

APPENDIX 4

RELEVANT PROVISIONS OF:

NATIONAL POLICY STATEMENT ON FRESHWATER MANAGEMENT

OPERATIVE CANTERBURY REGIONAL POLICY STATEMENT

PROPOSED CANTERBURY REGIONAL POLICY STATEMENT

REFERRED TO IN THIS REPORT

Relevant Statutory Provisions

This appendix contains a copy of the relevant provisions from statutory documents referred to in this report.

National Policy Statement on Freshwater Management

Objective A1

To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the use and development of land, and of discharges of contaminants.

Objective A2

The overall quality of fresh water within a region is maintained or improved while:

- a) protecting the quality of outstanding freshwater bodies*
- b) protecting the significant values of wetlands and*
- c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.*

Policy A1

By every regional council making or changing regional plans to the extent needed to ensure the plans:

- a) establish freshwater objectives and set freshwater quality limits for all bodies of fresh water in their regions to give effect to the objectives in this national policy statement, having regard to at least the following:
 - i) the reasonably foreseeable impacts of climate change*
 - ii) the connection between water bodies**
- b) establish methods (including rules) to avoid over-allocation.*

Policy A2

Where water bodies do not meet the freshwater objectives made pursuant to Policy A1, every regional council is to specify targets and implement methods (either or both regulatory and non-regulatory) to assist the improvement of water quality in the water bodies, to meet those targets, and within a defined timeframe.

Policy A3

By regional councils:

- a) imposing conditions on discharge permits to ensure the limits and targets specified pursuant to Policy A1 and Policy A2 can be met and*
- b) where permissible, making rules requiring the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of a contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.*

Objective B1

To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming, or diverting of fresh water.

Objective B2

To avoid any further over-allocation of fresh water and phase out existing over-allocation.

Objective B3

To improve and maximise the efficient allocation and efficient use of water.

Policy B1

By every regional council making or changing regional plans to the extent needed to ensure the plans establish freshwater objectives and set environmental flows and/or levels for all bodies of fresh water in its region (except ponds and naturally ephemeral water bodies) to give effect to the objectives in this national policy statement, having regard to at least the following:

- a) The reasonably foreseeable impacts of climate change*
- b) The connection between water bodies.*

Policy B2

By every regional council making or changing regional plans to the extent needed to provide for the efficient allocation of fresh water to activities, within the limits set to give effect to Policy B1.

Policy B3

By every regional council making or changing regional plans to the extent needed to ensure the plans state criteria by which applications for approval of transfers of water take permits are to be decided, including to improve and maximise the efficient allocation of water.

Policy B5

By every regional council ensuring that no decision will likely result in future over-allocation – including managing fresh water so that the aggregate of all amounts of fresh water in a water body that are authorised to be taken, used, dammed or diverted – does not over-allocate the water in the water body.

Policy B6

By every regional council setting a defined timeframe and methods in regional plans by which over-allocation must be phased out, including by reviewing water permits and consents to help ensure the total amount of water allocated in the water body is reduced to the level set to give effect to Policy B1.

Objective C1

To improve integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment.

Policy C1

By every regional council managing fresh water and land use and development in catchments in an integrated and sustainable way, so as to avoid, remedy or mitigate adverse effects, including cumulative effects.

Objective D1

To provide for the involvement of iwi and hapu, and to ensure that tangata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.

