

Plan Change 6 to the Canterbury Land and Water Regional Plan

Addendum to the Section 42A Reply Report - 29 April 2016

1. At the Reply Hearing on 22 April 2016, three further issues arose in response to the Council Officers' section 42A Reply Report (dated 22 April 2016). The Council Officers advised that an Addendum to the section 42A Reply Report would be filed addressing these matters, which are as follows:
 - a. Amending the placement of the note advising prior consultation with Wairewa Rūnanga in respect of Rule 10.5.7 (lake investigations);
 - b. Insertion of the aspirational target of 4 for the TLI of Te Roto o Wairewa / Lake Forsyth;
 - c. Insertion of a sentence that the nitrate-nitrogen limits are being managed for more than just toxicity in respect of the rivers in the Wairewa catchment; and
 - d. Advising on any appeals on the lake opening/closing consent decision.

Placement of the Note in relation to Rule 10.5.7

2. The Section 42A Reply Report recommended the addition of a strongly worded note above Rule 10.5.7, which provides for lake investigations as a permitted activity.¹ At the Reply hearing it was questioned whether it would be more appropriate to insert the note before the group of rules providing for management and investigations in the Lake. Ngāi Tahu supported the wording of the note as inserted in the Section 42A Reply Report, and relocating the note, provided it retained explicit reference to Rule 10.5.7.
3. The Council Officers consider that the note would be appropriately located at the start of the section of the rules addressing lake management and investigations to ensure that persons are aware of the rule when assessing the activity status of activities in relation to lake investigations and management. The note also complements the existing note as recommended to be inserted into PC6 in the Section 42A Report dated 12 February 2016 in relation to authorisation from the Department of Conservation. Accordingly, the Council Officers recommend that the Note referring to 10.5.7 in the Section 42A Reply Report be relocated to under the existing note (i.e. before Rule 10.5.6), as follows (mark-up shown as per the tracked change version of PC6 dated 22 April 2016, page 10-9):

~~Lake Forsyth/~~ Te Roto o Wairewa/Lake Forsyth - Management and Investigations

Note: The Department of Conservation manages the bed of Lake Forsyth/Te Roto o Wairewa under the Conservation Act (1987) and should be consulted prior to undertaking any investigations in the lake bed to determine if authorisation is required under that Act.

Note: It is expected that any person carrying out an activity in accordance with Rule 10.5.7 would consult with Wairewa Rūnanga before undertaking investigations.

¹ See Section 42A Reply Report dated 22 April 2015 at [28]-[29].

Aspirational Target of "4" for the Lake

4. In the Section 42A Reply Report the Council Officers advised that there was no scope (and that it was not appropriate) to insert a new policy in PC6 setting out the aspirational target of a TLI of 4 for the Lake as set out in the ZIP Addendum.² It was suggested at the Reply hearing that a sentence reflecting this aspiration could be added into the introductory text of PC6.
5. The Council Officers consider that this amendment is appropriate to recognise the intent of the Zone Committee for the Wairewa Catchment as set out in the ZIP Addendum. The Council Officers recommend that the following addition be made to the tracked change version of PC6 dated 22 April 2016:

Insert the following additional bullet point to the list in the second paragraph on page 10-4 (and any consequential amendments):

- *Achieving an annual average TLI of 4 for Te Roto o Wairewa/Lake Forsyth in the long-term.*
6. Council officers consider that this addition could be made as a minor amendment under clause 16(2) of the First Schedule of the Resource Management Act 1991 (as a change of minor effect).

Nitrate-nitrogen limits

7. The final matter arising from the Reply hearing was in relation to the nitrate-nitrogen limits set in respect of the rivers in the Wairewa catchment (Table 10(d)). The Council Officers recommended that it was unnecessary to insert a footnote to Table 10(d) recognising that the nitrate-nitrogen limit was set to manage more than just toxicity (as is set in the NPSFM 2014).³ It was questioned as to whether it may be appropriate to insert a sentence to this effect in the introductory text of PC6.
8. The Council Officers consider that an addition to the introductory text is appropriate to reflect that the limits are set to manage more than just toxicity. An addition to the introductory text would also retain the consistency in the Tables throughout the LWRP. Accordingly, the Council Officers recommend that the following addition be made to the tracked change version of PC6 dated 22 April 2016:

Insert the following sentence at the end of the ninth paragraph on page 10-3:

The nitrate-nitrogen limits for the Wairewa catchment's rivers are set at a level to manage more than just toxicity, they also seek to manage periphyton in the rivers and the rivers' contribution to total nitrogen within the lake.

Lake Opening/Closing Consent decision

9. The Council has received confirmation from the Environment Court that no appeals have been received against the Council's decision on the lake opening/closing consents.

² See Section 42A Reply Report dated 22 April 2015 at [31].

³ See Section 42A Reply Report dated 22 April 2015 at [33].