

From: [Gavin Kemble](#)
To: [Mailroom Mailbox](#)
Cc: [Lisa Jenkins](#); [Andrew Barton](#)
Subject: Further Submission of Amuri Irrigation Limited
Date: Friday, 26 July 2019 1:35:48 PM
Attachments: [image001.png](#)
[T2018-191 GDK 260719 FurtherSubmission Final \(002\).pdf](#)

To whom it may concern,
Please find attached the further submission of Amuri Irrigation Limited to Plan Change 1 to the Hurunui & Waiau River Regional Plan.

Please confirm receipt of this email.

Kind regards,

Gavin



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**FURTHER SUBMISSION TO PROPOSED PLAN CHANGE 1 TO THE
HURUNUI & WAIAU RIVER REGIONAL PLAN**



TO:

Canterbury Regional Council
PO Box 345,
Christchurch 8140

BY E-MAIL:

mailroom@ecan.govt.nz

SUBMISSION TO:

Proposed Plan Change 1 to the
Hurunui and Waiau Rivers Regional
Plan

BY:

Amuri Irrigation Company Limited

ADDRESS FOR SERVICE:

Amuri Irrigation Company Limited
C/o Enspire Consulting Limited
PO Box 13009
TAURANGA 3143

Attention: Gavin Kemble

PHONE:

(0274) 377613 or (07) 571 8289

1.0 INTRODUCTION & PROCEDURAL CONFIRMATIONS

Introduction

Thank you for giving the Amuri Irrigation Company Limited (hereafter referred to as either 'Amuri', 'AIC' or 'the Company') the opportunity to lodge further submissions to the principal submissions that were lodged by others to proposed Plan Change 1 (hereafter referred to as 'PC1') to the Hurunui and Waiau River Regional Plan (hereafter referred to as 'the HWRRP').

Amuri lodged its principal submissions to PC1 on the 30th of May 2019. As is apparent from its principal submission, the Company has an interest in the various provisions and submission points that is greater than that of the general public.

Procedural Confirmations

Amuri wishes to be heard in support of its submissions and further submissions. If others make similar further submissions, Amuri would consider presenting a joint case with them at any hearing.

Amuri cannot gain an advantage in trade competition through these submissions.

Approach

Amuri's further submissions and the reasons for the same are set out within the following table, entitled 'Further Submissions to proposed PC1 to the HWRRP'. Please note that the Company's further submissions are addressed in the order that they are presented within the report prepared by the Canterbury Regional Council that is entitled '*Summary of Decisions Requested, Plan Change 1 to the Hurunui and Waiau River Regional Plan*'.

Signature:



Andrew Barton, for and on behalf of the Amuri Irrigation Company Limited

Date: 29th of July 2019

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C/o Enspire Consulting Limited
PO Box 13009
Tauranga 3143
Attention: Gavin Kemble

