

**BEFORE THE INDEPENDENT COMMISSIONERS**

**UNDER** the Resource Management Act  
1991

**AND**

**IN THE MATTER** of the proposed Canterbury  
Land and Water Regional Plan

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**STATEMENT OF EVIDENCE OF PHILIPPA ALISON LYNCH  
ON BEHALF OF NGA RŪNANGA, TE RUNĀNGA O NGĀI TAHU  
AND NGĀI TAHU PROPERTY LIMITED**

**4 February 2013**

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## 1. INTRODUCTION

- 1.1 My name is Philippa Alison Lynch.
- 1.2 I am employed by Tē Rūnanga o Ngāi Tahu as an Environmental Advisor, which is a position I have held for approximately one year.

### **Qualifications and Experience**

- 1.3 I have a B.Sc in Microbiology from Canterbury University and a Master's Degree in Applied Science (Environmental Management) from Lincoln University. Previously I have been employed by Environment Canterbury in the Consents Section as a Consents Planner and then a Senior Consents Planner, which are positions I held for two years and six years respectively.
- 1.4 I am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note and I agree to comply with the Code. This evidence is within my area of expertise except where I state that I am relying on information provided by another party. I have not knowingly omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **Scope of Evidence**

- 1.5 I have been asked by Te Rūnanga o Ngāi Tahu to prepare evidence in relation to the reasons for the submissions made by the Ngā Rūnanga of Canterbury and Te Rūnanga o Ngāi Tahu (Te Rūnanga) on the rules in the proposed Canterbury Land and Water Regional Plan (pLWRP).
- 1.6 My evidence has been structured in two parts. The first part of my evidence provides detail on three matters which relate to Te Rūnanga submission points on multiple rules and explains why these matters are significant to Ngāi Tahu. The second part of my evidence relates to the specific submission points that Te Rūnanga has made on the rules in the pLWRP. This evidence often refers back to the concepts explained in the first part of my evidence to reduce repetition.

## 2. THE SIGNIFICANCE OF WATER TO NGĀI TAHU

- 2.1 The significance of water to Ngāi Tahu is described in evidence by Te Marino Lenihan. In summary, water is an essential and integral part of the connection between Ngāi Tahu, as tangata whenua, and their tribal territory, identity and ancestry.
- 2.2 Wai Māori or fresh water is a taonga - things highly prized and important to Ngāi Tahu derived from the atua (gods) and left by the tipuna (ancestors) to provide and sustain life. The discharge of any contaminants directly into surface water without first being treated on land or via a wetland is consequently culturally offensive to Ngāi Tahu. The protection of the relationship of tangata whenua with their taonga is included in Article II of the Treaty of Waitangi, Section 6(e) of the Resource Management Act 1991 (RMA), and also in the Ngāi Tahu Claims Settlement Act 1998 (NTCSA).
- 2.3 Ngāi Tahu looks at the management of freshwater resources in a holistic way. Ngāi Tahu does not see a distinction between water in natural waterways and artificial waterways all freshwater is a taonga and all waterways are connected. This philosophy is referred to by Ngāi Tahu as the ethic of Ki Uta Ki Tai (from the mountains to the sea).
- 2.4 The particular cultural, spiritual, historic and traditional association of Ngāi Tahu with many of the rivers, lakes and wetlands in Canterbury is recognised by the NTCSA.

### **Ngāi Tahu Values in Rules**

- 2.5 Te Rūnanga's submission opposes rules 5.8, 5.10 and 5.28. These rules for restricted discretionary activities all state that resource consent applications will be considered without public or limited notification. One of the matters for discretion however, is the extent to which the proposed activity is consistent with the objectives and policies of the pLWRP relating to Ngāi Tahu values. Ngāi Tahu questions how the consent authority is able to make an informed assessment of the effects on Ngāi Tahu values without input from Ngāi Tahu on the application.
- 2.6 Te Rūnanga's submission requests that the statement 'pursuant to sections 95A and 95B of the RMA an application for resource

consents under this rule will be processed and considered without public or limited notification' be deleted from rules 5.8, 5.10 and 5.28.

