



Submission to HB Regional Council re Proposed Plan Change 9

14/8/2020

Dear Sir/Madam

We write to represent the interests of Awanui Station at Paki Paki and Titiokura Station at Te Pohue. As well, our concerns set out herein cover the economic and social needs of the populace of the Heretaunga Plains, the needs of cropping operators, industries reliant on water for food processing, horticulturalists and viticulturalists etc.

Introduction

Awanui Station is a mixed cropping and pastoral unit of 688ha. Since purchase in 1986 we have developed this property from being primarily a grazing unit with no irrigation, to a productive enterprise with 185ha of cropping land fully irrigated supplying Heinz Watties and McCains with process crops and leasing land to Bostock New Zealand. We support in the most part submissions by Horticulture NZ, Bostocks, Freshmax and Mr Apple, Heinz Watties and Winegrowers who collectively provide thousands of jobs in our region. We wish to be heard in any hearings that may eventuate, both in regard to our own submission, and also in support of concerns raised by the aforementioned.

Titiokura Station may be affected by livestock exclusion regulations over its several waterways

Concerns

Whilst on initial appraisal, the intent of the Plan Changes may seem worthy and well meaning, close analysis and critique reveal matters of very deep concern. Simply put, the Objectives and Policies outlined, demonstrate a marked inclination to favour and grant precedence to those that may have an 'axe to grind', and to those with interests that may compete with current water users on the plains. The Plan is stacked and tilted against the primary producers who underpin our economy. In fact, if accepted and implemented, the Policies and Objectives proposed have the real potential to impose a severe handbrake on the economic development of the region. This recessionary effect cannot be entertained. This is so in any event, but particularly with the Government currently striving to stimulate the economy because of real pressures in other spheres. The policies will in effect, run counter to provisions set out and stated in 'Purpose' of the Resource Management Act Part Two. I know I'm not a lawyer, but unfortunately have quite some experience in RMA matters due to reluctantly being compelled to take legal action to defend our property interests from obstructive parties opposed to sensible land development on three occasions. We had no other option open to us to protect our land.

The RMA states in Part Two - Purpose... 'The purpose of the act is to **promote** the sustainable management of natural and physical resources '. It then goes on to say ... which **enables** the people and communities to **provide** for their social **economic** and cultural wellbeing whilst sustaining the potential of natural and physical resources to meet the **reasonable foreseeable needs of future generations**.

In section 7 - Other Matters, the RMA says:- 'In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to— (b) the efficient **use** and **development** of natural and physical resources.' Please note, 'use' and 'development' are key words implying active utilisation.

With all due respects to HBRC Planners, Plan Change 9 creates serious impediments which fly in the face of the aforementioned RMA directions both actual and implied. Proposed in the plan change are definitive limits to be imposed on regional groundwater abstraction, provisions to cut off and/or drastically reduce water supply to growers, objectives and policies (and indeed decrees) that favour and will empower Maori and other opposition groups to oppose consents for development. We sincerely believe HBRC needs to seriously consider these factors. They are a reality.

The imposition of more red tape in an already strongly regulated sphere, without doubt, will affect investors decisions, the local economy, job prospects and the economic wellbeing of the populace. The RMA does not have such restrictions in mind. Nor does the Government want local economies to be hindered or stifled. Rather, the opposite is urged.

Submissions and Changes Sought

Objectives.

- A separate objective should be introduced that reflects the implications of the RMA 'Purpose of the Act' Part Two as set out heretofore. This objective will demonstrate and underscore HBRC's commitment to recognise and provide for land owners' and leaseholders' rights to operate their properties for profitable use, for the economic wellbeing of themselves and the regional economy without undue or unwarranted obstruction or interference, (of course, within the constraints of the law). The currently proposed objectives in Plan Change 9 are in the main, loaded in dissenters' favour. The general public really expect Councils to be **enablers** and encouragers of development and growth in our region. In this regard, it is sad to often hear of frustrations being expressed by proactive people in our district.
- **Objective 2...**Te Mana o Te Witi and integrated mountain to the sea, ki uta ki tai principles are upheld. The word 'upheld' should be changed to - 'considered in decision making process'. The way this objective is currently worded implies priority or a paramount interest and that such interests **must** be made way for and upheld. There is no mandate whatsoever that Council can take from law that such Maori or other interests are overriding considerations in any decision-making process. Otherwise landowners will be subject to prejudice in any consent application or activity they wish to undertake. Of course, Maori interests must be considered and taken into account with respect that is due. But the Objectives and Policies in the Plan should guard against inbuilt rulings and prejudice against landowners and those seeking to make progress, and not enhance the prospects for unwarranted obstruction against them. Wording in all policies and objectives should be well

balanced in this regard. This should apply to all references to Maori and other interests referred to in the Plan

