

**PROPOSED LAND AND WATER REGIONAL PLAN  
EVIDENCE OF DIANE SHELANDER FOR THE CHRISTCHURCH CITY COUNCIL**

**SECTIONS 1, 2, 3, 4, 5, 7 and 11, and  
Schedules 7 and 8**

**Subsections 1.2.1, 2.6 and 2.10; and  
Objective 3.23; and  
Policies 4.28, 4.29, 4.31, 4.33, 4.34,  
4.51, 4.69 and 4.76; and  
Rules 5.31, 5.43, 5.44, 5.45, 5.47, 5.49  
and 5.69**

**1.0 INTRODUCTION**

1.1 My name is Diane Shelander. I am employed as a Senior Policy Analyst in the Natural Environment and Heritage Unit of Christchurch City Council. I earned a Master of Public Health degree with an emphasis in occupational health, safety and environmental management from Tulane University in the United States. I am a full member of the Environment Institute of Australia and New Zealand. I have over nine years of professional experience in New Zealand local government as a senior resource planner and as a senior policy analyst with Christchurch City Council, and I have more than fifteen years of experience in environmental management and compliance with public and private sector organisations in the United States.

1.2 This evidence is on the submission by the Christchurch City Council (Council) and comprises evidence supporting the Council submissions in relation to Sections 1, 2, 3, 4, 5, 7 and 11, and schedules 7 and 8 of the proposed Land and Water Regional Plan (the Plan).

1.3 My evidence incorporates matters that are being considered in Hearing Group 1 as well as Hearing Groups 2 and 3. This evidence addresses recommendations made in the Section 42A Report Volume 1 (s. 42A report) that apply to matters under consideration for Hearing Group 1.

1.4 I confirm that I have read and agreed to comply with the Code of Conduct for expert witnesses (Environment Court Consolidated Practice Note 2006 and its November 2011 amendment). This evidence is within my area of expertise, except where I state that I am relying on facts or information provided by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

1.5 The following two tables summarise the issues that will be covered in this evidence. Table 1 lists matters being considered in Hearing Group 1, while Table 2 lists matters that will be considered in Hearing Groups 2 and 3.

Table 1. Hearing Group 1 Matters

Paragraph number in this evidence	Submission details		Page(s) in s. 42A report	s. 42A report recommendation (accept/reject)	Council position on s. 42A report recommendation (support/oppose)
	Submission number	Section			
3	106.1 and 106.27	2.6, 3.23, 4.69	76, 98, 243	Not addressed	Amendment sought - Clarification with respect to the usage of "good" practice and "best" practice
4	106.20 and 106.21	2.10 and 2.16	Not addressed	Not addressed	Amendment sought – clarification of meaning of "MALF:"
5	106.51  106.67	4.76 *  5.69	250-251  185-186	accepted "at this stage" (R4.76)  accepted pending outcome from Hearing Group 2 (R5.69)	Support both R4.76 and R5.69  (* Note: Policy 4.76 is identified as a Haring Group 2 matter)
6	106.50	4.51	230	Rejected	Oppose

Table 2. Hearing Groups 2 and 3 Matters

Paragraph number in this evidence	Submission details		Page(s) in s. 42A report	s. 42A report recommendation (accept/reject)	Council position on s. 42A report recommendation (support/oppose)
	Submission number	Section			
3	106.1 and 106.27  106.1 and 106.27	Hearing Group 2  4.28, 4.29, Schd. 7, Schd. 8  Hearing Group 3 7, 11	Not applicable	Not applicable	Hearing Groups 2 and 3 matters not addressed in s. 42A report. CCC submission sought clarification with respect to the usage of "good" practice and "best" practice
5	106.45 106.46 106.47 106.51 106.61 106.62 106.63 106.64	Hearing Group 2  4.31, 4.33, 4.34, 4.76 *, 5.43, 5.44, 5.46, 5.47	Not applicable	Not applicable	Hearing Group 2 matters not addressed in s. 42A report**. CCC submission sought clarification regarding the area(s) to which the respective Policies and Rules apply  (* Note: Policy 4.76 is addressed in the s. 42A report although it is a Haring Group 2 matter)
7	106.59	Hearing Group 2  5.31	Not applicable	Not applicable	Hearing Group 2 matters not addressed in s. 42A report. CCC submission sought amendment to condition 2 of Rule 5.31

## 2.0 KEY ISSUES ADDRESSED IN THIS EVIDENCE

- 2.1 This evidence covers several key issues for Christchurch City Council (Council). These are:
1. Clarification with respect to the use and meaning of “good practice” and “best practice” throughout the Plan.
  2. Consistent definition of “MALF” in section 2.
  3. Clarification with respect to references to coloured areas on maps in Policies and Rules.
  4. Removal of telemetering requirement for review of existing water permits in Policy 4.51.
  5. Inclusion of hazardous waste and agrichemicals to Rule 5.31.

