

## Tamina Roberts

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**From:** Geoff Deavoll <gdeavoll@doc.govt.nz>  
**Sent:** Friday, 21 March 2014 4:07 p.m.  
**To:** Mailroom Mailbox  
**Subject:** TRIM: Submission of Director General of Conservation on Variation 1 to the proposed Canterbury Land and Water Regional Plan  
**Attachments:** Submission on Variation 1 to the pCLWRP - FINAL.pdf  
**HP TRIM Record Number:** C14C/43470

Hi,

Please find attached the Director General of Conservation's submission on Variation 1 to the proposed Canterbury Land and Water Regional Plan.

A copy will also be sent to the Council by post.

Regards

### **Geoff Deavoll**

Resource Management Planner - *Kai Whakamaherehere Penapena Rawa*  
Planning Team Christchurch  
Policy and Planning Group  
Department of Conservation - *Te Papa Atawhai*  
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**Conservation for prosperity Tiakina te taiao, kia puawai**  
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Department of  
Conservation  
*Te Papa Atawhai*

21 March 2014

Variation 1 to the proposed Canterbury Land and Water Regional Plan  
Environment Canterbury  
PO Box 345,  
Christchurch 8140

Email: [mailroom@ecan.govt.nz](mailto:mailroom@ecan.govt.nz)

Dear Sir/ Madam,

**Submission on Proposed Variation 1 to the Proposed Canterbury Land and Water  
Regional Plan**

Please find attached the submissions on behalf of the Director-General of Conservation in respect of Proposed Variation 1 of the Proposed Canterbury Land and Water Regional Plan.

If you have any questions or would like to arrange a time to meet and discuss this submission, please contact me at 03 371 3712 or at [gdeavoll@doc.govt.nz](mailto:gdeavoll@doc.govt.nz).

Yours sincerely

Geoff Deavoll  
Resource Management Planner

**Department of Conservation *Te Papa Atawhai***  
Christchurch Shared Services  
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[www.doc.govt.nz](http://www.doc.govt.nz)

**IN THE MATTER OF**

the Resource Management  
Act 1991 ('The Act')

**AND**

**IN THE MATTER OF**

Environment Canterbury  
Regional Council's Proposed  
Variation 1 to the Proposed  
Canterbury Land and Water  
Regional Plan

Form 5 - Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan  
under Clause 6 of Schedule 1 of the Resource Management Act 1991.

**SUBMISSION BY THE DIRECTOR GENERAL OF CONSERVATION**

**TO: Environment Canterbury  
Variation 1 to the Proposed Canterbury Land and Water Regional Plan  
Environment Canterbury  
P O Box 345  
Christchurch 8140**

**Submission on: Variation 1 to the Proposed Canterbury Land and Water Regional  
Plan**

**Name of submitter: Director General of Conservation.**

**Address for service: Planning and Permissions (RMA Group),  
Department of Conservation  
Private Bag 4715  
Christchurch, 8140**

**phone (03) 371 3700  
fax: (03) 365 1388**

**Contact person: Geoff Deavoll, RMA Planner, gdeavoll@doc.govt.nz**

**Trade Competition:**

Pursuant to Clause 6 of Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- (a) adversely affects the environment;
- (b) does not relate to trade competition or the effects of trade competition.

I could not gain an advantage in trade competition through this submission.

The specific parts of Variation 1 to the proposed Canterbury Land and Water Regional Plan to which this submission relates, along with the submission (with reasons) and the decisions sought, are set out in Attachment A, and the section headed General Matters.

#### GENERAL MATTERS

The general reasons for the submission are that the decisions sought are necessary for Variation 1 to the proposed Canterbury Land and Water Regional Plan to achieve the purpose of the Resource Management Act 1991 (RMA), and to give effect to the objectives and policies of the National Policy Statement of Freshwater Management (2011), The Conservation General Policy, and the Canterbury Conservation Management Strategy, and are in accordance with sound resource management practice. Further specific reasons and decisions sought are given in Attachment A to this submission.

The submission also includes such consequential amendments as are necessary to give effect to this submission.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



.....  
Leonie Fechney, North Canterbury Conservation Partnerships Manager  
acting under to delegated authority on behalf of the Director General of Conservation

Date ..... 21st March 2014

**Note:** A copy of the Instrument of Delegation may be inspected at the Director General's office at Conservation House/ Whare Kaupapa Atawhai, 18-32 Manners Street, Wellington.