- **Objective 15** Increase in Wetland Construction. Wetlands previously constructed by HBRC are now contributing to issues of severe flooding of properties in Paki Paki. If HBRC wish to construct wetlands this should be subject to notified consent with public input. A proviso to protect landowners from such issues needs to be included in the Plan Change. The obligations resting on Councils of the Drainage Act 1908 need to be heeded with respect to hindering drainage and waterflow that is consequent on the construction of wetlands
- **Objective 18** - Add to list of provisions - (f) Regular review of the moratorium on drilling new bores based on scientific and/or circumstantial evidence that may be presented to Council. Further comments later in submission.
- **5.10.2 Riparian Plantings along Waterways.** The planting of trees and shrubs by waterways should not affect or interfere with drain efficiency or waterflow. Mr Dave Paku, head of HBRC waterway maintenance, has expressed deep concern about this to me. Farmers rely on well maintained and sufficient drainage channels to quickly receive and transport surface water from cropping paddocks, orchards and vineyards. Riparian planting may well limit access by drain clearing machinery or may be an impediment to the widening or deepening of drains that could be required. This needs to be signalled in the Plan. We respectfully suggest Council would be well advised to consider the ramifications of the Drainage Act 1908. Specific requirements and obligations on Councils to provide sufficient drainage contained in this Act were quite recently used to convince Auckland Regional Council to dramatically improve drainage channels that serviced an avocado grower's land north of Auckland. Previously Auckland Council had refused to cooperate, thereby putting the grower's crop at risk.
- **5.10.6 Heretaunga Plains Groundwater Levels and Allocation Limits**
This is a very contested subject. We contend that science does not conclusively prove that the aquifer is at its limits or over allocated. The true extent of the resource is not accurately known. In any event the recent helicopter scanning survey results have not been released to the public and we have been told they will not be available for 18 months. Regardless, decisions have been made to limit groundwater abstraction. A moratorium has been placed on drilling new water wells. A regional limit of 90 million cubic metres of ground water abstraction will be imposed.

The following are just some examples of circumstantial evidence which demonstrate that the aquifer is not over allocated:-

- (a) In recent severe droughts, wells at Awanui Station Paki Paki, which is right on the extreme edge of the aquifer, have remained very productive with no issues extracting water at over 90 litres per second. This is at times when there has been a large draw on groundwater by growers such as Apatu Farms, Ryans etc between us and the Ngaruroro River and also across the entire plains zone.
- (b) A bore sited on the McClay property at Twyford which is used to provide water into the Raupare drain system to maintain stream flow during drought, retained a positive head

during drought periods, free flowing at 80 litres per second. River depletion has not been reliably proven. But this is conclusive evidence of water still pouring up from the aquifer under pressure during times of great irrigation demand and during extremely severe drought (Source Honnor Welldrillers - Greg Honnor who will speak in support of our submission at the hearing)

- (c) There are several springs in Twyford that remain flowing during extreme drought. These springs are surface seepage from the aquifer. If the aquifer was depleted or under extraction pressure to the extent Council says it is, these springs would not continue to flow at these times.
- (d) Wells in the Clive and Awatoto areas maintain strong positive head during drought periods. Water just pours out of the ground with heads of up to 4-5 meters above ground level! This is conclusive proof that the aquifer is not depleted. Clive is the last land to receive aquifer water before the sea. Very substantial abstraction of ground water occurs upstream of that area. And then beyond Clive and Awatoto, the aquifer bubbles up in large volumes out of the seabed in the Hawke Bay Ocean! This is ample and incontrovertible evidence of a massive abundant water resource that has plenty in reserve. Much more research needs to be done before making decisions on limiting water takes. And a key point is, word has it that the recent helicopter scanning found the aquifer to be more extensive than previous science had thought. I understand that as a result more exploratory drilling is to be undertaken by HBRC.
- (e) **Needs of Future Generations.** The RMA directs decision makers to take into account the factor of sustaining the potential of natural and physical resources to meet the foreseeable needs of future generations (RMA part Two -Purpose) There are several thousand hectares of flat land (approx. 6000) on the plains suitable for horticulture that have no (or very little) consented groundwater. Examples are the Fernie and Cooper blocks and several hundred hectares of prime Maori owned land. The well drilling moratorium has had a drastic effect on those properties. These blocks will be needed to fulfil the needs of future generations, providing for the population and its growth by way of jobs and expansion of the local and national economy. The decree by HBRC to cease any further groundwater abstraction will prevent these needs being fulfilled. These land blocks have been significantly devalued as a result. All on the back of unproven science which is clearly subject to challenge.
- (f) **Current Consenting Process for Groundwater Abstraction.** HBRC has systems and processes in place to ensure that over allocation in individual areas on the Heretaunga Plains does not occur. Consider the process that Awanui Station had to go through. Council required our engaging of a professional hydrologist and ground water expert to conduct extensive testing of our groundwater resource. This involved several days of pumping at high volumes whilst conducting head loss tests on 5 neighbouring bores. A comprehensive report (36 pages) was prepared by hydrologist Susan Rabbitte, a renowned expert on the Heretaunga Plains aquifer. Total charges for this environmental assessment and the report including the analysis by HBRC (\$8000) came to more than \$42,000. The effects were assessed as being no more than minor by the consultant and this was confirmed by HBRC's own analytical experts. There proved to be an abundance of water available. Now we understand that our allocation may well be reduced by

HBRC when our consent comes up for renewal! (We ask Council to please understand that this will not be taken lightly by Awanui Station owners. Many other growers will be in the same predicament after complying with such exhaustive consent process with similar effort and cost).

The point we are making is that very adequate process is available to HBRC to ensure that groundwater abstraction is not over done, and this can still be utilised for new bores that may need to be installed to provide for needs now and in the future.

Solutions to Council Concerns

There is a very simple and practical solution to Council concerns. That involves water storage by way of a series of smaller dams sited beside the Ngaruroro River upstream. Water can be released from these dams into the river during times of drought and low flow, which will support river life and will also help replenish the aquifer. I understand some Maori groups are also in support of such action.

As a matter of interest, low flows in the Ngaruroro River are not just a recent occurrence resultant from increased groundwater extraction. Mr Willie Agnew of Agnew Horticulture Ltd told me that his father recalled the river drying up at Fernhill when he was a child (around 100 years ago). This was obviously long before any significant groundwater extraction was undertaken on the Heretaunga Plains as compared to extraction volumes today.

