

BEFORE THE INDEPENDENT COMMISSIONERS

UNDER the Resource Management Act
1991

AND

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

**SUBMISSIONS IN REPLY
ON BEHALF OF NGĀ RŪNANGA OF CANTERBURY, TE RŪNANGA O NGĀI
TAHU AND NGĀI TAHU PROPERTY LIMITED**

8 April 2013

**ANDERSON LLOYD
LAWYERS
CHRISTCHURCH**

Solicitor: J M Crawford/B McAuley

18a Birmingham Drive,
Middleton,
PO Box 13831,
CHRISTCHURCH 8141
Tel 03 379 0037
Fax 03 379 0039

1. INTRODUCTION

- 1.1 The Hearing Commissioners invited further comment following the presentation of the Ngāi Tahu case in Hearing Group 1. Counsel is grateful for the opportunity to provide a written reply to the matters raised.
- 1.2 Attached and forming part of this reply, is supplementary evidence produced by the following witnesses addressing the questions posed by the Hearing Commissioners:
- a. Mr Te Marino Lenihan
 - b. Dr Robert Wilcock
 - c. Ms Philippa Lynch
 - d. Mrs Lynda Murchison.
- 1.3 We also attach, as requested, a detailed table (as Appendix 1) that sets out each amendment that has been sought by Ngāi Tahu and identifies the jurisdiction for the amendment. As submitted during presentation of Ngāi Tahu's case, it is considered that there is scope for the Hearing Commissioners to recommend that these amendments be made.¹

2. LEGAL FRAMEWORK – TRANSFER OF WATER PERMITS

- 2.1 Commissioner Sheppard asked for comment on the legal framework for controlling or restricting transfers. Specifically, the question was asked whether water trading and/or transfer "on paper" is able to be restricted as an activity given the effects-based approach of the RMA.
- 2.2 The legal framework for transferring water permits is found in section 136 of the RMA. The transfer process is treated as an "activity" and is able to be restricted and controlled accordingly. The circumstances in which a transfer would be expressly allowed by a regional plan was

¹ Legal Submissions of Counsel on behalf of Ngā Rūnanga of Canterbury, Te Rūnanga o Ngāi Tahu and Ngāi Tahu Property Limited dated 25 March 2013, para [2.1 - 2.3].

discussed in *Eco-Net v Tasman District Council*². The Environment Court observed that the preparation of a rule permitting water transfers in a regional plan would be subject to significant public scrutiny and would be subject to restraints on the council in relation to water management in section 30(1)(e), the requirements of section 63, 65, 66, 67, and 68, and Part 2 of the Act. Any regional plan would also be subject to the relevant regional policy statement (and now the NPS Freshwater).

- 2.3 Section 136(3) provides for a transfer to be notified in certain circumstances. In *Hampton v Hampton*, the Court held that there was a need for notification of the transfer of a permit given the impacts of the proposed transfer upon the other properties in the area.³ We accept that this reflects the effects-based approach of the RMA. It follows that if the transfer of water has an actual or potential effect on the environment, then it must be an "activity". The question which then arises is whether a transfer "on paper", with no discernible effects over and above the existing use, is similarly able to be controlled or restricted.
- 2.4 In our submission, it is entirely appropriate to control or restrict transfers in fully, and particularly, over-allocated catchments. The basis of this is given in the NPS Freshwater, but also in terms of the scheme of the RMA. The role of the regional council is to implement a regional plan that gives effect to the CRPS and NPS, and ultimately, to meet Part 2 of the RMA. To enable water to be re-allocated in different areas in an over-stressed catchment on the basis that there are no effects over and above the prior activity is, in our submission, the antithesis of sustainable management. In an over-allocated catchment, and in light of the clear policy direction given by the NPS, there is arguably a lawful basis for seeking partial surrender and clawing back over allocation when an applicant seeks to transfer water to another party.

² W117/97, page 8.

³ C102/08, para [29].

3. FIRST COME FIRST SERVED PRINCIPLE

- 3.1 A question was asked about the relevance of the "first come first served" principle in the context of regional plans.
- 3.2 This principle has been the subject of litigation and commentary over the years, most recently in the Canterbury context⁴. The Canterbury litigation involved questions of law relating to applications to take water from the Waimakariri and Rakaia Rivers. The issue in these two cases was whether the priority between competing applications for resource consent was determined by which was ready first for notification or first to file, and whether section 91 of the RMA had a bearing on priority (by displacing a presumptive entitlement or prior right in circumstances where further consents were required). The parties in these cases did not necessarily dispute the "first come first served" principle, which was established by the Court of Appeal in *Fleetwing Farms*.⁵
- 3.3 In our submission, these cases can be distinguished from the process of developing a regional plan. The "first come first served" principle should assume much less importance when allocation regimes are devised. The clear theme of the RMA is to achieve the sustainable management of natural and physical resources. Regional councils have the statutory function of, *inter alia*, developing regional plans that achieve the integrated management of resources. It is acknowledged that matters of efficiency are relevant. It is also arguable that prior investment in infrastructure should not be entirely overlooked when setting allocation regimes. Even when a plan allocates water to activities (which overrides the priority rights in s124B & C), there is still arguably a temporal element to who is "first served" within each allocation band. However, when setting allocation bands, we submit that this should be subject to the overarching goal of achieving integrated and sustainable management of the water resource. That

⁴ *Central Plains Water Trust v Ngāi Tahu Properties (sic.) Limited* (2009) 14 ELRNZ 61 (CA); *Central Plains Water Trust v Synlait Limited* (2009) 16 ELRNZ 65 (CA); see also J Crawford "First Dibs to the Last Drop" *Resource Management Journal*, November 2008 (page 3) and "Fleetwing Revisited" *Resource Management Journal*, August 2009 (page. 11).

⁵ *Fleetwing Farms Ltd v Marlborough District Council* (1997) 3 ELRNZ 249 (CA).

involves a wider enquiry than applying the "first come first served" principle, which we note may inadvertently penalise new entrants.

- 3.4 In the context of Eyrewell, the following points were made during presentation of the Ngāi Tahu case. As signalled by Dr Cowie, there has been considerable investment by Ngāi Tahu Property Limited in reliance upon the provisions of the NRRP and that scenario has now changed with the introduction of the pLWRP provisions that effectively penalise a new entrant by introducing the "first come first served" approach for water quality. We do not agree that this approach has a place in setting water quality limits in a regional plan. While the consent authority is required to treat the environment as it finds it when assessing the effects of an activity in the consenting context, we submit that the wider enquiry involved in the formulation of a regional plan enables you to take a more principled approach to water allocation – one that is overlain by fairness for all existing and potential users (treating like with like).
- 3.5 In the context of section 5 of the RMA, we submit that providing for the wellbeing of people and communities is particularly relevant to achieving an equitable outcome in the management of the fresh water resource.

4. **CONSULTATION**

- 4.1 As noted during presentation of the case for Ngāi Tahu, the adequacy of the consultation process under the First Schedule of the RMA is very important; not only as a procedural step but because, in this instance, the lack of adequate consultation has placed Ngāi Tahu at a disadvantage in responding to some of the provisions in the plan which deal with matters of importance to Rūnanga, specifically, the environmental flow and water allocation regimes for some key catchments in Canterbury.
- 4.2 Ngāi Tahu is mindful of the discussion with the Hearing Commissioners regarding a practical solution to this issue which takes matters forward. To that end, Ngāi Tahu has undertaken to give this matter further thought and will address it as part of Hearing Group 3.

5. VARIATION TO PLAN

- 5.1 This matter arose for discussion in relation to the proposed updating of Schedule 17. The question posed by the Hearing Commissioners was whether that requires a comparison between what can be gained by the variation with the delay that can be caused by initiating this process. In other words, "is it a matter of comparing two goods to decide what might be better"?
- 5.2 In our submission, your task is to determine whether the provisions as notified are appropriate in terms of section 32 and, ultimately, Part 2 of the RMA. Section 32(4) also requires a cost-benefit analysis which includes the risk of acting or not acting. This provides some guidance as to the appropriateness of a delay caused by a further variation to the pLWRP. If the value of a further variation is to enable the development of provisions that are more appropriate in achieving sustainable management, then that must surely outweigh the costs of delay.
- 5.3 In this instance, Ngāi Tahu have expressed the view that there is considerable merit in taking the time that is necessary to get this right. The key issue in determining whether to undertake a variation is whether there is sufficient scope within the relief sought in a submission to make the necessary amendments. The test for that is whether any person reading the submission could have understood how the plan is likely to be amended as a result of accepting this submission and therefore whether they may be affected by that and may wish to make a further submission.

6. PERMITTED ACTIVITIES – WRITTEN APPROVALS

- 6.1 Hearing Commissioner Sheppard asked whether the approach suggested by Ngāi Tahu to condition permitted activities on obtaining written approval is unorthodox because it is possibly unlawful.
- 6.2 Section 87A(1) of the Act describes permitted activities as types of activities that may be carried out without the need for resource consent so long as the activity complies with any relevant provision in the RMA, in any regulations, and in any applicable plan or proposed plan.

- 6.3 It could be argued that the imposition of "conditions" on a permitted activity would fail to appreciate the statutory duties in sections 108 and 87A of the RMA. Section 108 allows conditions to be imposed on a resource consent or to compel resource consent holders to comply with certain conditions. Persons undertaking permitted activities do not need a resource consent. Therefore, they cannot have conditions imposed on them, or be compelled to comply with conditions.
- 6.4 As the Hearing Commissioners will be aware, the rules are written with conditions in place, the purpose of which to enable plan users to understand what they need to do to comply. The provision of documentary evidence of written approval in order to satisfy such a "condition" does not involve a discretion on the part of the consent authority.⁶ It will simply enable a party to confirm that it has met the requirements for a permitted activity. This is perhaps a matter of form rather than substance.
- 6.5 If the Hearing Commissioners have some doubts about the *vires* of such an approach, then the alternative mechanism could be to impose controlled activity status with conditions addressing the matter. The alternative of converting this into a consent process may be seen to be more legally robust, but also requires applicants to obtain a resource consent simply so they can get a written approval - when the preferred option would be to require the resource consent if written approval was not obtained, so that the effects of an activity could be assessed and affected parties can participate as appropriate. An option which is less favoured by Ngāi Tahu would be to require a condition in the rules to that effect and then to insert a definition in the pLWRP to provide certainty around what is meant by a site of cultural significance. This is covered in the supplementary evidence that forms part of this reply.

⁶ *TL & NL Bryant Holdings Ltd v Marlborough DC* [2008] NZRMA 485 (HC) at para [48]. .

7. NON-COMPLYING ACTIVITIES

- 7.1 The pLWRP, in Section 2.3, describes how each activity status relates to the effects of an activity. The description of non-complying activities suggests a different, and arguably more onerous, test in relation to these than that set out in the RMA. Genesis Energy in their submission has proposed a re-wording which also differs from the RMA.
- 7.2 As any paraphrasing of these statutory requirements is fraught with potential issues, Ngāi Tahu suggest that it may be better to remove the paragraph describing the various categories of activity from the pLWRP altogether. This is on the basis that such provision is not necessary and may simply serve to add to debate about how a particular consent application should be considered.

8. CONCLUSION

- 8.1 Counsel for Ngāi Tahu thank the Hearing Commissioners for the opportunity to comment further in relation to the case presented on 25 March 2013.
- 8.2 As signalled during presentation of the Ngāi Tahu case, work is underway to reach agreement with other parties in relation to Group 2 matters resulting from the release of the section 42A report. Other than that, Ngāi Tahu are scheduled to appear again before the Hearing Commissioners at the Group 3 hearing and look forward to the opportunity to address the panel at that time.

DATED this 8th day of April 2013



J M Crawford/B McAuley
Counsel for Nga Rūnanga of Canterbury, Te Rūnanga o Ngāi Tahu
and Ngāi Tahu Property Limited.

Appendix 1

Scope of recommended amendments to decisions requested in Ngāi Tahu submissions

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
McIntyre 3.4, 3.6 Murchison 3.9, 3.10(i),(ii), (iii), 3.12	Section 2.4: The sub-regional sections contain policies and rules which are specific to the catchments covered by that section. The policies and rules in the sub-regional sections apply instead of, or in addition to, policies or rules in the region-wide section. They implement the region-wide objectives in the Plan in the most appropriate way for the specific catchment or catchments covered by that section.	No specific wording requested in submission. Evidence recommends amendment to pLWRP as follows: The sub-regional sections contain policies and rules which are specific to the catchments covered by that section. The <u>scope of policies and rules in the sub-regional sections is confined to implementation of allocation regimes and other water quality and quantity limits in the areas specified and identification of catchments, water bodies or outstanding values that require special protection. The policies and rules apply instead of, or in addition to, policies and rules in the region-wide section. They implement the region-wide objectives in the Plan in the most appropriate way for the specific catchment or catchments covered by that section.</u>	Ngā Rūnanga submission, Section 1 Page 1-2
McIntyre 3.13 Murchison 3.13	Sub-Regional Boundaries	Notify new sub regional sections based on catchment boundaries and managing whole catchments within one section	Ngā Rūnanga submission section 2, page 2
McIntyre 4.6	Section 3: 3.17 The mauri and the productive quality and quantity of soil are not degraded.	Canterbury soils are healthy and their susceptibility to human-induced erosion or <u>and risk of</u> contamination is minimised	Ngā Rūnanga submission Section 4, decision point 2, page 6
McIntyre 4.6	3.19 The risk and effects of natural hazards, including those arising from seismic activity and climate change, are reduced through protecting the effectiveness of natural hazard protection infrastructure, wetlands and hāpua.	The risk of and effects of natural hazards, including those arising from seismic activities and climate change, are mitigated through maintaining the effectiveness of both 'man-made' natural hazard <u>constructed</u> protection infrastructure and the water retention capacity of wetlands	Ngā Rūnanga submission Section 4, decision point 4, page 6.

