

From: [Georgina Hamilton](#)
To: [Mailroom Mailbox](#)
Cc: [Marley Regenvanu](#); haidee@irricon.co.nz
Subject: Plan Change 7 to the LWRP Submission - Barker Fruit Processing Ltd
Date: Friday, 13 September 2019 2:27:17 PM
Attachments: [GH-160424-1-7-1 Barker Fruit Processing Limited Submission on PC7.pdf](#)

Dear Sir/Madam

Please find **attached** a submission by Barker Fruit Processing Ltd on Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan.

Kind regards,

Georgina Hamilton
Partner



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SUBMISSION ON PROPOSED PLAN CHANGE 7 TO THE CANTERBURY LAND AND WATER REGIONAL PLAN

Clause 6 First Schedule, Resource Management Act 1991

TO: Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

Environment Canterbury
PO Box 345
Christchurch 8140

By email: mailroom@ecan.govt.nz

Name of submitter:

1 Barker Fruit Processing Limited (**Submitter**)

Address: c/- Gresson Dorman & Co
P O Box 244
TIMARU 7940

Contact: Georgina Hamilton

Phone: (03) 687 8065

Email: georgina@gressons.co.nz

Trade competition statement:

2 The Submitter could not gain an advantage in trade competition through this submission.

Proposal this submission relates to is:

3 This submission is on proposed Plan Change 7 to the Canterbury Land and Water Regional Plan (**PC7**), specifically the Orari-Temuka-Opihi-Pareora (**OTOP**) sub-region component of PC7, comprising "Part B".

The specific provisions of PC7 that this submission relates to:

4 This submission relates to the following provisions of PC7:

4.1 Policy 14.4.10;

4.2 Policy 14.4.30;

4.3 "Notes" associated with Rules 14.5.1 to 14.5.11; and

4.4 Section 14.6.2: Environmental Flow and Allocation Regimes, Tables 14(i) to (l).

Submission

Introduction

- 5 The Submitter owns and operates a fruit and vegetable processing business and factory adjacent to the Temuka River, near the town of Geraldine. The Submitter employs over 200 people locally (including casual and seasonal staff), supports local fruit and vegetable growers and utilises local warehousing and freight companies for product distribution.
- 6 Potable water for the drinking-water and processing requirements at the Submitter's factory is presently obtained from two groundwater bores authorised for community water supply by the Submitter's water permit CRC166228. These bores are protected by a community water supply protection zone, which was established under the Canterbury Land and Water Regional Plan (**CLWRP**), and endorsed by Environment Canterbury through the resource consenting process resulting in the issue of CRC166228. The Submitter has also developed and implemented a water supply strategy in accordance with the requirements of Schedule 25 of the CLWRP.
- 7 Certainty of continued access to a reliable water supply is not only critical to the Submitter's present and future processing operations, but also for the provision of other community water supply purposes such as rural fire-fighting, in addition to local employment and the revenue earned by the Submitter's growers.

Summary of the Submitter's position on PC7

- 8 The Submitter is genuinely concerned that without significant revision and/or amendments, the provisions of PC7 referred to in paragraph 4 of this submission:
 - 8.1 Fail to recognise the significance of the Submitter's operations to the economic prosperity of the OTOP sub-region;
 - 8.2 Would compromise the Submitter's current and future processing operations, with significant implications for the financial viability of the Submitter's business and therefore the social and economic wellbeing of the local community;
 - 8.3 Consequently would:
 - (a) Not give effect to the National Policy Statement for Freshwater Management 2014 (updated 2017), particularly Objectives A4 and B5;
 - (b) Be inconsistent with the CLWRP, particularly Objective 3.11 and Policy 4.49; and
 - (c) Not represent the most appropriate plan provisions for achieving the purpose of the Resource Management Act 1991 (**RMA**).
- 9 The Submitters specific concerns with PC7B together with a summary of the decisions they seek from Environment Canterbury are set out in **Annexure A** attached to this submission.

Decisions sought by the Submitter:

- 10 The Submitter seeks the following decisions from Environment Canterbury:

- 10.1 that the decisions sought in **Annexure A** to this submission be accepted; and/or
- 10.2 alternative amendments to the provisions of PC7 to address the substance of the concerns raised in this submission; and
- 10.3 all consequential amendments required to address the concerns raised in this submission and ensure a coherent planning document.

Wish to be Heard:

- 11 The Submitter wishes to be heard in support of this submission.
- 12 The Submitter would be prepared to consider presenting a joint case with others making similar submissions at the hearing.



