

BEFORE hearing commissioners:

David F Sheppard (chair)
Edward Ellison
Rob van Voorthuysen

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Proposed Plan Change 4 (Omnibus) to the partly
operative Canterbury Land and Water Regional
Plan

BETWEEN **CANTERBURY REGIONAL COUNCIL**

AND **KAIKOURA DISTRICT COUNCIL**

EVIDENCE OF MATTHEW EDWIN HOGGARD
BRS MNZPI

EVIDENCE OF Matthew Edwin HOGGARD

My full name is Matthew Edwin Hoggard

1.0 Introduction

Education, Qualifications

My name is Matthew Edwin Hoggard

- 1.1 I am a District Planner with 18 years professional experience. My focus has been with small local authorities. I am a full member and New Zealand Planning Institute. I have a three year undergraduate degree in Resource Studies from Lincoln University completed in 1998.
- 1.2 Living and working within the regions of New Zealand has provided a wide range of opportunities and responsibility. I am currently Deputy Chair of the Kaikoura Water Zone, and the Zone Committee representative on the Regional Committee. As a council employee I have a role as a District Planner my focus is to ensure the District Plan meets statutory requirements as well as the needs of the environment and the community. I was a member of the collaborative drafting team of the Proposed Canterbury Regional Policy Statement 2011. I have been involved in development of community strategies and involved in the full range of planning processes including appearances within the Environment Court as an expert witness.
- 1.3 This evidence has been prepared while employed by the Kaikoura District Council and the council is aware of my professional view.
- 1.4 I have read the Environment Court of New Zealand Practice Note 2014 and agree to comply with it. I have complied with the Code in the preparation of my evidence.

2.0 Experience

- 2.1 I have lived within the Kaikoura District since May 2000 and am very familiar with the range of issues which face the local community. As deputy chair of the Kaikoura Zone Committee I have attended a number of community meetings and am familiar with local issues which relate to water. Previous to my district planning role I was the Planning Officer, this role focused on consent processing for all district council resource consents within the Kaikoura District.

- 2.2 I am aware of a number of activities within the rural zone which rely on small water supplies which are not controlled by the District Council. These supplies are often available for consumption by the general public and may have been assessed by way of resource consent or food control plan¹.

3.0 Scope of Evidence

- 3.1 The scope of my submission is limited and relates to changes proposed for Group and Community Drinking Water Supplies. The key change which this submission focuses on is “With the removal of the separate ‘group drinking water supply’ terminology, 25 persons will be the minimum population automatically being protected².” This will result in a number of supplies within the Kaikoura District having limited protection.

- 3.2 My evidence outlines that the current 25 people 60 days per year requirement does not provide sufficient protection for important community water supplies and the relief sought was:

- (1). To ensure;
 - a. All premises which require licences or a Food Control Plan under the Food Act 2014.
 - b. All camping grounds registered under the Camping Ground Regulations 1985
 - c. All properties which provide for accommodation for 5 persons or more.
 - d. All existing Council Water Supplies which may be used for domestic use
 - e. Maraeare provided with the same level of protection as community drinking water supplies as outlined within Schedule 1 of the Land and Water Regional Plan.
- (2). Link the above 5 activities types to Schedule 1 to ensure they have a drinking water protection zone.

¹ Food control plans are issued by the Kaikoura District Council, via Food and Health Standards 2006 Limited with Ian Shaw being the key contact for Council.

² http://www.ecan.govt.nz/publications/Reports/Omnibus_Plan_Change_4_-_S42A_Report.pdf

- (3). Provides for activities outlined in rules 5.7 6(g), 5.8 3(g), 5.10 2(b), 5.14 4(b), 5.16 2(b), 5.20 2, 5.22 2(b), 5.22 4(a), 5.24 5(b), 5.27 6(b), 5.29 3(f), 5.31 1A, 5.33 1(c), 5.36 1(c), 5.39 1(b), 5.71 2, 5.75 2(a), 5.77 4(a), 5.82 1(c), 5.85, 5.90 (b), 5.91 4(b), 5.95 2(f), 5.98 8(b), 5.101 2, 5.109 3 and 3A, 5.119 5 and 8, 5.179 2(b), and 5.181 5 be permitted activities within a drinking water protection zone which are created by a-e above where the written approval of the owner/occupier which is responsible for any of the activities a-e above has been obtained and supplied to the Regional Council.

