

**BEFORE INDEPENDANT HEARING COMMISSIONERS
APPOINTED BY THE CANTERBURY REGIONAL COUNCIL**

UNDER: the Resource Management Act 1991

IN THE MATTER OF: Proposed Plan Change 7 to the
Canterbury Land and Water Regional
Plan – Section 14: Orari-Temuka-Opihi-
Pareora

**UPDATE OF EVIDENCE OF MALPATI REGENVANU ON BEHALF OF
BARKER FRUIT PROCESSORS LIMITED
(SUBMITTER NO. PC7-391)**

Dated: 16 October 2020

GRESSON DORMAN & CO
Solicitors
PO Box 244, Timaru 7940
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Solicitor acting: G C Hamilton
georgina@gressons.co.nz

1. INTRODUCTION

- 1.1 My name is Malpati Regenvanu, I am the Environmental Health and Safety Manager of Barker Fruit Processors Limited (**Barkers**).
- 1.2 I prepared a statement of evidence in support of Barkers' submission on Proposed Plan Change 7 (**PC7**) dated 17 July 2020.
- 1.3 The purpose of this statement is to provide a brief update on Barkers' discussions with Environment Canterbury (**ECan**) regarding the status of its existing consented water supply and future supply requirements under the Canterbury Regional Land and Water Plan and PC7, following the lodgement of my earlier evidence.

2. UPDATE

- 2.1 Since 17 July 2020, Barkers has been in further discussions with ECan to clarify the status of its existing consented water supply, including for the purpose of informing Barkers' approach to the PC7 hearing.
- 2.2 Barkers have been confirmed by Environment Canterbury (Carl Hanson (Groundwater Science Manager) July 2020) as meeting the definition and requirements of a **community water supply**. Policy 4.49 of the CLWP and Rule 5.115 are applicable in this instance to the supply of water which further support the Barker's submission.
- 2.3 The Drinking Water Assessor (CDHB) has clarified that as a **self supply** under the Health Act (1956) and by complying with the Food Act there is no requirement to register the Barker's water supply in the Ministry of Health Drinking Water Register (Denise Tully (Technical Manager/Drinking Water Assessor) July 2020).



Malpati Regenvanu

16 October 2020

Nicola Hornsey

From: Carl Hanson <carl.hanson@ecan.govt.nz>
Sent: Thursday, 16 July 2020 1:47 PM
To: Marley Regenvanu
Subject: RE: Key points from catch up on 19 Feb re Temuka catchment

Hi Marley,

There are two separate and distinct definitions in our Canterbury Land and Water Regional Plan, one for a "Community drinking-water supply" (the one you and I discussed yesterday) and one for a "Community Water Supply" (the one you cite below). The definitions are found in Section 2 of the plan, and they are as follows:

Community drinking-water supply means a drinking-water supply that is recorded in the drinking-water register maintained by the Chief Executive of the Ministry of Health (the Director-General) under section 69J of the Health Act 1956 that provides no fewer than 25 people with drinking-water for not less than 60 days each calendar year, or is a site listed in Schedule 1(a).

Community Water Supply means water taken primarily for community drinking-water supply, and includes that also used for institutional, industrial, processing, or stockwater purposes or amenity irrigation use and fire-fighting activities.

It's only the **Community drinking-water supplies** that have protection zones, but all **Community Water Supplies** require resource consent under Rule 5.115, which I've copied below. It's this consenting rule that Craig Davison was referring to in his email below. In summary, Barkers meets the definition of "Community Water Supply", but not the definition of "Community drinking-water supply".

Does that help? Also, from what you were saying yesterday, Barkers is most concerned about securing its water supply allocation. With that in mind, I'd also point out that Policy 4.49 applies to **Community Water Supplies**, which includes Barkers:

Policy 4.49 Enable the taking of water for a community water supply by not requiring compliance with any minimum or residual flow or partial restriction conditions and the environmental flow and allocation regime or groundwater allocation limit provided a water supply strategy developed in accordance with Schedule 25 is in place and the water supply is so managed as to restrict the use of water from those supplies during periods of low flow or water levels.

I hope that's useful.

Carl

Rule 5.115 The taking and using of water for a community water supply from groundwater or surface water is a restricted discretionary activity, provided the following conditions are complied with:

1. A Water Supply Strategy prepared in accordance with Schedule 25 is submitted with the resource consent application; and
2. Where the application seeks water for purposes other than drinking water, the application shall identify which components are not related to drinking water, and which of those are existing or new activities.

The exercise of discretion is restricted to the following matters:

1. The reasonable demand for water, taking into account the size of the community, the number of properties and stock that are to be supplied, the uses that are to be supplied and the potential growth in demand for water; and
2. The effectiveness and efficiency of the distribution network; and

3. The quality and adequacy of, compliance with and auditing of the Water Supply Strategy; and
 4. The actual and potential adverse effects on other water takes, including reliability of supply; and
- 4A. The effect on the environmental flow and allocation limits within the relevant sub-region Sections 6 to 15; and
5. The potential benefits of the activity to the applicant, the community and the environment; and
 6. Compliance with any relevant Water Conservation Order; and
 7. The need for and extent of the proposed Community Drinking-water Protection Zone; and
 8. The matters set out in Schedule 1 and the way in which those matters are responded to in the proposal for which consent is sought and the assessment of effects forming part of the application; and
 9. The actual and potential effects on any user of land located within the proposed Community Drinking-water Protection Zone.

