

# **Proposed Canterbury Land & Water Regional Plan**

## **Section 42A Report - Volume 3**

For Hearing Group 3

Prepared under the Resource Management Act 1991

April 2013



*Everything is connected*



Cover photo

***The Rakaia River, one of the  
region's braided rivers***

*Credit: Nelson Boustead NIWA*

# **Proposed Canterbury Land & Water Regional Plan**

## **Section 42A Report**

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April 2013





## **Report R13/22**

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# **Preamble**

## **Introduction**

This Report summarises and analyses the submissions made with respect to Sub-regional Sections 6 to 15 of the proposed Land and Water Regional Plan (pLWRP) and makes recommendations. It has been written to assist submitters and the Hearing Commissioners in their consideration of the submissions received on the pLWRP.

The Report is the considered opinions of the authors. The Hearing Commissioners will give it the weight they consider appropriate and decisions will be made by the Hearing Commissioners following the hearing of evidence from all parties, consideration of the submissions and further submissions and consideration of this Report.

This is Volume 3 of the s42A Report – it considers those matters identified by the Hearing Commissioners to be addressed in “Hearing Group 3”.

## **Sub-Regional Sections of the pLWRP**

The pLWRP operates at both a region-wide and sub-regional level. The region-wide sections of the pLWRP are contained in sections 3, 4 and 5 and contain objectives, policies and rules that apply across the region. Submissions to these sections have been assessed in Volumes 1 and 2 of the Section 42A Report.

The second level that the pLWRP applies at is the sub-regional level, that is, in relation to specific areas within the Canterbury region. Each part of the region is covered by one, and only one, sub-regional sections. There are ten-sub-regional sections in the pLWRP. These sub-regional sections contain policies and rules which are specific to the catchments covered by that section. They implement the region-wide objectives of the Plan in the most appropriate way for the catchment or catchments covered by that section.

## **Reporting assumptions and disclaimers**

In all, approximately 380 submissions were lodged on the pLWRP, followed by 78 further submissions. A significant proportion of the submissions relate to a limited range of policies and rules. That said, there are very few provisions of the pLWRP that have not been subject to any submissions. In order to effectively address the pLWRP provisions, a number of the submitters have been grouped in the discussion of individual objectives, policies or rules. This means that in a number of cases individual submitters are not identified, and discussion of submission points is often at a more generalised level than referencing the individual wording of a large number of similar submission points.

There are further submissions on the majority of submission points. The further submissions have been reviewed, and it is clear that almost all (72 of the 78) are from people or organisations that have lodged submissions in the first instance and are therefore already involved in the process, many substantially so. It is also apparent that there are no consistent patterns or overwhelming numbers of further submissions on particular issues. On this basis, further submissions have been identified and addressed in only limited circumstances in the text of this Report. However, they have been read and considered during the reporting process.

Recommendations are made where appropriate, and these are either to retain provisions without amendment, add to or amend the provisions with the amendment shown by way of strikeout and underlining, or to delete the provisions. All recommended changes have a footnoted reference with a submission point and submitter name that supports the recommended change. Only a single submitter or submission point is shown. However, in many circumstances there are multiple submitters seeking the same change, but are not listed. This has been done as a means of confirming that there is scope within the submissions to make the requested change, rather than identifying or prioritising particular

submitters. Where provisions are recommended to be retained without amendment, there is no footnoted reference to any submission point.

The overall intent in considering and analysing the submission points is to better give effect to Part 2 of the RMA, the CRC's responsibilities under Section 30 and to improve the pLWRP in terms of clarity, workability and certainty. Time and again, the submissions were assessed against these criteria, and the reasoning given in the Report for recommended changes often relate to these criteria.

### **Report author profile**

#### ***Paul Whyte***

Paul is a Senior Planner (Associate) in the Christchurch office of Beca. He holds the qualification of Bachelor of Town Planning from the University Of Auckland and is a Member of the New Zealand Planning Institute.

He has practiced in planning/resource management since 1985 working for planning consultants and local authorities mainly in the South Island. He has been involved in the preparation of district and regional plans in Southland, Otago, West Coast, Canterbury and the Chatham Islands and prepared Section 42A reports for a number of local authorities on plans and plan changes.

#### ***Angela Fenemor***

Angela is a planner employed with Beca since July 2012 and has the qualification of Bachelor of Science (Geography and Biology).

Prior to joining Beca she was Consents Team Leader (Rural Activities) for the Canterbury Regional Council where she was employed for approximately six years. Her work included the processing of resource consents and providing resource consents advisory for rural activities including water takes, discharge consents and works in beds of lakes and rivers. She was involved in large irrigation projects within the Canterbury region and in her Team Leader role she assisted in various planning and CWMS processes in an advisory and consultation role.

#### ***Patricia Harte***

Patricia Harte is a Resource Management Consultant with the firm Davie Lovell-Smith Ltd and is based in Christchurch.

She has approximately 30 years' experience working with the RMA, across a range of district, regional and central government issues and planning regimes. Her qualifications include a Bachelor of Laws, and Master of Science in Resource Management.

Patricia was involved in consulting on, and some minor drafting of, the pLWRP.

### **Authors of Sections**

The authors of this report also acknowledge the assistance of Don Vattala, Joanne Stapleton and Meredith Macdonald who were the authors of the as-notified sections 13, 14 and 15 respectively.

### **Conflicts of interest**

The Report authors work with organisations that have a multitude of interests with respect to resource management and water issues, including the interests of the clients of the report Authors. Inevitable conflicts of interest have been reduced by:

- The authors of this Report have not advised clients, or prepared submissions on the pLWRP;
- Staff involved have not been engaged to prepare or present evidence for other submitters;
- The Report has been thoroughly reviewed by Canterbury Regional Council staff; and

- Potential conflicts of interest have been made known to the CRC and these have been dealt with primarily through additional internal review.

While this is a Section 42A report, rather than evidence to the Environment Court, the authors have read, and agree to abide by, the Code of Practice for Expert Witnesses, as contained in section 5 of the Environment Court of New Zealand Practice Note 2011.

#### **Abbreviations used**

Abbreviation of submitter names:

<b>Abbreviated Name</b>	<b>Full Submitter Name</b>
Aggregate Group	The Canterbury Aggregate Producers Group (Aggregate Group)
AgResearch ChCh	AgResearch Limited, Christchurch
Amberley Beach R&R Assn	Amberley Beach Residents & Ratepayers Association
ANZCO <i>et al</i>	ANZCO Foods Limited, CMP Canterbury Limited, & Five Star Beef Limited
Ashburton DC	Ashburton District Council
Barhill Chertsy	Barhill Chertsey Irrigation Limited
Beef & Lamb	Beef and Lamb New Zealand Limited
Benmore Irrigation	Benmore Irrigation Company Limited
C&PH ChCh	Community & Public Health, Christchurch
CCC	Christchurch City Council, Strategy & Planning
Chorus & Telecom	Chorus New Zealand Limited & Telecom New Zealand Limited
CIAL	Christchurch International Airport Limited
Corrections	Department Of Corrections, Wellington
CPW	Central Plains Water Limited.
Dairy NZ	DairyNZ Incorporated
Darfield CR Team & Malvern CH	Darfield Community Response Team (Neighbourhood Support) and Malvern Community Hub
Deer Farmers Assn (Canty)	New Zealand Deer Farmers Association, Canterbury Branch
Deer Ind & Deer Farmers	Deer Industry New Zealand & New Zealand Deer Farmers' Association
DOC	Director General of Conservation
CRC	Canterbury Regional Council
EDS	Environmental Defence Society Incorporated
Eel Industry Assn	South Island Eel Industry Association Incorporated.
Ellesmere ISI	Ellesmere Irrigation Society Incorporated
FedFarm (Banks Pen)	Federated Farmers Of New Zealand Inc, Banks Peninsula Branch
FedFarm (Combined Canty)	Combined Canterbury Provinces, Federated Farmers of New Zealand
FedFarm (High Country)	Federated Farmers Of New Zealand Inc, High Country Branch
FedFarm (Mackenzie)	The Mackenzie Branch of Federated Farmers of NZ
FedFarm (Temuka)	Federated Farmers Of New Zealand Inc, Temuka Branch
Fertiliser Assn	The Fertiliser Association of New Zealand Incorporated
Fish & Game	Fish & Game New Zealand (Nelson/Marlborough, North Canterbury & Central South Island)
Fonterra	Fonterra Co-Operative Group Limited (Auckland)
Forest Owners' Assn	New Zealand Forest Owners' Association Inc
Fulton Hogan	Fulton Hogan Canterbury Ltd, Canterbury
Genesis	Genesis Power Limited, Wellington
GHANZ	Geothermal Heat-pump Association of New Zealand (GHANZ)
Glenbrook <i>et al</i>	Glenbrook Station Ltd, Westside Ltd, McAughtrie Farm Ltd, Ellis Lea Farms (2000) Ltd & Others
Greenstreet	Greenstreet Irrigation Association
Groundspread Assn	New Zealand Groundspread Fertilisers' Association Inc.,

<b>Abbreviated Name</b>	<b>Full Submitter Name</b>
	Canterbury Branch
Hodgen <i>et al</i>	Mr M Hodgen, Ms J Hodgen and Ms N Hodgen
Holcim	Holcim (New Zealand) Limited
HWPL	Hurunui Water Project Limited..
Institute for Plant & Food Research	The New Zealand Institute for Plant & Food Research Ltd - Christchurch
Intitute of Primary Industry Mgt	New Zealand Institute Of Primary Industry Management, Canterbury / Westland Branch
Irricon	Irricon Resource Solutions Limited (Geraldine)
Irrigation NZ	Irrigation New Zealand Inc, Christchurch
KiwiRail	New Zealand Railways Corporation (trading as KiwiRail)
LINZ	Land Information New Zealand (LINZ) - Wellington
Mackenzie DC	Mackenzie District Council
Mainpower	Mainpower New Zealand Limited
Mainpower	Mainpower New Zealand Limited
Meridian	Meridian Energy Limited
Mountford <i>et al</i>	Mountford Vin Waipara Ltd & Mountford Estate Ltd & Hurunui Wines Ltd
Mt Somers Station	Mt Somers Station Farming Limited
Ngā Runanga	Ngā Rūnanga of Canterbury & Te Rūnanga o Ngāi Tahu
NZ Deer Farmers Assn (Sth Canty & Otago)	New Zealand Deer Farmers Association South Canterbury North Otago Branch
NZAAA	NZ Agricultural Aviation Association
NZDF	New Zealand Defence Force, Upper Hutt
NZHPT	New Zealand Historic Places Trust Pouhere Taonga
NZKS	New Zealand King Salmon Company Limited
NZTA	New Zealand Transport Agency.
Oasis Clearwater	Oasis Clearwater Environmental Systems
Ohau Protection Soc	Ohau Protection Society Incorporated
Omarama Station	Omarama Station Limited & Ellis-Lea Farms (2000) Limited
Orari Steering Cttee	Orari Environmental Flow and Allocation Regime Steering Committee
Orari Water Soc	Orari Water Society Incorporated
Orion	Orion New Zealand Ltd
Pegasus Bay	Pegasus Bay Vineyard and Winery Limited
Phillips <i>et al</i>	S & N Phillips, S & K Taylor, A & E Bell, H & C Bell
Pork Industry Bd	New Zealand Pork Industry Board..
Poultry Assn & Egg Producers	Poultry Industry Assn of NZ (Inc) & Egg Producers Fed of NZ (Inc)
Pye Partnership <i>et al</i>	Pye P/ship, Dialan, South Stream, Grantlea & Cloverdene Dairies, & Highfield Farm Holdings
Ravensdown	Ravensdown Fertiliser Co-Operative Limited
Rayonier	Rayonier New Zealand, Bay of Plenty
RDRML	Rangitata Diversion Race Management Limited
RFBPS (Canty West Coast)	Royal Forest & Bird Protection Society of NZ Inc, Canterbury/West Coast Regional Office
RFBPS Ashburton	Royal Forest & Bird Protection Society of NZ Inc, Ashburton Branch
Save the Rivers	Save The Rivers Mid Canterbury Inc.
SCIRT	Stronger Christchurch Infrastructure Rebuild Team.
Sth Rakaia Batch Owners	South Rakaia Bach Owners Association Incorporated
The Fuel Companies	Mobil New Zealand Limited, BP Oil New Zealand Limited, and Z-Energy Energy Limited
Transpower	Transpower New Zealand Limited, Wellington
TrustPower	TrustPower Limited
Waitaki DC	Waitaki District Council
Waitaki Irrigators	Waitaki Irrigators Collective Limited

<b>Abbreviated Name</b>	<b>Full Submitter Name</b>
Whitewater	Whitewater New Zealand & Whitewater Canoe Club
Winstone Aggregates	Winstone Aggregates - A Division of Fletcher Concrete & Infrastructure Ltd.

Abbreviations used in the text generally:

RMA	Resource Management Act 1991
NRRP	Canterbury Natural Resources Regional Plan 2011
pLWRP	Proposed Land and Water Regional Plan
Freshwater NPS	National Policy Statement for Freshwater 2011
RPS 2013	Canterbury Regional Policy Statement 2013
CRC	Canterbury Regional Council
ECan Act	Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010
NES	National Environmental Standard
HWRRP	Hurunui Waiau River Regional Plan
MCM	Million cubic metres

# **1 Sub-regional Sections General Submissions**

## **1.1 Introduction**

A number of submissions have been made to all of the sub-regional sections requesting the same amendment, while other submissions have requested clarification or changes to the policy and functional relationships between the sub-regional sections and the remainder of the pLWRP. These submissions are now assessed.

## **1.2 Relationship between sub-regional and general sections of the pLWRP**

The Introduction to the Sub-regional sections on page vii (which follows page 5-40) and 2.4 in Section 2 of the pLWRP both state;

*The sub-regional sections contain policies and rules which are specific to the catchments covered by each section. The policies and rules in the sub-regional sections apply instead of, or in addition to, policies and rules in the region-wide section. They implement the region-wide objectives in the most appropriate way for the specific catchment or catchments covered by that section.*

In addition rule 5.2 states that:

*Unless specifically stated to the contrary, any rule on the same subject matter in the relevant sub-regional zones in Sections 6-15 of this Plan prevails over the relevant rule in Section 5.*

Ellesmere Irrigation Society opposes the introductory page vii of the Sub-regional Sections and asks that it make clear which rules apply in which circumstances.

Fish & Game want the sub-regional rules to be amended in line with any amendment to section 5 resulting from their submissions. They also request that existing and future catchment and sub-regional sections of the Plan must meet the objectives in Section 3 and the limits set out in Table 1. They state that these catchment plans could set more stringent limits.

Nga Runanga state that all policies and rules should apply to the sub-regional sections except newly developed allocation regimes. They consider all new sub-regional sections should be based on catchment boundaries with whole catchments being managed in one sub-regional section.

The reality is that it may not be possible to have a clearer statement of the relationship between the region-wide and sub-regional sections with regard to which policies apply in various circumstances. In many cases policies from both sections would need to be considered in assessing a resource consent. It could be expected that this will involve a more general regional-wide policy and a more specific policy applying to the relevant catchment.

In the case of rules, the relationship is stricter in order to provide certainty for all parties regarding the need for resource consent. Where there is only control over a matter in the region-wide sections, such as for hazardous substances, then it is clear that the rules apply across the region. Where there is an allocation regime in a sub-regional section then the default approach such as in rule 5.96 does not apply. In addition, as mentioned above, rule 5.2 states that sub-regional rules are to prevail if there is both a regional and sub-regional rule applying to the same activity.

This difference in the relationship between regional and sub-regional provisions with regard to policies as compared to rules is not expressed clearly in the statements in page vii (which follows page 5-40) and 2.4 in Section 2 of the pLWRP. It is recommended that the relationships be clarified (refer Recommendation RN59).

When plan sections are being developed or reviewed or when consents are considered, the objectives in section 3 will provide overall guidance. It is expected that there may be some “grey” areas where land use and discharges are involved because of the varied nature of the sub-regional sections. Some of these differences may diminish with reviews of some sections, but other differences may arise from these reviews in order to achieve priority environmental outcomes and sustainable management of the sub-regional resources.

Whether or how the sub-regional sections will require water quality standards contained in Table 1 to be met or applied will depend on the on the Table 1 itself which is subject to numerous submissions. A wide range of requests have been made from retaining Table 1 in its current form through to converting it into a rule that establishes water quality limits which cannot be further derogated from in the sub-regional sections. This matter is still being worked through and a final recommendation on this matter will be provided to the Commissioners as part of the Council’s reply.

While catchments are a logical management unit for water planning, the sub-regional sections have been chosen, in the majority, because they match general administrative boundaries. The subsequent development of priority outcomes can then be aligned with the means of implementation. This is considered to be an efficient and effective way of achieving sustainable management of the resource as well as one which has community support.

For these reasons it is considered that the current approach of the pLWRP to both region-wide and sub-regional sections should be retained. As recommended in the Group 1 part of the Section 42A Report, cross references should be included to limit the potential for misunderstanding as to how the various provisions apply.

#### **Recommendation RN59**

That the sub-regional sections and the explanation of their relationship to the region-wide provisions of the pLWRP be amended as follows:

*The sub-regional sections contain policies and rules which are specific to the catchments covered by each section. The rules in the sub-regional sections apply instead of the regional wide rules on the same matter, while the policies and rules in the sub-regional sections apply instead of, or in addition to, policies and rules in the region-wide section. They policies and rules in the sub-regional sections implement the region-wide objectives in the most appropriate way for the specific catchment or catchments covered by that section.<sup>1</sup>*

## **1.3 Requested amendments to all sub-regional sections**

### **High Naturalness Waterbodies**

DOC state that the lists of high naturalness water bodies in the sub-regional sections are incomplete and don’t, for example, include river mouths. DOC asks that the list of High Naturalness waterbodies be amended to reflect the top 20% of FENZ (Freshwater Ecosystems of New Zealand) and have supplied a map with “top 20% of river catchments outside of protection areas”. These maps do not highlight which of the waterbodies are already listed in the sub-regional sections and which ones are requested to be added.

It is noted that DOC’s request relates to whole catchments and not just waterbodies. This makes incorporation of their request potentially incompatible as these areas are much larger than the high naturalness waterbodies currently referred to in the various policies and rules. While a number of the waterbodies on the DOC maps are in fact listed as high naturalness waterbodies in the sub-regional sections, accepting DOC’s submission would have implications for a number of activities controlled through the general rules in the pLWRP. In these circumstances, and given that it is not clear what

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<sup>1</sup> 19.113 Ellesmere Irrigation Society

waterbodies are to be added to the pLWRP, it is considered that inclusion of additional waterbodies would more appropriately be achieved through a formal plan change or variation.

**Recommendation RN60**

That the sub-regional sections be retained without amendment.

**New Rule**

Whitewater NZ & Whitewater Canoe Club request a new rule specifying that the taking of rock from the bed of any river “*used by white water boaters*” is a discretionary activity. Such a rule is unworkable because it does not specify what level of taking of rock or the level of use by white water boaters would trigger this rule. It also does not schedule those rivers to which it applies.

**Recommendation RN61**

That the sub-regional sections be retained without amendment.

**Drinking Water**

C&PH ChCh request inclusion of a statement regarding safe as well as secure drinking water for each zone.

The submission requests a “statement” regarding safe and secure drinking water but it does not specify whether this is to be in the form of a policy or rule or some other form. Nor does it specify what the statement is to say. In each of the sub-regional sections there is a subsection prior to the policies headed “Fresh water Outcomes”. In most, but not all, cases there is a reference through to Policy 4.1 and Table 1. Table 1c contains drinking water parameters for aquifers but there is no general statement about the safety and security of drinking water in the tables or Policy 4.1. While it is considered that some kind of statement may be suitable in each sub-regional section, greater clarity from the submitters is needed as to what this statement is to say to enable this matter to be correctly addressed.

**Recommendation RN62**

That the sub-regional sections be retained without amendment.

**Surface Water Allocation blocks**

Fish & Game, while supporting the inclusion of flow and allocation regimes in the sub-regional sections, are concerned that the approach adopted uses existing abstraction as a basis for the allocation blocks. They consider blocks should be “*based on environmental factors, such as MALF*”, as supported by Regional Rule 5.96. Fish & Game recognise that this will make some catchments “*over-allocated*” but believe it is better to have aspirational limits so that it is possible to tell when measures to address over-allocation have been successful. Finally they state that “*the sub-regional section should contain both the aspirational limits and the true allocations.*” Their request is that all allocation blocks are calculated using provisions in Rule 5.96.

The flow regimes in the sub-regional sections have been subjected to considerable assessment and public input through catchment specific processes. Most have had a full investigation of the most appropriate flows at the time of developing either the relevant NRRP provisions (which have been carried through) or the pLWRP provisions. They are therefore considered to be robust and should be retained. In addition it would be confusing for a plan to contain both aspirational and consenting limits.

**Recommendation RN63**

That the sub-regional sections be retained without amendment.



#### **Groundwater Allocation Assessment and consequential amendment**

Aqualinc requests that groundwater allocations be made on third order calculations to ensure they are well researched and verified and that therefore the community can have confidence in the allocation. They point out that the sub-regional sections are based either on the estimation of 15% of the annual average rainfall (first order calculation) or 50% of the land based recharge (second order calculation). They consider these are useful for identifying whether an allocation is approaching full allocation, but they fall short of being sufficiently robust to justify prohibited activity status. They also state that new irrigation has resulted in additional recharge which has not been taken into account.

Groundwater allocation limits are based upon known limits and CRC's existing knowledge of the aquifers and groundwater allocation zones. Should revised allocation numbers be determined in the future, these can be incorporated in the pLWRP by way of a plan change. A lack of absolute information should not be a reason to delay the introduction of control in respect of over-allocation. .

The prohibited activity status is considered a suitable tool to maintain the status quo for current groundwater allocation given the requirements of the NPS Freshwater and to ensure the limits in the pLWRP are adhered to. A plan change is appropriate to alter the current limits rather than the ad hoc approach of resource consent applications.

#### **Recommendation RN64**

That the sub-regional sections be retained without amendment.

#### **Listing of Consents**

DOC requests that a schedule of all surface water consents granted for each catchment be included in each sub-regional section.

It is not considered good practice to include detail in policy and plan documents for information purposes only. In addition the information would be misleading as the listed consents will lapse, be renewed and/or modified over time.

#### **Recommendation RN65**

That the sub-regional sections be retained without amendment.

#### **Name of sub-regional sections**

CRC requests that all references to “Sections 6-15” be amended to “*Sub-regional Sections 6-15 of this Plan*”. CRC also requests that cross-references be added to section 5 of the Plan to any relevant rules in the Sub-regional sections.

These changes will make it clearer what sections and rules are being referred to, and they are recommended to be accepted.

#### **Recommendation RN66**

That all references in the pLWRP to “Sections 6-15” be amended to “*Sub-regional Section 6-15 of this Plan*” and that any relevant rules in sub-regional sections be cross-referenced in Section of the Plan.

#### **Format of High Naturalness Waterbodies tables**

Whitewater request that the format of the tables listing High Naturalness Waterbodies in the sub-regional section be standardised.

Currently these tables have three columns being Main River/Lake, Location and Topo50 Map Reference and Characteristics. The last column of these tables has varied wording including “Characteristics”, “Outstanding Characteristics” and “Outstanding and Significant Characteristics”. The latter is the most suitable as it is the same as the NRRP terminology and covers the range of characteristics referred to which are both ecological and landscape based.

#### **Recommendation RN67**

That the third column of the tables in 6.7, 8.8, 12.7, 13.8, 14.8 and 15.8 be amended to read “*Outstanding and significant characteristics*”<sup>2</sup>

#### **Withdrawal of some flow regimes**

Nga Runanga request the flow regimes for the Kaikoura Streams, Rakauhra/Ashley, Hakatere/Ashburton, and Orari and Waihao catchments be withdrawn and that in the interim the NRRP should apply until new regimes are developed that manage the connections between surface and groundwater. As an alternative an interim rule is suggested limiting allocation of water to renewal of existing permits for the same or a lesser rate of take and for a short duration.

