

**HEARING COMMISSIONER RECOMMENDATION
TO THE PROPOSED HURUNUI AND WAI AU RIVER
REGIONAL PLAN AND PROPOSED PLAN CHANGE
3 TO THE CANTERBURY NATURAL RESOURCES
REGIONAL PLAN**

Release of decisions: 27 April 2013

R13/21

ISBN: 978-1-927324-61-7 (Print)

ISBN: 978-1-927234-63-1 (CD)

ISBN: 978-1-927234-62-4 (Web)

**IN THE MATTER of THE ENVIRONMENT CANTERBURY
(TEMPORARY COMMISSIONERS & IMPROVED WATER
MANAGEMENT) ACT 2010**

AND

**IN THE MATTER THE PROPOSED HURUNUI AND WAI
RIVER REGIONAL PLAN AND PROPOSED PLAN CHANGE
3 TO THE CANTERBURY NATURAL RESOURCES
REGIONAL PLAN**

**COMMISSIONERS : Hon Peter Salmon QC (Chair)
Rauru Kirikiri
Robert van Voorthuysen**

THE COMMISSIONER'S RECOMMENDATION REPORT

Having considered the Proposed Hurunui and Waiau River Regional Plan and Proposed Plan Change 3 to the Canterbury Natural Resources Regional Plan and having considered the submissions and further submission received on those documents and having heard evidence from the Canterbury Regional Council and the submitters and further submitters, the Commissioners recommend that the Plan and Plan Change be amended as set out in Appendices 2 and 3.

The reasons for the Commissioner's recommendations are contained in this Recommendation Report.

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1.0 INTRODUCTION

1. Section 65(1) of the Resource Management Act 1991 (the Act) empowers a regional council to prepare a Regional Plan for the whole or part of its region for any function in specified clauses of Section 30(1) of the Act. The proposed Hurunui and Waiau River Regional Plan (the Plan or the PHWRRP) is the first of a series of plans designed to assist in delivering sustainable water management in various water catchment areas of the Canterbury Region. As a consequence of the PHWRRP it was necessary to make a change to the Canterbury Natural Resources Regional Plan (NRRP). That change is set out in Proposed Change 3 which seeks to add explanatory paragraphs to the NRRP to identify provisions that will no longer apply in the Hurunui and Waiau catchments because these provisions are regulated by the PHWRRP.

2. The background to the preparation of the Plan is the Canterbury Water Management Strategy (CWMS). The vision of the Strategy is:

“To enable present and future generations to gain the greatest social, economic, recreational and cultural benefits from our water resources within an environmentally sustainable framework.”

3. A number of zone committees were established under the Strategy to act as facilitators and to contribute to plan and policy making. The prime function of these committees is to develop zone implementation programmes. The Hurunui Waiau Zone Committee released its zone implementation programme in July 2011. The programme contained recommendations as to how water management issues in the Hurunui Waiau Zone should be addressed. The Zone Implementation Programme (ZIP) considered water management issues in the Waiau, Hurunui and Jed River catchments. The PHWRRP is described in its introduction as one of the tools to assist in delivering sustainable water management for the Hurunui and Waiau zone. It must be borne in mind that although the preparation of the Plan is a result of the deliberations and recommendations of the Zone Committee, the Plan itself is required to comply with the provisions of the Resource Management Act and, importantly, the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 (ECan Act). It is therefore a Canterbury Regional Council plan.

4. The Plan was notified for submissions on Saturday 1 October 2011. A summary of submissions requested was released and further submissions closed on 27th February 2012. A total of 146 submissions and 16 further submissions were received. A series of initial Section 42A reports were prepared by Council staff and external experts. The Section 42A report prepared by Mrs White contained recommendations in relation to the submissions and further submissions received. Evidence in reply was prepared and presented at the end of the hearing.
5. In relation to Proposed Plan Change 3 to the NRRP Mrs White recommended certain additions and amendments and we recommend the adoption of all of these, subject to some minor wording changes. Mrs White's recommendations incorporated the only two submissions received which addressed the contents of Proposed Plan Change 3. We have accepted her recommendations and the amended text of Proposed Plan Change 3 is set out in Appendix 3 to this Report.
6. The Council appointed the Hon Peter Salmon QC, Rauru Kirikiri and Robert van Voorthuysen as commissioners to consider the submissions and the evidence given in support of them and to make recommendations to the Council.
7. Towards the end of the hearing we undertook a fly-over of the three catchments, accompanied by Mr Andrew Parrish, the Council's Principal Planner – Environmental Flows, to identify key landscape features and points of interest. The flight, which was by helicopter, took us from the mouth of the Hurunui River up to Lake Sumner. This part of the inspection included the south branch of the Hurunui. We then flew over to the head waters of the Waiau River and followed that river down to its source. We also viewed the much smaller Jed catchment. During the course of the fly-over we viewed sites proposed for water storage by submitters on the Plan.

2.0 THE STRUCTURE OF THIS REPORT

8. During the hearing of submissions it became apparent that there were certain principal issues in respect of which we heard evidence from submitters and experts called in support of those submissions. We will address those principal issues in this Report.

9. Following that, in Appendix 1 we set out our reasons for recommending the acceptance or rejection of amendments requested by submitters. Those same reasons for our recommendations also provide our reasons for rejecting or accepting the further submissions relating to those provisions. Appendix 2 is the Plan containing the tracked changes recommended for adoption. A Section 32 report accompanied the Plan when it was notified. We have evaluated and considered the provisions of the Plan against the requirements of Section 32 in coming to our recommendations. In reaching our conclusions we have considered the changes we propose in the light of Section 32 of the Act. Where we have amended objectives we have considered alternatives and have concluded that with the amendments we propose each objective will better achieve the purpose of the Act. Similarly we are satisfied that the amendments we have made to the policies and rules will enable the objectives to be better achieved. We have been conscious throughout of the need to balance the protection of the environment against the desirability of utilising the water resource for the benefit of all sections of the community and in particular the desire of the community to maximise economic opportunities within proper environmental limits. The reasons for the changes we have recommended appear clearly in the content of this report. The first part of our Report also addresses the key legal issues raised by or on behalf of submitters.
10. A list of those who lodged submissions and further submissions on the PHWRRP is contained in Appendix 4.

3.0 DECISIONS ON LEGAL ISSUES

3.1 Background

11. Reference has already been made to the provisions of Section 65(1) of the Act which gives a Regional Council the power to prepare a Regional Plan for the whole or any part of its region for the specific functions specified in subsection (1). Those functions appear in subsection (1) of Section 30 of the Act. Generally speaking the purpose of the PHWRRP is to promote the sustainable management of rivers and streams and groundwater in the Hurunui, Waiau and Jed river catchments. The Plan identifies the specific Hurunui, Waiau and Jed River catchment resource management issues in accordance with the provisions of Section 30(1)(e)(f) and (fa) of the Act. The Plan outlines through its objectives, what is sought to be achieved and then in policies and rules

states how the objectives will be achieved. Whilst, as will become apparent, we consider that amendments and refinements are needed to the policies and rules, it seems to us that the Council has properly understood the powers given to it by the Act in the preparation of this Plan. There have been no submissions which have suggested otherwise.

12. We note that objectives are to be evaluated by examining the extent to which each objective is the most appropriate way to achieve the purpose of the Act (Section 32(3)(a)). We also note that the policies, rules and other methods are to be evaluated to consider whether, having regard to their efficiency and effectiveness, they are the most appropriate for achieving the objectives (Section 32(3)(b)). The purpose of the Plan is to assist a Regional Council to carry out any of its functions in order to achieve the purpose of the Act. Section 63(1) and Section 66 set out the matters to be considered by the Council in the preparation of a Regional Plan. Section 67 specifies the contents of such a plan. There have been no submissions suggesting that the Council has misunderstood or in any way failed to observe its statutory obligations. We are satisfied that subject to the amendments proposed in this recommendation report, the Plan will comply with and achieve the purposes of the Act.

3.2 Scope for Amending the Plan

13. Schedule 1 to the Act provides that a local authority may accept or reject amendments to the Plan requested by a submitter. In the course of the hearing several submitters asked for amendments to the Plan which had not been specifically asked for in those terms in their original submission. In those cases it is necessary for us to consider whether those amendments are “within scope”.
14. The law on the scope of decisions on submissions under Schedule 1 has been considered by the High Court in *Countdown Properties v Dunedin City Council*¹, in *Royal Forest and Bird Protection Society v Southland District Council*² and by the Environment Court, particularly in *Revisit Holdings*³ and *Campbell v Christchurch City Council*⁴. In summary, these decisions establish

¹ [1994] NZRMA 145 at 147.

² [1997] NZRMA 408 at 413.

³ [1999] NZRMA 467 at 477.

⁴ [2002] NZRMA 352.

that any amendment must come reasonably and fairly within what was raised in a submission, including the grounds given in it, or be consequential on such a proposed amendment. The issue must be considered in a realistic, workable fashion. A number of scope issues were raised by the Council, submitters or, during the hearing, by commissioners. In a document provided by the Council during the course of the hearing, a number of scope issues were raised:

- (a) It was submitted that changes to Rules 10.1 and 11.1 raised in the evidence submitted on behalf of Dairy NZ and Fonterra were outside the scope. This was accepted in submissions on behalf of those submitters and those changes were not pursued.
- (b) In evidence presented on behalf of Fish and Game it was suggested that additional policies for water quality targets for the Waiau be added, that a new prohibited activity rule relating to the use of water from C Block allocations be inserted and that a new policy be included to support that rule. Council's submission was that these amendments were not within the scope of the Fish and Game submissions. Council's view was supported by Dairy NZ and Fonterra. In its legal submissions, Fish and Game supported the changes sought and argued that they were within scope. We will deal with these issues later in this Report when considering the particular policies and rules.
- (c) In her evidence on behalf of Te Runanga Te Ngāi Tahu and Ngāi Tahu Property Limited, Ms Begley recommended 10 new objectives for inclusion in the Plan. The Council submitted that these amendments were not within the scope of the relevant submissions. Ms Begley conceded that this was so, but suggested that Council could promote a variation to the Plan including these new objectives. Again, this issue will be addressed later.

15. During the course of the hearing we identified potential scope issues arising from amendments sought by submitters and asked for Council's comment. These comments are contained in the legal submissions in reply presented on behalf of the Council:

- (a) We asked whether there was scope to amend objective 5.1(b) to clarify what is meant by "*naturally occurring*" and whether this would include introduced species of trout. The submission was that such scope existed. We consider whether such an amendment should be made later in these recommendations.