Why should HBRC take precious water allocation from growers and organisations who fund and underpin our local economy? Fix the problems perceived by HBRC once and for all with Government funded water storage schemes. Never has there been a better time to apply for Government grants with Covid 19 creating such economic uncertainty and the stimulus of regional economies being at the forefront of many minds at the Beehive.

As to Council's stream depletion concerns, I have discussed mitigation possibilities with my neighbours at Pakipaki who are large scale growers. We are prepared to look at providing supplementary water to the upper reaches of the Awanui Drain behind Raukawa to mitigate anxieties with respect to the stream drying up during drought and the maintenance of stream life. This alleviation, which will flow right to the Paki Paki township and beyond, should be able to be done regardless of the fact that the consultants report presented to Council with our consent application, demonstrated that our water wells were not causing any stream depletion on account of the more than adequate tight sealing layers identified and noted in bore logs at drilling.

Thankyou for the opportunity to present a submission. We look forward to speaking in relation to this dialogue in the forthcoming hearing.

Your sincerely

Peter Raikes

Awanui Station

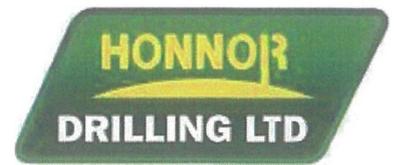
Etank Submission Panel – Points of Emphasis. 11/6/21

The following are points I particularly wish to speak to with respect to my submission.

- Plan needs balance, at present too much emphasis on factors that would favour dissenters that are against development and use of natural resources for various reasons. Plan needs to be enabling and constructive as well as protective of the environment. Care should be taken to ensure it is worded well in this regard.
- RMA being overhauled dramatically at present. How will that effect this plan? The RMA is rightly being rewritten because of too much restriction on development and the severe impediment it poses to the national and regional economies.
- Provisions for Maori cultural concerns. Wording needs changing from 'upheld' to 'considered in decision making'. This is of high importance. As it is written, it clearly provides for prejudicial outcomes.
- Wetland Construction and Riparian plantings along waterways. Example Peka Peka wetland, now causing problems and has increased the flood risk downstream substantially. Drainage Act 1908. Councils can be held liable for negligence. Refer to Northland scenario whereby Auckland Council was obliged to provide full adequate drainage for an Avocado orchard. Initially refused, but under legal pressure with respect to the Drainage Act, was forced to comply. Please could the panel take particular notice of these factors. I ask for HBRC lawyers to exhaustively assess the implications of the provisions of Drainage Act 1908 that provide for compensation to landowners due to negligence of local Councils. Also, the powers that the government has over regional authorities to make directions with respect to proper drainage. Also, will cite Dave Paku's concerns and frustrations re digger access to maintain drains etc. (Dave is manager of drainways maintenance for HBRC).
- Groundwater abstraction and water allocation. Explain process and cost of obtaining consents (45K plus). Present Document to Panel. Run through points notated in our submission. Expert evidence to be called i.e Mr Greg Honnor of Honnor Welldrillers.
- Practical solution available to resolve all concerns. Water storage with release to rivers during times of low flow. Apply to Govt for funding. Why penalise and put a handbrake on economic growth in the region when a practical sensible option exists to very substantially mitigate any perceived concerns regarding river depletion. Water pours out to sea during winter months, particularly in times of heavy inundation up country. Simply harvest that water in a series of dams beside the river and utilise it for the benefit of the people and the rivers in our area.

Peter and Caroline Raikes Landowners Awanui Station Paki Paki





11 June 2021

#145

Hawkes Bay Regional Council Tank Plan - Managing Ground Water Extraction

- Brief history of industry involvement
- Experiences in field and various regions
- Ensuring aquifer protection
- Exploration drilling programmes
- Aquifers located and new experiences
- Historical data – HBRC monitor wells in the region
- Well testing and resource proving – monitor well effects
- HBRC collaboration and communication
Good robust systems, guidance and industry collaboration required