In many cases the allocation limits in these catchments are set to match the current takes and so in fact only renewals will be able to be granted. The need for more detailed investigation and assessment of these catchments, in particular the connections between surface and groundwater, is acknowledged and there is on-going and planned work in these catchments as follows:

<b>Stages</b>	<b>Target</b>	<b>Notification</b>
Stage 1  (as set out in the Canterbury Regional Council Long Term Plan 2012 -2022)	A sub-regional chapter for integrated land and water management for the Selwyn-Waihora Catchment	2012/2013
	A sub-regional chapter for integrated land and water management in Hinds River and Ashburton-Rangitata Groundwater Zone	2013/2014
	A sub-regional chapter for integrated land and water management for Waiwera/Lake Forsyth	2013/2014
	A sub-regional chapter for integrated land and water management in South Canterbury streams and Morven Glenavy groundwater	2013/2014
	A sub-regional chapter for integrated land and water management in the Waitaki catchment	2014/15
	A sub-regional chapter for integrated land and water management for rivers and groundwater in the Orari-Opihi-Pareora zone	2017/18
	A sub-regional chapter for integrated land and water management for the Ashley River and Waimakariri zone	2017/18
Stage 2	A sub-regional chapter for integrated land and water management for the Ashburton-Rakaia Groundwater Zone	2018/19
	A sub-regional chapter for integrated land and water management for the Hurunui Waiau zone	2018/19
	A sub-regional chapter for integrated land and water management for the Kaikoura zone	2019/20
	A sub-regional chapter for integrated land and water management for the Christchurch West Melton zone	2019/20

Once this work is undertaken revised flow regimes will be instituted by changes to the relevant sub-regional sections. In the meantime it is considered important to retain the current regimes rather than withdraw them leaving a management vacuum.

#### **Recommendation RN68**

That the flow regimes for the Kaikoura Streams, Rakauhra/Ashley, Hakatere/Ashburton, and Orari and Waihao catchments be retained.

<sup>2</sup> 232.22 Whitewater

**Groundwater allocation outside zones – Rules 5.102 and 5.103**

The groundwater allocation limits in the sub-regional sections either refer to listed groundwater allocation zones or state “*For all other areas, see Rule 5.102*”. This rule specifies that taking and using of groundwater outside a Groundwater Allocation Zone is a non-complying activity. Recommendation R5.102 recommends that this rule be deleted because it duplicates Rule 5.103. If this recommendation is accepted then all references to Rule 5.102 in the Sub-regional sections will, as a consequence, need to be replaced with a reference to Rule 5.103.

**Recommendation RN69**

That if Recommendation R5.102 is accepted all references in the sub-regional sections to “*Rule 5.102*” be replaced with “*Rule 5.103*”.

## 2 Kaikoura (Section 6)

### 2.1 Introduction

The area covered in this sub-regional section is in two parts. One part covers the headwaters of the Clarence River (including Lake Tennyson) to the confluence of the Acheron River. The second part extends from just north of the Conway River mouth up to the Kekerengu River.

### 2.2 General Submissions

#### Zone Implementation Programmess

C&PH ChCh support the sub regional sections of the pLWRP and request generally that these sections are consistent with the relevant zone implementation programmes (ZIPS) of the Zone Committees created as part of implementing the Canterbury Water Management Strategy (CWMS). CCC, in contrast, asks that the recommendations from the zone committees be deleted until they are formally approved.

There are no priority outcomes from the Kaikoura ZIP included in the Kaikoura sub-regional section, so these submissions are not relevant.

#### **Recommendation R6.0.1**

That the introduction of this Sub-Regional section be retained without amendment.

### 2.3 Policies

#### Policy 6.4.1

Policy 6.4.1 states:

*When the available flow is less than the size of the allocation block as set out in Table 2 below, takes shall be reduced on a pro rata basis, or via the formation of water user groups, so that individuals can have access to water for longer periods during restrictions.*

NZTA asks how this policy is to be interpreted. In particular how is the reader to know whether the take is to be reduced on a pro-rata basis or via water user groups and which would prevail in the event of a conflict?

This policy intends to provide some flexibility as to how times of low flows will be dealt with in terms of allocation to existing water takes. Logically the policy provides for pro-rata reductions in water takes in these situations unless there is an agreement amongst a water user group to share the reduced allocation in some other manner. This agreement would also have to be acceptable to the CRC as one which achieves the desired environmental in-river result. This could be made clearer by a slight amendment to the policy wording.

#### **Recommendation R6.4.1**

Amend Policy 6.4.1 as follows:

*When the available flow is less than the size of the allocation block as set out in Table 2 below, takes shall be reduced on a pro rata basis, ~~or via the formation of~~ unless an alternative reduction regime which achieves the same outcome is agreed by the water user groups and*

Regional Council so that individuals can have access to water for longer periods during restrictions.<sup>3</sup>

#### Policy 6.4.2

Policy 6.4.2 states:

*The stream depletion cut off limit (i.e. the stream depletion effect to which a groundwater take must be reduced to be exempt from any minimum flow restrictions or be counted within an allocation block) for groundwater takes with a high or moderate degree of hydraulic connection (refer Schedule 2) to the Luke, Middle and Ewelme catchments listed in Table 2 below, shall be 1l/s.*

DOC supports this policy. Hamish Mackenzie requests that an exemption be added to this policy so that it does not apply to takes near the Ewelme Stream below the Main North Railway Line. The reason given for this exemption is that some takes, such as his, are taken at the bottom of catchments where the streams are gaining and so any stream depletion effect will have minimal impact on in-stream values. He also states that the impact will be further minimised because there are other streams and watercourse closer to his bore than the stream. He surmises that this issue may apply to other Kaikoura streams listed in Table 2.

While the reduction of flow from stream depleting groundwater may be proportionally less in lowland areas where the river is gaining in flow, this does not provide justification for exempting hydraulically connected takes in these areas. Such takes will be intercepting water that would naturally flow through to the river and then to the sea and with that flow are the associated aquatic and cultural values. There are in fact significant losses from the river above the Railway line and these are not fully compensated for by the gains below the Railway line. Even if the approach of varying takes based on the amount of inflows into a river could be justified in principle, it would be very difficult to develop a formula for the allocation limits for the various reaches of the river.

#### Recommendation R6.4.2

That Policy 6.4.2 be retained without amendment.

#### Policy 6.4.3

Policy 6.4.3 states:

- 6.4.3 For all rivers and streams listed in Table 2, except for the Upper Kahutara catchment A block (1 May – 30 Sep), no new water permits, or increases in the maximum rate of take or annual volume for existing permits, for the taking or diversion of:
- (a) surface water;
  - (b) groundwater that is determined as having a direct degree of hydraulic connection, as per Schedule 9; or
  - (c) groundwater that is determined as having a high or moderate degree of hydraulic connection (as per Schedule 9), where the stream depletion effect is:
    - (i) greater than 1 l/s in the case of Luke, Middle and Ewelme catchments listed in Table 2 below: or
    - (ii) greater than 5 l/s in the case of Hapuku and Kahutara catchments listed in Table 2 below;
- shall be granted, unless use of the water is non-consumptive and the water that is taken or diverted is discharged back in the river near to the point of take.*

#### Upper Kahutara

NZTA states that it is unclear what the limits are for the Upper Kahutara catchment A block outside 1 May to 31 Sep.

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<sup>3</sup> 169.127 NZTA

The policy has been written to recognise that while there is a summer 15l/s block that has been allocated through consents in the Upper Kahutara River, there is also a winter block of 50l/s that has not been allocated. It is noted that this winter 50l/s block complements the summer B block for this amount. The policy reflects this by exempting this unallocated block from the requirement that there be no new take consents or increases of existing consents.

The Marlborough DC request that the Clarence River be exempted from Policy 6.4.3. This is not necessary as it is not recommended that a regime for the Clarence River be included in Table 2.

#### **Recommendation R6.4.3**

That Policy 6.4.3 be retained without amendment.

## **2.4 Rules**

### **Rule 6.5.1**

Rule 6.5.1 states:

*The damming of the full flow of the mainstem of the Clarence River is a prohibited activity.*

Edward Snowden and Whitewater New Zealand support his rule. DOC request that it be amended to prohibit all damming, whether or not it is damming of the full flow. They also want the rule to preclude the diversion of water from the mainstem of the Clarence River. This request is supported by Fish and Game.

CRPS 2013 also requires the CRC to set objectives, policies and methods in regional plans to identify these rivers and “*prohibit damming on the main stem of the braided rivers listed in the Policy*”. Maintaining or restoring variability of flows, the passing of freshes and flood flows and transportation of sediment are considered very important to retaining the characteristics of braided rivers, which are internationally rare and which have unique ecological and habitat values.

With regard to the request to remove the words “of the full flow” it is arguable that in many cases it would serve little purpose to dam anything less than the full flow, however that may not always be the case. A weir for example can be designed to hold back some but not all waters flowing down a river. The impact of any dam, except perhaps a very low one, would be to interfere with flow variability and all the other important characteristics of these major braided rivers. It is appropriate therefore, if the control is to serve the purpose of maintaining these characteristics, that all damming be prohibited. In that way the only way a dam could be approved would be by a change to the Plan.

#### **Recommendation R6.5.1**

That Rule 6.5.1 be amended as follows:

*The damming ~~of the full flow~~ of the mainstem of the Clarence River is a prohibited activity.*<sup>4</sup>

## **2.5 Allocation limits**

### **Surface Water Allocation Limits- 6.6.1**

Fish & Game request that surface water allocation limits be calculated in accordance with Rule 5.96.

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<sup>4</sup> 120.270 DOC

### Ewelme Stream

Hamish Mackenzie seeks that Table 2 be amended by adding the Ewelme Stream entry as follows:

*Minimum flow for “A” permits shall be: 35 above the Main North Railway line only. No minimum flow shall apply to existing “A” permit groundwater takes with a “high” to “moderate” degree of hydraulic connection.*

This matter is considered above in relation to Policy 6.4.2 where it is concluded that an exemption from the minimum flow requirements for hydraulically connected ground water below the Main North Railway line is not appropriate.

### Clarence River

Marlborough District Council’s submission provides two options to address its concern about the need to have a consistent approach to protecting the Clarence River from over-allocation as 1600km<sup>2</sup> of the catchment is in Marlborough District and 1700km<sup>2</sup> is in the Canterbury Region. As Table 2 does not have limits for the Clarence, it defaults to Rule 5.96(2). Option 1 of the Marlborough DC is to amend rule 5.96(2) in line with the proposed National Environmental Standard on Ecological Flows and Water Levels (2008) i.e. minimum flow changed from 50% to 80% 7DMALF and allocation limit changed from 20% to 50% 7DMALF. Option 2 is to add the Clarence River to Table 2 with a minimum flow for A permits of 17508l/s and Allocation limit for A permits of 10942l/s (which equates to a minimum flow of 80% MALF and an allocation limit of 50% MALF). Marlborough DC also request that Policy 6.4.3 be amended to exempt the Clarence River.

No explanation for the proposed limits is provided in the submission although discussion between the CRC and Marlborough DC hydrologists has verified that their concern is that a 50% minimum low flow will put the high natural values of the river at risk. They consider that small allocation of 20% was some consolation.

While there is no specific flow and allocation regime for the Clarence River in 6.6.1 Table 2 in the Kaikoura Sub-regional section, work based on rivers including the Clarence was undertaken by CRC and NIWA. This work, referred to as EFSAP (Environmental Flow Strategic Allocation Platform) report<sup>5</sup> looked at the impacts of different combinations of allocation and flow regimes (refer Appendix 8). The Report analysed the impacts of the NES default regime of 80% minimum flow and 50% allocation which resulted in a modelled reliability of only 87.3%.

The model also provided minimum flow and allocation limit options which best meet three key objectives based on the reliability and ecosystem targets sought by CRC (and contained in the CWMS) namely:

- Median annual reliability at management flow of at least 95%
- Median annual reliability at minimum flow of at least 95%, and
- Median annual reduction in physical habitat of no greater than 25% of the habitat available at MALF

On the basis of this work the default position in Rule 5.96 of a minimum flow of 50% 7DMALF and allocation of 20% 7DMALF was chosen as achieving the appropriate balance between ecological values and certainty of supply for abstractors with a reliability of 97.9% being achieved.

Application of the Rule 5.96 approach and the approach requested by Marlborough DC results in the following:

	NES/Marlborough DC		pLWRP	
Minimum Flow	80% MALF	17508 L/s	50% MALF	10943 L/s
Allocation	50% MALF	10943 L/s	20% MALF	4377 L/s

<sup>5</sup> Franklin,P.,Snelder,T.,Diettrich,J & Booker,D. (2012) *Default water allocation limits for selected catchments in the Canterbury Region* NIWA

The minimum flow is considerably lower under the pLWRP than under the NES and it is understood that a minimum low flow 10943 L/s as provided for in the pLWRP has an expected frequency of once in every 50 years. The take allocation is however much larger.

As mentioned in the Marlborough DC submission, the draft Kaikoura Zone Implementation Plan proposed adoption of the NES approach to the Clarence River. After receiving the NIWA (EFSAP) report in July 2012 the CRC decided that the NES approach was not the best approach to achieve the reliability and ecosystem targets. On this basis a new default position was adopted of a minimum flow of 50% MALF and allocation limit of 20%. This approach is now contained in the Kaikoura ZIP finalised in October/November 2012. I note that while the wording of the Table in Appendix 1 refers to EFSAP minimum flow and allocation limit the actual litres/second figures in this ZIP have inadvertently not been altered from the NES approach.

The Clarence River catchment is highly natural with high values and outstanding natural features. A robust flow regime set at this stage would avoid any future issues arising from increased demand in the future (although this seems unlikely at this stage). However, given the recent investigation and assessment of the Clarence River flows made possible by the EFSAP modelling, the consequent inclusion of the 50% MALF minimum flow and 20% MALF allocation limit in the final Kaikoura ZIP, and that fact that this regime provides for the desired level of reliability and ecological protection, it is recommended that this regime be retained in the pLWRP.

With regard to the Marlborough DC request to have the Clarence River exempted from Policy 6.4.3, this will not be necessary as it is not recommended that a regime for the Clarence River be included in Table 2.

It is understood that that Marlborough DC want the river jointly managed however there are a number of difficulties in achieving this. Firstly the river is effectively split up lengthwise between the two regions for two of its reaches and is split along its length for its middle reach. Another difficulty is coordination when the two plan development timeframes are not occurring together. A further complication is that a significant change to the flow and allocation regime in the sub-regional section through acceptance of a submission, while legally correct, effectively bypasses the consultation approach agreed with the community. These are matters that will need to be worked through in detail with Marlborough DC.

DOC states that Table 2 should refer to a zero allocation block for the Clarence River. As there are currently consents for the taking of 270 L/s on the Clarence which could not be renewed if the allocation was zero, this submission is recommended to be rejected.

### **Upper Kahutara**

DOC wants a significantly higher minimum flow of 90% 7DMALF as per the default position in Rule 5.96 condition 2 for new takes on the upper Kahutara. They are concerned that the current limits allow too much drawdown in summer e.g. down to 9% MALF. They accept that clawing back existing consents may not be appropriate but consider that new takes should be subject to a high minimum flow requirement.

It is noted that the minimum flow listed in the conditions of Rule 5.96 is not 90% 7DMALF but 50% 7DMALF. It is possible therefore that DOC is in fact requesting 50% which is expected to still significantly exceed the minimum flow in the pLWRP. It is noted however that the Upper Kahutara River allocation is in fact taken up so there will be no new takes. No change to the minimum flow regime is therefore required.

### **Recommendation R6.6.1**

That Table 2 in 6.6.1 be retained without amendment.



## 2.6 High naturalness waterbodies

### High Naturalness Waterbodies - 6.7

DOC's request that the list of High Naturalness waterbodies be amended to reflect the top 20% of FENZ (Freshwater Ecosystems of New Zealand) is considered in section 1.3 of this Report.

Forest & Bird support the designation of Lakes Rotorua and Rotoiti near Kaikoura as High Naturalness Lakes.

Whitewater request that the Characteristics of the Clarence River and its tributaries be amended to recognise the outstanding wild and scenic characteristics from the confluence with the Acheron to the sea including the Gates of the Clarence, Middle Clarence and Sawtooth Gorges, and that the national significance of Lake Tennyson to the sea for kayaking, canoeing and rafting be recognised.

In keeping with listing of natural values for the High Naturalness waterbodies the first request is recommended to be accepted, but not the amendments relating to recreation use.

#### **Recommendation R6.7.1**

That the following be listed under the Characteristics of the Clarence River in Rule 6.7

*Outstanding wild and scenic values from the confluence with the Acheron to the Sea including the Gates of the Clarence, Middle Clarence and Sawtooth Gorges<sup>6</sup>*

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<sup>6</sup> 232.21 Whitewater

## 3 Hurunui-Waiau (Section 7)

### 3.1 Introduction

Section 7 received 14 submissions seeking minor amendments.

The area covered by this section is generally contiguous with the Hurunui District Council boundary and the Hurunui-Waiau Zone boundary under the Canterbury Water Management Strategy (CWMS).

There are four main rivers in the zone, all of which are braided. They are the Waipara, Hurunui, Waiau and Conway Rivers. Two Regional Plans apply to this Sub-regional area. The Waipara Catchment Environmental Flow and Water Allocation Regional Plan was made operative in June 2012 and contains objectives, policies and rules which control the taking, using, damming and diverting of surface water, stream-depleting groundwater, and groundwater within the Waipara catchment.

The proposed Hurunui and Waiau River Regional Plan was notified in October 2011. The Plan contains objectives, policies and rules which control the taking, using, damming and diverting of surface water, stream-depleting groundwater, and groundwater within the Hurunui, Waiau and Jed River catchments. It also deals with water quality issues in the Hurunui Catchment. At the time this report was written, Environment Canterbury has formally accepted the recommendations from the hearing panel on the proposed Hurunui and Waiau River Regional Plan.

The LWRP's objectives, policies and rules do not apply to the matters controlled by these Regional Plans.

### 3.2 General Submissions

#### Zone Implementation Programmes

C & PH ChCh support the sub regional sections of the pLWRP and request generally that these sections are consistent with the relevant zone implementation programmes (ZIPS) of the Zone Committees created as part of implementing the Canterbury Water Management Strategy (CWMS). CCC, in contrast, asks that the recommendations from the zone committees be deleted until they are formally approved.

The priority outcomes from the ZIPS have been included in the sub-regional sections primarily for information purposes and to provide guidance and an insight into the likely future direction of water management in the area. In some instances they can be used as a starting point for the development of plan provisions although not all are achievable through the LWRP. It is also noted that these outcomes do not get "formally approved" as such but rather are developed for implementation through various means including regional rules. However the outcomes have been endorsed by the CRC.

#### **Recommendation R7.0**

That the introduction of this Sub-Regional section be retained without amendment

### 3.3 Allocation Limits (Section 7.6)

Section 7.6 received two submissions.

The CRC seek that a typographical error is corrected to the last Topo50 map reference listed in Table 5 as follows:

BU26:323-836 ~~BU26:343-836~~

It is recommended that the submission to correct the typographical error is accepted.

Fish & Game's submission states that recent changes to flows in the lower Conway River did not have adequate consultation with Fish & Game, and does not sufficiently provide for salmonid habitat or angling amenity. Accordingly, Fish & Game seek that flows are reinstated to those which existed prior to those recent changes.

It is noted that the flow and allocation regime for the Conway River was resolved in 2012 through Plan Change 2 to the NRRP. No further information has been made available since the flow regime was made operative, and it is considered that the scientific input and assessment undertaken during the process for Plan Change 2 is still relevant to the flow regime.

**Recommendation R7.6**

That Table 5 be amended as follows:

**Table 5: Conway River Environmental Flow and Allocation Limits**

River or stream (see Planning Maps)	Location of the site where flow is measured	Topo 50 Map Reference of site	Minimum flow for A permits (L/s)	Location of the Site where residual flow is measured	Reduction in take (flow in L/s)	Allocation limit for A permits (L/s)	Minimum flow for B permits (L/s)	Allocation limit for B permits (L/s)
Charwell River	Charwell Gorge	BT26:292-059	1 September - 30 April: 89 1 May – 31 August: 287		1 September - 30 April: Whenever the flow is between 108 L/s and 89 L/s, takes shall be reduced on a pro rata basis.	160	287	100
Conway River Between confluence with Charwell River and State Highway 1 Bridge	State Highway 1 Bridge	BU26:342-836	1 September - 30 April: 700 1 May – 31 August: 2100		1 September - 30 April: All takes reduce by 25% if flow is 841 – 910 All takes reduce by 50% if flow is 771 – 840 All takes reduce by 75% if flow is 701 – 770	85	2100	100

River or stream (see Planning Maps)	Location of the site where flow is measured	Topo 50 Map Reference of site	Minimum flow for A permits (L/s)	Location of the Site where residual flow is measured	Reduction in take (flow in L/s)	Allocation limit for A permits (L/s)	Minimum flow for B permits (L/s)	Allocation limit for B permits (L/s)
Conway River below State Highway 1 Bridge	State Highway 1 Bridge	BU26:342-836	1 September - 30 April: 700 unless a residual flow of 350 litres/sec or greater is measured. 1 May – 31 August: 2100	The most downstream single channel available below map reference BU27:38280-81943 and above any diversion outflow.	1 September - 30 April: When the available flow is less than 210 L/s, takes shall be reduced on a pro rata basis in order to maintain either the minimum flow or residual flow.	210 for takes. No limit on the amount of water diverted, provided that it is the minimum practically necessary to facilitate takes within the allocation block	2100	100 combined from Conway River below SH1 and Limestone Creek
Limestone Creek	State Highway 1 Bridge	<del>BU26:343-836</del> BU26:323-836 <sup>7</sup>	1 September - 30 April: 700 unless a residual flow of 350 litres/sec or greater is measured. 1 May – 31 August: 2100	The most downstream single channel available below map reference BU27:38280-81943 and above any diversion outflow.	1 September - 30 April: When the available flow is less than 210 L/s, takes shall be reduced on a pro rata basis in order to maintain either the minimum flow or residual flow.	25	2100	

*Advisory Note: 5 litres per second is included in the 210 L/s allocation for future domestic water requirements for the Conway River below State Highway 1 Bridge.*

<sup>7</sup> 167.73 CRC

## 4 Waimakariri (Section 8)

### 4.1 Introduction

Section 8 received 11 submissions all seeking minor amendments.

### 4.2 General Submissions

#### Zone Implementation Programmes

C & PH ChCh support the sub regional sections of the pLWRP and request generally that these sections are consistent with the relevant zone implementation programmes (ZIPS) of the Zone Committees created as part of implementing the Canterbury Water Management Strategy (CWMS). CCC, in contrast, asks that the recommendations from the zone committees be deleted until they are formally approved.

The priority outcomes from the ZIPS have been included in the sub-regional sections primarily for information purposes and to provide guidance and an insight into the likely future direction of water management in the area. It is not therefore necessary or appropriate that the provisions in each sub-regional section be absolutely “consistent” with the ZIPS for their areas at this stage. It is considered that inclusion of these priority outcomes is worthwhile and reflects the progress made and outcomes sought by the various zone committees. It is also noted that these outcomes do not get “formally approved” as such but rather are developed for implementation through various means including regional rules.

#### **Recommendation R8.0**

That the introduction of this Sub-Regional section be retained without amendment.

### 4.3 Section 8.1 Other Regional Plans

Section 8.1 received one submission seeking the addition of an advisory note to clarify which Section 5 permitted activity rules apply in the Waimakariri area.

It is noted that this matter is dealt with in Section 2.9 of the PLWRP and General Rule 5.2 of the Plan. Further clarification is not considered necessary.

#### **Recommendation R8.1**

That Section 8.1 be retained without amendment.