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E-mail: gavin@enspire.co.nz

2.0 FURTHER SUBMISSIONS TO PC1 to the HWRRP

Submitter ID Number ¹	Submitter's Name	Relevant Proposed Plan Change 1 Provision / Submission Point ²	Support / Oppose	Reasons	Relief Sought By Amuri
7	Rural Advocacy Network Jamie McFadden	Submission Point 7.2. The submission applies to the whole plan change. The submitter seeks the removal of the land use 10% provisions in their entirety.	Oppose	Given the manner in which this submission point is cast (it is very broadly cast) it is extremely difficult for Amuri to discern the changes that are sought to the specific provisions of the HWRRP. As a consequence, it is not possible for Amuri to accurately determine the impact of the proposed change on its operations and/or shareholders or to assess the resource management merits of the amendment that the submitter has sought. Amuri also questions if the proposed change is 'on the plan change' and thus if it is within scope of what can be considered by the CRC.	AIC seeks: That Submission Point 7.2 be rejected.
7	Rural Advocacy Network Jamie McFadden	Submission Point 7.4. The submission applies to the whole plan change. The submitter asks that Freshwater Management Units ('FMUs'), and their associated values and attributes be established so the issues can be properly quantified.	Oppose	Amuri supports the submitters suggestion that FMUs be established and notes that the requirement to do so arises from the National Policy Statement for Freshwater Management 2014 ('NPSFM'). AIC also notes, however, that the CRC has until the 31 st of December 2025 (and possibly to the 31 st of December 2030) to fully implement the policies that are set out within the NPSFM. PC1 is, however, a confined planning process that is seeking to enable land use change within the water quality thresholds that are set out within the HWRRP. AIC questions if the change sought is within the scope of PC1. The Company also is of the opinion that there has been insufficient public / stakeholder engagement and scientific assessment for the CRC to set FMUs for all of the water resources that are within the catchments regulated by the HWRRP. That is a matter better left for the full review of the HWRRP, which is to occur, AIC understands, in 2023.	AIC seeks: That Submission Point 7.4 be rejected.
15	Royal Forest & Bird Protection Society Nicky Snoyink	Submission Points 15.1 to 15.4 & 15.13. Four of these submissions points apply to the whole plan change. They seek, in summary that the CRC: 1. Clarify in the Section 32 Analysis which accompanies PC1, that some stakeholders prefer an alternative method for estimating the Nitrogen Load of Dryland Farmers in the Hurunui catchment (and hence the Nitrogen ('N') offset required to maintain or improve water quality) (Submission Point 15.1). 2. Apply a more precautionary estimated increase in in-river load in the Hurunui of 50 tonnes ('t') of N per year ('50t/N/yr') (Submission Point 15.2). 3. Apply a greater N offset in the Hurunui River to maintain or improve water quality (Submission Point 15.3).	Oppose Submission Points 15.1 to 15.4 Oppose (in part) Submission Point 15.13	The Submitter contends that alternative calculations (to those used by the CRC) would derive a much greater N loss from the activities that would be enabled by PC1. As a consequence, the Submitter has advanced a series of submission points seeking a greater N load offset (it seeks 50t/N/year of in-river load). The Submitter also incorrectly states that Amuri offered to forego 50t/N/yr of in-river load as part of a former Nutrient Working Group Process. Amuri has confidence in the scientific work that the CRC has completed to justify the N offset that is close to being agreed between the Council and the Company. As a consequence, it disagrees that a larger N offset is required. AIC records, for completeness that it is willing to offset up to 38t/N/yr of its existing N allocation (source load). Should PC1 require a larger offset, AIC will withdraw from its agreement with the CRC. Should that occur, and for the reasons set out in Amuri's principal submission, the	AIC seeks: That Submission Points 15.1 to 15.4 be rejected. That should the CRC be minded to grant the Submitter's requested additional 'Clause (e.)' to Rule 10.1 (as expressed in Submission Point 15.13), that the clause be redrafted so as to reflect the N allocation that the AIC has formally agreed to surrender (and which is recorded in the Company's agreement with the CRC).

¹ As identified in the report prepared by the Canterbury Regional Council ('the CRC' or 'the Council') that is entitled 'Summary of Decisions Requested, Plan Change 1 to the Hurunui and Waiau River Regional Plan'

² As also identified in the report prepared by the CRC that is entitled 'Summary of Decisions Requested, Plan Change 1 to the Hurunui and Waiau River Regional Plan'

