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Subject: Submission on plan change 7 to the Canterbury LWRP by Larundel Dairy Partnership
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Attachments: [Submission on plan change 7 to the Canterbury LWRP by Larundel Dairy Partnership.pdf](#)

Good afternoon,

Please find **attached**, on behalf of Larundel Dairy Partnership (*Larundel*), submission on Plan Change 7 to the LWRP.

Kind regards,

BEN WILLIAMS
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**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR
PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To the Canterbury Regional Council

Name of submitter: Larundel Dairy Partnership (*Larundel*)

- 1 This is a submission on proposed Plan Change 7 (*PC7*) to the Canterbury Land and Water Regional Plan (*LWRP*).
- 2 Larundel could not gain an advantage in trade competition through this submission.
- 3 This submission includes:
 - 3.1 an overview of Larundel and its farming interests and operations;
 - 3.2 aspects of *PC7* that are of particular concern to Larundel; and
 - 3.3 the detailed relief sought by Larundel.
- 4 Larundel **does** wish to be heard in support of the submission.
- 5 Larundel would be willing to present its submission in a joint case with others making a similar submission at any hearing.
- 6 In this regard, Larundel also understands that Waimakariri Irrigation Limited has proposed an alternative *PC7* framework in its submission. Larundel supports and adopts that submission and the outcomes sought.

Signed for and on behalf of Larundel Dairy Partnership by its solicitors and authorised agents Chapman Tripp



Ben Williams

Partner

13 September 2019

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PART A - BACKGROUND

Larundel interests and operations

- 7 Larundel operates a 425 hectare dairy platform within a 625 hectare total operation on the border of West Eyreton and Swannanoa.
- 8 Under PC7, the majority of the property is located in Sub-area E of the Nitrate Priority Area, with a smaller portion located in Sub-area A. The property is irrigated using water from the Waimakariri River via the Waimakariri Irrigation Limited (*WIL*) scheme and from groundwater takes. Larundel holds 2,800 shares in WIL, authorising around 385 ha of irrigation with scheme water.
- 9 Larundel also holds the following relevant consents:
 - 9.1 CRC143843 to take and use groundwater for dairy shed purposes and irrigation;
 - 9.2 CRC022057 to take and use groundwater for irrigation of crops and pasture for grazing dairy cows and sheep; and
 - 9.3 CRC012481.2 to discharge dairy effluent onto land.
- 10 Approximately 463 hectares of the Larundel property is irrigated with Centre Pivot technology, but for small area of approximately 62 hectares that is irrigated using RotaRainers/Sprinklers where Centre Pivots cannot reach.
- 11 Larundel maintains a Farm Environment Plan and has consistently achieved a B+ audit. Larundel has been intentionally working towards achieving good management practice for 10 years and has invested approximately \$2 million in order to achieve it. This investment has included soil moisture monitoring, riparian planting and new technology to ensure it has modern efficient irrigation.
- 12 Ensuring the farming operation remains environmentally sustainable is a central priority for Larundel. At the same time, it is also its view that it is essential that farming in the Waimakariri District remains profitable to ensure that wider environmental initiatives can be implemented and continued.

PART B

Overview of key concerns with PC7

- 13 Larundel is committed to achieving better environmental outcomes and willing to work with the wider community to achieve them.
- 14 The key concerns for Larundel can be divided between nitrogen loss and groundwater allocation.

Nitrogen loss

- 15 While a 15 per cent reduction of nitrogen loss by 2030 will require further investment, Larundel is relatively confident that such a reduction is achievable while still ensuring that operations remain viable.

- 16 Based on its own experience, Larundel does not support the setting specific targets beyond 2030 at this time. Currently, a 30 per cent reduction requirement by 2040 would place extreme pressure on the business.
- 17 Larundel nevertheless appreciates that there may be a need for further reductions but it seeks that targets be set incrementally at the time of plan reviews as science and technology develops.
- 18 As noted, the Larundel operations are located mostly with Nitrogen Priority Sub-area E, with a smaller portion located in Sub-area A. The line between Sub-areas A and E cut across individual paddocks, so under the proposed regime nitrogen reductions at one end of a paddock stop at 30% in 2040, while at the other end of that same paddock reductions must continue under Table 8-9 to 90% by 2080.
- 19 Larundel understands that there is a high level of uncertainty over both the level of reductions that might be required and how they might be achieved in the long-term.
- 20 Changes must be realistic and based on accurate data to be achievable, and PC7 Section 8 does not in its view adequately address the high level of uncertainty that is apparent from the catchment modelling undertaken.

Groundwater

- 21 The Larundel property is also located in the fully allocated Eyre River Groundwater Allocation Zone and relies on groundwater for irrigation of pasture and crops and dairy shed operations. A number of the bores are relatively shallow. Larundel appreciates the need to consider groundwater in the overall PC7 package but also notes that if groundwater is more restricted then that is likely to place a greater reliance on WIL Scheme water. That in turn will reduce the availability of scheme water for alternative catchment interventions.
- 22 Accordingly, while Larundel does not disagree in principle with the proposals to cap current allocation, prohibit new abstraction and allow substitution of shallow groundwater takes for deep groundwater in over-allocated catchments, the policy and rule framework for groundwater take and use must be workable. Consent CRC143843 is due to expire in 2024, so it is essential for Larundel that the provisions in place for the renewal or replacement of that consent are clear and workable.

