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Subject: Submission on plan change 7 to the Canterbury LWRP by Ashburton Lyndhurst Irrigation Limited
Date: Friday, 13 September 2019 3:01:32 PM
Attachments: [Submission on plan change 7 to the Canterbury LWRP by Ashburton Lyndhurst Irrigation Limited.pdf](#)

Good afternoon,

Please find **attached**, on behalf of Ashburton Lyndhurst Irrigation Limited (*ALIL*) submission on Plan Change 7 to the LWRP.

Kind regards,

BEN WILLIAMS
PARTNER

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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: Ashburton Lyndhurst Irrigation Limited (*ALIL*)

- 1 This is a submission on plan change 7 (*PC7*) to the operative Canterbury Land & Water Regional Plan (*LWRP*).
- 2 *ALIL* could not gain an advantage in trade competition through this submission.
- 3 This submission is divided into two parts:
 - 3.1 **Part A** – provides a brief overview of *ALIL*; and
 - 3.2 **Part B** – sets out the detailed relief sought by *ALIL*.
- 4 *ALIL* seeks the relief set out (including such other additional, alternative or consequential relief as may be necessary to give effect to the changes sought).
- 5 *ALIL* wishes to be heard in support of the submission.

Signed for and on behalf of Ashburton Lyndhurst Irrigation Limited by its solicitors and authorised agents Chapman Tripp



Ben Williams
Partner
13 September 2019

Address for service of submitter:

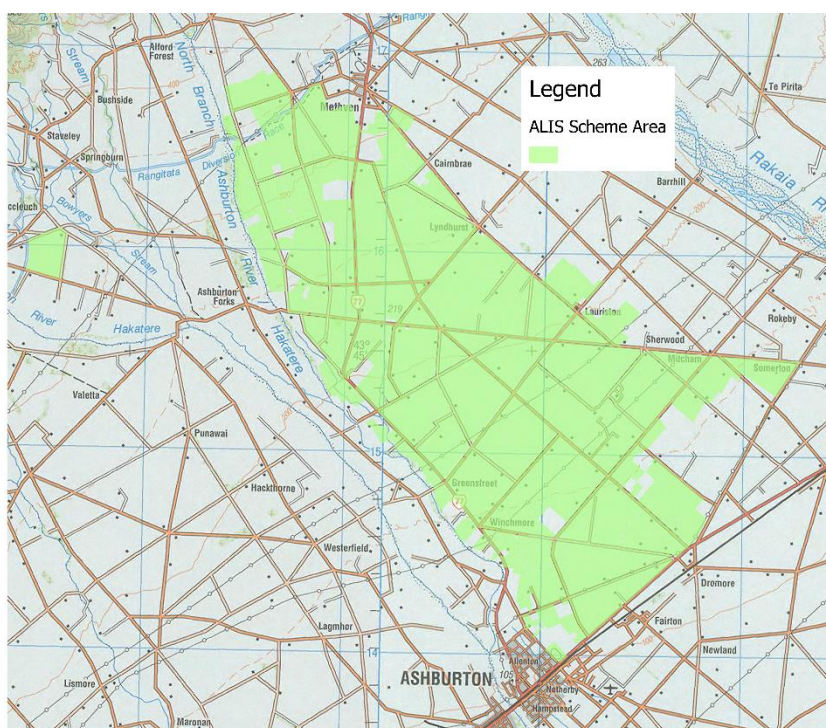
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Part A

Overview

- 1 ALIL is the irrigation scheme that receives water from the Rangitata Diversion Race (RDR) and distributes its water through a network of pipelines to shareholder members who collectively farm close to 30,000 hectares.
- 2 The company's scheme area is much larger and is generally located between the northern bank of the north branch of the Ashburton River in the south and the Rakaia River in the North. A plan showing the location of the scheme is set out in Figure 1.

Figure 1: Ashburton Lyndhurst Irrigation Scheme (also showing other irrigation in the area)



- 3 Irrigation is authorised under two core consents:
 - 3.1 CRC183850 – to take and use water from the RDR, noting that the original take of water from the Rangitata and Ashburton Rivers is authorised under separate consents held by Rangitata Diversion Race Management Limited; and
 - 3.2 CRC183851 – to discharge contaminants associated with the ALIL and MHV Water Limited irrigation schemes.
- 4 Both consents are currently held jointly with MHV Water Limited (the other major irrigation scheme taking water from the RDR). Resource consent CRC183850

expires on 31 January 2041. Resource consent CRC183851 is currently operating under section 124. It is envisaged that on renewal of CRC183851, ALIL and MHV Water Limited will hold their own separate consents in respect of their respective command areas.