### 4.4 Section 8.5 Rules

#### Rule 8.5.1

Rule 8.5.1 states:

*The damming of the full flow of the mainstem of the Ashley River/Rakahuri upstream from Ashley gorge bridge to about 200m downstream of the confluence with the Townshend River at approximate map reference BW22:300-174 is a prohibited activity.*

Rule 8.5.1 received four submissions in support, three of which seek minor amendments.

The Director General of Conservation seeks that the rule is amended to prohibit all damming of the mainstem of the Ashley River whether or not the damming is of the full flow.

With regard to the request to remove the words “of the full flow” it is arguable that in many cases it would serve little purpose to dam anything less than the full flow, however that may not always be the case. A weir for example can be designed to hold back some but not all waters flowing down a river. The impact of any dam, except perhaps a very low one, would be to interfere with flow variability and all the other important characteristics of these major braided rivers. It is appropriate therefore, if the control is to serve the purpose of maintaining these characteristics, that all damming be prohibited. In that way the only way a dam could be approved would be by a change to the Plan.

NZTA seeks that Rule 8.5.1 is amended to provide more specificity in terms of location, particularly given the rule is for a prohibited activity. It is agreed the rule should be amended to provide certainty.

Fish & Game supports the inclusion of the Ashley Gorge as a high naturalness waterbody. It also seeks that Rule 8.5.1 is amended to include the entire length of the mainstem of the Ashley River. However, Fish & Game does not provide reasons for the requested amendment.

Without the information to support the requested amendment, the submission is not accepted, although Fish & Game may wish to provide further information in support of its request at the hearing.

#### **Recommendation R8.5.1**

That Rule 8.5.1 is amended as follows:

*The damming ~~of the full flow~~<sup>8</sup> of the mainstem of the Ashley River/Rakahuri upstream from Ashley Gorge bridge to ~~about 200m~~<sup>9</sup> downstream of the confluence with the Townshend River at approximate map reference BW22:300-174 is a prohibited activity.*

## **4.5 Section 8.6 Allocation Limits**

Section 8.6 received two submissions requesting that the flow regime in Table 7 is amended.

The Director General of Conservation seeks to delete all references to “unlimited” from Table 7 and replace with “0”, stating that unlimited B Blocks threaten in-stream values and are inconsistent with Part 2 of the RMA.

It is noted that the minimum flows for the Ashley River duplicates Schedule WQN1 contained in the NRRP, however the “unlimited” B Block allocation for the Waikuku Stream, Taranaki, Little Ashley and Saltwater Creeks was not specifically addressed in the NRRP section 32 or section 42A reports or in the decisions. Environment Canterbury Technical Report U04/31<sup>10</sup> notes that these water bodies are spring fed and tend to have fairly stable flows.

Given that the flows in the spring fed streams are stable, the inclusion of a B Block with unlimited allocation is unlikely to impact on flow variability. This also means that B Block water permits are unlikely to be a reliable source of water for abstractors. It is also noted that the A Block minimum flow is considered to adequately protect the values of these water bodies.

Fish & Game seek that the flow regime for the Ashley River is amended to provide continuous passage from the headwaters to the sea, stating that the flow regime notified for the Ashley River is not adequate to provide for the values present in the river, in particular the brown trout fishery.

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<sup>8</sup> 120.270 DOC

<sup>9</sup> 169.131 NZTA

<sup>10</sup> Glennie, J (2004) *Planning report on the review of the statutory minimum flows and water allocation for Ashley River/Rakahuri and its lower tributaries*. Environment Canterbury Technical Report No. U04/31

Fish & Game has not proposed an alternative flow regime. As the minimum flows duplicate Schedule WQN1 contained in the NRRP, it is considered that the scientific input and assessment undertaken during the NRRP process is still relevant to the flow regime notified under the pLWRP.

In the decision on Schedule WQN1 of the NRRP11, the Hearing Commissioners noted the following (page 10):

*The minimum flow regime for the mainstem is not intended to prevent the river going dry. Even in the absence of abstraction this would occur naturally at flows below about 2.5 m<sup>3</sup>/s at Ashley Gorge. For the period of flow record 1987 - 2003, it is likely that the mainstem went dry in 13 of these years (p6, report U04/31). However, if there were no controls on abstraction from surface flow and stream depleting groundwater takes, these would cause loss of flow to occur more frequently, earlier than would naturally happen, and over a longer reach of the river. It may also take longer to regain surface flow.*

Given that continuous flow was a consideration when the flow regime was originally set and there is no additional technical information available beyond that drawn together for the NRRP, the suggested amendments are not supported.

**Recommendation R8.6.1:**

That Table 7 be retained without amendment.

## 4.6 Section 8.8 High Naturalness Waterbodies

The Director General of Conservation seeks that section 8.8 is updated to reflect the waterbodies listed in the geo-database Freshwater Ecosystems of New Zealand (FENZ) and areas of Significant Conservation Values as listed in the current Canterbury Regional Environmental Coastal Plan.

DOC's submission relating to FENZ is addressed in Section 1.3 of this report. In addition, the areas listed in the Regional Environmental Coastal Plan are outside the boundaries of the LWRP. Page 3, 79 of the Volume 1 of the s42A Report has recommended the following is inserted in the LWRP:

*The Regional Coastal Environment Plan has objectives, policies and rules to manage the coastal environment, which includes the coastal marine area. It includes objectives, policies and rules on protection and enhancement of the coast; water quality; controls on activities and structures; and coastal hazards. Any objective, policy or rule on the same subject matter in the Regional Coastal Environment Plan prevails over the objectives, policies and rules contained in this Plan and no objectives, policies or rules in this Plan apply in the coastal marine area.*

Whitewater New Zealand and Whitewater Canoe Club seek that Section 8.8 is amended as follows:

### 8.8 High Naturalness Waterbodies

*The following are to be applied when reading relevant policies and rules in Sections 4, 5 and 8.*

Main River/Lake (see Planning Maps)	Location and/or Topo 50 Map Reference	<u>Characteristics</u>
Ashley/Rakahuri River <u>and</u> <u>tributaries</u>	From the Ashley Gorge Bridge (at or about BW22:374-134) to 200m below the confluence with the Townsend River (at or about BW22:300-174)	High degree of naturalness High visual amenity value – very scenic and deeply incised gorge which is visible in places from Lees Valley <u>Road</u>  <u>Outstanding kayaking, canoeing, river bugging and cataracting</u> <u>values</u> <u>Wild and scenic character</u>

<sup>11</sup> Hearing Committee 1, Natural Resources Regional Plan Decision Report 28 – WQN12 Water Quantity (Schedules WQN1, WQN11, WQN12, WQN14), R10/103, 5 October 2010.

Main River/Lake (see Planning Maps)	Location and/or Topo 50 Map Reference	<u>Characteristics</u>
	<u>Okuku from the ford on the Okuku Pass to Lees Valley Road to Fox Creek</u>	<u>Outstanding kayaking, canoeing, river bugging and cataracting values</u> <u>Wild and scenic character</u>

It is noted that the High Naturalness Waterbodies listed in the LWRP duplicate those contained in the Policy WQN1 and Schedule WQN5 of the NRRP and so are comparatively recent. The NRRP did not list water bodies protected by Water Conservation Orders (WCOs) or by existing regional plans. The values the High Naturalness Waterbodies were based on are outlined in Objective WQN1 of the NRRP although it appears some of these matters are not actual values.

Generally the NRRP did not include recreational values. While these values may be relevant, it could skew or undermine the original intent of the criteria for the High Naturalness Waterbodies (which are not repeated in the LWRP). At this stage no amendment is recommended although it is acknowledged this issue may require revisiting, such as when the specific flow and allocation regimes are notified for this catchment, or if Table 1 is amended as proposed by Fish & Game to include all values of each waterbody.

***Recommendation R8.8:***

That Table 8.8 be retained without amendment.



## 5 Christchurch – West Melton (Section 9)

### 5.1 Introduction

The Christchurch-West Melton sub-regional area is bordered to the north by the lower reaches of the Waimakariri River and to the south by the Port Hills. The main waterways within the area are the Avon/ Ōtākaro, Heathcote and Styx Rivers.

### 5.2 General Submissions

#### Description

DOC asks that the Waimakariri (presumably river) be added to the list of main waterways in the area. The description of the Christchurch-West Melton sub-regional areas states that the area is bordered by the “*lower reaches of the Waimakariri River*”. They list the Avon, Heathcote and the Styx as being the main waterways in the area.

Sub-regional Section 12 covers the Central Canterbury Alpine Rivers which includes the full length of the Waimakariri River. The description of the area is therefore correct and accordingly the submission is not recommended to be accepted.

#### **Recommendation R9.0.1**

That the Introduction to Section 9 be retained without amendment.

#### Zone Implementation Programmes

C&PH ChCh support the sub regional sections of the pLWRP and requests generally that these sections are consistent with the relevant zone implementation programmes (ZIPS) of the Zone Committees created as part of implementing the Canterbury Water Management Strategy (CWMS). CCC, in contrast, asks that the recommendations from the zone committees be deleted until they are formally approved.

At the time the pLWRP was prepared and notified there are no priority outcomes from the Christchurch-West Melton ZIP included in the Christchurch- West Melton sub-regional section, so these submissions are not relevant. The ZIP is expected to be endorsed on 24 April 2013 by the Zone Committee.

#### **Recommendation R9.0.2**

That no change be made to the introduction of this Sub-Regional section.

### 5.3 Relationship with other plans

DOC ask that maps 9 be redrawn and clarified with a note that Land and Water Plan provisions do not apply seaward of the coastal marine area, but that the rules assist in giving effect to the NZ Coastal Policy Statement (NZCPS) Policy 7 Strategic Planning. In the alternative they request identification of specific coastal provisions that apply to the pLWRP so that the Minister can approve them.

It is assumed that the map 9 referred to is the Sub-regional maps in section 9 for Christchurch-West Melton. This map incorrectly includes coastal marine areas, such as the Avon Heathcote estuary in the sub-regional area. It is recommended that the amended Christchurch-West Melton Sub-regional map attached in Appendix 1 replace the current map. With regard to the relationship of the pLWRP and the Coastal Marine Area clarification of this matter has been recommended in Volume 1 of the

Section 42A report on page 78 by inclusion of a new statement in the table dealing with the relationship between the pLWRP and other plans.

EDS asks that the provisions of the pLWRP prevail over the Waimakariri River Regional Plan.

Silver Fern Farms request clarification of the implementation of the Waimakariri River Regional Plan rules. This request is made because of recent monitoring conditions that were placed on a consent which were placed there “*under the auspices of giving effect of the Waimakariri River Regional Plan*”

The provisions in the Waimakariri River Regional Plan are operative and have not been reviewed. Until that review is carried out, it is appropriate that it remain the predominant water management document for the Waimakariri Catchment. The ZIP which has been recently developed by the zone committee will provide valuable input into any review process. This approach has been adopted for all sub-regional sections.

#### **Recommendation R9.1.1**

That the Christchurch-West Melton Chapter map be amended to exclude all areas within the coastal marine area as shown in the replacement map in Appendix 1 to this Report.<sup>12</sup>

## **5.4 Policies**

### **Correction**

A submission points out the reference in the introduction to the policies incorrectly refers to additional policies being “*set out in Section 5 of this Plan*” when in fact they are in Section 4 of the Plan.

#### **Recommendation R9.4.0**

Amend introduction to read:

*The following policies apply in the Christchurch-West Melton Sub-regional area, in addition to those set out in Section-5 4 of the Plan.*<sup>13</sup>

### **Policy 9.4.1**

Policy 9.4.1 states:

- 9.4.1 *Protect the high quality, untreated groundwater sources available to Christchurch City as a potable water supply in the area shown on the Planning Maps as the Christchurch Groundwater Protection Zone by:*
- (a) *Ensuring any abstraction of groundwater maintains upward hydraulic pressure of groundwater where this pressure exists;*
  - (b) *Adopting best practicable options for the treatment and disposal of stormwater, contaminants containing hazardous substances, and other contaminants which are discharged onto land where it may enter groundwater;*
  - (c) *Limiting the use of land for activities which involve the aggregation of large quantities of hazardous substances in ways which may spill, leach or otherwise contaminate groundwater;*
  - (d) *Preventing new landfills or any expansion of existing landfill disposal areas, except for the disposal of inert fill or clean fill only; and*
  - (e) *Ensuring any land uses maintain an overlying confining layer above the aquifer of at least 3m thickness, or where this layer is removed or reduced, including as part of site construction or gravel or mineral extraction, measures are put in place to*

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<sup>12</sup> 120.2 DOC

<sup>13</sup> 82.51 Graeme Lowe Tannery Limited

*mitigate the risk of contaminants from land uses entering groundwater and sites are rehabilitated once excavation ceases using inert fill.*

There are several submissions to parts (a) (c), (d) and (e) of this policy which seeks to protect groundwater resources used to supply potable water to Christchurch City within the area identified as the Christchurch Groundwater Protection Zone.

Part (a) refers to maintaining upward hydraulic pressure when there is abstraction of groundwater. Dr Hugh Thorpe requests that this be amended to refer to the upward hydraulic pressure “gradients”.

The policy uses general rather than strictly technical terms for easier understanding. However to ensure that the policy correctly addresses the issue in relation to the groundwater protection area the amendment is recommended to be accepted.

Part (c) deals with land uses which use or store large quantities of hazardous substances. Christchurch International Airport (CIAL) asks that this policy allow the aggregation of large quantities of hazardous substances for sites of “strategic infrastructure”. The Oil Companies and Transpower request the following amended wording:

- (c) *Controlling the use of land where activities involve the aggregation of large quantities of hazardous substances to ensure risks of spill, leaching or otherwise contaminating groundwater is appropriately mitigated.*

The rules limiting the storage and use of hazardous substances do not permit new storage or use or an increase in existing storage and use in areas within 250m of a known active fault and which is over an unconfined or semi-confined aquifer. Policy 9.4.1 refers only to the risk to groundwater and not the combined risk of a fault and being in the groundwater protection area. Any hazardous substances, regardless of quantity in such an area would require consent and the consideration of an application would be guided by this policy. It is considered that the Oil Companies proposed wording of this policy is marginally more appropriate because it refers to controlling rather than limiting and because it acknowledges mitigation. Their proposed amendment is therefore recommended.

Dr Thorpe considers that part (d), which prevents new or expanded landfills (other than those involving inert fill or cleanfill) in the Christchurch Groundwater Protection Zone, is unduly restrictive and asks that (d) be amended to provide for landfills constructed above the coastal confined aquifer where upward pressure gradients occur.

There is potential for some contaminants to migrate downwards, against the hydraulic gradient that is they can effectively sink. Given this and that the objective of this policy is to protect the groundwater resource it is appropriate to limit any landfills to those involving inert and cleanfill. No change is therefore recommended.

The Oil Companies and Transpower seek to amend part (e) which requires sites excavated over the groundwater protection zone, including excavation for construction purposes and gravel extraction, to be rehabilitated using inert fill. They point out that in most cases excavation will have occurred to enable construction or installation of structures, which logically cannot be backfilled with inert fill.

The Christchurch International Airport Ltd (CIAL) submission requests changes to part (d) of Policy 9.4.1 but it is clear from reading their reasoning that they in fact are making a submissions to part (e) , requesting the it only applies to sites where there is a naturally confining layer of 3m or more, rather than applying to sites that have never had a 3m confining layer.

With regard to CIAL’s request relating to the words “*ensure any land uses maintain an overlying confining layer above the aquifer of at least 3m thickness*”, the reference to maintaining can only apply to a situation where a 3m confining layer exists. While the words “*naturally occurring confining layer*” could be used, these words do not improve the understanding or application of this policy. With regard to the requirement to use inert fill, in most cases backfilling and the installation of structures will and should involve inert material such as shingle and concrete. It is considered therefore that the policy should not be amended as requested.

**Recommendation R9.4.1**

That Policy 9.4.1 be amended as follows:

- 9.4.1 *Protect the high quality, untreated groundwater sources available to Christchurch City as a potable water supply in the area shown on the Planning Maps as the Christchurch Groundwater Protection Zone by:*
- (a) *Ensuring any abstraction of groundwater maintains upward hydraulic pressure gradients<sup>14</sup> of groundwater where this pressure exists;*
  - (b) *Adopting best practicable options for the treatment and disposal of stormwater, contaminants containing hazardous substances, and other contaminants which are discharged onto land where it may enter groundwater;*
  - (c) *~~Limiting~~ Controlling the use of land ~~for where~~ activities ~~which~~ involve the aggregation of large quantities of hazardous substances to ensure risks of spill, leaching or otherwise contaminating in ways which may spill, leach or otherwise contaminate groundwater are appropriately mitigated.<sup>15</sup>*
  - (d) *Preventing new landfills or any expansion of existing landfill disposal areas, except for the disposal of inert fill or clean fill only; and*
  - (e) *Ensuring any land uses maintain an overlying confining layer above the aquifer of at least 3m thickness, or where this layer is removed or reduced, including as part of site construction or gravel or mineral extraction, measures are put in place to mitigate the risk of contaminants from land uses entering groundwater and sites are rehabilitated once excavation ceases using inert fill.*

**Policy 9.4.2**

Policy 9.4.2 states:

- 9.4.2 *In the Woolston/Heathcote groundwater zones shown on the Planning Maps, groundwater abstraction shall be managed so that groundwater that is taken is of a quality that is suitable for potable use.*

C&PH ChCh support this policy while Dr Hugh Thorpe wants the policy amended to allow non-potable water for industrial use.

Over the last 10-15 years the local users of groundwater in the Woolston Heathcote area have adopted a regime of extraction which has gradually improved the water quality by reducing its salinity. Given the progress made it is not recommended that the policy be amended in a way which indicates that a lesser quality water is acceptable. Some industrial users of water are involved in food processing and so require potable standard water. It is also noted that under rule 5.6, consent to take non-potable water could be applied for.

**Recommendation R9.4.2**

That Policy 9.4.2 be retained without amendment.

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<sup>14</sup> 59.35 Dr Hugh Thorpe

<sup>15</sup> 99.39 The Fuel Companies

## 5.5 Rules

### Rule 9.5.1

Rule 9.5.1 states:

9.5.1 *The taking and use of surface water from, or stream depleting groundwater associated with, the Avon/Ōtākaro or Heathcote rivers is a restricted discretionary activity, provided the following conditions are met:*

1. *The take or diversion complies with the minimum flows as set out in Table 9 below; and*
2. *The take or diversion is a renewal of an existing resource consent and the rate or take and volume is to remain unchanged; or*
3. *The water that is taken or diverted will be discharged back into the river near the point of take; or*
4. *The water to be taken is high or moderate stream depleting groundwater, is to be used for group drinking water supply or community drinking water supply and is subject to a Water Supply Strategy.*

*The CRC will restrict discretion to the following matters:*

1. *Whether the amount of water to be taken and used is reasonable for the intended end use;*
2. *The availability and practicality of using alternative supplies of water;*
3. *The effects the take or diversion has on any other authorised takes or diversions;*
4. *Whether and how fish are prevented from entering the water intake;*
5. *The adequacy of any Water Supply Strategy.*

Dr Hugh Thorpe requests that the Styx and Otukaikino Rivers be included but provides no reason for this.

Because these two rivers are not listed in this rule or the Environmental Flow and Allocation tables they are subject to Rule 5.96 which provides protection of minimum flows and allocation of water based on the 7DMALF. Until further investigation is undertaken this is considered an appropriate regime for the Styx and Otukaikino Rivers.

Three submitters are concerned that taking or diverting water from the Avon/Otakaro and Heathcote for construction or temporary purposes could be a prohibited activity under rule 9.5.2 as it does not fall within rule 9.5.1.

Rule 9.5.1 provides for very limited taking of water by new consents and effectively puts these rivers in a holding position. Rule 5.89 is the general rule that provides for the taking and use of water for construction purposes as a permitted activity. The rate and volume in this rule is the same as that proposed by the submitters to be included in rule 9.5.1. The intention of the pLWRP is that the region-wide Rule 5.89 applies throughout the region and it is therefore not necessary to make additional provision for construction water takes in the regimes for specific rivers. No change to Rule 9.5.1 is therefore recommended.

### **Recommendation R9.5.1**

That Rule 9.5.1 be amended be retained without amendment.

### Rule 9.5.2

Rule 5.9.2 states:

9.5.2 *The taking, diverting or use of surface water from the Avon/Ōtākaro or Heathcote River that does not meet the conditions of Rule 9.5.1 is a prohibited activity.*

Dr Hugh Thorpe requests that the Styx and Otukaikino Rivers be included but provides no reason for this.

Because these two rivers are not listed in this rule or the Environmental Flow and Allocation tables they are subject to Rule 5.96 which provides protection of minimum flows and allocation of water based on the 7DMALF. Until further investigation is undertaken this is considered an appropriate regime for the Styx and Otukaikino Rivers.

Kennaway Park asks that the status for takes and diverts that do not meet the standards in Rule 9.5.2 be Non-Complying rather than Prohibited. They do not give any reason for this request but it appears to be linked with their concern that if they could not take water for construction then they would be a prohibited activity. As discussed in relation to Rule 9.5.1. above there is provision in Rule 5.89 for the taking of construction water throughout the region. On the basis no change to this rule is therefore recommended.

#### **Recommendation R9.5.2**

That Rule 9.5.2 be retained without amendment.

#### **Rules 9.5.3, 9.5.4 and 9.5.5**

Rules 9.5.3, 9.5.4 and 9.5.5 relate to the taking and use of groundwater from the Woolston/Heathcote groundwater zone and work together with activities either restricted discretionary, or if they do not meet allocation and minimum flows in Table 10, they are a prohibited activity, or if they meet the allocation and minimum flow but do not have an “acceptable” well interference then the take and use is non-complying. The rules state:

- 9.5.3 The taking and use of groundwater from the Woolston/ Heathcote Groundwater Zone 1 is a restricted discretionary activity provided the following conditions are met:*
- 1. For stream depleting groundwater takes, the take, in addition to all existing resource consented surface water takes, complies with Table 10;*
  - 2. The annual volume of the groundwater take, in addition to all existing resource consented takes, complies with Table 10; and*
  - 3. The well interference effects as set out in Schedule 12 are “acceptable”.*

*The CRC will restrict discretion to the following matters:*

- 1. Whether the amount of water to be taken and used is reasonable for the intended end use;*
- 2. The availability and practicality of using alternative supplies of water;*
- 3. The maximum rate of take, including the capacity of the bore or bore field;*
- 4. The effects the take has on any other authorised takes, including interference effects as set out in Schedule 12;*
- 5. Restrictions in take in accordance with the levels and restrictions in Table 10;*
- 6. For stream depleting groundwater takes, any reduction in the rate of take in times of low flow and the need for any additional restrictions to prevent the flow from reducing to zero.*

- 9.5.4 Unless categorised as a prohibited activity in Rule 9.5.5 the taking and use of groundwater from the Woolston/Heathcote Groundwater Zone 1 is a non-complying activity.*

- 9.5.5 The taking and use of groundwater from the Woolston/ Heathcote Groundwater Zone 1 that does not meet conditions 1 or 2 in Rule 9.5.3 is a prohibited activity.*

Kennaway Park asks that activity status of this combination of rules be changed so that there is no prohibited activity status and that any take or divert that does not meet any of the standards in Rule 9.5.3 becomes a non-complying activity.

The status of groundwater takes in the Woolston/Heathcote groundwater zone is based on the poor quality of this groundwater resulting largely from seawater intrusion caused by takes over time. After a number of years of takes being undertaken in accordance with detailed conditions relating to timing and the manner of abstraction, the groundwater resource has shown some improvement in quality. There is a concern that if other takes are granted that the salinity issue could become worse rather than better. For that reason it is considered that it is appropriate to leave the regime as it is.

### Recommendation R9.5.3

That Rules 9.5.3, 9.5.4 and 9.5.5 be retained without amendment.