**ATTACHMENT A**

**SUBMISSION ON VARIATION 1 TO THE PROPOSED CANTERBURY LAND AND WATER REGIONAL PLAN**

The following table sets out further details of the Director General's submission (with reasons) and the decisions sought with respect to Variation 1 to the proposed Canterbury Land and Water Regional Plan.

<b>DOC Reference</b>	<b>Plan Provision</b>	<b>Oppose/ support</b>	<b>Position and Reason</b>	<b>Relief Sought</b>
<b>PART 1 - POLICIES</b>				
<b>1.1</b>	Policy 11.4.1	Policy 11.4.1 is supported in part	As described in the introductory text to Section 11, following the increase in intensive land use in the catchment in the last 20 years, there are elevated nitrate concentrations in shallow groundwater and lowland streams. Lowland streams and springs fed by shallow groundwater provide habitat to a number of indigenous freshwater fish species. Given this the policy should also manage the discharge of contaminants in the entire Selwyn Waihora catchment to avoid cumulative effects on the water quality of streams and shallow groundwater in the catchment.	Amend Policy 11.4.1 to read as follows:  <i>Manage water abstraction and discharges of contaminants within the entire Selwyn Waihora catchment to avoid adverse cumulative effects on the water quality of Te Waihora/Lake Ellesmere, streams and shallow groundwater; and flow of water in springs and tributaries flowing into Te Waihora/Lake Ellesmere</i>
<b>1.2</b>	Policies 11.4.3 and 11.4.4	Policies 11.4.3 and 11.4.4 are supported.	The establishment and management of a Cultural Landscape/Values Management Area will enable the restoration of the health of Te Waihora, and recognizes the cultural and ecological sensitivities of the Area to discharges of contaminants and the abstraction of water within this area. A number of	Policies 11.4.3 and 11.4.4 are retained as notified.

DOC Reference	Plan Provision	Oppose/ support	Position and Reason	Relief Sought
1.3	Policy 11.4.6	Policy 11.4.6 is supported.	indigenous freshwater fish species are considered to be wahi taonga or mahinga kai, therefore these species are provided additional protection from activities that effect water quality as a result of this Area being included in Variation 1.  To aid in restoring and improving the quality of Te Waihora and associated water bodies, it is important that the loss of nitrogen to water from land uses is managed to ensure the limits and targets for nitrogen discharge are met by the timeframe specified in Table 11(i).	Policy 11.4.6 is retained as notified.
1.4	Policies 11.4.12 to 11.4.16	Policies 11.4.12 to 11.4.16 are supported.	To manage the cumulative effects of farming land use on water quality in the catchment and to move toward reducing over-allocation, it is important that the requirements in these policies are implemented as a minimum.	Policies 11.4.12 to 11.4.16 are retained as notified.
1.5	Policies 11.4.18 and 11.4.19	Policies 11.4.18 and 11.4.19 are supported.	It is essential that activities to restore the ecological health of the bed and wetland margin of Te Waihora/ Lake Ellesmere and associated tributaries are enabled by Variation 1. It is noted that the restoration of a wetland is likely to be permitted subject to conditions by Regional Rule 5.159, and there are no other methods provided by Variation 1 to enable these activities in Policy 11.4.18.	Policies 11.4.18 and 11.4.19 are retained as notified.

DOC Reference	Plan Provision	Oppose/ support	Position and Reason	Relief Sought
1.6	Policy 11.4.21	Policy 11.4.21 is supported in part.	It is noted that where water resources are over-allocated in terms of quantity, targets are to be set to phase out over-allocation and to be met by a defined timeframe to give effect to Policy B6 of the NPSFM.	Amend Policy 11.4.21 to read as follows:  <i>Manage groundwater and surface water together as a single resource, to ensure, in combination with the introduction of alpine water into the catchment, flows in the Waikiriri/Selwyn River and Lowland Streams are improved and the allocation limits <b>and targets</b> in Table 11(e) are met.</i>
1.7	Policies 11.4.22 to 11.4.25	Policies 11.4.22 to 11.4.25 are supported.	These policies as worded provide a method for claw back of allocated but unused water, and avoid the re-allocation of the resource where it is currently over-allocated. These policies work toward meeting the limits/ targets for water quantity set in accordance with NPSFM.	Policies 11.4.22 to 11.4.25 are retained as notified.
1.8	Policy 11.4.28	Policy 11.4.28 is supported in part.	There is concern over the delay in implementing the minimum flow and partial restriction regime for the Waikiriri/ Selwyn River and lowland streams in Tables 11(c) and 11(d). Implementation of the	Amend Policy 11.4.28 and associated Tables 11(c) and 11(d) so that the flow and part restriction regime in the