- (b) We asked whether there was scope within submissions to make the Plan more explicit in relation to mitigation options set out in the evidence of Mr Eldred on behalf of Meridian. The Council's submission was that scope could be found in the submissions of the Director-General of Conservation and Miss Sage. Again, this issue will be addressed in more detail later.
- (c) A witness for the Waiau Independent Irrigators Users Group suggested that if water is prioritised then consideration should be given to using it on better soil types. Council's advice is that no submitter has sought an amendment to the Plan which would allow soil types to be taken into account when water is being prioritised. We accept that is so and that we have no power to follow such a course.
- (d) In evidence presented on behalf of the Fertilizer Association of New Zealand, a witness sought regional consistency in the definition of "*change in land use*". We asked whether there was scope within the submissions on the Plan to make the definition of "*change of land use*" consistent with the definition used in the Proposed Land and Water Regional Plan (PLWRP). Council's advice is that no submitter has sought that the definition of "*change in land use*" be the same as the definition of "*change*" in the PLWRP. We accept that that is so but that is not really the issue. The issue is whether the submissions, of which there are a number, would allow a change to bring the definition into line with the PLWRP which reads:

"Change means a change in land use calculated on a per property basis that arises from either:

- 1. A Resource Consent to use, or increase the volume of, water for irrigation on a property or*
- 2. An increase of more than 10% in the loss of nitrogen from land used for a farming activity above the average nitrogen loss from the same activity for the periods between 1 July 2011 and 30 June 2013. The amount of nitrogen loss shall be calculated using the overseer TM nutrient model for the 12 months preceding 1 July in any year and expressed as kilograms per hectare per year."*

- (e) Paragraph 2 of this definition is very similar to that in the proposed PHWRRP, the main differences being the PLWRP's reference to irrigation consents, its specification of the 2011 to 2013 benchmark period, and its reference to the Overseer nutrient model. We are satisfied that there is nothing in the submissions received on the Plan

which would allow the inclusion of the PLWRP provisions referred to above. For these reasons we conclude that it would not be possible to change the definition to bring it into line with that in the PLWRP. We acknowledge that there is a desirability in consistency and that this is something which the Council might wish to address in the future.

- (f) The question arose during the legal submissions of Council for Dairy NZ and Fonterra as to whether any submitter had specifically sought an individual nitrogen discharge allowance (NDA) approach, that is a rule which allocates specific nitrogen leaching entitlements (in units of kgN/ha/year) to individual farms. The Council advised that they had reviewed the submissions and had not identified any submissions seeking this relief. We are satisfied that this conclusion is correct.
- (g) Hurunui Water Project sought a modelling approach to provide an accurate way of measuring land use intensification and instream water quality changes relative to the existing situation. In support of this change HWP referred to relief sought in their submission. The Council submits that that relief does not provide sufficient scope for the inclusion of a modelled approach and we accept that that is so. The Council was not able to identify any other submission which sought the inclusion of a modelled approach and nor have we.

3.3 Part 2 RMA and Other Relevant RMA Provisions

- 16. Section 66 requires a regional council to prepare a new regional plan in accordance with its functions under Section 30, the provisions of Part 2 and its duty under Section 32. Part 2 provisions are essential to virtually all RMA issues. Section 5 sets out the purpose of the Act and Sections 6, 7 and 8 contain principles of varying importance intended to give guidance as to the way in which the purpose is to be achieved. The generally accepted starting point for decision makers is *New Zealand Rail v Marlborough District Council*⁵ where it was held that the application of Section 5 involved an overall broad judgment of whether a proposal would promote the sustainable management of natural and physical resources. That approach recognises that that the RMA has a single purpose and such a judgment allows for comparison of conflicting considerations and the scale or degree of them and their relative significance or importance in the final outcome. Legal submissions made to us stressed different provisions of Part 2 in support of the differing priorities of

⁵ [1993] 2NZLR 641, [1994] NZRMA 70

submitters. Our job is to balance these considerations in the manner outlined above to achieve the purpose of the Act.

17. Prior to notification the Council undertook the required evaluation of the proposed plan under Section 32 of the Act. That section also requires a further evaluation to be made by the local authority before making a decision under clause 10 of Schedule 1. In making our recommendations we have made such an evaluation as set out in paragraph 9 of this Report.
18. The Director-General of the Department of Conservation in legal submissions made on his behalf, raised specific Part 2 matters which will be referred to later in these recommendations.

3.4 National Policy Statements

19. Section 67 of the Act requires a regional plan to give effect to any National Policy Statement and any New Zealand Coastal Policy Statement. There are two National Policy Statements relevant to this application. They are the National Policy Statement for Fresh Water Management (NPSFM or Fresh Water NPS) and the National Policy Statement for Renewable Electricity Generation (NPSREG or Renewable Electricity Statement). Effect must also be given to the New Zealand Coastal Policy Statement.
20. The Fresh Water NPS is particularly relevant and was referred to in several submissions. Fish and Game submitted that the policies and rules of the Plan were an inadequate response to the objectives and policies of the Fresh Water NPS. The submission claimed that the policies and rules failed to ensure that the water quality of the rivers was maintained or improved, failed to set default water quality limits and enabled over-allocation with no adequate method to resolve that issue. It was further submitted that the Plan's enabling water allocation regime would have significant adverse effects on the life supporting capacity and ecosystem processes of the rivers, and that the Plan sets minimum flows despite evidence that those flows may be inadequate to ensure salmon passage. It was submitted that the proposed relaxation of the Plan's Schedule 1 nitrogen load limits for the lower Hurunui River as sought by some submitters would not give effect to the Fresh Water NPS objective of maintaining or improving water quality. The legal submissions of Fonterra and Dairy New Zealand referred particularly to objective A2 of the Fresh Water

NPS. That objective requires the overall quality of fresh water within a region to be maintained or improved. Fonterra's submission was that the word "overall" in that objective must refer to the whole region. We accept that is so. In our view, however, this will in most instances require the maintenance or improvement of quality in each specific instance. The submissions for the Director-General of the Department of Conservation referred to both the New Zealand Coastal Policy Statement and the Fresh Water NPS and in the case of the latter, submitted that the Plan as notified does not achieve objectives A1 and A2 of the Fresh Water NPS and, further, it does not achieve the water quantity objectives. We have taken all submissions relating to the national policy statements into consideration and are satisfied that the Plan, if amended in the manner recommended by us, will give effect to the national policy statements referred to above.

3.5 Proposed Regional Policy Statement

21. Section 67(3) also requires the Regional Plan to give effect to a Regional Policy Statement and to have regard to any proposed Regional Policy Statement. At the time of our hearing the Regional Policy Statement for Canterbury was in the process of being replaced by a proposed Regional Policy Statement. That proposed Regional Policy Statement has now been completed and the Canterbury Regional Policy Statement (CRPS 2013) became operative on 15 January 2013. There was general agreement that the proposed Regional Policy Statement was the document that should guide us in our decision making, rather than the previous operative RPS and we accept that that is so. This is even clearer now that the proposed Regional Policy Statement has been made operative as the CRPS 2013. We must now, in this recommendation report, give effect to the CRPS 2013 (which we note does not differ from the version of the proposed Regional Policy Statement provided to us by counsel for the Council during the hearing). We therefore refer hereafter to the CRPS.

22. Fish and Game submitted that the Plan generally does not give effect to the CRPS for similar reasons as were advanced in relation to the Fresh Water NPS. Particular reference is made to Policy 7.3.12 which requires a precautionary approach to be taken to the allocation of water for abstraction, the intensification of land uses, or the discharge of contaminants in circumstances where the effects of these activities on fresh water bodies

singularly or cumulatively are unknown or uncertain. The allocation of water to specific activities is of course not a matter for us to determine but we are satisfied that the safeguards put in place by the provisions of Plan will meet the requirements of the CRPS.

23. On the question of the precautionary approach, we note the submissions made on behalf of Amuri Irrigation. First we record that the provisions of CRPS Policy 7.3.12 are in line with the Environment Court decision in Aqua Marine Limited v. Southland RC⁶, where it was held that a precautionary approach should only be applied where there is scientific uncertainty or ignorance about the scope or nature of the relevant environmental harm. We note too the reference to Francks v. Canterbury RC⁷ where the High Court considered the authorities on the meaning and effect of a precautionary approach in the context of a Regional Plan. The Court held that there is a precautionary approach inherent in the definition of effect contained in Section 3 of the Resource Management Act.
24. Reference was also made by Fish and Game to CRPS Policies 7.3.1 and 7.3.2. It was submitted that these provisions prohibit damming of the whole of the Hurunui and Waiau River main stems. In our view that submission is too broad and ignores the commencing words of CRPS Policy 7.3.2(1). That makes the prohibition of damming of the main stem of the Waiau and Hurunui Rivers subject to clause (3) which provides:

“In respect of every natural lake by limiting any use of the lake for water storage so its level does not exceed or fall below the upper or lower levels of its natural operating range.”
25. Our interpretation is that in the case of the main stems of the rivers referred to in clause (1) of the Policy, damming is permissible provided the effect of it is to comply with clause (3). However, in the application of that Policy, CRPS Policy 7.3.1 is also of significance and we note that it (inter alia) requires the preservation of the natural character values of fresh water bodies where there is a high state of natural character, and the maintenance of those values where they are modified but highly valued.

⁶ Environment Court C12697

⁷ [2005] NZRMA 97

3.6 The Canterbury Water Management Strategy

26. The Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 (the ECan Act) requires that particular regard be had to the vision and principles of the CWMS. The vision of the CWMS is:

“To enable present and future generations to gain the greatest social, economic, recreational and cultural benefits from our water resources within an environmentally sustainable framework.”

27. The principles are divided into primary and supporting principles. The first primary principle requires that water be managed in accordance with sustainability principles and be consistent with the Resource Management and Local Government Acts. The second primary principle provides that the planning of natural water use is to be guided by two sets of considerations. The first order priority considerations are the environment, customary uses, community supplies and stock water. The second order priority considerations are irrigation, renewable electricity generation, recreation, tourism and amenity. The third primary principle is kaitiakitanga. It was submitted, and we accept, that we may take into account the whole of the CWMS but obviously the requirement to have particular regard to the vision and principles is of significance. Meridian submits that the Plan does not have particular regard to the vision and principles of the CWMS. Their fundamental concern is that renewable electricity generation is not given equal weight to irrigation. We will deal with this issue further when considering matters of water allocation. We note in relation to the first and second order priority considerations, the evidence for the Council of Christina Robb who said that the priority considerations reflect a community desire to ensure that second order priorities are not obtained at the cost of first order priorities. That evidence was not challenged.

3.7 Other Legal Issues Raised in Submissions

28. Submitters raised the question of the weight to be given to the Zone Implementation Plan (ZIP). The ZIP was the result of an extensive period of local discussion and consultation. The PHWRRP is an outcome of that process. We are entitled, but not obliged, to take the provisions of the ZIP into account. We appreciate that there is an expectation amongst those who provided input to the ZIP that the PHWRRP will implement the ZIP's provisions. Insofar as this is possible, whilst complying with the obligations imposed by documents to which regard must be had or provisions which must

be implemented, this is a reasonable expectation. However, as already noted, where the expectations of the ZIP are at odds with the requirements of the Resource Management Act, or higher order documents, the latter must prevail.

29. The Plan proposes that water be allocated in accordance with A, B or C blocks, which represent blocks of water of decreasing levels of reliability. The largest block of water is that referred to as the C Block and the Plan recognises that there are risks that if this block is utilised to its maximum potential, environmental, cultural and recreational values may be compromised. Issues raised by submitters include whether or not the C Block allocation should exist at all and if it does, whether its use should be a discretionary activity or a non-complying activity. Fish and Game, for example, submitted that the removal of the C Block from the Plan would give effect to the Fresh Water NPS direction to set environmental flow and allocation regimes which protect the life-supporting capacity and ecosystem processes of fresh water and to avoid over-allocation. Meridian Energy, on the other hand, supports the inclusion of the C Block and the use of its water as a discretionary activity. These issues will be addressed in more detail later in these recommendations.

