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Environment Canterbury
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Attention: Sarah Drummond, Planning Officer (Hearings)

NZDF COMMENTS TO THE HEARING COMMISSIONERS ON PROPOSED VARIATION 1 TO THE PROPOSED CANTERBURY LAND AND WATER REGIONAL PLAN

1.0 Introduction

- 1.0 NZDF made a submission and further submission on proposed Variation 1 to the proposed Land and Water Regional Plan (proposed Variation 1) relating to provisions pertaining to community water supplies and community sewerage systems. NZDF is unable to attend the hearing, however requests that this letter is tabled with the hearing commissioners for their consideration.

2.0 Small and Community Water Takes

- 2.0 In its submission on Proposed Variation 1 NZDF sought to clarify the provisions relating to small and community water takes to ensure that there was no ambiguity as to the applicable rules. The essence of NZDF's submission was that the rules in Section 11.5 under the headings 'Small and Community Water Takes' **and** 'Taking and Use Surface Water and Take and Use Groundwater' (pages 4-16 of proposed Variation 1) could **both** conceivably be interpreted as applying to Small and Community Water Takes. This could result in confusion over Plan interpretation.
- 2.1 The italicised text under the heading 'Small and Community Water Takes' states that Regional Rule 5.115 of the Regional Plan applies in the Selwyn-Waihora Catchment. NZDF supports this statement.
- 2.2 The provisions under the heading 'Taking and Use Surface Water and Take and Use Groundwater' include two rules that also control take and use of water within the Selwyn-Waihora catchment. NZDF sought to have a statement added to Rule 11.5.32

to clarify that this rule does not apply to takes for community water supplies, for the avoidance of all doubt.

- 2.3 The Selwyn District Council, in its submission, also requested this clarification in relation to Rule 11.5.32, and NZDF supported this submission point in its own further submission.
- 2.4 The s42A Report recommends (at point 13.226) that amendment of Rule 11.5.32 is unnecessary, because the explanatory text in Regional Rule 5.115 is sufficient. NZDF disagrees. While it is true that this conclusion may be arrived at via close reading of the two sets of provisions, the purpose of the explanatory text in the Plan is to guide the user in the application of the Rules, and to assist in the selection of the correct rules for a particular situation. They should therefore be used to avoid ambiguity where possible.
- 2.5 NZDF requests that a statement be added to Rule 11.5.32 to make it clear that the rule does not apply to takes for community water supplies.

3.0 Community Sewerage Systems

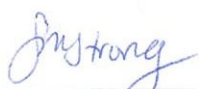
- 3.0 NZDF's further submission also addressed submissions on Rules 11.5.22, 11.5.23 which related to Sewerage Systems, and Table 11(i) which contains catchment targets and limits for nitrogen losses from such systems and other activities.
- 3.1 The s42A report, at point 11.303, proposes a considerable simplification of the policies and rules in proposed Variation 1 that deal with Community Sewerage Systems and Industrial Trade Processes.
- 3.2 NZDF supports the objective of the Officers' recommendation, to simplify the policies and rules. However, NZDF notes that the Officer's proposed amendments to Policy 11.4.7 create a problem in situations where a new discharge consent is sought to re-consent/'renew' an existing (and legally authorised) community wastewater system. In such cases, the proposed rule at (c) requires assessment of the nitrogen loss from the discharge against either the 'farming activity that is replaced' or 'the aggregation of the domestic wastewater systems that would be replaced'. Neither of these measures is applicable to an existing community wastewater treatment system and the associated discharges. Such a use is not 'replacing' another activity on the land as is suggested by clause 11.4.7 (c). On this basis, NZDF would oppose the amendment as currently proposed in the s42A Report.

- 3.3 The problem appears to have arisen due to an oversight in providing for such situations. The s42A Report at paragraphs 11.301 – 11.303 clearly intends for the suggested changes to the policy and rule framework to treat all forms of nitrogen equally.
- 3.4 The problem could be rectified by Policy 11.4.7 (c) having the following additional text included:

‘... (c) enable new discharges only where the nitrogen loss from discharge is less than the lawfully permissible nitrogen loss from the farming activity that is replaced or less than the nitrogen load contribution for the aggregation of on-site domestic wastewater treatment systems that would be replaced by the community wastewater system or, in the case of an existing community wastewater system, no greater than the nitrogen loss arising from the currently operating system’.

4.0 Conclusion

- 4.0 NZDF requests that:
- a) For the purposes of Plan clarity, NZDF’s original submission Point 1 be accepted in full, namely that a statement be added to Rule 11.5.32 to make it clear that the rule does not apply to takes for community water supplies.
 - b) The recommendations in the s42A Report in regards Community Sewerage Systems and Industrial Trade Processes be accepted, but only provided that the additional text suggested at paragraph 3.4 above is also included.
- 4.1 NZDF also notes that the s42A Report, at point 13.191, states that NZDF submitted on Rule 11.5.30. For the record, NZDF did not make a submission on this Rule.
- 4.2 Many thanks for your consideration of NZDF’s position and concerns.



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