DOC Reference	Plan Provision	Oppose/ support	Position and Reason	Relief Sought
1.9	Policy 11.4.29	Policy 11.4.29 is opposed.	The flow and partial restriction regime is to be implemented to protect the ecological and cultural health of Waikikiriri/ Selwyn River and lowland streams. To allow non-compliance with the regime is unacceptable and will not result in sustainable management of the resource. Policy 11.4.30 provides a pathway for existing abstractions where reliability of supply is affected by the implementation of the flow regime.	Tables is implemented as soon as possible once Variation 1 is operative.  Delete Policy 11.4.30
1.10	Policy 11.4.30	Policy 11.4.30 is supported.	This Policy provides an alternative to the taking of surface water or hydraulically connected groundwater from lowland streams. This approach is supported as a method for improving or stabilising flows in lowland streams.	Policy 11.4.30 is retained as notified.



DOC Reference	Plan Provision	Oppose/ support	Position and Reason	Relief Sought
1.11	Policy 11.4.31	Policy 11.4.31 is supported in part.	<p>The Department supports the prohibition of in stream damming of flow in the Waikiriki/ Selwyn River and in the Waianiwiwa River. The Waianiwiwa catchment in particular is a significant habitat for Canterbury mudfish (Neochanna burrowsius; threat ranking: Nationally Critical). These habitats could be lost if inundation due to damming was to occur. It is considered necessary to prohibit the damming of water within the entire Waianiwiwa River catchment including tributaries.</p> <p>As the inundation associated with the damming can cause loss of habitat the distinction of damming of full flow should be removed.</p>	<p>Amend Policy 11.4.31 to read as follows:</p> <p><i>Prohibit in-stream damming of the full flow on the main stem of the Selwyn River/ Waikiriki, and the Waianiwiwa River including all tributaries above its confluence with the Selwyn River/ Waikiriki.</i></p>
1.12	Policy 11.4.32	Policy 11.4.32 is supported.	<p>This policy is to enable the storage of water for irrigation within the Selwyn Waihora catchment, provided inundation of wetlands or river reaches with significant habitat of indigenous biodiversity is avoided or mitigated. These effects will be considered as discretionary activities under regional rule 5.155, or non-complying under Rules 5.156 and 5.157.</p>	Policy 11.4.32 is retained as notified
<b>PART 2 - RULES</b>				
2.1	Rules 11.5.6 to 11.5.13	Rules 11.5.6 to 11.5.13 are supported.	To manage the cumulative effects of farming land use on water quality in the catchment and to move	Rules 11.5.6 to 11.5.13 are retained as notified.

DOC Reference	Plan Provision	Oppose/ support	Position and Reason	Relief Sought
2.2	Rules 11.5.18 to 11.5.20	Rules 11.5.18 to 11.5.20 are supported.	<p>toward reducing over-allocation, it is important that the requirements in these rules are implemented as a minimum.</p> <p>Waterways in the Selwyn Waihora catchment are known to provide habitat for a number of indigenous freshwater species. Stock access to waterways and connected drains in the catchment has the potential for direct disturbance of habitats or to release additional suspended sediment to the downstream environment, and smothering significant habitats.</p> <p>In addition to this, the inclusion of the condition to regional rules 5.68 and 5.71 recognizes the cultural and ecological sensitivity of the Cultural Landscape/ Values Management Area to discharges and disturbance generated by stock access.</p>	Rules 11.5.18 to 11.5.20 are retained as notified.
2.3	Rule 11.5.21	Rule 11.5.21 is supported in part.	<p>It is important that the discharge of drainage water that may contain contaminants to a river, lake or wetland is appropriately managed within the Cultural Landscape/ Values Management Area, and the intent of this Rule is supported. The additional condition for Regional Rule 5.77 essentially requires resource consent for a discretionary activity for the discharge of drainage water within this Area. Where these drains are managed by the District or Regional Councils it is obvious where the responsibilities for consenting the discharge fall. Where it is uncertain is situations where drainage water from multiple properties collects in a</p>	Amend Rules 5.77 and 5.78 or provide a new Rule in Variation 1, to ensure the quality of drainage water can be managed by landowners of individual properties and to clarify where consenting requirements for the discharge fall.

