Ricard has had their consent application to replace their previous water take and use consent on hold for more than six years, at the recommendation of ECan staff, waiting for this proposed plan to be prepared. The prospect of a short-term consent (five years) whilst awaiting further delays until the Plan becomes operative is unreasonable and unnecessary. Section 128 of the RMA allows the conditions of a consent to be reviewed when a regional plan becomes operative. Therefore, it is reasonable and appropriate for longer term consents to be granted.

It is requested that Policy 3.8 should be deleted and replace with the following words:

"To provide certainty for consent holders, consents to take or use stream depleting groundwater or to take, use, dam or divert surface water within the Waipara River Catchment shall be issued for a term of 35 years unless the effects of the taking, use, dam or divert are sufficiently uncertain as to justify the need for a shorter term consent with monitoring conditions to provide greater certainty regarding the effects".

Table 1 (page 21)

Pernod Ricard opposes the proposed size of the A block and B block allocation on the Omihi Stream. It appears to cause a reduction in reliability of supply to the Pernod Ricard abstraction. Furthermore, the plan provides little information as to how the allocation blocks were set, why there are different minimum flow sites for the A and B block and how the various consents and consent applications were assigned to each block.

Pernod Ricard would like to have the opportunity to discuss the proposed allocation regime with Council Officers and other users to try and reach an agreed position. However, in the meantime, the following allocation regime is proposed.

Appendix 4 on page 26 and 27 of the proposed plan identifies the following existing users on the Omihi Stream.

Consent Holder	Consent	Max Rate L/s
Glenray Farm Limited	CRC032147	25
KW Stackhouse	CRC011937	26.25
Mountford Estates	CRC041613	1.4
Muddy Water	CRC040848	5
Pernod Ricard	CRC041657	45
Ms PJ Pollard and Others	CRC900760B.5	3.3
TOTAL		106

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The size of the A block should accommodate all these users, and could be defined as follows:

A block *106 L/s* *Minimum flow at Waipara Confluence:*

- *Summer 120 L/s*
- *Winter 140 L/s*

B block *100 L/s* *Minimum flow at Waipara Confluence:*

- *Summer 300 L/s*
- *Winter 300 L/s*

Table 1, Annual Volumes (page 21)

The annual volumes specified for the allocation blocks on the Omihi Stream (1,328,758 m³) do not match the sum of the individual consents listed in Appendix 4 (1,382,758 m³). If annual volumes are to be specified, then the numbers should match. However, it is uncertain whether any annual volume limits are needed for a surface waterway where the environmental effects are related to flow.

It is requested that annual volume limits should be deleted.

Note: The changes in this submission may require consequential changes to the Explanations and Standards and Terms of the Plan.

A. F. Collamer

On behalf of Pernod Ricard New Zealand Ltd

Dated 10 June 2010

PERNOD RICARD NEW ZEALAND LIMITED

**SUBMISSION ON VARIATION 17 TO THE
PROPOSED NATURAL RESOURCES REGIONAL PLAN**

**UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT
ACT 1991**

To: Environment Canterbury
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Pernod Ricard would like to be heard in support of its submission.

If other persons make a similar submission, then Pernod Ricard would consider presenting joint evidence at the time of the hearing.

**THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN THAT THIS SUBMISSION
RELATES TO ARE AS FOLLOWS:**

- the Whole of Variation 17

- 1 Pernod Ricard has lodged submissions in opposition to parts of the proposed Waipara Catchment Environmental Flow and Water Allocation Regional Plan in regard to the allocation of water from the Omihi Stream, which they use as a source of water for irrigation and frost protection of a vineyard. Provided those submissions are adopted to achieve a satisfactory Waipara Catchment Environmental Flow and Water Allocation Regional Plan, then Variation 17 is supported.



On behalf of Pernod Ricard New Zealand Ltd

Dated 10 June 2010