

Tabled at Hearing 30/09/2014
ECCAN

Answers to Various Planning Questions of Council Officers

30 September 2014

P33 para 4.80D Do the resource consents that have been granted to CPW include discharge consents or just water permit (with conditions regarding contaminants for land to be irrigated)?

CPW hold a range of discharge permits, primarily related to construction of the scheme. None authorise the diffuse discharge of contaminants from farming activities. The water use consents are subject to conditions identifying a maximum concentration of N in water leached.

Pg 252 Policy 11.4.27 Refers to "where the proposed use of water remains the same". What would be the impact of using the phrase versus omitting it?

It would seem likely that the use of water would remain largely the same for these types of consents – irrigation. On this basis, the final part of the recommended change "where the proposed use of water remains the same" could be deleted.

Pg 271 Para 13.246 Is there recommendation on non-complying status?

On reflection, maintaining prohibited activity status for any applicant that does not have the data to undertake 'Method 1' or for some reason Method 1 is not appropriate, is not justifiable. For small water takes, that would not otherwise require metering, or where the data is unavailable (for example on property transfer), prohibited activity status is punitive. On this basis, non-complying activity status is now recommended:

11.5.35 The taking and use of surface water from a river, lake or wetland or groundwater within the Selwyn Te Waihora catchment and including all areas within the Little Rakaia Combined Surface and Groundwater Allocation Zone that does not meet Conditions ~~3~~, 4, 5, 6 or 8 in Rule 11.5.32 is a non-complying activity.

11.5.36 The taking and use of surface water from a river, lake or wetland or groundwater within the Selwyn Te Waihora catchment and including all areas within the Little Rakaia Combined Surface and Groundwater Allocation Zone that does not meet Conditions 1, 3, 2, ~~6~~ or 7 or 9 of Rule 11.5.32 or Rule 11.5.33 or Rule 11.5.34 is a prohibited activity.

Pg 273 Para 13.262 Horticulture NZ submission refers to rotational nature of farming. Where is a recommendation referring to this?

A recommendation was omitted from the s42A Report in error. The first existing matter of discretion should be amended, in line with the request of Horticulture NZ:

The exercise of discretion is restricted to the following matters:

- 1. The rate, volume and timing of the water take, including the particular demand characteristics of any rotational aspect of a farming system;*

May we have some initial guidance on whether, and the extent to which, decisions on submissions on Variation 1 may be constrained by the Council's duty to avoid the LWRP being inconsistent with the coastal environment plan?"

There is little potential for substantive inconsistency or constraint, given the very limited number of issues that may affect the Coastal Environment Plan that are addressed in any submissions. "Coast" and "Coastal" do not appear in a word search of the Summary of Decisions Requested in Submissions, other than in quotations of existing rules.

In addition, the Coastal Environment Plan is oriented toward the area seaward of Mean High Water Springs, with limited application landward of the Coastal Marine Area. Please see the appended, more detailed, analysis of the Coastal Environment Plan for background.

Regional Coastal Environment Plan 2005

The policy and rule framework within the Regional Coastal Environment Plan 2005 (RCEP) is predominantly based around the management and regulation of the Coastal Marine Area. Some of the policies refer to the "Coastal Environment". However, the RCEP does not explicitly identify the Coastal Environment.

The following is a brief analysis of the potential for interrelationship with Variation 1 to the proposed Land and Water Regional Plan.

Chapter 1: Introduction & Chapter 2: Planning Framework

These chapters provide background for the Coastal Environment Plan, and are of limited relevance to Variation 1.