DOC Reference	Plan Provision	Oppose/ support	Position and Reason	Relief Sought
2.4	Rules 11.5.32 to 11.5.36	Rules 11.5.32 to 11.5.36 are supported in part.	<p>communal drain not managed by a local authority and is then discharged to a waterbody. It is not clear which party is responsible for the ultimate discharge.</p> <p>Rules 11.5.32 to 11.5.36 manage the quantity of water allocated in the Selwyn Waihora catchment, and effectively prohibits any further allocation of the resource unless there is a significant reduction of allocation over time.</p> <p>These rules also require the flow and restriction regime in Table 11(c) to be adhered to by the timeframe set. Where this is not adhered to the activity is non-complying under rule 11.5.35. It is considered to be unacceptable that existing abstraction continues upon renewal, below the flows specified in Table 11(c). Therefore non-compliance with condition 3 of Rule 11.5.32 should be a prohibited activity under Rule 11.5.36.</p>	Retain Rules 11.5.32 to 11.5.36 as notified but amend rules 11.5.35 and 11.5.36 so that non-compliance with Condition 3 of Rule 11.5.32 is a prohibited activity under Rule 11.5.36.
2.5	Rule 11.5.42	Rule 11.5.42 is supported in part	<p>The Department supports the prohibition of in stream damming of flow in the Waikirikiri/ Selwyn River and in the Waianiwiwa River. The Waianiwiwa catchment in particular is a significant habitat for Canterbury mudfish (Neochanna burrowsius; threat ranking: Nationally Critical). These habitats could be lost if inundation due to damming was to occur. It is considered necessary to prohibit the damming of water within</p>	<p>Amend Rule 11.5.42 as follows:</p> <p><i>The damming of the full flow of water within the bed of the main stem of the Selwyn River/Waikerikeri between the mouth at or about map reference BX23:5559-5636</i></p>

DOC Reference	Plan Provision	Oppose/ support	Position and Reason	Relief Sought
			<p>the entire Waianiwiwa River catchment including tributaries.</p> <p>As the inundation associated with the damming can cause loss of habitat the distinction of damming of full flow should be removed.</p>	<p>to BW21:9667-9703 and BX21:9752-8937, and within the bed of the Wainiwiwa River above the confluence with the Selwyn River/ Waikiriri <b>and including all tributaries, at or about map reference BX22:2494-7347 to BW21:1430-9083 is a prohibited activity.</b></p>
<b>PART 3 – TABLES, LIMITS AND SCHEDULES</b>				
3.1	Table 11(e)	Table 11(e) is supported in part.	The allocation limit for the Selwyn-Waimakariri and Rakaia-Selwyn allocation zones in Table 11(e) should be more correctly termed 'Targets' to be consistent with the NPSFM definition. As required in Policy B6 of the NPSFM the Regional Council shall set a defined timeframe by which over-allocation of water resources is to be phased out. No such timeframe is stated in this Table or elsewhere in Variation 1.	For the Selwyn-Waimakariri and Rakaia-Selwyn allocation zones in Table 11(e) it should be made clear the limit is a <b>target</b> , and include a defined timeframe by which the target will be met to give effect to Policy B6 of the NPSFM.
3.2	Table 11(j)	Table 11(j) is supported in part.	Table 11(j) is titled 'Irrigation Scheme Nitrogen and Phosphorus Limits' though in the Table no phosphorus limits are provided.	It should be made clear in the heading that the limits in the Table are nitrogen losses

DOC Reference	Plan Provision	Oppose/ support	Position and Reason	Relief Sought
3.3	Table 11(n)	Table 11(n) is supported in part.	Table 11(n) identifies the Cultural Landscape/ Values Management Area. The 'River Zone' location is identified as 20 metres each side of the listed rivers as shown on the planning maps. This is to be measured from the edge of the river bed and as it appears in the Table does not seem to include the streambed. The 'River Zone' is not currently shown on the planning maps in the notified version.	from farming activities supplied by the irrigation scheme.
3.4	Schedule 17 – an addition to the schedule		<p>Amend the text of Table 11(n) where it refers to the 'River Zone' as follows.</p> <p><i>20 metres each side of the following rivers <u>and including the river bed</u> (from their source through to the lake, unless otherwise specified) as shown on the Planning Maps. 20 metres is measured from the edge of the river bed:</i></p>	<p>Amend the text of Table 11(n) where it refers to the 'River Zone' as follows.</p> <p><i>20 metres each side of the following rivers <u>and including the river bed</u> (from their source through to the lake, unless otherwise specified) as shown on the Planning Maps. 20 metres is measured from the edge of the river bed:</i></p>
3.4	Schedule 17 – an addition to the schedule		<p>Schedule 17 of the Land and Water Regional Plan contains a limited list of inanga spawning sites from national records, and these are given special consideration under certain regional rules.</p> <p>A significant inanga spawning site is located in Waikewai Creek near Taumutu (Easting 2458600; Northing 5705400) that warrants the protection provided to the sites listed in Schedule 17 of the pLWRP.</p> <p>It is also sought that significant habitats for</p>	<p>Include the inanga spawning site in Waikewai Creek as an addition to Schedule 17 Inanga Spawning Sites of the Land and Water Regional Plan as follows and to include the list of significant habitats for Canterbury mudfish in <b>Attachment B</b> into Schedule 17:</p> <p><i>Waikewai Creek: at or</i></p>