Policy D1

Local authorities shall take reasonable steps to:

- a) involve iwi and hapu in the management of fresh water and freshwater ecosystems in the region*
- b) work with iwi and hapu to identify tangata whenua values and interests in fresh water and freshwater ecosystems in the region and*
- c) reflect tangata whenua values and interests in the management of, and decisionmaking regarding, fresh water and freshwater ecosystems in the region.*

Operative Canterbury Regional Policy Statement

Chapter 9

Objective 1 - Achieve sufficient quantities of water in the region's water bodies to enable present and future generations to gain cultural, social, recreational, economic and other benefits from those water bodies while:

- (a) safeguarding their existing value for efficiently providing sources of drinking water for people;
- (b) safeguarding the life-supporting capacity of the water, including its associated: aquatic ecosystems, significant habitats of indigenous fauna and areas of significant indigenous vegetation;
- (c) safeguarding their existing value for providing mahinga kai for Tangata Whenua;
- (d) protecting wahi tapu and other wahi taonga of value to Tangata Whenua;
- (e) preserving the natural character of lakes and rivers and protecting them from inappropriate use and development;
- (f) protecting outstanding natural features and landscapes from inappropriate use and development;
- (g) protecting significant habitat of trout and salmon; and
- (h) maintaining, and where appropriate, enhancing amenity values.

Policy 1 - Water flow, level, or allocation regimes for water bodies should be set and managed to achieve (a) to (g) of Objective 1, except that the Regional Council, in accordance with Policy 2, may set and manage water flow, level or allocation regimes that do not achieve (e) to (h) where adverse effects on the matters addressed in (e) to (h) will be remedied or mitigated.

In setting these regimes for surface water bodies particular regard should be had to:

- natural patterns of flow or water level change;
- river or lake bed morphology and substrate material;
- bed gradient;
- water quality;
- habitat requirements; and
- appropriate alternative minimum flow regimes including mean annual low flow.

Policy 2 - Subject to Policy 1, water flow, level and allocation regimes should be set and managed with the aim of:

- (a) enabling people and communities to maximise the wellbeing obtained from Canterbury's water resources through taking account of its value both instream and out of stream; and
- (b) where appropriate enhancing the availability of water for present and future generations through increased efficiency of use, augmentation or storage.

Policy 3 - Promote efficiency in the use of water.

Objective 3 - Enable present and future generations to gain cultural, social, recreational, economic, health and other benefits from the water quality in Canterbury's water bodies and coastal waters, while:

- (a) safeguarding the existing value of water bodies for efficiently providing sources of drinking water for people;
- (b) safeguarding the life-supporting capacity of the water, including its associated: aquatic ecosystems, significant habitats of indigenous fauna and areas of significant indigenous vegetation;
- (c) safeguarding their existing value for providing mahinga kai for Tangata Whenua;

- (d) *protecting wahi tapu and other wahi taonga of value to Tangata Whenua;*
- (e) *preserving the natural character of lakes and rivers and protecting them from inappropriate use and development;*
- (f) *protecting outstanding natural features and landscapes from inappropriate use and development;*
- (g) *protecting significant habitat of trout and salmon; and*
- (h) *maintaining, and where appropriate, enhancing amenity values.*

Policy 9 - *To manage point and non-point source discharge and set water quality conditions and standards and terms in plans, and conditions on resource consents, that achieve (a) to (h) of Objective 3. Adverse effects of discharges on existing water quality should be avoided, remedied or mitigated and, where appropriate, degraded water quality should be enhanced.*

Policy 11 – *Promote land use practises which maintain and where appropriate enhance water quality.*

Chapter 10

Objective 1 (Chapter 10)

With respect to land use and development within the beds and margins of lakes and rivers, protection, and where appropriate, enhancement of:

- (a) *natural character;*
- (b) *significant habitats of indigenous flora and fauna;*
- (c) *significant natural features and landscapes;*
- (d) *mahinga kai areas, wahi tapu, and wahi taonga, and Tangata Whenua access to these;*
- (e) *habitat values of braided river beds;*
- (f) *significant amenity and recreation values;*
- (g) *heritage values;*
- (h) *significant habitats of trout and salmon;*
- (i) *life-supporting capacity (health) of aquatic and riparian ecosystems.*

Policy 1 (Chapter 10)