Barker Fruit Processing Limited
By its Solicitors and authorised Agents
Gresson Dorman & Co: Georgina Hamilton

Date: 13 September 2019

ANNEXURE A – REASONS FOR SUBMISSION AND DECISIONS SOUGHT BY BARKER FRUIT PROCESSING LIMITED

(1) The specific provisions of Proposed Plan Change 7 (PC7) that Barker Fruit Processing Limited (the Submitter) submission relates to are:		(2) The Submitter's submission is that:		(3) The Submitter seeks the following decisions from Environment Canterbury (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in strikethrough).
Section & Page No.	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
14.4 Policies (page 133)	14.4.10	Oppose in part	<p>The Submitter is genuinely concerned that the Resource Consent Inventory prepared by ECan for PC7¹ provides an inaccurate record of the consented allocation associated with its existing lawfully established community water supply take, and the “use” of that take, which is stated in the Inventory as for “irrigation”.</p> <p>This does not accord with the position confirmed by ECan policy planning staff during the collaborative planning phase of PC7 (as recorded in the email attached as Annexure B of this submission) and ECan consent staff during the prior resource consenting process for the Submitter’s water permit CRC166228, namely that the Submitter’s consented water take is a community water supply take for the purposes of the Canterbury Land and Water Regional Plan (CLWRP).</p> <p>The errors in the Consent Inventory for PC7 create considerable uncertainty as to whether proposed Policy 14.4.10 (and consequently Rule 5.115 of the CLWRP) would apply to the Submitter’s water take at renewal or on variation. The Submitter considers it appropriate and necessary for the correct position to be reflected in PC7 to ensure its current take continues to be treated as a take for “community water supply” purposes under Section 14 of the CLWRP, and appropriate provision is made for its future water requirements (i.e. a total allocation of 20 L/s).</p> <p>In the Submitter’s view, this is also necessary to recognise a key element of the Temuka Catchment Working Party’s (TCWP’s)</p>	<p>(a) Subject to the Submitters relief in (b) below, retain Policy 14.4.10 as follows: <i>Enable the taking of water for community water supply by not requiring compliance with any minimum flow, residual flow or partial restriction conditions, or the environmental flow and allocation regime or groundwater allocation limit set out in Tables 14(h) to 14(zb), provided a Water Supply Strategy developed in accordance with Schedule 25 is in place and the water supply is managed so as to restrict the use of water during periods of low flow or low water levels.</i></p> <p>(b) Include a new definition in PC7 for the term “community water supply”, as follows: <i><u>Means the definition as set out in Section 2.9, except that in the Temuka FMU, the term community water supply also applies to the water take authorised by CRC166228 (including any variation to that consent under section 127 of the RMA or any replacement consent affected by the provisions of Section 124C of the RMA), and any subsequent increase in that water take/supply subject to Policy 14.4.30.</u></i></p>

¹ Resource Consent Inventory for Orari, Temuka, Ophi and Pareora Canterbury Water Management Strategy Zone (Version 2), Don Vattala, April 2019.

(1) The specific provisions of Proposed Plan Change 7 (PC7) that Barker Fruit Processing Limited (the Submitter) submission relates to are:		(2) The Submitter's submission is that:		(3) The Submitter seeks the following decisions from Environment Canterbury (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in strikethrough).
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			preferred flow and allocation regime for the Temuka Freshwater Management Unit (Temuka FMU), i.e. provision be made for the reservation of an allocation of 20 L/s to the Submitter, which would be exempt from any allocation and minimum flow limits applying in the Temuka FMU, in recognition of the importance of the take and its operations for the local community, through the provision of community water supply, employment and economic prosperity.	
(page 139)	14.4.30	Oppose in part	<p>The Submitter considers it appropriate for Policy 14.4.30 to be amended to include a further mechanism for addressing overallocation in the Temuka FMU, that being an investigation of water use efficiencies in its community water supply take before the expiry of CRC166228 in 2026 and the reservation of an allocation of 20L/s to cover the current and expected water needs of the Submitter.</p> <p>This is a similar approach to that adopted in Policy 14.4.22 for the Timaru District Council's community water supply take in the Orari catchment. It also reflects a key element of the TCWP's preferred flow and allocation regimes for the Temuka FMU, submitted to the OTOP Zone Committee in 2018. That is, to reserve 20L/s for the Submitter's existing and future water requirements, and to exempt that allocation from the environmental flow and allocation limits for the Temuka FMU as noted earlier in this submission on Policy 14.4.10.</p>	<p>Amend Policy 14.4.30 as follows:</p> <p><i>Over allocation of the Temuka Freshwater Management Unit is phased out before 1 January 2035 by:</i></p> <ol style="list-style-type: none"> a. <i>imposing increased minimum flow restrictions at Manse Bridge in accordance with Table 14(i); and</i> b. <i>requiring two stages of reduction in the allocation limit for A and B permits in accordance with Table 14(i) and 14(j); and</i> c. <i>further increasing the minimum flow restrictions for the Temuka Freshwater Management Unit at Manse Bridge and imposing, from 1 January 2035, pro-rata partial restrictions on abstractions in accordance with Table 14(l) so as to avoid the breach of any applicable minimum flow; and</i> d. <i>achieving allocation limits of 1.6 m³/s for the A Allocation Block and 0.4 m³/s for the B Allocation Block by 1 January 2035; and</i> e. <i><u>Barker Food Processing Limited demonstrating, on or before 2026, increased efficiency for any replacement of</u></i>