### Good and Best Practice

#### 3.0 SECTIONS 2, 3, 4, 7 and 11, and SCHEDULES 7 and 8

- 3.1 Throughout the Plan there are a number of references to “good” and “best” practice, including those listed in Table 3 below.

Table 3. References to Good and Best Practice

Hearing Group 1 matters	Hearing Group 2 matters	Hearing Group 3 matters
Subsection 2.6 - a statutory regime that requires good management practice	Policy 4.28 - use of industry articulated good practice	Section 7 - managed by sustainable best practice audited self management programmes)
Objective 3.23 - All activities operate at good practice or better	Policy 4.29 - managed through compliance with industry articulated good practice	Section 11 - Best practice nutrient and water management
Policy 4.69 - using good-practice	Schedule 7 - assigned industry good practices	
	Schedule 8 industry developed good-practice discharge allowances	

- 3.2 I consider that there should be clarification regarding the use of “good” and “best” practice in the Plan<sup>1</sup>. It is unclear whether it was intended that these two terms were being used interchangeably. Arguably there may be a degree of difference between “good practice” and “best practice” in the

<sup>1</sup> CCC submission points 106.1 and 106.27.

level of performance that is required. The Council's submission sought amendments to clarify the difference, if any, between "good" and "best" practice.

- 3.3 The s. 42A report did not address the uncertainty that may arise with respect to the use of these two terms for the references listed in Table 3 that are relevant to the matters to be considered in Hearing Group 1, and did not make any recommendation with respect to this issue. For example Objective 3.16, which had been Objective 3.23 in the Plan, still refers to "good" practice, although it has been modified from the original Objective with the inclusion of "environmental".<sup>2</sup> Matters to be addressed in Hearing Groups 2 and 3 have not been addressed in the s. 42A report.
- 3.4 I consider that there remains a need for clarity about the degree of performance (good vs. best practice) that is being sought throughout the Plan. It remains unclear whether in some instances the desired result is "good" practice while in other cases the desired level of performance is "best" practice, or whether the level of performance sought in all instances throughout the Plan is either "good practice" or "best practice". If the intended meaning of "good" and "best" practice throughout the Plan is the same, then I recommend that the Plan is amended so that one term or the other is used consistently throughout. Alternatively if it is intended that there is a difference in the level of performance to be achieved then I recommend that the Plan clearly distinguishes the difference between "good practice" and "best practice".

## Definition of MALF

### 4.0 SECTION 2.10

- 4.1 The Council's submission sought clarification regarding the use of the acronym "MALF" in section 2.10.<sup>3</sup>
- In the *Definitions* portion (page 2-10): *Mean Annual Daily Low Flow (MALF)*
  - In the *Abbreviations* portion (page 2-16): *MALF Mean Annual Low Flow*
- 4.2 There is ambiguity and inconsistency if the acronym MALF means "*Mean Annual Daily Low Flow*" and "*Mean Annual Low Flow*". The s. 42A report did not address this slight difference between the two uses of MALF in section 2.10 and did not make any recommendation with respect to this issue.

---

<sup>2</sup> Recommendation R3.0 (page 98) Objective 3.16 (formerly Objective 3.23), "good environmental practice". Other recommendations in the s. 42A report that retain the wording in the Plan include Recommendation R2.0 (page 76) "good management practice" and Recommendation R4.69 (page 243) Policy 4.69, "good-practice".

<sup>3</sup> CCC submission points 106.20 and 106.21.

4.3 I recommend that in the interest of consistency and clarity that there should be a single meaning for the acronym MALF.

**References to “areas coloured ... on Planning Maps”**

5.0 **POLICIES 4.31, 4.33, 4.34, and 4.76 AND RULES 5.43, 5.44, 5.45, 5.47, 5.49, and 5.69**

5.1 The CCC submission sought amendments to clarify the geographic areas to which various Policies and Rules applied<sup>4</sup>.