Presentation By

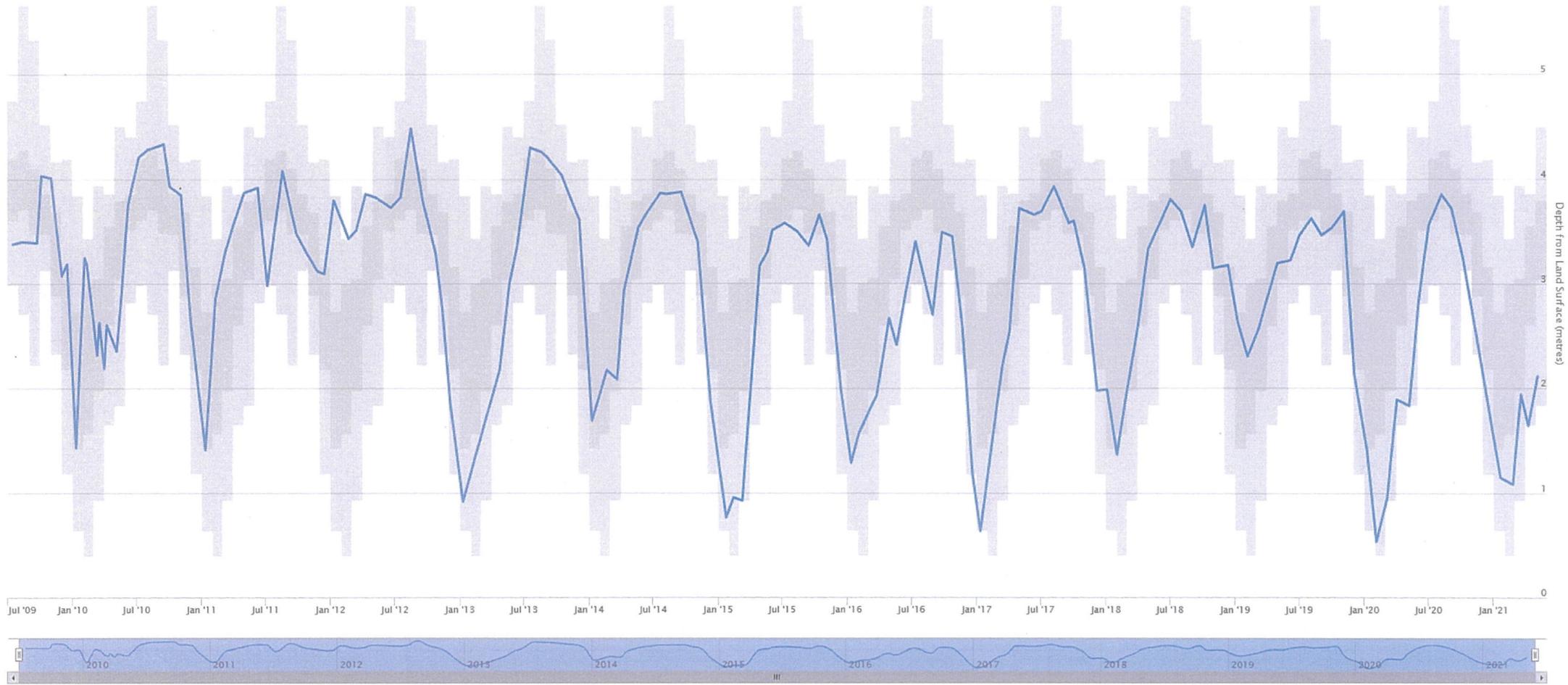
Greg Honnor
Technical Advisor
Honor Drilling Ltd



Groundwater Level for Well..1501
(well depth 26m)

Custom Date Range: 01-06-2009 to 30-06-2021

Zoom 6mth 1 year 5 years



— Groundwater Level (metres from land surface) ● High and Low Range ● Normal Range



IDENTIFICATION

WQ Site: 205
Easting: 1928676.519
Northing: 5608418.208
Method: Differential GPS

Address: 164 ORMOND RD, HASTINGS
 (L/C)

WELL INFORMATION

Drill date: 18/06/1984
Driller: Hill Well Drillers Ltd
Casing Diameter (mm): 200
Bore Depth (m): 30
Well Depth (m): 38
Screen top (m): 32

Screen bottom (m): 38
Open hole top (m):
Open hole bottom (m):

Water level access: Yes

Bore Consents

Consent Id WP080377Ta
Consent Type Ground-water consent
Use One Orchard
Use Two Irrigation & Frost

Aquifer Information

Initial Water Level 2
Aquifer Condition Flowing confined
Aquifer Lithology Unknown

Aquifer Test

Test Reliability Unreliable
Specific Capacity
Hydraulic Conductivity
Storativity
Transmissivity
Aquifer Thickness
Number Of Pumping Steps
Duration
Maximum Draw Down
Maximum Pumping Rate
Report Number
Bore No 1674

Bore Log (m)

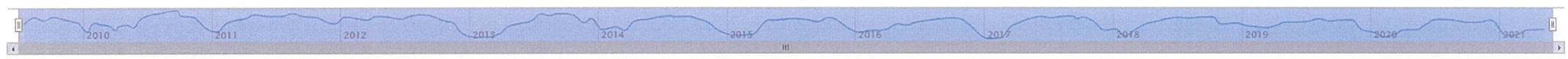
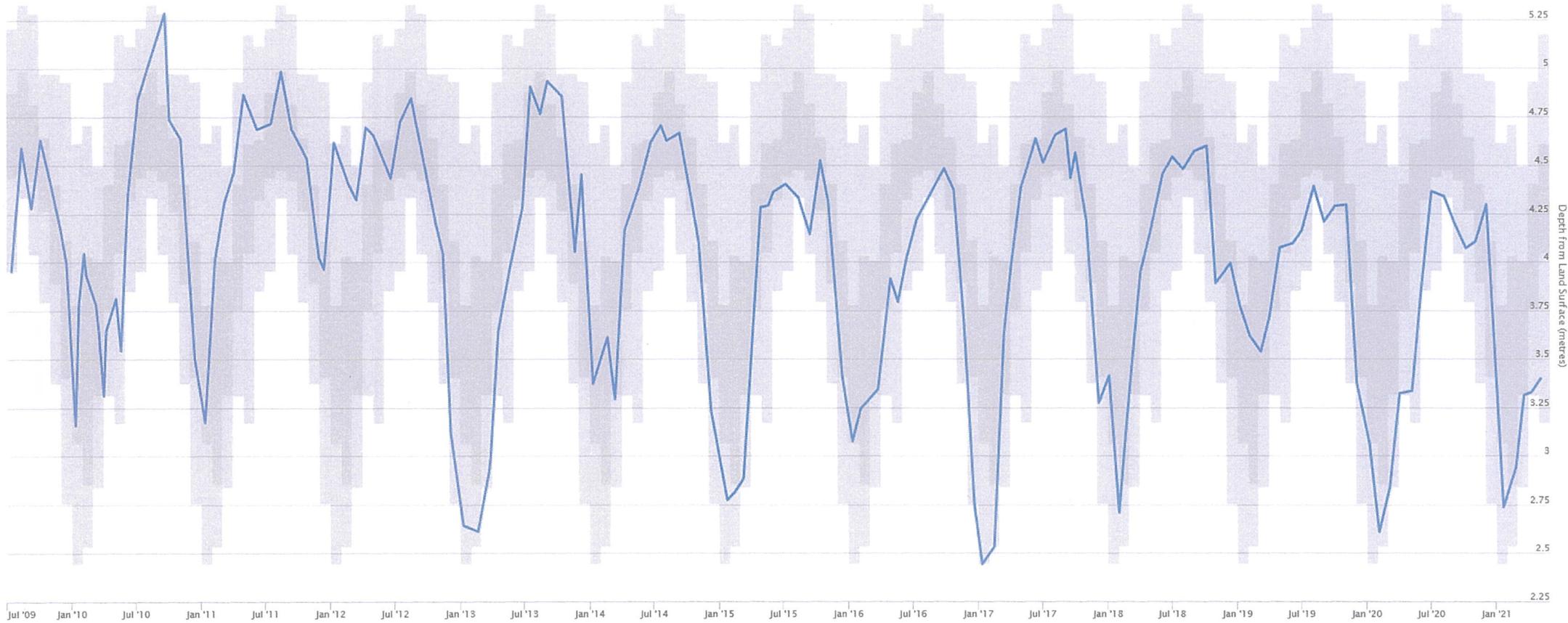
Lithology brown TOPSOIL with silt