		<p>4. Apply a more precautionary estimated increase in in-river load in the Hurunui of 50t/N/year (Submission Point 15.4).</p> <p>The fifth submission point (Submission Point 15.13) is related and seeks that Rule 10.1 of the HWRRP be amended to include a further clause (a new Clause (e.)) which reads:</p> <p>“e. That a precautionary equivalent in-river N load of 50 tonnes allocation has been legally transferred to offset the additional Nitrogen that may be discharged to water from increased low intensity dryland farming activities.”</p>		<p>appropriate recourse for the CRC would be for it to withdraw PC1.</p> <p>Amuri is concerned that the Submitter has not accurately portrayed its previous discussions within the nutrient working group when the Company offering to make up to 50t/N/yr of AIC's N allocation (source load) available to Dryland farmers; to enable that sector of the farming community to further develop their properties. That offer was made verbally and on a without prejudice basis and part of a broader conversation. It was never made formally (in writing) and was ultimately rejected by the dryland farmers. Since then Amuri has used a significant portion of that allocation for its own development and expansion, meaning that the 50t/N/yr (source load) is no longer available. Put another way, Amuri never offered to make 50t/N/year of source load available.</p> <p>Amuri agrees, for the reasons expressed in its principal submission, that PC1 should not be advanced if the CRC and the AIC have not formally agreed that the Company will surrender part of its N allocation. As a consequence, Amuri does not oppose the Submitters suggested additional 'Clause (e.)' to Rule 10.1. For the reasons set out in the preceding paragraphs, however, Amuri does not agree that it needs to surrender 50t/N/yr of in-river load. Indeed, it will not surrender more than the 38t/N/yr that has been agreed with the CRC.</p>	
16	<p>North Canterbury Province, Federated Farmers</p> <p>Dr Lionel Hume</p>	<p>Submission Point 16.19.</p> <p>The submission applies to the whole plan change.</p> <p>It asks the CRC to amend PC1 to include an allowance for small areas of irrigation, similar to the manner in which the operative Canterbury Land and Water Regional Plan provides for irrigation in Red Zones. This Submitter advises that these rules allow for existing irrigation up to 50ha, but for areas less than 50ha any increase in the irrigated area (assuming water is available) is limited to 10ha.</p>	Oppose	<p>While Amuri is not opposed to the proposed amendment in principle, it questions the impact of the modification that is sought. In this regard, can the proposed change be made without requiring the surrender of more nutrients from existing allocations, or without reductions being made to existing nutrient allocations via the consent review³ process? If this can be achieved, Amuri has no objection to the change that is advanced within Submission Point 16.19.</p> <p>Amuri would not support either a consent review to reduce its existing N allocation (for the reasons set out in its principal submission) or the surrender of any more nitrogen than specified in AIC's agreement with the CRC.</p> <p>As Submission Point 16.19 provides no scientific basis to support the proposed amendment to PC1, AIC is of the opinion that the relief sought should be declined.</p>	<p>AIC seeks:</p> <p>That Submission Point 16.19 be rejected.</p>
15	<p>Royal Forest & Bird Protection Society</p> <p>Nicky Snoyink</p>	<p>Submission point 15.8</p> <p>The submission applies to the CRC's Section 32 Analysis which supported the Plan Change.</p> <p>The Submitter asks that the CRC provide a more detailed analysis of the long term (rolling) average phosphorus ('P') load trend.</p>	Oppose	<p>The Submitter states that the CRC has underestimated the P load within the surface water courses. In this respect, the Submitter notes that the recent years of drought would have seen less than normal amounts of P discharged into the surface water courses and bodies, and goes on to contend that the CRC has not adequately taken this into account when considering the impact of PC1 on water quality.</p> <p>Amuri agrees that this a relevant theoretical consideration, and something that needs to have been addressed. Having raised the issue in its submission, it would have been useful for the submitter to present the independent scientific justification for its concern. Without this scientific justification, Amuri is of the opinion that no weight can be afforded to</p>	<p>AIC seeks:</p> <p>That Submission Point 15.8 be rejected.</p>