5.2 The Policies and Rules affected and the amendments sought are listed in Table 4.

Table 4. References to “areas coloured ... on Planning Maps”

Section	Amendment Sought	s. 42A recommendation
<p>Policy 4.31 - <i>Minimise the loss of nitrogen to water from any change in farming activities in an area coloured red on the Planning Maps</i></p>	<p><i>Minimise the loss of nitrogen to water from any change in farming activities in an area <del>coloured red on the Planning Maps</del> within a Nutrient Allocation Zone in which water quality outcomes are at risk (area coloured red on the Series A Planning Maps)</i></p>	<p>This policy is not addressed in the report.</p>
<p>Policy 4.33 - <i>Prior to 1 July 2017, to minimise the risk of the outcomes in Policy 4.1 not being achieved the loss of nitrogen to water from any change in farming activities in an area coloured green, orange or light blue on the Planning Maps</i></p>	<p><i>Prior to 1 July 2017, to minimise the risk of the outcomes in Policy 4.1 not being achieved the loss of nitrogen to water from any change in farming activities in an area coloured <del>green, orange or light blue on the Planning Maps</del> within a Nutrient Allocation Zone identified as ‘meets water quality outcomes’, ‘at risk’, or ‘unclassified’ (coloured green, orange or light blue respectively on the Series A Planning Maps)</i></p>	<p>This policy is not addressed in the report.</p>

<sup>4</sup> CCC submission points 106.45, 106.46, 106.47, 106.51, 106.61, 106.62, 106.63, 106.64, 106.65, 106.67.

Section	Amendment Sought	s. 42A recommendation
<p>Policy 4.34 - <i>Prior to 1 July 2017, to minimise the loss of nitrogen to water from any change in farming activities in an area coloured red or within a Lake Zone as shown on the Planning Maps</i></p>	<p><i>Prior to 1 July 2017, to minimise the loss of nitrogen to water from any change in farming activities in an area <del>coloured red or within a</del> <b><u>within a Nutrient Allocation Zone in which water quality outcomes are at risk (area coloured red on the Series A Planning Maps)</u></b> or within a Lake Zone as shown on the Planning Maps</i></p>	<p>This policy is not addressed in the report.</p>
<p>Policy 4.76 - <i>Resource consents for the use of land for farming activities and the associated discharge of nutrients in catchments that are coloured red on the Planning Maps</i></p>	<p><i>Resource consents for the use of land for farming activities and the associated discharge of nutrients in catchments that are <del>coloured red on the Planning Maps</del> <b><u>within a Nutrient Allocation Zone in which water quality outcomes are at risk (areas coloured red on the Series A Planning Maps)</u></b></i></p>	<p>R4.76 – “accepted at this stage although this may change as a result of Stage 2 of the hearings relating to farming activities and associated discharges”</p>
<p>Rule 5.43 - <i>Prior to 1 July 2017, the use of land for a change to an existing farming activity that does not comply with Condition 1 in Rule 5.42 and is within an area coloured pale blue or green on the Planning Maps is a restricted discretionary activity.</i></p>	<p><i>Prior to 1 July 2017, the use of land for a change to an existing farming activity that does not comply with Condition 1 in Rule 5.42 and is within <del>an area coloured pale blue or green on the Planning Maps</del> <b><u>a Nutrient Allocation Zone identified as ‘unclassified’ or ‘meets water quality outcomes’ (coloured light blue or green respectively on the Series A Planning Maps)</u></b> is a restricted discretionary activity.</i></p>	<p>This rule is not addressed in the report.</p>

Section	Amendment Sought	s. 42A recommendation
<p>Rule 5.44 - Prior to 1 July 2017, the use of land for a change to an existing farm activity that does not comply with Condition 1 in Rule 5.42 and is within an area coloured orange on the Planning Maps is a discretionary activity.</p>	<p>Prior to 1 July 2017, the use of land for a change to an existing farm activity that does not comply with Condition 1 in Rule 5.42 and is within <del>an area coloured orange on the Planning Maps</del> <b><u>a Nutrient Allocation Zone identified as 'at risk (coloured orange on the Series A Planning Maps)</u></b> is a discretionary activity.</p>	<p>This rule is not addressed in the report.</p>
<p>Rule 5.45 - Prior to 1 July 2017, the use of land for a change to an existing farm activity that does not comply with Condition 1 in Rule 5.42 and is within an area coloured red or within a Lake Zone shown on the Planning Maps is a non-complying activity.</p>	<p>Prior to 1 July 2017, the use of land for a change to an existing farm activity that does not comply with Condition 1 in Rule 5.42 and is within <del>an area coloured red or within a Lake Zone shown on the Planning Maps</del> <b><u>a Nutrient Allocation Zone identified as an area in which water quality outcomes are at risk (areas coloured red on Series A Planning Maps) or within a Lake Zone shown on the Planning Maps</u></b> is a non-complying activity.</p>	<p>This rule is not addressed in the report.</p>
<p>Rule 5.47 - From 1 July 2017, the use of land for any a farming activity that does not meet Condition 2 in Rule 5.46 or where there is no rate for the relevant farming activity specified in Schedule 8 and where the property is within an area coloured orange on the Planning Map sis a restricted discretionary activity.</p>	<p>From 1 July 2017, the use of land for any a farming activity that does not meet Condition 2 in Rule 5.46 or where there is no rate for the relevant farming activity specified in Schedule 8 and where the property is within <del>an area coloured orange on the Planning Maps</del> <b><u>a Nutrient Allocation Zone identified as 'unclassified' or 'meets water quality outcomes' (coloured light blue or green respectively on the Series A Planning Maps)</u></b> is a restricted discretionary activity.</p>	<p>This rule is not addressed in the report.</p>



