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**To:** [Mailroom Mailbox](#)  
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**Subject:** Fwd: Variation 3 Submission  
**Date:** Monday, 25 May 2015 11:17:39 a.m.  
**Attachments:** [Var 3 Submission.docx](#)  
[ATT00001.htm](#)

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Kia Ora

Please find enclosed a submission on behalf of Te Runanga o Ngai Tahu, Te Runanga o Arowhenua and Te Runanga o Waihao on Variation 3 to the proposed Canterbury Land and Water Plan.

Nga mihi

Lynda Weastell Murchison  
Advisor GM Tribal Interests  
Te Runanga o Ngai Tahu

Begin forwarded message:

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**Resource Management (Form, Fees and Procedure) Regulations - Schedules 2003**

**Form 5**

***Clause 6 of the First Schedule, Resource Management Act 1991***

**Submission on a publicly notified proposal for a plan**

To: Environment Canterbury  
PO Box 345  
Christchurch

**Name of Submitter:** Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Ngāi Tahu

**This is a submission on:** Variation 3 to the proposed Canterbury Land and Water Regional Plan

**The submitters cannot gain an advantage in trade competition through this submission.**

**Introduction**

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1. The catchments affected by Variation 3 being the:

- Northern Streams Area from the Otaio River to the Makikihi River;
- Waihao-Wainono; and
- Morven-Sinclairs Area;

are within the takiwā of Ngāi Tahu and Ngāi Tahu hold mana whenua over the areas bounded by Variation 3 to the proposed Canterbury Land and Water Regional Plan (LWRP).

2. Ngāi Tahu is made up of whānau and hapu who through whakapapa and manawhenua relationships have become established in distinct areas of the Ngāi Tahu takiwā. These groups are recognized in the Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act) as papatipu rūnanga within those takiwā areas.

3. The contemporary structure of Ngāi Tahu is set out in the TRoNT Act. Section 6 identifies Te Rūnanga of Ngāi Tahu (Te Rūnanga) as the iwi authority representing Ngāi Tahu whānui. Ngāi Tahu whānui is identified as the collection of individuals who descend from the primary hapu of Waitaha, Ngāti Mamoe and Ngāi Tahu, namely Kati Kuri, Kati Irakehu, Kati Huirapa, Ngāi Tūāhuriri and Ngāi tē Ruahikihiki; and are descendants of persons who were members of Ngāi Tahu living in 1848 and listed in the minute book of the 1929 Ngāi Tahu Census Committee.
4. The hapu of Kati Huirapa hold mana whenua over these catchments and are represented by Te Rūnanga o Arowhenua and Te Rūnanga o Waihao; being two of the 18 papatipu rūnanga that form Te Rūnanga under s9 of the TRoNT Act. The takiwā of Te Rūnanga o Arowhenua as defined in the TRoNT Act extends from Rakaia to Waitaki and inland to the Main Divide. The takiwā of Te Rūnanga o Waihao centres on Wainono and extends inland to Omarama and the Main Divide, sharing interests with Te Rūnanga o Arowhenua to Waitaki.
5. Section 15(2) of the TRoNT Act provides that where any act requires consultation with iwi this shall be held with Te Rūnanga in the takiwā of Ngāi Tahu whānui. Section 15(3) of the TRoNT Act requires Te Rūnanga to consult with papatipu rūnanga. Te Rūnanga encourages the rights of papatipu rūnanga to make their own submissions to councils and other decision-making bodies and will take into account the views of papatipu rūnanga when determining its position.

## **Ngāi Tahu Position**

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6. Te Rūnanga o Arowhenua and Te Rūnanga o Waihao have representatives on the Lower Waitaki South Coastal Canterbury Zone Committee. The Zone Committee produced a Zone Implementation Programme (ZIP) and an Addendum to that ZIP (ZIP Addendum) identifying key issues, outcomes and approaches to managing fresh water in these catchments.
7. The ZIP Addendum identifies three key freshwater issues in the catchment:
  - The need to manage water quality in the Waihao-Wainono catchment and to improve biodiversity and enhance the cultural values of Wainono Lagoon;
  - The need to maintain water quality in the Northern Catchment Area and to improve flows and habitat values in these streams.
  - The need to maintain water quality and flow in the Movern Drain and Sinclairs Creek catchments and flows in the Waihao-Wainono Lagoon.
8. This submission by Te Rūnanga o Ngāi Tahu, Te Rūnanga o Arowhenua and Te Rūnanga o Waihao (Ngāi Tahu submission) supports the outcomes sought in the ZIP Addendum. The Ngāi

Tahu submission supports Variation 3 where it reflects those outcomes, meets the statutory requirements for freshwater plans under the Resource Management Act 1991 (RMA), and supports the cultural values and aspirations of ngā rūnanga for these catchments.