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
		and hāpua as natural water retention areas.	
McIntyre 4.6, 4.7 Murchison 3.21	<p>Section 3:</p> <p>3.2 Water and land are recognised as an integrated resource embracing the philosophy and practice of ki uta ki tai thus recognising the connections between land, groundwater, surface water and coastal waters.</p> <p>3.4 In keeping with the philosophy and practice of ki uta ki tai the interconnectivity of land, water and the coast is reflected in its management.</p>	<p>Objective 1</p> <p>Land and water are managed as integrated natural resources, reflecting:</p> <ul style="list-style-type: none"> - Enabling Ngāi Tahu customary uses and traditional relationships with land and water; - Focusing on managing whole catchments and applying the The ethic of ki uta ki tai – management of whole catchments from the mountains to the sea; and - Managing the The connectivity between surface water and groundwater, and between fresh water, land and the coast. 	Ngā Rūnanga submission, Section 4, decision point 1, page 3.
McIntyre 4.6	3.20 Extraction of gravel from riverbeds maintains flood carrying capacity, protects infrastructure and provides a resource to enable development.	<p>Gravel in riverbeds is able to be extracted from riverbeds to maintain flood carrying capacity and to provide resources for building and construction, while maintain and extraction takes place in a way that:</p> <ul style="list-style-type: none"> (a) Safeguards the natural character of braided rivers, and not adversely affecting water quality, ecosystems or their and habitats, and access to or the and quality of mahinga kai; and or (b) Does not cause or exacerbate causing or exacerbating erosion. 	Ngā Rūnanga submission, Section 4, decision point 5, page 6.
McIntyre 4.6, 4.8 Murchison 3.19, 3.22, 3.23	<p>Section 3:</p> <p>3.1 Water is recognised as essential to all life and is respected for its intrinsic values.</p> <p>3.7 The mauri of lakes, rivers, hāpua and natural wetlands is maintained or restored and they are suitable for use by Ngāi Tahu and the community.</p> <p>3.8 The health of ecosystems is maintained or enhanced</p>	<p>Objective 2(a)</p> <p>Kaitiakitanga is exercised - freshwater bodies, <u>including hāpua and coastal lagoons</u>, and their catchments are maintained in a healthy state or, where they have been degraded, they are improved <u>to support</u>:-</p> <p>Objective 2(b)</p> <p><u>The quality and quantity of water in fresh water bodies</u></p>	Ngā Rūnanga submission, Section 4, decision point 1, page 4 & 5

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>in lakes, rivers, hāpua and wetlands.</p> <p>3.9 The existing natural character values of alpine rivers are protected.</p> <p>3.10 The significant indigenous biodiversity values, mahinga kai values, and natural processes of rivers are protected.</p> <p>3.12 Groundwater continues to provide a sustainable source of high quality water for flows and ecosystem health in surface waterbodies and for abstraction.</p> <p>3.13 Those parts of lakes and rivers that are valued by the community for recreation are suitable for contact recreation.</p> <p>3.14 High quality fresh water is available to meet actual and reasonably foreseeable needs for community drinking water supplies.</p>	<p>and their catchments is managed to:</p> <p>(i) Safeguard the life-supporting capacity <u>Continued healthy functioning</u> of ecosystems and ecosystem processes, including ensuring sufficient flow and quality of water to support the habitat and feeding, breeding, migratory and other behavioural life cycle requirements of indigenous species flora and fauna, nesting birds and, where appropriate trout and salmon;</p> <p>(ii) Provide for a Actual and any reasonably foreseeable needs for drinking water or and stockwater;</p> <p>(iii) Support e Customary uses and contact recreation in where the water bodies which are valued for these purposes;</p> <p>(iv) Maintain <u>Continued functioning of</u> natural hydrological and geomorphic processes including <u>seasonal and diurnal fluctuations in level or flow, flushing, and opening of</u> hāpua and river mouths, flushing algal and weed growth, and transporting sediment;</p> <p>(v) Maintain or enhance water quality in all lakes, rivers, wetlands, springs, hāpua and coastal lagoons; <u>Healthy surface water quality, and improvement of quality where this is degraded;</u></p> <p>(vi) Maintain water levels in aquifers, and avoid salt water intrusion of coastal groundwater sources; and Sustainable and high quality groundwater resources which support base flows or levels in surface water bodies, springs and wetlands; and</p> <p>(vii) Maintain water levels in wetlands, hāpua, coastal lagoons, lowland springs and springfed water bodies or improves levels where the values of these water bodies have been degraded through diversions, abstractions or land drainage</p>	

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
		<p>(viii) Maintain or enhance the <u>Retention or enhancement of their natural character of freshwater bodies including and that of their margins, particularly for braided rivers, and their margins, wetlands, and hāpua and coastal lagoons.</u></p> <p>Objective 6 Canterbury's groundwater resources remain a sustainable source of high quality water which supports base flows or levels in surface water bodies, springs and wetlands and which is available for abstraction.</p>	
<p>McIntyre 4.9 Murchison 3.22</p>		<p><u>Explanation</u></p> <p><i>Objective 2(a) and (b) are parallel objectives for managing water using the concepts of kaitiakitanga and a western science equivalent of all the functions and values of fresh water bodies and their ecosystems which need to be maintained or enhanced to enable the exercise of kaitiakitanga. Section 1.3 explains kaitiakitanga. Kaitiakitanga is an active, inherited duty to maintain water bodies, their catchment and ecosystems in a healthy state and to ensure those which have been degraded are being managed towards a healthy state. The major factor illustrated by the two objectives is that for Ngāi Tahu management of fresh water is holistic – it is not separated into component parts such as quality, flow, sediment transport or the habitat of one particular species.</i></p> <p><i>The concept of mauri was once used to gauge the healthy functioning of catchments using a combination of physical</i></p>	<p>Ngā Rūnanga submission Section 4, decision point 1, page 5</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
		<i>and metaphysical elements. However, there is no Ngāi Tahu tribal policy position on mauri, so when dealing with resource management plans that span the rohe of more than one Rūnanga, Ngāi Tahu prefers to use the ethic of kaitiakitanga.</i>	
McIntyre 4.4, 4.5	3.3 The relationship of Ngāi Tahu and their culture and traditions with the water and land of Canterbury is protected	Objective 3: Ngāi Tahu's past present and future relationship with the land and water of Canterbury is recognised and provided for.	Ngā Rūnanga submission Section 4, decision point 1, page 5
McIntyre 4.14, 7.5	Section 3: 3.6 The significant indigenous biodiversity values of natural wetlands and hāpua are protected and wetlands in Canterbury that contribute to cultural and community values, biodiversity, water quality, mahinga kai or ecosystem services are enhanced.	Objective 4 Wetlands, <u>coastal lakes, lagoons</u> and hāpua are recognised and valued for their rich ecological and cultural values and their water cleansing and flood retention properties and: (a) The biodiversity, cultural, recreational and amenity values of natural wetlands and hāpua are protected and where those values have been degraded, they are improved; and (b) The overall stock of wetland areas in the region is increased.	Reflects wording requested in Ngā Rūnanga submission Section 12 decision point 1, page 18, which differs from wording requested in Section 4 decision point 1, page 5.
McIntyre 4.14 (and 4.6)	Section 3: 3.5 Outstanding fresh water bodies and hāpua and their margins are maintained in their existing state or restored where degraded.	Objective 5 The outstanding characteristics and values of Canterbury's fresh water bodies and their catchments <u>the catchment conditions contributing to these</u> are protected, and lakes and the main stems of rivers, which have not	Ngā Rūnanga submission Section 4, decision point 1, page 5

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
		already been modified; are retained in their natural state.	
<p>McIntyre 4.11</p> <p>Murchison 3.17</p>	<p>Section 3:</p> <p>3.11 Water is available for sustainable abstraction or use to support a variety of economic and social activities and maximum social and economic benefits are obtained from the efficient storage, distribution and use of the water which is available for abstraction.</p> <p>3.15 A regional network of water storage and distribution facilities provides for sustainable, wise, efficient and multiple use of water.</p> <p>3.21 Land uses continue to develop and change in response to socio-economic and community demand while remaining consistent with the CWMS targets.</p> <p>3.22 Community outcomes for water quality and quantity are met through managing limits.</p> <p>3.23 All activities operate at “good practice” or better to protect the region’s fresh water resources from quality and quantity degradation.</p>	<p>Objective 7</p> <p>Fresh water is available for abstraction to provide for the economic well-being of people and communities, within the allocation limits or management regimes which are set to give effect to Objectives 2(a) and (b).</p> <p>Objective 8</p> <p>Changes and intensification of land uses occur within water quality allocation limits or management regimes which are set considering the sensitivity of the receiving environment and to give effect to Objectives 2(a) and (b).</p> <p>Objective 9</p> <p>Water harvest and storage schemes are developed which provide for all of the following:</p> <ul style="list-style-type: none"> (a) The exercise of kaitiakitanga; (b) Reliable water for irrigation or hydro-electricity generation; (c) The maintenance or enhancement of the flows or levels and the quality of water in water bodies within the catchment; and (d) Integrated management of the supply of irrigation water with land uses and resulting contaminant discharges. <p>Objective 10</p> <p>Fresh water is managed prudently as a shared resource with many values, and:</p> <ul style="list-style-type: none"> (a) Community-based water harvest and storage schemes are developed which maximise the number of potential users and combined uses of water where practicable; 	<p>Ngā Rūnanga submission Section 4 decision point 1, page 5, 6</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
		(b) People's use of water is as efficient as practicable; and (c) Land uses and the discharge of contaminants are managed in accordance with good practice and taking into account the capability of the land and the sensitivity of the receiving environment.	
McIntyre 4.15, 4.4	Section 3: 3.16 Infrastructure of national or regional significance is resilient and positively contributes to economic, cultural and social wellbeing through its efficient and effective operation, ongoing maintenance, repair, development and upgrading.	Ngā Rūnanga submission requests deletion of Objective 3.16, with no replacement. Evidence recommends replacement of Objective 3.16 as follows: <u>Existing infrastructure is recognised and provided for while requiring ongoing improvements in water use efficiency and reductions in adverse environmental effects.</u>	Ngā Rūnanga submission Section 4 decision point 1, page 3. Ngāi Tahu Property Limited submission point 209.9 (requesting provision for all infrastructure)
McIntyre 4.17, 4.20 Begley 3.6(ii), 3.6(iii)	Section 4: 4.1 Lakes, rivers, wetlands and aquifers will meet the fresh water outcomes set in Sections 6-15. If outcomes have not been established for a catchment, then each type of lake, river or aquifer will meet the outcomes set out in Table 1. 4.4 Water is managed through the setting of limits to maintain the life-supporting capacity of ecosystems, support customary uses, and provide for community and stock drinking water supplies, as a first priority and to meet the needs of people and communities for water for irrigation, hydro-electricity generation and other economic activities and to maintain river flows and lake levels needed for recreational activities, as a second priority. 4.6 Where a water quality or quantity limit is set in Sections 6-15, resource consents will generally not be granted if the granting would cause the limit to be	4.1 Water quantity and quality is managed through setting, <u>for each catchment</u> , water allocation regimes or limits to manage <u>on the abstraction of fresh water and the discharge of contaminants for each catchment, which to give effect to objectives 1, 2(a) and (b) of this plan and to achieve any fresh water outcomes specified for the catchment in Sections 6-15 within the timeframes specified</u> . 4.3 Resource consents shall not be granted that will allow activities either singularly or in combination with other activities, to exceed the allocation regime or limits set for that catchment, except where Policy 4.4 applies. 4.4 Where the abstraction or water or discharge of contaminants already exceed the allocation regime or limits set under Policy 4.1, resource consents may be granted to: <u>(a) Allow the continuation of existing activities at the same or a lesser rate or scale, provided that there is a plan to</u>	Reference to timeframes in 4.1 and 4.5: Trustpower 250.29 (see section 42A report Recommendation R4.1) Other amendments for clarity - Ngā Rūnanga submission Section 4 decision point 7, page 6-7.

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>breached or further over-allocation to occur.</p> <p>4.7 Where over-allocation of water for abstraction from surface water catchments and groundwater zones or nutrient discharges has been determined, a regime will be established in Sections 6-15 that provides methods and a timeframe to eliminate the over-allocation.</p>	<p>reduce the over-allocation within a specified timeframe; or</p> <p>(b) Exceed the allocation limit in the short-term if that exceedance is part of a proposal to reduce the over-allocation in the catchment and that proposal is provided for within the relevant sub-regional section of this plan.</p> <p>4.5 Where no allocation regime or limits have been set for abstraction or the discharge of contaminants for a catchment in a sub-regional section of this plan or any other relevant regional plan referred to in the sub-regional section of this plan, then resource consent applications shall be assessed against the fresh water outcomes set out in Table 1 <u>and any effect that granting consent is likely to have on achievement of the outcomes by 2023.</u></p>	
McIntyre 4.21	<p>Section 4:</p> <p>4.5 In high naturalness waterbodies listed in Sections 6-15, the damming, diverting or taking of water is limited to that for individual or community stock or drinking water and water for the operation and maintenance of infrastructure.</p>	<p>4.7 In high naturalness water bodies listed in sections 6-15, the damming and diverting or taking of water is limited to that for individual or community stock or drinking water, to support research purposes or customary uses <u>or to enable research supporting maintenance or enhancement of the water body's natural or cultural values,</u> or the operation or maintenance of existing infrastructure.</p>	Ngā Rūnanga submission Section 4 decision point 8, page 7
McIntyre 4.25	<p>Section 4:</p> <p>4.3 The discharge of contaminants to water or the damming, diversion or abstraction of any water or disturbance to the bed of a fresh water body shall not diminish any values of cultural significance to Ngāi Tahu.</p>	<p>4.6 The cultural landscapes of each catchment shall be identified and provided for in the sub-regional sections of the plan. <u>The cultural values of each catchment, including cultural landscapes that contribute to the natural character of water bodies, shall be identified and provided for in the sub-regional sections of the plan.</u></p>	Ngā Rūnanga submission Section 4 decision point 7, page 7 and Kennaway Park submission point 313.9 (see section 42A report Recommendation R4.3)
McIntyre 4.23, 4.24	<p>4.8 The harvest and storage of water for irrigation or hydroelectricity schemes contribute to or do not frustrate the attainment of the regional concept for water harvest, storage and distribution set out in schedule 16 or the priority outcomes expressed in the relevant ZIP.</p>	<p>4.8 Proposals to harvest and store water for irrigation or hydro-electricity generation:</p> <p>(a) Contribute to or do not frustrate Regional or Zone Committee proposals for making irrigation water available to parts of the region or proposals to restore or enhance</p>	Ngā Rūnanga submission Section 4 decision point 9, page 7