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Section & Page No.	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
				<u>CRC166228, or any variation thereof, and security of supply for community drinking water, stockwater, fire-fighting purposes and industrial processing water is protected by reserving a total flow rate of 20 L/s in addition to the volumes in Table 14(i) to (k).</u>
14.5 Rules (pages 143 and 145)	Notes associated with Rules 14.5.1 – 14.5.11	Oppose in part	<p>The Submitter considers it would be preferable for those aspects of Note (2) above Rule 14.5.1 concerning groundwater takes to be relocated to the part of Section 14.5 that address groundwater takes, specifically to the Notes above Rule 14.5.7.</p> <p>Subject to its submissions in relation to Policies 14.4.10 and 30 above, the Submitter supports the intention of Note (2) that region-wide rule 5.115 applies to community water supply takes in the OTOP Sub-region under Section 14 of the LWRP, including its current and future takes for community water supply purposes (i.e. community drinking water, stockwater, fire-fighting purposes and industrial processing water).</p>	<p>(a) Amend Note (2) above Rule 14.5.1 as follows:</p> <p><u>2. Regional Rules 5.11, 5.112, 5.113, 5.114, 5.114A and 5.115 apply in the Orari-Temuka-Opihi-Pareora sub-region and prevail over Rules 14.5.7, 14.5.8, 14.5.9, 14.5.10 and 14.5.11 14.5.1 to 14.5.6.</u></p> <p>(b) Add an additional note (3) above Rule 14.5.7, as follows:</p> <p><u>3. Regional Rules 5.112, 5.113, 5.114, 5.114A and 5.115 apply in the Orari-Temuka-Opihi-Pareora sub-region and prevail over Rules 14.5.7, 14.5.8, 14.5.9, 14.5.10 and 14.5.11.</u></p>
14.6.2 Environmental Flow and Allocation Regimes: Temuka FMU (pages 165 – 166)	Tables 14(i) to 14(l)	Oppose in part	As discussed earlier in this submission, the Submitter is concerned about the consequences of the errors in the Resource Consent Inventory for PC7 in relation to the status of its current and future takes. To the extent that Tables 14(i) to 14(l) may, albeit indirectly, not recognise the status of the Submitter's current take as community water supply, and not expressly implement the TCWP's intention for an allocation 20L/s to be reserved for the Submitter's current and future water requirements, together with the intended exemption from environmental flow and allocation	<p>(a) Amend Policy 14.4.10 and 14.4.30 as set out in this submission to address the Submitters' concerns with Tables 14(i) to 14(l); and/or</p> <p>(b) Amend Tables 14(i) to 14(l) to provide clarity as to the status of the Submitters' current and future takes for community water supply (i.e. a reserved allocation of up 20 L/s) and therefore exemption from the environmental flow and allocation limits in Tables 14(i) to 14(l) to properly implement the</p>

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			limits in the Temuka FMU, the Submitter opposes the environmental flow and allocation limits in Tables 14(j) to 14(k).	TCWP's preferred environmental flow and allocation regimes for the Temuka FMU.

ANNEXURE B: ECAN EMAIL

From: Craig Davison <Craig.Davison@ecan.govt.nz>

Sent: Thursday, 21 February 2019 9:33 AM

To: Daniel Clark <daniel.clark@ecan.govt.nz>; Lyn Carmichael <Lyn.Carmichael@ecan.govt.nz>; Melissa Robson-Williams <robson-williamsm@landcareresearch.co.nz>; Haidee McCabe <haidee@irricon.co.nz>; Keri Johnston <Keri@irricon.co.nz>

Subject: Key points from catch up on 19 Feb re Temuka catchment

Hi all,

Thank you for the quick catch up on Tuesday.

Please see the key points from our catch up on Tuesday 19 feb:

- No further technical work will be completed for Taumatakahu Stream for the notification of the OTOF plan change;
- The abstraction of water under the consents held by Barkers meets the definition of "Community Water Supply" under the Land and Water Regional Plan. Therefore nothing bespoke is considered necessary for inclusion in the OTOF plan change;
- A memo was prepared for the ZC on the availability of deep groundwater in the OTOF Zone. <https://api.ecan.govt.nz/TrimPublicAPI/documents/download/3485362>
- We will return on the 14th of March with information on the potential "swap block" and the volume that may be available for uptake from stream depleters and information on the potential harvest block in the Temuka catchment. We will do our best to pre-circulate information ahead of this meeting;
- We will begin discussion internally with the Zone Delivery team about the support they can offer the TCWP and consent holders in the Temuka catchment for forming Water Users Groups and for making voluntary surrenders in allocation.

Any questions let me know.

Thanks

Craig

Craig Davison
Senior Planner
Environment Canterbury



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