### **Activities on Culturally Significant Sites**

- 2.7 Te Rūnanga's submission seeks recognition in a suite of discharge and land use rules that such activities may not be appropriate on sites which are of cultural significance. To implement this, Te Rūnanga submission seeks that an additional condition *'that the activity is not undertaken on a site of cultural significance'* be added to a number of rules<sup>1</sup> for activities that are classified as either permitted or controlled, and added as a specific matter of discretion when considering an application under Rule 5.35.
- 2.8 In the view of Te Rūnanga, the inclusion of such a condition within these rules is consistent with the approach for 'sensitive' sites elsewhere in the pLWRP. For example Rule 5.7 condition (6)(g) does not provide, as a permitted activity, for the discharge of wastewater to land which is *'listed as an archaeological site'*. While I understand that in some circumstances 'sites of cultural significance' and 'archaeological sites' will be one in the same, unfortunately, this is not always the situation. Thus, Te Rūnanga considers that it is necessary for these rules to specifically provide for 'sites of cultural significance', in addition to archaeological sites. This amendment will ensure that proposed activities do not occur on these sites or if they do occur that they are undertaken in a culturally appropriate way.
- 2.9 The request by Te Rūnanga to ensure that activities which may have a negative impact on sites of cultural significance are regulated has policy backing in the CRPS. Policy 13.3.1 and Policy 13.3.2 in the CRPS provides some clear direction that culturally sensitive sites need to be identified and then protected from 'inappropriate use'. In the view of Te Rūnanga, allowing activities to have the activity statuses of permitted or controlled without taking into account whether the activity

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<sup>1</sup> The permitted activity rules are: 5.7, 5.9, 5.11, 5.13, 5.15, 5.17, 5.19, 5.21, 5.25, 5.27, 5.29, 5.31, 5.33, 5.37, 5.60, 5.69, 5.76, 5.79, 5.147, 5.148, 5.150, 5.152, 5.155, 5.157 and 5.162. The controlled activity rules are: 5.23, 5.153 and 5.160.

is occurring on a site of cultural significance does not give effect to the CRPS, in particular Policies 13.3.1 and 13.3.2.

- 2.10 I note that the rationale provided by the Section 42A Officers' Report for Hearing Group 1 (the Officers' Report) for rejecting this request is that the provisions within permitted activities status rules need to be certain so that anyone reading the plan is be able to determine for themselves whether or not the activity they are proposing to undertake is permitted or not. The Officers' Report also notes that the identification of 'culturally sensitive' sites was not undertaken when promulgating the pLWRP.
- 2.11 On this point, it is my understanding that the pLWRP was prepared under two CRPS's one operative and one proposed. The proposed CRPS is now operative and it is my understanding from legal counsel that the pLWRP has to 'give effect to' the CRPS. I note that the wording of Policies 13.3.1 and 13.3.2 has changed very little though the planning process, and as such, it provides in my view very clear direction to Council that firstly culturally sensitive sites need to be identified and then protected from inappropriate use.
- 2.12 On the first point, I concur with the Officers' Report that standards within a permitted activity rule must be certain. Ideally the culturally sensitive sites would be mapped but this approach is not always appropriate for all culturally sensitive sites. There are two alternatives:
- a. To provide a qualitative definition of what constitutes a 'culturally sensitive site'; or
  - b. Replace this requirement with a condition by which the activity is permitted if the applicant has the written approval of Te Rūnanga.
- 2.12 While this latter approach is unorthodox, I note that for Rule 5.114 the Officers' Report has recommended changes to condition (3) which would allow activities to occur closer than the setback distances in the rule where 'evidence that permission has been obtained'.
- 2.13 With regard to restricted discretionary activity rules, Te Rūnanga has requested that sites of cultural significance be added as an additional matter over which the council has discretion. I consider it is entirely

appropriate for such a matter to be included where the activity may impact upon such sites.

### 3. RULES

#### Rule 5.7 – Discharge of wastewater from existing on-site wastewater treatment systems to land

- 3.1 As I have already outlined, the discharge of contaminants to water, such as poorly treated sewage is culturally offensive to Ngāi Tahu. To address this issue, Te Rūnanga's submission has requested that the activity status be amended from permitted to controlled. The reason is because Te Rūnanga remains concerned that effluent which is inadequately treated in the soil before it reaches groundwater may still be able to comply with the conditions of this rule, thereby perpetuating a practice which is culturally offensive. Te Rūnanga also recommends an additional condition be added to the proposed controlled activity rule to set a minimum standard for the treatment and design system and an additional matter of control to assess the activity against this new condition.
- 3.2 I note that the Reporting Officers appear to share Te Rūnanga's concern as they state: "a feature of existing onsite effluent disposal systems is the vastly different performance of older systems compared with new systems and the associated maintenance and longevity issues. A 'septic tank' system established some decades ago, with an outfall to a soak hole or similar, will operate for an almost endless length of time with only the most rudimentary of maintenance however, the quality of the discharge is comparatively poor." <sup>2</sup> The Reporting Officer goes on to state: that "while it is difficult to ascertain causation, the treatment and disposal of human and household effluent clearly has the potential to create significant health issues as well as significant environmental and cultural impacts."