Modelling generally

- 23 Consistent with the comments set out above, Larundel is concerned as to the reliance on the modelling undertaken for the purposes of informing long-term reduction limits.
- 24 In the absence of robust input data, it appears highly likely that the modelled outcomes will change in the future. Larundel is also concerned that the model may have significantly overstated effects on some receiving environments.
- 25 To this extent, in some instances there already appears to be a material difference between actual available data and predicted modelled outcomes. Alleged groundwater flows out of the zone and to the south (towards Christchurch City) are

a good example of this – actual measured data on the south bank of the Waimakariri River and in greater Christchurch appears to demonstrate the significant impact of the Waimakariri River on providing good water quality to Christchurch (rather than flows or effects arising from farming activities to the north).

- 26 Larundel is supportive of further monitoring to ensure at subsequent plan reviews effects are much better understood. In the interim care should be taken to ensure that PC7 can be properly justified on the basis of section 32 of the Resource Management Act 1991 and does not unnecessarily restrict farming activities in circumstances where the need for long-term reductions will only become properly known at or even after the next plan review.

Part C

27 Larundel is seeking the following specific relief:

Provision	Comment	Support/Oppose
Policies 8.4.15 and 8.4.16	<p>Larundel is concerned to ensure that existing groundwater takes are protected. Larundel supports the reference made to takes affected by sections 124-124C of the RMA.</p> <p>Larundel is concerned that Policy 8.4.15 is too directive and it appears to 'penalise' those applicants who apply first (at least while the relevant water body remains over allocated) by requiring them to convert to deep groundwater. Those that apply later (at a time when the water body is no longer over allocated) will presumably fall outside the policy.</p> <p>It is Laundel's view that the minimum flow regime changes will be a sufficient and fairer incentive regime to promote any changes to deep groundwater.</p>	<p>Delete Policy 8.4.15.</p> <p>In the alternative, Larundel supports the protection of takes affected by sections 124-124C.</p>
Rules 8.5.12 to 8.5.16	<p>The distinction between Rule 8.5.12 and 8.5.14(1) and (3) in particular is unclear (as both refer to stream depleting groundwater takes). It could be that 8.5.12 is intended to only refer to those takes that have a direct high or moderate stream depletion effect whereas Rule 8.5.14 is intended to refer to other takes</p>	<p>Oppose.</p> <p>Delete or reword to make the operation of the rules clearer, including possibly combining Rules 8.5.12 and 8.5.14 to make it clearer as to how applications are to be approached.</p>

	<p>that have a stream depletion effect that is less than that stated in Rule 8.5.12 but again this is not clear.</p> <p>It also appears that an application that for example does not comply with Rule 8.5.14(1) will be a prohibited activity under Rule 8.5.16 even where the exceedance is less than minor.</p> <p>Larundel is also concerned that a number of the conditions in the rules are very specific. Given the wider environmental benefits that arise from (for example) conversion of surface water takes to groundwater, it may be reasonable to grant proposals that exceed ordinarily expected well interference effects. As drafted, such an application would be prohibited.</p>	<p>Change prohibited to non-complying.</p>
<p>Policy 8.4.23 (Efficient Use of Water)</p>	<p>As a WIL shareholder that also holds resource consents to take and use additional water for irrigation of areas not irrigated by WIL water, Larundel is concerned that the requirement for the WIL water to be used "<i>to the fullest extent possible</i>" may have unintended consequences.</p> <p>Larundel supports the efficient use of water, but does not consider that a requirement for scheme water to be prioritised in all cases is appropriate. In some instances, Scheme water might be better used for other catchment interventions.</p>	<p>Oppose in part.</p> <p>Amend Policy 8.4.23:</p> <p>8.4.23 Where a property is supplied with water by an irrigation scheme or principal water supplier, applications to take and use additional water are only granted where the applicant demonstrates that water supplied to the property by the irrigation scheme is being used efficiently and to the fullest extent possible.</p>

<p>Policy 8.4.24 (Efficient Use of Water)</p>	<p>Records of past water use are not a sound basis for considering what represents “<i>efficient water use</i>”. This is especially relevant when one option in the future may be using consented groundwater in place of scheme water to make scheme water available for environmental purposes/catchment interventions.</p>	<p>Oppose.</p>
<p>Policy 8.4.25 - 8.4.29 Rules 8.5.21 – 8.5.29 Table 8-9 (Nutrient Management Provisions)</p>	<p>The starting point for reductions is unclear. Baseline GMP Loss Rate in itself may require significant reductions over the existing farming operation.</p> <p>The reductions set out in Table 8-9 are not achievable and will have severe implications for farming. The focus of Table 8-9 on requiring reductions on farming alone is also not consistent with the wider community all working towards maintaining or improving water quality.</p>	<p>Oppose.</p> <p>Ensure the provisions and reduction regime takes into account the significant reductions that may be required even to reach Baseline GMP Loss Rate (or alternatively, delete the references to “Baseline GMP Loss Rate” and replace with “Good Management Practice” or such other definition that accurately assigns a load to reflect current on farm good management practice).</p> <p>Delete the requirement for reductions in Table 8-9 after 1 January 2030 (or 1 January 2040 if it can be demonstrated as a part of any hearing process that the extent of reductions required is achievable and reasonable on a catchment basis). Table 8-9 should also not differentiate between Sub-areas – especially at this time when the modelling is sufficiently uncertain to support the approach set out.</p> <p>Include a new policy that (consistent with the general approach of Hinds Plains/section 13) that anticipates the community working towards an overall</p>