- (a) *Areas within the beds of rivers and lakes and their margins containing important conservation values are to be identified. These include:*
 - (i) *areas of natural character;*
 - (ii) *significant habitats of indigenous flora and fauna;*
 - (iii) *significant natural features and landscapes;*
 - (iv) *areas of mahinga kai, wahi tapu or wahi taonga (including historical artefacts, urupa, skeletal remains) and Tangata Whenua needs for access to them;*
 - (v) *significant amenity and recreation values;*
 - (vi) *significant heritage values;*
 - (vii) *significant habitats of trout and salmon.*
- (b) *Land use or development should avoid causing significant adverse effects on the conservation values contained in areas identified in Policy 1(a).*
- (c) *Prior to identification of areas under Policy 1(a), land use activities on the beds and margins of lakes and rivers should be undertaken at such times or in such ways that their adverse effects on the following values are avoided or mitigated:*
 - (i) *habitats of indigenous fauna, including international migratory bird species, particularly threatened species, and species rare or endemic within Canterbury;*
 - (ii) *habitats or the unimpeded passage of indigenous fish;*
 - (iii) *areas of indigenous vegetation;*
 - (iv) *wetland areas;*
 - (v) *natural character or significant landscape values;*
 - (vi) *spawning habitats or the unimpeded passage of trout and salmon;*

- (vii) amenity and recreation values;*
- (viii) heritage sites;*
- (ix) Tangata Whenua values.*

Proposed Canterbury Regional Policy Statement

Objective 5.2.1 – Location, design and function of development (Entire Region)

Development is located and designed so that it functions in a way that:

- (2) *enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:*
 - (a) *maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region, including its coastal environment outstanding natural features and landscapes, and natural values;*
 - ...
 - (c) *encourages sustainable economic development by enabling business activities in appropriate locations;*
 - (d) *minimises energy use and/or improves energy efficiency;*
 - (f) *is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure;*
 - (g) *avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure...*

Objective 5.2.2 – Integration of land-use and regionally significant infrastructure (Wider Region)

- (1) *To recognise the benefits of enabling people and communities to provide for their social, economic and cultural well-being and health and safety and to provide for infrastructure that is regionally significant to the extent that it promotes sustainable management in accordance with the RMA.*

Policy 5.3.2 – Development conditions (Wider Region)

To enable development including regionally significant infrastructure which:

- (1) *ensures that adverse effects are avoided, remedied, or mitigated, including where these would compromise or foreclose:*
 - ...
 - (d) *the protection of sources of water for community supplies;*
 - (e) *significant natural and physical resources;*
- (2) *avoids, or mitigates:*
 - (a) *natural and other hazards, or land uses that would likely result in increases in the frequency and/or severity of hazards;*

Policy 5.3.9 – Regionally significant infrastructure (Wider Region)

In relation to regionally significant infrastructure:

- ...
- (3) *Provide for the expansion of existing infrastructure and development of new infrastructure, while:*
 - (a) *Recognising the logistical, technical or operational constraints of this infrastructure and any need to locate activities where a natural or physical resource base exists; and*
 - (b) *avoiding any adverse effects on significant natural and physical resources and cultural values and where this is not practicable, remedying or mitigating them, and appropriately controlling other adverse effects on the environment; and*
 - (c) *When determining any proposal within a sensitive environment (including any environment the subject of section 6 of the RMA), requiring that alternative sites, routes, methods and design of all components and associated structures are*

considered so that the proposal satisfies sections 5(2)(a) – (c) as fully as is practicable.

Objective 7.2.1 – Sustainable management of fresh water

The region's fresh water resources are sustainably managed to enable people and communities to provide for their economic and social well-being through abstracting and/or using water for irrigation, hydroelectricity generation and other economic activities, and for recreational and amenity values, and any economic and social activities associated with those values, providing:

- (1) the life-supporting capacity, ecosystem processes, and indigenous species and their associated freshwater ecosystems, and mauri of the fresh water is safe-guarded;
- (2) the natural character values of wetlands, lakes and rivers and their margins are preserved and these areas are protected from inappropriate subdivision, use and development, and where appropriate restored or enhanced; and
- (3) any actual or reasonably foreseeable requirements for community and stockwater supplies and customary uses, are provided for.