4.0 Examination of Proposed Rule

- 4.1 Prior to notification of Plan Change 4 supplies of less than 501 people were seen as group drinking water supplies. These group drinking water supplies fitted within the definition of Community Water Supplies and were offered additional protection from potential contamination. The result was that even a single dwelling was offered additional protection.
- 4.2 The definition is now intended to change so supplies of less than 25 people with drinking-water for not less than 60 days each calendar year will not receive any form of additional protection. Supplies greater than 25 people will continue to receive protection.

5.0 Policy Context

- 5.1 Consideration of key planning documents for Canterbury is considered below.
- 5.2 Section 5 of the RMA make is clear that safeguarding the life-supporting capacity of air, water, soil, and ecosystems is fundamental to sustainable management. Section 6 Matter of national importance recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- 5.3 Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 provides for additional protection for supplies over 25 people. Section 13 allows a consent authority to impose requirements more stringent than requirements within the regulations. No technical barriers exist from

the NES which would prevent the relief sought in Kaikoura District Councils submission.

5.4 Regional Policy Statement has been considered within the Section 32 report, namely Policy 7.3.3 and 7.3.6. The Section 32 report then seek to remove group drinking water supplies and amend the definition of community drinking water supplies with the definition of other statutory documents. This is not considered to be consistent to giving effect to the policy as it excludes all supplies of less than 25 people including those servicing marae. Policy 7.3.6 is about setting and holding a baseline for water bodies depending on their use. The principle reasons and explanation also refer to “any actual or likely demand for high water quality for drinking or stock water supplies. The concept of setting limits for waterbodies based on use is also reflected within the Canterbury Water Management Strategy.

5.5 Canterbury Water Management Strategy is about creating a new paradigm in the way water is allocated and managed. As such the Canterbury Water Management Strategy (CWMS) should be considered in the preparation of the regional plan. Section 65(3)(i) of the Resource Management Act 1991 allows for consideration of any other significant issues relating to any function of the regional council under the Act. The strategy contains first and second order priorities. The priorities are achieved by meeting ten targets. Targets have been subject to extensive stakeholder and public discussion³. Drinking Water and Kaitakitanga are two of the targets.

5.6 Kaitakitanga includes Marae Drinking Water and includes the following goals:

“From 2010:

Prevent further decline in the quality or quantity of water bodies used as a drinking water supply to marae and associated papakāinga.”

By 2020:

All marae and associated papakāinga have access to high quality drinking water”⁴

³ <http://ecan.govt.nz/publications/Reports/cwms-targets-study-july-2010.pdf>

⁴ <http://ecan.govt.nz/publications/Reports/cwms-targets-study-july-2010.pdf>

5.7 Drinking Water targets include the following goals:

“From 2010

Prevent further decline in source water quality for those communities that currently have to treat drinking water, such that this requires increased level of treatment or monitoring requirements

No new activities in a drinking water catchment that reduce access to sufficient quantities of drinking water supplies.

By 2020

There is an increase in the percentage of the population supplied with water that meets the New Zealand Drinking Water Standards for health based determinants

By 2040

Nitrate levels in community drinking wells are below the maximum allowable value of drinking water”⁵

5.8 The CWMS sets a number of bold targets. No definitions are given for drinking water. The Health Act 1956 defines drinking water under section 69G the definition does not limit drinking water to the number of uses. The intention for marae and associated papakāinga is to have access to high quality drinking water. This provides a clear signal that the CWMS is not limited to supplies which only service 25 people for 60 days a year or more.