9. Where amendments and additions to Variation 3 are requested in this submission, in our view these changes are required to better achieve the statutory requirements of the RMA, the recommendations in the ZIP Addendum, or the cultural values and aspirations of ngā runanga.
10. Ngāi Tahu's values and aspirations relating to freshwater generally and these catchments in particular, are recorded in a range of documents including Te Whakatau Kaupapa, Ngāi Tahu Freshwater Policy, and the Iwi Management Plan of Kati Huirapa-Arowhenua (1992). The cultural values and health of these catchments have been assessed and recorded in a series of documents from 2006-2013.
11. Ngāi Tahu recognize the use of freshwater resources is fundamental to providing for the economic and social well-being of people and communities; but it must be to a code of environmental and cultural ethics that respect and sustain the freshwater resource. It is freshwater that gives and sustains life – through whakapapa and mahinga kai.
12. Kaitiakitanga is the inherited duty of kaitiaki to look after natural resources and pass them on to the next generation in a healthy state.

### **Submission – Variation 3**

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**1. The specific provisions our submission relates to are:** All of Variation 3.

**2. Our submission is:** We support all the provisions in Variation 3 as notified, except where we have asked for specific changes in Table One below.

**3. Our reasons are:**

- 3.1 Overall we consider Variation 3 reflects the key issues and direction found in the ZIP Addendum. In particular we support the approach of managing surface water and shallow stream-depleting groundwater as a single resource and substituting these takes for deeper groundwater where there is no hydraulic connectivity.
- 3.2 We congratulate the Zone Committee and the Council for tending towards a planning regime that manages nitrogen losses as a contaminant and regulates activities based on the quantum of

nitrogen lost rather than rules that confer an 'entitlement' to nitrogen losses based on land use at a specific point in time.

3.3 We seek changes and additions to Variation 3 to strengthen the sub-regional section in relation to the following matters:

- (i) Recognition and protection of the cultural values of the catchments, particularly Waihao River and Wainono Lagoon, mātaītai, and Fenton Reserves.
- (ii) A more robust identification of catchments which are over-allocated for abstraction and a plan to address over-allocation that meets the requirements of the NPS Freshwater.
- (iii) A regime that moves towards environmental flow and allocation regimes that better reflect cultural values over time.
- (iv) Clarification around the circumstances when nitrogen caps may increase as a result of augmentation of catchments, and amendments to require reductions in nitrogen losses from land uses which are over maximum nitrogen caps.
- (v) Policies that are more outcomes focused, to better illustrate how the rules link with the freshwater outcomes sought in the ZIP Addendum and give effect to the NPS Freshwater; and to guide decision-making on resource consent applications.
- (vi) A more targeted use of the prohibited activity status rules.

3.4 We believe that the changes we seek better:

- achieve the purpose of the RMA and give effect to the duties under s32;
- give effect to the NPS Freshwater and the New Zealand Coastal Policy Statement as it applies;
- take into account the relevant iwi management plans;
- achieve the objectives of the pLWRP; and
- reflect the outcomes sought in the ZIP Addendum.


**4. We seek the following decisions from the council:**

- Retain the provisions of Variation 3 as notified except for the changes listed in Table One below..

- Amend Variation 3 to incorporate the changes listed in Table One and any consequential amendments necessary to give effect to these changes.

**5. We do wish to be heard in support of our submission.**

**6. We do not wish to make a joint case with any other party.**



pp. James Caygill

General Manager Tribal Interests

Te Rūnanga o Ngāi Tahu

(Being the person authorised to sign this submission on behalf of the submitter)

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**Table One – Amendments Requested to Variation 3**

Provision	Decision Requested	Any additional reasons to paragraph 3.5 above
Introduction, para 3, p.15-2	<p>Amend the first line by deleting the words ‘Due to the lack of in-catchment water’ and replace with the words:</p> <p><i>“The freshwater resources within the catchment cannot supply the demand for irrigation...”</i></p>	<p>Current and future land uses are looking for a level of irrigation that cannot be supplied solely from water sources within the catchment.</p>
Introduction, para 3, bullet point 6, p.15-3	<p>Amend this bullet point to read:</p> <p><i>Capping current water allocation and phasing out over-allocation by reducing the quantum of water able to be abstracted from over-allocated resources, and enabling alternative supplies such as new irrigation scheme water, on-farm storage and, where appropriate, deep groundwater.</i></p> <p><i>Increasing environmental flows in over-allocated rivers and streams over time.</i></p>	<p>The current approach reads as though over-allocation will only be addressed if alternative water sources are available. This approach may have the least impact on abstractors, but it isn’t sufficient to give effect to the NPS Freshwater.</p>
Section 15.1 – Definitions, p.15-3	<p>Delete the definition of augmentation.</p>	<p>Augmentation is a general term with a widely understood meaning and is used throughout the pLWRP. There is no need to redefine the term to mean a specific augmentation proposal. Refer to the augmentation of Wainono Lagoon in the plan provisions.</p>