30. In August 2009 a Special Tribunal considered a Water Conservation Order application for the Hurunui River. The Special Tribunal recommended the making of an Order. Appeals were lodged against that recommendation but were not heard because of the changed circumstances in Canterbury associated with the ECan Act and the implementation of the CWMS. The application for the Order was later withdrawn. The question was raised as to what weight if any we should place on the recommendation of the Special Tribunal. We accept that it is a document to which we may have regard as is the case with many other documents which were placed before us. We accept that because the process was not completed, and because the application was withdrawn, the recommendations must be of limited relevance to us. We record that the recommended WCO identified the majority of the Hurunui River catchment above Surveyors Stream confluence as being in its natural state and possessing outstanding characteristics and required that it be preserved in its natural state.

31. Amuri Irrigation raised the issue of derogation from grant. *Aoraki Water Trust and Others v Meridian Energy Limited and Others*⁸ was referred to as establishing the principle that where a water resource has been fully allocated in a physical sense to a permit holder, a consent authority cannot lawfully grant another party a permit to use the same resource unless specifically empowered to do so by the Act. Amuri accepted that to take the principle into account in the present context would represent a significant extension of it. However, Amuri argued that the principle should be applied to the extent that no further grants of water abstraction enabling land use intensification (and increased instream nutrient levels) should be made until head room was available in terms of the catchment nutrient loads for the Hurunui River being less than those established by Schedule 1 to the Plan. Without necessarily accepting that the derogation principle is applicable in the circumstances of this Plan, we do note that our recommendations with regard to the sizing of the A Block allocations for both rivers will ensure that existing water abstractors are not detrimentally affected by the provisions of the Plan.
32. The submissions for the Hurunui Water Project Limited (HWP) argued that it would not be appropriate, as has been proposed by some submitters, to make damming of the north branch of the Hurunui River a prohibited activity. The HWP previously applied for consent to dam the outlet from Lake Sumner and to build a dam in the south branch of the river. They later agreed to put that application on hold and to make water storage applications for different locations. In the event of those applications not being successful, they wished the option to dam the Hurunui River as outlined above to remain open. We will deal with these issues in our section on the zoning of the Upper Hurunui area.
33. Meridian Energy raised the issue of priorities for water allocation in the context of its submission that the Plan should give greater recognition to the national and regional benefits of hydro-electricity generation. Meridian notes that the New Zealand Energy Strategy, the National Policy Statement on Renewable Energy Generation and the CRPS all provide support for Meridian's contention. The Plan prefers the approach of supporting hydro-electric generation as part of a project which also provides water for irrigation. The issue to which we will return is whether Council has properly exercised its powers in preferring the

⁸ 11 ELRNZ 207

taking of water for the combined purpose of hydro-electricity generation and irrigation, rather than taking for electricity generation alone.

4.0 NGĀI TAHU ISSUES

4.1 Ki Uta Ki Tai

34. Environment Canterbury is in the fortuitous position of having to deal directly with only one iwi, Ngāi Tahu, in the development of this Plan. Moreover, Ngāi Tahu have for some time now been diligent in their efforts to ensure that Māori-related natural resource matters are properly integrated into the wider statutory planning processes throughout their rohe (*region*). Ngāi Tahu are not only familiar with the various requirements of local government legislation but have themselves produced a number of relevant iwi management plans, some of which are listed below.

35. Ngāi Tahu adheres to a philosophical paradigm, “Ki Uta ki Tai” (*from the mountains to the sea – everything is connected*) in its approach to natural resource management. This is described as their:

“ ... way of understanding the natural environment, including how it functions, how people relate to it and how it can be looked after appropriately. It involves not only a planning and policy framework, but [also] the development of monitoring, reporting, geographical information system analysis, information databases, area management and succession tools for natural resource management.”⁹

36. This applies at both the central level (i.e. Te Rūnanga o Ngāi Tahu) and at the local level (i.e. Papatipu Rūnanga¹⁰), and is very much embedded in the submission of Te Rūnanga o Ngāi Tahu and those who presented in support of it. The extent to which the PHWRRP has taken this concept into account is reflected in our recommendation for its inclusion as part of the title page of the Plan.

37. One of the top twelve issues in the Ngāi Tahu “Ki Uta ki Tai” philosophy is “... *water abstraction, irrigation, damming and associated water quantity*”

⁹ Te Rūnanga o Ngāi Tahu “Ki Uta Ki Tai” section of the web page – www.Ngaitahu.iwi.nz

¹⁰ Papatipu Rūnanga, of which there are 18, are regional collective bodies established in the 19th century to assist with the progress of the Ngāi Tahu claim. Today they serve as governing councils of the traditional Ngāi Tahu hapū and marae-based communities. Every Papatipu Rūnanga is represented on Te Rūnanga o Ngāi Tahu, the governing tribal council established by the Te Rūnanga o Ngāi Tahu Act 1996.

management practices”. Te Rūnanga o Ngāi Tahu supports Papatipu Rūnanga aspirations with respect to policy and planning development at the local level – in this case it is primarily water related – and, as was evident during the hearing, local Papatipu Rūnanga efforts in this regard are significant.

38. Two Papatipu Rūnanga bestride the Hurunui – Waiau rohe: Te Rūnanga o Kaikoura based in Kaikoura and Te Ngāi Tuahuriri Rūnanga centered at Tuahiwi. The Hurunui River is the accepted traditional boundary between the two rūnanga. Each Papatipu Rūnanga has responsibility for the protection of natural resources in their respective catchments. For this reason alone the two Papatipu Rūnanga remain key players in the further development of the PHWRRP.

39. Ta Tīpene O’Regan, respected Ngāi Tahu kaumātua (elder), outlined the history, tribal relationships, place names and sites of significance associated with the Hurunui and Waiau catchments by way of highlighting their importance to Ngāi Tahu in both a historical and contemporary context. Two key messages were that Ngāi Tahu has progressed significantly in their drive to not only articulate their own position on environmental management issues but to also be a meaningful participant in such matters throughout their rohe; and that Ngāi Tahu is “... *dedicated to the sustainable management of resources and the achievement of sound environmental outcomes.*”

40. Schedule 3 of the PHWRRP highlights 2 statutory acknowledgements that are part of the Ngāi Tahu Claims Settlement Act 1998: Hoka Kura (Lake Sumner) and the Hurunui River. Both are considered important mahinga kai (*food gathering places*), have other significant traditional associations for Ngāi Tahu (e.g. nohoanga, or settlements, along the Hurunui River) and bind the physical and spiritual elements together via the mauri (*life force*) of the water bodies at issue here. We view this as an important component of the Plan, demonstrating the regard for which Ngāi Tahu values are held.

4.2 Ngāi Tahu Property Limited

41. Ngāi Tahu Property Ltd. (NPL) submitted separately from Te Rūnanga o Ngāi Tahu, even though NPL is a subsidiary of Ngāi Tahu Holdings Corporation, the commercial arm of Te Rūnanga o Ngāi Tahu. Whilst their respective

submissions essentially emphasised different aspects of the greater Ngāi Tahu vision for the future, they were nonetheless complementary in their common objective of addressing important Ngāi Tahu cultural, environmental and economic concerns.

42. As Ta Tipene pointed out, insofar as Ngāi Tahu is concerned:

“... Our economic aspirations sit comfortably alongside our cultural and non-commercial aspirations. We see no functional conflict between them.”

43. The key concern is to achieve the purpose of the Act whilst enabling Ngāi Tahu to exercise their customary rights and responsibilities – both commercial and non-commercial. In our view, the PHWRRP aims to do that.

4.3 Iwi Management Plans

44. Ngāi Tahu management plans relevant to the PHWRRP include:

- (a) Te Whakatau Kaupapa (1990)
- (b) Ngāi Tahu Freshwater Policy (1999)
- (c) Te Poha o Tohu Raumati (2009) – Te Rūnanga o Kaikoura Environmental Management Plan

45. The first two address the widespread concerns of Ngāi Tahu whānui (the wider Ngāi Tahu rohe) on resource management matters. The latter focuses more specifically on Ngāti Kuri¹¹ values and interests within the rohe of Te Rūnanga o Kaikoura. Common to all three is Ngāi Tahu’s determination that their interests and values are reflected appropriately in statutory planning processes such as the PHWRRP, and that, as a consequence, Ngāi Tahu plays a key role in such processes.

46. We note that fundamentally these iwi management plans complement the Plan. The Ngāi Tahu Freshwater Policy, for instance, lists priorities for water allocation that are reflected in the PHWRRP:

- Sustaining the mauri of water bodies;
- Meeting the basic health and safety needs of humans;
- Protecting traditional cultural values and uses;
- Protecting other instream values, including indigenous flora and fauna;

¹¹ Ngāti Kuri is the hapū of Ngāi Tahu in the Kaikoura rohe.

- Providing for economic activities, including abstractive uses and providing for other uses.

4.4 Zone Committees

47. A significant step towards achieving the objectives that Ngāi Tahu seek is to be found in the Canterbury Water Management Strategy, under which Ngāi Tahu is represented on all the zone committees created as part of the strategy. The Hurunui Waiau Zone Committee has two Ngāi Tahu representatives; one from each of the relevant Papatipu Rūnanga, and their contribution to the drafting of the PHWRRP is an endorsement of the 'Ki Uta Ki Tai' philosophy the iwi practices.

4.5 Kaitiakitanga

48. Ngāi Tahu's ability to protect the mauri of the waterways in the two catchments is a responsibility they take seriously. It is part of their kaitiakitanga (*guardianship / stewardship*) obligation to maintain the mauri of the waterways (i.e. the resource is healthy and productive and will be passed on to future generations as such). Use and conservation of natural resources – a key ingredient of the 'Ki Uta ki Tai' philosophy – highlights the essence of kaitiakitanga. This is typified in the evidence of Raewyn Solomon:

“ ... my kaitiaki role is an inherited one and as such it is not something that can be disregarded; in other words there is not an 'opt out' clause.”

“ ... I am passionate to ensure that our taonga and other natural resources are passed on in as good a state, if not better, to the generations that follow ...”

49. Kaitiakitanga is a central platform of Māori tikanga (*tradition*) nationwide and has gained considerable traction in resource management parlance since the introduction of Section 7 of the Act which requires, in this case Environment Canterbury, “to have particular regard to kaitiakitanga”. In our view the PHWRRP attempts to do this as best it can.

4.6 Mahinga Kai

50. Underpinning Ngāi Tahu concerns about kaitiakitanga and mauri is the associated issue of mahinga kai (*food gathering places*). The three are inextricably linked to one another: kaitiaki have a responsibility to care for the mauri of waterways in this instance, and successfully doing so enables mahinga kai to thrive.

51. We were told that the Hurunui River was once an important mahinga kai resource for Ngāi Tahu, but perhaps less so these days. Nevertheless it remains a key source of eel (*tuna*) as explained to us by Mr. Robert Dawson, a local commercial eel fisherman. A key concern for him is the quality of the water in the Hurunui River summed up in his evidence as follows:

“My business and livelihood relies upon being able to sell ‘safe’ eel to people. I must be able to meet food standards and for eel this means that the water quality from where the eel is harvested is important. While water quality is important from a customary perspective, it is now extremely important as my livelihood relies on clean and fresh water.”