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
		<p>degraded environments, as set out in the relevant sub-regional sections of this plan; and</p> <p>(b) If supplying irrigation water, the proposal must address any potential effects of the use of water and associated increase in the discharge of contaminants on receiving environments.</p> <p>By way of a variation remove Schedule 16 and put the relevant proposals and priority outcomes as catchment-specific policies in the relevant sub-regional sections, where they relate to the purpose of and regional council functions under the RMA.</p>	<p>Ngā Rūnanga submission Section 4 decision point 10, page 7</p>
<p>Cowie 7.7</p>	<p>Section 4:</p> <p>4.34: 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, an applicant for resource consent must demonstrate that the nitrogen loss from the proposed activity, when assessed in combination with the effects of other land uses or discharges, will not prevent the water quality outcomes of Policy 4.1 being achieved and show that the nitrogen discharges from the property are a significant and enduring reduction from existing levels.</p> <p>4.37: All activities shall achieve the nutrient load limit and nutrient allowance for the catchment in Sections 6-15 of this Plan.</p> <p>4.38: If the measured or predicted nutrient load from land uses and discharges exceeds the nutrient load limit for the catchment in Sections 6-15 of this Plan, the loss to water</p>	<p>Queries the appropriateness of an approach that may result in multiple consent applications being potentially required for the same activity on the same land.</p>	<p>Ngāi Tahu Property Limited submission Section 4, decision sought on page 8.</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	of nutrients from land uses in the catchment will be reduced to achieve the nutrient load limit for the catchment.		
McIntyre 4.29, 4.30 Murchison 3.50	<p>Section 4:</p> <p>4.52 The discharge of water resulting from moving water from one catchment or water body to another does not:</p> <p>(a) facilitate the transfer of fish species, plant pests or unwanted organisms into catchments where they are not already present;</p> <p>(b) adversely affect Ngāi Tahu values;</p> <p>(c) adversely affect the natural character of the receiving water;</p> <p>(d) adversely affect existing drinking water treatment systems to the extent that they are no longer able to effectively treat the water to achieve the standards set out in the Drinking-water Standards for New Zealand; and</p> <p>(e) adversely affect fish migration.</p>	<p>The transfer of water from one catchment <u>or water body</u> to another, <u>either directly or through the discharge of water onto land where it may enter water</u>; as part of any irrigation, hydro-electricity generation or other water infrastructure development:</p> <p>(a) Will be undertaken in locations and ways which are acceptable to Ngāi Tahu considering the whakapapa of the catchments involved, any potential effects of transferring or mixing waters on <u>Ngāi Tahu cultural values including the origins of the water source and any traditional uses of the waterbodies</u>; the natural character and ecology of the catchment <u>and its associated ecosystems</u>; and the effectiveness of any mitigation measures;</p> <p>(a) Will not result in the transfer of <u>fish species, plant pests or unwanted organisms</u> from one catchments to another; and or</p> <p>(b) <u>Will not result in</u> any deterioration in water quality in the receiving catchment.</p> <p>Explanation</p> <p>There is no universal Ngāi Tahu position on the transfer of water from catchment to catchment. The acceptability to Ngāi Tahu of transferring water between catchments depends on each specific proposal and the position of the respective rūnanga. For example, for most rūnanga it is unlikely to be acceptable to transfer water from a catchment which was used for water burial into a catchment which is a source of mahinga kai. In some cases it may not be appropriate to transfer water from an</p>	Ngā Rūnanga submission Section 14, pages 19, 20 and Fish and Game submission point 347.115

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
		alpine catchment with glacial origins into a lowland catchment due to the different origins of the water, while for others whakapapa connections may make the transfer acceptable. Therefore early consultation with the respective rūnanga and Te Rūnanga on proposals involving the transfer of water between catchments is recommended.	
McIntyre 5.10, 5.11 Begley 3.4(vi), 3.6(i), 3.6(v)	<p>Section 4:</p> <p>4.28 The loss of nitrogen to water is minimised through first, raising awareness of the nitrogen losses from farming by requiring record-keeping on existing farms, secondly, supporting the use of industry articulated good practice and finally, introducing, through plan changes to Sections 6-15 of this Plan, nutrient discharge allowances to achieve collaboratively agreed catchment-based water quality outcomes.</p> <p>4.29 Priority will be given to collaborative catchment management processes to introduce plan changes to set nutrient discharge allowances where regional water quality outcomes are not being met, as shown on the Planning Maps, and in the interim risks to the environment from the loss of nitrogen to water will be managed through compliance with industry articulated good practice or, in the absence of any such articulation, granting, subject to conditions, or refusing applications for resource consents.</p> <p>4.30 Until 1 July 2017 the loss of nitrogen to water from existing farming activities will be minimised by raising awareness of the actions and activities that give rise to these discharges and the effects of these discharges on the environment and as a result of nitrogen discharges being recorded by each farming enterprise.</p> <p>4.31 Minimise the loss of nitrogen to water from any change in farming activities in an area coloured red on the</p>	<p>#To require all land uses which involve the non-point source discharge of contaminants to water onto land where it may enter water, to take all practicable measures to minimise the amount of potential contaminants discharged.</p> <p>#To manage land uses which involve with non-point source discharges of higher <u>resulting in significant</u> concentrations of contaminants; and:</p> <ul style="list-style-type: none"> — In the Nutrient 1 Zone to ensure any change in land use activities and associated increase in the discharge of contaminants will not, singularly or cumulatively, adversely affect existing water quality in the catchment; and - In the Nutrient 2 Zone, to ensure any change in land use activities does not result in any increase in the volume of nitrates, phosphates, sediment or other contaminants being discharged from that property, into water. <p>To ensure that every catchment in the region has water quality standards which achieve the objectives of this plan, by (a specified date); and</p> <p>Where a catchment is over-allocated for discharges of contaminants considering these water quality standards, that a programme and timeframe to reduce over-allocation to meet these standards is also included in the sub-regional section of this plan (by the same specified date).</p>	Ngā Rūnanga submission Section 5, decision point 3, page 9, and Fish and Game submission points 347.82-347.85

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>Planning Maps, by demonstrating the nitrogen loss from the proposed activity, when assessed in combination with the effects of other land uses or discharges, will not prevent the water quality outcomes of Policy 4.1 being achieved or the nitrogen discharges from the property are a significant and enduring reduction from existing levels.</p> <p>4.32 To minimise the risk of the outcomes in Policy 4.1 not being achieved, where there is no industry articulated good industry practice nitrogen discharge limit for a particular industry sector included in this Plan prior to 1 July 2017 then all farming activities in that industry sector will be required to obtain a resource consent to continue the farming activity and any proposal will be required to demonstrate the nitrogen loss from the proposed activity, when assessed in combination with the effects of other land uses or discharges, will not prevent the water quality outcomes of Policy 4.1 being achieved or the nitrogen discharges from the property are a significant and enduring reduction from existing levels.</p> <p>4.33 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, will be managed through resource consent conditions requiring, as a minimum, the preparation and implementation of a farm environment plan and the regular audit of that plan.</p> <p>4.34 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, an applicant for resource consent must demonstrate that the nitrogen loss from the proposed activity, when assessed in combination with the effects of other land uses or discharges, will not prevent the water</p>	<p><u># Nutrient discharge allowances which achieve the objectives of this plan will be set for every catchment in the region by [a specified date];</u></p> <p><u># In any catchment which is over-allocated in terms of its nutrient discharge allowance:</u></p> <p>(a) <u>land uses will not, singularly or cumulatively, result in any further deterioration of the quality of fresh water in the receiving environment; and</u></p> <p>(b) <u>land uses in the catchment will be subject to a programme and timeframe to reduce the over-allocation so as to meet the standards set for the catchment;</u></p> <p><u># In any catchment which is approaching full allocation of its nutrient discharge allowance, land uses will not, singularly or cumulatively, result in the catchment becoming over-allocated in terms of its nutrient discharge.</u></p> <p>Develop appropriate nutrient discharge allowances for existing farming activities and notify the provisions for existing farming activities once they have been developed.</p> <p>By way of a variation to the plan: Replace Nutrient Zone Map (p4-8) with a map classifying the Region into two nutrient zones based on the sensitivity of the receiving environment to further nutrient enrichment from land uses and non-point source discharges.</p>	<p>Ngā Rūnanga submission Section 5, decision point 4, page 9</p> <p>Ngā Rūnanga submission Section 5, decision point 2 and 3, pages 8 and 9.</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>quality outcomes of Policy 4.1 being achieved and show that the nitrogen discharges from the property are a significant and enduring reduction from existing levels.</p> <p>4.35 To minimise the loss of nitrogen to water prior to 1 July 2017, where the land owner holds an existing water permit to take and use water, or is a shareholder in an irrigation scheme, and there are conditions on the water permit that address nutrient management, any change in farming activities will be enabled subject to requirements to prepare and implement a farm environment plan, the regular audit of that plan and to record, on a per enterprise basis, nitrogen discharges.</p> <p>4.36 Irrespective of the nutrient allocation status of a catchment as shown on the Planning Maps , to allow the following discharges:</p> <p>(a) wastewater discharge from a marae; (b) community wastewater treatment schemes; or (c) wastewater discharge from a hospital, a school or other education institution.</p> <p>4.37 All activities shall achieve the nutrient load limit and nutrient allowance for the catchment in Sections 6-15 of this Plan.</p> <p>4.38 If the measured or predicted nutrient load from land uses and discharges exceeds the nutrient load limit for the catchment in Sections 6-15 of this Plan, the loss to water of nutrients from land uses in the catchment will be reduced to achieve the nutrient load limit for the catchment.</p>		
McIntyre 5.7 and 5.8 Begley	<p>Changed (in terms of rules 5.42 to 5.45) means a change in land use, calculated on a per property basis that arises from either:</p> <ol style="list-style-type: none"> 1. a resource consent to use, or increase the volume 	<p>Amend the definition of 'change' to a farming activity to be:</p> <p>(a) The application of irrigation water or an increase in irrigation water; or</p>	<p>Ngā Rūnanga submission Section 5, decision point 1, page 8.</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
3.6(iv), 3.7	<p>of, water for irrigation on a property; or</p> <p>2. an increase of more than 10% in the loss of nitrogen from land used for a farming activity above the average nitrogen loss from the same land for the period between 1 July 2011 and 30 June 2013. The amount of nitrogen loss shall be calculated using the Overseer™ nutrient model for the 12 months preceding 1 July in any year and expressed as kilograms per hectare per year.</p>	(b) A change in land use which increases the nitrogen discharged per hectare to over 20/kg/ha/yr, averaged over the farm.	
Begley 3.10		By way of a variation to the plan: Replace Nutrient Zone Map (p.4-8) with a map classifying the Region into two nutrient zones based on the sensitivity of the receiving environment to further nutrient enrichment from land uses and non-point source discharges.	Ngā Rūnanga submission Section 5, decision point 2, page 8.
McIntyre 5.10 Begley 3.8, 3.9	<p>Section 5:</p> <p>5.39 Prior to 1 July 2017, the use of land for any farming activity existing at 11 August 2012 and outside of the Lake Zone shown on the Planning Maps, is a permitted activity if the following condition is met:</p> <p>1. A record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEERTM nutrient model, is kept and is provided to the CRC upon request.</p> <p>5.40 Prior to 1 July 2017, the use of land for a farming activity existing at 11 August 2012 and within the Lake Zone shown on the Planning Maps, is a permitted activity if the following conditions are met:</p> <p>1. A record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEER™ nutrient model;</p>	<p>Rule A1:</p> <p>The use of land and any associated discharge of nutrients from any farming activity is a permitted activity provided it complies with all of the following conditions:</p> <p>(i) The farming activity does not carry more than 10 stock units per hectare averaged over any two year period <u>involve irrigation</u>;</p> <p>(ii) Fertiliser (including that drilled into the ground but excluding urine and dung discharged by animals grazing on the property) is not applied to any land area more than twice in any twelve month period;</p> <p>(iii) Any fertiliser application complies with rules 5.52 and 5.53;</p> <p>(iv) Fertiliser is not applied to bare land, except where it is direct drilled into the ground with the sowing of a seed crop;</p> <p>(v) The land area is not used to spread stored effluent; and</p>	Ngā Rūnanga submission Section 5, decision points 5 and 6, pages 9, 10.