5.9 At the individual zone level The Kaikoura Zone Implementation Programme (ZIP) includes specific statements in relation to drinking water. Recommendations 1.2 to 1.5 of the ZIP are relevant:

⁵ <http://ecan.govt.nz/publications/Reports/cwms-targets-study-july-2010.pdf>

1.2 Other water supplies	Provide updates to Zone Committee on 'networked' drinking water quality in non-Council supplies and ensure that there is good signage where drinking water is below New Zealand Drinking Water Standards.	Ministry of Health, Environment Canterbury, Kaikoura District Council	Annually from 2013
1.3 Other water supplies	Provide updates to Zone committee on self supply drinking water quality and ensure there is good signage where drinking water is below New Zealand Drinking Water Standards.	Kaikoura District Council, Environment Canterbury	Annually from 2013
1.4 Other water supplies	Provide information to ratepayers on the importance of quality drinking water and of water testing, and the results from monitoring, and provide assistance where possible to non-Council supplies to meet New Zealand Drinking Water Standards (where required).	Kaikoura District Council, Ministry of Health, Environment Canterbury	From 2013
1.5 Marae water supplies	Identify and address any requirements with regard to safe water supply at Takahanga Marae arising from the marae being a Civil Defence alternate welfare centre. Support Mangamaunu Marae in registering their water supply and identify and address any issues to ensure a safe water supply into the future.	Kaikoura District Council and Te Rūnanga o Kaikōura Mangamaunu Trustees, Te Rūnanga o Kaikōura; Ministry of Health, Environment Canterbury	From 2013 From 2013

Source: Kaikoura Zone Implementation Programme⁶

5.10 The success of these recommendations in part depends on the ensuing an appropriate planning framework is developed within the Land and Water Regional Plan. Outlined in Appendix 1 is a review of activity rules which has been created to provide a better understanding of what activities could occur near supplies of less than 25 people. For example Rule 5.14 provides for pit and composting toilets to be permitted if more than 20m from a surface water body, a bore used for water abstraction or the Coastal Marine Area.

5.11 In summary the policy context reinforces the need to prevent further decline to drinking water sources and reinforces the intention for marae and associated papakāinga is to have access to high quality drinking water. Including additional protection for only supplies of over 25 people does not fully address the current planning framework, as marae, papakāinga housing and sources used for commercial use are not provided for.

6.0 Impact for Kaikoura

6.1 Kaikoura District is an international visitor destination. The services which tourists receive while visiting reflect on New Zealand as a whole. Kaikoura has a number of businesses which provide services to tourists. These include the businesses outline in Appendix 2 which are connected to non-council water supplies. The supplies for many of these businesses are historic and located on a third parties land. Within the Kaikoura district supplies include old railway supplies used for provision of water to steam trains. The users of the supply have little to no control of what activities occurs surrounding the intake/bore. Tourists who visit these businesses still expect New Zealand to live up

⁶ <http://ecan.govt.nz/publications/Council/kaikoura-zip.pdf>

to its 100% pure reputation. Regulation aims to ensure that this occurs. If visitors have a third world experience it reflects on our international image.

6.2 Current regulation throughout Canterbury addresses:

- All premises which require licences or a Food Control Plan under the Food Act 2014
- All camping grounds registered under the Camping Ground Regulations 1985
- All properties which provide for accommodation for 5 persons or more
- All existing Council Water Supplies which may be used for domestic use

6.3 Kaikoura District Council with the Assistance of Food and Health Standards undertakes ongoing testing to ensure waters supplies fully comply with drinking water standards. For the activities listed in the relief sought in point 1, the quality of water is tested which provides a snapshot in time. If a failure occurs measure are taken to improve the treatment. This can lead to more complex and costly treatment systems to resolve the problem.

6.4 The snapshot in time approach is reactive. A more proactive approach occurs when the policy framework provides additional protection. The protection would ensure that water sources are protected. In this case records are kept of the location of the above mentioned businesses and the locations of Marae are known. Provision of additional protection ensures better protection of the source and better community outcomes. Any additional consenting costs associated with the additional protection would fall within the polluter pays principle. Those with the potential to pollute are required to undertake the work to ensure the effects are mitigated.

