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From: Warwick Pascoe <adamel@maxnet.co.nz>
Sent: Friday, 24 October 2014 5:01 p.m.
To: Mailroom Mailbox
Cc: Anthony Davoren
Subject: HydroTrader Ltd submission on Variation 2, pLWRP
Attachments: HydroTrader covering page.tiff; HydroTrader submission_final.pdf

Categories: Orange Category

EC118079



Submission on Proposed Variation 2 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 24 October 2014 to:

Freepost 1201 Variation 2 to pLWRP
Environment Canterbury
P O Box 345
Christchurch 8140

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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:

- adversely affects the environment; and
- 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: _____

Date: 24/10/14

(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

(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	
Part 3: Amendments to Section 13 – Ashburton, page 2 of Variation 2	Before heading 13.1 on page 13-2 insert the following text	Oppose in part	<p>Reference is made to transfers of surface water and groundwater consents being prohibited while limits are not being met. This is a poorly thought-out and misplaced response to address over-allocation as some transfers will have no impact on this issue at all, and some could even reduce over-allocation (eg where a percentage of the allocation is surrendered).</p> <p>This approach also fails to give effect to Objective B3, and Policies B3 and B4, National Policy Statement for Freshwater Management (2011), and thus thwarts irrigators who are trying to improve water use efficiency, and may even prevent irrigators from giving effect to other provisions of Variation 2, such as encouraging the shift from surface water to groundwater (Policy 13.4.5), which may involve the transfer of a permit to another block of land where groundwater is available.</p> <p>Also, this approach would prohibit transfers that could have a positive effect on water quality, such as transfers to non-irrigation uses such as dairy shed washdown, vegetable washing, truck-washing, bottling etc.</p> <p>It is also noted that this statement contradicts Policy 13.4.16 which refers to prohibiting <u>increases in use</u> arising from transfers.</p>	Amend this sentence to: “Transfers of surface water consents and groundwater consents within the Valetta Groundwater Allocation Zone will be carefully managed to prevent increases in water use, while limits are not being met.”
Insert Policies 13.4.9 to 13.4.19,	Policy 13.4.16	Oppose in part	This policy contradicts the statement on page 2 of Variation 2 that was noted in the submission point immediately above which implies that <u>all</u> transfers will be prohibited, as do Rules 13.5.33 and 13.5.34. While	Amend the last part of Policy 13.4.16 to read: “...to reasonable use calculated in accordance with method 1 in Schedule 10, and prohibiting increased use arising from the transfer of consented volumes

page 5			<p>only prohibiting those transfers that lead to an increase in water use is preferable to a blanket ban, it still ignores the fact that some transfers are so small that they cannot conceivably have an adverse effect, even cumulatively, such as transfers of less than, for example 80,000m³/year of groundwater (as was suggested at the Variation 1 hearing), or less than 0.5L/s of surface water. Given that ECan now consider that stock and domestic water use are not permitted under Section 14(3)(b) RMA for companies, this prohibition could have serious implications for irrigators with under-sized annual volumes (such as those calculated using Schedule WQN9v2), who might have sought to transfer water to meet this (essential) need.</p> <p>Also, it is unreasonable to limit the calculation of “reasonable use” to only method 1 of Schedule 10. Often water use records are too short (<10 years) and/or incomplete (due to data gaps for various reasons) to enable the calculation of reasonable use with a high level of confidence.</p>	of water greater than [for example] 0.5L/s within surface water catchments, and greater than [for example] 80,000 cubic metres per year in the Valetta Groundwater Allocation Zone.
13.5 Rules, page 9	Lower Hinds / Hekeao Plains Area, Rule 13.5.20	Oppose in part	Prohibited activity status is opposed because a proposed change in land use could show up as an increase in nitrogen loss over the baseline, when this is actually due to bugs or model limitations in Overseer, rather than any real increase. This activity status would mean that the proposal couldn't even be considered, hence it is not the most appropriate method for avoiding increases in nitrogen loss above the baseline. Seeking a formal change to the plan in order to have a 'paper increase' considered is totally unreasonable given that this rule will most likely catch	Amend the activity status of Rule 13.5.20 to non-complying.