Provision	Decision Requested	Any additional reasons to paragraph 3.5 above
<p>Section 15.1 – Definitions, p.15-4</p>	<p>Delete the definitions of ‘existing farming activity’ and ‘new farming activity’ and replace with a definition of ‘change of land use’ which reads:</p> <p><i>‘Change of land use’ means</i></p> <p><i>any increase in the area of land irrigated on a property; or</i>  <i>any increase in the area of land under cultivation; or</i>  <i>any increase in the number of weaned cattle grazed on the property; or</i>  <i>any increase in the amount of effluent, sewage, bio solids or other organic material spread or otherwise disposed of on a site;</i></p> <p><i>But does not include any of these activities where they have been authorised by a resource consent issued prior to 01 May 2015 where that resource consent has not yet been given effect to but has not lapsed.</i></p> <p>Make consequential amendments to rules.</p>	<p>The terms are not really practical for farming where the activities that take place at any farm vary both season to season and year to year. The types of land use changes that have the potential to result in significant potential changes in long-term average nitrogen loss are known. These are the changes the rules should focus on.</p>
<p>Section 15.1 – Definitions, p.15-4</p>	<p>Delete the definition of nitrogen baseline.</p>	<p>An amended definition of nitrogen baseline for this sub-regional section isn’t necessary and could be confusing. The rules in Variation 3 outline how nitrogen baseline is to be applied between catchments and within Farming Enterprises and Nutrient User Groups.</p>



Provision	Decision Requested	Any additional reasons to paragraph 3.5 above
Section 15.1 – Definitions, p.15-4	Amend the definition of Wainono Restoration Project by amending the words ‘ or on behalf of or in partnership with a local authority’ to read; <i>‘or on behalf of or in partnership with a local authority or Te Rūnanga o Waihao or Te Rūnanga o Ngāi Tahu...’</i>	Wainono Lagoon is a site of immense cultural significance to Ngāi Tahu and is an area of statutory acknowledgement under the Ngāi Tahu Claims Settlement Act 1998.
Section 15.2.2 Iwi Management Plans (p.15-5)	Add a reference to Te Whakatau Kaupapa – Resource Management Strategy for Canterbury.  Remove 1999 after the words Te Rūnanga o Ngāi Tahu Freshwater Policy.	Te Rūnanga o Ngāi Tahu Freshwater Policy was produced in 1999 but the document is undated.
Section 15.3 Freshwater Outcomes (p.15-5)	Add the following freshwater outcomes to Section 15.3: <ul style="list-style-type: none"> <li>• <i>The water quality in the Waihao-Wainono catchment supports mahinga kai, and the indigenous biodiversity and cultural values of Wainono Lagoon are enhanced.</i></li> <li>• <i>Water quality in the Northern Catchment Area is maintained and flows and habitat values in these streams are improved.</i></li> <li>• <i>Water quality and flows in the Morven Drain and Sinclair’s Creek catchments are maintained.</i></li> <li>• <i>Further irrigation and land use development is enabled in the catchments using alternative water sources.</i></li> </ul>	The water quality outcomes in Tables 15(a) and (b) are supported but value is added to the plan if the numbers relate to qualitative freshwater outcomes that tie into the ZIP Addendum and provide a framework for the plan policies and rules.

	<ul style="list-style-type: none"> <li>• <i>The freshwater outcomes set out in tables 15(a) and (b) are met.</i></li> </ul>	
<b>Policies</b>		
Section 15.4 Policies (p.15-5)	<p>Add the following new policies 1 to 3 to the start of section 15.4.</p> <ol style="list-style-type: none"> <li>1. <i>Recognise the cultural significance of the Waihao-Wainono catchment, the Northern Area Streams, and the Morven-Sinclairs Area to Ngāi Tahu; and enable Ngāi Tahu to exercise kaitiakitanga and enhance mahinga kai through:</i> <ol style="list-style-type: none"> <li>i) <i>Minimising the discharge of any contaminants into water;</i></li> <li>ii) <i>Protecting natural wetlands and springheads;</i></li> <li>iii) <i>Maintaining flow and water quality in the Waihao River;</i></li> <li>iv) <i>Improving flows in lowland streams over time;</i></li> <li>v) <i>Restoring the quality of water in lowland streams to enable mahinga kai; and</i></li> <li>vi) <i>Improving the water quality and biodiversity of Wainono Lagoon.</i></li> </ol> </li> <li>2. <i>Renumber subsequent policies accordingly.</i></li> </ol>	<p>The cultural significance of the South Canterbury Coastal Streams in general and the Waihao-Wainono catchment in particular needs to be recognized and provided for, to give effect the NPS Freshwater, the CRPS, and to achieve the objectives of the pLWRP.</p>