- 5 ALIL has a number of initiatives around good management practice in place and in recent years has undertaken extensive upgrades in scheme distribution infrastructure (going from an open race to a pressurised pipe scheme). ALIL is anticipating meeting the LWRP requirements around good management practice by 1 July 2020.
- 6 Given that it is outside of the specific sub-regions addressed by PC7, ALIL has a narrower interest in the changes proposed.

Part B

Specific changes sought

#	Provision	Comment (including support/oppose)	Relief sought
1.	<p>Definition: <i>Managed Aquifer Recharge</i></p> <p>Policies 4.99 & 4.100</p> <p>Rules 5.191- 5.193</p> <p>Schedule 32</p>	<p>Support (with amendment)</p> <p>ALIL supports provision being made for managed aquifer recharge but notes that in many cases proposals will also include aspects that might result in the more direct recharge/augmentation of surface water bodies.</p> <p>As proposed there is effectively a disconnect between the managed aquifer recharge provisions which are to be managed on a region-wide basis and targeted stream augmentation provisions which may vary between sub-regional sections of the plan (noting that the reasons for any differences appear to be tied to drafting rather than differing substantive outcomes).</p> <p>In practice many managed aquifer recharge proposals will have the effect of improving stream flows and/or might relate to directly recharging surface water bodies on the basis that water will be lost to ground. Given that the provisions already address the effects and benefits on hydraulically connected surface water bodies all relevant considerations are already listed in the provisions.</p> <p>Ensuring the provisions are able to have regard to effects and benefits on an integrated basis will assist in plan implementation.</p>	<p>Amend Managed Aquifer Recharge Provisions by :</p> <ol style="list-style-type: none"> 1. include reference to “<i>surface water and</i>” in the list of environments for which improvement is sought (e.g. Policy 4.99: “<i>Improve the quality and/or quantity of <u>surface water</u>, groundwater, and <u>including any hydraulically connected surface water...</u>”); and</i> 2. all references to “<i>Managed Aquifer Recharge</i>” to include “<u>.. and Targeted Stream Augmentation</u>”
2.	Definitions –	Oppose (with amendment)	Support the advice note to Rule 5.62

#	Provision	Comment (including support/oppose)	Relief sought
	<p><i>Baseline commercial vegetable growing area</i></p> <p><i>Commercial vegetable growing operation</i></p> <p>Policy 4.36A</p> <p>Rules 5.42CA – CD</p> <p>Advice note 3 to Rule 5.62</p>	<p>On the basis that the suggested amendments to the advice note 3 to Rule 5.62 are adopted, then these provisions will not have any direct application to ALIL. ALIL is however still provide a reference point or context as to how activities within the ALIL Irrigation Scheme may be managed and/or how the Regional Council may approach the conditions on resource consents for irrigations schemes.</p> <p>It is ALIL’s view that the permitted activity threshold set out in Rule 5.42CA is very low. ALIL currently manages all activities within its scheme on the basis (as per, for example, Rules 5.43 and 5.53 of the LWRP) that anything under 10 hectares is effectively permitted.</p> <p>In the case of ALIL, there would only be negligible environmental benefit that will arise from further restricting commercial vegetable growing operations. Any site specific factors should be addressed through the Farm Environment Plan process.</p> <p>ALIL continues to seek flexibility as to where farming activities occur within its scheme, especially on smaller blocks less than 10 hectares, provided the aggregated nitrogen loss load as it applies to larger properties is not exceeded.</p>	<p>Change the permitted activity threshold in Rule 5.42CA to 10 hectares.</p> <p>Ensure that such commercial vegetable growing operations have flexibility and are (at worst) restricted only by their nitrogen baseline.</p>
3.	Policy 4.103	<p>Oppose (with amendment)</p> <p>ALIL has no issue with the intent of this policy but notes that what exactly is meant by “<i>format suitable for automated upload to the Council’s water quality database software</i>” is not clear and will presumably change in the future. This includes whether the software used by the Council is accessible to other users.</p>	<p>Amend Policy 4.103</p> <p>... submitted to the Canterbury Regional Council and where practicable in a commonly used format suitable for automated upload to the Council’s water quality database software</p>

#	Provision	Comment (including support/oppose)	Relief sought
4.	Schedule 7	Support ALIL supports the amendments relating to a plan being prepared in relation to a property or " <i>land</i> "	Adopt amendment re " <i>land</i> ".