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>2. A Farm Environment Plan is prepared and implemented in accordance with Schedule 7;</p> <p>3. The Farm Environment Plan is externally audited each year for the first three years by a Farm Environment Plan Auditor. Following three consecutive years of full compliance, the audit shall occur once every three years; and</p> <p>4. A record of the audit compliance grading and the average annual loss of nitrogen for the property is provided to the CRC by 31 August of that year.</p> <p>5.41 The use of land for a farming activity that does not comply with one or more of the conditions of Rules 5.39 or 5.40 is a restricted discretionary activity.</p> <p><i>The CRC will restrict discretion to the following matters:</i></p> <p>...</p> <p>5.42 Prior to 1 July 2017 the use of land for a change to an existing farming activity is a permitted activity if the following conditions are met:</p> <ol style="list-style-type: none"> 1. The land holder has been granted a water permit, or holds shares in an irrigation company that has been granted a water permit, that authorises irrigation on the land and the land is subject to conditions that specify the maximum amount of nitrogen that may be leached; 2. The property is outside a Lake Zone as shown on the Planning Maps; 3. A record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEERTM nutrient model; 4. A Farm Environment Plan is prepared and implemented in accordance with Schedule 7; 5. The Farm Environment Plan is externally audited each 	<p>(vi) The land area is not used to graze dairy herds.</p> <p>Rule A2:</p> <p>From 1 July 2017, Any existing activity which does not comply with this rule shall comply with the nutrient discharge allowance set for the activity in Schedule 8, or, if no allowance has been set, shall be subject to Rule B applies.</p> <p>Rule B:</p> <p>Any existing farming activity which does not comply with Rule A1 or A2, and any 'change' in a farming activity or any existing farming activity which does not comply with Rule "A" A1, is a restricted discretionary activity in the Nutrient 1 Zone.</p> <p>The consent authority shall restrict its discretion to assessing whether any increase in non-point source discharge of contaminants resulting from the change in farming activity will either singularly or in combination with other land uses in the catchment, adversely affect existing water quality in the catchment, and the effectiveness of any proposed mitigation measures.</p> <p>Any existing farming activity which does not comply with Rule "A" is discretionary activity in the Nutrient 2 Zone.</p> <p>Any 'change' in a farming activity is a non-complying activity in the Nutrient 2 Zone.</p>	

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>year for the first three years by an Farm Environment Plan Auditor. Following three consecutive years of full compliance, the audit shall occur once every three years; and</p> <p>6. A record of the audit compliance grading and the average annual loss of nitrogen for the property is provided to the CRC by 31 August of that year.</p> <p>5.43 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.</p> <p><i>The CRC will restrict the exercise of discretion to the following matters:</i></p> <p>...</p> <p>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>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>5.46 From 1 July 2017, the use of land for any farming activity, is a permitted activity if the following conditions are met:</p> <ol style="list-style-type: none"> 1. The land is outside a Lake Zone shown on the Planning Maps; and 2. The average annual loss of nitrogen does not exceed the rate for the relevant farming activity in Schedule 8; and 3. The annual average loss of nitrogen, averaged over 		

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>three consecutive years is less than 20 kilograms per hectare a record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEERTM nutrient model, is kept and is provided to the CRC upon request; or</p> <p>4. If the annual average loss of nitrogen, averaged over three consecutive periods from 1 July in one year to 30 June in the following year, is 20 kilograms per hectare or more:</p> <p>(a) a Farm Environment Plan is prepared and implemented in accordance with Schedule 7;</p> <p>(b) the Farm Environment Plan is externally audited each year for the first three years by an Farm Environment Plan Auditor. Following three consecutive years of full compliance, the audit shall occur once every three years; and</p> <p>(c) a record of the audit compliance grading and the average annual loss of nitrogen for the property is be provided to the CRC by 31 August of that year.</p> <p>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 pale blue or green on the Planning Maps is a restricted discretionary activity.</p> <p><i>The CRC will restrict the exercise of discretion to the following matters:</i></p> <p>...</p> <p>5.48 From 1 July 2017, the use of land for any farming activity is a discretionary activity where either:</p> <p>(a) The activity does not meet Condition 2 in Rule 5.46 or there is no rate for the relevant farming activity specified in</p>		

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>Schedule 8 and where the property is within an area coloured orange on the Planning Maps; or</p> <p>(b) The activity complies with Condition 2 but not Condition 1 in Rule 5.46; or</p> <p>(c) The activity does not meet Condition 3 or 4, whichever is relevant, in Rule 5.46.</p> <p>5.49 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.</p>		
<p>McIntyre 5.17</p> <p>Murchison 3.25</p>	<p>Section 4:</p> <p>4.10 For other discharges of contaminants to surface waterbodies or groundwater, the effects of any discharge are minimised by the use of measures that:</p> <p>(a) first, avoids the production of the contaminant;</p> <p>(b) secondly, reuses, recovers or recycles the contaminant;</p> <p>(c) thirdly, reduce the volume or amount of the discharge; or</p> <p>(d) finally, wherever practical utilise land-based treatment, a wetland constructed to treat contaminants or a designed treatment system prior to discharge; and</p> <p>(e) meets the receiving water standards in Schedule 5.</p>	<p># Other direct discharges of contaminants to surface water bodies, hāpua, lagoons or natural wetlands shall be limited to For all other discharges, the first preference is to <u>land or artificial wetland treatment whenever practicable.</u> Limited provision is made for discharges to surface water of:</p> <p>(a) The discharge of treated stormwater; or</p> <p>(b) <u>Contaminants (including tracers and herbicides) incidental to work carried out within or immediately adjoining the surface water body; and</u></p> <p>(c) The short term continuation of discharges to rivers or lakes Contaminants subject to a <u>legally authorized discharge prior to this plan being adopted,</u> provided resource consent has been applied for, for an alternative disposal system.</p> <p>#The effects <u>on the environment</u> of any discharge of contaminants <u>to land or water on the environment</u> are minimised by the use of measures that:</p> <p>(a) Firstly, avoid the production of contaminants;</p> <p>(b) Secondly, reuse, recover or recycle the contaminants;</p>	<p>Ngā Rūnanga submission Section 6, decision points 1 and 2, pages 10, 11.</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
		<p>and</p> <p>(c) Thirdly, reduces the volume or amount of contaminant to be discharged; and</p> <p>(d) As a first preference, for any discharge of contaminants is to land or artificial wetland treatment whenever practicable; and</p> <p>(e) Where any discharge to water must occur, it complies with the receiving water standards in Schedule 5.</p>	
McIntyre 5.20	<p>4.11 Any discharge of a contaminant into or onto land where it may enter groundwater shall:</p> <p>(a) not exceed the natural capacity of the soil to treat or remove the contaminant; and</p> <p>(b) not exceed available water storage capacity of the soil; and</p> <p>(c) where this is not practicable:</p> <p>(i) meet any nutrient allowance in Sections 6-15 of this Plan;</p> <p>(ii) utilise the best practicable option to ensure the size of any contaminant plume is as small as is reasonably practicable, and there is sufficient distance between the point of discharge, any other discharge and drinking water supplies to allow for the natural decay or attenuation of pathogenic micro-organisms in the contaminant plume;</p> <p>(iii) not result in the accumulation of pathogens, or a persistent or toxic contaminant that would render the land unsuitable for agriculture, commercial, domestic or recreational use or water unsuitable as a source of potable water or for agriculture;</p> <p>(iv) not raise groundwater levels so that land drainage</p>	<p>Any discharge into or onto land shall:</p> <p>(a) not exceed the natural capacity of the soil to treat or remove the contaminant; and</p> <p>(b) not exceed available water storage capacity of the soil; and</p> <p>(c) meet the water quality limits set in Sections 6-15;</p> <p>(d) where the discharge is unable to achieve (a) – (b) the discharge will:</p> <p>(i) utilise the best practicable option to ensure the size of any contaminant plume is as small as is reasonably practicable, and</p> <p>(ii) ensure there is sufficient distance between the point of discharge and any other discharge and drinking water supplies to allow for the natural decay or attenuation of pathogenic micro-organisms;</p> <p>(iii) not result in the accumulation of pathogens, or a persistent or toxic contaminant that would render the land unsuitable for agriculture, commercial, domestic or recreational use or water unsuitable as a source of potable water or for agriculture;</p> <p>(iv) not raise groundwater levels so that land drainage is impeded; and</p> <p>(v) not have any adverse effects on the drinking water</p>	Ngā Rūnanga submission Section 6, decision point 3 page 11.

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	is impeded; and (v) not have any adverse effects on the drinking water quality of the groundwater, including any risk to public health.	quality of the groundwater, including any risk to public health.	
McIntyre 5.21, 5.22 Murchison 3.26	<p>In urban areas, the adverse effects on water quality, aquatic ecosystems, existing uses and values of water and public health from the cumulative effects of sewage, wastewater, industrial or trade waste or stormwater discharges are avoided by:</p> <p>(a) all sewage, industrial or trade waste being discharged into a reticulated system, where available;</p> <p>(b) the implementation of contingency measures to minimise the risk of a discharge from a wastewater reticulation system to surface water in the event of a system failure or overloading of the system beyond its design capacity; and</p> <p>(c) any reticulated stormwater or wastewater reticulation system installed after 11 August 2012 is designed and managed to avoid sewage discharge into surface water.</p>	<p>The discharge of sewage, wastewater, industrial or trade waste or stormwater in urban areas, will:</p> <p>(a) be into a public or community reticulated system whenever there is an available network be undertaken in accordance with a management plan which sets out and implements:</p> <ul style="list-style-type: none"> • contingency measures to minimise the risk of a discharge from a wastewater reticulation system to surface water in the event of a system failure or overloading of the system beyond its design capacity; and • land based or wetland treatment of stormwater from any public reticulated stormwater system established after 11 August 2012, including any extension to any existing public reticulated stormwater system, • how any discharge either into water or onto land meets the water quality limits set out in Sections 6-15 or Table 1 (whichever applies); and • the management of the discharge of stormwater from sites involving the use, storage or disposal of hazardous substances <p>(b) be designed and managed to avoid any sewage discharge into surface water where the system is installed after 11 August 2012 .</p> <p>Two new policies be added which read: Policy 4.XXX Where an on-site effluent treatment and disposal system</p>	<p>Ngā Rūnanga submission Section 6, decision point 4, page 11.</p> <p>Ngā Rūnanga submission Section 6, decision points 5 pages 11, 12.</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
		<p>is to be installed to treat and dispose of human effluent:</p> <ul style="list-style-type: none"> (a) The system proposed will effectively treat and dispose of human effluent, given the conditions of the site; (b) There will be no contamination of any drinking water supply; (c) People will not come into contact with treated or untreated effluent on the land surface; (d) The zone of influence of the discharge will not restrict activities on adjoining properties; (e) There shall be no ponding on the ground of flowing into surface water from the discharge; (f) There shall be sufficient distance between the discharge from the on-site system and other discharges, wells or groundwater, to allow for the natural decay or attenuation of pathogenic micro-organisms in the contaminant plumes to the extent needed to ensure groundwater remains a potable water source; and (g) There shall be sufficient distance between the discharge from the on-site system and other discharges, wells or groundwater to avoid elevation of groundwater levels to an extent that land drainage is impeded. <p>Policy 4.XXXX</p> <p>Sludge from the treatment of human effluent is disposed of, so that:</p> <ul style="list-style-type: none"> (a) There will be no contamination of any drinking water supply; (b) People will not come into contact with sludge; (c) The zone of influence of the discharge will not restrict activities on adjoining properties; (d) There shall be no ponding on the ground or flowing 	

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
		<p>into surface water from the discharge;</p> <p>(e) There shall be sufficient distance between the discharge and other discharges, wells or groundwater, to allow for the natural decay or attenuation of pathogenic micro-organisms in the contaminant plumes to the extent needed to ensure groundwater remains a potable water source; and</p> <p>(f) There shall be sufficient distance between the discharge and adjoining properties so that there is no dust nuisance.</p>	
<p>McIntyre 5.18</p>	<p>5.64 The discharge of treated sewage effluent into surface water or a natural wetland is a non-complying activity.</p> <p>5.65 The discharge of untreated sewage onto or into land in circumstances where a contaminant may enter water or into surface water, wetland or groundwater, as a result of a spill, overflow, or equipment failure, is a noncomplying activity.</p> <p>5.66 The discharge of untreated sewage onto or into land where a contaminant may enter water or into a river, lake, artificial watercourse, wetland or groundwater, except as a result of a spill, overflow, or equipment failure, is a prohibited activity.</p>	<p>Amend Rule 5.64 so that any new discharge of treated effluent into surface water or a natural wetland is a prohibited activity, and the continuation of any existing discharge is non-complying.</p> <p>Amend rules 5.55 and 5.66 by deleting the word ‘overflow’.</p>	<p>Ngā Rūnanga submission Section 6, decision points 7 and 8, page 12.</p>
<p>McIntyre 6.3, 6.4 Murchison 3.30</p>	<p>Section 5:</p> <p>5.101 The taking and use of groundwater is a restricted discretionary activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The take is from within a Groundwater Allocation Zone on the Planning Maps; 2. Unless the proposed take is the replacement of a lawfully established take affected by the provisions of section 124 of the RMA, for stream depleting groundwater 	<p>4.2 In setting water allocation regimes or limits:</p> <ol style="list-style-type: none"> (a) Surface water bodies and groundwater are managed as a single resource except where very deep groundwater is unlikely to have a connection to surface water; and (b) Allocation regimes or limits for water quantity and quality are considered together. 	<p>Consequential to Ngā Rūnanga submission Section 7</p> <p>Ngā Rūnanga Submission section 7, decision point 1 and 2, page 13.</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>takes, the take, in addition to all existing resource consented surface water takes, complies with the limits set in Sections 6-15 for that surface water body in accordance with Schedule 9;</p> <p>3. Unless the proposed take is the replacement of a lawfully established take affected by the provisions of section 124 of the RMA, the seasonal or annual volume of the groundwater take, in addition to all existing resource consented takes, does not exceed the limits for the relevant Groundwater Allocation Zone in Sections 6-15; and</p> <p>4. The bore interference effects are acceptable, as set out in Schedule 12.</p> <p><i>The CRC will restrict discretion to the following matters:</i></p> <p>1. Whether the amount of water to be taken and used is reasonable for the proposed use. In assessing reasonable use for irrigation purposes, the CRC will consider the matters set out in Schedule 10;</p> <p>2. The availability and practicality of using alternative supplies of water;</p> <p>3. The maximum rate of take, including the capacity of the bore or bore field and any irrigation system;</p> <p>4. The effects on surface water resources if the groundwater take is within a surface water catchment where the surface water allocation limit, as set out in Sections 6-15 is fully or over-allocated;</p> <p>5. The effects the take has on any other authorised takes, including interference effects as set out in Schedule 12;</p> <p>6. For stream depleting groundwater takes, any reduction in the rate of take in times of low flow and restrictions to prevent the flow from reducing to zero as set out in policies to this Plan; and</p>	<p>Add a new policy after Policy 4.48 which reads:</p> <p>Where groundwater and surface water bodies in a catchment have separate allocation limits in this plan, and the groundwater or surface water body is fully or over-allocated, resource consents shall not be granted for any additional abstraction of water within that catchment unless:</p> <p>(a) If the groundwater allocation zone is fully or over-allocated the take is from surface water which does not contribute to groundwater recharge; or</p> <p>(b) If the surface water body is fully or over-allocated the take is from groundwater which is not hydraulically connected to the surface water body; or</p> <p>(c) The application is from an existing abstractor to change water sources, and the existing resource consent for the equivalent volume of water is surrendered.</p> <p>Evidence recommends Rule 5.101 be amended to reflect the new policy by requiring assessment of effects of low-level hydraulic connectivity for applications for abstraction within groundwater allocation zones (no specific wording suggested).</p>	

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	7. Whether salt-water intrusion into the aquifer or landward movement of the salt water/fresh water interface is prevented.		
McIntyre 6.7	<p>Section 4:</p> <p>4.61 To prevent the flow falling below a minimum flow for the catchment, due to abstraction, partial restriction regimes for surface water shall:</p> <p>(a) have a single flow monitoring point for the whole catchment that all abstractors are referenced to, with additional flow monitoring points that some or all abstractors are subject to, should the hydrology of the surface water body justify it;</p> <p>(b) provide for groups of water permit holders in the same sub-catchment to share water when takes are operating under partial restrictions; and</p> <p>(c) unless specified in a relevant sub-regional section, be based on a stepped or pro rata restriction regime that applies equally to all takes within an allocation block and does not induce the flow to fall below the minimum flow due to abstraction.</p>	<p>When designing and implementing <u>To prevent the flow falling below a minimum flow for the catchment due to abstraction, partial restriction regimes for surface water shall be implemented. Regimes shall be designed to:</u></p> <p>(a) There will be <u>have</u> a single flow monitoring point for the whole catchment that all abstractors are referenced to, with additional flow monitoring points that some or all abstractors are subject to, in addition, should the hydrology of the surface water body justify it;</p> <p>(b) The partial restriction regime shall prevent the flow falling below the minimum flow due to abstraction.</p> <p>(c) Provision shall be made <u>provide</u> for groups of water permit holders in the same sub-catchment to share water when water takes are operating under partial restrictions.</p> <p>(d) Subject to condition (a), all abstractors shall be subject to identical conditions which, <u>unless specified in a relevant sub-regional section, and subject to the application of multiple flow monitoring points in (a),</u> will be based on a stepped or pro rata restriction regime that applies equally to all takes within an allocation block and does not induce the flow to fall below the minimum flow due to abstraction.</p>	Ngā Rūnanga submission Section 7 decision point 3, pages 13, 14.
McIntyre 6.5	<p>In Rules 5.96 and 5.101 the following conditions:</p> <p>1. Unless the proposed take or diversion is the replacement of a lawfully established affected by the provisions of section 124 of the RMA, the take, in addition to all existing</p>	Amend rules 5.96 and 5.101 by deleting from each of conditions (1) and (2), and (2) and (3) respectively, the words from “unless the proposed take ... to section 124 of the RMA”.	Ngā Rūnanga submission Section 7 decision point 8, page 14.