³ Undertaken in accordance with section 128 of the Resource Management Act 1991

				this submission point, and that it should be rejected.	
23	North Canterbury Fish and Game Scott Pearson	Submission Point 23.22 The submission applies to the CRC's Section 32 Analysis which supported the Plan Change. The Submitter asks that the CRC provide a more detailed analysis of the long term (rolling) average P load trend.	Oppose	The Submitter states that the CRC has underestimated the P load within the surface water courses. In this respect, the Submitter notes that the recent years of drought would have seen less than normal amounts of P discharged into the surface water courses and bodies, and goes on to contend that the CRC has not adequately taken this into account when considering the impact of PC1 on water quality. Amuri agrees that this a relevant theoretical consideration, and something that needs to have been addressed. Having raised the issue in its submission, it would have been useful for the submitter to present the independent scientific justification for its concern. Without this scientific justification, Amuri is of the opinion that no weight can be afforded to this submission point, and that it should be rejected.	AIC seeks: That Submission Point 23.22 be rejected.
22	Planetary Healing Foundation Peter Clarke	Submission Points 20.2 & 20.3 These two submission points apply to the whole plan change. They are generically cast, and in summary seek: 1. That PC1 be amended to stop all chemical fertiliser use immediately (Submission Point 20.2); and 2. Ensure Queens Chain riparian setbacks are enforced on all flowing waterways (Submission Point 20.3).	Oppose	Given the manner in which they have been drafted (both submission points are broadly cast) it is extremely difficult for Amuri to discern the precise changes that are sought to the provisions of the HWRRP from these two submission points. As a consequence, it is not possible for Amuri to determine the impact of the proposed changes on its operations and/or shareholders or to assess the resource management merits of the amendments that the submitter has sought. Amuri also questions if the two proposed changes are 'on the plan change' and thus within scope of what can be considered by the CRC.	AIC seeks: That Submission Points 20.2 and 20.3 be rejected.
23	North Canterbury Fish and Game Scott Pearson	Submission Points 23.1, 23.3, 23.6, 23.8 & 23.27. The first four of these submissions points apply to the whole plan change. They seek, in summary that the CRC: 1. Clarify in the Section 32 Analysis that accompanies PC1, that some stakeholders prefer an alternative method for estimating the Nitrogen Load of Dryland Farmers in the Hurunui catchment (and hence the N offset required to maintain or improve water quality) (Submission Point 23.1). 2. Apply a more precautionary estimated increase in in-river load in the Hurunui of 50t/N/yr (Submission Point 23.3). 3. Apply a greater N offset in the Hurunui River to maintain or improve water quality (Submission Point 23.6). 4. Apply a more precautionary estimated increase in in-river load in the Hurunui of 50t/N/year (Submission Point 23.8). The fifth submission point (Submission Point 23.27) is related and seeks that Rule 10.1 of the HWRRP be amended to include a further clause (a new Clause (e.)) which reads: "e. That a precautionary equivalent in-river N load of 50 tonnes allocation has been legally transferred to offset the additional Nitrogen that may be discharged to water from increased low intensity dryland farming activities."	Oppose Submission Points 23.1, 23.3, 23.6 & 23.8 Oppose (in part) Submission Point 23.27	The Submitter contends that alternative calculations (to those used by the CRC) would derive a much greater N loss from the activities that would be enabled by PC1. As a consequence, the Submitter has advanced a series of submission points seeking a greater N load offset (it seeks 50t/N/year of in-river load). The Submitter also incorrectly states that Amuri offered to forego 50t/N/yr of in-river load as part of a former Nutrient Working Group Process. Amuri has confidence in the scientific work that the CRC has completed to justify the N offset that is close to being agreed between the Council and the Company. As a consequence, it disagrees that a larger N offset is required. AIC records, for completeness that it is willing to offset up to 38t/N/yr of its existing N allocation (source load). Should PC1 require a larger offset, AIC will withdraw from its agreement with the CRC. Should that occur, and for the reasons set out in Amuri's principal submission, the appropriate recourse for the CRC would be for it to withdraw PC1. Amuri is concerned that the Submitter has not accurately portrayed its previous discussions within the nutrient working group when the Company offering to make up to 50t/N/yr of AIC's N allocation (source load) available to Dryland farmers; to enable that sector of the farming community to further develop their properties. That offer was made verbally and on a without prejudice basis and part of a broader conversation. It was never made formally (in writing) and was ultimately rejected by the dryland farmers. Since then Amuri has used a significant portion of that allocation for its own development and expansion, meaning that the 50t/N/yr (source load) is no longer available. Put	AIC seeks: That Submission Points 23.1, 23.3, 23.6 and 23.8 be rejected. That should the CRC be minded to grant the Submitter's requested additional 'Clause (e.)' to Rule 10.1 (as expressed in Submission Point 23.27), that the clause be redrafted so as to reflect the N allocation that the AIC has formally agreed to surrender (and which is recorded in the Company's agreement with the CRC).