Provision	Decision Requested	Any additional reasons to paragraph 3.5 above
<p>New Provision:</p> <p>Policy &amp; planning maps</p>	<p>1. Amend the planning maps to identify a cultural landscape area that follows 100 metres inland from the highest level of Wainono Lagoon, 10020 metres each side of the banks of the Waihao River and the Dead Arm, and 20 metres inland of the Fenton Reserves and the Waituna Astream and Hook River east of SH 1 where form part of the mataitai.</p> <p>2. Add a new policy which reads:</p> <p><i>Recognize the Wainono Lagoon, the Dead Arm, the Waihao River, Fenton Reserves and mātaītai as Cultural Landscapes as shown on the planning maps.</i></p> <p><i>Ensure Ngāi Tahu's interests and values in the Cultural Landscape Areas are reflected in:</i></p> <ul style="list-style-type: none"> <li>- <i>Environmental restoration or enhancement projects that affect areas in the Cultural Landscapes including any augmentation of Wainono Lagoon and the Wainono Restoration Programme;</i></li> <li>- <i>Farm Environment Plans involving land in or adjoining the Cultural Landscape areas; and</i></li> <li>- <i>Resource consents to dam, divert, take or use water, to use</i></li> </ul>	<p>The cultural significance of the Waihao-Wainono catchment in particular Wainono Lagoon, Fenton Reserves and mātaītai need to be recognized and provided for, to give effect the NPS Freshwater, the CRPS, and to archive the objectives of the pLWRP.</p>

	<i>land, or to discharge contaminants which may affect areas in the Cultural Landscape Areas.</i>	
<b>Managing Land Use to Maintain or Improve Water Quality</b>		
Policy 15.4.1 & Policy 15.4.4	<p>1. Delete the words in Policy 15.4.1 from <i>'and enabling the Wainono Restoration Project'</i>.</p> <p>2. Combine policies 15.4.1 and 15.4.4 so they read:</p> <p><i>Maintain or improve water quality and minimize the discharge of contaminants into water in the South Canterbury Coastal Area by:</i></p> <p>(i) <i>Excluding intensively farmed livestock from having access to lakes, rivers and drains (except for stock crossing points);</i></p> <p>(ii) <i>Requiring all farming activities to adopt the good management practices set out in Schedule 24b; and</i></p> <p>(iii) <i>Requiring any farming activity which requires a resource consent to develop and implement a Farm Environment Plan prepared in accordance with Schedule 7.</i></p>	<p>The clause referring to Wainono Lagoon Restoration Project seems to fit better in Policy 15.4.15.</p> <p>Both policies 15.4.1 and 15.4.4 appear to deal with general effects of all activities on water quality in the entire South Canterbury Coastal Area.</p> <p>Both policies seek to improve water quality over all areas covered by Variation 3. The water quality in each catchment is not described in Variation 3 but the ZIP Addendum indicates that improvements in water quality beyond good management practices may only be needed in the Waihao-Wainono Catchment, though Variation 3 does not provide for increases in nitrogen losses above the flexibility cap in the Northern Streams Area as freely as in Morven-Sinclair.</p> <p>In Policy 15.4.4(a) the reference to 'good management practices' is not defined.</p>
<b>Provision</b>	<b>Decision Requested</b>	<b>Any additional reasons to paragraph 3.5 above</b>

<p><i>Policies 15.4.5, 15.4.6 &amp; 15.4.7</i></p>	<p>Combine these policies and reword to read:</p> <p><i>15.4.5 Improve water quality in the Northern Streams Area and Waihao-Wainono Area while providing flexibility in land use by:</i></p> <ul style="list-style-type: none"> <li><i>(i) Permitting farming activities whose estimated nitrogen losses do not exceed the flexibility cap limits set out in Table 15(m).</i></li> <li><i>(ii) Allowing farming activities whose estimated nitrogen losses exceed the flexibility cap in Table 15(m) provided there is no increase in the nitrogen baseline for the farming activity, and the nitrogen baseline does not exceed the maximum nitrogen loss cap set out in Table 15(n).</i></li> <li><i>(iii) Requiring farming activities with estimated nitrogen losses that exceed the maximum nitrogen loss caps in Table 15(n) to start reducing their nitrogen losses and to comply with the maximum flexibility cap in Table 15(n) by no later than 01 January 2030.</i></li> <li><i>(iv) Allowing changes in land uses provided the estimated nitrogen losses from the change in land use do not exceed the maximum nitrogen cap in Table 15(n); and do not exceed the greater of the nitrogen baseline for</i></li> </ul>	<p>Combining the policies helps to show how the various nitrogen loss requirements work together.</p> <p>The addition of the reference to flexibility in land use is an important rationale for the use of the flexibility caps.</p> <p>The need for time for some activities to comply with the maximum nitrogen loss cap is accepted, but the plan provisions should encourage farming activities to reduce their nitrogen losses to be under the maximum cap as quickly as possible.</p> <p>The need for some flexibility around nitrogen losses on very light soils is understood but the current policy does not provide guidance on how activities which exceed the maximum nitrogen loss cap on 01 January 2030 should be managed.</p>
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	<p><i>the property prior to the change in land use or the flexibility cap set out in Table 15(m).</i></p> <p><i>15.4.6 Notwithstanding Policy 15.4.5, on soils shown on the Planning Maps as extremely light, allow farming activities with estimated nitrogen losses which exceed the maximum nitrogen loss cap in Table 15(n) to continue past 01 January 2030 provided that:</i></p> <p><i>(i) The farming activity is subject to a Farm Environment Plan which shows how the maximum nitrogen loss cap will be met and by what timeframe; and</i></p> <p><i>(ii) There is no change of land use, unless that change of land use is part of facilitating nitrogen loss reductions under the Farm Environment Plan.</i></p>	
Policy 15.4.8	Delete Policy 15.4.8.	<p>Flushing Wainono Lagoon is intended to provide for an additional improvement in water quality over and above that derived from managing nitrogen, sediment and phosphorous losses and microbes in Variation 3. These gains will be lost if higher nitrogen losses are allowed as a result.</p> <p>Nga runanga do not support using the Wainono Augmentation allocation or the Mahinga Kai allocation from Plan Change 3 to the Waitaki Plan in this way.</p>

