

Tabled at hearing 23/04/2013



Proposed Canterbury Land and Water Regional Plan

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Summary of Planning Evidence
Hearing Group 1

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Department of
Conservation
Te Papa Atawhai

SCOPE OF EVIDENCE

1. Structure
2. Section 32
3. Objectives
4. Policies
5. Table 1
6. Permitted Activity Rules
7. Wetlands
8. Regional standards
9. High Naturalness Waterbodies
10. Native Fish
11. Default Flow/Allocation



STRUCTURE

- The reduction in size of the pCLWRP is commendable and an improvement on the NRRP.
- However the risk with this new format requires that the entire pCLWRP needs to be understood to ensure that it is effective.
- These risks will be associated with ECan staff for consenting and enforcement issues, and plan user interpretation.



SECTION 32

- The s32 analysis of the pCLWRP largely relies on the s32 analysis of the NRRP.
- The pCLWRP introduces a number of provisions that were not subject to the s32 analysis undertaken for the NRRP.
- Consequently these new provisions have not been tested against s32, specifically:
 - Are the objectives the most appropriate way to achieve the purpose of the RMA?
 - Are the policies and rules efficient and effective in achieving the objectives?
 - Have the benefits and costs of the policies and rules been identified?
 - Have the risks been outlined in response to acting or not acting where there is insufficient information?



OBJECTIVES

- The Objectives are generally poor and lack detail to direct management of effects by subsequent Policies and Methods.
- Specifically the Objectives:
 - have not been derived from clear issues
 - they generally lack detail to be effective
 - some of the Objectives are silent on important issues
 - Groundwater decline - despite a clear CRPS Policy 7.3.4.1(b)
 - Wetlands –in terms of quality and quantity despite there being a NRRP Objective and being a s6 RMA matter
 - some of the Objectives are Policies
 - Objective 3.23 is a ‘how to’ to manage water quality and quantity
 - some Policies should be objectives
 - Water quality - strategic Policies 4.1-3 (including Table 1 a-c) are more appropriate as Objectives as they state water quality outcomes to be achieved.



POLICIES

- The Policies are generally well drafted.
- Their focus on methods is appropriate.
- Some Policy improvements are still required to:
 - Safeguard life supporting capacity
 - Consider freshwater ecosystems and species
 - Meet s70 RMA test
 - Enable biodiversity and biosecurity management
- The language of the Policies needs to be appropriate to the relevant activity status:
 - “Enabling” - permitted status
 - “Restrict/controlling” - discretionary status
 - “Prohibiting” - prohibited status



TABLE 1

- Table 1 is the mechanism by which the water quality Objectives and Policies are to be achieved. It is unclear how this is achieved when Table 1 is not referenced in the Rules.
- The approach of relying on ‘aspirational’ outcomes will not give effect to Policy 1A of the Freshwater NPS.
- There is no requirement for the Sub-Regional chapters to adopt the water quality outcomes detailed in Table 1.
- There are no wetland water quality outcomes detailed in Table 1.
- Strategic Policies 4.1-3 and Table 1 are more appropriate as Objectives as they clearly articulate water quality outcomes.



PERMITTED ACTIVITIES

- The pCLWRP fails to take an enabling approach to matters with minor environmental effects, in particular:
 - greywater discharges
 - weeds and pests
 - fire management
 - hut management
- The benefits for permitting these activities are self-evident in terms of biodiversity conservation, recreation and biosecurity management.



WETLANDS

- The status of wetlands and their management requirements are well understood by ECan scientists.
- The pCLWRP does not include an appropriate Objective and Policy framework and therefore will fail to manage the remaining wetlands in Canterbury.
- The secondary wetland definition detailed in Rule 5.38 is singularly unhelpful as it excludes laucustrine and riverine wetlands.
- There is no reasoning as to why the effective wetland provisions in the NRRP, including a requirement for 'no net loss', have not been transferred into the pCLWRP.
- The approach taken to wetland management in the pCLWRP is inconsistent with both the CRPS and the Freshwater NPS.



SUB-REGIONAL CHAPTERS

- Regional standards in Table 1 are default only until replaced by sub regional chapters.
- Water quality “life supporting capacity” bottom line minimums are required across the region to support aquatic life, Table 1 or to like effect is the basis for these bottom lines.
- Allowing sub-regional chapters to set lower standards will likely result in each catchment being re-litigated. This is an ineffective and inefficient approach to argue these issues for each catchment.
- Separate chapters that can derogate from Table 1 are inconsistent with the vision and principles of the CWMS, specifically the fundamental principle that a consistent regulatory approach is applied throughout Canterbury (primary principle 2).



HIGH NATURALNESS WATERBODIES

- The identification of waterbodies that are afforded special identification and treatment through the provisions of the pCLWRP is supported.
- However how these areas have been identified in the sub-regional chapters is unclear and seems to have been done in an ad-hoc manner.
- No wetlands have been identified as High Naturalness Waterbodies and many other waterbodies worthy of special treatment have been excluded.
- Tools such as FENZ can identify waterbodies worthy of special treatment in a far more objective and systemic manner.



NATIVE FISH

- Only four inanga spawning locations are specified in Schedule 17. This is a very small sub-set of spawning locations in Canterbury despite native fauna being a s6 RMA matter.
- The Golder report on native fish commissioned by ECan arrived too late to be included in Schedule 17.
- DOC has expanded Schedule 17 through a comprehensive assessment of the Golder's work.



DEFAULT FLOW AND ALLOCATION REGIMES

- The default flow and allocation provisions detailed in the pCLWRP are poor.
- Policy 7.3.12 of the CRPS provides strong grounds for a precautionary approach.
- DOC relief has been accepted despite the s42A report recommending a decline (Rule 5.96 (2)).