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<sup>2</sup> Section 42A Report Volume 1 – Proposed Canterbury Land and Water Regional Plan p154

- 3.3 The Officers' Report has recommended that the Te Rūnanga submission point be rejected. However, the Reporting Officers have recommended a number of changes to the rule. The recommended inclusion of a new condition 6(h) which requires at least one metre of vertical separation between the discharge point and groundwater to ensure that the permitted activity discharges will not have adverse effects on the environment is supported by Te Rūnanga. The Reporting Officers have also recommended the removal of the map named "Septic Tank Suitability Area A". The Officers' Report has not recommended a replacement mechanism for assessing the suitability of the soils at the site.
- 3.4 I consider the recommended amendments to the rule still provide limited opportunities to start addressing the problem of 'old' and potentially outdated systems being in use across Canterbury. For example, the wording of the rule, as notified, does not require existing systems to be designed and installed in accordance with the current or any previous version of the New Zealand Standard for on-site domestic wastewater.
- 3.5 Te Rūnanga's submission requests that all existing systems be consented by changing the activity status from permitted to controlled and adding conditions relating to the standard for treatment and disposal system design. The rationale for this is to ensure that each system can be assessed to determine whether the level of treatment provided is appropriate based on the sensitivity of the receiving environment. This approach is likely to lessen the potential for adverse effects in relation to public health and environmental and cultural impacts.
- 3.6 Ngā Rūnanga are aware that the number of existing systems that would need to be consented will be significant and is also aware of the costs that may be associated with the upgrading of any on-site wastewater system if the level of treatment the existing system is providing is not appropriate for the sensitivity of the receiving environment. Ngāi Tahu considers that 1 January 2020 provides a sufficient lead-in time to require all existing systems to obtain consent.
- 3.7 In addition, Ngā Rūnanga consider given the necessity of on-site wastewater systems in parts of Canterbury that a controlled activity

rule status will provide certainty that the system will be consented if it can comply with the conditions of the rule.

- 3.8 Te Rūnanga has requested the following wording for the start of Rule 5.7:

*From 1 January 2020, the discharge of domestic wastewater into land from an on-site wastewater treatment system established prior to (insert the date that the decisions on the Plan are released) is a controlled activity, provided the following conditions are met:*

- 3.9 Add a new condition to control the level of treatment of existing systems, this could be a condition the same as condition 4 of Rule 5.9 for new or upgraded systems. In addition, Ngāi Tahu has requested the matters for control are as follows:

1. *The weekly volume of wastewater discharged;*
2. *The duration of which the discharge can occur; and*
3. *The adequacy of the treatment and disposal system based on the sensitivity of the receiving environment.*

- 3.10 If Te Rūnanga's request is accepted, Rule 5.8 will consequently need to be updated as specified below:

*From 1 January 2020, the discharge of domestic wastewater to land from an on-site wastewater treatment system established prior to (insert the date that the decisions on the Land & Water Plan are released) that does not meet one or more of the conditions of Rule 5.7 is a restricted discretionary activity.*

- 3.11 As an alternative to changing the status of the activity, I consider that Rule 5.7 could be amended so that by 2020 all existing on-site wastewater discharges either have a consent, as outlined above, or are able to show that they comply with all the conditions set out within Rule 5.9 which pertain to the installation of new or upgraded on-site wastewater systems.

- 3.12 Lastly, the Te Rūnanga submission requests the addition of two conditions in Rule 5.7. The first condition relates to ensuring that all disposal systems are covered with soil and are vegetated. The



second condition relates to ensuring that the rate of discharge is matched to the capacity of the disposal field to 'absorb' the discharge. These requests were to ensure that wastewater was not visible on the ground surface for public health reasons. The Officers' Report recommends the inclusion of new condition 7 which I support.

- 3.13 I also support the Reporting Officers' recommendation which relates to amending the wording of condition 6(b) to include 'contaminated' in addition to 'potentially contaminated'.