4.7 Vision

52. By and large Ngāi Tahu are supportive of the Plan. They have a fairly simple vision, which is to be able to exercise their kaitiakitanga (*guardianship responsibilities*) satisfactorily with respect to the Hurunui and Waiau River catchments.

53. In this regard Ms Begley, Senior Environmental Advisor for Te Rūnanga o Ngāi Tahu expressed disappointment that the Plan failed to clearly articulate a vision for the catchments that would provide guidance on the numerous water-related issues in the rohe, whilst at the same time recognising the aspirations of the community, including Ngāi Tahu, with respect to the management of those waterways. She sought, amongst the 10 new objectives proposed by Ngāi Tahu (referred to above), a specific objective that would ensure the ability of tangata whenua to exercise their kaitiakitanga responsibilities through more active participation in the management of the catchments.

54. On balance we consider that the Plan adequately covers this and therefore an additional objective is not required.

4.8 Mauri

55. A critical issue for Ngāi Tahu in the PHWRRP is ensuring that the mauri (*essential life force or principle or the health*) of the Hurunui and Waiau water ways remains intact and in good condition at all times. Whilst this is generally acknowledged as a laudable objective, for some there were questions over how the Plan would actually achieve this in practice.

56. Mr Hansen, on behalf of the HWP, asked how resource users would know how, and to what extent, they might be affecting the mauri of a water body, and what mitigation measures might be applied if it became necessary to do so? He sought an expanded definition of mauri upon which more specific resource management responses might be able to be made.
57. Other submitters, notably Ravensdown Fertiliser Co-operative Ltd, also sought similar revisions to the PHWRRP.
58. In this regard we note the evidence of Raewyn Solomon of Te Rūnanga o Kaikoura, who is also a member of the Waiau Hurunui Zone Committee, that the definition of Māori terminology is sometimes fraught with difficulties because of differences in definition and application across whānau, hapū, and iwi, and in some cases across catchments. In her view the definition provided in the Plan is appropriate.
59. We also noted the Te Rūnanga o Ngāi Tahu observation that the concept of mauri was most appropriately defined in a general sense only and could not have ascribed to it a finite list of elements. This was supported by the Reporting Officer's Section 42A report. Therefore, we have concluded as a result of submissions seeking greater certainty on the obligations of applicants relating to this issue that the definition of mauri in the Plan, subject to a minor amendment, should remain. We have recommended an amendment to the start of the definition to better define the concept of mauri in broad terms as a precursor to the list of elements that were included in the Plan.
60. Submitters raised questions over whether the Plan could realistically, for example, " ... *maintain and enhance the mauri of the water bodies*" (as was being sought in Objective 5.1 of the notified plan); or, as in Policy 2.6, " ... *ensure that any new take, dam, diversion or discharge of water does not adversely affect the mauri of the Hurunui and Waiau rivers and their tributaries*". We noted a level of inconsistency, which then would inevitably lead to some confusion over user expectations with respect to the meaning of the provisions relating to mauri.
61. We conclude that the notion of "protection" of the mauri of the water bodies is the simplest and most appropriate approach to use throughout the Plan.

5.0 ZONING ISSUES

62. The Plan as notified showed the land in the Hurunui and Waiau catchments divided into development zones. Zone A was applied to parts of the catchment described as “High value areas”. Zone B was applied to those parts of the catchment described as “Infrastructure development areas” and Zone C to areas “Not identified as high value or infrastructure development”. In the explanation section of the Plan under the heading “Storage and Additional Demand for Water Resources” the Plan notes:

“The water storage location will have environmental consequences; in some locations the environmental costs outweigh the economic benefit derived from the use of this water for irrigation and/or hydro-electric development; in other locations the environmental effects are less, due to the storage location being situated where the existing environment is no longer in its natural state.”

63. This section also notes that *“Increasing the quantum of irrigated land in the Hurunui Waiau and Jed catchments and adjacent catchments such as the Waipara is a key economic driver for North Canterbury.”* And it goes on to record that the only way to provide additional highly reliable irrigation water is through the abstraction and storage of higher flow water for use at times of low flow. The section concludes with this paragraph:

“The main stems of both the Hurunui and Waiau Rivers are iconic and regionally important features and they have very high social, cultural and environmental values which would be significantly impacted if either the Hurunui or Waiau main stem was dammed. Therefore this plan prohibits damming on the main stems of the Hurunui and Waiau Rivers.”

64. Zone A has been applied to the head waters of the Waiau River; Zone C to the head waters of the Hurunui River, to an intermediate section of the Waiau catchment and to the Jed catchment. Zone B is applied to the lower portions of the Waiau and Hurunui catchments. The issues that have arisen are as to the appropriateness of Zone C for the upper catchment of the Hurunui and to the Jed catchment.

5.1 The Zoning of the Upper Hurunui

65. This issue was one of the most contentious in the submissions generally and at the hearing before us. Submissions calling for the protection of the Upper Hurunui came from a large number of submitters. Generally, the concern related to damming which would raise the level of Lake Sumner and the damming of the south branch of the Hurunui. Of those who gave evidence, the

Snowden family and the witnesses they called, the Director-General of Conservation, Whitewater New Zealand and Fish and Game were the most prominent. In the Plan, damming is provided for as a non-complying activity in Zone C. That provision is supported by the Hurunui District Council. The Hurunui Water Project and Federated Farmers seek that damming be a discretionary activity in Zone C. In its legal submissions, counsel for North Canterbury Fish and Game submitted that the Upper Hurunui has been identified as having high values on a national basis by the Special Tribunal's WCO recommendation (referred to above) which identified that the majority of the catchment above Surveyors Stream has nationally outstanding natural character, wild and scenic, brown trout habitat and fishery, angling, white water recreation and cultural values in accordance with tikanga Maori. Reference to the Special Tribunal's recommendation is to a recommendation made on an application for a Water Conservation Order which, as already mentioned, was subject to appeals which were not heard because of the changed circumstances associated the enactment of the ECan Act and the implementation of the CWMS. As earlier noted, for these reasons we accept that whilst we can take the Special Tribunal's recommendation into account, it must be of limited relevance to us. More important is the identification of the Lake Sumner area and Lewis Pass, including the headwaters of the Hurunui River, as outstanding natural features and landscapes at a regional scale by Policy 12.3.1(1) and Appendix 5 of the CRPS.

66. On a district-wide basis, the Hurunui District Plan identifies the Hurunui Lakes area, which is the catchment above the Seaward River, as one of the district's significant natural assets being of high natural and recreational value, regionally and nationally, and requiring careful management to protect and enhance its intrinsic qualities. Submissions on behalf of the Director-General of Conservation referred to the Department's management of the 105,000 hectare Lake Sumner Forest Park which virtually surrounds Lake Sumner. That Park is deemed to be a Conservation Park and is managed by the Department in accordance with Section 19(1) of the Conservation Act so that its natural and historic resources are protected and subject to this to facilitate public recreation and enjoyment. The submissions on behalf of the Director referred to various National Policy Statements, particularly the Fresh Water NPS in support of the contention that the Hurunui River and Lake Sumner deserved protection.

67. We heard evidence that described proposals earlier put forward by the Hurunui Water Project to dam the south branch of the river and the outlet of Lake Sumner. In relation to Lake Sumner the proposal was to raise the level of the Lake in order to store water. The proposal was that the Lake would not be raised above the level reached during normal fluctuations. However, the evidence given on behalf of the submitters, including that of Dianne Lucas, a landscape architect and planner, and Dr Burrows, a retired associate professor in plant science from the University of Canterbury, was to the effect that whilst plants, including trees, around the margin of the Lake were able to survive the short periods of inundation associated with the natural Lake processes, the longer periods of inundation proposed if the Lake were to be used for storage would result in the death of substantial areas of vegetation around the Lake shores. The qualities and significance of that vegetation was described in the evidence. Miss Lucas described in considerable detail and with reference to photographs the high amenity and intrinsic values of the upper Waiau and Hurunui landscapes. She reached the firm conclusion that it would be appropriate for the Upper Hurunui to be recognised as comprising high values through the reclassification of that area to be within Zone A (from Zone C as notified).
68. The submissions of Fish and Game provided evidence of the significance of the trout and salmon fisheries in the Hurunui River. Detailed evidence was provided relating to the Upper Hurunui trout fishery including the size and abundance of trout and why the river provides such excellent habitat. It also sustains a regionally significant salmon fishery containing three spawning sites of regional importance, two in the south branch and one in the north branch. Fish and Game submitted that the damming of Lake Sumner outlet should be prohibited due to its high natural character values, the important role it played in moderating flows below the outlet contributing, amongst other things, to the high angling values in this reach, the ecological values of the Lake outlet, including high invertebrate production and contribution to the outstanding trout fishery, and the importance of maintaining trout and salmon passage throughout the catchment.
69. As to the south branch of the Hurunui, Fish and Game submitted that damming should be prohibited because of the River's high natural character, its

outstanding angling values, the important contribution it makes to flushing flows in the main stem, the need to protect regionally significant salmon spawning sites and the importance of maintaining trout and salmon passage throughout the catchment. Witnesses also referred to the importance to the Hurunui River system as a whole, including for the hapua the gravel and stones which washed down the south branch in high flow conditions and the adverse effects that would result if a dam were to be built there. It was noted that because of the presence of Lake Sumner on the north branch, it was not able to contribute to this important gravel and stone replenishment process. Other witnesses emphasised the importance of the freshes and floods for scouring and flushing periphyton, triggering life stage processes such as fish migration and to remove exotic vegetation from gravel river beds.

70. Forest and Bird also gave evidence relating to the significance of the Upper Hurunui in relation to vegetation and fauna. Whitewater New Zealand presented a very substantial case directed to establishing the significance to kayakers of the upper section of the Hurunui and the area known as Māori Gully.

71. The principal opposition to the prohibition of damming on the south branch and at the mouth of Lake Sumner came from counsel and witnesses on behalf of the Hurunui Water Project Limited. HWP lodged Resource Consent Applications to dam the south branch and place a weir below Lake Sumner in 2009. Because of opposition to these applications, the company agreed to make an application for an alternative scheme, known as the Waitohi Scheme. That project had the support, or at least not opposition, from all other interested parties. However, the company wishes to leave open the opportunity to go back to their original proposal if for any reason the Waitohi Scheme cannot be progressed. They therefore seek that the Upper Hurunui should remain within Zone C and they also wish to have changes made to the proposed policy and rules to ensure that a weir is not prohibited on the reach of the Hurunui River between the Lake Sumner outlet and the confluence with the south branch. In their submission, the damming of water within the bed of a river in Zone C should be a discretionary activity. Neither they, nor the Hurunui District Council, challenged the evidence referred to above relating to the high landscape, ecological, fishing and recreational values of the Upper

Hurunui catchment. Indeed, that evidence was not challenged by any of the witnesses who gave evidence before us.