		<p>The circumstances where an irrigation scheme may engage in direct stream augmentation to offset effects of increased nutrient loads from irrigating dryland could be provided for in a more general policy.</p>
<p>Policy 15.4.9</p>	<p>Amend Policy 15.4.9 to read:</p> <p><i>Maintain water quality in the Morven-Sinclairs Area while providing for changes in land use by allowing farming activities to increase their nitrogen losses above the flexibility caps in Table 15(m) or their nitrogen baseline provided that:</i></p> <ul style="list-style-type: none"> <li><i>(i) The total load limit for the catchment set out in Table 15(p) is not exceed; and</i></li> <li><i>(ii) The proposed nitrogen loss is reasonable for the propose change in land use.</i></li> </ul>	<p>As currently worded it is hard to tell whether Variation 3 is seeking to maintain or improve water quality in the Morven-Sinclairs Area.</p> <p>While increases in nitrogen loss may be allowed within the catchment load limit, nitrogen losses should still be reasonable for the proposed land use.</p>

Provision	Decision Requested	Any additional reasons to paragraph 3.5 above
Policy 15.4.11	<p>Reword Policy 15.4.11 to read:</p> <p><i>Maintain the catchment load limits for nitrogen by not allowing the transfer of nitrogen baselines or limits between properties unless:</i></p> <ul style="list-style-type: none"> <li><i>(i) they are part of a nutrient user group, irrigation scheme or farm enterprise; and</i></li> <li><i>(ii) the transfer is undertaken in accordance with a resource consent; and</i></li> <li><i>(iii) For Nutrient User Groups and Farm Enterprises all properties are located within the same surface water allocation zone.</i></li> </ul>	<p>The plan provisions allow for Nutrient User Groups and need to provide some guidance as to how they are operate, but not to the detail of Policy 15.4.13, which reads more as conditions on a rule.</p>
Policy 5.4.13	Delete Policy 5.4.13.	<p>This policy could be read one of two ways: either it is requiring any applicant for a resource consent to establish a Nutrient User Group; or what is required of a Nutrient User Group that is established.</p>



<b>Lake Catchment &amp; Flow Restoration</b>		
Policy 15.4.15	Reword Policy 15.4.15 to read:  <i>“Improve water quality in Wainono Lagoon and its value as mahinga kai by enabling augmentation or flushing of the lagoon and catchment restoration activities.”</i>	Allowing increases in nutrient losses in the Waihao-Wainono Area if flushing or augmentation is undertaken to improve water quality in Wainono Lagoon is self-defeating.
Policy 15.4.17	Reword Policy 15.4.17 to read:  <i>“Encourage catchment restoration activities which will improve water quality and enhance mahinga kai in the Waihao-Wainono Lagoon and catchment including: protecting springheads, promoting indigenous biodiversity in riparian planting; the enhancement of natural wetlands and the creation of artificial wetlands; and the removal of fine sediment from waterways.”</i>	It is useful to identify the restoration works likely to have impacts on water quality, but the policy as currently worded may inadvertently exclude other catchment restoration activities that have potential benefits.
<b>Sustainable Use of Water and Improvement of Flows</b>		
New Policies	Add a policy that reads:  <i>“Recognize the interconnectivity of surface water and shallow groundwater in the South Canterbury Coastal Area and:</i>  <i>(i) Manage the allocation of surface water and groundwater as one resource where it is hydraulically connected; and</i>	The variation needs policies that link to the outcomes sought around freshwater management.