## 5.6 Allocation Limits

### 9.6.1 Environmental Flow and Allocation Limits

Table 9 sets out the surface water limits for the Avon/Otakaro and Heathcote Rivers as set out below:

**Table 9: Avon River/Otakaro and Heathcote River Environmental Flow and Allocation Limits**

<i>River or stream (see Planning Maps)</i>	<i>Location of recorder site*, or site where flow is measured</i>	<i>Topo 50 Map Reference of site</i>	<i>Minimum flow for A permits (L/s)</i>	<i>Reductions in take (L/s)</i>	<i>Allocation limit for A permits (L/s)</i>	<i>Minimum Flow for B Permits (L/s)</i>	<i>Allocation limit for B etc. Permits (L/s)</i>
<i>Avon River/ Ōtakaro</i>	<i>Gloucester St*</i>	<i>BX24:704-803</i>	<i>1,100</i>	<i>No restrictions set</i>	<i>No limit set</i>	<i>0</i>	<i>0</i>
<i>Heathcote River</i>	<i>Buxton Terrace*</i>	<i>BX24:715-709</i>	<i>400</i>	<i>No restrictions set</i>	<i>No limit set</i>	<i>0</i>	<i>0</i>

DOC asks that the allocation limits be amended by replacing the words “no limit set” for A allocations to zero. If that was done there would be no provision for existing consent holders who have a right to take or divert water. It is therefore recommended that no change is made to the table.

Dr Hugh Thorpe asks that Table 9 include the Styx River. Under the pLWRP the Styx River is subject to the allocation regime in Rule 5.96 which has specified minimum flows and allocations based on formulas. If the Styx were to be included in Table 9 more detailed work would have to be undertaken to determine the most appropriate regime. As this work has not been done it is recommended that this submission is not accepted.

### Recommendation R9.6.1

That Table 9 in 9.6.1 be retained without amendment.

### 9.6.2 Groundwater Allocation Limits

9.6.2 states that:

*No additional water is to be allocated from the Christchurch West-Melton Groundwater Allocation Zone shown on the Planning Maps except for group or community water supply as set out in Rule 5.88*

Geothermal Heat-pump Association of New Zealand (supported by CIAL) ask that this clause be deleted. They are concerned about the apparently arbitrary limitation on groundwater abstraction other than from a group or community water supply. As far as they are aware, no specific

determination of an allocation limit has occurred for the Christchurch-West Melton allocation zone. They point out the beauty of using groundwater for a heat exchange system is that it is a non-consumptive use of water and that it is unnecessary and inefficient to require the water to be taken from a community water supply.

The groundwater allocation limits for the Christchurch-West Melton zone were determined using the formulaic approach incorporated in the Proposed NRRP. However, it was not adopted as an allocation zone limit as it had already been significantly exceeded by existing groundwater allocation and an alternative, more sophisticated analysis, had indicated that some additional groundwater use could be accommodated without unacceptable environmental effects. The apparent contradiction between these assessments highlights the significance of the recharge contribution from the Waimakariri River which allows a somewhat higher sustainable allocation limit relative to some other groundwater allocation zones. The evaluation of the zone status also highlights the need for groundwater allocation to more accurately reflect actual water use. Many older consents specify a maximum instantaneous abstraction rate even though demand may be seasonal and/or intermittent and, as a consequence, estimates of allocated annual volume can be exaggerated. The proposed policy is expected to create the impetus for rationalisation of the allocation of the resource, as is already being done with respect to CCC consents for public water supply, and allow for some new groundwater uses without increasing the allocated volume.

With regard to the use of the groundwater for geothermal heating, this is effectively a non-consumptive use and sustainable use, which if appropriately taken and discharged, should be provided for. Rule 5.105 provides for the non-consumptive take and use of groundwater, including for heating and cooling purposes, as a permitted activity. It is recommended that reference to this rule be included in Rule 9.6.2 to provide for this activity in the Christchurch-West Melton allocation zone.

Dr Thorpe asks that the Table 10 which sets out allocation limits for Woolston/Heathcote groundwater be amended to note that where minimum levels will be measured and in the Restriction column 2<sup>nd</sup> paragraph delete “*simultaneously*” and replace it with “over a 14 day period”.

The reference to “simultaneously” is correct because it reflects the control which progressively applies to the three successive limits. In these cases two or three limits have to be exceeded at the same time for the required reduction in abstraction to apply. This approach is the same as that contained in conditions placed on groundwater abstraction consents in this area. The 14 day running average referred to by the submitter is relevant to measuring of water levels, rather than to the trigger point.

#### **Recommendation R9.6.2**

That Rule 9.6.2 be amended as follows:

*No additional water is to be allocated from the Christchurch West-Melton Groundwater Allocation Zone shown on the Planning Maps except for group or community water supply as set out in Rule 5.88 or for non-consumptive taking and use as set out in Rule 5.105<sup>16</sup>.*

#### **9.6.3 Nutrients**

9.6.3 Catchment Nutrient Load Limits and Allowances states that:

*Nil. See Rules 5.39 to 5.51.*

Dr Hugh Thorpe asks that this be amended to provide for some agricultural intensification provided nutrient restrictions are complied with.

The way the rule has been written is ambiguous as “Nil” could mean there is no restriction on nutrients and that the nutrient rules in 5.39 to 5.51 apply or it could mean there is to be no nutrient allowance. As the intention is that the nutrient limits are controlled only through the rules in Section 5 of the Plan It is recommended that the reference to “Nil” be deleted.

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<sup>16</sup> 271.4 Geothermal Heat-pump Association of New Zealand



**Recommendation R9.6.3**

That 9.6.3 be amended as follows:

~~Nil.~~ <sup>17</sup>See Rules 5.39 to 5.51.

## **5.7 Other Waterbodies**

Whitewater New Zealand requests the addition of a new Table for “Other Waterbodies” which recognises the features and recreational values in the Christchurch-West Melton catchment of the Avon, Heathcote, Styx and Otukaikino Rivers. The pLWRP recognises and protects waterbodies which have a high degree of naturalness. Consideration of the inclusion of waterbodies valued for recreation is considered to most appropriately undertaken as part of the review of sub-regional sections. The submission is therefore not recommended to be accepted.

**Recommendation RN70**

That no new table of Other Waterbodies be added to Sub-regional section 9.

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<sup>17</sup> 59.41 Dr Hugh Thorpe

## 6 Banks Peninsula (Section 10)

### 6.1 Introduction

The Banks Peninsula sub-regional area covers Banks Peninsula including the Port Hills surrounding Lyttelton Harbour.

### 6.2 General Submissions

#### Introduction

DOC request that the last sentence of the introductory statement of the Banks Peninsula Sub-regional section 10 which reads:

*Streams exit to small estuaries in pocket beaches, directly into the sea, or into Te Roro o Wairewa/Lake Forsyth*

be amended as follows:

*Some small streams exit to small estuaries situated in pocket beaches before entering the sea”*

The latter statement more accurately describes these streams and is recommended.

#### Recommendation R10.0.1

That the Introduction to the Banks Peninsula Sub-regional section be amended as follows:

Many of the rivers and streams ..... *Some small ~~streams~~ exit to small estuaries in pocket beaches, ~~directly into before entering the sea., or into Te Roro o Wairewa/Lake Forsyth~~*<sup>18</sup>

#### Zone Implementation Programmes

C &PH support the sub regional sections of the pLWRP and requests generally that these sections are consistent with the relevant zone implementation programmes (ZIPS) of the Zone Committees created as part of implementing the Canterbury Water Management Strategy (CWMS). CCC, in contrast, asks that the recommendations from the zone committees be deleted until they are formally approved.

There are no priority outcomes from the Banks Peninsula ZIP included in the Banks Peninsula sub-regional section, so these submissions are not relevant.

#### Recommendation R10.0.2

That no change be made to the introduction of this Sub-Regional section.

#### Sub-regional Map

DOC asks that the map 10 be redrawn and clarified with a note that Land and Water Plan provisions do not apply seaward of the coastal marine area, but that the rules assist in giving effect to the NZ Coastal Policy Statement (NZCPS) Policy 7 Strategic Planning. In the alternative they request

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<sup>18</sup> 120.288 DOC

identification of specific coastal provisions that apply to the pLWRP so that the Minister can approve them.

It is assumed that the map 10 referred to is the Sub-regional map in section 10 for Banks Peninsula. This map incorrectly includes coastal marine areas, such as the Lyttelton and Akaroa Harbours, in the sub-regional area. It is recommended that the amended Banks Peninsula Sub-regional map attached in Appendix 1 replace the current map. With regard to the relationship of the pLWRP and the Coastal Marine Area clarification of this matter has been recommended in Part 1 of the Section 42A report on page 78 by inclusion of a new statement in the table dealing with the relationship between the pLWRP and other plans.

**Recommendation R10.0.3**

That the Banks Peninsula Chapter map be amended to exclude all areas within the coastal marine area as shown in the replacement map in Appendix 1 to this Report.<sup>19</sup>

**Pamela Richardson**

Pamela Richardson has made a number of general comments and requests regarding land use in Banks Peninsula including:

- Sustainable land use is important to address and today's stocking rates are similar to the 1900s
- Need to address identification of erosion prone land and limitations on land use
- Need to address viable alternatives for relatively isolated communities dealing with offal and rubbish pits.

While these are important matters they are not ones that are addressed in this sub-regional section. The matter of erosion prone land is addressed through classification of this land and the general rules in Section 5 which apply to this land. Submissions on this matter are contained in Volume 1 of the Section 42A Report. Offal and rubbish pits are also dealt with in the General Rules section and the submissions are considered in Volume 2 of the Section 42A Report. The broader issue of sustainable land use, while important, is dealt with in the pLWRP generally only as it relates to impacts on water quality and quantity.

**Recommendation R10.0.5**

That no changes be made to the Sub-regional section.

## **6.3 Flow Sensitive Catchments**

There are requests to add and to remove waterbodies from those listed in 10.7 of the Banks Peninsula. These requests have been dealt with in the Volume 1 of the Section 42A report at pages 301-2.

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<sup>19</sup> 120.2 DOC

## 7 Selwyn – Waihora (Section 11)

### 7.1 Introduction

The Selwyn-Waihora sub-regional area includes the plains area between the Waimakariri and Rakaia Rivers. Other waterways within the area are the Selwyn and Halswell Rivers and a number of lowland streams and ephemeral waterways of Banks Peninsula which flow into Te Waihora/Lake Ellesmere.

### 7.2 General Submissions

#### Zone Implementation Programmes

DOC request that the ranking of the bullet points for the priority outcomes identified by the Selwyn Waihora Zone committee be changed to reflect the order (first and second).

The Selwyn Waihora Zone Implementation Programme specifically states that the outcomes are not in any priority order. There is no basis then for changing the listed outcomes and the submission is not recommended to be accepted.

#### **Recommendation R11.0.1**

That no change be made to the introduction of this Sub-Regional section.

#### Dairying Submissions.

Rosalie Snoyink states that a number of actions need to happen urgently including reducing cow numbers per hectare, limiting fertilizer application, fencing stock from waterways. No specific wording is proposed to address these concerns. The Canterbury Aoraki Conservation Board also asks that there is a cap on dairying activity with the Lake Ellesmere/Te Waihora area, but does not provide any detail of the proposed cap.

This sub-regional section is currently being prepared and will be introduced into the LWRP by way of a variation or plan change. The broader issues raised by these submitters will be part of the consideration during the plan development process. Until these issues are worked through in more detail with the community it would not be appropriate to change the pLWRP.

#### **Recommendation R11.0.4**

That no change to this Sub-regional section be made in response to this submission.

### 7.3 Relationship with other plans

DOC requests that the introduction include reference to Te Waihora's status as a RAMSAR site and the existence of the Department of Conservation and Ngai Tahu Joint Management Plan.

It is noted that Te Waihora is not listed on the DOC website as a RAMSAR site. The pLWRP provides a series of limited information in each of the sub-regional sections which is relatively uniform and it is considered adding this information would not be consistent with this general approach.

#### **Recommendation R11.1.1**

That 11.1 be retained without amendment.

## 7.4 Allocation Limits

### Rule 11.6.3 Nutrients

Two submitters request confirmation as to when the nutrient load and limits will be set for the Selwyn – Waihora sub regional area and whether rules 5.39-5.51 apply in the interim. These same two submitters also request confirmation of when the remainder of Section 11 will be drafted.

The specific nutrient controls for the area will be set after the necessary assessment and consultation has been undertaken and will then be included in a formal variation or change to the pLWRP. This notification is expected to occur late in 2013. In the meantime the general nutrient rules in 5.39 to 5.51 apply. This should be clarified by including a statement to this effect in 11.6.3

### **Recommendation R11.6.3**

That 11.6.3 be amended as follows:

See Rules 5.39 to 5.51<sup>20</sup>

## 7.5 Flow Sensitive Catchments

There are requests to add and to remove waterbodies from those listed in 10.7 of the Banks Peninsula Sub-Regional Section. These requests have been dealt with in Volume 1 of the Section 42A report at page 302.

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<sup>20</sup> 228.40 Poultry Association of New Zealand

## 8 Central Canterbury Alpine Rivers (Section 12)

### 8.1 Introduction

Section 12 received 11 submissions seeking minor amendments. The area covered by this section comprises the mainstems and headwaters of the Waimakariri, Rakaia and Rangitata Rivers.

Each of these rivers have existing flow and allocation regimes set either by Water Conservation Orders or a separate catchment plan, as summarised below:

River	Regional Plans and National Water Conservation Orders
Waimakariri River	Waimakariri River Regional Plan 2004
Rakaia River	National Water Conservation (Rakaia River) Order 1988
Rangitata River	National Water Conservation (Rangitata River) Order 2006

Section 12 of the LWRP does not include any policies or rules in addition to those set out in either Sections 4 or 5 of the LWRP, or the relevant provisions of the Waimakariri River Regional Plan or the Water Conservation Orders.

### 8.2 General submissions

#### Zone Implementation Programmes

C &PH support the sub regional sections of the pLWRP and request generally that these sections are consistent with the relevant zone implementation programmes (ZIPS) of the Zone Committees created as part of implementing the Canterbury Water Management Strategy (CWMS). CCC, in contrast, asks that the recommendations from the zone committees be deleted until they are formally approved.

There are no priority outcomes from the relevant ZIPs included in the Central Canterbury Alpine Rivers sub-regional section, so these submissions are not relevant.

#### **Recommendation R12.0.1**

That no change be made to the introduction of this Sub-Regional section.

#### Boundaries of Section 12

Nga Runanga oppose the boundaries of this proposed sub-regional section stating that Section 12 attempts to manage the upper catchment and main stems of three alpine rivers together and separated from the rest of their respective catchments. They believe that this is to align with plans for regional infrastructure to irrigate Canterbury, and do not believe that this is sufficient justification for separating those alpine rivers from their catchments.

Nga Runanga seek that Section 12 is deleted and notify new sub-regional sections of the proposed LWRP based on catchment boundaries and managing whole catchments within one sub-regional section.

It is understood that Section 12 reflects the current planning regime applicable to these rivers and while the approach of Nga Runanga may have some merit, it does not necessarily change the resource management outcomes for these rivers. It is acknowledged that cross-boundary issues with adjoining sub-regional sections take on greater significance.

#### **Recommendation R12.0.2**

That this sub-regional section be retained.

## 8.3 Section 12.1

### Other Regional Plans that apply to the Central Canterbury Alpine Rivers Sub-regional area

Section 12.1 states:

*The Waimakariri River Regional Plan 2004 controls the use of water in the Waimakariri River, its tributaries and hydraulically connected groundwater; point and non-point source discharges of contaminants to waterbodies in the Waimakariri River catchment; and land use activities in the beds of rivers and lakes in the Waimakariri River catchment.*

*The LWRP's objectives, policies and rules do not apply to the matters controlled by the Waimakariri River Regional Plan.*

Section 12.1 received two submissions in opposition.

The Director General of Conservation seeks that a comment is added to clarify that the Styx River catchment falls outside the rules of the Waimakariri River Regional Plan (WRRP). It is noted that Section 12 is clear that it only includes the mainstems and headwaters of the Alpine Rivers and that the pLWRP clearly shows the Styx River catchment in Section 9. Accordingly, clarification is not considered necessary.

EDS submit that the WRRP is a number of years old and pre-dates preparation of the CWMS and the Zone Implementation Programme ("ZIP"). It states that the general policies and rules contained in the pLWRP provide a more up-to-date management regime and therefore this plan should prevail over the WRRP.

The submitter has not provided information to support the contention that the current provisions set out in the WRRP are inappropriate. Further, it is noted that the provisions of the WRRP flow and allocation regime were reviewed during Plan Change 1, and made operative in 2011. Accordingly the submission is not supported.

#### **Recommendation R12.1:**

That Section 12.1 be retained without amendment.

## 8.4 Section 12.2

### Water Conservation Orders that apply to the Central Canterbury Alpine Rivers Sub-regional area

Section 12.2 states:

*Water Conservation (Rakaia River) Order 1988.*

*Water Conservation (Rangitata River) Order 2006.*

TrustPower Limited seeks that section 12.2 is amended to include correct references to the relevant water conservation orders. The suggested amendment is supported as it is technically accurate.

#### **Recommendation R12.2**

That Section 12.2 is amended as follows:

National Water Conservation (Rakaia River) Order 1988.

National<sup>21</sup> Water Conservation (Rangitata River) Order 2006.

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<sup>21</sup> 250.87 TrustPower Limited

## 8.5 Section 12.6 Environmental Flow and Allocation Limits

Section 12.6 states:

*See Waimakariri River Regional Plan 2004 and the Rakaia and Rangitata Water Conservation Orders.*

Section 12.6 received one submission from TrustPower Limited seeking that the section is amended to use the correct references to the relevant water conservation orders. The suggested amendment is supported as it is technically accurate.

### **Recommendation R12.6:**

To amend Section 12.6 as follows

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*See Waimakariri River Regional Plan 2004 and the National Water Conservation (Rakaia River) Order 1988 and National Water Conservation (Rangitata River) Order 2006.<sup>22</sup> ~~and Rangitata Water Conservation Orders.~~*

## 8.6 Section 12.7 High Naturalness Waterbodies

Section 12.7 received three submissions seeking amendments.

Royal Forest & Bird Protection Society of NZ Inc seeks that Lake Denny is better placed in Section 13.8 with the other Ashburton Lakes, noting that it drains into the Rangitata River.

Given that Section 12 manages the Alpine Rivers and their “headwaters”, it is considered appropriate that Lake Denny remains in Section 12.

The Director General of Conservation seeks that section 12.7 is updated to reflect the waterbodies listed in the geo-database Freshwater Ecosystems of New Zealand (FENZ) and areas of Significant Conservation Values as listed in the current Canterbury Regional Coastal Environmental Plan, including Lake Heron and the mouths of the Waimakariri and Rakaia Rivers.

DOC’s submission relating to FENZ is addressed in Section 1.3 of this report. In addition, the areas listed in the Regional Environmental Coastal Plan are outside the boundaries of the LWRP. Page 79 of the Volume 1 of the s42A Report has recommended the following is inserted in the LWRP:

*The Regional Coastal Environment Plan has objectives, policies and rules to manage the coastal environment, which includes the coastal marine area. It includes objectives, policies and rules on protection and enhancement of the coast; water quality; controls on activities and structures; and coastal hazards. Any objective, policy or rule on the same subject matter in the Regional Coastal Environment Plan prevails over the objectives, policies and rules contained in this Plan and no objectives, policies or rules in this Plan apply in the coastal marine area.*

Fish & Game seeks the addition of the Clyde and Havelock Rivers (including all tributaries) to Section 12.7, stating that this will ensure the Schedule 1 Waters in the Water Conservation (Rangitata River) Order 2006 are afforded adequate protection under the LWRP.

The values the High Naturalness Waterbodies were based on are outlined in Objective WQN1 of the NRRP although it appears some of these matters are not actual values.

Generally the NRRP did not include recreational values. While these values may be relevant, it could skew or undermine the original intent of the criteria for the High Naturalness Waterbodies (which are

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<sup>22</sup> 250.88 TrustPower Limited



not repeated in the LWRP). At this stage no amendment is recommended although it is acknowledged this issue may require revisiting, such as when the specific flow and allocation regimes are notified for this catchment when more detailed provisions are considered.

***Recommendation R12.7***

That Section 12.7 be retained without amendment.

## 9 Ashburton (Section 13)

### 9.1 Introduction

Section 13 received 27 submissions, with the majority seeking amendments.

The area covered by this section is generally contiguous with the Ashburton District Council (ADC) boundary and the Ashburton Zone boundary under the CWMS, excluding the Rakaia River and Rangitata River and their headwaters. Included within the boundary of this sub-regional chapter are the townships of Ashburton, Rakaia and Methven.

Section 13 contains policies and rules specific to the Ashburton catchment and introduces a new flow and allocation regime for the Hakatere/Ashburton River and its tributaries.

The following sustainable water management priority outcomes have been identified by the Ashburton Zone Committee:

- Improved and protected natural character and mauri of the Hakatere/Ashburton River.
- Ecosystem health and biodiversity are protected and improved.
- Protected and improved water quality.
- Water supply that is efficiently used, secure and reliable.

The new flow and allocation regime introduces a minimum flow of 6,000 L/s at State Highway 1, and a longer term minimum flow of 10,000 L/s. The flow regime has been designed to implement the outcomes identified by the Ashburton Zone Implementation Programme.

To achieve these outcomes, the changes to the existing flow and allocation regime are to occur over the next nine years in order to have sufficient lead in time to adjust to the new regime.

The Ashburton flow and allocation regime can be viewed as an integrated package comprising a number of provisions deemed necessary by the community and stakeholders. The regime depends on the implementation of the package within the specified timeframes. If any one action (as directed by the policies) is not undertaken or is not in accordance with the specified timeframe, the whole package fails. The package and anticipated implementation timeline for Section 13 is outlined in **Figure 1** below.

The take from the South Branch of the Ashburton River by RDRML is recognized in Section 13 as a large water take which delivers reliable water for a number of properties. The flow and allocation regime, therefore, does not restrict that take in the same manner as other takes as it is expected that RDRML will play an active role in providing a reliable supply of water to irrigators.

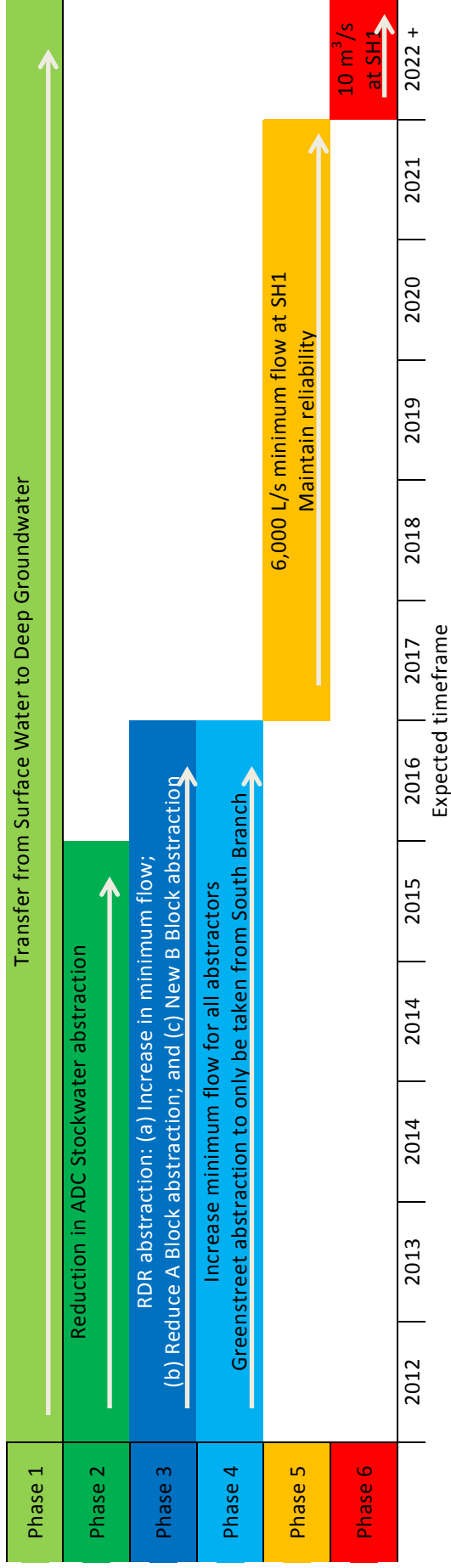
As part of delivering the outcomes in the short term, Section 13 states it is expected that some surface water abstractors will switch to groundwater, that water sharing will occur and, in the longer term, new storage projects will assist in securing a reliable source of water.