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>resource consented takes, complies with any rate of take and seasonal or annual volume limits set in Sections 6-15 for that surface water body;</p> <p>2. Unless the proposed take is the replacement of a lawfully established take affected by the provisions of section 124 of the RMA, if no limits are set in Sections 6-15 for that surface water body, the take, both singularly and in addition to all existing resource consented takes meets a flow regime with a minimum flow of 50% of the 7-day mean annual low flow (7DMALF) as calculated by the CRC and an allocation limit of 20% of the 7DMALF;</p>		
<p>McIntyre 6.13, 6.14, Murchison 3.33</p>	<p>Section 5:</p> <p>5.107: The temporary or permanent transfer, in whole or in part, (other than to the new owner of the site to which the take and use of the water relates and where the location of the take and use of water does not change) of a water permit to take or use surface water or groundwater, is a restricted discretionary activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The reliability of supply for any other lawfully established water take is not reduced; 2. The seasonal or annual volume of take after the transfer is less than or equal to the volume of take prior to the transfer, or if no seasonal or annual volume has been applied, a seasonal or annual volume is applied in accordance with Schedule 10; 3. In the case of surface water, the point of take remains within the same surface water allocation zone and the take complies with the limits set in Sections 6-15; 4. In the case of groundwater: <ul style="list-style-type: none"> (a) the point of take is within the same groundwater allocation zone; 	<p>Delete polices 4.71 to 4.73 and rules 5.107 and 5.108.</p> <p>Insert new policies which read:</p> <p>4.71 In any surface water catchment or groundwater zone, to limit the transfer of any water permit to the lesser of:</p> <ul style="list-style-type: none"> -The amount of water which the existing consent holder has demonstrated they have abstracted and used on average over the last 5 years; or -What is a reasonable amount of water for the proposed use by the new consent holder as determined under the provisions of this plan. <p>4.72 In addition to Policy 4.71, in catchments which are over-allocated for water abstraction, to allow the transfer of water permits only where the transfer is provided for as part of a plan to reduce over-allocation in the catchment as set out in the relevant sub-regional section of this plan, or if allowing the transfer of the water permit will result in a reduction in adverse effects on the environment compared with the current use.</p>	<p>Ngā Rūnanga submission Section 9, decision points 1-3, page 15</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>(b) the bore interference effects as set out in Schedule 12 are acceptable; and</p> <p>(c) in addition for stream depleting groundwater takes:</p> <p>(i) the transfer is within the same surface water allocation zone;</p> <p>(ii) the take complies with the limits set in Sections 6-15; and,</p> <p>(iii) the stream depletion effect is no greater in the transferred location than in the original location; and</p> <p>5. In a catchment where the surface water and/or groundwater allocation limits set out in Rule 5.96 or Sections 6-15 are exceeded any transferred water is surrendered in the following proportions:</p> <p>(a) 0% in the case of transferring surface water to an irrigation scheme which includes a storage component;</p> <p>(b) 25% in the case of transferring surface water from down-plains to up-plains;</p> <p>(c) 25% in the case of transferring groundwater from up-plains to down-plains; and</p> <p>(d) 50% in all other cases.</p> <p><i>The CRC will restrict discretion to the following matters:</i></p> <ol style="list-style-type: none"> 1. The nature of the transfer, whether short term, long term, partial or full, and the apportioning of the maximum rate and seasonal or annual volume in the case of a partial transfer; 2. The appropriateness of existing conditions, including conditions on minimum flow, seasonal or annual volume and other restrictions to mitigate effects; 3. The reasonable need for the quantities of water sought, the intended use of the water and the ability of the applicant to abstract and use those quantities; 	<p>Any consequential amendments to give effect to this submission.</p> <p>Evidence recommends implementing this by replacing Rules 5.107 and 5.108 with rules that:</p> <ol style="list-style-type: none"> (a) Accord discretionary activity status to transfers that can demonstrate they are limited to volumes of actual use by the existing consent holder; and (b) Accord non-complying activity status to all other transfers. 	

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>4. The efficiency of the exercise of the resource consent;</p> <p>5. The reduction in the rate of take in times of low flow; and</p> <p>6. The method of preventing fish from entering any water intake.</p> <p><i>Notification</i></p> <p>Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.</p> <p>Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.</p> <p>5.108 The temporary or permanent transfer, in whole or in part, of a water permit to take or use surface water or groundwater that does not meet one or more of the conditions of Rule 5.107 is a non-complying activity.</p>		
<p>McIntyre 7.1, 7.2</p> <p>Murchison 3.42</p>	<p>4.41 The damming or diversion of any alpine or hill-fed river does not adversely affect:</p> <p>(a) values of significance to Ngāi Tahu associated with the mainstem;</p> <p>(b) the passage of floods and freshes needed to maintain river processes, ecosystem health and the removal of vegetation encroaching onto the bed of the mainstem;</p> <p>(c) sediment transport within the river and to the coast;</p> <p>(d) fish passage; and</p> <p>(e) downstream water quality.</p> <p>4.43 The adverse effects of in-stream damming:</p> <p>(a) on high naturalness waterbodies identified in Sections</p>	<p>Add a new Policy 4.41 which reads:</p> <p>“There shall be no damming of the:</p> <p>(a) Main stem of any braided river: or</p> <p>(b) The damming of any tributary of a braided river where damming that tributary would result in the loss of the braided character of the main stem; or</p> <p>(c) Any water body identified in sections 6 to 15 as a high naturalness water body.</p> <p>Renumber Policy 4.41 and amend it to read:</p> <p>“Any other damming or diversion of any river does not adversely affect:</p> <p>(a) The exercise of kaitiakitanga in the catchment;</p> <p>(b) The passage of floods and freshes needed to</p>	<p>Ngā Rūnanga submission Section 11, decision points 1-5, pages 16, 17</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>6-15 shall be avoided; and</p> <p>(b) on any other river complies with the environmental flow and allocation regime for that catchment and any adverse effects from the damming on flow variability in the river, sediment flows and nourishment of the coast, aquatic ecosystems, fish passage, indigenous flora and fauna, the habitat of nesting birds in braided rivers, any sites or values of significance to Ngāi Tahu, and any recreational or amenity values are, as a first priority, avoided or, where unable to be avoided, are remedied or mitigated.</p> <p>5.129 The damming of water in the bed of a river and the constructing, using, altering, maintaining and operating structures within the bed of a river, and the use of land to store water, including any associated impounding of water outside the bed of a river or natural lake that does not meet the conditions of Rule 5.128 is a discretionary activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The damming of water does not cause water flow to fail to meet any limits set in Sections 6-15; 2. The dam is not located in a river listed as an high naturalness lake or river in Sections 6-15 or in the mainstem of any river; and 3. The damming does not prevent water being taken by any domestic or stock water supply, or reduce the reliability of supply of any existing legally authorised water take. <p>5.130 The damming of water in the bed of a river, including the associated constructing, using, maintaining and operating structures within the bed of a river that does not comply with one or more of the conditions in Rule</p>	<p>maintain river processes, ecosystem health and the removal of vegetation encroaching on to the bed of the main stem; or</p> <p>(c) The flow and allocation regime for that catchment; And any effects on the supply of sediment to the coast, flow variability, aquatic ecosystems, fish passage, indigneous flora and fauna, the habitats of nesting birds, and recreational and amenity values, are avoided if they are significant or otherwise remedied or mitigated.</p> <p>Delete Policy 4.43.</p> <p>Retain rules 5.129 to 5.131.</p> <p>Any consequential amendments to give effect to this submission.</p>	

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>5.129 is a non-complying activity.</p> <p>5.131 The constructing of a new dam and the damming of water in the bed of a river or lake that results in the natural operating regime or level of a natural lake being altered is a non-complying activity.</p>		
McIntyre 7.6, 7.7	<p>4.79 Any take, use, damming or diversion of water, any discharge of contaminants onto land or into water, or any earthworks, structures, planting, vegetation removal or other land uses within a natural wetland boundary, do not adversely affect the significant indigenous biodiversity values of natural wetlands, hāpua, coastal lakes and lagoons, except for:</p> <p>(a) a temporary and minor adverse effect where that activity is part of installing or maintaining infrastructure, pest management, or habitat restoration or enhancement work; or</p> <p>(b) the artificial opening of hāpua, coastal lakes or lagoons to assist in fish migration or achieving other conservation outcomes, customary uses, or to avoid land inundation.</p> <p>4.80 Modification of natural wetlands, hāpua, coastal lakes and lagoons may occur if the activity is necessary to provide for the installation of infrastructure and any significant effects are offset by other improvement or expansion of the same wetland, hāpua, coastal lake or lagoon.</p>	<p>Amend Policy 4.79(a) by replacing the word 'and' with 'or' so the policy reads:</p> <p>Any take, use, damming or diversion of water, any discharge of contaminants onto land or into water, or any earthworks, structures, planting, vegetation removal or other land uses within a natural wetland boundary do not adversely affect any significant biodiversity or cultural values of natural wetlands, hāpua, coastal lakes or lagoons except for:</p> <p>(a) A temporary or minor adverse effect where the activity is part of installing or maintaining infrastructure, pest management, habitat enhancement or restoration work, research or customary uses; or</p> <p>(b) The artificial opening of hāpua, coastal lakes or lagoons to the sea to assist in fish migration or other conservation values, customary uses or to avoid land inundation.</p> <p>Delete Policy 4.80.</p>	Ngā Rūnanga submission Section 11, decision points 2 & 3, page 18
McIntyre 7.1	<p>Section 5:</p> <p>5.129 The damming of water in the bed of a river and the constructing, using, altering, maintaining and operating structures within the bed of a river, and the use of land to</p>	<p>Ngā Rūnanga submission requests amendment of Policy 4.41 to preclude damming on:</p> <p>(a) the main stem of any braided river or</p> <p>(b) a tributary of a braided river where damming the</p>	Ngā Rūnanga submission Section 11

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>store water, including any associated impounding of water outside the bed of a river or natural lake that does not meet the conditions of Rule 5.128 is a discretionary activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The damming of water does not cause water flow to fail to meet any limits set in Sections 6-15; 2. The dam is not located in a river listed as an high naturalness lake or river in Sections 6-15 or in the mainstem of any river; and 3. The damming does not prevent water being taken by any domestic or stock water supply, or reduce the reliability of supply of any existing legally authorised water take. <p>5.130 The damming of water in the bed of a river, including the associated constructing, using, maintaining and operating structures within the bed of a river that does not comply with one or more of the conditions in Rule 5.129 is a non-complying activity.</p>	<p>tributary would result in the loss of the braided character of the main stem.</p> <p>Evidence recommends that, to reflect the requested policy, the rules be amended to make damming in these situations a prohibited.</p>	
<p>McIntyre 7.10, 7.11 Murchison 3.37, 3.38, 3.40, 3.41</p>	<p>Section 5:</p> <p>5.96 The taking and use of surface water from a river or lake is a restricted discretionary activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. Unless the proposed take or diversion is the replacement of a lawfully established affected by the provisions of section 124 of the RMA, the take, in addition to all existing resource consented takes, complies with any rate of take and seasonal or annual volume limits set in Sections 6-15 for that surface water body; 2. Unless the proposed take is the replacement of a lawfully established take affected by the provisions of section 124 of the RMA, if no limits are set in Sections 6-15 for that surface water body, the take, both singularly and in addition to all existing resource consented takes 	<p>Ngā Rūnanga submission requests replacement of Rule 5.141 with the following:</p> <p>The taking, use, damming or diverting of water (including drainage) from a natural wetland and any associated reduction in the size or area of the natural wetland shall be a discretionary activity if the following conditions are met:</p> <ol style="list-style-type: none"> 1. The taking, use, damming or diverting is the result of artificially opening a hāpua, lagoon or coastal lake to the sea; or 2. The taking, use, damming or diversion is to allow for the maintenance, repair or replacement of existing infrastructure or to enable the installation of fencing, stock or vehicle crossings, or other infrastructure or 	<p>Ngā Rūnanga submission Section 12, decision points 4 & 5, page 18</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>meets a flow regime with a minimum flow of 50% of the 7-day mean annual low flow (7DMALF) as calculated by the CRC and an allocation limit of 20% of the 7DMALF; and</p> <p>3. The take is not from a natural wetland, hāpua or a high naturalness river that is listed in Sections 6-15.</p> <p>5.141 Reducing the area of a natural wetland associated with the provision of infrastructure for transport, electricity or water distribution or reticulation, including the taking, use, damming or diversion (including draining) of water and the associated discharge of any water onto land or into a river, lake, artificial watercourse or wetland is a restricted discretionary activity.</p>	<p>works to protect the wetland.</p> <p>Clarify the rules for taking, using, damming and diverting water for how they apply to wetlands within the beds of lakes and rivers.</p> <p>Evidence recommends, instead of replacement of request for new condition 1 in Rule 5.141, amendment of Condition 3 of Rule 5.96 as follows:</p> <ol style="list-style-type: none"> 3. <u>Unless it is associated with the artificial opening of a hāpua, lagoon or coastal lake to the sea, the take is not from a natural wetland, or hāpua or a high naturalness river that is listed in Sections 6-15.</u> 4. <u>The take is not from a high naturalness river that is listed in Sections 6-15.</u> 	
McIntyre 8.3, 8.4	<p>Section 5:</p> <p>4.91 For all gravel removal from the beds of rivers:</p> <p>(a) the rate of gravel extraction does not exceed the rate of gravel recharge, except where stored gravel is available for extraction and in that case short-term extraction of stored gravel may occur at a rate that exceeds gravel recharge rates only to the point that gravel levels reach gravel recharge rates; and</p> <p>(b) the activity is undertaken in ways which do not induce erosion, adversely affect water quality, significant indigenous biodiversity, disturb wildlife habitat or sites of cultural significance to Ngāi Tahu, or affect access and recreational values.</p>	<p>Add to the end of Policy 4.91(b) the words “and access to mahinga kai.”</p> <p>Amend Rule 5.125 so it only applies to gravel extraction from river beds.</p> <p>Add to Rule 5.125 new conditions which read:</p> <ul style="list-style-type: none"> - No single gravel <u>gravel</u> is deposited or stored within any wetted or in standing or flowing water or in any vegetated area of the bed or banks of the river; and - Upon completion of excavation the river bed is restored so that any banks are batted to a stable batter and any holes are filled and deposits levelled; and 	Ngā Rūnanga submission Section 10, decision points 1-3, page 16