	<p>(ii) <i>Require minimum flow conditions that comply with Table 15(g) to (j) on any surface water take or any groundwater take where the abstraction point is located within any Flow Protection Zone and the top of the screen is less than 30m below ground level.</i></p> <p>(iii) <i>Ensure activities involving the damming, diverting, taking or using of water do not exceed the allocation limits set out in Tables 15(f) to (l); and where those limits are already exceeded phase out over-allocation.”</i></p> <p>Renumber policies accordingly.</p>	
New Policy	<p>Add a new policy that reads:</p> <p><i>“Undertake a comprehensive review of the surface and groundwater allocations for the South Canterbury Coastal Area and set surface and groundwater allocation limits and a plan to phase out over-allocation by 01 July 2018.”</i></p> <p>Renumber policies accordingly.</p>	<p>Variation 3 acknowledges catchments in this area are over-allocated for abstraction and while provisions prevent the further abstraction of additional water from over-allocated catchments, there is no plan to phase out the over-allocation or to reset allocation limits or flow regimes.</p>

Provision	Decision Requested	Any additional reasons to paragraph 3.5 above
Policy 15.4.21(b)	<p>Delete Policy 15.4.21(b) and replace with:</p> <p><i>“(b) There is no increase in the rate of take or annual volume; and</i></p> <p><i>(c) If the take is a stream-depleting groundwater take it complies with the minimum flows and any cessation of take rules required under Tables 15(g) to (l) ;...”</i></p>	<p>It is unclear why there can be no increase in the area of land irrigated under condition (b). This condition seems counter-intuitive to encouraging more efficient use of irrigation water. It is more usual when an allocation limit is reached to allow the renewal of lawfully established takes provided there is no increase in water taken and other relevant conditions are complied with.</p>
Policy 15.4.22	<p>Amend Policy 15.4.22 to read:</p> <p><i>‘Any water permit to take, use, dam or divert water including any change of consent conditions on an existing water permit concerning rate, volume or timing of take, shall be assessed to ensure the amount of water taken is reasonable for the intended use in accordance with Schedule 10; and appropriate conditions relating to rate and timing of take and annual volume shall be imposed.</i></p>	<p>Combining provisions from several policies.</p>
Policy 15.4.28	<p>Amend Policy 15.4.28 by replacing the word ‘higher’ with the words ‘less than’ so the policy reads <i>“...and depth to groundwater in bore J39/0255 is less than 3m below ground level.”</i></p>	<p>The words ‘higher than’ are ambiguous as to whether the depth to groundwater in bore J30/0255 is meant to be less than 3m or more than 3m.</p>

Provision	Decision Requested	Any additional reasons to paragraph 3.5 above
Policy 15.4.29	Retain Policy 15.4.29 but renumber as 15.4.24.	Consequential amendment to other relief sought.
Policy 15.4.30	Amend Policy 15.4.30 to read:  <i>“Allow the temporary or permanent transfer of water permits to take surface water or groundwater provided that the transfer does not result in the abstraction of water or additional water to that already being abstracted.”</i>	The transfer of water permits can have effects on water allocation if it results in the water which was not being abstracted now being abstracted. However provisions prohibiting the transfer of all water permits other than for community water supply seem unduly restrictive. It isn't justified in the Waihao Groundwater Allocation Zone which isn't over-allocated; and does not seem justified in other zones if it doesn't result in any more water being abstracted.
Policy 15.4.31	Reword Policy 15.4.31 to read:  <i>“Reserve the allocations set out in Table 15(f) for community drinking water supplies.”</i>	As currently worded the policy fetters the consent authority's discretion in relation to making decisions on resource consent applications.
Policy 15.4.33	Delete Policy 15.4.33	This policy isn't necessary as all takes have to operate in accordance with the flow and allocation regimes in Variation 3.

<b>Rules</b>		
<b>Provision</b>	<b>Decision Requested</b>	<b>Any additional reasons to paragraph 3.5 above</b>
Rule 15.5.1	Amend Rule 15.5.1 by adding a new condition after the words 'permitted activity' which reads: "... <i>provided the following condition is complied with:</i>  (a) <i>The estimated nitrogen losses from the property do not exceed the flexibility caps set out in Table 15(m).</i> "	There are some commercial land uses on small properties that potentially have high nitrogen losses.
Rule 15.5.2	Amend Rule 5.5.2 by adding another clause to condition (1) which states:  <i>"and the nitrogen baseline does not exceed the maximum nitrogen caps in Table 15(n)'</i>	It should not be a permitted activity to exceed the maximum nitrogen caps otherwise there is no management trigger for plans to reduce nitrogen losses..
Rule 15.5.3	Correct the reference to Rule 15.4.2.	There is an error in this rule. It cross-references to Rule 15.4.2 which does not exist.
Rule 15.5.8	Amend non-compliance with Rule 15.5.6(4) to be a non-complying activity.	There may be properties which have a small area that is in another water allocation zone. That circumstance should be able to be considered.