The package described above (and outlined in Figure 1) is supported by hydrological modeling undertaken by Graeme Horrell (Hydrologist, NIWA). Mr Horrell has prepared a technical report<sup>23</sup> describing the model and the assumptions. This report is attached as Appendix 2.

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<sup>23</sup> Horrell, G, *Ashburton/Hakatere River flow and allocation regimes: Update of modelling results*, November 2012.

Figure 1 - Implementation timeline



## 9.2 Policies 13.4.1 -13.4.7

### Policy 13.4.1

Policy 13.4.1 states:

*13.4.1 The taking of water for community stock water supplies from the Hakatere/Ashburton River from 1 July 2015 will not exceed 2,900 L/s in total.*

Policy 13.4.1 received seven submissions, with two in support seeking that it be retained with minor amendments.

Three submissions seek that the policy is amended to clarify whether the reduction of the Ashburton District Council (ADC) stockwater abstraction to 2,900 L/s represents a reduction of their 'paper allocation', or that physically less water is taken. One submission states that the effectiveness of the policy for maintaining river flow reliability for other water users depends on a genuine reduction. Another submitter opposes the policy and seeks that it is made clear that a reduction in the ADC stockwater take will then lead to an increase in minimum flow.

For clarification, the policy seeks a reduction in the volume of existing abstractions, which in turn will result in increased flows in the Ashburton River. This is distinct from a decrease in consented volumes, where a resulting increase in flows is unlikely. As shown in Figure 1, it is anticipated that the increase in minimum flow for other users will not occur until there are increased flows in the Ashburton River resulting from a reduction in the ADC stockwater abstraction. It is recommended that the policy is amended to clarify its intent.

One submission considers there needs to be a provision within the pLWRP to allow the flow regime to return to the status quo should the reduction of stockwater take not maintain the reliability of existing abstractions.

It is noted that the reduction in the ADC abstraction will assist in offsetting reduced reliability with an increase in minimum flow for existing abstractors. It is important to note that the reduction in abstraction by ADC, along with the other components of the package illustrated in Figure 1, will collectively improve the flows in the river to meet the targets set out in Section 13.

The modeling undertaken by Graeme Horrell (2012) indicates that the increase in flows will work to maintain or, in some cases, improve the existing reliability. It is considered that water takes will be subject to effectiveness and efficiency reporting requirements and this process will be informed by better record keeping (in accordance with the water metering regulations) and flow monitoring. Given that CRC is required to review its regional plan every 10 years, and taking into consideration the implementation timeline set out in Figure 1 the suggested provision of returning to the status quo is not considered necessary.

One submission opposes the policy, stating that all ADC stockwater abstractions should cease as they are a major contributor to surface water quality issues. The reference to "water quality" is not clear as the submitter further states that many farms are now using groundwater for stockwater, yet are still required to fund the stockwater abstraction for those who still use them. The submission also states the closure of the stockwater system will change the status of the Nutrient Allocation Zone (referred to in Policies 4.34 – 4.36 of the PLWRP).

The submitter may wish to provide additional information to support the statement that the stockwater races contribute to surface water quality issues. In any event, it is noted that the stockwater races currently provide stockwater to a number of farms in the District, and it is not considered reasonable or feasible to require the Ashburton District Council to cease all abstractions.

The ADC also opposes the policy, seeking that it be deleted. ADC consider that it is unclear how the 2,900 L/s was identified stating that they have a low level of confidence regarding whether the reduction will have any meaningful contribution to the targets of the ZIP.

ADC state that little consideration has been given to previous CRC decisions and ADC's position on this matter as well as other considerations including animal welfare, productivity, adverse environmental impacts and impacts on groundwater recharge.

ADC does not believe it can surrender stockwater based on the information available. It will however not put at risk the achievement of a wider range of ZIP targets, and states that any unrequired water that is within the race network will be made available for community use and benefit.

It is noted that the existing ADC stockwater races are operating at a high level of inefficiency, with an estimated 80-90% of the water abstracted lost to groundwater.<sup>24</sup>

While ADC submits that the unused water within the stockwater races could result in benefits for the community, it is considered that a better outcome would be for the water to remain in the river to help achieve sustainable management of the resource. It will also assist in achieving the plan's goals to address over-allocation of the river which is consistent with the NPS Freshwater.

It is acknowledged that there will be a cost for ADC to undertake improvements to deliver stockwater with a reduced water allocation. While 2015 is considered to be a reasonable timeframe (and indeed critical for implementation), it is understood that ADC, has been in discussion with the Canterbury Regional Council and the Ashburton Zone Committee in respect of an alternative implementation timeframe.

It is understood that an alternative timeframe has been discussed and agreed between the parties and it is likely to be presented at evidence to the hearing by ADC.

**Recommendation R13.4.1:**

That Policy 13.4.1 be amended as follows.

*13.4.1 In order to increase the minimum flows in the river<sup>25</sup> the taking of water for community stock water supplies from the Hakatere/Ashburton River from 1 July 2015 will not exceed 2,900 L/s in total.*

**Policy 13.4.2**

Policy 13.4.2 states:

*13.4.2 No new surface or stream depleting groundwater permits will be granted in the Hakatere/Ashburton River catchment until the minimum flow at the State Highway 1 recorder site is raised to 10,000 L/s, except for the replacement of water permits that expire and where replacement is sought.*

Policy 13.4.2 received six submissions in support, with some seeking minor amendments.

Three submissions seek minor amendments related to further limitations for replacement consents. One submitter<sup>26</sup> considers that a replacement water permit should only be considered if there are no practical alternatives.

Recommendation R4.6 (page 107 of Volume 1 of the s42A Report) recommends that Policy 4.6 is amended to clarify that new consents replacing expiring consents may be granted, but will likely be subject to additional restrictions.

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<sup>24</sup> Ashburton District Council Water Investigation Project, Opus International Consultants, November 2012.

<sup>25</sup> 329.20 CJ & AM Allen

<sup>26</sup> 18.4 Save the Rivers Mid Canterbury Inc.

It is also noted that the consideration of alternative water supplies is a matter for discretion under the applicable rule (region-wide Rule 5.101) where under discretion matter (2) the consent authority may consider:

*“The availability and practicality of using alternative supplies of water”.*

As the requested amendment is consistent with Sections 4 and 5 of the pLWRP, the submitters request is supported.

One submission seeks that the Policy is amended to reflect that no guarantee exists under the RMA that water permits will be replaced, and if they are replaced, that they may not be subject to the same conditions as previously granted. Another submission seeks that the Policy is amended to clarify that no further water is to be allocated through replacement consents.

Amendment of Policy 13.4.2 in accordance with these submissions is considered unnecessary as these matters are already addressed by sections 124 and 124(A – C) of the RMA and Policy 13.4.3 of the pLWRP.

One submission<sup>27</sup> seeks that the minimum flow at the State Highway 1 recorder is raised to 80% of the 7DMALF (10,800L/s). The submitter has not justified why 80% of the 7DMALF is more appropriate, however it is noted that the requested minimum flow is consistent with the proposed NES for Ecological Flows. However, the proposed NES is on hold pending advice from the Land and Water Forum and in the absence of national guidelines and taking into account the impacts of a higher minimum flow on existing users' reliability, the proposed minimum flow of 10,000 L/s is considered appropriate. The submitter may wish to provide additional information in support of their submission.

**Recommendation R13.4.2:**

That Policy 13.4.2 be amended as follows:

*13.4.2 No new surface or stream depleting groundwater permits will be granted in the Hakatere/Ashburton River catchment until the minimum flow at the State Highway 1 recorder site is raised to 10,000 L/s, except for the replacement of water permits that expire and where replacement is sought with consideration given to the practicality of using alternative supplies of water”<sup>28</sup>*

**Policy 13.4.3**

Policy 13.4.3 states:

*13.4.3 To address over-allocation in the Hakatere/Ashburton catchment, no additional rate or volume of water above that authorised under existing water permits will be granted.*

Policy 13.4.3 received three submissions, all in support of the policy.

One submission<sup>29</sup> seeks that the policy be amended to reflect the requirements of the Freshwater NPS to phase out over allocation. The submitter considers that the current wording will not achieve this.

It is noted that the policies of the pLWRP apply as a comprehensive suite and must be read together. The suite of policies contained in both Sections 4 and 13 of the LWRP collectively address the over-allocation of water in the Hakatere/Ashburton catchment, and as such no amendment is necessary.

**Recommendation R13.4.3:**

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<sup>27</sup> 31.42 Ashburton Forest and Bird

<sup>28</sup> 18.4 Save the Rivers Mid Canterbury Inc.

<sup>29</sup> 200.170 EDS

That Policy 13.4.3 be retained without amendment.

#### **Policy 13.4.4**

Policy 13.4.4 states:

*13.4.4 To avoid over-allocation of the Ashburton River Groundwater Allocation Zone, it is limited to a total of 104.7 million m<sup>3</sup> per annum of which:*

*(a) 69.7 million m<sup>3</sup> per annum is available for existing lawfully established groundwater takes; and*

*(b) 35 million m<sup>3</sup> per annum is available for applicants who surrender surface water and/or stream depleting groundwater takes in accordance with Policies 13.4.5 and 13.4.6.*

Policy 13.4.4 received 2 submissions in support.

#### **Recommendation R13.4.4:**

That Policy 13.4.4 be retained without amendment.

#### **Policy 13.4.5**

Policy 13.4.5 states:

*13.4.5 To address over-allocation of surface water in the Hakatere/Ashburton catchment, enable an applicant to take deep groundwater provided the applicant holds a lawfully established surface water take or stream depleting groundwater take for an equal or greater rate and volume than is sought and the take is surrendered.*

Policy 13.4.5 received six submissions and 3 further submissions, with 1 in support.

Two submissions request that the policy acknowledges that the opportunity to exchange surface water for deep groundwater is limited and costly, but do not suggest alternative wording. A second submission<sup>30</sup> also notes that it is difficult to obtain deep groundwater on the south side of the Hakatere/Ashburton River and requests that shallow hydraulically connected groundwater is treated separately to surface water abstractions.

It is noted that the hydraulically connected groundwater abstraction is to be calculated in accordance with Schedule 9, and that the corresponding groundwater allocation will have already been accounted for as part of the resource consent. It is also noted that the policy aims to provide an alternative water supply to reduce impacts on the Ashburton River from over-abstraction and the policy does not provide an analysis of the merits or disadvantages of an abstractor taking the opportunity to switch to groundwater. The suggested amendment from Gregory Partnership is not considered appropriate as the policy will lose its intended focus. Each abstractor will need to weigh up the costs and benefits associated with exchanging groundwater with surface water.

One submission requests that the new groundwater take should not be more than the corresponding surface water take. It is noted that the policy already provides for this and no amendment is necessary.

One submission requests that the existing users are adequately recognised and protected in the exchanging of surface water takes for groundwater takes.

It is noted that any exchange of surface water takes for a groundwater take will require a new application for resource consent. Both of the corresponding rules (Rules 13.5.2 and 13.5.3) and

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<sup>30</sup> 111.2 Gregory Partnership

section 95 of the RMA require consideration of the effects on other groundwater users. It is considered that existing users are adequately recognised and protected and no amendment is necessary.

**Recommendation R13.4.5:**

That Policy 13.4.5 be retained without amendment.

**Policy 13.4.6**

Policy 13.4.6 states:

*13.4.6 The water resulting from any surrendered surface water and stream depleting groundwater takes in the Hakatere/Ashburton River catchment will not be reallocated and will be left in the river.*

Policy 13.4.6 received six submissions, with three in support with no amendments sought.

Two submissions request that the policy be amended to ensure that it only applies until the catchment is no longer over-allocated. A further submission received supports this submission in part, stating that the amendments proposed could be further enhanced to ensure that any future allocation of water avoids further over-allocation.

The request in the submission is self-evident and it is not considered necessary to amend the policy as it will undermine its intent. A plan change may be required to adjust the flow regime if water becomes available for allocation.

One submission<sup>31</sup> seeks that hydraulically connected groundwater is treated separately to surface water abstractions. It is noted that Schedule 9 provides methods to calculate stream depletion and the corresponding surface water and groundwater allocations. It is considered that the policy does not require amendment to reflect this.

**Recommendation R13.4.6:**

That Policy 13.4.6 be retained without amendment.

**Policy 13.4.7**

Policy 13.4.7 states:

*13.4.7 For the Hakatere/Ashburton River, the following restrictions shall be applied in respect of the abstraction of surface water and stream depleting groundwater in the Hakatere/Ashburton River catchment.*

- (a) Rangitata Diversion Race A and B allocations shall be subject to the residual flow restrictions specified in Table 12.*
- (b) All abstractions except Rangitata Diversion Race intake shall be subject to the State Highway 1 minimum flow in addition to the relevant tributary minimum flow as per Table 12.*
- (c) Any Water Users' Group will be subject to pro rata reductions.*
- (d) All abstractions except Rangitata Diversion Race allocations and Water Users' Group takes shall be subject to incremental stepped reductions as per Table 13.*

Policy 13.4.7 received eight submissions and 12 further submissions, one of which is in support with no requested amendments.

Two submissions request that the LWRP contains a mechanism to ensure that RDRML works co-operatively with other water users to maintain reliability of supply. It is noted that the hydrological model used to determine appropriate flow restrictions shows that the residual flow allowance for

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<sup>31</sup> 111.2 Gregory Partnership



RDRML will not diminish reliability of supply for existing users. The modelling report is attached to this report as Appendix 2.

Two submissions oppose RDRML having a different minimum flow restriction, with one submitter stating that RDRML should not be treated as a special case. A second submitter is concerned that an upstream residual flow for RDRML will impact on existing users' reliability of supply. They also consider that any water surrendered by ADC will be abstracted by RDRML and is unlikely to ever reach the State Highway 1 monitoring point. The submitter also expresses concerns that RDRML will still be able to abstract water after all other abstractors are on restriction, thus contributing to a sustained low flow in the river.

The LWRP contains provisions for irrigation schemes and principal water suppliers, acknowledging the value of the schemes and the associated infrastructure to the community. Objectives 3.15 and 3.16, (recommended (R3.0)<sup>32</sup>) Objectives 3.7 and 3.9), seek to ensure regionally significant infrastructure is resilient and positively contributes to the well-being of the community. While RDRML may continue to abstract water when the flows at the SH1 are below the minimum flow, it is important to note that RDRML will be subject to a higher residual flow and will have a reduced A Block allocation compared to their existing consent abstractions. The hydrological model undertaken by Graeme Horrell shows that an increased residual flow restriction and reduced A Block allocation for RDRML will help offset the higher minimum flow at SH1. The modelling shows that the reliability of downstream users will not be compromised by the increased minimum flow or by RDRML retaining a residual flow restriction.

The hydrological model undertaken by Graeme Horrell shows that an increased residual flow restriction coupled with a reduced A Block allocation for RDRML will not compromise the reliability of downstream users. The model also shows that high reliability can be achieved while maintaining a 6,000 L/s at SH1.

ADC seeks that a new clause be added to the policy to exempt their stockwater system and community water supplies from minimum flow restrictions. ADC considers that the policy should be amended to protect the current access to water for stock and other community uses and that the stockwater system can continue to operate based on existing resource consents, access and reliability.

It is noted that the default regional rules<sup>33</sup> set out in Section 5 of the LWRP apply to community and stockwater supplies in the Ashburton catchment. It is considered inappropriate to amend the policy to exempt the Council from minimum flows when the relevant rule requires an operative water supply strategy to outline the strategies in place to reduce water demand during times of restriction.

RDRML and TrustPower Limited submit that Policy 13.4.7 (a) and (b) are unclear and believe the Table 12 restrictions for RDRML are ambiguous. They submit that Table 12 does not reflect the understanding of the Policy and the Policy should be amended to make it more explicit what minimum flow restrictions apply to the RDRML, particularly in the longer term. The submitters seek that clause (b) is amended as follows:

*(b) All abstractions except Rangitata Diversion Race intake shall be subject to the State Highway 1 minimum flow in addition to the relevant tributary minimum flow as per Table 12. The 10 year minimum flow does not apply to the Rangitata Diversion Race take.*

It is agreed that the current wording of the Policy does not reflect Table 12. However, it is expected that RDRML will be subject to a minimum flow of 10,000L/s from 1 August 2022. It is understood that a higher minimum flow is required to keep the mouth of the Ashburton River open, and all abstractors are required to adhere to the 10,000L/s minimum flow to enable this to occur.

It is agreed that Policy 13.4.7 should be amended to provide the required certainty and clarification for the submitters.

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<sup>32</sup> Pages 97-99, Volume 1 of the LWRP Section 42A

<sup>33</sup> Rule 5.88 of the LWRP

**Recommendation R13.4.7:**

That Policy 13.4.7 be amended as follows:

13.4.7 For the Hakatere/Ashburton River, the following restrictions shall be applied in respect of the abstraction of surface water and stream depleting groundwater in the Hakatere/Ashburton River catchment.

- (a) Until 1 August 2022<sup>34</sup>, Rangitata Diversion Race A and B allocations shall be subject to the residual flow restrictions specified in Table 12.
- (b) Until 1 August 2022<sup>35</sup>, All abstractions except Rangitata Diversion Race intake shall be subject to the State Highway 1 minimum flow in addition to the relevant tributary minimum flow as per Table 12.
- (c) From 1 August 2022, all abstractions shall only be subject to the State Highway 1 minimum flow as per Table 12<sup>36</sup>.
- (d) Any Water Users' Group will be subject to pro rata reductions.
- (e) All abstractions except Rangitata Diversion Race allocations and Water Users' Group takes shall be subject to incremental stepped reductions as per Table 13.

### 9.3 Rules 13.5.1-13.5.4

Please note Rules 13.5.2 – 13.5.4 did not receive any submissions.

#### Rule 13.5.1

Rule 13.5.1 states:

13.5.1 The taking of surface water from the Ashburton River by a Water Users' Group formed by two or more existing abstractors within the same A allocation block or B allocation block is a restricted discretionary activity provided that the following conditions are met:

1. The take does not reduce the reliability of supply for any other abstractor or cause the minimum flow in any catchment or sub-catchment (Table 12) to be breached;
2. All members of an A allocation block Water Users' Group have water abstraction points located within the same river or stream as set out in Table 12;
3. All abstractors have installed telemetered water use measuring devices; and
4. Individual water take permits subject to the Water Users' Group shall not be exercised concurrently with the Water Users' Group water permit.

The CRC will restrict discretion to the following matters:

1. The terms and conditions of the operating agreement between the members of the Water Users' Group;
2. The reduction in the rate of take in times of low flow and restrictions as set out in Policy 13.4.7; and
3. Whether the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies in the plan in respect of water allocation, flow regimes, instream values, and Ngāi Tahu values.

Rule 13.5.1 received two submissions seeking that condition (2) be amended to clarify that Water Users Groups apply to the whole Ashburton River catchment. The submissions state that water users must be able to work together to meet flow requirements in their own tributaries and at the SH1 bridge.

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<sup>34</sup> 197.98 RDRML

<sup>35</sup> 197.98 RDRML

<sup>36</sup> 197.98 RDRML

It is agreed that the rule should be amended to reflect that the water users within a water user group may also be abstractors from a tributary of the Ashburton River.

**Recommendation R13.5.1**

That Rule 13.5.1 be amended as follows:

*13.5.1 The taking of surface water from the Ashburton River catchment<sup>37</sup> by a Water Users' Group formed by two or more existing abstractors within the same A allocation block or B allocation block is a restricted discretionary activity provided that the following conditions are met:*

- 1. The take does not reduce the reliability of supply for any other abstractor or cause the minimum flow in any catchment or sub-catchment (Table 12) to be breached;*
- 2. All members of an A allocation block Water Users' Group have water abstraction points located within the same river or stream as set out in Table 12;*
- 3. All abstractors have installed telemetered water use measuring devices; and*
- 4. Individual water take permits subject to the Water Users' Group shall not be exercised concurrently with the Water Users' Group water permit.*

*The CRC will restrict discretion to the following matters:*

- 1. The terms and conditions of the operating agreement between the members of the Water Users' Group;*
- 2. The reduction in the rate of take in times of low flow and restrictions as set out in Policy 13.4.7; and*
- 3. Whether the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies in the plan in respect of water allocation, flow regimes, instream values, and Ngāi Tahu values.*

**New Rule 13.5.**

Ashburton District Council seeks to add a new rule to give effect to its requested amendment to Policy 13.4.7. Given that there are no recommended changes to Policy 13.4.7, and that community and stock water supplies are provided for in Section 5 of the LWRP, a new rule is not considered necessary in this chapter.

**Recommendation RN71**

That no new rule is included in the pLWRP

**General submission**

Save the Rivers Mid Canterbury supports the use of rules but seeks that a monitoring procedure is put in place with appropriate consequences for those who break the rules.

It is noted that the RMA already contains a thorough process for dealing with non-compliance with resource consents and permitted activity rules. Accordingly, it is not considered necessary to include additional monitoring and enforcement procedures in Section 13 of the LWRP.

**Recommendation RN72**

That no new provisions are added.

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<sup>37</sup> 320.217 Combined Canterbury Provinces, Federated Farmers of New Zealand, 329.24 CJ & AM Allen

## 9.4 Allocation Limits

### Environmental Flow and Allocation Limits – Table 12

Table 12 states:

**Table 12: Hakatere/Ashburton River Catchment Environmental Flow and Allocation Limits**

River or stream (see Planning Maps)	Location of recorder site, or site where flow is measured	Topo 50 Map Reference	From August 2012				From August 2022			
			Minimum flow for A permits (L/s)	Allocation limit for A permits (L/s)	Minimum flow for B permits (L/s)	Allocation limit for B permits (L/s)	Minimum flow for A permits (L/s)	Allocation limit for A permits (L/s) for the whole catchment	Minimum flow for B permits (L/s)	Allocation limit for B permits (L/s)
Ashburton River main	State Highway 1 Bridge	BY21:999-351	6,000	253	14,000	500				
South Branch	Residual flow site immediately downstream of the RDR intake point	BX20:721-576	3,200 (October – April) 2,300 (May – September)	5,100	4,000	2,000	10,000 at State Highway 1 Bridge (map reference (BY21:999-351))	15,100	14,000	5000
			4,650	3,905	10,500	100				
North Branch	South Branch at North Branch confluence at above confluence	BY21:976-401	1,000	2,194	4,000	540				
			80	528	1,600	-				
Pudding Hill	at below ADC water race	BY21:976-404								

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River or stream (see Planning Maps)	Location of recorder site, or site where flow is measured	Topo 50 Map Reference	From August 2012				From August 2022			
			Minimum flow for A permits (L/s)	Allocation limit for A permits (L/s)	Minimum flow for B permits (L/s)	Allocation limit for B permits (L/s)	Minimum flow for A permits (L/s)	Allocation limit for A permits (L/s) for the whole catchment	Minimum flow for B permits (L/s)	Allocation limit for B permits (L/s)
Taylor's Stream	at above South Branch Confluence	BX20:808-742	500	4,465	3,700	200				
O'Shea Creek	at bywash to North Ashburton	BY20:885-527	450	556	1,000	-				
Mt. Harding Creek	Aitkens Road	BY21:926-502	500	1562	1,000	-				
Lagmhor Creek	Fraser's Road	BY21:962-366	100	295	-	-				

For all other areas see Rule 5.96(2).

Table 12 received 10 submissions, with one in support seeking that it be retained.