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>5.125 The extraction of gravel including the deposition of substances on the bed and excavation or other disturbance of the bed of a lake or river is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The activity is not undertaken in, on, or under the bed of any river or lake listed as a high naturalness lake or river in Sections 6-15; 2. No part of the activity occurs within flowing water; 3. The activity does not include the deposition of any substance, other than bed material, on the bed; 4. The volume excavated by any person or on behalf of any person, organisation or corporation: <ol style="list-style-type: none"> (a) in the bed of any river or lake does not exceed 5 m³ in any 12 consecutive months; or (b) between 1 February and 31 August, in the beds listed in Schedule 14, does not exceed 5 m³ per month and not more than 10 m³ in any 12 consecutive months period; or (c) between 1 February and 31 August, in the beds listed in Schedule 15, does not exceed 10 m³ per month and not more than 20 m³ in any 12 consecutive months period; 5. Any excavated material (other than surplus or reject material) is removed from the bed within 10 days of the material being excavated; 6. The activity is undertaken more than 50 m from any lawfully established dam, weir, culvert crossing, bridge, surface water intake plant or network utility pole or pylon, more than 150 m from any lawfully established water level recorder and more than 5 m of any existing flood control works unless they are the network utility operator responsible for the structure; 7. The activity and any associated equipment, materials or 	<ul style="list-style-type: none"> - The excavation of gravel shall not occur during the bird breeding and nesting season; and - The river is not within an Area of Statutory Acknowledgement under the Ngāi Tahu Claims Settlement Act 1998 <p>Evidence also recommends inclusion of a rule according restricted discretionary status to activities that do not meet the last of these conditions.</p>	

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>debris does not obstruct or alter access to or the navigation of the lake or river;</p> <p>8. The activity does not include screening or any other processing of the gravel within the bed of the lake or river; and</p> <p>9. The activity is not undertaken in an inanga or salmon spawning site listed in Schedule 17.</p>		
<p>McIntyre 8.8 Murchison 3.44</p>	<p>5.126 The extraction of gravel, including the ancillary deposition of substances on the bed and excavation or other disturbance of the bed that complies with all the conditions in Rule 5.125, except with respect to the volume limits, is a permitted activity, provided the following condition is met:</p> <p>1. The extraction of gravel is undertaken by the CRC or persons acting under written authority of the CRC.</p>	<p>Delete Rule 5.126.</p> <p>Any consequential amendments to give effect to this submission.</p>	<p>Ngā Rūnanga submission Section 10, decision point 5, page 16</p>
<p>McIntyre 8.12 Murchison 3.48</p>	<p>4.92 The consequential effects of seismic activity are recognised and timely and appropriate responses to such activity are facilitated.</p> <p>4.93 Temporary adverse effects from activities required for recovery from a natural hazard event are managed to minimise the duration and scale of any adverse effects and maximise the overall benefits of the activity to the recovery.</p> <p>4.94 In urban areas, where groundwater hydrology has changed as a result of seismic activity, including new springs and altered groundwater levels, allow site-specific remediation to occur.</p>	<p>Delete policies 4.92 to 4.94 and replace with the following policies:</p> <p>Remediation works which are necessary to enable people and communities to recover from natural hazard events occur in a timely way, provided any adverse effects on the environment are avoided, remedied or mitigated and the remediation works do not cause or exacerbate potential natural hazards elsewhere.</p> <p>Where the geohydrology of catchments has altered as a result of seismic activity, allow site-specific remediation works provided that any adverse effects on water quality, surface water bodies and their ecosystems, and sites of cultural significance to Ngāi Tahu are avoided, remedied or mitigated.</p>	<p>Ngā Rūnanga submission Section 13, decision point 1, page 19</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
McIntyre 9.1 Murchison 3.14	<p>Kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship;</p> <p>Ki uta ki tai means (literally) ‘from the mountains to the sea’ and is a Ngāi Tahu concept to describe the overall approach to natural resources management by Ngāi Tahu and is a truly integrated approach;</p> <p>Mauri means essential life force or principle; a metaphysical quality inherent in all things, both animate and inanimate; and</p> <p>Ngāi Tahu (Kai Tahu, when written in dialect form) the tribal group holding manawhenua in Te Waipounamu, the area from Kahuraki Point on the West Coast and Te Parinui-o-Whiti (Vernon Bluffs) on the east, and all places south “until the land turns white”. “Ngāi Tahu” can refer to both the collective of Ngāi Tahu, or an individual rūnanga.</p>	Delete definitions	Ngā Rūnanga submission Section 4, pages 2, 3.
Lynch, 2.5 & 2.6	<p>Rule 5.8 – The discharge of wastewater from an existing on-site domestic wastewater treatment system onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions of Rule 5.7 is a restricted discretionary activity.</p> <p><i>The CRC will restrict discretion to the following matters:</i></p> <ol style="list-style-type: none"> 1. The effect of not meeting the condition or conditions of Rule 5.7. 2. The extent to which the proposed activity is consistent with the objectives and policies of this Plan relating to Ngāi Tahu values, human and animal health and drinking 	<p>Rules 5.8, 5.10 and 5.28</p> <p><i>Notification</i> Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.</p> <p>Rule 5.28 - The discharge of an agrichemical to a surface water body, that does not meet one or more of the conditions in Rule 5.27 is a restricted discretionary</p>	<p>Ngā Rūnanga submission Section 15, decision point 1, page 20.</p> <p>Ngā Rūnanga submission – Rule 5.28 in Rule Table, page 43.</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>water quality.</p> <p><i>Notification</i> Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification. Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.</p> <p>Rule 5.10 - The discharge of wastewater from a new or upgraded on-site domestic wastewater treatment system onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions of Rule 5.9 is a restricted discretionary activity.</p> <p><i>The CRC will restrict discretion to the following matters:</i> 1. The effect of not meeting the condition or conditions of Rule 5.9. 2. The extent to which the proposed activity is consistent with the objectives and policies of this Plan relating to Ngāi Tahu values, human and animal health and drinking water quality.</p> <p><i>Notification</i> Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification. Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary , where relevant, under section 95B(3) of the RMA.</p> <p>Rule 5.28 - The discharge of an agrichemical to a surface</p>	<p>activity.</p> <p><i>The CRC will restrict its discretion to the following matters:</i> 1. Measures to avoid, mitigate or remedy unintended adverse effects on aquatic ecosystems (in addition to the intended removal of the flora or fauna by the application of the relevant agrichemical), and human or animal drinking water; 2. The provision of advice and information about the exercise of the consent to people and authorities in and adjacent to the application area; and 3. The adequacy of application methods, systems and management processes to prevent fugitive discharges and the recording of application areas. 4. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan relating to human and animal drinking water quality. 5. <u>The adverse effects of the activity on Ngāi Tahu values</u></p>	

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>water body, that does not meet one or more of the conditions in Rule 5.27 is a restricted discretionary activity.</p> <p><i>The CRC will restrict its discretion to the following matters:</i></p> <ol style="list-style-type: none"> 1. Measures to avoid, mitigate or remedy unintended adverse effects on aquatic ecosystems (in addition to the intended removal of the flora or fauna by the application of the relevant agrichemical), and human or animal drinking water; 2. The provision of advice and information about the exercise of the consent to people and authorities in and adjacent to the application area; and 3. The adequacy of application methods, systems and management processes to prevent fugitive discharges and the recording of application areas. 4. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan relating to human and animal drinking water quality. <p><i>Notification</i></p> <p>Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.</p> <p>Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary , where relevant, under section 95B(3) of the RMA.</p>		

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
Lynch 2.7, 2.12 & 2.13	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. The restricted activity rule is 5.35	<p>Submission requested new condition in each rule with the following wording:</p> <p><u>That the activity is not undertaken on a site of cultural significance</u></p> <p>The submission requested that an advisory note at the bottom of each rule would specify how the resource consent applicant could determine if the land was culturally significant. This note would specify that the resource consent applicant would need to consult with the appropriate Papatipu Rūnanga to determine if the land was culturally significant.</p> <p>Evidence recommends two alternatives to provide more certainty in the rules. The Plan could provide a qualitative definition of what constitutes a culturally sensitive site or the requested condition could be reworded to require a written approval from the appropriate Papatipu Rūnanga to be obtained.</p> <p>Proposed definition:</p> <p><u>Site of cultural significance means a site listed as a heritage or cultural site (or wording to this effect) in any relevant Regional Plan, District Plan or Ngāi Tahu Iwi Management Plan.</u></p>	<p>Ngā Rūnanga submission – Rule Table: pages 24, 30, 32, 33, 36, 38, 39, 41, 42, 43, 44, 48, 50, 51, 53, 54, 58, 59, 60, 61</p> <p>Controlled activity rules: pages 40, 59, 60</p> <p>Restricted activity rules: page 45.</p> <p>Reference to consulting with appropriate Papatipu Rūnanga is under Rule 5.7, condition 5 (Ngā Rūnanga submission Rule Table pages 26-27)</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
<p>Lynch 3.1, 3.5, 3.8, 3.9 & 3.11</p>	<p>Rule 5.7 - The discharge of wastewater from an existing on-site wastewater treatment system onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The discharge was lawfully established prior to 1 November 2013; 2. The treatment and disposal system has not been altered or modified from that established at the time the system was constructed, other than through routine maintenance; 3. The volume of the discharge has not been increased as a result of the addition of buildings, an alteration of an existing building, or a change in use of a building that is connected to the system; 4. The treatment and disposal system is operated and maintained in accordance with the system's design specification for maintenance or, if there is no design specification for maintenance, Section 6.3 of New Zealand Standard AS/NZS 1547:2012 – On-site domestic wastewater management; 5. The discharge is within the area marked "Septic tank Suitability – Area A" on the Planning Maps; and 6. The discharge is not onto or into land: <ol style="list-style-type: none"> (a) where there is an available sewerage network; (b) that is potentially contaminated; (c) that is listed as an archaeological site; (d) where the discharge would enter any surface water body; 	<p>Submission requested</p> <p>Rule 5.7 – <u>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: The discharge of wastewater from an existing on-site wastewater treatment system onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:</u></p> <p>...</p> <p><u>The CRC reserves control over the following matters:</u></p> <ol style="list-style-type: none"> 1. <u>The weekly volume of wastewater discharged;</u> 2. <u>The duration of which the discharge can occur; and</u> 3. <u>The adequacy of the treatment and disposal system based on the sensitivity of the receiving environment.</u> <p>Evidence suggests an alternative to changing the status of the activity could be to include all the conditions set out within Rule 5.9 which pertains to the installation of new or upgraded on-site wastewater systems (in particular condition 4).</p>	<p>Ngā Rūnanga submission – Rule 5.7 in Rule Table, pages 24-25</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	(e) within 20 m of any surface water body or the Coastal Marine Area; (f) within 50 m of a bore used for water abstraction; or (g) within a group or community drinking water supply protection area as set out in Schedule 1 of this Plan.		
Lynch 3.12	Rule 5.7 - The discharge of wastewater from an existing on-site wastewater treatment system onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met... Conditions set out above	Submission requests two new conditions for Rule 5.7 - <u>The discharge system is covered with soil and vegetated.</u> - <u>The application rate to the disposal system will not result in the soil moisture levels exceeding field capacity</u>	Ngā Rūnanga submission – Rule 5.7 in Rule Table, page 27
Lynch 3.13	Rule 5.7 - The discharge of wastewater from an existing on-site wastewater treatment system onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met... Conditions set out above	Submission requested amending condition 6(b) to include <u>contaminated</u> in addition to potentially contaminated.	Ngā Rūnanga submission – Rule 5.7 in Rule Table, page 28
Lynch 3.10	Rule 5.8 - The discharge of wastewater from an existing on-site domestic wastewater treatment system onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions of Rule 5.7 is a restricted discretionary activity. The CRC will restrict discretion to the following matters: 1. The effect of not meeting the condition or conditions of Rule 5.7. 2. The extent to which the proposed activity is consistent with the objectives and policies of this Plan relating to	Amend wording to: 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.	Ngā Rūnanga submission – Rule 5.8 in Rule Table, page 29

