

**From:** [Herb Familton](#)  
**To:** [Mailroom Mailbox](#); [Brett Aldridge](#); [Nick Regnault](#)  
**Cc:** [Rachel Brown](#); [Grant Campbell](#)  
**Subject:** ECan Plan Change 6 WAIWERA - DOC-2632918  
**Date:** Monday, 2 November 2015 4:58:00 p.m.  
**Attachments:** [ECan Plan Change 6 WAIWERA DRAFT - DOC-2632918.pdf](#)

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Hi

Please find enclosed DG of Conservation submission on Plan Change 6 (banks peninsula)

Please acknowledge receipt.

Herb Familton  
RMA Planner  
South Island RMA Shared Services  
Operations Group

Department of Conservation | *Te Papa Atawhai*

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**Conservation leadership for our nature *Takina te hi, Tiakina, te ha o te Ao Turoa***



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3 November 2015

Environment Canterbury  
Box 345  
CHRISTCHURCH

Attention: Nick Regnault

Dear Nick,

**ECan Land and Water Plan Change 6: Banks Peninsula**

Please find enclosed the submission by the Director-General of Conservation in respect of Plan Change 6 (Banks Peninsula). The submission identifies the Director-General's concerns and the relief sought.

Please contact Herb Familton in the first instance if you wish to discuss any of the matters raised in this submission at The Christchurch RMA Shared Services Office at [hfamilton@doc.govt.nz](mailto:hfamilton@doc.govt.nz) or 03 3713751.

Yours sincerely



Herb Familton  
Resource Management Act Planner  
For Director-General

**Department of Conservation Te Papa Atawhai**

Christchurch Shared Services

Private Bag 4715, Christchurch Mail Centre, Christchurch 8140, New Zealand

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## **RESOURCE MANAGEMENT ACT 1991**

### **SUBMISSION ON A PLAN CHANGE TO THE LAND AND WATER PLAN**

**TO:** Environment Canterbury

**SUBMISSION ON:** **Plan Change 6: Banks Peninsula**

**NAME:** Lou Sanson  
Director-General of Conservation

**ADDRESS:** RMA Shared Services  
Department of Conservation  
Private Bag 4715  
Christchurch Mail Centre 8140  
Attn: Herb Familton

### **STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF CONSERVATION**

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (RMA), I, Grant Campbell, Acting Operations Manager, Maahanui District, acting upon delegation from the Director-General of the Department of Conservation, make the following submission in respect of the Proposed Plan Change Plan Change 6 to the Canterbury Land and Water Plan(2012).

1. This is a submission on the Plan Change 6 to the Land and Water Plan.
2. The specific provisions of the Proposed Plan that my submission relates to are set out in Attachments 1 to this submission. The decisions sought in this submission are required to ensure that the Land and Water Plan:
  - a. Gives effect to the New Zealand Coastal Policy Statement and the Freshwater Management National Policy Statement.
  - b. Recognises and provides for the matters of national importance listed in section 6 of the Resource Management Act (1991) Act and to has particular regard to the other matters in section 7 of the Act.
  - c. Gives effect to the Canterbury Canterbury Management Strategy.
  - d. Promotes the sustainable management of natural and physical resources.
  - e. The changes sought are necessary, appropriate and sound resource management practice.
4. I **seek** the following decision from the Council:
  - 4.1 That the particular provisions of Proposed Plan Change 6 that I support, as identified in Attachment 1, are retained.
  - 4.2 That the amendments, additions and deletions to Proposed Plan Change 6 sought in Attachments 1 are made.

4.3 Further or alternative relief to like effect to that sought in 4.1 – 4.2 above.

5. 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 the hearing.



Grant Campbell  
Acting Operations Manager  
Maahanui District

Pursuant to delegated authority  
On behalf of  
Lou Sanson  
Director-General of Conservation

Date: 3 November 2015

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 6011.

## ATTACHMENT 1:

### PROPOSED PLAN CHANGE 06– LAND AND WATER PLAN SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION

The specific provisions that my submission relates to are set out in Attachment 1. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording to like effect may be equally acceptable. Text quoted from Proposed Plan Change 6 of the Canterbury Land and Water Plan is shown in *Italics*. The wording of decisions sought shows new text as underlined and original text to be deleted as ~~strikethrough~~.