72. On the basis of the evidence we have heard, we have come to the same conclusion as did the Special Tribunal on the WCO application to the effect that the majority of the Upper Hurunui catchment above Surveyors Stream has a nationally outstanding natural character for trout habitat and fishery values and white water recreation opportunities. We also find that the natural flow characteristics of the south branch of the Hurunui River are important for the reasons referred to above and also because they contribute to the outstanding white water recreational values in the main stem. We have concluded that the Upper Hurunui catchment is at least as worthy of protection as the Upper Waiau catchment and those areas should have the same zoning.
73. We, therefore, find that the area of the catchment above Surveyors Stream should be within Zone A. As a consequence, damming of the main stem should remain a prohibited activity as should damming of the south branch. We consider that such a prohibition, together with the revised zoning, enables compliance with the Fresh Water NPS, the CRPS and with the vision and principles of the CWMS. Our conclusions are also in accordance with Part 2 of the Act and, in particular, the provisions of Sections 6(a)(b)(c)(d) and (e). We consider that the imposition of a prohibited activity status for damming is the most appropriate of the options available¹². This is because consideration of the damming of either the north or the south branch within the upper catchment should start with the presumption that it should not happen, rather than the presumption that it may be appropriate.
74. We note that we have amended the naming of the zones so that they are now more logically shown as A, B and C as one proceeds down the catchment from the mountains to the sea. This means that Zone C as notified is now called Zone B and Zone B as notified is now called Zone C.

5.2 The Jed Catchment

75. Mrs White, who gave planning evidence for the Council, recommended that the Jed catchment be included in an alternative zone to be called Zone D. A number of submitters sought that it should be included in Zone B, rather than

¹² See also paragraph 131 of this report.

the proposed Zone C as notified. The most significant difference between Zone B and the proposed Zone D is that Zone B would allow smaller dams of up to 20,000 m³ as a permitted activity, whereas Zone D would make all damming a discretionary activity. Mrs White acknowledged, however, that it would be appropriate to provide for small-scale dams as permitted activity. The difficulty with the Jed catchment is that the consequences of damming have been virtually ignored in the Plan. It is therefore appropriate that for other than small scale proposals, damming should be tested through the discretionary activity consent procedure. This is particularly the case because there are no significant water courses running through the catchment which means that if the damming of the catchment's small streams was to occur, it could have significant downstream consequences.

76. We therefore conclude that a new Zone D as recommended by Mrs White is the most appropriate way of giving effect to the Plan's objectives with regard to the Jed catchment.

6.0 SHOULD USE OF THE C BLOCK BE COUPLED TO THE PRIOR PROVISION OF STORAGE

77. The notified Plan requires that before access to C Block water can be obtained, an applicant must show that storage with a capacity of 20,000,000 cubic metres is developed. This requirement is challenged by Meridian Energy Limited. The company called evidence to the effect that non-consumptive run-of-river hydro-electricity generation does not require large-scale water storage for it to be sufficiently reliable. We are satisfied, on the basis of the evidence called on behalf of Meridian, that this is in fact the case. The Plan also appears to suggest that storage is necessary before raising the minimum flow levels of the two rivers. As we note elsewhere in this Report, we do not consider that that link has been established. We conclude that the prohibited activity status applied to the use of the C Block water prior to the establishment of storage is not justified. This is dealt with in more detail elsewhere in this Report.
78. Evidence given on behalf of Ngāi Tahu Property Limited also supports the removal of the link between the provision of storage and access to the C Block allocation.

79. Meridian Energy also challenges the wording of Policy 6.5 which requires that any proposal utilising water from the Hurunui, Waiau and Jed river catchments must demonstrate how it will fit within a pattern of infrastructure development designed to optimise the amount of land irrigated. This, combined with other provisions of the Plan, would prefer water use for irrigation over that for electricity generation. It is fair to note that there are other provisions of the Plan which demonstrate the importance of the use of water for electricity generation. Meridian submits that arguably the higher level policy documents would give preference to hydro development over irrigation. Reference is made to the National Policy Statement on Renewable Energy Generation and the CRPS. It is not necessary to determine whether this is the case because Meridian does not seek that electricity generation be given preference but rather, in accordance with the provisions of the CWMS, hydro-electricity generation should have the same priority as irrigation. We conclude that the Plan's policy provisions should demonstrate clearly that equality of priorities, but the provisions should also provide that hydro-electricity development should not preclude the use of water for economically viable irrigation.

7.0 MINIMUM FLOWS

80. As discussed in section 6.0 of this decision, we have decided that the ability to apply for water from the "C Block" should be decoupled from the prior development of 20,000,000 cubic metres of water storage. This has a consequential impact on the proposed minimum flow regimes for the Waiau and Hurunui Rivers as set out in Part 4 – Table 1: Environmental Flow and Allocation Regime.
81. In the Plan as notified, different minimum flow regimes were to apply in the Waiau and Hurunui catchments before and after the development of 20,000,000 cubic metres of water storage. We understand from the evidence of Mr Parrish, a principal planner with the Council, that the pre-storage minimum flows for the Hurunui River A Block set out in Table 1 are largely the same as those that were contained in Council's earlier Variation 8 to the NRRP. This regime varies monthly, as do the (albeit slightly lower) minimum flows imposed on existing consents such as that of the Balmoral Irrigation Scheme. From Mr Parrish's evidence we also understand that the pre-storage minimum flows for the Waiau River A Block set out in Table 1 are the same as

those contained in the 1975 Water Management and Allocation Plan prepared by the North Canterbury Catchment Board.

82. The post-storage minimum flow regimes for both rivers have increased minimum flows in some summer months, and in the case of the Waiau River, decreased minimum flows in some winter months.
83. Given the decoupling of C Block water from the development of 20,000,000 cubic metres of water storage, we find that the proposed Table 1 post-storage minimum flows should be imposed immediately; as we understand from evidence we heard that the increased summer month flows are required to mitigate existing adverse effects on instream values and uses.
84. However, in making that finding we are aware of the need to consider two matters. The first is whether the proposed Table 1 post-storage minimum flows are adequate to provide for instream values and uses and, thereafter, how the increased (or post-storage) minimum flows would affect abstractors (noting that the provision of 20,000,000 cubic metres of water storage was envisaged to somehow remedy any adverse effects on reliability of supply for existing irrigation abstractors) and recreational values and uses.
85. The approach we have outlined above is consistent with the requirements of Policy 7.3.4 of the CRPS which requires provision for recreational values and abstraction demand to occur once environmental flow regimes have been established to protect instream values and uses.
86. With regard to instream values and uses, based on the evidence we consider that the primary issues of contention relate to salmon passage, river bird nesting and river bird feeding. Other matters such as river bed morphology and river mouth closure are more directly affected by the allocation block sizes and flow variability and we discuss those matters in section 8.0 of this decision.
87. In terms of salmon passage we note that the majority of experts¹³ concluded that the pre-storage minimum flow in the Waiau River of 15 m³/s during February and March would impede salmon passage in the Amuri reach of that

¹³ Hurunui Waiau Regional Plan Hearing Aquatic Caucusing Statement, Fish Passage and Migration, page 3

river. Dr Hayes, a freshwater ecologist, concluded in his evidence to the hearing that the post-storage minimum flow of 20 m³/s would allow salmon passage. Mr Jowett, an engineer who gave evidence on instream flow requirements, supported that view with regard to the passage of both salmon and migratory native fish. In terms of the Hurunui River the experts attending the caucusing agreed that the post-storage minimum flow of 15 m³/s during the period February to April was preferable to the pre-storage figure of 12 m³/s.

88. Mr Duncan, a hydrologist who did not attend the expert caucusing, concluded (based on his 2D hydrodynamic modelling) in his evidence to the hearing that the pre-storage minimum flows on both rivers were adequate for adult salmon passage. Mr Millichamp, a scientist and part time Fish and Game Officer, supported the proposed (post-storage) increases in minimum flows for both rivers during the summer months. Dr Keesing, an ecologist, concluded that there was no definitive science supporting the 15 m³/s minimum flow compared to the 12 m³/s figure for the Hurunui River. Mr Montgomerie, a freshwater ecologist, disagreed with Dr Keesing and considered that the science supported a minimum flow of 15 m³/s in the months of January to April.
89. In terms of river bird nesting and feeding the relevant experts appeared to agree that the September to December period was of primary importance. Drawing on the 2D river flow modelling undertaken by Mr Duncan, Professor Hughey, an expert on riverbed birds, concluded that the optimal flows for river bird nesting and river bird food production (or river bird feeding) on both rivers were 40 m³/s and 25 m³/s respectively. Other witnesses either agreed with Professor Hughey¹⁴ or provided evidence that appeared to support his conclusions.
90. Professor Hughey went on to consider the effects of various flow abstraction scenarios (different combinations of the A, B and C block water). He concluded [abridged by us]:

“Waiau flows are typically higher during the breeding season at the low-medium range of flows considered important for bird habitat. As a consequence the evaluated scenarios mostly meet bird habitat needs over a range of scenarios (see Table 5) Such is not the case for the Hurunui and even Natural and Status quo flows are marginal. As a consequence with full exploitation of the complying scenarios

¹⁴ For example Chris Todd for the Royal Forest and Bird Protection Society and Andrew Grant for the Director-General of Conservation

*considerable mitigation will be required, i.e., large scale and effective and ongoing weed control and possibly also in some years extensive predator control.*¹⁵

91. We note the need to for mitigation to occur should the minimum flows identified by Professor Hughey not be imposed in the Plan, particularly if C Block water is to be abstracted form the Hurunui River.
92. In overall terms we find that the Table 1 post-storage minimum flows proposed for the Waiau and Hurunui Rivers would be adequate for salmon passage, but less than ideal for river bird nesting and river bird feeding. However, increasing the minimum flows to the levels suggested by the evidence referred to above so as to avoid adverse effects on those matters would affect the reliability of supply for existing abstractors and subsequently pasture production. We heard evidence on the effects of the various flow regimes on reliability of supply from a number of witnesses including Dr Smith, a hydrologist; Dr Brown, a water resources engineer; Mr Talbot, an engineer who appeared as a lay witness; and Mr McIndoe, a soil and water engineer.
93. These witnesses presented reliability of supply information in various ways, including in terms of the percentages of time that irrigation water is available over a full year, an irrigation season or in individual months; and the number of days during those same time periods that the irrigation water supply is fully or partially restricted (namely when supply does not meet demand). We found the evidence of Dr Brown to be the most informative as he assessed not only the percentage reliability and number of days of partial and full restriction that would occur under various flow regimes, but also the potential adverse effects of the resulting irrigation water supply restrictions on pasture production. We note that Dr Brown's evidence was consistent with the evidence of the other witnesses listed above, including Mr McIndoe's third revised brief of evidence dated 14 December 2012, with regard to percentage reliability and number of days of restrictions.
94. From Dr Brown's evidence we note that for the Hurunui River (using the modelled farm that Dr Brown considered to be more indicative of the average impact of restrictions on irrigators), in a one in ten year drought event, the

¹⁵ Professor Hughey, Section 42A report, paragraph 8.12

introduction of the proposed post-storage minimum flow regime will cause an additional 1 to 2% loss in pasture production compared to the existing and pre-storage minimum flows. On the Waiau River, in a one in ten year drought event, the introduction of the proposed post-storage minimum flow regime will cause up to an additional 4% loss in pasture production compared to the existing and pre-storage minimum flows.