Provision	Decision Requested	Any additional reasons to paragraph 3.5 above
Rule 15.5.10	Amend Rule 15.5.10 so non-compliance with Rule 15.5.9(1)(f) or (g) is a prohibited activity. Non-compliance with any other part of Rule 15.5.9 is a non-complying activity.	Rule 15.5.9 has many conditions where there may be circumstances where non-compliance may have only minor effect and should be able to be considered.
Rule 15.5.11	Delete Rule 15.5.11(2).	It's not clear why a person cannot belong to both a Nutrient User Group or a Farming Enterprise and use irrigation scheme water. This seems counter-intuitive to the policy to encourage people to use irrigation scheme water in preference to individual takes from surface water.
Rule 15.5.19	Delete Rule 15.5.19 and replace with the following:  <i>"In the South Canterbury Coastal Area region-wide rules 5.68, 5.69, 5.70 and 5.71 also apply to permanently flowing drains, but not to subsurface drains."</i>	Rule 15.5.19 as currently worded reads more like an advice note than a rule. It is also unclear why the exemptions are listed in this rule, if the region-wide rules do not apply to them.
Rule 15.5.20	<p>1. Amend Rule 15.5.20(4) to read:  <i>'Each area of disturbed land is stabilized immediately upon the completion of the disturbance, and is recontoured and replanted to a state similar to or better than its previous state within 10 working days of completion of the disturbance.'</i></p> <p>2. Amend Rule 15.5.20(6) to read:  <i>"No vegetation used for flood control or bank stabilization is</i></p>	<p>As currently worded a site could be left eroding or otherwise discharging sediment for up to 10 days.</p> <p>Condition (6) as currently written gives an automatic priority to maintaining vegetation for bank stabilization and flood control; whether necessary, lawfully established or appropriate.</p>

	<p><i>disturbed, removed, damaged or destroyed except with the written approval of the Canterbury Regional Council.</i></p> <p>3. Add a new condition 7 which reads:</p> <p><i>“Where any indigenous vegetation is removed, it shall be replaced with indigenous vegetation of the same or similar species.”</i></p>	
Rule 15.5.22	<p>Amend Rule 15.5.22 matter of discretion (8) by adding the words:</p> <p><i>“Or the ability to exercise kaitiakitanga;”</i></p>	
Rule 15.5.26	<p>Amend Rule 15.5.26 to read:</p> <p><i>“The take and use of groundwater with a direct, high or moderate stream depletion effect or the take and use of surface water from any water body which is provided for in tables 15(f) to (j) but does not comply with the provisions in those tables, is a prohibited activity.</i></p> <p><i>The take and use of surface water or groundwater from any water body which is not provided for in tables 15(f) to (j) is a non-complying activity.”</i></p>	<p>While it may be appropriate to prohibit takes which do not comply with the allocation limits in Tables 15(f) to (j), it seems unjustified to prohibit any surface or groundwater retake that isn’t provided for at all in Tables 15(f) to (j). The Council cannot foresee all activities and all circumstances.</p>
Rule 15.5.30(1) and Table 15(k)	<p>Amend Table 15(k) to provide a numeric allocation limit for groundwater for the Otaio, Makikihi, Hook and Waimate Groundwater Allocation Zones.</p>	<p>Other than the Waihao Allocation Zone, the groundwater limits in Table 15(k) are uncertain, which in turn makes Rule 15.5.30(1) uncertain.</p>

		<p>No person reading this rule can know by looking at Variation 3 what the allocation limit is and whether it gives effect to the NPS Freshwater.</p> <p>In addition, as currently worded, the allocation limits in Table 15(k) will eventually fall to zero for each Groundwater Allocation Zone as the number of water permits granted before 01 May 2015 reduces as each expires.</p>
Rule 15.5.32	<p>Add a new condition to Rule 15.5.32 which reads:</p> <p><i>“7. The permit to take surface water or stream depleting groundwater is surrendered.”</i></p>	<p>If the purpose of the rule is to implement the policy to substitute deep groundwater for surface water or stream depleting groundwater takes, the permits for the latter need to be surrendered.</p>
Rule 15.5.33	<p>Amend Rule 15.5.33 to make non-compliance with condition (1) a prohibited activity and non-compliance with the other conditions a non-complying activity.</p>	<p>A default status of prohibited activity may prevent the consent authority from being able to deal with an unforeseen situation.</p>
Rule 15.5.37	<p>Combine conditions (1) and (2) and amend to read:</p> <p><i>“If the application is made before 20 December 2021 not more than 500l/s has been allocated from the B allocation block;...”</i></p>	<p>Conditions 1 and 2 seem to have the same requirements whether the person holds a resource consent for an A permit or not. The wording of Condition (1), last two lines doesn’t quite make sense.</p>
<b>Provision</b>	<b>Decision Requested</b>	<b>Any additional reasons to paragraph 3.5 above</b>
Rule 15.5.39 & 15.5.40	Delete Rules 15.5.39 and 15.5.40 and replace with the following:	



*“In the South Canterbury Coastal Area, the permanent or temporary transfer of water permits shall be a discretionary activity where the following conditions are met:*