Unless specified in each submission point my reasons for supporting are that the policies are consistent with the purposes and principles of the Resource Management Act 1991 (RMA).

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
<b>SECTION 10: BANKS PENINSULA</b>			
Section 10 Page 10-1	Description	Support in Part. <ul style="list-style-type: none"><li>Clarify area the plan change refers to</li></ul>	Delete the second sentence and replace with:  <u>“Figure 1 outlines the area covered by the Banks Peninsula Water Management Zone Committee. Figure 2 defines the extent of the Lake Forsyth/ Te Roto o Wairewa catchment.”</u> .
Section 10 Page 10-1	Description	Support in Part. <ul style="list-style-type: none"><li>Inconsistent use of the term Lake Forsyth / Te Roto o Wawera</li></ul>	Use a consistent term throughout the document, such as:  <u>“Lake Forsyth/ Te Roto o Wairewa”</u>  Or similar consistent term.
Section 10 Page 10-2	Description	Support in Part. <ul style="list-style-type: none"><li>Identify the legal manager of Lake Forsyth / Te Roto o Wairewa as it is a legally protected area, noting that activities on the bed of the lake may require a concession from the Department of Conservation which manages the bed of the lake.</li></ul>	Insert as paragraph three of page 10-2  <u>“The Wairewa / Lake Forsyth lakebed totalling 651.73 hectares is a stewardship area managed under section 25 of the Conservation Act by the Department of Conservation”. It is managed under the Canterbury Conservation Management Strategy “to protect and enhance the life supporting capacity of Canterbury’s</u>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
			<u>freshwater ecosystems for their intrinsic state and for their habitat values for birds, fish and invertebrates"</u>
Section 10 Page 10-2	Description	Support in Part. <ul style="list-style-type: none"> <li>Clarify the significance of the habitat for native birds</li> </ul>	Add to third paragraph after <i>water fowl</i>  <u>"And at least 11 threatened and 6 at risk birds"</u>
Section 10 Page 10-2	Description	Support in Part. <ul style="list-style-type: none"> <li>The officially accepted common name for tuna / eels are "longfin and shortfin".</li> </ul>	Third paragraph:  Alter to  <del>longfinned and shortfinned</del> / tuna
Section 10 Page 10-1	Description	Support in Part. <ul style="list-style-type: none"> <li>Other fish as well as eel/ tuna require passage to the sea to complete their life cycle</li> </ul>	Alter to  <u>"And providing for the migratory habits of the tuna so as to enhance mahinga kai and to complete the life cycle of other diadromous fish"</u>
Section 10.1 Page 10-3	10.1 Other Regional Plans that Apply	Support in Part. <ul style="list-style-type: none"> <li>Regional Coastal Environment Plan (2005) also applies in this area as it includes the coastal environment</li> </ul>	Add  <u>"Regional Coastal Environment Plan"</u>
Section 10.1A Page 10-3	10.1A Definitions	Support. <ul style="list-style-type: none"> <li>Support all definitions as they are required to give effect to the plan.</li> </ul>	Retain all definitions
<b>POLICIES 10.4</b>			
Polices Page 10-4	Policies 10.4.1-10.4.4	Support in Part The Policies are required to give effect to the plan with minor amendment. <ul style="list-style-type: none"> <li>Water quality will benefit in-stream uses as well as recreational users generally</li> <li>Native species plated need to be appropriate for the situation</li> </ul>	Add after <i>"water quality"</i> in the first line of Policy 10.4.1  <u>"for in-stream and recreational values"</u>  Altering c) in Policy 10.4.1 to read  c)" Encouraging the planting of <u>appropriate native species in riparian margins where this is compatible wih achieving bank stabilisation; and"</u>  Add a note to Policy 10.4.4