From Depth	0
To Depth	3
Lithology	blue GRAVEL (water bearing, SWL -1m approx)
From Depth	3
To Depth	7
Lithology	brown CLAY with peat/veg/wood (gas emission)
From Depth	7
To Depth	11
Lithology	blue CLAY
From Depth	11
To Depth	13
Lithology	blue GRAVEL (positive head, smelly water.)
From Depth	13
To Depth	16
Lithology	blue/grey CLAY (soft)
From Depth	16
To Depth	20
Lithology	blue GRAVEL (SWL +2m)
From Depth	20
To Depth	24
Lithology	blue SAND with clay
From Depth	24
To Depth	25
Lithology	blue GRAVEL with sand
From Depth	25
To Depth	27
Lithology	blue GRAVEL with clay (clay in lumps)
From Depth	27
To Depth	29
Lithology	blue/brown CLAY with gravel (clay blue, gravel brown)
From Depth	29
To Depth	30

Groundwater Level for Well..1674
(well depth 38m)

Custom Date Range: 01-06-2009 to 30-06-2021

Zoom 6mth 1 year 5 years



— Groundwater Level (metres from land surface) ● High and Low Range ● Normal Range



IDENTIFICATION

WQ Site: 2617
Easting: 1934176.587
Northing: 5612200.59
Method: Hand-held GPS

Address: PO box 164, Blenheim 7240

WELL INFORMATION

Drill date: 27/06/1983
Driller: Hill Well Drillers Ltd
Casing Diameter (mm): 100
Bore Depth (m): 46
Well Depth (m): 47.77
Screen top (m): 47.77
Screen bottom (m): 49.77
Open hole top (m):
Open hole bottom (m):

Water level access: Yes

Bore Consents

Consent Id WP060035T
Consent Type Ground-water consent
Use One Vineyard
Use Two Irrigation

Aquifer Information

Initial Water Level 0
Aquifer Condition Flowing confined
Aquifer Lithology Unknown

Aquifer Test

Test Reliability Unreliable
Specific Capacity
Hydraulic Conductivity
Storativity
Transmissivity
Aquifer Thickness
Number Of Pumping Steps
Duration
Maximum Draw Down
Maximum Pumping Rate
Report Number
Bore No 1450

Bore Log (m)

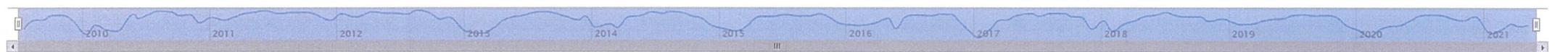
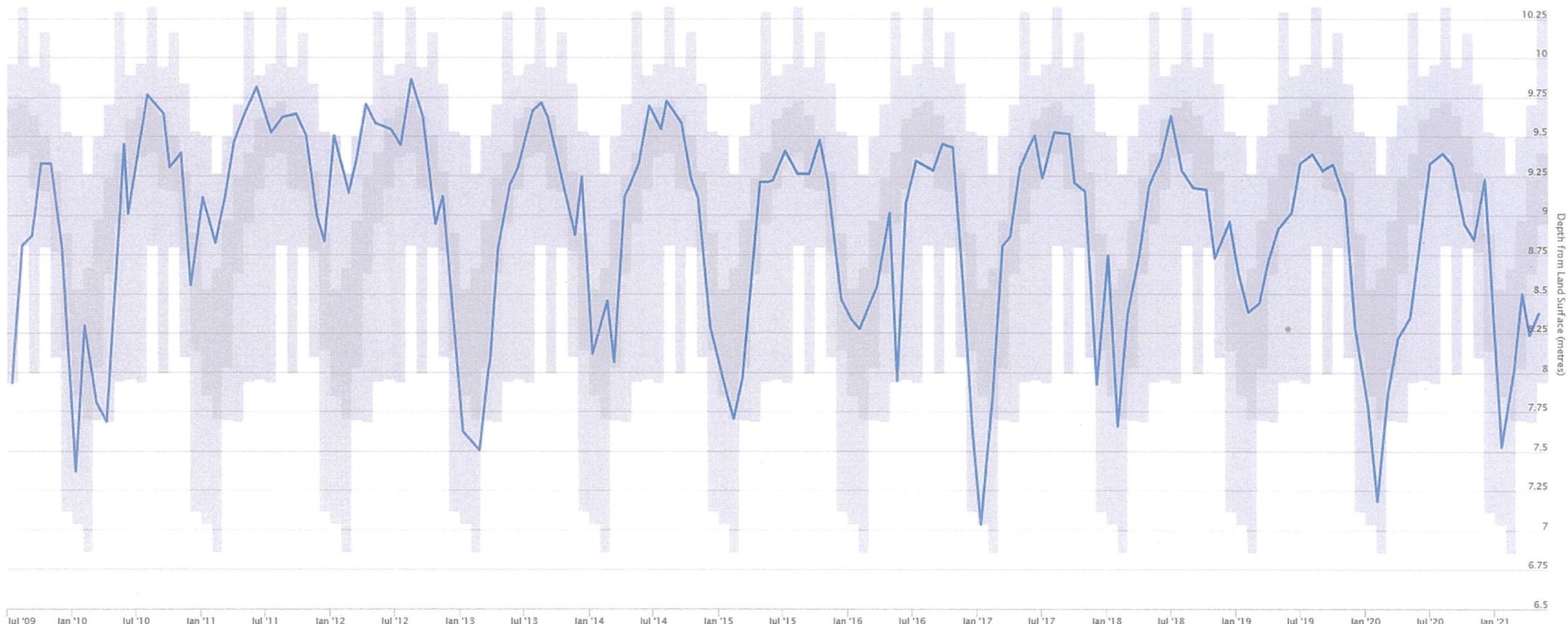
Lithology TOPSOIL with clay
From Depth 0