95. We have referred to a 1:10 year drought as the proposed Land and Water Regional Plan refers¹⁶ to meeting irrigation demand conditions that occur in nine out of ten years.
96. We find the additional losses in pasture production modelled by Dr Brown are not disproportionate to the mitigation of existing adverse effects on instream values and uses.
97. However, that is not the case if minimum flows were to be raised to levels suggested by the experts as being necessary to avoid adverse effects on river bird nesting and river bird food production. In that regard Dr Brown advised that increasing the Hurunui River minimum flows to 40 m³/s in September to December¹⁷ would result in an increased loss¹⁸ in pasture production of between 17% to 18% in a one in ten year drought. For the Waiau River, increasing the minimum flows to 40 m³/s in September to December would result in an increased loss in pasture production of up to 5% in a one in ten year drought. Increasing the Waiau River minimum flows to 45 m³/s in September to December would result in an increased loss in pasture production of 14% in a one in ten year drought. In our view such additional losses in pasture production would be significant.
98. With regard to recreational values and uses the main issue of contention related to jet boating. We heard on that matter from a number of parties. Mr Duncan advised that jet boat passage would be possible on the Hurunui River at flows above 10 m³/s. On the Waiau River he thought passage would be possible at 15 m³/s, but that flows of up to 25 m³/s might be required at times. Mr Jowett thought that jet boating the full reach of the Waiau River might be

¹⁶ In Schedule 1 – Reasonable Use Test

¹⁷ With the minimum flows in other months being set at or about the notified Table 1 post-storage levels (Dr Brown's Scenario 1)

¹⁸ Compared to the existing or pre-storage minimum flows

restricted to times when flows were above the (post-storage) minimum flow. Mr Greenaway, a leisure and open space planner, considered that a flow of at least 30 m³/s was required for safe jet boating in the Amuri Plains reach of the Waiau River. Mr Gerard, a very experienced jet boat operator, advised that on the Hurunui River, from the Mandamus flow recorder down to SH7, river flows of 35 m³/s were required for expert jet boaters with 45 m³/s being required for family boaters. Mr Gerard advised that lesser flows of 20 m³/s and 30 m³/s respectively were required downstream of SH7. From the Dr Brown's evidence referred to above, we note that imposing minimum flows of this magnitude would result in significant losses in pasture production for existing irrigation abstractors.

99. On balance therefore, we find that it is appropriate to amend Part 4 – Table 1: Environmental Flow and Allocation Regime of the Plan such that the notified post-storage minimum flows apply immediately, acknowledging that this will have some potential adverse effects on bird nesting, river bird feeding and jet boat passage, but in the round that is preferable to the significant additional losses in pasture production for existing irrigation abstractors that could result from increasing the minimum flows to the levels necessary to avoid those potential adverse effects.
100. In making that finding we observe that due to natural climatic conditions, there may of course be times when the river flows are below the minimum flow limits imposed by the Plan, notwithstanding any restrictions imposed on abstractions. That is a natural situation which cannot be avoided. Conversely, there will also be many occasions when the river flows are naturally above the minimum flow limits and abstractions can safely occur.
101. We are also mindful that in terms of bird habitat and bird feeding, flow variability is also very important. We discuss that issue elsewhere in this decision, but we consider that the Plan provisions (primarily Policy 3.5) should be strengthened to ensure that flow variability will be maintained once water is taken from the proposed B and C Blocks on both rivers. Those same policy provisions can also be amended to more clearly require the mitigation of potential adverse effects on bird habitat and bird feeding, as recommended to us by Professor Hughey, should water be taken from the C Block.

102. Finally, we consider the specific issue of the appropriate minimum flows for the drains listed in Policy 2.10 of the Plan. Some submitters sought that the existing minimum flows for these drains should remain the same and others sought that they be decreased. Having considered the evidence, we find that while a lower minimum flow might be appropriate in the circumstances described in Policy 2.10 (as recommended by us), in the meantime the situation that existed prior the Plan being notified should prevail. Consequently we consider that the minimum flow in Lowry Peaks Drain should be set at a level that best reflects current water take consent conditions which we understand is 0.50 m³/s.

8.0 A AND B ALLOCATION BLOCK SIZES AND GAPS BETWEEN THE BLOCKS

103. Having made decisions on the Table 1 minimum flows we must next consider the size of the A, B and C allocation Blocks for the Hurunui and Waiau Rivers and their tributaries. We deal here with the A and B Blocks and consider the C Block separately in the next section of this decision. The main issues of contention related to the size of the A Blocks and the need, or otherwise, for gaps between the A and B Blocks.

104. We understand from Mr Parrish that the notified size of the A Blocks (being 18 m³/s for the Waiau catchment and 11 m³/s for the Hurunui catchment) evolved over a period of time from 1975 onwards, but they were ultimately sized in order to provide for all existing consented takes. However, we also heard that both catchments were now in a state of “over-allocation” due primarily to a change in how shallow ground water takes close to rivers are classified. On the basis of the application of Policy WQN7 of the NRRP, some takes that were previously assessed as groundwater takes are now classified as surface water takes.

105. In the case of the Waiau River we understand from Mrs White that is why there is a 2 m³/s gap between the A and B Blocks, namely to provide for the existing “over-allocation”. Of relevance, none of the parties we heard from considered that this 2 m³/s gap would serve any useful environmental purpose in terms of protecting instream values.

106. Some submitters, such as Mr Talbot, suggested that the A Blocks should be sized to accommodate all existing take consents as well as all take consent applications that had reportedly been on hold for several years (due to the “over-allocation” of the catchments). We agree that the A Blocks should be sized to cater for all existing consented takes as we understand that the exercise of those consents to date has not resulted in any adverse effects of particular concern. However, we do not consider that the A Blocks should be sized to cater for take consent applications “on hold”. Such applications should instead be processed as applications to take and use B or C Block water.
107. We consequently asked Mr Parrish to calculate the volume of consented takes in both catchments and in his reply statement he advised that the relevant figures were 19,260 L/s for the Waiau catchment and 12,024 L/s for the Hurunui catchment. We have amended Table 1 accordingly, although we have stated the figures in units of m³/s accurate to two decimal places as we understand that is how river flow figures (derived from river flow monitoring sites) are presented on the Council’s website.
108. Having decided that the A allocation blocks should be sized to accommodate the existing consented takes, there is no longer a state of over-allocation in the catchment and so we have decided to delete Policies 3.3 and 7.2.
109. We had ascertained from the evidence that Table 1 as notified was confusing and at times difficult to understand. We empathise with such concerns and have amended the Table so that it more clearly shows the allocations made to each reach of each river and tributary, consistent with the naming conventions used for the sub-catchments in Map Series 1 of the Plan. Where necessary we have rounded the sub-catchment allocation Block figures up to ensure that existing consented takes are provided for.
110. Mr Parrish had also explained how historically there had been complicated (and inconsistent as between the rivers) low flow cessation regimes established for consented takes falling within the notified A Block allocations variously comprising banding, flow sharing and leaving certain percentages of the natural flow in the river. The notified Plan did away with these distinctions and instead applied a simple low flow cessation regime across all existing

takes as enunciated in Policies 2.3 and 2.4. Some submitters suggested that in order to preserve existing security of supply for irrigation takes those historical regimes should be retained.

111. However, based on the security of supply evidence that we received we do not consider that to be necessary. For example, Mr McIndoe, a soil and water engineer, showed¹⁹ that for the existing Balmoral Irrigation Scheme, increasing the A Block from 5 m³/s to 6.2 m³/s (which we understand to be the same as removing existing banding) would result in a small (around 1 to 2.5%) reduction in the calculated average supply/demand ratios in even the four driest years on record. Mr McIndoe similarly showed that for the Waiau Irrigation Scheme the impact of removing banding would be to decrease the average irrigation season supply/demand ratio by around 2% in a 1:10 year drought. We find that no undue detriment will result from moving all existing takes into a simple and consistent low flow cessation regime.
112. There appeared to be little, if any, contention regarding the size of the B Blocks. We have therefore retained them as notified, but have adjusted the B Block minimum flows to be consistent with our decisions on the A Block minimum flows and A Block sizes. This ensures that the numbers in the Table actually “add up” as one proceeds from left to right across the Table, which was a matter of concern and confusion for some submitters regarding the notified provisions.
113. Having increased the size of the Waiau River A Block to accommodate all existing consented takes there is no need for the 2 m³/s gap between the A and B blocks and so we have removed it from Table 1.
114. For the Hurunui River the Plan as notified had a gap between the A and B Blocks varying between having no gap (May to August), a 5 m³/s gap (September – January), and an 8 m³/s gap (February – April), prior to the specified amount of storage being developed, with the latter gap being reduced to 5m³/s gap when storage was provided. Given the decoupling of C Block water from the development of 20,000,000 cubic metres of water storage and the subsequent removal of the pre and post-storage distinction from Table 1,

¹⁹ In his Summary of Changes to Revised Briefs of Evidence document dated 14 December 2012

we find that the gap between the A and B Block allocations should be the post-storage figure of 5 m³/s during the period September to April. This is consistent with our decision to impose the post-storage minimum flows immediately.

115. We note that some submitters sought that the gap between the A and B Blocks on the Hurunui River be increased, to better provide for salmon migration and angler amenity amongst other things. However, we heard no definitive evidence that a larger gap would result in such outcomes. For example, Mr Hawker, a Fish and Game Environment Officer, advised that a gap between the A and B Blocks “provides some limited ecological and recreational benefit” but he did not compare the relative effects of a gap of 5 m³/s compared to one of 8 m³/s. We have consequently decided to retain the post-storage gap size as notified.
116. In the Plan as notified Table 1 contained notations such as (for the Waitohi River for example) “No B or C Allocation Block is specified for this tributary”. We understand that to mean that other than for the A Block allocation, there is no other water available for abstraction from those particular rivers. We have retained that general wording in our amended Table 1 and consequently any additional takes will be a prohibited activity under Rule 5.2.
117. We have also considered whether the Table 1 wording quoted above would preclude the damming of those particular rivers. We do not consider that to be the case. Table 1 and Rule 5.2 refer specifically to takes. Damming is separately provided for by Rule 2.4 and that rule makes no reference to Table 1 in its standards and terms. Damming of the Table 1 rivers referred to above is therefore to be considered on its merits distinct from any applications to take water from those rivers (or from any impoundments created by instream dams).

9.0 C BLOCK

118. We have previously discussed the A and B water allocation blocks for the Waiau and Hurunui Rivers. From the evidence of Mr Parrish we understand that the Council has a high degree of certainty that the use of A and B Block water can occur whilst protecting the environmental values of the rivers, subject to suitable minimum flows being imposed.

119. We also heard from Mr Parrish how the Hurunui Waiau Zone Committee was eager to provide for greater quantities of water to be abstracted (over and above the A and B Blocks) to enable large scale irrigation and water storage projects and hydro-electricity power generation to proceed. The Council reflected the Zone Committee's aspirations in the Plan as notified by including the C Block water allocations. The Plan also included references to an additional 100,000 hectares of irrigable land being serviced within the Hurunui-Waiiau Zone (which we note is different to and larger than the combined Hurunui and Waiau River catchments).
120. Importantly, the Plan set out what we refer to as "environmental bottom lines" (embodied within Objective 3 and Policy 3.5) that any use of the C Block water would need to meet. We note that the taking and use of C Block water is a discretionary activity under Rules 3.1 (Waiau River) and 3.2 (Hurunui River) and it is subject to a number of standards and terms.
121. We heard from many submitters and their various experts; including North Canterbury Fish and Game Council, the Director-General of Conservation and White Water NZ amongst others; and indeed from the Council's own experts, that if all of the C Block water was taken all of the time then the rivers might well be "flat lined" at their minimum flows for extended periods of time and the environmental values of the rivers would clearly not be protected. This would have adverse effects of varying scale on a number of matters including the natural character of the braided sections of the rivers; the accumulation of nuisance periphyton and cyanobacteria growths; fish habitat for native fish; environmental cues initiating fish spawning; salmon migration; the habitat and feeding opportunities for riverbed birds; and recreational activities including salmon angling, jet boating and kayaking.
122. However, we also heard from other submitters and their experts; including the Hurunui Water Project, Meridian Energy and Ngāi Tahu Properties amongst others; how specific projects that they were promoting would be able to meet the requirements of Policy 3.5 and avoid, or at least appropriately mitigate, the range of adverse effects referred to above.