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<ul style="list-style-type: none"> <li>The significance of the manager of the bed and its implication for management needs to be outlined.</li> </ul>	<p><u>“Note: DOC manages the bed of Lake Forsyth / Te Roto o Wairewa under the Conservation Act (1987) and activities in the bed will require authorisation under that Act”</u></p>
<b>RULES 10.5</b>			
Rules 10.5 Page 10-5	Rules 10.5.1, 10.5.3-10.59	Support The rules are required to give effect to the Policies	Retain
Rules 10.5 Page 10-5	Rules 10.5.2	Support in Part. <ul style="list-style-type: none"> <li>Support with minor amendment to be consistent with 10.5.2 a) of rule</li> <li>Fish spawning sites generally should be avoided especially in the spawning season, so that the location and timing of the activity can be managed.</li> </ul>	Amend matter of discretion 3 to be consistent with condition (a) as follows: <p style="text-align: center;">3. <i>The species of plant to be <del>introduced</del> planted or removed, and</i></p> Amend matter of discretion 4 to add at the end: <u>“Fish spawning habitat generally, including timing of the activity.; and”</u>
<b>TABLES, MAPS AND SCHEDULES 10</b>			
Table 10 (a) and (b) Page 10-9	Table 10 (a) and (b)	Support in Part. <ul style="list-style-type: none"> <li>Add new ecological health attribute to table 10 (a) and (b) to protect breeding sites of species</li> <li>An increase in macrophyte cover will indicate that clear progress will have been made in water quality improvement in Lake Forsyth / Te Roto o Wairewa..</li> </ul>	Add to both table 10 (a) and (b) Ecological Health Indicator the following: <u>“Threatened and at risk species and their breeding sites are protected from activities adverse to them”</u> Add a new visual water quality indicator in Table (b) <u>“Increase in native macrophyte beds to 20% cover and associated clearer water in the lake margins than mid-lake.”</u>
10-11	Table 10(c)	Oppose <ul style="list-style-type: none"> <li>Minimum flows and restrictions should be rounded up to the nearest five or ten round number, as the standard error in hydrological measurement is approximately</li> </ul>	Alter table 10 (c) as follows: <i>Minimum Flows:</i> <ul style="list-style-type: none"> <li><i>Okuiti River and Tributaries- 60 L/s<sup>-1</sup></i></li> <li><i>Okana River, Takiritawai River and their</i></li> </ul>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p>5%.</p> <ul style="list-style-type: none"> <li>This means rounding up or down to the nearest five or ten is within the margin of error hydrological measurement and will have little effect on reliability.</li> <li>It is also more precautionary under the primary principles of The Canterbury Water Management Strategy to round up a minimum flow and restriction number than round down a minimum flow or restriction</li> <li>Using section 68(7) to introduce this rule provides ample lead-in time for consent holders to adjust to the new regime.</li> </ul>	<p><i>Tributaries- <u>100 L/s<sup>-1</sup></u></i></p> <p><i>Restrictions:</i></p> <p><i>Okuiti River and Tributaries</i></p> <p>25% <u>80</u>  50% <u>70</u>  100% <u>-60</u></p> <p><i>Okana River, Takiritawai River and their Tributaries</i></p> <p>25% <u>130</u>  50% <u>115</u>  100%- <u>100</u></p> <p><u>Insert new rule for table 10(c):</u></p> <p><u>"By section 68(7) of the RMA, table 10(c) shall affect the exercise of any existing resource consent to which this rule applies from the expiry of 7 years after the day on which this plan change becomes operative."</u></p>
10-12	Tables 10 (d- f)	<p>Support</p> <ul style="list-style-type: none"> <li>Table limits and targets are required to give effect to the plan Policies and set an appropriate level of protection for various aquatic species.</li> <li>The river limits provide an appropriate level of protection for aquatic species based on Hickey, C. 2013. Updating nitrate toxicity effects on freshwater aquatic species. Hamilton, National Institute of Water and Atmospheric Research: 39p. Ministry for the Environment. 2014. National Policy Statement for Freshwater Management 2014, Ministry for the Environment,: 34p.</li> <li>The Lake limits proposed will only just meet</li> </ul>	Retain



PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		the NPS (Freshwater) national bottom lines by 2030.	
10-12	Schedule 24(c)	Support in Part. <ul style="list-style-type: none"> <li>Spawning sites of other fish deserve to be sustainably managed and protected from adverse effects so that they can retain their life supporting capacity</li> </ul>	Add to 5 a) "Spawning sites of fish"
1—15 onward	Maps	Support. <ul style="list-style-type: none"> <li>Maps are required to give effect to the plan Policies and Rules</li> </ul>	Retain