From: Marley Regenvanu <marley.regenvanu@barkers.co.nz>
Sent: Wednesday, 15 July 2020 4:24 PM
To: Carl Hanson <carl.hanson@ecan.govt.nz>
Subject: FW: Key points from catch up on 19 Feb re Temuka catchment

Hi Carl,

FYI – see email below from Craig Davison from February 2019 – highlighted section. This was sent after the email chain between ECan and Peter Dalziel which you shared with me earlier this week.

Regards,

Marley Regenvanu | Environment, Health & Safety Manager



Phone: +64 36938969 x871
Email: marley.regenvanu@barkers.co.nz

BARKER FRUIT PROCESSORS LTD
PO Box 100, Geraldine 7956, South Canterbury, New Zealand

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From: Haidee McCabe <haidee@irricon.co.nz>
Sent: Thursday, 12 September 2019 11:53
To: Georgina Hamilton <Georgina@gressons.co.nz>; Marley Regenvanu <marley.regenvanu@barkers.co.nz>
Subject: FW: Key points from catch up on 19 Feb re Temuka catchment

FYI – Ecans confirmation that Barkers is Community Water Supply

Nicola Hornsey

From: Denise Tully <Denise.Tully@cdhb.health.nz>
Sent: Tuesday, 10 September 2019 11:25 AM
To: Marley Regenvanu
Cc: CPH Drinking Water Unit; Mary Jones; Daniel Pickup
Subject: forfiling_SS_2_BAR002_Barkers
Attachments: 180320_DP_RegLetter.pdf

Kia ora Marley

Firstly I wanted to say you may be aware that drinking water regulation is undergoing a restructure including the development of a new drinking water regulator, a new water bill and revised drinking water standards. We will hope to learn more about this later this year. This is an extract from the cabinet paper regarding drinking water regulation as it pertains to food businesses.

There are also cases where supplies are already adequately regulated by other means. For example, a factory manufacturing food must meet stringent standards for its water supply under food regulation

With regards to your query, please note the following one comment made in response to an Official Information Act Request.

The only documentation I can find in the file which relates to Mr Dalziel's question about the registration of the supply is in 2016 and earlier this year as follows:

- 2016 Letter regarding new bore for the supply . This is the only documentation up until that time that mentions registration of the supply and in it the DWA states "This is to confirm that as a self-supplier under the Health Drinking Water Amendment Act 2007 there is **no need to register** this being entirely voluntary for that supply type".
- 2018 Documentation regarding request for information from P Dalziel in February. This confirms that the supply was on the printed DW register from 2008-2011 but has not been included since 2012 . This is because the only supplies included in the Register from 2012 onwards are Network, Bulk, and Specified Self-supplies, as per the requirements of the Health Act for these supplies to be registered - section 69J(1). The Barkers supply is not a specified self-supply.

I have also included a letter from Daniel Pickup regarding the drinking water register. Barkers is considered a self supply as defined in the Health Act 1956 "*means a person who owns a drinking water supply that is exclusively used to supply water to – (a) 1 property that is also owned by that person; or (b) 1 or more buildings that are also owned by that person.*"

Barkers are not considered a specified self supplier (that with a community purpose) because Barkers is already required to comply with the Food Act.

I have copied in the Drinking Water Assessor for South Canterbury and the Health Protection Officer for South Canterbury.

Ngā mihi,

Denise Tully
Technical Manager/Drinking Water Assessor
Community & Public Health
PO Box 1475

Christchurch 8140
Tel 03 364 1777



Haidee McCabe | Environmental Consultant


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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.

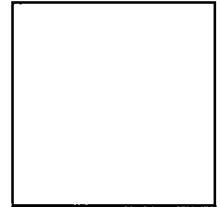
Please see the key points from our catch up on Tuesday 19 feb:

- No further technical work will be completed for Taumatakahu Stream for the notification of the OTOP 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 OTOP plan change;
- A memo was prepared for the ZC on the availability of deep groundwater in the OTOP 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.

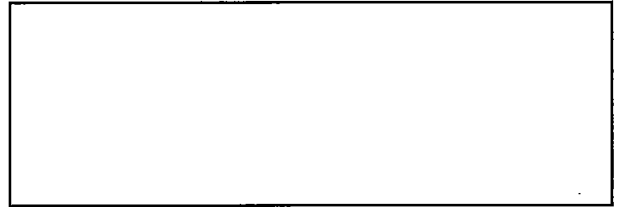
Thanks
Craig

Craig Davison
Senior Planner
Environment Canterbury



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Facilitating sustainable development in the Canterbury region

ecan.govt.nz

Nicola Hornsey

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Ngā mihi,

Denise Tully
Technical Manager/Drinking Water Assessor
Community & Public Health
PO Box 1475

Christchurch 8140
Tel 03 364 1777

Canterbury

District Health Board

Te Poari Hauora o Waitaha

File: SS_002_BAR002

20th March 2018

Peter Dalziel Lawyer

103 King Street

Temuka 7920

Dear Peter,

In response to your query about Barkers Fruit Processors ceasing to be on the Drinking-water Register, ESR has confirmed that they were on the printed Register from 2008 – 2011, but have not been included from 2012 on. This is because the only supplies included in the Register from 2012 onwards are Network, Bulk, and Specified Self-supplies, as per the requirements of the Health Act for these supplies to be registered - section 69J(1).

If you have any further questions regarding this information, please do not hesitate to contact me at (03) 687 2600.

Yours sincerely



Daniel Pickup

Trainee Drinking Water Assessor

Community and Public Health

A Division of Canterbury District Health board



Denise Tully

Technical Manager

South Island Drinking Water Assessment Unit