			out small farming operations.	
13.5 Rules, page 11	Small and Community Water Takes, Rule 13.5.29	Oppose	Removing Rule 5.111 from applying in the Lower Hinds / Hekeao Plains Area will mean that a water permit application will be required for even a very small take, such as 0.5L/s. Given the very small number of takes that are likely to be sought under Rule 5.111 in this area, and the very small actual and potential effects that may arise, even in small drains, Rule 13.5.29 is unnecessary.	Delete Rule 13.5.29
	Take & Use of Ground and Surface Water, Rule 13.5.30	Oppose in part	While it's important to ensure that replacement takes are only granted in accordance with "reasonable use," it's unreasonable to limit the calculation of "reasonable use" to only method 1 of Schedule 10. Often water use records are too short (<10 years) and/or incomplete (due to data gaps for various reasons) to enable the calculation of reasonable use with a high level of confidence.	Amend Rule 13.5.30 to remove reference to method 1.
	Rule 13.5.31	Oppose in part	For the reasons outlined in the submission point immediately above, reference to method 1 should be removed from the matters over which discretion will be restricted. It is also noted that matter 3 makes reference to a Step Test, which implies that data from other types of aquifer tests (eg Constant Rate tests) would not be considered.	Amend Rule 13.5.31 to remove reference to method 1, and amend matter 3 as follows: "The effects the take has on any other authorized abstraction, including interference effects as indicated by a Step Test <u>aquifer testing</u> undertaken in accordance with the requirements of Schedule 11...."
	Rule 13.5.32	Oppose in part	Prohibited activity status is not the most appropriate method for dealing with proposed activities that do not comply with all of the conditions of this rule. For example, a groundwater take might be deemed to have a direct or high stream depletion effect on paper, but there may be sufficient field evidence to suggest	Amend Rule 13.5.32 to refer to a non-complying activity

			that the waterway in question is ephemeral and has no instream values requiring protection. When classified as a prohibited activity such evidence could not even be tested.	
Transfer of Water Permits, page 12	Rules 13.5.33 & 13.5.34	Oppose	<p>These rules are out of step with reality, and contradict Policy 13.4.16, and the text in the proposed amended wording for Section 13, in that they do not limit themselves to transfers that give rise to an increase while the catchment or groundwater zone is over-allocated (as noted above in this submission).</p> <p>So these rules seek to impose a permanent and blanket ban on all transfers, and yet the s32 report is devoid of evidence showing that such transfers do, or could, lead to such significant adverse effects for which prohibited activity status is the most appropriate response.</p> <p>HydroTrader has already submitted evidence on Variation 1 showing that the number of transfers occurring across Canterbury is very small, and that, since the notification of the pLWRP in August 2012, the number has dropped even further due to constraints on land use change arising from rules limiting increases in nutrient losses.</p> <p>As also noted earlier in this submission, these rules would prevent the following transfers from even being considered:</p> <ol style="list-style-type: none"> 1) very small surface water (<0.5L/s) and groundwater takes (<80,000m³/yr) 2) transfers that do not give rise to an increase in use, such as where the amount of water to be used will decrease (ie where a percentage of the annual volume is surrendered) 	Amend Rules 13.5.33 and 13.5.34 to make transfers of greater than, for example, 0.5L/s or 80,000m ³ /year, that could result in an increase in water use non-complying activities, and all other transfers either controlled (very small ones), discretionary (where irrigation land use or restricted discretionary

			<p>3) transfers involving a change in use that will reduce nutrient losses to water, such as a change from irrigation use to dairy shed washdown, vegetable washing and industrial use such as truck washing or for cooling water in a factory</p> <p>4) transfers involving a shift from surface water or shallow groundwater to deep groundwater on another property not part of the farming operation from which the water permit is being moved</p> <p>5) transfers that will result in a significant increase in water use efficiency, such as from a border dyke farm to one using centre pivots.</p>	
13.7.2: Groundwater Allocation Limits / Targets, page 19	Table 14: Ashburton Groundwater Limits	Oppose	The reason for reducing the allocation limit for the Mayfield-Hinds Groundwater Allocation Zone from 148 to 122.25 million m ³ /year does not appear to be supported in the s32 analysis by a robust analysis of aquifer recharge, water allocated and groundwater levels, but rather due to an arbitrary decision that, if the zone is fully allocated, this will adequately protect the environment.	Provide a robust technical analysis in support of a change to the Mayfield-Hinds Groundwater Allocation Zone limit, or leave it as it is.

Add further pages as required – please initial any additional pages.