Chapter 3: Resource Overview

Contains details of the coastal environment issues. The following may be marginally relevant:

"3.8 Kaitorete Spit

Description

- *Kaitorete Spit is a 26 kilometre long shingle barrier separating Lake Ellesmere - Te Waihora from the sea.*
- *Formed by sand and gravel driven along the shore by southerly wave action. The sea bed shelves steeply off the beach. Contains a high quality silicon sand resource.*
- *Kaitorete Spit supports native grasses, pingao, lizards and indigenous insects.*
- *Lake Ellesmere -Te Waihora is subject to a National Water Conservation Order for its outstanding wildlife habitat with recorded sightings of 161 bird species.*

Issues

- *The need to manage the water levels of the adjacent Lake Ellesmere -Te Waihora through mouth openings.*
- *Water quality associated with discharges of lake water into the sea.*
- *Reclamation and drainage of coastal wetlands and a reduction in water quality and ecosystem integrity of coastal lakes, lagoons and estuaries."*

Chapter 4: Tangata Whenua

Identifies the role of Tangata Whenua in coastal planning. Limited relevance to Variation 1, as the chapter primarily outlines the statutory documents that identify the relationship of Tangata Whenua with the planning process and the importance of the coastal environment to Maori. The Chapter cites the relevant policies from the 1998 Canterbury Regional Policy Statement.

Chapter 5: Summary of Significant Resource Management Issues for the Region's Coast

Limited relevance for Variation 1. However the following issue may be marginally relevant:

Issues – Chapter 6: Natural Character and Appropriate Use of the Coastal Environment

(a) Adverse effects of human activity on the coastal environment, and in particular effects on:

- (i) the life-supporting capacity of coastal ecosystems including significant indigenous flora and fauna and their habitats;*
- (ii) outstanding landscapes and natural features;*
- (iii) natural character;*
- (iv) amenity values, including recreational attributes and access;*
- (v) areas of significance to Tangata Whenua; and*
- (vi) heritage values.*

Chapter 6: Natural Character and Appropriate Use of the Coastal Environment

Under the RCEP it is unclear if Lake Ellesmere/Te Waihora is in the Coastal Environment, as the Coastal Environment is not identified on the planning maps. On balance, it would appear that the RCEP is drafted as if Lake Ellesmere/Te Waihora is not in the Coastal Environment (e.g. no significant natural areas are identified within or around Lake Ellesmere/Te Waihora).

Kaitorete spit and Coopers Lagoon/Muriwai coastline are identified in Schedule 1 as areas of significant natural values. Parts of the spit and the coast adjacent to the lagoon are identified on the planning maps as areas of significant natural value (see attached).

Both of these sites are also identified in Schedule 2 of the RCEP as areas of high natural, physical, heritage, or cultural value. The inclusion in this schedule likely covers the entire area of Kaitorete spit and Coopers Lagoon/Muriwai coastline. However, this is not clear in the schedule or on the planning maps.

Relevant policies include:

Policy 6.2

Environment Canterbury and Territorial Local Authorities will seek to ensure that the adverse effects of subdivision, use and development of land in the coastal environment landward of the Coastal Marine Area, on the identified values of Areas of Significant Natural Value and on the identified values of areas of high natural, physical, heritage, or cultural value, are avoided, remedied or mitigated.

Policy 6.3

Environment Canterbury will encourage the restoration or rehabilitation of areas or sites within the coastal environment where this would: assist in maintaining or enhancing the integrity or functioning of sites of high natural, physical or cultural value and Areas of Significant Natural Value; contribute to the preservation of natural character; maintain the ecological functioning of the coast; or enhance intrinsic, cultural, heritage or amenity values.

Chapter 7: Coastal Water Quality

Not relevant to Variation 1.

Chapter 8: Activities and Occupation in the Coastal Marine Area

Not relevant to Variation 1.

Chapter 9: Coastal Hazards

Not relevant to Variation 1.