		groundwater nitrate-nitrogen concentration of 6.9 mg/L (see next submission point).
New Policy	<p>There is currently no clear policy in Section 8 tying the outcomes sought with the actions required. The modelled reductions themselves should not be the 'measure of success'.</p> <p>In the absence of such a policy (and having farming controlled only be the reductions – regardless of the effectiveness of other measures), there is a much greater risk that it will discourage (for example) investment in catchment interventions and new technologies.</p>	<p>New Policy:</p> <p>8.4.25A</p> <p>Improve water quality in the Waimakariri Nitrate Priority Area to achieve the target nitrate toxicity levels set out in Table 8-5 for Hill-fed Lower and Spring-fed Plains surface water bodies, and an annual average groundwater nitrate-nitrogen concentration of 6.9 mg/L by:</p> <p>(a) reducing the discharge of nitrogen from farming activities in fulfilment of Table 8-9 [As amended elsewhere in this submission]; and</p> <p>(b) implementing Managed Aquifer Recharge and Targeted Stream Augmentation; and</p> <p>(c) undertaking monitoring and review in fulfilment of Policy 8.4.35</p>
Policies 8.4.19 – 8.4.21 Rules 8.5.18 – 8.5.20 (Targeted Stream Augmentation)	Enabling Targeted Stream Augmentation is an essential part of ensuring environmental outcomes are met (and allowing farming to continue).	Support.
Policy 8.4.23	In some instances it may be preferable if shareholders retain deep groundwater takes rather than having additional surface water taken from the WIL Scheme. This will make more Scheme water available for managed	Oppose.

	aquifer recharge and targeted stream augmentation.	
Policy 8.4.25 (and associated note on Table 8-9)	Larundel is supportive of the proviso in Policy 8.4.25 such that no further reductions will be required when the individual property reduction is less than 3kg of nitrogen per hectare for dairy and 1 kg for other farming activities.	Support.
Policy 8.4.35	The proposal to provide monitoring reports is supported but the policy could be expanded out to also anticipate reports on the investigation of influences on nitrate-nitrogen levels.	Support with amendment (noting this could also be combined in the alternative with existing para (c)): ... <u>(e) the results of any investigations into the impact on ground and/or surface water nitrate-nitrogen levels, and how these can be mitigated.</u>
Policies 8.4.36 – 8.4.37	Common expiry dates for resource consents are supported in principle, however the common expiry for all consents should ensure that renewals do not unnecessarily need to occur in short timeframes. Renewing resource consents is expensive, time consuming, and poses significant uncertainty for farming decisions and investments. If (for example) a consent holder renews or applies for a land use consent in 2024, and it is granted for a ten year duration, it appears that as worded the consent will need to be renewed twice within three years at 2034 and 2037 –	Oppose in part Amend Policy 8.4.36 so as to avoid having to renew consents in short timeframes – especially in the case of renewals. This could be achieved by amending (d) to be an exception to all of (a) to (c): ... (c) ... <u>provided that for any resource consent that replaces an existing water permit or land use consent that expires on or after 1 July 2030 and that is affected by the provisions of section 124-124C of the RMA, shall be granted with an expiry date of 1 July 2047.</u>

	<p>given that it is only water permits that fall within the exception provided for by 8.4.36(d).</p> <p>If the plan is to specify a common expiry it should make it clear that the exception provided for in 8.4.36 (d) applies to all permits/consents.</p>	(Or similar relief that addresses concerns.)
<p>Policies 4.99 – 4.100 Rules 5.191 – 5.193 (+ Schedule 32) (Managed Aquifer recharge)</p>	<p>Enabling Managed Aquifer Recharge is an essential part of ensuring environmental outcomes are met (and allowing farming to continue).</p>	Support.
<p>Policy 8.4.35 (Monitoring and Review)</p>	<p>Future monitoring to inform more robust decision making processes in the future is essential.</p>	Support.
<p>Waimakariri section 8 including definitions of <i>Nitrate Priority Sub-area</i> and planning maps</p>	<p>Consistent with the changes sought in respect of Table 8-9, the planning maps and wider section 8 should not differentiate between areas. For the life of this plan any reductions should be applied equally, which will provide a much greater incentive for the wider community to address nutrient issues on a collective basis.</p>	<p>Oppose.</p> <p>Delete Sub-areas from Section 8 and associated planning maps.</p>