Objective 7.2.2 – Parallel processes for managing fresh water

Abstraction of water and the development of water infrastructure in the region occurs in parallel with:

- (1) improvements in the efficiency with which water is allocated for abstraction, the way it is abstracted and conveyed, and its application or use;
- (2) the maintenance of water quality where it is of a high standard and the improvement of water quality in catchments where it is degraded; and
- (3) the restoration or enhancement of degraded fresh water bodies and their surroundings.

Objective 7.2.XX - Protection of intrinsic value of waterbodies and their riparian zones

The overall quality of freshwater in the region is maintained or improved, and the life supporting capacity, ecosystem processes and indigenous species and their associated fresh water ecosystems are safeguarded.

Objective 7.2.3 - Integrated management of fresh water resources

Fresh water is sustainably managed in an integrated way within and across catchments, between activities, and between agencies and people with interests in water management in the community, considering:

- (1) the Ngāi Tahu ethic of Ki Uta Ki Tai (from the mountains to the sea);
- (2) the interconnectivity of surface water and groundwater;
- (3) the effects of land uses and intensification of land uses on demand for water and on water quality; and
- (4) kaitiakitanga and the ethic of stewardship; and
- (5) any net benefits of using water, and water infrastructure, and the significance of those benefits to the Canterbury region.

Policy 7.3.1 - Adverse effects of activities on the natural character of fresh water

To identify the natural character values of fresh water bodies and their margins in the region and to:

- (1) preserve natural character values where there is a high state of natural character;
- (2) maintain natural character values where they are modified but highly valued; and
- (3) improve natural character values where they have been degraded to unacceptable levels;

unless modification of the natural character values of a fresh water body is provided for as part of an integrated solution to water management in a catchment in accordance with Policy

7.3.9 which addresses remedying and mitigating adverse effects in the environment and its natural character values.

Policy 7.3.2 – Natural character of braided rivers and lakes

To maintain the natural character of braided rivers, and of natural lakes by:

- (1) Subject to clause (3), by prohibiting the damming of each of the main-stem of the Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata and Waitaki rivers,
- (2) In respect of every other braided river in the region, by does not reduce the braided character of the main stem¹;
- (3) In respect of every any natural lake by limiting any use of the lake for water storage so its level does not exceed or fall below the upper or lower levels of its natural operating range²;
- (4) Clauses 1 – 3 do not restrict continue operation, maintenance or upgrading of any water storage scheme or hydro-electricity generation scheme for which lawful consent was in effect when this regional policy statement becomes operative, subject to the activity:
 - a) remaining a similar scale, intensity and character; and
 - b) Not resulting in any additional significant adverse effect on the natural character of the river or lake.

Policy 7.3.4 – Water quantity

In relation to the management of water quantity:

- (1) to manage the abstraction of surface water and groundwater by establishing environmental flow regimes and water allocation regimes which:
 - (a) manage the hydrological connections of surface water, groundwater and the coastal environment;
 - (b) avoid long-term decline in groundwater levels and saltwater intrusion of coastal groundwater resources;
 - (c) protect the flows, freshes and flow variability required to safe-guard the life-supporting capacity, mauri, ecosystem processes and indigenous species including their associated ecosystems and protect the natural character values of fresh water bodies in the catchment, including any flows required to transport sediment, to open the river mouth, or to flush coastal lagoons;
 - (d) provide for any existing or reasonably foreseeable needs of surface water or groundwater for individual, marae or community drinking water or stockwater supplies;
 - (e) support the exercise of customary uses, including any flows required to maintain wetlands or water quality for customary uses; and
 - (f) support any flow requirements needed to maintain water quality in the catchment;and, having satisfied the requirements in (a) to (e), provide for:
 - (g) recreational values (including the patterns and timing of flow variability desired by recreational users) and amenity values; and
 - (h) any actual or reasonably foreseeable demand for abstraction (for uses other than those listed in (d) above), unless Policy 7.3.4(2) applies.and
- (2) Where the quantum of water allocated for abstraction from a water body is at or exceeds the maximum amount provided for in an environmental flow and water allocation regime:
 - (a) avoid any additional allocation of water for abstraction or any other action which would result in further over-allocation, unless it is provided for under clause (2)(b);