				<p>another way, Amuri never offered to make 50t/N/year of source load available.</p> <p>Amuri agrees, for the reasons expressed in its principal submission, that PC1 should not be advanced if the CRC and the AIC have not formally agreed that the Company will surrender part of its N allocation. As a consequence, Amuri does not oppose the Submitters suggested additional 'Clause (e.)' to Rule 10.1. For the reasons set out in the preceding paragraphs, however, Amuri does not agree that it needs to surrender 50t/N/yr of in-river load. Indeed, it will not surrender more than the 38t/N/yr that has been agreed with the CRC.</p>	
15	<p>Royal Forest & Bird Protection Society</p> <p>Nicky Snoyink</p>	<p>Submission Point 15.12.</p> <p>The Submitter has asked the CRC to amend Policy 5.3C to read as follows (the proposed changes are highlighted in <i>bold italic</i> type):</p> <p><u>"To protect existing values, uses and the mauri of the Hurunui and Waiau Uwha Rivers and their tributaries <i>from nutrient and water overallocation</i>, while recognising the comparatively <i>small—lesser</i> contribution of dryland farming to in-river nutrient concentrations by <i>allowing for the continued operation of low intensity dryland farms without resource consent.</i>"</u></p>	<p>Oppose (in part)</p>	<p>Amuri does not oppose the proposed water quality related amendments to the text of Policy 5.3C. It is concerned, however, that the Submitter has sought to import water <u>quantity</u> considerations into a policy that was solely focussed on water quality.</p> <p>Policy 5.3C is to sit within section 2.5 of the HWRRP, which is focussed on the cumulative effects of land use on water quality. None of the other objectives or policies within this section of the HWRRP address water overallocation, which is, in effect, a water quantity consideration. While Amuri accepts that water quality and water quantity are intrinsically linked, it is inappropriate and ultra vires, in the Company's opinion, for a submitter to seek to broaden the scope of PC1 in the manner proposed. In that regard, Amuri's position is that water quantity considerations should be addressed within the parts of the HWRRP that have been prepared to specifically address them.</p>	<p>AIC seeks:</p> <p>That Submission Point 23.26 be rejected in part. In that regard, should the CRC be minded to grant the relief sought by the Submitter, Amuri requests that the proposed words '<i>and water overallocation</i>' not be incorporated into Policy 5.3C.</p>
23	<p>North Canterbury Fish and Game</p> <p>Scott Pearson</p>	<p>Submission Point 23.26.</p> <p>The Submitter has asked the CRC to amend Policy 5.3C to read as follows (the proposed changes are highlighted in <i>bold italic</i> type):</p> <p><u>"To protect existing values, uses and the mauri of the Hurunui and Waiau Uwha Rivers and their tributaries <i>from nutrient and water overallocation</i>, while recognising the comparatively <i>small—lesser</i> contribution of dryland farming to in-river nutrient concentrations by <i>allowing for the continued operation of low intensity dryland farms without resource consent.</i>"</u></p>	<p>Oppose (in part)</p>	<p>Amuri does not oppose the proposed water quality related amendments to the text of Policy 5.3C. It is concerned, however, that the Submitter has sought to import water <u>quantity</u> considerations into a policy that was solely focussed on water quality.</p> <p>Policy 5.3C is to sit within section 2.5 of the HWRRP, which is focussed on the cumulative effects of land use on water quality. None of the other objectives or policies within this section of the HWRRP address water overallocation, which is, in effect, a water quantity consideration. While Amuri accepts that water quality and water quantity are intrinsically linked, it is inappropriate and ultra vires, in the Company's opinion, for a submitter to seek to broaden the scope of PC1 in the manner proposed. In that regard, Amuri's position is that water quantity considerations should be addressed within the parts of the HWRRP that have been prepared to specifically address them.</p>	<p>AIC seeks:</p> <p>That Submission Point 23.26 be rejected in part. In that regard, should the CRC be minded to grant the relief sought by the Submitter, Amuri requests that the proposed words '<i>and water overallocation</i>' not be incorporated into Policy 5.3C.</p>
27	<p>Emu Plains Irrigation Incorporated</p> <p>Warren Keith Armstrong</p>	<p>Submission Points 27.1 to 27.4.</p> <p>These four submissions point apply to the generally to the rule framework that would be in place should PC1 be confirmed as it was publicly notified. They seek, in summary that the CRC:</p> <ol style="list-style-type: none"> 1. Grant the Plan Change only if it has confirmed that the combined cumulative effects of the increase in discharge of nutrients to the Waiau Uwha River by dryland farmers, consented discharges and discharges that have been applied for prior to notification of PC1, are acceptable (Submission Point 27.2). 	<p>Support</p>	<p>The Submitter has applied for a resource consent that, if approved, would see more nutrients discharged to the catchment of the Waiau Uwha River. That resource consent application has been advancing for a number of years.</p> <p>It would be inappropriate and contrary to the principle of natural justice for any decisions made on PC1 to fetter or frustrate the consideration of the Submitter's resource consent application on its merits.</p> <p>Further, it would be inappropriate for the CRC not to account for the expected nutrient discharges from the Submitter's proposal when it determines the nutrients that can be made available to the dryland</p>	<p>AIC seeks:</p> <p>That Submission Points 27.1 to 27.4 be accepted.</p>