7.0 Solution/Relief Sought

7.1 The concerns of the change from 1 to 25 persons also impacts on other local authorities, Mackenzie DC have sought to include a new schedule which includes three community water supplies. Mackenzie's submission does not address individual businesses and I do not know if this is because no such businesses exist within the district. Rather than naming specific businesses it is preferred to provide additional protection to the following activities:

1. All premises which require licences or a Food Control Plan under the Food Act 2014
2. All camping grounds registered under the Camping Ground Regulations 1985
3. All properties which provide for accommodation for 5 persons or more
4. All existing Council Water Supplies which may be used for domestic use

5. Marae

- 7.2 A separate schedule as suggested by Mackenzie DC could be suitable if inclusion in Schedule 1 and Schedule 5 is not considered appropriate by water scientists. A new schedule could provide a suitable level of protection while providing sufficient flexibility for surrounding land uses.
- 7.3 In addition to this it is recognised that some of the operators of the five activities listed in 7.1 above may want to allow activities to be permitted as outlined within the submission. Point 3 of the decisions requested seeks that this can occur by provision of written approval, similar to the gravel extraction rules which presently exist in the LWRP.

8.0 Conclusions

- 8.1 Freshwater quality is of vital importance to Canterbury. The importance to maintaining high quality freshwater has been subject to much debate. Core water management principles reflect preventing further degradation. The LWRP provides an opportunity for further protection of water supplies which are valuable to our economy. The changes sought are consistent with the direction of policy 7.3.6 and the Canterbury Water Management Strategy.
- 8.2 If the Commissioners have any questions in relation to Council's submission I will assist where I can.



Matt Hoggard
District Planner - Team Leader Development

Appendix 1

Rule which no longer apply to Drinking Water Supplies of less than 25 People

Rule	Comments
Rule 5.10 The discharge of swimming pool or spa pool water into water or onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met	Activity now permitted, some conditions apply such as flow rate or river must be five time higher to allow the discharge to occur
Rule 5.14 The discharge of untreated human excrement via a pit toilet onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met	Pit toilet is not within 20 m of a surface water body, a bore used for water abstraction or the Coastal Marine Area Plus other conditions apply
Rule 5.16 The discharge of aerobically composted material from a composting toilet onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:	Discharge is not onto or into land that is within 20 m of a surface water body, the Coastal Marine Area, and adjacent property or a bore used for water abstraction;
Rule 5.20 The discharge of a vertebrate toxic agent onto or into land, including the bed of a lake or river, in circumstances where a contaminant may enter water, or into water, is a permitted activity provided the following conditions are met	Substance must be approved under Hazardous Substances and New Organisms Act 1996
Rule 5.22 The discharge of an agrichemical, or agrichemical equipment or container washwater, into or onto land, including the bed of a lake, river or artificial watercourse, in circumstances where a contaminant or water may enter water, or into a surface waterbody, is a permitted activity provided the following conditions are met	Substance must be approved under Hazardous Substances and New Organisms Act 1996. Discharge is not into a river or artificial watercourse within 250 m upstream or 100 m downstream, or in a lake within 250 m, of any other surface water intake
Rule 5.24 The use of land for an offal pit and the associated discharges onto or into land in circumstances where a contaminant may enter water are permitted activities provided the following conditions are met	No discharge occurs: within 100m of a surface water body, a bore used for water abstraction, the boundary of the site, or the Coastal Marine Area
Rule 5.27 The use of land for an on-site refuse disposal pit and the associated discharges onto or into land in circumstances where a contaminant may enter water are permitted activities provided the following conditions are met	The discharge does not occur: within 100m of a surface water body, a bore used for water abstraction, the boundary of the property site or the Coastal Marine Area
Rule 5.29 The discharge of solid animal waste (excluding any discharge directly from an animal to land), or vegetative material containing animal excrement or vegetative material, including from an intensive farming process or industrial or trade process, into or onto land, or into or onto land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met	The material is not discharged: within 20 m of a bore used for water abstraction, a surface water body not listed in Schedule 17 or the Coastal Marine Area
Rule 5.31 The use of land for a stock holding area is a permitted activity, provided the following conditions are	The stock holding area is not: (a) within 20 m of a surface water body,