To Depth	8
Lithology	CLAY with peat/veg/wood (soft mud)
From Depth	8
To Depth	16
Lithology	blue SAND
From Depth	16
To Depth	26
Lithology	grey CLAY (mud)
From Depth	26
To Depth	29
Lithology	blue GRAVEL
From Depth	29
To Depth	29
Lithology	grey CLAY with sand (mud)
From Depth	29
To Depth	34
Lithology	PEAT/VEG/WOOD
From Depth	34
To Depth	35
Lithology	grey SAND with clay (mud)
From Depth	35
To Depth	44
Lithology	blue GRAVEL
From Depth	44
To Depth	46

Groundwater Level for Well..1450
(well depth 47m)

Custom Date Range: 01-06-2009 to 30-06-2021

Zoom 6mth 1 year 5 years



— Groundwater Level (metres from land surface) ● High and Low Range ● Normal Range



IDENTIFICATION

WQ Site: 753
Easting: 1936827.103
Northing: 5615560.791
Method: Differential GPS

Address: PRIVATE BAG 6010, NAPIER
 4142

WELL INFORMATION

Drill date: 14/09/1972
Driller: Boag & Hill Ltd
Casing Diameter (mm): 75
Bore Depth (m): 59.13
Well Depth (m): 59.13
Screen top (m): 57.3

Screen bottom (m): 59.13
Open hole top (m):
Open hole bottom (m):

Water level access: Yes

Aquifer Information

Initial Water Level
Aquifer Condition Confined
Aquifer Lithology Gravels

Aquifer Test

Test Reliability Unreliable
Specific Capacity
Hydraulic Conductivity
Storativity
Transmissivity
Aquifer Thickness
Number Of Pumping Steps
Duration
Maximum Draw Down
Maximum Pumping Rate
Report Number
Bore No 222

Bore Log (m)