¹ It is noted that the wording in the decision does not make sense, and it is believed that the intention was for it to read “In respect of every other braided river in the region, by ensuring any damming does not reduce the braided character of the main stem.” This is what has been assumed in my report.

² As per above, it is believed that the intention was for the provision to read “In respect of every natural lake” or “In respect of any natural lake”. This is what has been assumed in my report.

and

- (b) set a timeframe for identifying and undertaking actions to effectively phase out over-allocation; and
- (c) effectively addresses any adverse effects of over-allocation in the interim.

Policy 7.3.6 – Fresh water quality

In relation to water quality:

- (1) to establish and implement minimum water quality standards for surface water and groundwater resources in the region, which are appropriate for each water body considering:
 - (a) the values associated with maintaining life supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, and natural character of the water body;
 - (b) any current and reasonably foreseeable requirement to use the water for individual, marae or community drinking water or stockwater supplies, customary uses or contact recreation;
 - (c) the cultural significance of the fresh water body and any conditions or restrictions on the discharge of contaminants that may be necessary or appropriate to protect those values;
 - (d) any other current or reasonably foreseeable values or uses;

and, to manage activities which may affect water quality (including land uses), singularly or cumulatively, to maintain water quality at or above the minimum standard set for that water body.

And

- (2) Where water quality is below the minimum water quality standard set for that water body, to avoid any additional allocation of water for abstraction from that water body and any additional discharge of contaminants to that water body, where any further abstraction or discharges, either singularly or cumulatively, may further adversely affect the water quality in that water body:
 - (a) until the water quality standards for that water body are met; or
 - (b) unless the activities are undertaken as part of an integrated solution to water management in the catchment in accordance with Policy 7.3.9, which provides for the redress of water quality within that water body within a specified timeframe.

Policy 7.3.7 - Water quality and land uses

To avoid, remedy or mitigate adverse effects of changes in land uses on the quality of fresh water (surface or ground) by:

- (1) identifying catchments where water quality may be adversely affected, either singularly or cumulatively, by the application of nutrients to land or other changes in land use; and
- (2) controlling changes in land uses to ensure water quality standards are maintained or where water quality is already below the minimum standard for the water body, it is improved to the minimum standard within an appropriate timeframe.

Policy 7.3.8 - Efficient allocation and use of fresh water

To improve efficiency in the allocation and use of fresh water by:

- (1) ensuring the infrastructure used to reticulate and apply water is highly efficient relative to the nature of the activity, for any new take or use of water;
- (2) ensuring the infrastructure used to reticulate and apply water is increasingly efficient (where not already highly efficient) for existing takes and uses of water, having regard to:
 - (a) the nature of the activity;

- (b) the benefits and costs of achieving a higher level of efficiency;*
- (c) practicable options to implement any change required; and*
- (d) the physical environment in which the activity takes place.*
- (3) ensuring the quantities of water allocated, as part of a water allocation regime or by grant of water permit, is no more than is necessary for the proposed use for all activities, including urban uses and municipal supplies;*
- (4) recognising the importance of reliability in supply for irrigation;*
- (5) recognising the potential for efficiency in infrastructure through combined uses of water and energy efficient infrastructure; and*
- (6) promoting the integrated management and use of fresh water resources within or across catchments.*

Policy 7.3.9 - Integrated solutions to fresh water management

To require integrated solutions to the management of fresh water by developing and implementing comprehensive management plans which address the policies of this Statement, including addressing all the relevant matters set out in Appendix 3.