One submission believes that the minimum flow regime set out in Table 12 conflicts with the intent of the Plan, as stated on Page 13-1 of Section 13. The submission explains that the number of days on 50% restriction during the irrigation season will increase from 16 to 65, while days on full restriction will decrease from 26 to 5. The submitter believes that the impact of the large increase of time on 50% restriction will be more than minimal.

Four submissions seek that the reliability to existing water users be maintained, stating that there is considerable uncertainty as to whether the measures to be undertaken will result in maintaining reliability of supply for existing water users. In particular, three submissions express concern that any increase in flows in the North Branch may disappear into groundwater and will not correspond with the flows at SH1. The submitters request that in the event that reliability is decreased, the current status quo be restored and another review of flows are undertaken.

Table 6-1 contained in the report prepared by Graeme Horrell (Appendix 2) outlines that the reliability of supply will either be maintained or improved for the 6,000L/s minimum flow. On this basis the submissions are not supported.

Save the Rivers Mid Canterbury states that the North Branch flows are experimental in nature and may not be realistic. The submitter believes that a “Plan B” needs to be formulated. The submitter has not provided any alternative flow and allocation regimes, and may wish to provide further information to support its submission.

Royal Forest & Bird Protection Society of NZ Inc, Ashburton Branch seeks that a number of the minimum flows set out in Table 12 are amended. The submitter has not provided information to support the requested minimum flows, although it refers to observations over seven years regarding the flow requirements to keep the mouth of the Ashburton River open. The submitter may wish to provide further information at the hearing to support its submission.

One submission seeks that Table 12 be amended to include minimum flow restrictions for the Hinds River, stating that the default provisions in Section 5 of the LWRP are too restrictive.

It is noted that a sub-regional flow and allocation regime for the Hinds River catchment is currently being developed in consultation with the community. The flow and allocation regime will be incorporated into a variation to the LWRP and is due to be notified in October 2013. As such, it is not considered appropriate to include minimum flows for the Hinds catchment without the further information and consultation that will be gathered as part of the planning process for this catchment.

RDRML seeks that the minimum flow for A permits as set out in Table 12 be amended as follows:

“3,200 (~~October~~ February – April)  
2,300 (May – ~~September~~ January)”

The submitter states that the increase in minimum flow is to assist with fish passage and therefore questions whether the October to April period for increasing the residual flows is warranted and based on robust science. In support of its submission, RDRML refers to evidence provided by Mr G Ryder as part of the NRRP hearings in 2010.

It is noted that the flow regime discussed at the NRRP hearings in 2010 is not identical to the regime set out in Section 13 of the LWRP. As set out in Section 8.1 of this report, the flow and allocation regime is to be considered as a package. The hydrological modelling undertaken by Graeme Horrell demonstrates that the residual flow, alongside the other components of the package, will assist with the attainment of the key outcomes prioritised by the community.

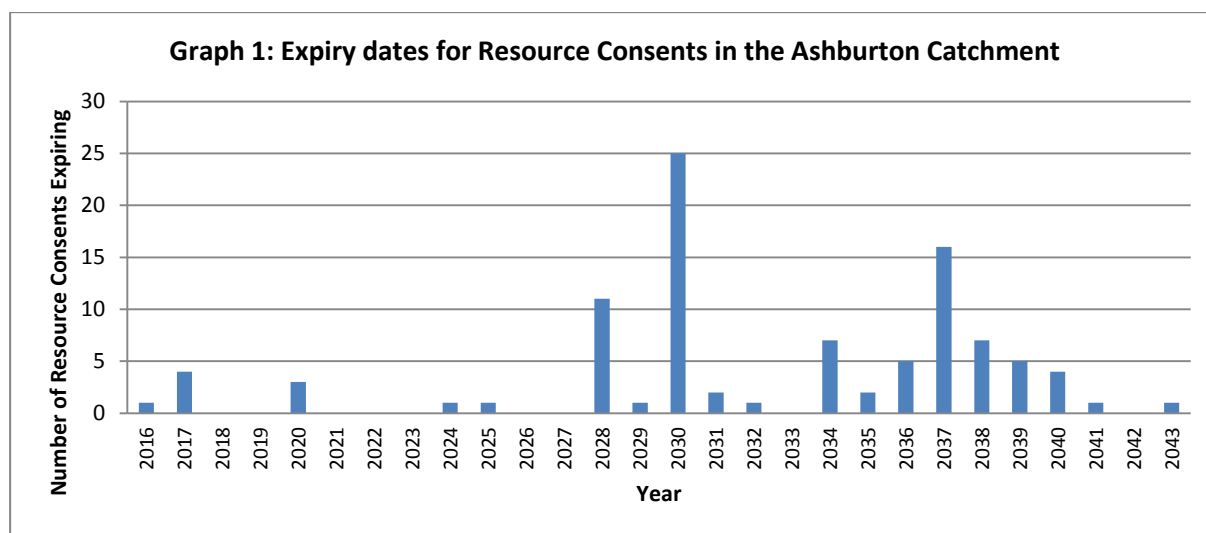
Three submissions<sup>38</sup> seek that Table 12 be amended to include a new implementation timeframe for the increase in short term minimum flows for existing abstractors which will not come into effect until

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<sup>38</sup> 197.99 RDRML, 250.91 TrustPower and 276.2 Greenstreet

August 2017. In its submission, RDRML highlights inconsistencies between the timeframes set out in Section 13, the Section 32 report and its discussions with the Zone Committee.

Figure 1 of this report illustrates the timeframe to meet the requirements of the flow and allocation regime and acknowledges that the increase in minimum flow may not occur immediately. It is understood that increased minimum flow will be implemented through conditions on any granted resource consent arising from any application that seeks to change consent conditions or for a replacement consent. The remaining resource consents will need to be reviewed to align their minimum flows with Table 12. It is understood that the review of the consents will not occur immediately after the plan becomes operative.<sup>39</sup> The expiry dates for existing resource consents in the Ashburton Catchment are illustrated in Graph 1 below.



RDRML also seeks that Table 12 is amended to ensure it is clear that the increase to 10,000L/s does not apply to the RDR take. As discussed in Policy 13.4.7 above, the 10,000L/s minimum flow is to apply to all abstractors. As such, it is recommended that the amendment sought is rejected.

Two submissions seek that the flow regime for Taylors Stream is amended to provide for the split minimum flow regime that was implemented in 1983. It is noted that the purpose of the notified flow regime is to sustain flows in the Ashburton River main stem, whereas the previous consented minimum flows only seek to protect flows and the ecology of Taylors Stream. Given its different and no longer current purpose, it is not considered appropriate to retain the regime.

One submitter opposes any increase in minimum flow in Taylors Stream above 300L/s and that the increase to 10,000 L/s in the Ashburton River is set aside and made as an aspirational target only. The submitter also seeks that any increase in the minimum flow in the catchment will coincide with reductions in currently used stock water takes.

As shown in Figure 1, it is anticipated that any increase in minimum flow will occur after the ADC stock water abstractions have been relinquished. It is also noted that the preferred outcome will not be achieved unless the proposed minimum flows for all tributaries are met. Given that the implementation timeframe is integral to the success of the regime, the requested amendments are not considered appropriate.

Fish & Game's submission seeks to amend the minimum flows from 2012-2022 as set out in Table 12 in order to better protect the fisheries of the river. They seek that all allocation blocks are calculated using the provisions in Rule 5.96 or otherwise by using stricter requirements.

<sup>39</sup> Letter from Don Rule (Director Planning and Consents, Environment Canterbury) to Matthew Hall (Chair, Ashburton Zone Committee), 9 January 2013, published in the Ashburton Water Zone Committee Agenda, 29 January 2013.

It is noted that the key outcomes of Section 13 prior to 2022 are to achieve improved flows in the river while maintaining sufficient reliability of supply for existing irrigators. The proposed minimum flow of 6,000L/s is considered a realistic target to ensure that these outcomes are delivered. It is also noted that the notified regime reflects both sustainable management of the resource and the priority outcomes identified by the community. As such, it is not considered appropriate to deviate from the notified regime by the increase of minimum flows.

#### **Recommendation R13.6.1**

To retain Table 12 without amendment.

#### **Ashburton Groundwater Limits – Table 14**

**Table 14 - Groundwater Limits**

<b>Groundwater Allocation Zone (see Planning Maps)</b>	<b>A Allocation Limit (million m<sup>3</sup>/yr)</b>	<b>B Allocation Limit (million m<sup>3</sup>/yr)</b>
Chertsey	112.4	0
Ashburton-Lyndhurst	126.60	0
Hakatere/Ashburton River	69.7	35*
Valetta	96.6	0
Mayfield-Hinds	148	0
*Refer to Policies 13.4.5 – 13.4.7 For all other areas see Rule 5.102		

Table 14 received one submission from Silver Fern Farms Limited. The submission seeks clarification on the availability and allocation status of the Ashburton-Lyndhurst groundwater zone, stating that it should not be considered to be fully allocated if further water is available.

It is noted that in 2011 a group of water abstractors were granted consent to abstract water in excess of the Ashburton Lyndhurst groundwater zone allocation limit. The current volume of water allocated to resource consents is 133.548 million m<sup>3</sup>/yr, whereas Table 14 has not been amended to reflect this.

It is understood that the consent hearing in 2011 did not result in a new allocation limit. Rather, the evidence produced for the hearing suggested that additional water is available for allocation without specifying an absolute number. Until further information is available to determine a new allocation limit (which should be incorporated into the Plan by way of plan change) it is not considered appropriate to deviate from the conservative limit calculated for the NRRP and currently shown in Table 14.

## **9.5 Flow Sensitive Catchments**

Section 13.7 received three submissions. These submissions are addressed in Section 6.13<sup>40</sup> of Volume 1 of the S42A report for the Group 1 Hearing and will not be repeated here.

## **9.6 High Naturalness Waterbodies**

Three submissions supported Section 13.8, two of which seek minor amendments.

Save the Rivers Mid Canterbury seeks a number of amendments to recognise additional characteristics of Lake Emily, the Maori Lakes, Lake Camp and Lake Roundabout. It also notes that Lake Mystery is not listed in Section 13.8, but its inclusion is not specifically sought.

The submitter does not provide information in support of its requested amendments. In the absence of evidence supporting the inclusion of additional outstanding characteristics, it is recommended that the amendments are not included. Save the Rivers Mid Canterbury may wish to provide this information at the hearing.

<sup>40</sup> Page 302-3, Volume 1 of the LWRP s42A report for the Group 1 Hearing



Royal Forest & Bird Protection Society of NZ Inc, Ashburton Branch seeks the inclusion of three additional lakes in section 13.8, being Lake Heron, Lake Denny and Lake Mystery. The submitter points out that Lake Heron drains into the Rakaia River, whereas Lake Denny drains into the Rangitata River.

It is noted that Lake Denny is included in Section 12 of the Plan, whereas Lake Heron is covered in the Rakaia River Water Conservation Order. Given that both of these lakes are already provided for in a regulatory context and they do not form part of the Ashburton River catchment, it is not considered necessary to include these lakes in Section 13.8.

RFBPS Ashburton has not provided information to support the inclusion of Lake Mystery but may wish to do this at the hearing.

***Recommendation R13.8***

That Section 13.8 be retained without amendment.

## 10 Orari-Opihi-Pareora (Section 14)

### 10.1 Introduction

The area covered by Section 14 is bordered by the Rangitata River in the north and the Pareora River in the south, and has the Orari and Opihi Rivers in the middle of the area. The Opihi catchment includes significant tributaries such as the Te Ngawai and Opuha Rivers.

Section 14 contains policies and rules specific to the Orari catchment and introduces a new flow and allocation regime for the Orari River and its tributaries.

Section 14 states that the Orari-Opihi-Pareora Zone Implementation Programme contains a suite of water-management recommendations as to how the Orari River environmental flow and allocation regime should contribute to an integrated solution for the development and management of freshwater resources in the Orari-Opihi-Pareora Zone.

The following specific matters were considered in the development of policies and rules for the Orari Catchment:

- In-stream values
- Ecological and recreational values
- Cultural values
- Economic implications and impact on farming practice
- Protection of existing water users
- Reliability of supply
- Impact of future developments on water bodies and users, e.g. irrigation schemes, damming
- Enabling continuation of community water supply if it is needed
- The natural functioning of the river, including variable and flushing flows
- Fair and equitable policies and rules for the community
- Water quality issues in the catchment had been raised by the Orari Steering Committee. Water quality issues will be considered in a future catchment process.

The Section goes on to set out a three-stepped approach to managing flow and allocation in the Orari catchment. The first step caps current allocation. Step two increases minimum flows and reduces allocation and is to be introduced three years after the LWRP becomes operative. The final step is a vision for 2040 with a second increase to minimum flows for and a further reduction in allocation.

These steps involve a combination of increasing environmental flows and reducing allocation limits for the Orari catchment so that in-stream ecological, cultural and economic values are better protected. The limits are to be achieved through regulating transfers of water permits, water storage, water metering, water users groups, and requiring the reasonable and efficient use of water.

The Section notes that the environmental flow and allocation regime is a vision that may change as a result of new scientific information. Although water quality limits are not included in this sub-regional section, the provisions related to water quality contained in Sections 4 and 5 of the LWRP apply to this catchment.

To address the two main issues of over-allocation and insufficient minimum flows specific policies and rules are included in Section 14. Those provisions received a number of submissions, with the majority in support seeking only minor amendments. The general support for the provisions appears to reflect the consultation undertaken and the collaborative approach to outcome setting.

## 10.2 General Submissions

### Zone Implementation Programmes

C & PH ChCh support the sub-regional sections of the pLWRP and request generally that these sections are consistent with the relevant zone implementation programmes (ZIPS) of the Zone Committees created as part of implementing the Canterbury Water Management Strategy (CWMS). CCC, in contrast, asks that the recommendations from the Zone Committees be deleted until they are formally approved.

The priority outcomes from the ZIPS have been included in the sub-regional sections primarily for information purposes and to provide guidance and an insight into the likely future direction of water management in the area. It is neither necessary nor appropriate that the provisions in each sub-regional section be absolutely “consistent” with the ZIPs for their areas at this stage. It is considered that inclusion of these priority outcomes is worthwhile and reflects the progress made and outcomes sought by the various Zone Committees. It is also noted that these outcomes do not get “formally approved” as such but rather are developed for implementation through various means including regional rules.

#### **Recommendation RN73**

That no new provisions are added.

### Cross referencing

Four submissions seek that the policies and rules are cross referenced with the relevant rules in Sections 4 and 5 stating that this will ensure simplicity in giving effect to this chapter.

Volume 1 of the S42A report for the Group 1 Hearing (pages 47 and 48) recommends that there be cross-references in Section 5 to the relevant rule in the sub-regional sections whenever a Plan user needs to be directed to a specific rule.

#### **Recommendation RN74**

That the plan is amended to include cross-references.

### General submissions

EDS submits that the provisions of the Pareora Catchment Environmental Flow and Water Allocation Regional Plan (the Pareora Plan) should be transferred to the sub-regional chapter.

Section 2.9 of the pLWRP sets out the relationship of the LWRP with other plans. The inclusion of the Pareora Plan would result in that plan becoming open to submissions which is not considered necessary or productive at this stage. Ultimately it will be incorporated into the pLWRP by way of plan change.

Pye Partnership seeks that there is a mechanism to review environmental flows and reliability of supply within three years of the pLWRP becoming operative. It is noted that the flows can be reviewed by plan change if necessary but there is no requirement to specifically state this in the plan. It is also noted that the 2040 minimum flow targets are aspirational and it is anticipated that these will be reviewed and further refined during future reviews of the LWRP.

#### **Recommendation RN75**

That no new provisions are added.

## 10.3 Policies 14.4.1 - 14.4.13

### Policy 14.4.1

Policy 14.4.1 states:

*Over-allocation of fresh water from the Orari catchment is addressed by prioritising the use of Rangitata South Irrigation Limited scheme water ahead of the use of fresh water in the Orari catchment.*

Policy 14.4.1 received six submissions in support, with four of these seeking minor amendments.

Four submitters<sup>41</sup> seek that the policy is clarified to ensure the practicality of the situation is considered before prioritising the use of Rangitata South Irrigation Limited water. In their submission they state that priority of water use at different times of the season needs consideration as to what is best environmentally for the Orari River.

It is understood that the policy is to guide the process when reviewing or renewing existing consents and should be read together with Policy 14.4.2. It is anticipated that any consent holder that has access to Rangitata South Irrigation Limited (RSIL) Scheme water will be required to demonstrate that they are using RSIL water prior to gaining the balance of their allocation from the Orari catchment.

As such, clarification of the policy is not considered necessary.

#### **Recommendation R14.4.1:**

That Policy 14.4.1 be retained without amendment.

### Policy 14.4.2

Policy 14.4.2 states:

*On application for a water permit in the Orari Catchment affected by Section 124B or when consents are reviewed, any property that is supplied by Rangitata South Irrigation Limited scheme water must demonstrate that Rangitata South Irrigation Limited scheme water is being used to the fullest extent possible and minimising the use of fresh water from the Orari catchment.*

Policy 14.4.2 received six submissions in support, with four of these seeking minor amendments. Four submitters<sup>42</sup> seek that the policy is clarified to ensure practicality of the situation is considered before prioritising the use of Rangitata South Irrigation Limited water (RSIL). The submitters state that priority of water use at different times of the season needs consideration as to what is best environmentally for the Orari River.

These submissions are addressed in the discussion for Policy 14.4.1 above.

#### **Recommendation R14.4.2:**

That Policy 14.4.2 be retained without amendment.

### Policy 14.4.3

Policy 14.4.3 states:

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<sup>41</sup> 180.6 Pye Partnership, 185.6 Orari Water Society Incorporated, 137.1 Mr Alvin Reid and 287.1 P J & J E Harrison Lochaber Station

<sup>42</sup> 180.6 Pye Partnership, 185.6 Orari Water Society Incorporated, 137.1 Mr Alvin Reid and 287.1 P J & J E Harrison Lochaber Station

*Over-allocation of fresh water in the Orari catchment is addressed by Timaru District Council surrendering CRC011982 or its replacement in 2013 and increased efficiency with any renewal of CRC011991 in 2017. However, for security of supply a total flow rate of 235 L/s in 2025 of surface water will continue to be reserved for Timaru District Council community drinking and stock water, in addition to the volumes in Table 15, as part of the flow and allocation regime for Orari River.*

Policy 14.4.3 received six submissions in support.

Two submissions seek that Table 15 is amended to reflect Policy 14.4.3. This is discussed under section 10.5 of this report.

**Recommendation R14.4.3:**

That Policy 14.4.3 be retained without amendment.

**Policy 14.4.4**

Policy 14.4.4 states:

*Over-allocation of fresh water in the Orari catchment is addressed by preventing the transfer of water permits, other than to new owners of the same property at the same location.*

Policy 14.4.4 received seven submissions in support, with five of these seeking minor amendments.

Two submissions seek the addition of the words "*until over-allocation is addressed, then transfers can again occur*".

The relief sought by these submissions is consistent with Rule 14.5.1 where the transfer of water is a prohibited activity until allocation limits in Table 15 are met. However, the request in the submission is self-evident and it is not considered necessary to amend the policy.

One submission<sup>43</sup> states that the transfer of consents upstream and between tributaries can exacerbate low flow effects. The submitter recommends that when over-allocation has been reduced to the approved level, transfer of consents for improvement of irrigation efficiency could be considered only if there are environmental benefits.

The submission does not define "environmental benefits", or state whether or not the anticipated environmental benefits are a result of the revised flow and allocation regime or from the transfer of water. However it is noted that Policy 4.72 applies to transfers within the Orari catchment once the allocation limits have been met. On page 246 of Volume 1 of the S42A report for the Group 1 Hearing, recommendation R4.72 states that the adverse effects of the take and use of water "are not greater than minor" which may address the submitter's concerns.

One submitter questions how preventing the transfer of water will result in the phase out of over-allocation. In particular, they state that the transfer of water permits where there is a reduction in the take and environmental effects is only one method of addressing over-allocation.

It is considered that allowing the transfer of water (even with a reduction in the consented take) may further exacerbate the effects of over-allocation by enabling the taking of a water permit that may not have previously been fully utilised. For that reason, prohibiting the transfer of water is considered an appropriate tool to address over allocation in the Orari catchment.

The proposed flow and allocation regime seeks to improve the environmental values of the Orari Catchment while enabling the community to provide for its social and economic wellbeing and as such it is not considered appropriate to amend the policy to only allow for transfers if there is an environmental benefit.

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<sup>43</sup> 347.262 Fish and Game

**Recommendation R14.4.4**

That Policy 14.4.4 be retained without amendment.

**Policy 14.4.5**

Policy 14.4.5 states:

*As an exception to Policy 14.4.4, to address environmental and reliability issues, water permits in the Upper Coopers Creek zone, identified on Map 2 Orari Catchment may be transferred if scientific studies show an environmental benefit.*

Policy 14.4.5 received seven submissions in support seeking that the policy is retained.

**Recommendation R14.4.5**

That Policy 14.4.5 be retained without amendment.

**Policy 14.4.6**

Policy 14.4.6 states:

*Over-allocation of fresh water in the Orari catchment is addressed by requiring that future allocation of water to any new or replacement resource consent is based on demonstrated need and efficiency.*

Policy 14.4.6 received eight submissions, with two submissions seeking amendments.

Mr James Jolly states that new or replacement consents should not be based on demonstrated need and efficiency; rather, they should be based on determination of over-allocation and restoration of adequate environmental flow.

EDS states that Policy 14.4.6 suggests that new consents will be granted when the catchment is over-allocated, which is inconsistent with the Freshwater NPS. EDS seeks that the policy is amended to ensure that no new allocation will occur while the catchment is over-allocated.

It is recommended that the policy is retained as notified as it reflects what the community agreed through the consultation process. Given that Rule 5.96 clearly prohibits further allocation until the flow and allocation regime is achieved, amendment to the policy to address these submissions is not considered necessary.

**Recommendation R14.4.6**

That Policy 14.4.6 be retained without amendment.

**Policy 14.4.7**

Policy 14.4.7 states:

*To prevent the flow falling below the A allocation Block minimum flows for the Orari catchment in Table 15 the following restrictions shall be applied and strictly adhered to in respect of the abstraction of surface water, stream depleting groundwater and abstractions from within the Orari conjunctive use zone.*

- (a) *In the Orari catchment, all partial restrictions for water permits in the Orari catchment including takes to storage shall be stepped unless the consent applicant is part of a Water Users Group;*

- (b) *In the Orari catchment, when the stepped approach applies, the rate of take is to be reduced in increments of 50% and 100% of the available flow rate to ensure the minimum flow is not breached;*
- (c) *In the Orari catchment, if a water permit holder is part of a Water Users' Group, any restrictions will be managed according to the Water Users' Group roster.*

Policy 14.4.7 received five submissions in support, seeking that the policy is retained.

**Recommendation R14.4.7:**

That Policy 14.4.7 be retained without amendment.

**Policy 14.4.8**

Policy 14.4.8 states:

*To prevent the flow falling below the B allocation Block minimum flows for the Orari mainstem in Table 15 the following restrictions shall be applied and strictly adhered to in respect of the abstraction of surface water and stream depleting groundwater and abstractions from within the Orari conjunctive use zone.*

- (a) *In the Orari mainstem, if the water permit is part of a water users group then all takes shall cease when the river falls to the B block minimum flow;*
- (b) *In the Orari mainstem, if the water permit is not part of a water users group, when the flow is above the B block minimum flow but below the B allocation block limit, all permits shall share the available flow above the B block minimum flow and cease when the minimum flow is reached.*

Policy 14.4.8 received five submissions in support, with minor amendments sought.

The five submissions seek the addition of an new clause as follows:

- (c) *The water users group may access any unused water in the B allocation block for use by group members to ensure the efficient and equitable use of the B allocation block.*

The submitters suggest that to ensure an equitable use of B Block water, water user groups should be able to access the entire B Block water allocation. The submission explains that their suggested amendment would mean that if an abstractor is not in a water user group and is not abstracting their consented water, then a water user group can access that allocation.