		<p>2. If the combined cumulative effects of the increase in discharge of nutrients to the Waiau Uwha River by dryland farmers (as a consequence of PC1), consented discharges and discharges that have been applied for prior to notification of PC1 will result in an increased risk of periphyton growth then amend the PC1 so the scale of increase in dryland discharge is reduced to maintain periphyton growth within acceptable limits (Submission Point 27.3).</p> <p>3. If the relief sought at point 27.3 is not granted, then that the CRC withdraw PC1 in its entirety (Submission Point 27.4).</p> <p>4. Re-assess the cumulative effects of PC1 and known discharges to the Waiau Uwha River (Submission Point 27.1).</p>		<p>farmers via the changes being advanced in PC1. The Submitter has supplied details of its expected discharges to the CRC and has both determined and supplied the contribution that they are expected to make to the surface water courses / bodies in the catchment. As a consequence, this information is freely available to the Council and Amuri expects that it can be readily sourced and employed to complete the analysis that the Submitter has requested.</p> <p>Amuri also agrees with the Submitter that any N and P allocations set out within a resource consent should be factored into the nutrient accounting that is undertaken to determine the 'existing environment', from which the effects of plan changes, such as PC1, can be determined. This approach is robust and reflects both the body of existing caselaw and good planning / resource management practice. Any analysis that relies solely on measured N and / or P load in a water body / water course to establish the existing environment fails to account for authorised all of the authorised discharges that may occur (and which have been found to be environmentally acceptable by the CRC).</p>	
26	<p>Hurunui Landcare Group Incorporated</p> <p>Joshua Brown</p>	<p>Submission Point 26.1.</p> <p>The submission asks that Rule 10.1 be amended so that it makes provision for irrigation up to 50 hectares in area on properties. The Submitter also asks that provision for this change be made along the same lines as Plan Change 5 to the operative Canterbury Land and Water Regional Plan.</p>	Oppose	<p>While Amuri is not opposed to the proposed amendment in principle, it questions the impact of the modification that is sought. In this regard, can the proposed change be made without requiring the surrender of more nutrients from existing allocations, or without reductions being made to existing nutrient allocations via the consent review⁴ process? If this can be achieved, Amuri has no objection to the change that is advanced within Submission Point 16.19.</p> <p>Amuri would not support either a consent review to reduce its existing N allocation (for the reasons set out in its principal submission) or the surrender of more nutrients that is to be provided for in AIC's agreement with the CRC.</p> <p>As Submission Point 16.19 provides no scientific basis to support the proposed amendment to Rule 10.1, AIC is of the opinion that the relief sought should be declined.</p>	<p>AIC seeks:</p> <p>That Submission Point 26.1 be rejected.</p>

⁴ Undertaken in accordance with section 128 of the Resource Management Act 1991