Rule 5.9 – Discharge of wastewater from new or upgraded on-site wastewater treatment systems to land

- 3.14 The Te Rūnanga submission requested the addition of two conditions in Rule 5.9 which relate to ensuring that the disposal systems are covered with soil and vegetated and that the application rate is matched to the ability of the disposal field being able to 'absorb' the discharge. The Officers' Report has recommended the inclusion of new condition 6 which I support. I also support the Reporting Officers' recommendation which relates to amending the wording of condition 3(b) to include 'contaminated' in addition to 'potentially contaminated'.

Rule 5.13 – Discharge of greywater to land

- 3.15 As with Rule 5.7 and 5.8, the submission by Te Rūnanga sought the inclusion of a condition requiring that the disposal systems are covered with soil and vegetated. This is to ensure that greywater is not visible on the ground surface for public health reasons. The Officers' Report recommends the inclusion of new condition 3(a) which I support.
- 3.16 Te Rūnanga's submission also requested the addition of a condition which specifies the amount of soil or sand required between the point of discharge and the highest groundwater level to ensure that the greywater would be sufficiently treated in the soil before entering water. The Officers' Report recommends the inclusion of new condition (8) which I support.
- 3.17 Lastly, Te Rūnanga's submission requested that one of the matters that discretion be restricted to be expanded from drinking water quality

to all water quality. I support the Officers' Report recommendation to delete the word 'drinking'<sup>3</sup>.

Rule 5.17 – Discharge of aerobically composted material from a composting toilet to land

3.18 Te Rūnanga has requested a new sub condition in condition (2) which includes a separation distance between the discharge area and a neighbouring property. Given the content of what is being discharged, I consider a separation distance between the discharge area and a neighbouring property is appropriate, particularly in unreticulated townships where section sizes are often relatively small. The reason for this request is primarily for amenity reasons.

3.19 The Officers' Report has rejected this submission and I am unable to determine the rationale for this. I am still of the view that where material from a composting toilet is discharged to land there needs to be a separation distance between the discharge and adjoining/neighbouring properties.

Rule 5.21 and 5.23 – Discharge of a vertebrate toxic agent via land based methods or via an aircraft

3.20 Te Rūnanga's submission requests that condition (1) be amended in both rules given the potential for vertebrate toxic agents to affect more than just pest species. Te Rūnanga considers the condition needs to specify that the agent to be discharged is specifically approved for the dedicated use of vertebrate pest control and that the person carrying out the discharge needs to be certified.

3.21 I note the Officers' Report advises that the discharge of hazardous substances to control animal pests may have an adverse effect on other animals and on plants. In addition, the Reporting Officer advises that there is also a risk that human or stock drinking water could

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<sup>3</sup> Te Rūnanga's submission has requested the same change in Rules 5.16 and 5.18 and I support the Officers' recommendation to delete the word 'drinking' in both cases also.

become contaminated thus having a further impact on people and animals.

- 3.22 Te Rūnanga's submission also requests that condition 2(a) requires a 20 metre separation distance between the discharge and any waterbody, irrespective of whether it is a natural waterway or an artificial waterway. Artificial waterways tend to run into natural waterways.
- 3.23 Objective 7.2.4 of the CRPS requires fresh water to be sustainably managed in an integrated way. The objective refers to the Ngāi Tahu ethic of Ki Uta Ki Tai (from the mountains to the sea). I am aware that some Ngāi Tahu Whānui are having to obtain mahinga kai from artificial waterways because so many wetlands have been drained and filled within their rohe.
- 3.24 In the view of Te Rūnanga, differentiating between artificial and natural waterway management does not give effect to the CRPS, in particular Objective 7.2.4.

Rule 5.25 – The discharge of an agrichemical, or agrichemical equipment or container washwater to land including the bed of a lake, river or artificial watercourse

- 3.25 Te Rūnanga's submission requests that condition (1) be amended given the potential for agrichemicals to eradicate or control specific flora and fauna. Te Rūnanga considers the condition needs to specify that the agent to be discharged is specifically approved for the dedicated use and that the person carrying out the discharge needs to be certified.
- 3.26 Te Rūnanga's submission also requests that condition (6) be expanded to include separation distances between the discharge and the wetted bed of a river, lake, artificial waterway, wetland or the coastal marine area. The reason for this request is due to the cultural significance of surface water bodies and coastal waters, particularly mahinga kai areas.
- 3.27 I note the Officers' Report advises that the discharge of agrichemicals to control or eradicate flora and fauna may have an adverse effect on other animals, plants and organisms. In addition, the Reporting Officer

advises that there is also a risk that human or stock drinking water could become contaminated thus having a further impact on people and animals.

