

MEETING ITEM: 8	SUBJECT MATTER: Recommendations: Waiau Water Quality Limits
AUTHOR: Lisa Jenkins	DATE OF MEETING: 19 March 2018

Action required

The Zone Committee makes recommendations to the Canterbury Regional Council. The suggested recommendation is:

1. The Hurunui Waiau Zone Committee recommends that the Canterbury Regional Council pursues, as soon as practicable, a plan change to the Hurunui Waiau Rivers Regional Plan (HWRRP), for the purpose of strengthening the water quality limits in the Waiau River (to manage periphyton growth), acknowledging:
 - a. Fixing the 10% rule issue is a priority for the targeted plan change to be notified in 2018;
 - b. A plan change of this nature will take 3-4 years to prepare under the CWMS collaborative planning process.
2. The Hurunui Waiau Zone Committee recommends that the Canterbury Regional Council:
 - a. do additional chlorophyll a monitoring in the Waiau river by establishing a monitoring site established in the lower Waiau;
 - b. undertakes a work programme to better understand the relationship between nutrient loads and periphyton growth rate;
 - c. investigate options to provide clarity to consent applicants, consent staff and decision makers that the nutrient losses from:
 - i. development that has been consented but not implemented;
 - ii. development that is in a consent process; and
 - iii. the increased load anticipated to come from permitted dryland farming,

could push close or even exceed a yet-to-be-determined total nutrient load that would ensure the HWRRP periphyton limit for the Waiau is achieved. Any further development consent applications will need to justify their nutrient losses.

Key points

1. Pursuing a plan change in 2018 to strengthen water quality limits on the Waiau is not possible;
2. It is recommended that work continues to inform a future plan change (notified in 2022), and to ensure periphyton limits set in the plan are not exceeded.

Discussion

At the February 19 zone committee workshop, we set out the reasons why we do not recommend pursuing a plan change to strengthen water quality in 2018. In summary:

1. Most likely development is already consented or in progress
2. There is no easily accessible and reliable water available for new development
3. The existing plan framework includes limits on periphyton and protects the life-supporting capacity of the environment

4. There is a significant amount of additional technical work and public engagement required to establish appropriate limits
5. There is an unknown P load coming due to increased sediment from earthquake damaged land
6. A plan change of this extent is not budgeted for in Environment Canterbury's work programme
7. Limit setting processes can be long and contentious and it is a lot to ask from a community currently recovering from the 2016 earthquakes.

There was some discussion about ongoing risk and some stakeholders have concerns that water quality will continue to degrade. Some options for managing this risk were mentioned.

Options for managing risk of further development in the Waiau catchment

Removing the B Block

The possibility of removing the remaining B block allocation to remove opportunity for additional land use intensification was mentioned. We do not consider that this option is appropriate because it is likely to be as contentious, costly and time consuming as a plan change to strengthen water quality limits.

Placing a moratorium on future development

The concept of a moratorium on further development was discussed among some during the workshop. We do not currently have the legislative jurisdiction to place a moratorium on development. In addition, it is unlikely the government will accept that a moratorium is needed when there is a work programme in place to give effect to the NPSFM 2017 by 2025.

Informing the public and consent applicant of limitations on future development opportunity

The plan framework that is currently in place includes strong limits for periphyton. Implementation of those limits has not been a concern to date because excessive periphyton growth has not been a significant issue in the Waiau (to the extent it has been in the Hurunui).

We are aware that with development "in the pipeline", it is likely that periphyton growth could increase (although we don't know that it will necessarily reach the limits specified in the Plan – that in part will be determined through the Emu Plains consent process). Future applications for consent (and consent application currently in process) must demonstrate that additional land use intensification will not result in periphyton limits being exceeded.

In addition, consent decisions makers must consider the NPSFM direction of "maintain or improve". Consent decisions must not be inconsistent with policies 4.8A and 4.8B of the NPSFM which require consent authorities to consider if any new development will avoid adverse effects on the life supporting capacity of freshwater and freshwater ecosystems and adverse effects on the health of people and communities.

We are aware that some people consider the toxicity limits for the Waiau to be a proxy for nitrogen limits to achieve the periphyton outcomes. This was not the intent of the Plan. The plan seeks that periphyton limits are upheld *and* species toxicity limits are upheld.

Clarification of this could be developed to provide certainty to applicants, consenting staff and decision makers regarding how the periphyton limits in the HWRRP can be upheld.

Clarification should include that new applications for land use intensification in the Waiau catchment will need to include appropriate evidence that the new development, combined with the development “in the pipeline”, will not result in the periphyton limits being exceeded.