It is unclear from the submissions how access to unused water would enable an equitable use of B Block water. The submitters may wish to provide additional information at the hearing to support their submission. However, it is noted that flow variability would be limited by allowing the abstractors to access another's unutilised abstractions, and there would be an environmental benefit if the unused water remains in the Orari River.

**Recommendation R14.4.8:**

That Policy 14.4.8 is retained without amendment.

**Policy 14.4.9**

Policy 14.4.9 states:

*All permits for groundwater takes from the Orari catchment within the conjunctive use zone and where the screen is less than 30m deep shall have minimum flow conditions consistent with the minimum flow sites and amounts in Table 15.*

Policy 14.4.9 received six submissions in support.

Four submissions request a minor amendment to the policy by replacing the word “amount” with “allocation”.

It is considered appropriate to use accepted terminology consistently throughout the pLWRP, and as such the requested amendment is supported.

**Recommendation R14.4.9:**

That Policy 14.4.9 be amended as follows:

*All permits for groundwater takes from the Orari catchment within the conjunctive use zone and where the screen is less than 30m deep shall have minimum flow conditions consistent with the minimum flow sites and ~~amounts~~ allocations<sup>44</sup> in Table 15.*

**Policy 14.4.10**

Policy 14.4.10 states:

*the Orari catchment, in addition to the requirements of the Resource Management (measurement and reporting of water takes) Regulations 2010, replacement of an expiring water permit, review or transfer of an existing permit to take 5 L/s or more of water shall include a condition requiring water use to be metered and water use records to be telemetered to the CRC or nominated agent.*

Policy 14.4.10 received seven submissions in support.

Timaru District Council considers that the policy is too stringent and that it is not necessary to require water use records to be telemetered to the CRC or their nominated agent. They state that most local authorities have their own telemetry system and data associated with the implementation of any consent can be forwarded to CRC upon request.

This matter was also addressed on page 230 of Volume 1 of the S42A report for the Group 1 Hearing, where it is noted:

*“While consideration could be given to making it on a request basis only this could result in delays in obtaining the information and tends to undermine the system for information gathering.”*

It is also noted that the issue can still be considered through the resource consent process but clear policy direction is required so that CRC can obtain information necessary for it to properly manage the water resource.

Fish & Game seeks that the policy is amended to correct a typographical error. The suggested amendment is supported.

**Recommendation R14.4.10:**

That Policy 14.4.10 is amended as follows:

*In<sup>45</sup> the Orari catchment, in addition to the requirements of the Resource Management (measurement and reporting of water takes) Regulations 2010, replacement of an expiring water permit, review or transfer of an existing permit to take 5 L/s or more of water shall include a condition requiring water use to be metered and water use records to be telemetered to the CRC or nominated agent.*

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<sup>44</sup> 180.14 Pye Partnership, 185.14 Orari Water Society Incorporated, 137.1 Mr Alvin Reid and 287.1 P J & J E Harrison Lochaber Station

<sup>45</sup> 347.203 Fish and Game.



#### Policy 14.4.11

Policy 14.4.11 states:

*Water users in the Orari catchment shall achieve at least 80% water efficiency.*

Policy 14.4.11 received seven submissions in support, three of which sought minor amendments.

Two submissions request that the policy is amended so that the 80% water efficiency only applies to irrigators. Timaru District Council considers that the policy is not achievable for the Timaru District Council stock water system, stating that the stockwater system is a priority water use under the CWMS, and is necessary to promote social and community wellbeing.

The Orari Environmental Flow and Allocation Regime Steering Committee do not consider that the efficiency requirements set out in Policy 14.4.11 should apply to the Timaru District Council. In particular they state that the policy was not intended to apply to stock water races given Policy 14.4.3.

The submissions from Timaru District Council and the Orari Steering Committee are supported as the suggested amendments are consistent with Policy 14.4.3. In addition Policy 4.70 also applies.

#### Recommendation R14.4.1

That Policy 14.4.11 is amended as follows:

~~Water users in the Orari catchment, water used for irrigation~~ shall achieve at least 80% <sup>46</sup>water efficiency.

#### Policy 14.4.12

Policy 14.4.12 states:

*The in-stream damming of the mainstem of the Orari River below the Orari Gorge is avoided unless:*

- (a) The dam was lawfully established prior to 1 July 2012; or,*
- (b) The dam only dams the minimum flow required to effectively divert water into a water intake; and,*
- (c) No more than 25% of the flow is diverted into the dam at any point in time; and,*
- (d) No more than 5000m<sup>3</sup> of water is impounded by the dam.*

Policy 14.4.12 received one submission in opposition and six submissions in support seeking that the policy is retained as worded.

Mr James Jolly opposed Policy 14.4.12 as he considered that the damming of the mainstem of the Orari River below the gorge should be a prohibited activity. He believes that flow variability and flushing flows are essential for the ecology of the river. Mr Jolly refers the reader to the definition of a dam.

It is acknowledged that flow variability and flushing flows are important for the Orari River, and as such it is considered that this is reflected in the policy.

Page 362 of Volume 1 of the S42A report for the Group 1 Hearing recommends that the definition of dam is amended as follows:

*means a structure used or to be used for the damming of any water, or waterbody where the dam is the full width of the waterbody and includes stormwater treatment ponds, sediment retention ponds and temporary impoundments used during site dewatering. It excludes*

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<sup>46</sup> 160.31 Timaru District Council

*bridges, intake bunding or structures for water takes provided the structures for water takes are not the full width of a waterbody, culverts except any culverts which have a mechanism that can be used to completely block the flow of water through the culvert and any activities involved in the enhancement, creation or restoration of wetlands.*

Given that the definition of dam refers to damming the full width of a water body, clause (b) (relating to the diversion of water) is no longer relevant to the Policy.

#### **Recommendation R14.4.12**

That Policy 14.4.12 is amended as follows:

*The in-stream damming of the mainstem of the Orari River below the Orari Gorge is avoided unless:*

- (a) The dam was lawfully established prior to 1 July 2012; or,*
- ~~(b) The dam only dams the minimum flow required to effectively divert water into a water intake; and<sup>47</sup>~~*
- (c) No more than 25% of the flow is diverted into the dam at any point in time; and,*
- (d) No more than 5000m<sup>3</sup> of water is impounded by the dam; and*
- (e) The damming of water maintains a residual flow which meets the allocations limits in Table 15 and maintains flow variability.<sup>48</sup>*

#### **Policy 14.4.13**

Policy 14.4.13 states:

*Prior to water permits in the Orari catchment being reviewed as a result of this Plan, any water permit holder may seek a change of consent conditions to alter the minimum flow restrictions on their permit, to accord with the Orari environmental flow and allocation regime in Table 15.*

Policy 14.4.13 received six submissions in support.

Four submissions suggest that the policy is amended to clarify that consent holders who have specific minimum flows on consents within smaller tributaries (such as Coopers and Petries) are able to change to the Orari mainstem minimum flow sooner than by review or by change of condition. The submitters consider that the plan is unclear and an unintentional consequence could be that these consents would have two minimum flows; the current consent minimum flow with the addition of the mainstem minimum flow. The submitters request the addition of the following advice note:

*“The minimum flows in Table 15 are intended to over-ride any other consent minimum flows within various tributaries of the catchment (see definitions) as per Table 15 and with the addition of a supporting mechanism in the rules to achieve this policy. For example, the rules could provide that it will be a permitted activity to take water pursuant to the conditions of an existing consent to take from the relevant tributaries, but using the minimum flows prescribed for the Orari mainstem as opposed to the minimum flow prescribed in the current consent conditions.”*

It is noted that Table 15 sets out the minimum flow restrictions for all users and does not specify minimum flows for the individual tributaries such as Coopers or Petries. On that basis, it is considered that Table 15 is sufficiently clear to direct any water users or CRC staff so that these abstractors do not have two minimum flow restrictions. As such, the requested amendment is not considered necessary.

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<sup>47</sup> 197.87 RDRML

<sup>48</sup> 115.6 Mr James Jolly

**Recommendation R14.4.13**

That Policy 14.4.13 be retained without amendment.

**New Policies 14.4.14, 14.4.15 and 14.4.16**

Fish & Game seek the addition of the following new policies:

*14.4.14 if the minimum flows especially in the Orari mainstem do not provide the reliability of supply expected, the Section shall be reviewed.*

*14.4.15 The additional scientific data required to verify the model the Orari Allocation and Flow Regime is based on is obtained by ECan by the end of three years after the Plan becomes operative.*

*14.4.16 All surface water flow data and water metering in the catchment, including from land within the Rangitata South Irrigation Limited scheme, be reviewed at the end of five years from the plan becoming operative. The purpose of the review will be to confirm or further develop the relationship between abstraction and river flow.*

It is noted that the flow and allocation regime will be subject to effectiveness and efficiency reporting requirements and this process will be informed by better record keeping (in accordance with the water metering regulations) and flow monitoring. Given that CRC is required to review its regional plan every 10 years, additional policies requiring information gathering and the review of the flow regime are not considered necessary. In addition, a ten year review would provide more representative data than a review undertaken after only three or five years.

**Recommendation RN76:**

That no new policies are added.

## 10.4 Rules 14.5.1 - 14.5.5

**Rule 14.5.1**

Rule 14.5.1 states:

*The use of land to store water, including any associated impounding of water outside the bed of a river or natural lake in the Orari Catchment is a permitted activity, provided the following conditions are met:*

*(a) For the impounding of water outside the bed of a river or a natural lake:*

- 1. If the volume of water impounded is greater than 5,000m<sup>3</sup>, the design and construction of the dam is certified by a suitably qualified chartered professional engineer;*
- 2. Less than 3m deep.*

*Note: Consent may be required under the Building Act 2004.*

Rule 14.5.1 received seven submissions with two in support.

Five submissions sought that the Rule is deleted as the activity is covered by Rule 5.128.

It is understood that the permitted activity rule for small storage facilities was to incentivise out-of-stream storage to improve reliability. However, given that damming of water is permitted under Rule 5.128, and therefore this outcome is still achieved, it is agreed that Rule 14.5.1 can be deleted.

Canterbury Regional Council seek that the Rule is amended to include an additional condition to ensure that the land is not contaminated or potentially contaminated. While it is recommended that this Rule be deleted, in the event that this rule is retained, the inclusion of this condition is supported as it

would ensure that the effects of installing a dam on contaminated land is considered through the consent process. However at this stage it is recommended that this rule be deleted.

**Recommendation R14.5.1**

That Rule 14.5.1 be deleted<sup>49</sup>.

**Rule 14.5.2**

Rule 14.5.2 states:

*The damming of water within the bed of the mainstem of the Orari River and within the tributaries below the gorge, at or about map reference BY19:553-335, including the associated constructing, maintaining and operating of structures is a non-complying activity.*

Rule 14.5.2 received eight submissions, with the majority in support.

One submission seeks that the damming of the Lower Orari River is a prohibited activity rather than a non-complying activity.

Given the recommended amendments to Policy 14.4.12, it is considered there is sufficient policy guidance to ensure the adverse effects associated with damming the mainstem of the Lower Orari River are appropriately remedied, avoided or mitigated. Also, it is anticipated that such proposals, to be consented, would be a true exception. As such, the non-complying activity status is considered suitable.

**Recommendation R14.5.2:**

That Rule 14.5.2 be retained without amendment.

**Rule 14.5.3**

Rule 14.5.3 states:

*The damming of water within the bed of the mainstem of the Orari River upstream from the mouth of the gorge and within any tributary above the gorge, at or about map reference BY19:553-335, is a prohibited activity.*

Rule 14.5.3 received seven submissions in support seeking that the Rule is retained.

**Recommendation R14.5.3:**

That Rule 14.5.3 be retained without amendment.

**Rule 14.5.4**

Rule 14.5.4 states:

*The temporary or permanent transfer, in whole or in part, of a water permit to take or use surface water or groundwater in the Orari catchment, except for Upper Coopers Creek, identified in Map 2 - Orari Catchment, including stream depleting groundwater, is a prohibited activity until allocation limits in Table 15 are met.*

Rule 14.5.4 received seven submissions in support seeking that the Rule is retained.

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<sup>49</sup> 179.19 Orari Steering Cttee

**Recommendation R14.5.4:**

That Rule 14.5.4 be retained without amendment.

**Rule 14.5.5**

Rule 14.5.5 states:

*The temporary or permanent transfer, in whole or in part, of a water permit to take or use groundwater in the Upper Coopers Creek area, identified in Map 2 - Orari Catchment, including stream depleting groundwater, is a discretionary activity.*

Rule 14.5.5 received six submissions in support seeking that the Rule is retained.

**Recommendation R14.5.5:**

That Rule 14.5.5 be retained without amendment.

## 10.5 Allocation Limits

**Environmental Flow and Allocation Limits – Table 15**

Table 15 states:

**Table 15: Orari River Environmental Flow and Allocation Limits**

The following flow and allocation limits are to be applied when reading policies and rules in Sections 4 and 5.

River or stream (see Planning Maps)	Location of recorder site, or site where flow is measured	Topo 50 Map Reference	Minimum flow for A permits (L/s)			Allocation limit for A permits (L/s)			Minimum flow for B permits (L/s)			Allocation limit for B permits (L/s)		
			Current	3yrs from Operative Plan	2040	Current	3yrs from Operative Plan	2040	Current	3yrs from Operative Plan	2040	Current	3yrs from Operative Plan	2040
Orari	Upstream Ohapi	BZ20:714-005	Dec-Apr (restrictions 1724)	500 (stepped restrictions 2400)	900 (stepped restrictions 2000)	1524	1400	800	-	3800	3800	-	1400	1400
			May- Jul (restrictions 2424)											
			Aug-Oct (restrictions 1924)	(Water groups manage above 1500)	(Water users self manage above 1500)									
			Nov (restrictions 1824)	1:1 Flow sharing 500-1500	1:1 flow sharing 900-1500									
Ohapi Creek	Ohapi Creek at Houston's	BZ20:711-002	Oct-Jan 570(restrictions 1,000L/s) Feb-Sep 730(restrictions 1,100L/s)			2055			-			-		
Rhodes Creek	Rhodes Stream at Parke Road	BZ20:728-017	60 (no partial restrictions)			501			-			-		

See the Pareora Catchment Environmental Flow and Water Allocation Regional Plan for the Pareora catchment flow and allocation limits and the Opihi River Regional Plan for the Opihi Catchment flow and allocation limits. For all other areas see Rule 5.96(2).

Table 15 received eleven submissions, with seven in support seeking that it be retained.

Six submissions request that the Table is retained as notified, subject to the following amendments:

- (a) *the flow regime in Table 15 needs to be amended if Schedule 13 of the plan retains the reference to “average” rates for surface water allocation; relevant flow rates referred to in Policy 14.4.3 should be included in Table 15; and*
- (b) *if any change is made to Table 15 as a result of the hearing process, the whole package of minimum flow regime, allocation and how this is applied in Table 15 would need to be reconsidered to ensure the outcomes sought by Orari Water Society are still achieved.*

Page 324 of Volume 1 of the S42A report for the Group 1 Hearing recommends that Schedule 13 is amended so that surface water allocations are calculated using ‘maximum’ flow rates. As such, requested amendment (a) is not considered necessary.

It is understood that the water reserved for Timaru District Council sits outside the allocation limits specified in Table 15, as their abstraction is not subject to minimum flow restrictions, nor are they to form part of an allocation block. This is supported by Policy 4.46 and Rule 5.88 which do not require community or stock water takes to be subject to minimum flow restrictions. Given that the Timaru District Council abstractions sit outside the allocation regime, requested amendment (b) is not considered necessary.

DOC submits that the proposed minimum flow is inconsistent with section 5.2.4 of the Canterbury Conservation Management Strategy (CMS). The submitter states that the ecological modelling prepared by the CRC indicates that the current scenario is worsened and the extent and duration of the drying reach is probably exacerbated. While CRC is required to have regard to strategies prepared under other Acts (Section 66 of RMA), the minimum flow is intended to achieve sustainable management of the Orari Catchment and reflects the community’s expectations for the catchment.

The submitter also states that it appears to be inappropriate to have a B block allocation and that the timeframe for compliance with A block allocations is too long, suggesting that a 10 year period is more appropriate. DOC seeks that the reference to ‘2040’ in Table 15 is replaced with 2022 as the compliance timeframe for the new regime, and that the B block is deleted or there is a requirement for consent applicants to demonstrate that the B block will not have an adverse effect on fresh and flood flows.

The 2040 minimum flow has been set as a long term goal. The longer timeframe acknowledges the investment in infrastructure made by existing irrigators. It also acknowledges the timeframe required for farmers to make the necessary changes to ensure their farming operations are still viable at higher minimum flows (such as obtaining shares from Rangitata South Irrigation Limited or installing out-of-stream storage). As such, the existing timeframe for compliance is considered reasonable.

The hydrological modelling undertaken by Jen Ritsen<sup>50</sup> (Appendix 3) acknowledges that the notified flow regime does increase the effect on high flows, but this effect is not significant. As such, the inclusion of a B Block is considered appropriate.

Mr James Jolly seeks that Table 15 is amended so that the Orari River (Up-stream Ohapi) has a minimum flow of 900 L/s commencing three years after the provision becomes operative. Mr Jolly also seeks that the 2040 column is amended to 2030 with a higher minimum flow of 1,800L/s.

It is understood that the 500L/s minimum flow, with the introduction of 1:1 flow sharing provides for both reliability of supply and ecological values. As such, the higher minimum follow of 900L/s is not considered appropriate as the water users in the catchment work towards meeting the higher long term minimum flow.

Mr Nicholas Ward submits that the habitat modelling undertaken to inform the planning process was unsuccessful and requests that CRC undertakes in-stream habitat modelling prior to the hearing to support Table 15.

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<sup>50</sup> J Ritsen and J Stapleton, Memo from Jen Ritson and Jo Stapleton to staff involved in the S14 LWRP hearings, 2013

It is noted that the habitat modelling undertaken by Golder Associates was peer reviewed by Cawthron (attached at Appendix 4). The peer reviewer agrees that it is appropriate to link all resource consents to a minimum flow in the lower catchment. The report prepared by Golder Associates has taken the comments from the peer review into consideration and is attached as Appendix 5<sup>51</sup>.

Canterbury Regional Council seeks to correct a typographical error for the minimum flow for A permits for Ohapi Creek as follows (additions marked in underline, deletions in strikethrough):

Oct- Jan 570 (restrictions 1,000~~L/s~~)  
Feb-Sep 730 (restrictions 1,000~~1,100~~~~L/s~~)

It is recommended that this error is corrected.

Fish & Game seeks that all allocation blocks are calculated using the provisions in Rule 5.96 or stricter.

It is noted that the notified regime was established through consultation with the community and as a result of catchment specific flow modeling. In addition to environmental outcomes, the regime considers social, economic and cultural implications. As such, it is not considered appropriate to deviate from the notified regime.

Two submitters seek that the status quo allocation regime remain in place for Coopers Creek, with the addition of the conjunctive use zone, as they believe that CRC should err on the side of caution and find a more appropriate monitoring site.

One of these submitters also believes that a further technical report was made available to CRC during the development of the plan, but that this report was not made available to the steering group. However, it is understood that the group was given a presentation with the relevant information. This report, prepared by Golder Associates<sup>52</sup>, is attached as Appendix 6. Further, the report has been peer reviewed by Cawthron (Appendix 7) and supports the notified flow regime for Coopers Creek with an upstream Ohapi minimum flow.

**Recommendation R14.6:**

That Table 15 is amended as follows:

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<sup>51</sup> *Orari River Catchment, Ecological Values and Flow Requirements*, Golder Associates, February 2013.

<sup>52</sup> *Coopers Creek Ecological Values and Flow Requirements*, Golder Associates, February 2013.



**Table 15: Orari River Environmental Flow and Allocation Limits**

The following flow and allocation limits are to be applied when reading policies and rules in Sections 4 and 5.

River or stream (see Planning Maps)	Location of recorder site, or site where flow is measured	Topo 50 Map Reference	Minimum flow for A permits (L/s)			Allocation limit for A permits (L/s)			Minimum flow for B permits (L/s)			Allocation limit for B permits (L/s)		
			Current	3yrs from Operative Plan date the Plan becomes operative	2040	Current	3yrs from Operative Plan date the Plan becomes operative	2040	Current	3yrs from Operative Plan date the Plan becomes operative	2040	Current	3yrs from Operative Plan date the Plan becomes operative	2040
Orari	Upstream Ohapi	BZ20:714-005	Dec-Apr (restrictions 1724)	200	900	1524	1400	800	-	3800	3800	-	1400	1400
			May-Jul (restrictions 2424)	900	(stepped restrictions 2000)									
			Aug-Oct (restrictions 1924)	400	(Water groups manage above 1500)									
			Nov (restrictions 1824)	300	1:1 Flow sharing 500-1500									
Ohapi Creek	Ohapi Creek at Houston's	BZ20:711-002	Oct-Jan 570(restrictions 1,000L/s) Feb-Sep 730(restrictions 1,400L/s <sup>53</sup> )			2055			-			-		
Rhodes Creek	Rhodes Stream at Parke Road	BZ20:728-017	60 (no partial restrictions)			501			-			-		

See the Pareora Catchment Environmental Flow and Water Allocation Regional Plan for the Pareora catchment flow and allocation limits and the Ophi River Regional Plan for the Ophi Catchment flow and allocation limits. For all other areas see Rule 5.96(2).

<sup>53</sup> 167.75 Canterbury Regional Council

#### 14.6.2 Groundwater Allocation Limits – Table 16

Section 14.6.2 states:

*The following groundwater allocation limits are to be applied when reading relevant policies and rules in sections 4 and 5.*

Table 16: Orari-Opihi-Pareora Groundwater Limits

<b>Zone (see Planning Maps)</b>	<b>Allocation Limit (million m<sup>3</sup>/yr)</b>
Rangitata-Orton	42.5
Fairlie	37.0
Orari-Opihi	71.1
Pareora	7.19
Timaru	4.24

Table 16 received six submissions, with four in support and two submitters seeking the addition of other groundwater allocation zones.

The Canterbury Regional Council seeks the addition of the Levels Plain Groundwater Allocation Zone with a limit of 32.9 million cubic metres per year, stating that this zone was inadvertently omitted from the table.

The requested amendment is considered appropriate as the Levels Plain Groundwater Allocation Zone falls within the area covered by Section 14.

Environmental Consultancy Services Limited requests the inclusion of a “B” groundwater allocation block for the Pareora Groundwater Allocation Zone, stating that a B allocation block could be used as an alternative water source for existing surface water and hydraulically connected groundwater, resulting in an improvement in surface water flows.

While the submission has merit, the submitter has not suggested an appropriate allocation limit for the B block. In the absence of additional information supporting the availability of a B Block allocation, the requested amendment is not supported. The submitter may wish to provide additional information at the hearing although an amendment of this nature may be more appropriate as a plan change.

#### **Recommendation R14.6.2**

That Section 14.6.2 is amended as follows:

*The following groundwater allocation limits are to be applied when reading relevant policies and rules in sections 4 and 5.*

Table 16: Orari-Opihi-Pareora Groundwater Limits

<b>Zone (see Planning Maps)</b>	<b>Allocation Limit (million m<sup>3</sup>/yr)</b>
Rangitata-Orton	42.5
Fairlie	37.0
<u>Levels Plain</u>	<u>32.9<sup>54</sup></u>
Orari-Opihi	71.1
Pareora	7.19
Timaru	4.24

<sup>54</sup> 167.76 Canterbury Regional Council

## 10.6 Flow Sensitive Catchments

This section has been addressed in Section 6.13<sup>55</sup> of Volume 1 of the S42A report for the Group 1 Hearing and will not be repeated here.

## 10.7 High Naturalness Waterbodies

### High Naturalness Water Bodies

Section 14.8 received six submissions in support, with one submitter seeking an amendment.

Orari Water Society Incorporated seeks to include a further outstanding and significant characteristic of the Orari River as follows:

- *The considerable area of indigenous tussock cover.*

It is noted that Section 14.8 only refers to waterbodies and therefore, reference to tussock cover is not considered appropriate.