Rule 5.35 – Stock Holding Areas and Animal Effluent

- 3.28 Te Rūnanga's submission requests that the definition of 'stock holding area' in the pLWRP is amended to exclude sheep and beef farms. The reason for the request is because the current definition may trigger resource consents to be obtained where the cost of obtaining the consent outweighs the environmental gains to be achieved.
- 3.29 Te Rūnanga's view is that where the scale of the activity is not going to make a significant contribution to the degradation of water quality, the activity could be permitted. I also note that if proposed permitted farming rule A in Te Rūnanga's submission is accepted by the hearing commissioners then the use of land and the associated discharge of less than 20kgN/ha/yr would negate the need for Rule 5.35.
- 3.30 The Officers' Report refers to more intensive farming such as dairy farming and indoor intensive pig farming operations and I am uncertain as to whether CRC anticipated that this rule would capture smaller sheep and beef farms by this rule.

Rule 5.55 – The discharge of water that may contain contaminants from sub-surface or surface drains into an artificial watercourse, constructed wetland or to land and Rule 5.57 - The discharge of water that may contain contaminants from sub-surface or surface drains into a river, lake or natural wetland

- 3.31 As I have outlined previously, Ngāi Tahu is fundamentally opposed to any direct discharges of contaminants to water without the contaminants firstly being treated through land or an artificial wetland. Thus the submission by Te Rūnanga requested that rule 5.55 be amended so that the rule only relates to discharges to land. Further, the submission requested that all discharges of water that may contain contaminants from sub-surface or surface drains directly into an artificial watercourse need to be provided for under a separate rule with a non-complying activity status.
- 3.32 The Officers' Report rejects the submission as in their view the adverse effects from a discharge that complies with the conditions in

Rule 5.55 are minimal and as such a non-complying status is not warranted.

- 3.33 In my view, allowing as a permitted activity the discharge of sub-surface and surface drainage water directly into an artificial watercourse has the potential to create inconsistencies within the plan.
- 3.34 Before discussing this in detail I note that there is no definition of 'sub surface drain'. I also note that other submitters have asked for such a definition and that this request has been rejected. In my view providing a definition would be useful as I consider there are two types of sub surface drains. One type is typically used within the urban environment to convey stormwater from the point of collection (e.g. the road/house roof/stormwater pond etc.) to the point at which it is discharged. The conditions relating to the discharge of stormwater to land will provide some treatment to the stormwater before it enters the artificial waterway.
- 3.35 The other types of sub surface drains are those which are constructed within the rural environment. Typically these are located within the rural environment and consist of 'tile' drains, nova flow, mole-plough etc. and are located in areas where the soils are 'heavy' and/or groundwater is close to the ground surface. These types of sub surface drains 'collect' whatever is left on the paddock and convey it, in an untreated form, directly to the nearest waterway.
- 3.36 I consider care must be taken over this type of rule as it has the potential to cause a tension within the plan especially where on one hand the Council is aiming to control if not reduce the level of nutrients 'leached' from a farm, yet on the other hand is providing for the perpetuation of historic practices, which may be a significant contributing factor to the water quality 'problem'. It also creates a problem if a farmer cannot undertake a non-point source discharge from a land use under the plan but can insert a field drain and channel nutrient discharges into that drain and into a waterway.
- 3.37 As I have outlined previously, Te Rūnanga uses the resource management philosophy of Ki Uta Ki Tai (from the mountains to the sea). This philosophy is embodied within Objective 7.2.4 of the RPS

and requires fresh water to be sustainably managed in an integrated way. I am unable to reconcile how managing point source discharges into artificial watercourse, which then flow into natural waterways can be managed differently from discharges directly into natural waterways as both discharges will ultimately reach the same receiving environment (i.e. the natural waterway). I do not consider the rule as currently worded gives effect to Objective 7.2.4.