Policy 7.3.10 - Harvest & storage of fresh water

To recognise the potential benefits of harvesting and storing surface water for:

- (1) improving the reliability of irrigation water and therefore efficiency of use;*
- (2) improving the storage potential and generation output of hydro-electricity generation activities;*
- (3) increasing the irrigated land area in Canterbury;*
- (4) providing resilience to the impacts of climate change on the productivity and economy of Canterbury; and*
- (5) reducing pressure on surface water bodies, especially foothill and lowland streams, during periods of low flow;*

and facilitate the conversion of resource consents to abstract water under 'run of river' conditions to takes to storage, where this can be done under conditions which maintain or enhance the surface water body.

Policy 7.3.11 – Existing activities and infrastructure

In relation to existing activities and infrastructure:

- (1) to recognise and provide for the continuation of existing provide for the continuation of existing hydro-electricity generation and irrigation schemes, and other activities which involve substantial investment in infrastructure; but*
- (2) require improvements in water use efficiency and reductions in adverse environmental effects of these activities, where appropriate.*

Policy 7.3.12 - Precautionary approach and allocation without a planning framework

To take a precautionary approach to the allocation of water for abstraction, the damming or diversion of water, or the intensification of land uses or discharge of contaminants, in circumstances where the effects of these activities on fresh water bodies, singularly or cumulatively, are unknown or uncertain.

Objective 16.2.2 – Promote a diverse and secure supply of energy

Reliable and resilient generation and supply of energy for the region, and wider contributions beyond Canterbury, with a particular emphasis on renewable energy, which:

- (1) provides for the appropriate use of the region’s renewable resources to generate energy;*
- (2) reduces dependency on fossil fuels;*
- (3) improves the efficient end-use of energy;*
- (4) minimises transmission losses;*
- (5) is diverse in the location, type and scale of renewable energy development;*
- (6) Recognises the locational constraints in the development of renewable electricity generation activities; and*
- (7) a) avoids any adverse effects on significant natural and physical resources and cultural values, or where this is not practicable, remedies or mitigates them; and*
b) appropriately controls other adverse effects on the environment.

Policy 16.3.3 – Benefits of renewable energy generation facilities

To recognise and provide for the local, regional and national benefits when considering proposed or existing renewable energy generation facilities, having particular regard to the following:

- (1) maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;*
- (2) maintaining or increasing the security of supply at local and regional levels, and also wider contributions beyond Canterbury, by diversifying the type and / or location of electricity generation;*
- (3) using renewable natural resources rather than finite resources;*
- (4) the reversibility of the adverse effects on the environment of some renewable electricity generation facilities;*
- (5) avoiding reliance on imported fuels for the purposes of generating electricity; and*
- (6) assisting in meeting international climate obligations.*

Policy 16.3.5 - Efficient, reliable and resilient electricity generation within Canterbury

To recognise and provide for efficient, reliable and resilient electricity generation within Canterbury by:

...

- (2) *enabling the upgrade of existing, or development of new electricity generation infrastructure, with a particular emphasis on encouraging the operation, maintenance and upgrade of renewable electricity generation activities and associated infrastructure:*
 - (a) *having particular regard to the locational, functional, operational or technical constraints that result in renewable electricity generation activities being located or designed in the manner proposed;*
 - (b) *provided that, as a result of site, design and method selection,*
 - (i) *the adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable, remedied, mitigated or offset; and*
 - (ii) *other adverse effects on the environment are appropriately controlled.*
- (3) *providing for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation;*
- (4) *maintaining the generation output and enabling the maximum electricity supply benefit to be obtained from the existing electricity generation facilities within Canterbury, where this can be achieved without resulting in additional significant adverse effects on the environment which are not fully offset or compensated.*