Lithology GRAVEL
From Depth 0
To Depth 6

Lithology SAND with clay
From Depth 6
To Depth 17

Lithology fine GRAVEL
From Depth 17
To Depth 22

Lithology CLAY
From Depth 22
To Depth 35

Lithology SAND with clay
From Depth 35
To Depth 38

Lithology GRAVEL with sand
From Depth 38
To Depth 40

Lithology CLAY
From Depth 40
To Depth 43

Lithology GRAVEL with sand
From Depth 43
To Depth 44

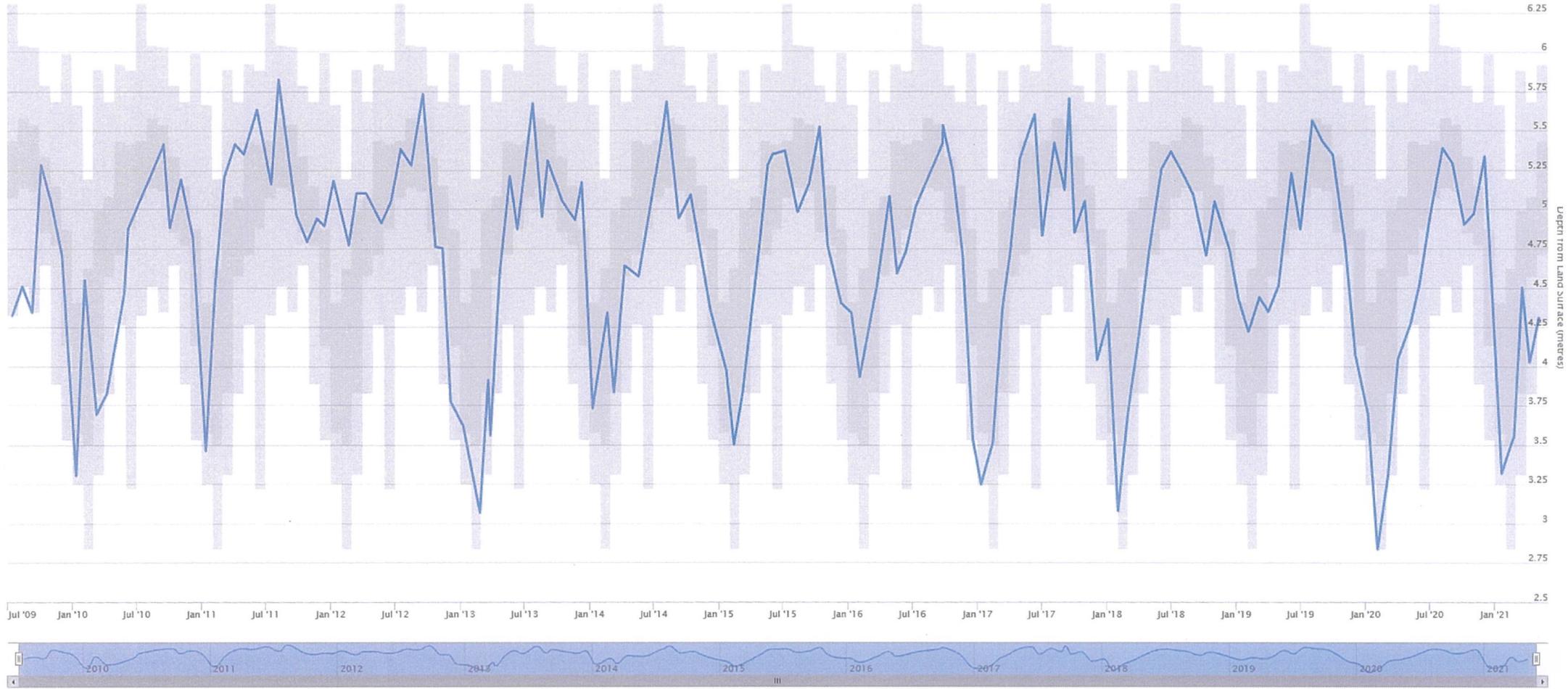
Lithology CLAY
From Depth 44
To Depth 54

Lithology
From Depth 54
To Depth 59

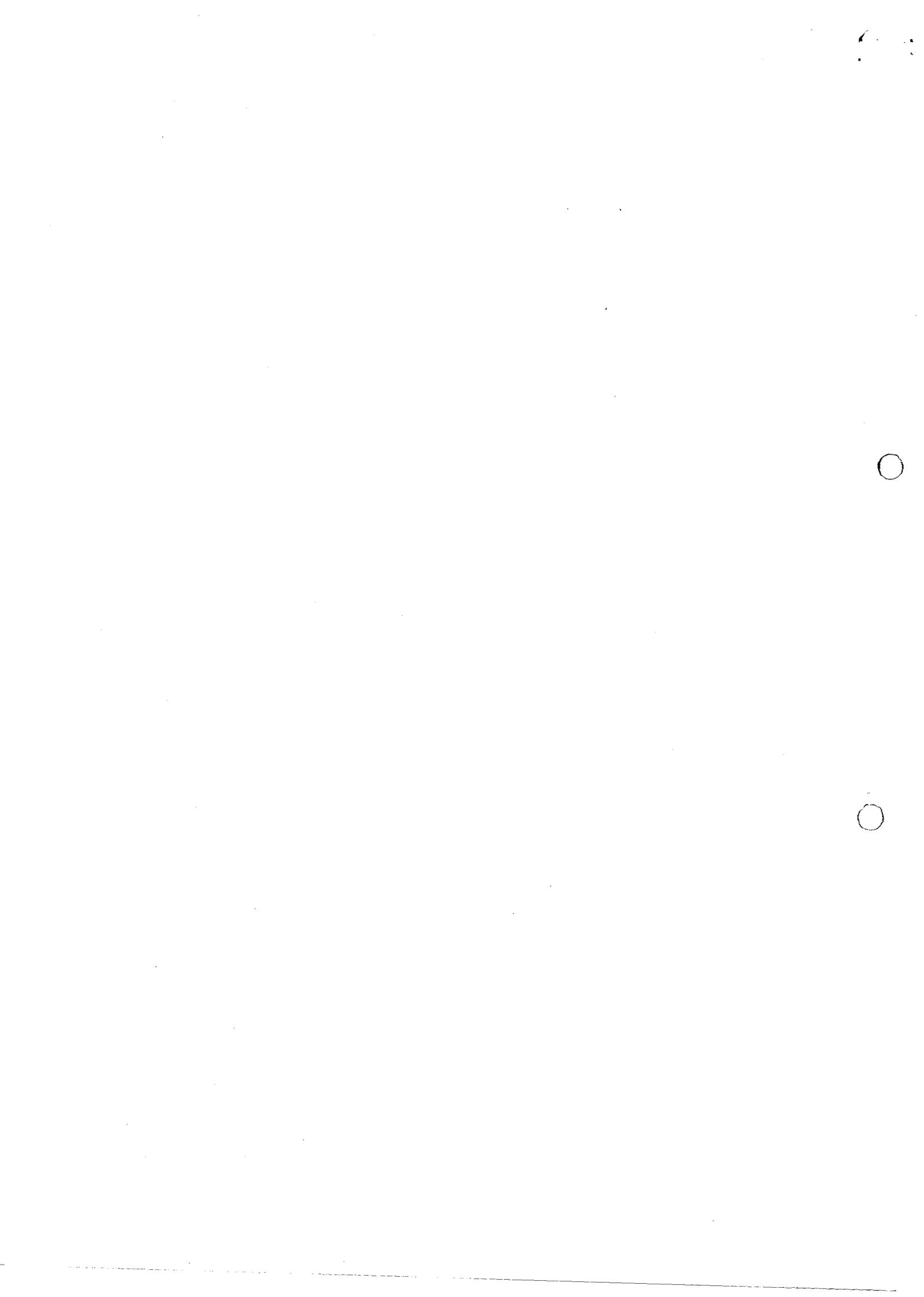
Groundwater Level for Well...222
(well depth 59m)