123. The submitters concerned about the use of C Block water sought that the C Blocks be removed from the Plan or that the use of the C Block water be made a non-complying activity. In that regard we were satisfied on the evidence received that specific projects can be designed to use C Block water whilst appropriately mitigating adverse effects on the river's environmental values. Consequently, having weighed the evidence and having given regard to the aspirations of the Zone Committee insofar as they are consistent with the policy direction of the CWMS and the CRPS, we find that it would be more appropriate to retain the C Blocks with the use of the C Block water remaining a discretionary activity, subject to a strengthening of the provisions in the Plan relating to the environmental bottom lines for the taking of C Block water as embodied within Objective 3 and Policy 3.5 (and a number of other related provisions).
124. Notwithstanding our conclusions outlined above, we have however amended the opening words of Policy 3.5 so that instead of enabling the use of C Block water the policy now reads that the C Block is only to be allowed if the effects based outcomes of the policy can be achieved. In our view this conveys the important message that it may not be appropriate to allow all of the C Block water to be taken all of the time and it removes what Mr Hawker referred to as creating a presumption that the C Block water would be allocated.
125. With regard to activity status, one of the reasons for retaining a discretionary activity is that non-complying activities are those that are generally not to be condoned unless a case can be made in their favour under section 104D of the Act, either in terms of them only generating minor adverse effects or the activity not being contrary to the objectives and policies of the Plan. Conversely, discretionary activities are generally those that should generally be allowed provided that their resultant effects are within the relevant "effects envelope" set by the Plan's provisions. We consider that the discretionary activity status better reflects both the intent of the Zone Committee regarding to the use of C Block water and our amended Policy 3.5.
126. In terms of strengthening the C Block's environmental bottom lines we have focused on retaining flow variability and avoiding prolonged periods of flat-lining at the river's minimum flows. We understand from the evidence that flow variability is important to scour and flush periphyton and cyanobacteria

accumulations, mobilise and transport bed material gravel (which in turn is important in terms of the natural character of the braided portions of the rivers, riverbed bird habitat and the non-closure of the river mouths), trigger flow dependent aquatic life-cycle processes such as fish migration, and provide for recreational values and activities. We have therefore enunciated those matters more clearly in Policy 2.5 and cross-referenced that policy in Policy 3.5.

127. Based on the technical and planning evidence received, we have also strengthened and clarified Policy 3.5 itself insofar as it relates to river mouth closures, riverbed bird nesting and feeding habitat, invertebrate food production, fish passage, jet boating and kayaking.
128. We found the evidence of parties such as Hurunui Water Project, Meridian Energy and Ngāi Tahu Properties to be particularly helpful in terms of identifying specific mitigations that could be used to assist in giving effect to Objective 3 and Policy 3.5 should C Block water be taken. On that basis, and noting the support for doing so that we received from the technical and planning witnesses whom we questioned on the matter, we have amended Policy 3.5 to specifically refer to undertaking vegetation clearance on riverbed islands to mitigate adverse effects on riverbed birds. Similarly, we have also added clauses that specifically refer to ceasing abstractions from the C Block during flood flows and avoiding prolonged periods of “flat lining” to the extent necessary to achieve other elements of Policy 3.5.
129. Having amended Policy 3.5 (and Objective 3) in the manner described above we have also made consequential amendments to Objectives 2 and 6 and to Policies 2.5, 2.7 (which we deleted as our amended Policy 2.5 covers the matters it previously referred to), 3.6, 6.2 and 6.3 in terms of clarity and consistency of language. In making these changes we had regard to the submissions and evidence presented to us on each of those provisions, particularly any wording changes recommended by various planners appearing for the submitters and the Council.
130. Having strengthened and clarified Policy 3.5 (and other associated provisions) as outlined above we did not find it necessary to add additional standards and terms to Rules 3.1 and 3.2 (the rules dealing with the take and use of C Block

water) as had been sought by some submitters including North Canterbury Fish and Game. We did however make minor amendments to those rules, mainly in response to the recommendations of Mrs White regarding the changes sought to the rules by submitters, but also to ensure consistency of wording between the rules.

10.0 PROHIBITED ACTIVITY STATUS

131. The Plan proposes that use of surface water beyond the C block allocation limits should be a prohibited activity, as should the use of groundwater beyond the limits contained in the Plan. Some submitters have challenged this activity status, suggesting that such takes should be a non-complying activity. The consequences of takes beyond these limits are essentially unknown and a precautionary approach is justified. It is not even known whether it will ever be necessary to take water beyond these limits. Given those considerations, we conclude that the prohibited activity status is the most appropriate of the options available. We consider this finding and that made in relation to damming in the Upper Hurunui is in accordance with the reasoning of the Court of Appeal in *Coromandel Watchdog of Hauraki Inc. v. Chief Executive of the Ministry of Economic Development*²⁰ and in the Environment Court Decisions²¹ which followed it.

11.0 WATER QUALITY

132. Prior to dealing with the substantive water quality issues raised by the submissions, we briefly summarise our understanding of the history behind the notified Plan's water quality provisions.

133. Mr Parrish described how in the year 2000, after a long period of low flows in the Hurunui River, periphyton blooms led to community concerns regarding the level of nutrients in the River. The Council identified the Pahau River catchment as being the main source of the nutrients and it accordingly initiated the Pahau Enhancement Group (PEG) whose voluntary actions resulted in reducing the level of phosphorus in the Pahau River, and as a result, reducing it in the mainstem of the Hurunui River. Subsequently, in 2007 the Council began looking at managing the loss of nutrients from farms as a means of achieving the NRRP water quality objectives and in 2010 it undertook a Land

²⁰ (2007) 13ELRNZ 279

²¹ *Robinson Bay v. Waitakere City Council* (No 8) A003/09, 22 January 2009 and *Thacker v. Christchurch City Council* C026/09, 2 May 2009.

Use and Water Quality pilot project in the Hurunui catchment. That project suggested that catchment load limits should be set for nitrogen and phosphorous, with farmers operating under an audited self-management regime in order to comply with the load limits.

134. Mr Parrish also described how these historical initiatives led the Hurunui-Waiou Zone Committee to adopt a number of outcomes which are now reflected in the objectives and policies of the notified Plan, to the extent that they seek, in the long term, to maintain the current water quality in the Hurunui River. This is reflected in the load limits in Schedule 1 of the Plan. However, concerns were raised that the catchment nutrient load limits would not allow the envisaged 100,000ha of total irrigation to occur. This led the Council to set the Hurunui River nitrogen load limit at 120% of the current load, until 2017, in order to allow for additional headroom to be created while large scale irrigation water storage was being consented and developed. It was then envisaged that after 2017 nitrogen levels in the river would be reduced back down to their 2005–2010 levels by voluntary on-farm initiatives. In the meantime phosphorous levels would be maintained at their 2005–2010 levels.

135. No nutrient load limits were set for the Waiou River due to a lack of monitoring data for that river.

136. Mr Parrish then described (both in his evidence and in answers to our questions) how ongoing Zone Committee discussions led to the Council lodging a submission (the Zone Committee cannot be a submitter) on the notified Plan that reflected an approach of setting periphyton targets, setting phosphorous concentration limits at historical levels, and managing nitrate levels to protect against the effects of nitrate toxicity. We understand that this was based on the presumption that phosphorus is the limiting chemical for periphyton growth in the lower Hurunui River. We discuss that further below. The Council also submitted that land use change occurring after 2017 that did not exceed 125% of the Schedule 1 nitrogen load limit or 110% of the Schedule 1 phosphorous load limit should be a discretionary activity. Land use change exceeding those elevated catchment load thresholds would be a non-complying activity. These changes were incorporated in Mrs White's S42A report to us.

137. We received a large number of submissions on the Plan's water quality provisions and we heard an extensive range of evidence from various submitters and their experts. The central issues raised by the submissions were, in our view, concisely encapsulated by Mr Willis, a consultant planner appearing for Fonterra and Dairy NZ. He stated [abridged by us]:

"There appears to be little dispute about the water quality outcomes of the Proposed Plan, whether expressed in narrative or numeric terms. It is also apparent that there is little dispute about the desirability of enabling water use and land use intensification in the catchments of the Hurunui and Waiau Rivers. What does appear to be in dispute is what planning provisions will deliver the dual objectives of land use change and water quality protection in an effective and efficient manner."²²

138. Given the extent of submissions on the Plan's water quality provisions we have found it useful to use several topic headings in our decision that follows. We also reemphasise that where we do not discuss a particular water quality matter raised in the submissions (as we focus on the substantive issues of contention) we have, after considering and weighing the relevant evidence, adopted the recommendations of Mrs White and the reasoning set out in her Section 42A report.

11.1 Nitrogen Discharge Allowances (NDAs)

139. A number of technical witnesses, including Pam Guest, a planner appearing for the Director General of Conservation, suggested that the Plan should set nitrogen discharge allowances (NDAs) which would limit the amount of nitrogen that individual farms could leach on an annual basis. However, the Plan as notified did not include a NDA regime and we understand it to be beyond the scope of submissions to introduce one at this stage. We also had little if any appropriate evidence upon which to base a farm scale NDA regime even if we had been of a mind to impose one.

140. We also note that, because we are not dealing with the imposition of farm scale NDAs (we understand that these were used in both the Waikato Regional Council's Variation 5 for Lake Taupo and the Manawatu-Wanganui Regional Council's One Plan), the limitations identified by the Environment Court²³ with permitted activity land use rules seeking to control nutrient losses are of less relevance here.

²² Statement of evidence of Gerard Willis, 12 October 2012, paragraphs 12 to 14

²³ Carter Holt Harvey vs Waikato Regional Council [2008] NZRMA 123; Day vs Manawatu Wanganui Regional Council, [2012] NZRMA 182

11.2 Periphyton Management

141. It seemed to be agreed between the parties that the management of periphyton was an important issue for the Hurunui and Waiau Rivers and we heard from many experts and lay submitters on that matter. Shirley Hayward, a consultant environmental scientist who was previously employed by the Council and who led the science team for the Land Use and Water Quality Hurunui pilot project (which we referred to above) helpfully described the periphyton issue as follows:

“Periphyton is the algae-dominated community that grows on the beds of streams and lakes. It has both beneficial and detrimental impacts on waterways. Periphyton plays a key role in streams by converting dissolved nutrients into food for invertebrates, which in turn become food for fish and birds. However, too much periphyton can negatively impact on cultural, aesthetic, recreational and biodiversity values.”²⁴

“Periphyton communities comprising films and thin mats of diatoms are typically found in low nutrient and/or highly disturbed environments and are generally a high quality food source for invertebrates (Biggs, 2000; Biggs and Kilroy 2000). Nuisance growths of thick mats and long filamentous forms are typically found in nutrient enriched environments with low to moderate water velocities and stable flows. These growth forms are generally poorer quality food for invertebrates and are likely to degrade the habitats of fish and invertebrates (Biggs 2000). It is the interaction of geology, climate, flows and nutrients that determine the frequency and duration of excessive nuisance algal growths. At the reach scale, habitat conditions such as shading, substrate type and water clarity also control periphyton type and biomass.”²⁵

142. We understand from the evidence we heard that the “*shading, substrate type and water clarity*” factors referred to by Ms Hayward are less important in the braided Hurunui and Waiau Rivers than nutrients and flow variability. In that regard we have already discussed the importance of flow variability and described how we have amended the provisions of the Plan to ensure that flow variability is maintained, particularly if C Block water is to be taken. This leaves the issue of nutrients to deal with.