Section	Amendment Sought	s. 42A recommendation
<p>Rule 5.49 - <i>From 1 July 2017, the use of land for any a farming activity that does not meet Condition 2 in Rule 5.46 or where there is no rate for the relevant farming activity specified in Schedule 8 and where the property is within an area coloured red or within a Lake Zone shown on the Planning Maps is a non-complying activity.</i></p>	<p><i>From 1 July 2017, the use of land for any a farming activity that does not meet Condition 2 in Rule 5.46 or where there is no rate for the relevant farming activity specified in Schedule 8 and where the property is within <del>an area coloured red or within a Lake Zone shown on a Planning Map</del> a <b><u>Nutrient Allocation Zone identified as an area in which water quality outcomes are at risk (areas coloured red on Series A Planning Maps) or within a Lake Zone shown on the Planning Maps</u></b> is a non-complying activity.</i></p>	<p>This rule is not addressed in the report.</p>
<p>Rule 5.69 - <i>The discharge of any liquid or sludge from an industrial or trade process ...is a permitted activity provided the following conditions are met:</i></p> <p><i>4. The discharge is not ...</i></p> <p><i>(f) within an area coloured orange or red on the Planning Maps, unless the discharge contains no nitrogen.</i></p>	<p><i>The discharge of any liquid or sludge from an industrial or trade process ...is a permitted activity provided the following conditions are met:</i></p> <p><i>(4) The discharge is not...</i></p> <p><i>(f) within <del>an area coloured orange or red on the Planning Maps</del> a <b><u>Nutrient Allocation Zone identified as an area 'at risk' or an area in which water quality outcomes are at risk (an area coloured orange or red respectively on the Series A Planning Maps,</u></b> unless the discharge contains no nitrogen.</i></p>	<p>R5.69 – accepted</p> <p>“however the final reference will depend on the outcome of decisions made in relation to Hearing Group 2 on farming matters.”</p>

5.3 The Plan includes two types of Planning Maps: Series Sheets A and Series Sheets B. Coloured areas on these two types of maps have very different meanings both within and between the two map types. By referring only to “the area coloured red/orange/green/light blue on the Planning Maps” there can be significant uncertainty over the area(s) to which the affected Policy or Rule applies.

5.4 The s. 42A report addresses Policy 4.76 (although it has been categorised as a Hearing Group 2 matter) and Rule 5.69 only. The s. 42A report provisionally accepts the amendments sought in the Council's submission for Policy 4.76 and Rule 5.69 subject to the outcome of Hearing Group 2 as follows.

*4.76 Resource consents for the use of land for farming activities and the associated discharge of nutrients in catchments that are within a Nutrient Allocation Zone in which water quality outcomes are at risk (areas coloured red on the Series A Planning Maps)<sup>275</sup> and resource consents for water take and use in catchments or groundwater allocation zones that are over-allocated will generally be subject to a 5 year duration if the land use and associated nutrient discharges or water take and use may impede the ability of the community to find an integrated solution to manage water quality and the over allocation of water.<sup>5</sup>*

*5.69 The discharge of any liquid waste<sup>184</sup> or sludge waste<sup>185</sup> from an industrial or trade process, excluding sewage, into or onto land, or into or onto land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:*

...