- (i) The water permit has been exercised by the permit holder within the last two years; and*
- (ii) The maximum amount of water transferred does not exceed the lesser of the volume of water which is reasonable for the proposed land use calculated in accordance with Schedule 10 or the volume which the permit holder has demonstrated that they have abstracted on average each year over the last two years.*

*Any water permit transfer which does not comply with Rule 15.5.39 shall be a non-complying activity.”*

Provision	Decision Requested	Any additional reasons to paragraph 3.5 above
<b>Tables</b>		
Table 15(f)	Delete the words 'individual water supply strategies' and replace with: <i>"at the discretion of the consent authority."</i>	It is unclear what 'individual water supply strategies' means and who decides the minimum flow - the consent authority or the council supplying the community water supply.
Table 15(g)	<p>Amend Table 15(g) by:</p> <ol style="list-style-type: none"> <li>1. Increasing the minimum flow at Lower Waihao (Bradshaw's Bridge) to 200l/s as in Variation 9 to the NRRP.</li> <li>2. Increasing the 'A' Minimum Flow on the Otaio to 96l/s.</li> <li>3. Introducing a partial restriction regime on all allocation blocks except those with residual flow conditions.</li> <li>4. Adding another column headed up:</li> </ol> <p><i>'COMAR Flows to be met by 01 Jan 2030'</i> and add the following minimum flows</p> <p>Sth Branch Hook (Upper ook Rd Bridge): 20l/s and winter min flow (01 may-30 Sept) of 100l/s</p> <p>Waimate Creek ( intake): 15l/s</p>	<p>Variation 3 states that surface water and groundwater resources are over-allocated but no changes are proposed to minimum flows or allocation blocks immediately or in the future to address this issue.</p> <p>Higher winter minimum flows are important to protect flow variability and ecosystem recovery especially if takes to storage are being promoted.</p>

	<p>Merry Stream (SH 1 bridge): min flow depth of 250mm and winter min flow (01 May-30 Sept) of 300l/s.</p> <p>Lower Waihao (Bradshaw's Bridge): 425l/s and a winter min flow (01 May-30 Sept) of 600l/s.</p> <p>Buchanan's Creek: 200l/s</p> <p>Upper Hook: min flow 50l/s and a winter min flow (01 May-30 Sept inclusive) of 100l/s.</p> <p>Lower Hook (Beach Rd): sufficient to ensure minimum flow depth of 300mm</p> <p>Waihao Arm (Poingdesters Rd): 1.5m a.m.s.l</p> <p>Make consequential amendments to Table 15(i)</p>	
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Provision	Decision Requested	Any additional reasons to paragraph 3.5 above
Table 15(m)	<p>(i) Amend Table 15(m) to remove the provision to increase nitrogen flexibility cap limits in the Waihao-Wainono Plains as a result of augmentation. If 10kg/ah/yr is too low given the soil types amend the flexibility cap to 15kg/ha/yr but do not allow a higher cap as a result of augmentation.</p> <p>(ii) Remove the provision to increase nitrogen flexibility caps from 15kg/N/ha/yr to 17 kg N/ha/yr from 2030 in both Waihao-Wainono and Northern Streams Areas.</p>	<p>Augmentation of Wainono Lagoon is to improve water quality over and above the effect of nitrogen loss reductions.</p> <p>It isn't clear why provision is made to increase the flexibility caps for nitrogen loss in Waihao-Wainono and Northern Streams Areas from 2030 and only on the Plains Areas and not the Hill Areas.</p>
Table 15(o)	Amend Table 15(o) by including a maximum nitrogen catchment load for Morven-Sinclairs Area.	Table 15(o) has a maximum nitrogen catchment load for Morven-Sinclairs of 0t/yr. This does not match the description of that catchment in Variation 3 as being one where water quality is to be maintained rather than improved, and additional land use intensification can occur provided the catchment load is not breached.

Provision	Decision Requested	Any additional reasons to paragraph 3.5 above
Schedule 7	<p>Add a new section to Part B of Schedule 7 which reads:</p> <p><i>7. Waihao-Wainono Cultural Landscape Areas</i></p> <p><i>a. A description of the land within or adjoining the Cultural Landscape Area shown on the Planning Maps in Section 15.</i></p> <p><i>b. A description of any discharges on to land or into water in the Cultural Landscape Area which may result from the property, including: livestock, discharge from an effluent pond or the spreading of effluent, septic tanks, offal pits or silage pits, or irrigation water, use of hazardous substances.</i></p> <p><i>c. Any mitigation measures proposed to minimize the risk of a discharge of contaminants directly or indirectly into water within the Cultural Landscape Area.</i></p> <p><i>d. Any actions to maintain or enhance indigenous vegetation or mahinga kai.</i></p> <p><i>e. Any consultation undertaken with Te Runanga o Waihao or Te Runanga o Arowhenua and the results of that consultation.</i></p>	<p>This amendment is necessary to implement the proposed new policy in the relief sought.</p>