Chapter 10: Cross-Boundary Processes

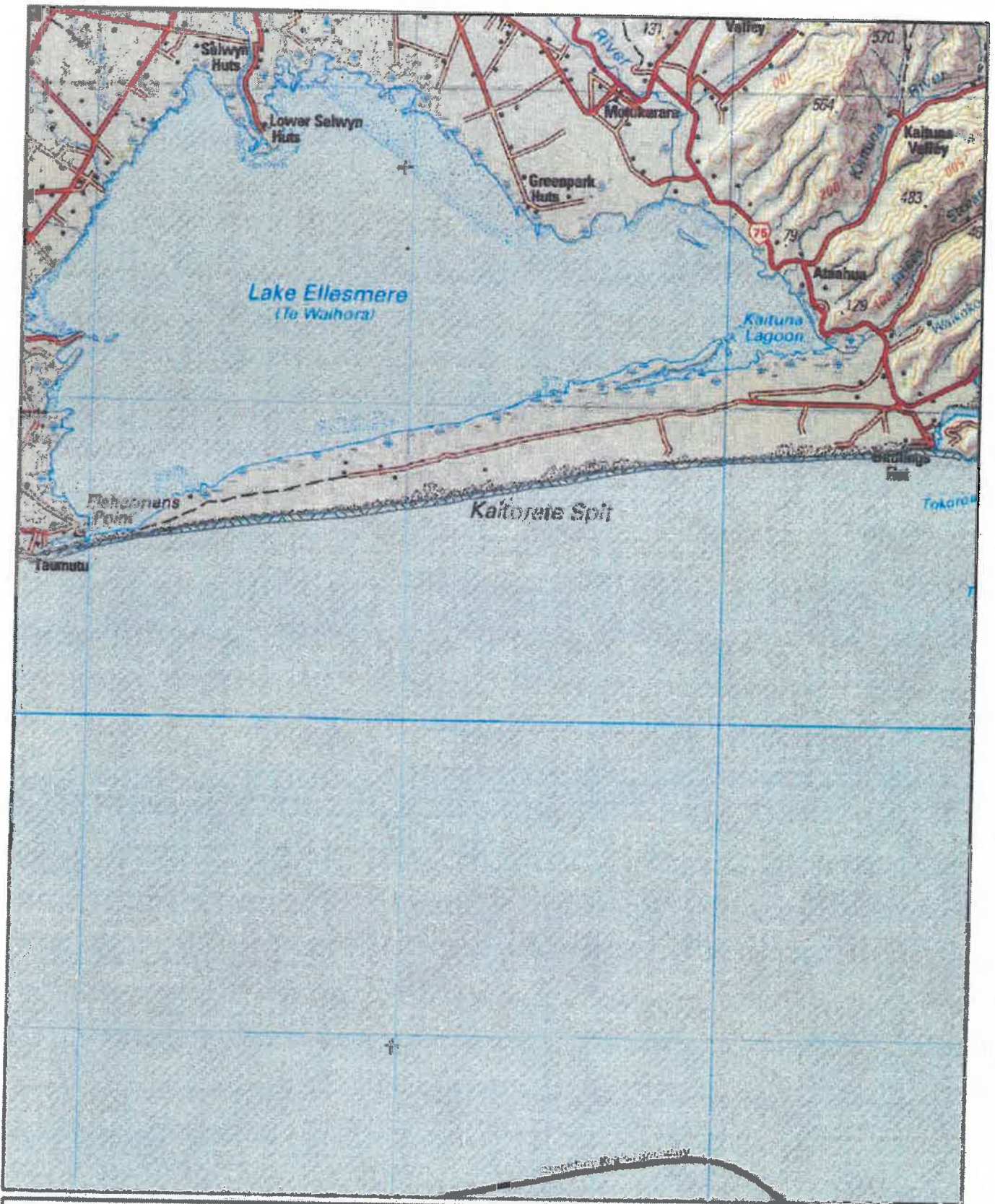
Not relevant to Variation 1.

Chapter 11: Monitoring and Review

Not relevant to Variation 1.

Chapter 12: Making Applications and Providing Information

Not relevant to Variation 1.



Map 7.23 Areas of Significant Natural Value
S5.5.28 - Kaitorete



 **ASNV Areas**

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The exact area of the CMA will change as the river mouth changes position.

Map 7.24 Areas of Significant Natural Value
S5.5.29 - Coopers Lagoon/Muriwai coastline,
S5.5.30 - Rakaia River Mouth

 **ASNVA Areas**



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0 1 2 3 Kilometres



