

TABLED AT HEARING

Date 16/10/2009

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of resource consent applications made by
VARIOUS PARTIES to the
CANTERBURY REGIONAL COUNCIL
associated with the irrigation of properties
within the Upper Waitaki Catchment.

SUPPLEMENTARY STATEMENT OF EVIDENCE

JOHN KYLE

**ON BEHALF OF SOUTHDOWN HOLDINGS LIMITED, WILLIAMSON HOLDINGS LIMITED, FIVE
RIVERS LIMITED AND KILLERMONT STATION LIMITED**

(15 OCTOBER 2009)

INTRODUCTION

1. My name is John Kyle. My qualifications and experience have been set out in my Evidence in Chief.
2. I understand that the panel expressed an interest in those applications that have been filed by the applicants but have yet to "catch up" with the applications being considered here. The following table outlines the resource consent applications in question.

Activity	Description	Activity Status and Rules	Comment
Ohau Downs			
Fertiliser and agrichemical application Application lodged: 6 August 2009	The application of agrichemicals and fertiliser to pasture land and crops – ground and air based application to be used where deemed appropriate. No requirement to apply agrichemicals or fertiliser to waterways, and measures will be adopted to avoid such areas.	Certificate of Compliance applied for, but ECan Officer recommending that it be declined. Applicable rules: WQL 16 and 17 of Chapter 4: Water Quality (NRRP), AQL 71 and 72 of Chapter 3: Air Quality (NRRP).	The ECan Officer maintains that a Certificate of Compliance cannot be issued by virtue of s15(1) of the Act, relating to discharges to the environment. As the Transitional Regional Plan does not expressly provide for the application of agrichemicals and fertiliser the ECan Officer will not issue the Certificate of Compliance.
Effluent disposal Application lodged: 26 August 2009	Permits to discharge an average of 378,000 litres per day of undiluted dairy cow effluent (solid and liquid) on to land by spray irrigation and the consequent discharge of contaminants to air. Consents are also required for	Resource consent required for a Discretionary Activity, ECan has halted processing this application citing s91 of the Act. Applicable rules: WQL 26, 40, 57 and 59 of Chapter 4: Water Quality (NRRP), AQL 62 of Chapter 3: Air	A s92 request for further information was made by ECan (9 September 2009) and this has been responded to by the Applicant (9 September 2009). However, ECan will not proceed with processing this application stating that an additional consent is necessary for air discharges associated with 'intensive farming'. The Applicant disagrees with this requirement on the basis that the NRRP definition of 'intensive

	stockholding pads and excavation to establish the dairy units and sewage holding ponds.	Quality (NRRP).	farming' does not capture the proposed activity.
Proposed water intake structure in Lake Ohau Application lodged: 24 July 2009	Placement of a gallery intake structure under the bed of Lake Ohau, including excavation of the bed to establish the gallery.	Resource consent required for a Discretionary Activity Applicable rules: s13 and s77(c) of the Act, as NRRP Rule BLR2 of Chapter 6: Beds and Margins of Lakes and Rivers is not yet operative.	A s92 request for further information was made by ECan (7 September 2009) and this has been responded to by the Applicant (18 September 2009). Now awaiting on response from the Council Officer and subsequent notification of the consent application as requested.
Glen Eyrie Downs			
Crop production Application lodged: 25 August 2009	Arable crop production on the subject property, though more specifically: 150ha of wheat, 471ha of barley and 616ha of canola.	Certificate of Compliance Applicable rules: WQL 16 and 17 of Chapter 4: Water Quality, AQL 71 and 72 of Chapter 3: Air Quality, and BLR 7 of Chapter 6: Beds and Margins of Lakes and Rivers (all from the NRRP).	The ECan Officer maintains that a Certificate of Compliance cannot be issued as any activity within Zone 1B that may result in contaminants entering groundwater or surface water is a non-complying activity. The Applicant disagrees with the interpretation by the ECan Officer that such crop production will result in contaminants entering ground or surface water.
Fertiliser and agrichemical application Application lodged: 6 August 2009	As above for Ohau Downs	As above for Ohau Downs	As above for Ohau Downs

Effluent disposal Application lodged: 24 July 2009	As above for Ohau Downs	As above for Ohau Downs	As above for Ohau Downs s92 request made: 19 August 2009 s92 response by applicant: 28 August 2009
Killermont (SHL)			
Fertiliser and agricultural application Application lodged: 6 August 2009	As above for Ohau Downs	As above for Ohau Downs	As above for Ohau Downs
Effluent disposal Application lodged: 24 July 2009	As above for Ohau Downs, but only for 208,000 litres per day of undiluted dairy cow effluent (solid and liquid).	As above for Ohau Downs	As above for Ohau Downs s92 request made: 14 August 2009 s92 response by applicant: 27 August 2009

3. As will be evident from the aforementioned table, the activities for which the various consents are sought relate to the implementation of various farming options across the properties. All of the consents are in some way associated with the intensification of farming. This intensification is reliant upon the applicants first obtaining consent to abstract water in the manner proposed. Without that water it is highly likely that all applicants will not pursue the various consents in question. As such these consents can be viewed as being secondary, and in my view there is no need to have these matters considered now as is suggested by some of the submitters.
4. The focus for this enquiry, as I understand it, relates to the proposed water based consents to abstract and use water for irrigation purposes. In my assessment, the information accompanying these applications is sufficiently robust to enable a full assessment of all the relevant effects to be carried out.

J KYLE

15 OCTOBER 2009