Rules 5.64 and 5.66 – discharges from sewerage systems

- 3.38 As I have already outlined, the discharge of human waste to water is culturally offensive to Ngāi Tahu. To address this issue, Te Rūnanga's submission has requested that Rule 5.64 prohibits the discharge of any new discharges of treated effluent to surface water, while still allowing any existing discharges to continue as a non-complying activity.
- 3.39 The Officers' Report rejects the submission by Te Rūnanga and advises that Rule 5.64 is stronger than the rules within the NRRP. That to my mind is not a justification for rejecting Te Rūnanga's submission. The non-complying status of the discharge signals strongly that such discharges are discouraged, but allow for circumstances where it may be appropriate to allow such a discharge following close scrutiny.
- 3.40 It is Te Rūnanga's view that given that the discharge of human waste to water is abhorrent to their cultural values, that there will be no situations where it is appropriate to allow new sewerage schemes to discharge treated effluent to waste unless it has first been discharged to land or an artificial wetland.
- 3.41 The submission also requests that the word 'overflows' is deleted from Rule 5.66 in terms of direct discharges to water. Te Rūnanga accepts that spills and equipment failures still need to be provided for but considers that the discharge of untreated sewage via overflows directly to water is no longer appropriate.
- 3.42 The Officers' Report rejects the submission on this point and advises that it is impossible to design a system that prevents an overflow under all possible conditions and circumstances. Whilst a discharge

to land may be more appropriate in some circumstances, it is not always possible, and a discharge to surface water may be the only option.

- 3.43 It is Te Rūnanga's view that existing sewerage schemes that have designed overflows in them need to be upgraded and any new sewerage schemes with overflows need to include in their design, areas where the overflows can be discharged into land or an artificial wetland to ensure some treatment occurs before sewage enters a waterway.

Rule 5.69 – Discharge of any liquid waste or sludge waste from an industrial or trade process, excluding sewage, to land

- 3.44 Te Rūnanga's submission supported the need for separation distances to sensitive environments in condition 4(a) but requested the number of sensitive environments listed to be expanded to include schools and community facilities. I support the Officers' Report new recommended wording for condition 4(a).

Rules 5.71, 5.72 and 5.73 – Discharge of stormwater to land, or groundwater, or a surface water body

- 3.45 Te Rūnanga is supportive of stormwater being treated on land, however it is opposed to the discharge of untreated stormwater directly into surface water or groundwater. Te Rūnanga requests that any untreated stormwater discharges directly to water be classified as non-complying activities.
- 3.46 The Officers' Report rejects the submission on the basis that community stormwater systems commonly have a variety of different discharge points (some to land and some to water), and hence it is not considered appropriate to split the rule.
- 3.47 As I have previously outlined, Ngāi Tahu is fundamentally opposed to any direct discharges of contaminants to water without the contaminants firstly being treated through land or an artificial wetland. I note the policy requested by Te Rūnanga in its submission allows for the discharge of treated stormwater to water and as such this submission on the rule should not be pursued.

Rule 5.94 –The taking or use of water from irrigation or hydroelectric canals or water storage facilities

- 3.48 Te Rūnanga's submission supports the taking of water from irrigation or hydroelectric canals or water storage facilities if the takes comply with the conditions of Rule 5.94. However the use of that water, without appropriate controls in place is not supported.
- 3.49 Te Rūnanga considers the use of water needs to be assessed to determine the effects of the use of that water for irrigation on water quality. Te Rūnanga consequently requested a new rule which would require the use of the water for irrigation to have a discretionary activity status.
- 3.50 The Reporting Officer agrees with the submission and states that the use of water is not considered to be an activity that should be permitted because allowing water to be taken and used for activities such as irrigation without needing to meet set standards and conditions is inconsistent with other parts of the pLWRP which do require irrigation activities to comply with environmental and technological standards.
- 3.51 I support the new recommended wording of Rule 5.95 and consider it addresses the submission point.

Rule 5.99 –The non-consumptive taking and use of water

- 3.52 I consider that Te Rūnanga's submission point has been addressed by the new wording in matter 7 recommended in the Officers' Report and hence support this recommended wording.

Rules 5.118 and 5.119 – Temporary structures, diversions and discharges

- 3.53 Rules 5.118 and 5.119 both contain a condition which excludes temporary structures, diversions and discharges occurring in an inanga or salmon spawning site listed in Schedule 17.
- 3.54 Te Rūnanga's submission requests that Schedule 17 is updated by way of a plan variation to include more inanga spawning sites as the current list is very limited is supported by the Officers' Report.



3.55 I consider an interim measure while the new Schedule is being developed might be to include a definition in the LWRP for inanga spawning sites.



**Philippa Lynch**

**4 February 2013**