*4. The discharge is not:*

*... (f) within a Nutrient Allocation Zone identified as "At Risk" (Orange) or "Water Outcomes Not Met" (Red) an area coloured orange or red<sup>188</sup> on the Planning Maps, unless the discharge contains no nitrogen.<sup>6</sup>*

5.5 Policies 4.31, 4.33, 4.34 and 4.76 and Rules 5.43, 5.44, 5.45, 5.47 and 5.49 are categorised at Hearing Group 2 matters. The s. 42A report has generally not addressed Hearing Group 2 matters, which will be addressed in a future Section 42A report.

5.6 I consider that the s. 42A recommendations 4.76 and 5.69 are sound with respect to the issues raised in the Council's submission and I support the amendments recommended in the s. 42A report.

---

<sup>5</sup> R4.76, s. 42A report pages 250-251: "The suggested amendments from the CCC are accepted at this stage although this may change as a result of Stage 2 of the hearings relating to farming activities and associated discharges."

<sup>6</sup> R5.69 s. 42A report pages 185-186: "The condition as it is currently worded is unclear as it does not specify what series of the planning maps it is referring to. Clarifying this wording is appropriate; however the final reference will depend on the outcome of decisions made in relation to Hearing Group 2 on farming matters."

- 5.7 The Council submissions making the same point on Policies 4.31, 4.33 and 4.34 and Rules 5.43, 5.44, 5.45, 5.47 and 5.49 ought to be accepted in the Section 42A report to be prepared for Hearing Group 2 matters. It is insufficient to simply refer to “an area coloured ... on the Planning Maps”. It is critically important to be clear about the areas to which the respective Polices and Rules apply.

### Telemetry requirement for review of existing water permits

#### 6.0 POLICY 4.51

- 6.1 The Council submission sought an amendment to Policy 4.76 to remove the requirement for telemetry when existing permits are reviewed<sup>7</sup>, as follows.

*In addition to the requirements in the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, for any new water permit, replacement of an expiring water permit, transfer ~~or review~~ of an existing permit to take water at a rate of more than 30 L/s shall include a condition requiring water use records to be telemetered to the CRC or its nominated agent.*

- 6.2 I consider that this requirement could place a significant burden on existing water permit holders if existing consents are being reviewed. It exceeds the requirements of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.
- 6.3 The s. 42A report addresses Policy 4.51<sup>8</sup> but does not expressly address the Council's submission and does not recommend the change sought in the Council's submission and similar submissions on this issue.
- 6.4 I consider that there may be significant burdens placed on existing water permit holders if the requirement to telemeter existing consents for water takes of more than 30 litres per second is retained in Policy 4.51 for reviews of resource consents, and therefore I do not fully support Recommendation R4.51 for the reasons stated in clause 6.2 of my evidence.

---

<sup>7</sup> CCC submission point 106.50

<sup>8</sup> s. 42A report page 230.

## Omission of agrichemicals and hazardous waste from discharge to on-site refuse disposal pits

### 7.0 RULE 5.31

7.1 The Council submission sought to amend Rule 5.31 to include hazardous waste and agrichemicals to the conditions associated with discharge to refuse disposal pits<sup>9</sup>, as follows.

*The use of land for an on-site refuse disposal pit and the associated discharges onto or into land in circumstances where a contaminant may enter water are permitted activities provided the following conditions are met: ...*

*2. No hazardous substances or wastes, agrchemicals or agrichemical containers are discharged.*

7.2 The absence of hazardous waste and agrichemicals from condition 2 of Rule 5.31 appeared to be an inadvertent omission that needed to be rectified. If hazardous substances and agrichemical containers are not permitted to be discharged to land under this Rule then hazardous waste and agrichemicals, which can pose similar risks to the environment, should also not be permitted discharges.

7.3 The s. 42A report does not address Rule 5.31. This rule is included in the matters to be considered in Hearing Group 2.

7.4 I recommend that Rule 5.31 is amended to correct the omission of hazardous waste and agrichemicals from condition 2 of Rule 5.31.

### 8.0 SUMMARY

8.1 My evidence covers issues with respect to sections 1, 2, 3, 4, 5, 7, and 11 and Schedules 7 and 8. These are summarised in Tables 1 and 2 in section 1.4.

8.2 I agree with the Christchurch City Council's submission, which seeks:

1. clarification of the use of "good" practice and "best" practice throughout the Plan.

---

<sup>9</sup> CCC submission point 106.59.

2. a single definition for MALF.
3. the addition of descriptive text to references to areas on Planning Maps in various Policies and Rules.
4. exclusion of the requirement for telemetering when existing water permits are reviewed in Policy 4.51.
5. inclusion of hazardous waste and agrichemicals in condition 2 of Rule 5.31.

Date: 4 February 2013

Diane Shelander