met	a bore used for water abstraction or the Coastal Marine Area; or (b) within 100 m of a pre-existing dwelling or place of assembly on another property; and
Rule 5.33 The use of land for the collection, storage and treatment of animal effluent is a permitted activity, provided the following conditions are met	The land used for the collection, storage and treatment of animal effluent is not: (a) within 20 m of a surface water body (other than a wetland constructed primarily to treat animal effluent), a bore used for water abstraction or the Coastal Marine Area; or (b) within 50 m of the boundary of the property
Rule 5.36	Restricted Discretionary Rule
Rule 5.39 The use of land for a silage pit or the stockpiling of other decaying organic matter (including compost) not permitted by Rule 5.38 and any associated discharge into or onto land where a contaminant may enter water is a permitted activity provided the following conditions are met:	within 50m of a surface water body, the boundary of the property site,571 a bore or the Coastal Marine Area
Rule 5.85 The use of land for a community wastewater treatment system and the discharge of sewage sludge, bio-solids and treated sewage effluent from a community wastewater treatment system and the discharge of sewage sludge and bio-solids from an on-site waste water treatment system into or onto land, or into or onto land in circumstances where a contaminant may enter water within a Group or Community Drinking water Protection Zone as set out in Schedule 1 is a prohibited activity	Comment - No longer applies for supplies of fewer than 25 people.
Rule 5.90 The discharge of municipal solid waste into or onto land, or into or onto land in circumstances where a contaminant may enter water, where the discharge is: (a) in the Christchurch Groundwater Protection Zone as shown on the Planning Maps; or (b) in a Group or Community Drinking-water Protection Zone as set out in Schedule 1; is a prohibited activity	Comment - No longer applies for supplies of fewer than 25 people.
Rule 5.98 Any discharge of water or contaminants onto or into land in circumstances where a contaminant may enter groundwater that is not classified by any of the above rules, is a permitted activity, provided the following conditions are met	The discharge is not within (a) 50 m of a bore used for water abstraction; or
Rule 5.101 The discharge of a water tracer to groundwater, a river, lake or artificial watercourse is a controlled activity provided the following conditions are met:	Comment - No longer excludes supplies of fewer than 25 people.
Rule 5.179 The use of land for the storage in a portable	The container(s) are not located within:

<p>container and use of a hazardous substance listed in Part A of Schedule 4 is a permitted activity provided the following conditions are met:</p>	<p>(a) 20 m of a surface water body or a bore; or</p>
<p>Rule 5.181 The use of land for the storage, other than in a portable container, and use of a hazardous substance listed in Part A of Schedule 4 is a permitted activity provided the following conditions are met:</p>	<p>Comment - No longer excludes area for supplies of fewer than 25 people.</p>

Appendix 2

Businesses and Marae Connected to Non-council Water Supplies

Business /Activity	Monitoring
Food Control Plan under the Food Act 2014	
Kekerengu Store (supply also services dwellings)	Food and Health Standards
Paua Rock Cafe (same supply also services dwellings)	Food and Health Standards
Kaikoura Airfield	Food and Health Standards
Stoney Creek Fruit & Veges (supply also services a dwelling)	Food and Health Standards
Camping Ground Regulations 1985	
Waipapa Camping Ground	Food and Health Standards
Goose Bay Camping Ground including areas along the Kaikoura Coast (same supply also services dwellings)	Food and Health Standards
Resource Management Act 1991 & Build Act 2004 (District Plan and Building Code Requirements)	
Kekerengu Lodge Luxury Accommodation	Food and Health Standards
Hapuku Lodge & Tree Houses	Food and Health Standards
Manakau Lodge	Food and Health Standards
Shearwater Lodge	Food and Health Standards
Fyffe Country Lodge	Food and Health Standards
Waikene Lodge	Food and Health Standards
South Pacific Safaris Hunting Lodge	Food and Health Standards
Lynton Downs Farm Stay	Food and Health Standards
Farm Cottages – Kowhai Ford	Food and Health Standards
Ocean View Motels (Same supply as Paua Rock Cafe)	Food and Health Standards
Marae	
Mangamaunu Marae	Individual (presently roof to tank)