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	Ngāi Tahu values, human and animal health and drinking water quality.		
Lynch, 3.14	<p>Rule 5.9 – The discharge of wastewater from a new or upgraded on-site domestic wastewater treatment system onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The discharge volume does not exceed 14 m3 per week; 2. The discharge is within the area marked “Septic tank Suitability – Area A” on the Planning Maps; 3. The discharge is not onto or into land: <ol style="list-style-type: none"> (a) where there is an available sewerage network; (b) that is potentially contaminated; (c) listed as an archaeological site; (d) where the discharge would enter any surface water body; (e) within 20 m of any surface water body or the Coastal Marine Area; (f) within 50 m of a bore used for water abstraction; or (g) within a group or community drinking water supply protection area as set out in Schedule 1. 4. The treatment and disposal system is designed and installed in accordance with Sections 5 and 6 of New Zealand Standard AS/NZS 1547:2012 – On-site domestic wastewater management; and 5 – 4 August 2012 Proposed Canterbury Land & Water Regional Plan - Volume 1 5. The treatment and disposal system is operated and maintained in accordance with the system’s design specification for maintenance or, if there is no design specification for maintenance, Section 6.3 of New Zealand Standard AS/NZS 1547:2012 – On-site domestic 	<p>Submission requested two new conditions for Rule 5.9</p> <ul style="list-style-type: none"> - <u>The discharge system is covered with soil and vegetated.</u> - <u>The application rate to the disposal system will not result in the soil moisture levels exceeding field capacity</u> <p>Submission requested amending condition 3(b) to include <u>contaminated</u> in addition to potentially contaminated</p>	<p>Ngā Rūnanga submission – Rule 5.9 in Rule Table, page 30</p> <p>Ngā Rūnanga submission – Rule 5.9 in Rule Table, page 30</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	wastewater management.		
Lynch 3.15, 3.16, 3.17	<p>Rule 5.13 – The discharge of greywater onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The discharge is only from a dwelling house and does not contain any waste from a toilet or any hazardous substances; 2. The application rate does not exceed 50 mm per day; 3. The discharge does not result in greywater flowing, seeping, or ponding on the surface of the ground for more than two hours; 4. The system does not store greywater for more than 12 hours and incorporates a proprietary filter prior to discharge; 5. The discharge does not result in water or contaminants flowing onto another site; and 6. The point of discharge is not within: <ol style="list-style-type: none"> (a) 20 m of a surface water body or the Coastal Marine Area; (b) 20 m of a bore used for water abstraction; (c) where an activity or industry, other than A8, listed in Schedule 3 has occurred or is occurring; or (d) a site listed as an archaeological site. 	<p>Submission requested:</p> <p>New condition for Rule 5.13</p> <ul style="list-style-type: none"> - <u>The discharge system is covered with soil and vegetated.</u> <p>Amend condition to state that:</p> <p>The discharge to land shall occur at a rate that does not exceed the field capacity of the soil</p> <p>Include a new condition which states the amount and type of soil or sand required between the point of discharge and the highest known groundwater level.</p>	<p>Ngā Rūnanga submission – Rule 5.13 in Rule Table, page 33</p> <p>Ngā Rūnanga submission – Rule 5.13 in Rule Table, page 34</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
Lynch, 3.17	<p>Rule 5.14 -The discharge of greywater onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions of Rule 5.13 is a restricted discretionary activity.</p> <p>The CRC will restrict discretion to the following matters:</p> <ol style="list-style-type: none"> 1. The effect of not meeting the condition or conditions of Rule 5.13. 2. The extent to which the proposed activity is consistent with the objectives and policies of this Plan relating to Ngāi Tahu values, human and animal health and drinking water quality. 	<p>Submission requested one of the matters of discretion be expanded:</p> <ul style="list-style-type: none"> - The extent to which the proposed activity is consistent with the objectives and policies of this Plan relating to Ngāi Tahu values, human and animal health and drinking water quality 	Ngā Rūnanga submission – Rule 5.14 in Rule Table, page 36
Lynch 3.18	<p>Rule 5.17 - The discharge of aerobically composted material from a composting toilet onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The material discharged has been subject to aerobic decomposition for at least 12 months from the last addition of raw excrement and is worked into the soil immediately following the discharge; and 2. The discharge is not onto or into land: <ol style="list-style-type: none"> (a) within 20 m of a surface water body, the Coastal Marine Area or a bore used for water abstraction; (b) within a group or community drinking water supply protection area as set out in Schedule 1; (c) used for growing food crops for human consumption; (d) when there is water ponding on the soil surface; or (e) listed as an archaeological site. 	<p>Submission requested</p> <p>Amend wording to:</p> <p>2(a) within 50 metres of any surface water body, bore used for water abstraction or the Coastal Marine Area and where the discharge would enter any surface water body;</p> <p>Include new sub-condition which includes a separation distance between the discharge area and a neighbouring property.</p>	Ngā Rūnanga submission – Rule 5.17 in Rule Table, page 38

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
Lynch 3.20 & 3.22	<p>Rule 5.21 - The discharge of a vertebrate toxic agent via land-based methods, onto or into land, including the bed of a lake or river, in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:</p> <p>1. The substance and the application technique or method is approved for use under the Hazardous Substances and New Organisms Act 1996; and</p> <p>2. The discharge is not:</p> <p>(a) within 5 m of the wetted bed of a river, lake or artificial watercourse, a wetland boundary or the Coastal Marine Area; or</p> <p>(b) within 20 m of a bore used for drinking water; or</p> <p>(c) within a group or community drinking water supply protection area as set out in Schedule 1.</p> <p>Rule 5.23 - The discharge of a vertebrate toxic agent from an aircraft, onto or into land, including the bed of a lake or river, in circumstances where a contaminant may enter water, is a controlled activity provided the following conditions are met:</p> <p>1. The substance and the application technique or method is approved for use under the Hazardous Substances and New Organisms Act 1996; and</p> <p>2. The discharge is not:</p> <p>(a) within 20 m of the wetted bed of a river, lake or artificial watercourse that is more than 3 m wide, a wetland boundary or the Coastal Marine Area or within 20 m of a bore used for drinking water; or</p> <p>(b) within a group or community drinking water supply protection area as set out in Schedule 1.</p>	<p>Submission requested</p> <p>Rule 5.21 - The discharge of a vertebrate toxic agent via land-based methods, onto or into land, including the bed of a lake or river, in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:</p> <p>1. The substance and the application technique or method is approved for <u>the dedicated use of vertebrate control</u> under the Hazardous Substances and New Organisms Act 1996 <u>and the discharge is to be carried out by a person who is certified for the application technique or method</u>; and</p> <p>2. The discharge is not:</p> <p>(a) within <u>5 10</u> m of the wetted bed of a river, lake or artificial watercourse, a wetland boundary or the Coastal Marine Area; or</p> <p>(b) within 20 m of a bore used for drinking water; or</p> <p>(c) within a group or community drinking water supply protection area as set out in Schedule 1.</p> <p>Rule 5.23 - The discharge of a vertebrate toxic agent from an aircraft, onto or into land, including the bed of a lake or river, in circumstances where a contaminant may enter water, is a controlled activity provided the following conditions are met:</p> <p>1. The substance and the application technique or method is approved for <u>the dedicated use of vertebrate control</u> under the Hazardous Substances and New Organisms Act 1996 <u>and the discharge is to be carried out by a person who is certified for the application technique or method</u>; and</p>	Ngā Rūnanga submission – Rule 5.21 and Rule 5.23 in Rule Table, pages 39-40

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
		<p>2. The discharge is not:</p> <p>(a) within 20 m of the wetted bed of a river, lake or artificial watercourse that is more than 3 m wide, a wetland boundary or the Coastal Marine Area or within 20 m of a bore used for drinking water; or</p> <p>(b) within a group or community drinking water supply protection area as set out in Schedule 1.</p>	
Lynch 3.25 & 3.26	<p>Rule 5.25 - The discharge of an agrichemical, or agrichemical equipment or container washwater, into or onto land, including the bed of a lake, river or artificial watercourse, in circumstances where a contaminant or water may enter water is a permitted activity provided the following conditions are met:</p> <p>1. The agrichemical and application technique or method is approved for use under the Hazardous Substances and New Organisms Act 1996;</p> <p>2. The discharge of the agrichemicals is undertaken in accordance with Section 5 and Appendices L and S of New Zealand Standard NZS 8409:2004 Management of Agrichemicals;</p> <p>3. No mixing or diluting of an agrichemical or rinsing or cleaning of containers or equipment takes place within:</p> <p>(a) 5 m of a surface water body, or a bore; or</p> <p>(b) in the bed of a river or lake, or within the Christchurch Groundwater Protection Zone as shown on the Planning Maps, unless:</p> <p>(i) the mixing or dilution takes place within a sealed, banded system that will contain a volume of at least 110% of the largest spray tank to be filled; or</p> <p>(ii) the mixing or dilution is for a hand-held application technique or method.</p>	<p>Submission requested</p> <p>Rule 5.25 - The discharge of an agrichemical, or agrichemical equipment or container washwater, into or onto land, including the bed of a lake, river or artificial watercourse, in circumstances where a contaminant or water may enter water is a permitted activity provided the following conditions are met:</p> <p>1. The substance and the application technique or method is approved for <u>the dedicated use of flora and fauna control</u> under the Hazardous Substances and New Organisms Act 1996 <u>and the discharge is to be carried out by a person who is certified for the application technique or method if the discharge is not from an aircraft</u></p> <p>2. The discharge of the agrichemicals is undertaken in accordance with Section 5 and Appendices L and S of New Zealand Standard NZS 8409:2004 Management of Agrichemicals;</p> <p>3. No mixing or diluting of an agrichemical or rinsing or cleaning of containers or equipment takes place within:</p> <p>(a) 5 m of a surface water body, or a bore; or</p> <p>(b) in the bed of a river or lake, or within the Christchurch Groundwater Protection Zone as shown on the Planning Maps, unless:</p> <p>(i) the mixing or dilution takes place within a sealed, banded system that will contain a volume of at least</p>	Ngā Rūnanga submission – Rule 5.25 in Rule Table, pages 41-42

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>4. If the water used for mixing or dilution is being abstracted from a surface water body or groundwater, a backflow prevention system is in place to prevent the agrichemical from flowing back into the source water.</p> <p>5. Where the discharge is from an aircraft:</p> <p>(a) the discharge is be carried out by a person who holds a GROWSAFER Pilots' Agrichemical Rating Certificate or an AIRCARETM Accreditation;</p> <p>(b) the flight paths are recorded by an on-board differential global positioning system and this record is kept for at least 12 months following the discharge and made available to the CRC upon request; and</p> <p>(c) the discharge in the bed of a river in Hill and High Country areas does not occur between the first day of September and the last day of November in any year; and</p> <p>6. The discharge is not within a group or community drinking water supply protection area as set out in Schedule 1 or within 10 m of any bore used for drinking water supply.</p>	<p>110% of the largest spray tank to be filled; or</p> <p>(ii) the mixing or dilution is for a hand-held application technique or method.</p> <p>4. If the water used for mixing or dilution is being abstracted from a surface water body or groundwater, a backflow prevention system is in place to prevent the agrichemical from flowing back into the source water.</p> <p>5. Where the discharge is from an aircraft:</p> <p>(a) the discharge is be carried out by a person who holds a GROWSAFER Pilots' Agrichemical Rating Certificate or an AIRCARETM Accreditation;</p> <p>(b) the flight paths are recorded by an on-board differential global positioning system and this record is kept for at least 12 months following the discharge and made available to the CRC upon request; and</p> <p>(c) the discharge in the bed of a river in Hill and High Country areas does not occur between the first day of September and the last day of November in any year; and</p> <p>6. The discharge is not within:</p> <p><u>(a) a group or community drinking water supply protection area as set out in Schedule 1;</u></p> <p><u>(b) within 10 m of any bore used for drinking water abstraction supply.;</u></p> <p><u>(c) 50 metres of any surface water body or the Coastal Marine Area and where the discharge would enter any surface water body;</u></p> <p><u>(d) 20 metres of a neighbouring property that has not given permission for the discharge to occur on their land.</u></p>	

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
Lynch, 3.28	<p>Definition of ‘stock holding area’</p> <p>means an area of land in which the construction of the holding area or stocking density precludes maintenance of pasture or vegetative groundcover, and is used for confining livestock for more than 30 days in any 12 month period or for more than 10 consecutive days at any time. For the avoidance of doubt, this definition includes; milking platforms, feedpads, wintering pads, and farm raceways used for stock holding purposes during milking.</p>	<p>Submission requested new definition of stock holding area to exclude sheep and beef farming and impermeable surface areas which don't drain into surface waterways.</p>	<p>Ngā Rūnanga submission – Rule 5.35 in Rule Table, page 45.</p>
Lynch, 3.31	<p>Rule 5.55 - The discharge of water that may contain contaminants from sub-surface or surface drains into an artificial watercourse, constructed wetland or into or onto land is a permitted activity provided the following conditions are met:</p> <p>1. The discharge, beyond the Mixing Zone as defined in Schedule 5, does not:</p> <p>(a) produce conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or</p> <p>(b) produce any conspicuous change in the colour or visual clarity; and</p> <p>2. The discharge does not:</p> <p>(a) occur within a group or community drinking water supply protection area as set out in Schedule 1;</p> <p>(b) contain any hazardous substance or hazardous waste; or</p> <p>(c) originate from or enter potentially contaminated land.</p> <p>Rule 5.56 - The discharge of water that may contain contaminants from sub-surface or surface drains into an artificial watercourse, constructed wetland or into or onto land that does not meet one or more of the conditions of Rule 5.55 is a discretionary activity.</p>	<p>Submission requested</p> <p>Rule 5.55 - The discharge of water that may contain contaminants from sub-surface or surface drains into an artificial watercourse, constructed wetland or into or onto land is a permitted activity provided the following conditions are met:</p> <p>1. The discharge, beyond the Mixing Zone as defined in Schedule 5, does not:</p> <p>(a) produce conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or</p> <p>(b) produce any conspicuous change in the colour or visual clarity; and</p> <p>2. The discharge does not:</p> <p>(a) occur within a group or community drinking water supply protection area as set out in Schedule 1;</p> <p>(b) contain any hazardous substance or hazardous waste; or</p> <p>(c) originate from or enter potentially contaminated land.</p> <p>Rule 5.56 - The discharge of water that may contain contaminants from sub-surface or surface drains into an artificial watercourse, constructed wetland or into or onto land that does not meet one or more of the conditions of Rule 5.55 is a discretionary activity.</p>	<p>Ngā Rūnanga submission – Rule 5.55 in Rule Table, page 49.</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
		<p><u>New Rule - The discharge of water that may contain contaminants from sub-surface or surface drains into an artificial watercourse is a non-complying activity.</u></p>	
Lynch, 3.31	<p>Rule 5.57 - The discharge of water that may contain contaminants from sub-surface or surface drains into a river, lake or natural wetland is a permitted activity provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The discharge of land drainage water is only from a drainage system, the full spatial extent of which existed at 3 July 2004; 2. The concentration of: <ol style="list-style-type: none"> (a) total suspended solids in the discharge does not exceed 50 grams/m³; and (b) un-ionised hydrogen sulphide in the discharge does not exceed 0.005 grams/m³; 3. The discharge, beyond the Mixing Zone as defined in Schedule 5, does not: <ol style="list-style-type: none"> (a) produce conspicuous oil or grease films, scums or foams, or floatable or suspended materials; (b) produce any conspicuous change in the colour or visual clarity; or (c) produce any emission of objectionable odour; and 4. The discharge does not: <ol style="list-style-type: none"> (a) occur within a group or community drinking water supply protection area as set out in Schedule 1; or (b) contain any hazardous substance or hazardous waste. <p>Rule 5.58 - The discharge of water that may contain contaminants from sub-surface or surface drains into a</p>	<p>Submission requested</p> <p>Rule 5.57 - The discharge of water that may contain contaminants from sub-surface or surface drains into a river, lake or natural wetland is a permitted <u>discretionary</u> activity provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The discharge of land drainage water is only from a drainage system, the full spatial extent of which existed at 3 July 2004; 2. The concentration of: <ol style="list-style-type: none"> (a) total suspended solids in the discharge does not exceed 50 grams/m³; and (b) un-ionised hydrogen sulphide in the discharge does not exceed 0.005 grams/m³; 3. The discharge, beyond the Mixing Zone as defined in Schedule 5, does not: <ol style="list-style-type: none"> (a) produce conspicuous oil or grease films, scums or foams, or floatable or suspended materials; (b) produce any conspicuous change in the colour or visual clarity; or (c) produce any emission of objectionable odour; and 4. The discharge does not: <ol style="list-style-type: none"> (a) occur within a group or community drinking water supply protection area as set out in Schedule 1; or (b) contain any hazardous substance or hazardous waste. <p>Rule 5.58 - The discharge of water that may contain</p>	Ngā Rūnanga submission – Rule 5.57 in Rule Table, page 50.