#### **Recommendation R14.8.1**

That Section 14.8 – High Naturalness Waterbodies be retained without amendment.

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<sup>55</sup> Page 303, Volume 1 of the LWRP S42A report for the Group 1 Hearing

## 11 Waitaki and South Coastal Canterbury Coast (Section 15)

### 11.1 Introduction

The Waitaki and South Coastal Canterbury sub-regional area covers the upper and lower catchments and basins of the Waitaki River and includes Lakes Tekapo, Pukaki, Ohau and Benmore and the Hakataramea River. In the lower reaches north of the Waitaki River are a number of hill-fed and lowland waterways including the Waihao and Hook Rivers and the Waimate Creek. On the coast the Wainono Lagoon is a wetland of international significance.

### 11.2 General Submissions

#### Name of Sub-Regional Section

CRC requests amending the name of the sub-region “Waitaki and South Coastal Canterbury Coast” by deleting the last reference to Coast. This is appropriate as the current repetition of the term coast is confusing.

#### **Recommendation R15.0.1**

Amend title of Section 15 and all other references to the name of this Sub-regional section as follows:

*Waitaki and South Coastal Canterbury*<sup>56</sup>

#### Statement re CWMS areas

DoC has requested that reference be made to the fact that there are two Canterbury Water Management Strategy zones within the Waitaki South Coastal Canterbury Sub-Region.

It is not necessary to explain that there are two CWMS zones as these zones do not directly link to the provisions contained within Section 15.

#### **Recommendation R15.0.4**

That no new reference be added.

### 11.3 Relationship with Other Plans

#### 15.1 Relationship between pLWRP and Waitaki Catchment Water Allocation Regional Plan

Otago Regional Council asks that the Waitaki Catchment Water Allocation Regional Plan (Waitaki Water Allocation Plan) continues to have effect and precedence over the pLWRP region-wide rules to retain the integrity of the allocation of water from the Waitaki Valley, which is shared by the Otago Regional Council and Canterbury Regional Council.

Section 15.1.1 of the pLWRP confirms that the objectives, policies and rules of the pLWRP do not “*apply to the matters controlled in the Waitaki Water Allocation Regional Plan*”. There are no requests for this to change.

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<sup>56</sup> 167.77 CRC

The provisions in the Waitaki Water Allocation Plan are operative and have not been reviewed. Until that review is carried out, it is appropriate that it remain the predominant water management document for the Waitaki Catchment.

Meridian requests clear identification of the pLWRP rules that apply in the Waitaki Catchment to distinguish them from the rules in the Waitaki Water Allocation Plan.

The initial statement in 15.5 Rules refers to “*the following rules apply in the Waitaki and South Canterbury Coast Sub-regional section*”. All the subsequent rules detail the areas to which they apply e.g. No damming of the mainstem of the Waihao River (Rule 15.5.2). As none of these rules apply to the Waitaki Catchment, there is no overlap, and therefore potential confusion, as to what rules apply in the Waitaki Catchment. No clarification is therefore recommended.

Fish & Game request that 15.1.1 be amended to refer to “*all water (surface and groundwater)*” rather than just to “*water*”. The Waitaki Water Allocation Plan rules include controls on the taking of both surface and groundwater. The reference in 15.1.1 does not need to be changed to be accurate. I note that clause 2.9 in Section 2 of the pLWRP in relation to the Waitaki Water Allocation Plan is recommended to be amended in Volume 1 of the Section 42A (refer Recommendation 2.0 pg. 78) because it incorrectly referred only to controlling surface water. The revision sought by Meridian and now recommended simply refers to allocation of “*water*”

#### **Recommendation R15.1**

That 15.1.1 be retained without amendment.

## **11.4 Policies**

### **Policy 15.4.1**

Policy 15.4.1 states:

- 15.4.1 *Until the effects of further land use intensification in the Waihao, Wainono, Sinclairs and Morven Catchments have been comprehensively assessed alongside the water quality outcomes sought for these catchments a precautionary approach to surface water abstraction or stream depleting groundwater will be taken which means that:*
- (a) *No new surface takes or stream depleting groundwater takes from the Waihao, Wainono, Sinclairs and Morven Catchments are to be granted; and*
  - (b) *The transfer of water permits, other than to new owners of the same property at the same location, shall not occur.*

This policy is opposed by the Hughes Partnership who have farmed in the area for many years. The submitter considers there is ample water to irrigate and that the underground water systems should be properly investigated. No specific amendment to the policy is provided.

Although further investigation of deeper groundwater is needed there is a reasonable level of understanding of the shallow groundwater resource. Releasing shallow groundwater is considered to effect in-stream values as stated in the Thorley and Ettema report<sup>57</sup> which states on page 3,

*“...the surface water relies on the groundwater recharge, and that not all groundwater can be allocated when surface water abstractions and in-stream values depend on this groundwater contribution to the streams.”*

Therefore releasing shallow groundwater before a comprehensive assessment on water quality and quantity outcomes has been completed could cause potential stress on an area which is already noted

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<sup>57</sup> Thornley, M and Ettema, M (2007) *Review of water allocation limits for South Canterbury downlands*. Environment Canterbury, Report Number U07/09

as water short (Aitchison-Earl *et al*, 2006)<sup>58</sup>. The holding position provided for in Policy 15.4.1 also provides an opportunity for integrated solutions, led by the community, to be put into place to address water quality and quantity issues. Any integrated solution would be achieved through a plan change process. For these reasons, and because it is not clear what changes the submitter is seeking, no amendment is recommended.

**Recommendation R15.4.1**

That Policy 15.4.1 be retained without amendment.

**Policy 15.4.2**

Policy 15.4.2 states:

*Any application for water abstraction within the Waihao, Wainono, Sinclairs and Morven catchments affected by section 124B will be generally (subject to the consent authority considering the requirements of sections 104(2A) and 124B(4), where relevant) granted for a short term if the abstraction may adversely impact on the ability of the community to find an integrated solution to address current and foreseeable water quality and water quantity issues in the catchments.*

EDS wants this policy amended to state that there is no guarantee that water permits will be issued. It is agreed that this clarification is worthwhile and can be achieved by adding the words “if granted” after reference to section 124B.

Fish & Game ask that the duration of water permits be limited to five years. While it is considered appropriate to refer to short durations consents in this policy, including a specific duration period of five years could be considered to unlawfully limit the Council's discretion in relation to consent duration.

**Recommendation R15.4.2**

That Policy 15.4.2 be amended as follows:

*15.4.2 Any application for water abstraction within the Waihao, Wainono, Sinclairs and Morven catchments affected by section 124B, will (subject to the consent authority considering the requirements of sections 104(2A) and 124B(4), where relevant) if granted,<sup>59</sup> ~~be generally be granted~~ for a short term if the abstraction may adversely impact on the ability of the community to find an integrated solution to address current and foreseeable water quality and water quantity issues in the catchments.*

**Policy 15.4.5**

Policy 15.4.5 states:

*15.4.2 The benefits from the Morven Glenavy Irrigation Scheme environmental flow discharge into the lower reach of the Waihao River are to be protected by reducing the flow available downstream of Bradshaw's recorder by a rate equivalent to the environmental discharge.*

Fish & Game ask that the words “for abstraction” be added to this policy to clarify that the reduction commensurate with the environmental flow discharge applies to taking of water and not the flow itself. This is an appropriate clarification of the policy.

The Hughes Partnership submission states that Policy 15.4.7 is opposed and that the accuracy of the recorder at Bradshaw's is doubtful. This indicates that in fact the policy of concern is 15.4.5. They also

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<sup>58</sup> Aitchison-Earl, P., Ettema, M, Horrell, G., McKerchar., & Smith, E. (2006) *Pareora-Waihao River: Water Resource Summary*. Environment Canterbury, Report Number U07/09

<sup>59</sup> 200.176 EDS

state that to change water sources incurs huge costs and they are concerned that the Morven Glenavy irrigation take is being reduced. No specific amendment to the policy is provided.

For some time the Morven Glenavy Irrigation Scheme (MGIS) has operated in a manner which has resulted in additional water flowing into the Waihao River. This additional water has resulted in increased in-river values. While the original intended use of the water was for irrigation, it has now been accepted by MGIS that this additional water flow should be retained and that it be earmarked for environmental flow purposes only. This approach is now contained in MGIS' resource consent for the take. Discussions have been held between farmers in the area and the MGIS operators regarding the additional water added to the Waihao River from the MGIS. It is possible the submitter has misunderstood the current situation with regard to the use of the additional flow. No change is recommended in relation to this submission.

#### **Recommendation R15.4.5**

That Policy 15.4.5 amended as follows:

*15.4.5 The benefits from the Morven Glenavy Irrigation Scheme environmental flow discharge into the lower reach of the Waihao River are to be protected by reducing the flow available for abstraction<sup>60</sup> downstream of Bradshaw's recorder by a rate equivalent to the environmental discharge.*

#### **Policy 15.4.6**

Policy 15.4.6 states:

*15.4.6 In-stream values in the Waihao catchment are protected by establishing partial restrictions on all takes attached to the Waihao McCulloughs recorder and by requiring a 50% reduction in the rate of take when the flow reaches 600L/s and then takes cease at the minimum flow.*

Hughes Partnership opposes this policy. They consider that the irrigation pumping has no effect because of the distance of the pumps from the river. They request that there be "proper investigation". It is not clear how this concern relates to this policy. No change to the policy is therefore recommended.

#### **Recommendation R15.4.6**

That Policy 15.4.6 be retained without amendment.

#### **Policy 15.4.7**

Policy 15.4.7 states:

*15.4.7 On application for a water permit in the Waihao and Wainono catchments affected by section 124B or when consents are reviewed, and where the property has access to irrigation scheme water, the application must demonstrate that scheme water is being used to the fullest extent possible and the use of fresh water from the Waihao and Wainono catchments is minimised to the fullest extent possible.*

Fish & Game ask that the word "fresh" be deleted to clarify the application of this policy. This request is accepted as worthwhile.

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<sup>60</sup> 347.247 Fish & Game

**Recommendation R15.4.7**

Amend policy 15.4.7 as follows:

15.4.7 *On application for a water permit in the Waihao and Wainono catchments affected by section 124B or when consents are reviewed, and where the property has access to irrigation scheme water, the application must demonstrate that scheme water is being used to the fullest extent possible and the use of ~~fresh~~<sup>61</sup> water from the Waihao and Wainono catchments is minimised to the fullest extent possible.*

## 11.5 Rules

### Rule 15.5.2

Rule 15.5.2 states:

15.5.2 *The damming of water in the main-stem of the Waihao River, upstream of the confluence of the North and South branch (Waihao Forks at or about Topo 50 CB18:372-388) is a prohibited activity.*

DOC request that this rule be retained and Fish & Game support the rule but consider it is unclear as it refers to being upstream of the confluence. They consider that the significant fishery and recreational values of the river extend further downstream at least to McCullough's Bridge.

The majority of the water in the Waihao River comes from the North Branch and it is the catchment of this area that is relatively undeveloped for agricultural purposes being mostly in forest. This rule seeks to retain the relatively undeveloped character of the North Branch and its hinterland. The area below the confluence already has some damming and is considered to have lesser natural values. It is agreed, as stated by Fish & Game, that the reference to the main-stem of the Waihao River above the confluence of the north and south branches is confusing and should be amended to refer to the North Branch.

**Recommendation R15.5.2**

That Rule 15.5.2 be amended as follows:

15.5.2 *The damming of water in the ~~main-stem~~ North Branch<sup>62</sup> of the Waihao River, upstream of the confluence of the North and South branch (Waihao Forks at or about Topo 50 CB18:372-388) is a prohibited activity.*

## 11.6 Allocation Limits

### Surface Water Allocation Blocks

Table 17 in 15.6.1 sets out the Environmental Flow and Allocation Limits for Waihao, Wainono, Sinclairs and Morven catchments. A number of submitters seek changes to this table.

Policy 15.4.1 points out that a precautionary approach has been taken in the Waihao, Wainono, Sinclair's and Morven catchments of not allowing any more surface water or stream depleting groundwater. This precautionary approach has been to base the minimum flows on the notified Variation 9 to the Natural Resources Regional Plan (Variation 9) and to cap all existing consented allocation at current limits. As explained in the Section 32 report (page 19), this precautionary approach was adopted to finally put in place the notified Variation 9 that has been around since 2007

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<sup>61</sup> 347.218 Fish & Game

<sup>62</sup> 347.220 Fish & Game



and bring it in line with the regional policy framework in 2012. Further investigations are required to assess the impacts of land use on water quality and quantity, but until this is completed the regime set in Table 17 is considered to meet the social, environmental, economic and cultural wellbeing for water quantity.

Even if it was clear what method Fish & Game wanted to be applied to determine allocation limits, additional work and formal variation of the pLWRP will be required to implement this request.

CRC requests that Table 17 be amended in relation to the Lower Waihao by:

- Clarifying what time periods apply to the minimum and modified minimum flows for A permits
- Changing the period during which the Allocation limit for “A” permits applies from 1 October-30 April to the whole year.

These changes are recommended to correct and clarify these provisions.

Mr Samuel Small has requested changes to the Buchanans Catchment by reducing the minimum flow for A permits from 150L/s to 112L/s and by increasing the allocation limit from 123L/s to 153L/s. These changes would allow Mr Small to take water for irrigation at a similar rate to that which he has taken in the past. Due to a consent lapsing, it is understood that the water associated with the lapsed consent was not included in the calculations for the minimum flow and the allocation limit in this catchment.

It is accepted that the lapse of consent was an oversight and that the loss of this irrigation water would have considerable impact on the submitter. Accordingly it is considered that the allocation limit should be increased to accommodate the rate requested by the submitter. However, it is not appropriate to lower the minimum flow for this catchment where consultation has identified an acceptable environmental and cultural bottom line. The reliability of supply to all users of this allocation has been calculated both with and without the proposed take by Mr Small and the difference in reliability is very small.

#### **Recommendation 5.16.1**

Amend Table 17 by increasing the Allocation for A permits in the Buchanans catchment from 123L/s to 153L/s<sup>63</sup>

### **Groundwater Allocation Limits**

Table 18 in 15.6.2 sets out the groundwater allocation limits. These have been taken from the NRRP.

Aqualinc requests that groundwater allocations be made on third order calculations to ensure they are well researched and verified and that therefore the community can have confidence in the allocation. Fish & Game again refer to calculating allocation limits in accordance with Rule 5.96. Environmental Consultancy Services request the inclusion of a “B” groundwater allocation block.

Groundwater areas have varied geological and hydrological structures and character within this sub-region and further work is required to better understand the groundwater resource. In the meantime, a precautionary approach is considered appropriate until better knowledge of the resource is available. With regard to a B allocation, such allocations are usually for surface water where the detail of low flows and consequent reliability are well known. No change to the current allocation limits is therefore recommended.

#### **Recommendation R15.6.2**

That 15.6.2 and Table 18 be retained without amendment

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<sup>63</sup> 356.2 Mr Samuel Small

## 11.7 Flow Sensitive Catchments

Submissions to the listed flow sensitive catchments were considered in Volume 1 of the Section 42A Report Page 304 Recommendation R15.7

## 11.8 High Naturalness Waterbodies

### Section 15.8 – High Naturalness Waterbodies

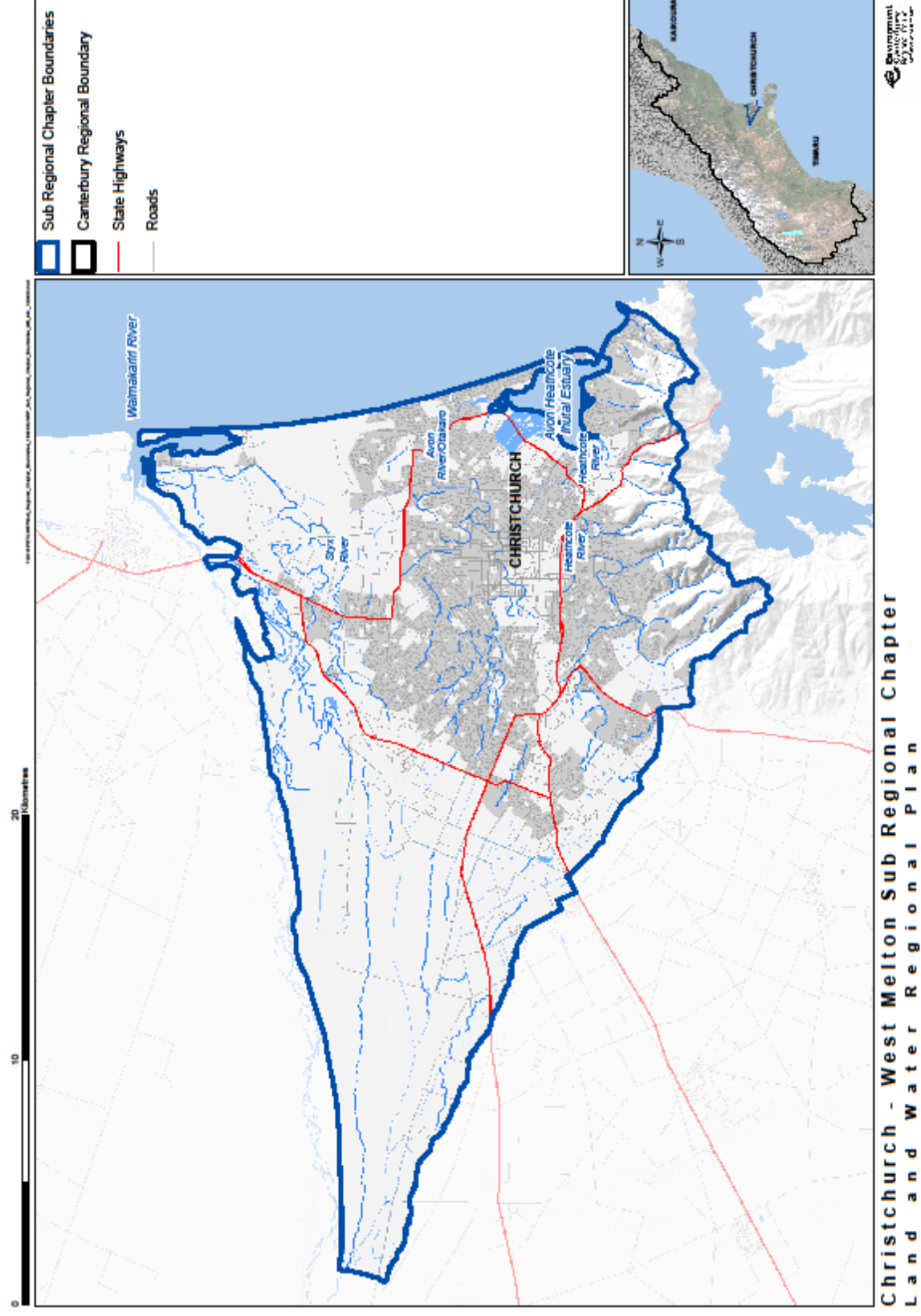
EDS requests that the words *“The following are to be applied when reading relevant policies and rules in Sections 4,5 and 15”* be inserted at the top of Table 15.8 High Naturalness Waterbodies. In addition they wish to add the Waitaki River and tributaries, Ahuriri River above SH8 because of its kayaking and canoeing values and wild and scenic values. EDS also requests a new table called “Other Waterbodies” which are valued for their white water recreational values.

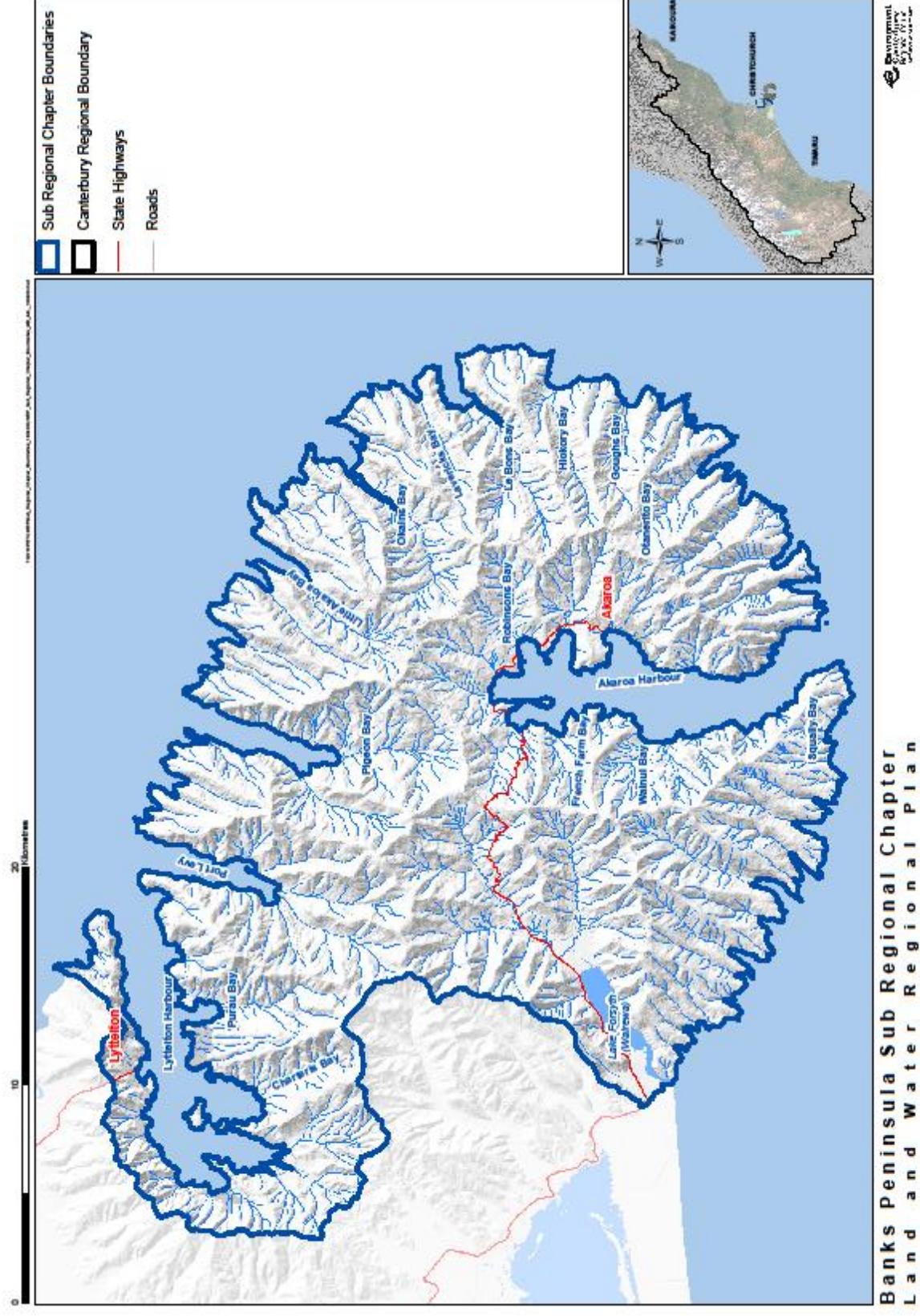
The pLWRP recognises and protects waterbodies which have a high degree of naturalness. Consideration of the inclusion of waterbodies valued for recreation is considered to most appropriately undertaken as part of the review of sub-regional sections. The submission is therefore not recommended to be accepted.

#### **Recommendation R15.8**

That section 15.8 be retained without amendment.

**Appendix 1 – Amended Sub-regional maps for Christchurch-West  
Melton and Banks Peninsula**





- Appendix 2 – Ashburton Hydrological Model**
- Appendix 3 – Orari Hydrology Memo**
- Appendix 4 – Cawthron Review of Orari Report**
- Appendix 5 – Golders Report Orari River**
- Appendix 6 – Golders Report Coopers Creek**
- Appendix 7 – Cawthron Review of Coopers Creek Report**
- Appendix 8 – NIWA Report: Default water allocation limits for selected catchments in the Canterbury Region**