Custom Date Range: 01-06-2009 to 30-06-2021

Zoom 6mth 1 year 5 years



— Groundwater Level (metres from land surface) ● High and Low Range ● Normal Range



IDENTIFICATION

WQ Site: 375
Easting: 1922468.481
Northing: 5609566.231
Method: Differential GPS

Address: P O BOX 305, BLENHEIM

WELL INFORMATION

Drill date: 18/11/1974
Driller: Hill Well Drillers Ltd
Casing Diameter (mm): 150
Bore Depth (m): 13.2
Well Depth (m): 13.4
Screen top (m):
Screen bottom (m):
Open hole top (m):
Open hole bottom (m):

Water level access: Yes

Aquifer Information

Initial Water Level: 0
Aquifer Condition: Unconfined
Aquifer Lithology: Gravels

Aquifer Test

Test Reliability: Unreliable
Specific Capacity:
Hydraulic Conductivity:
Storativity:
Transmissivity:
Aquifer Thickness:
Number Of Pumping Steps:
Duration:
Maximum Draw Down:
Maximum Pumping Rate:
Report Number:
Bore No: 10371

Bore Log (m)

Lithology: GRAVEL
From Depth: 0
To Depth: 5

Lithology: blue/green SILT
From Depth: 5
To Depth: 6

Lithology: GRAVEL

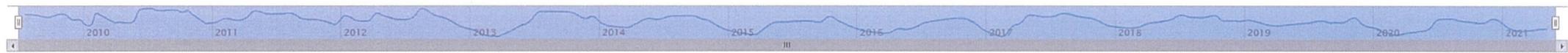
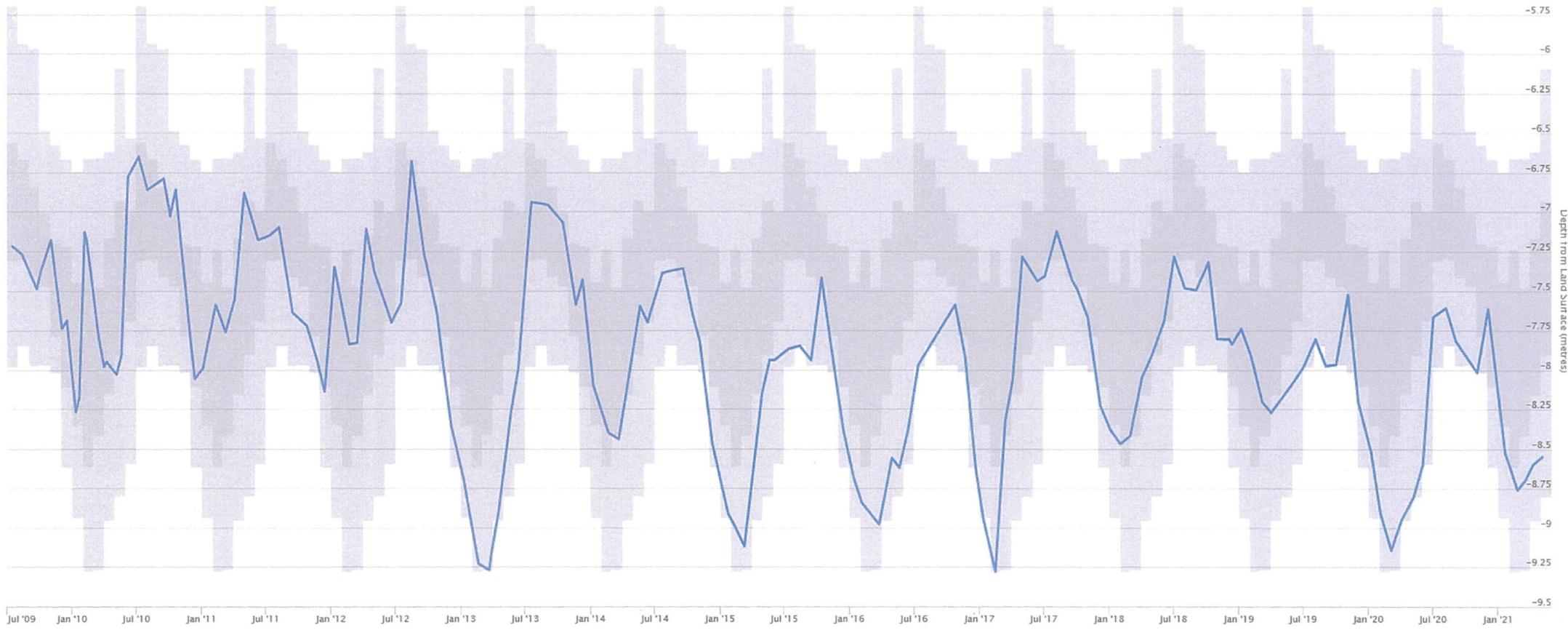
From Depth 6
To Depth 11

Lithology GRAVEL
From Depth 11
To Depth 13

Groundwater Level for Well.10371
(well depth 13m)

Custom Date Range: 01-06-2009 to 30-06-2021

Zoom 6mth 1 year 5 years



— Groundwater Level (metres from land surface) ● High and Low Range ● Normal Range