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	river, lake or natural wetland that does not meet the conditions of Rule 5.57 is a discretionary activity.	contaminants from sub-surface or surface drains into a river, lake or natural wetland that does not meet the conditions of Rule 5.57 is a <u>discretionary non-complying</u> activity.	
Lynch, 3.38, 3.41,	<p>Rule 5.64 - The discharge of treated sewage effluent into surface water or a natural wetland is a non-complying activity.</p> <p>Rule 5.65 - The discharge of untreated sewage onto or into land in circumstances where a contaminant may enter water or into surface water, wetland or groundwater, as a result of a spill, overflow, or equipment failure, is a non-complying activity.</p> <p>Rule 5.66 - The discharge of untreated sewage onto or into land where a contaminant may enter water or into a river, lake, artificial watercourse, wetland or groundwater, except as a result of a spill, overflow, or equipment failure, is a prohibited activity.</p>	<p>Submission requested</p> <p>Rule 5.64 - The discharge of treated sewage effluent <u>from an existing community</u> into surface water or a natural wetland is a non-complying activity.</p> <p><u>New Rule - The discharge of treated sewage effluent from a new community into surface water or a natural wetland is a prohibited activity.</u></p> <p>Rule 5.65 - The discharge of untreated sewage onto or into land in circumstances where a contaminant may enter water or into surface water, wetland or groundwater, as a result of a spill, overflow, or equipment failure, is a non-complying activity.</p> <p>Rule 5.66 - The discharge of untreated sewage onto or into land where a contaminant may enter water or into a river, lake, artificial watercourse, wetland or groundwater, except as a result of a spill, overflow, or equipment failure, is a prohibited activity.</p>	Ngā Rūnanga submission Section 6, decision points 7 & 8, page 12.

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
Lynch, 3.44	<p>Rule 5.69 – The discharge of any liquid or sludge 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...</p>	<p>Submission requested condition 4(a) be amended to include other sensitive environments</p> <ul style="list-style-type: none"> - Directly to a surface water body, a bore used for water abstraction, a dwelling house, <u>a school, a community facility</u> or the Coastal Marine Area. 	Ngā Rūnanga submission – Rule 5.69 in Rule Table, page 51.
Lynch, 3.45	<p>Rule 5.71 - The discharge of stormwater from a community or network utility operator stormwater system onto or into land or into or onto land in circumstances where a contaminant may enter water, or into groundwater or a surface water body is a restricted discretionary activity.</p> <p><i>The CRC will restrict discretion to the following matters:</i></p> <ol style="list-style-type: none"> 1. The stormwater management plan prepared to address the management of stormwater in the catchment and matters set out in guidance documents prepared by the CRC, and its implementation; 2. The rate and volume of discharge and the changes to the flow regime of a river or artificial watercourse, flood frequency, including flooding of land or dwellings, erosion of river bank and channels; 3. Concentration of contaminants and adverse effects, including cumulative effects on the receiving water quality of surface and groundwater, aquatic ecosystems, Ngāi Tahu cultural values and other existing uses and users of the water, including takes and discharges; 4. Measures to: <ul style="list-style-type: none"> (a) reduce the volume and concentration of contaminants in the discharge; (b) ensure the volume and rate of discharge do not exceed: <ul style="list-style-type: none"> (i) the capability of the soil and subsoil layers at the site to reduce contaminant concentrations in the discharge; (ii) the infiltration capacity of the soil and subsoil layers at 	<p>Submission requested</p> <p>Rule 5.71 - The discharge of stormwater from a community or network utility operator stormwater system onto or into land or into or onto land in circumstances where a contaminant may enter water, or into groundwater or a surface water body is a restricted discretionary activity.</p> <p><i>The CRC will restrict discretion to the following matters:</i></p> <ol style="list-style-type: none"> 1. The stormwater management plan prepared to address the management of stormwater in the catchment and matters set out in guidance documents prepared by the CRC, and its implementation; 2. The rate and volume of discharge and the changes to the flow regime of a river or artificial watercourse, flood frequency, including flooding of land or dwellings, erosion of river bank and channels; 3. Concentration of contaminants and adverse effects, including cumulative effects on the receiving water quality of surface and groundwater, aquatic ecosystems, Ngāi Tahu cultural values and other existing uses and users of the water, including takes and discharges; 4. Measures to: <ul style="list-style-type: none"> (a) reduce the volume and concentration of contaminants in the discharge; (b) ensure the volume and rate of discharge do not exceed: <ul style="list-style-type: none"> (i) the capability of the soil and subsoil layers at the site to reduce contaminant concentrations in the discharge; 	Ngā Rūnanga submission – Rules 5.71, 5.72 & 5.73 in Rule Table, pages 51-53.

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>the site; (c) avoid the accumulation of toxic or persistent contaminants in the soil or subsoil layers; and (d) minimise suspended sediment in stormwater from activities involving earthworks; and 5. The protection of any drinking water sources.</p> <p>Rule 5.72 - The discharge of stormwater into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met: 1. The discharge is into a community or network utility operator stormwater system; or 2. The discharge is not from or onto potentially contaminated land; 3. The discharge is not into: (a) a water race, as defined in Section 5 of the Local Government Act 2002; (b) a wetland, unless the wetland is part of a lawfully established stormwater or wastewater treatment system; or (c) a water body that is Natural State, unless the discharge was lawfully established before 1 November 2013; 4. The discharge does not result in an increase in the flow in the receiving water body at the point of discharge of more than 1% of a flood event with an AEP of 20% (one in five year event); 5. For a discharge of stormwater onto or into land: (a) the discharge does not cause stormwater from up to and including a 24 hour duration 2% AEP rainfall event to enter any other property; (b) the discharge does not result in the ponding of stormwater on the ground for more than 48 hours;</p>	<p>(ii) the infiltration capacity of the soil and subsoil layers at the site; (c) avoid the accumulation of toxic or persistent contaminants in the soil or subsoil layers; and (d) minimise suspended sediment in stormwater from activities involving earthworks; and 5. The protection of any drinking water sources.</p> <p>Rule 5.72 - The discharge of stormwater into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met: 1. The discharge is into a community or network utility operator stormwater system; or 2. The discharge is not from or onto potentially contaminated land; 3. The discharge is not into: (a) a water race, as defined in Section 5 of the Local Government Act 2002; (b) a wetland, unless the wetland is part of a lawfully established stormwater or wastewater treatment system; or (c) a water body that is Natural State, unless the discharge was lawfully established before 1 November 2013; 4. The discharge does not result in an increase in the flow in the receiving water body at the point of discharge of more than 1% of a flood event with an AEP of 20% (one in five year event); 5. For a discharge of stormwater onto or into land: (a) the discharge does not cause stormwater from up to and including a 24 hour duration 2% AEP rainfall event to enter any other property; (b) the discharge does not result in the ponding of</p>	

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>(c) the discharge is located at least 1 m above the highest groundwater level that can be reasonably inferred for the site at the time the discharge system is constructed;</p> <p>(d) there is no overland flow resulting from the discharge to a surface water body unless via a treatment system or constructed wetland; and</p> <p>(e) for a discharge from a roof, the discharge system is sealed to prevent the entry of any other contaminants; and</p> <p>6. For a discharge of stormwater to surface water:</p> <p>(a) The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5;</p> <p>(b) the concentration of total suspended solids in the discharge shall not exceed:</p> <p>(i) 50 g/m³, where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake; or</p> <p>(ii) 100 g/m³ where the discharge is to any other river or to an artificial watercourse; and</p> <p>(c) the discharge to water is not within a group or community drinking water supply protection area as set out in Schedule 1.</p> <p>Rule 5.73 - The discharge of stormwater into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter water that does not meet the conditions of Rule 5.72 is a noncomplying activity.</p>	<p>stormwater on the ground for more than 48 hours;</p> <p>(c) the discharge is located at least 1 m above the highest groundwater level that can be reasonably inferred for the site at the time the discharge system is constructed;</p> <p>(d) there is no overland flow resulting from the discharge to a surface water body unless via a treatment system or constructed wetland; and</p> <p>(e) for a discharge from a roof, the discharge system is sealed to prevent the entry of any other contaminants; and</p> <p>6. For a discharge of stormwater to surface water:</p> <p>(a) The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5;</p> <p>(b) the concentration of total suspended solids in the discharge shall not exceed:</p> <p>(i) 50 g/m³, where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake; or</p> <p>(ii) 100 g/m³ where the discharge is to any other river or to an artificial watercourse; and</p> <p>(c) the discharge to water is not within a group or community drinking water supply protection area as set out in Schedule 1.</p> <p>Rule 5.73 - The discharge of stormwater into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter water that does not meet the conditions of Rules <u>Rule 5.71</u> or 5.72 is a noncomplying activity.</p>	

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
Lynch, 3.49	<p>5.94 The taking or use of water from irrigation or hydroelectric canals or water storage facilities is a permitted activity, provided the following conditions are met:</p> <p>1. For the taking of water from a water storage facility, the storage facility is not within the bed of a river; and</p> <p>2. The site owner or occupier has a written agreement with the owner or manager of the irrigation or hydroelectric canal or water storage facility to take water from the artificial watercourse or water storage facility.</p>	<p>Submission requested creation of a new rule which requires the use of the water for irrigation to be a discretionary activity.</p>	<p>Ngā Rūnanga submission – Rule 5.94 in Rule Table, page 55.</p>
Lynch, 3.52	<p>Rule 5.99 - The taking and use of water from a lake, river or artificial watercourse and discharge of the same water to the same lake, river or artificial watercourse is a restricted discretionary activity, provided the following conditions are met:</p> <p>....</p> <p>7. Effects on aquatic ecosystems, in-stream habitat, wetlands, sites of significance to Ngāi Tahu, amenity & recreational values in the area of the river subject to the diversion; and</p>	<p>Submission requested one of the matters of discretion be amended:</p> <p>7. Effects on aquatic ecosystems, in-stream habitat, wetlands, sites of significance to Ngāi Tahu, amenity & recreational values in the area of the river subject to the diversion</p>	<p>Ngā Rūnanga submission – Rule 5.99 in Rule Table, page 55.</p>
Lynch, 3.54 & 3.55	<p>Rule 5.118 – Notwithstanding any other rule in this Plan, temporary structures and diversions associated with undertaking activities in Rules 5.113 to 5.117 and 5.125 to 5.27 are permitted activities, provided the following conditions are met:</p> <p>....</p> <p>2. The activity is not undertaken in an inanga or salmon spawning site listed in Schedule 17;</p> <p>Rule 5.119 - Temporary discharges to water or to land in</p>	<p>Submission requested that Schedule 17 be updated via a variation.</p> <p>As suggested in evidence, an alternative approach to a variation could be to provide a definition for inanga spawning sites.</p> <p>Condition 2 – The discharge is not undertaken in: an inanga or salmon spawning site listed in Schedule 17; (a) <u>a</u> salmon spawning site listed in Schedule 17; <u>or</u></p>	<p>Ngā Rūnanga submission – Rules 5.118 & 5.119 in Rule Table, page 57.</p>

Paragraph in evidence	pLWRP	Ngāi Tahu Submission with amendments proposed by Expert Witness (amendments shown as tracked as appropriate)	Basis for Jurisdiction
	<p>circumstances where a contaminant may enter water associated with undertaking activities in Rules 5.113 to 5.117 and 5.125 to 5.127 are permitted activities, provided the following conditions are met:</p> <p>...</p> <p>2. The discharge is not undertaken in an inanga or salmon spawning site listed in Schedule 17;</p> <p>Schedule 17 – Salmon and Inanga Spawning Sites</p>	<p>(b) <u>an inanga spawning site.</u></p> <p><u>Proposed definitions:</u></p> <p><u>Inanga spawning site means within 1000 meters of the upstream extent of tidal influence in a river or wetland, or within 1000 meters of a lake, estuary or hāpua (coastal lagoon).</u></p> <p><u>Tidal influence means the extent of a river or wetland which shows some level of response to the daily oscillation of the tides. This includes areas affected by the backing-up of freshwater as well as those inundated by brackish or saline water.</u></p>	