DOC Reference	Plan Provision	Oppose/ support	Position and Reason	Relief Sought
			<p>Canterbury mudfish (<i>Neochanna burrowsius</i>); threat ranking: Nationally Critical) in the Selwyn Waihora catchment be added to Schedule 17 of the proposed LWRP through this variation. Protection of these habitats will give effect to Policy 9.3.2 of the Canterbury Regional Policy Statement and section 6(c) of the RMA.</p> <p>It is noted that as inanga are mahinga kai species and Canterbury mudfish are wahi taonga species, they have a level of protection provided by the Cultural Landscape/ Value Management Area from certain activities as provided for in Variation 1, but other activities in waterways covered by regional rules do not provide similar protection.</p>	<p>about map co-ordinates Easting 2458600, Northing 5705400.</p>

## ATTACHMENT B

### Location and Topo50 map references and inferred habitat extents of threatened freshwater fish in the Selwyn-Waihora catchment.

Vernacular	Location	Topo50 map reference	
		Downstream	Upstream
Canterbury mudfish	Selwyn River tributary	BX23 453 641	BX23 431 651
Canterbury mudfish	Selwyn River	BX23 414 653	BX23 409 658
Canterbury mudfish	Selwyn River tributary	BX22 291 705	BX22 286 705
Canterbury mudfish	Unnamed water race	BX22 246 709	BX22 195 754
Canterbury mudfish	Hororata River	BX22 225 733	BX22 221 737
Canterbury mudfish	Hororata River	BX22 222 737	BX22 219 739
Canterbury mudfish	Hororata River tributary	BX22 219 742	BX22 209 769
Canterbury mudfish	Hororata River tributary	BX22 195 755	BX22 170 778
Canterbury mudfish	Unnamed water race	BX22 245 737	BX22 232 757
Canterbury mudfish	Unnamed water race	BX22 201 764	BX22 182 798
Canterbury mudfish	Cordys Stream	BX21 155 783	BX21 139 794
Canterbury mudfish	Hororata River tributary	BX21 153 782	BX21 139 789
Canterbury mudfish	Unnamed water race	BX21 026 780	BX21 021 781
Canterbury mudfish	Waianiwiwa River tributary	BX22 194 857	BX22 186 864
Canterbury mudfish	Waianiwiwa River tributary	BX22 175 862	BX22 187 866
Canterbury mudfish	Waianiwiwa River tributary	BX22 175 862	BX22 169 866
Canterbury mudfish	Waianiwiwa River	BX22 176 860	BW21 124 910
Canterbury mudfish	Waianiwiwa River tributary	BW21 158 921	BW21 142 921
Canterbury mudfish	Unnamed pond	BX22 178 894	BX22 178 894
Canterbury mudfish	Waianiwiwa River tributary	BX22 168 890	BX21 143 890
Canterbury mudfish	Waianiwiwa River tributary	BX22 161 880	BX21 160 883
Canterbury mudfish	Waianiwiwa River tributary	BX22 172 869	BX21 151 879

Canterbury mudfish	Waianiwiwa River tributary	BW22 179 909	BW21 159 912
Canterbury mudfish	Blacks Stream	BX22 211 875	BW22 208 904
Canterbury mudfish	Wairiri Stream tributary	BX21 112 838	BX21 062 811
Canterbury mudfish	Selwyn River tributary	BX21 138 846	BX21 134 856
Canterbury mudfish	SDC stock water race and drainage networks	BX23 474 582	BX22 351 617
Canterbury mudfish	Unnamed drain	BY23 480 533	BY23 479 534
Canterbury mudfish	Steventon Stream	BX21 092 881	BX21 076 890
Canterbury mudfish	Tent Burn	BY23 429 421	BY23 428 420

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