143. Nitrogen and phosphorous are the main nutrients influencing periphyton growth.

144. Dealing firstly with nitrogen, we heard from the various water quality experts that in the lower Hurunui River phosphorous is the nutrient which limits

²⁴ Statement of Evidence, 12 October 2012, paragraph 30

²⁵ Ibid, paragraphs 30 and 31

periphyton growth. This was most clearly demonstrated, in our view, by the evidence of Ms Hayward who plotted DIN (dissolved inorganic nitrogen) to DRP (dissolved reactive phosphorous) ratios for three sites on the Hurunui River. Ms Hayward stated:

“This ratio can be used to indicate when one nutrient occurs in excess of the other when considering periphyton nutrient needs. Plants generally utilise nitrogen and phosphorus at a ratio of about 7:1. It is generally considered that when the ratio of DIN to DRP exceeds 15, then P may become a limiting nutrient. Conversely when the ratio is below 7, nitrogen becomes the most limiting nutrient (McDowell et al, 2009). At ratios between 7 and 15, co-limitation occurs where both nutrients may limit plant growth.

The data for the Hurunui River shows clear differences in ratios for the two upper sites (above SH7 and Mandamus) compared to the ratios for the SH 1 site (Figures 1 and 2). Ratios for the two upper sites indicate co-limitation (ratios between 7-15) whereas ratios for the SH1 site strongly indicate P limitation.

Ausseil (2010) drew similar conclusions that periphyton growth in the lower reaches of the Hurunui River (below Pahau confluence) to be phosphorus limited but not nitrogen limited while reaches above the Pahau confluence may be predominately P limited but with possible N limitation at times. Similarly Norton and Kelly (2010) commented that based on nutrient ratios, they expected P-limitation to be more common in the Culverden Basin.’²⁶

145. In simple terms this means that in the lower Hurunui River an increase in nitrogen levels should not lead to an increase in periphyton growth, provided that phosphorous levels are not allowed to increase. This single nutrient management approach (namely keeping phosphorous levels as they are now but allowing nitrogen levels to increase) was suggested to us in both the Council’s submission and by a number of other submitters who were desirous of increasing the Schedule 1 load limit for nitrogen in the lower Hurunui River (at SH 1) so as to enable additional irrigation development and associated land use intensification to occur.
146. For example, the Council proposed that the Schedule 1 nitrogen load at SH 1 effectively be allowed to increase by 25% up until 2017. Fonterra and Dairy NZ, as explained to us by their consultant planner Mr Willis, sought that the Schedule 1 nitrogen load limit at SH 1 be increased by 25% in the period 2012 to 2022 and by 50% after 2022.

²⁶ Ibid, paragraphs 51 to 53

147. The increased nitrogen load limit was considered necessary as it is now clear that the assumption held by the Council when drafting the Plan, that existing farmers could reduce their nitrogen leaching by as much as 50% to create headroom for irrigation expansion and land use intensification, was erroneous. We discuss that further below.
148. We note that other submitters, including the North Canterbury Fish and Game Council, suggested that allowing any increase in the Schedule 1 nitrogen load limits was inadvisable.
149. Most of the water quality scientists acknowledged that, given the apparent phosphorous limitation of the lower Hurunui River, it would be possible to manage periphyton growth (in terms of nutrients) by retaining phosphorous concentrations at their current levels. However, they disagreed on the degree of risk involved with such an approach. Some experts, such as Ms Hayward and Dr Cowie, a freshwater biologist appearing for Ngāi Tahu, thought that such an approach was of low risk, while others, such as Dr Young, a freshwater ecologist appearing for Fish and Game, thought such an approach was “... a risky strategy since nutrient limitation can switch between nitrogen and phosphorous over time ...”.²⁷
150. We have considered the above matters carefully and weighed them against the desire of the Zone Committee to enable further irrigation to occur, together with the consequential social and economic wellbeing that would accrue. On balance we consider that it is appropriate to allow for a moderate increase in the Schedule 1 nitrogen load for the Hurunui River at SH1, but not to the extent sought by Fonterra and Dairy NZ. In our view this needs to coincide with a zero increase in the phosphorous load (we note the Council sought that the phosphorous load also be allowed to increase by 10% prior to 2017).
151. In terms of deciding what a moderate increase entails, we have been guided by the evidence of Ms Hayward. We had also previously heard from Mr Ian Brown, an agricultural scientist appearing for the Council, how introducing industry best practice (with regard to nutrient management) on all farms in the catchment, together with converting all remaining border dyke irrigation to

²⁷ Dr Roger Young, Statement of Evidence, paragraph 11.8

spray irrigation, might lead to at most a 17% reduction in existing on farm nitrogen leaching losses and hence nitrogen load in the rivers. Ms Hayward²⁸ showed that such a reduction would enable 3,159 hectares of the Balmoral Forest to be converted to irrigated dairy; together with an additional 6,679 hectares of land use intensification (namely converting dryland sheep and beef farming to irrigated dairy and dairy support). Ms Hayward then showed that providing for an increase in the Schedule 1 nitrogen load limit of 25% would enable an additional 18,600 hectares to be converted from dryland sheep and beef farming to irrigated dairy and dairy support.

152. We note that, as explained to us by Dr Cowie, Ngāi Tahu Properties Ltd wish to convert the Balmoral Forest to agriculture (including irrigated milking platforms, irrigated dairy support and drystock) over a 25 year period. Dr Cowie advised how as part of that proposal they wish to irrigate around 7,000 hectares of land. We also note that the Hurunui Water Project Limited (HWP) wishes to eventually irrigate an additional 60,000 hectares in the Hurunui District. In that regard we heard from Amanda Loeffen, the HWP project manager, about the HWP's proposed Waitohi Irrigation and Hydro Scheme. Stage 1 of that project involves filling small reservoirs in the Waitohi River catchment, which together with the use of on farm storage, would enable up to 15,000 hectares of land to be irrigated. We understand from Ms Loeffen's evidence that consents have been sought for Stage 1 and the HWP wishes to construct it by 2015.
153. We also note that, based on Ms Hayward's evidence, increasing the Schedule 1 nitrogen load on the Hurunui River at SH1 by 25% should enable both the Ngāi Tahu Properties Ltd Balmoral Forest project and the HWP Stage 1 project to proceed.
154. Furthermore, in response to our questions, Ms Hayward advised that she was confident that a 25% increase in the Schedule 1 nitrogen load on the Hurunui River at SH1 would not lead to adverse effects on instream values. She also noted that, even if such adverse effects did arise, then they would not be irreversible, albeit that some de-intensification of land use would probably be required in that case. None of the other water quality experts appeared to

²⁸ In her 20 November 2012 statement of evidence in response to questions from the commissioners.

have any specific concerns with a 25% increase in the Schedule 1 nitrogen load on the Hurunui River at SH1, although some had a general concern regarding a single nutrient management approach as discussed above.

155. We consequently consider that increasing the Schedule 1 nitrogen load on the Hurunui River at SH1 by 25% represents an appropriate balancing of the risks of relying on single nutrient management in terms of controlling excessive periphyton growth (namely allowing nitrogen loads to increase but retaining current phosphorous loads) and enabling social and economic wellbeing through increased irrigation and associated conversion of drystock farming to dairying or other intensive land uses.
156. Any additional increases to the Schedule 1 nitrogen load, such as those sought by Fonterra and Dairy NZ, required to enable additional irrigation expansion would then need to occur through a further plan change process. In that way all of the relevant issues raised by submitters to this hearing could be reconsidered in light of the actual effects resulting from the proposed irrigation and associated land use intensification described above.
157. Dealing now with phosphorous, as recommended to us by Mrs White and as generally supported by the various water quality experts we heard from including Dr Young and Mr Norton, we have amended Policy 5.3 so that it imposes an average annual dissolved reactive phosphorus concentration limit in the mainstem of the Hurunui River of 0.0044 mgDRP/L. We understand that reflects existing water quality in the River. We have not imposed a phosphorous limit for the Waiau River due to none being recommended to us, reflecting (as we have noted earlier) a lack of long-term water quality data for that river.
158. As recommended to us by Mrs White, we have also imposed (in new Policies 5.3 and 5.3A) periphyton biomass limits based on the 95th percentile of monthly measurements. Again, from the evidence we heard, particularly that of Dr Young, Mr Norton and Dr Cowie and our questioning of those and other water quality experts, this appeared to be the preferred approach.
159. Finally, it seems incongruous to us that annual nutrient load limits and dissolved reactive phosphorus concentration limits have been set for the

Hurunui River but not the Waiau River. We therefore urge the Council, as matter of priority, to gather the necessary monitoring data for the Waiau River that will allow the setting of those limits to occur.

11.3 Nitrogen Toxicity

160. As we have noted above, the Council submitted that the Plan should manage nitrate levels to protect aquatic organisms against the effects of nitrate toxicity. We understand that this was supported by a number of other parties including the North Canterbury Fish and Game Council, Fonterra and Dairy NZ.

161. It was common ground between the water quality experts that the setting of nitrate toxicity limits should follow the approach recently recommended by Dr Chris Hickey, a principle scientist at NIWA, in his recent report to the Hawke's Bay Regional Council.²⁹ Ms Hayward helpfully summarised that approach as follows:

"Hickey (2012) follows the ANZECC 2000 methodology to derive risk-based trigger values for chronic (long-term) effects (i.e, growth and reproduction effects) based on differing levels of ecosystem protection. The differing levels of protection reflect degree of modification and disturbance of a waterway such that:

- *99% species protection level is appropriate for high conservation/ecological value systems (such as those occurring in national parks).*
- *95% species protection level is appropriate for slightly to highly modified systems where biological communities may have been adversely affected to a relatively small but measurable degree by human activity.*
- *80 to 90% species protection level is appropriate for highly disturbed systems.*³⁰

162. Referring to Dr Hickey' above categorisations, and after hearing from and questioning the various water quality experts on the appropriate levels of species protection that should apply within the Hurunui and Waiau Rivers and their tributaries, we have decided that a species protection level of 99% is appropriate for both the Hurunui River and its tributaries above the Mandamus flow recorder and the Waiau River and its tributaries above the Marble point flow recorder, with a species protection level of 95% being appropriate below those points.

²⁹ Hickey, C.W., 2012. Site-specific nitrate guidelines for Hawke's Bay. NIWA client report (draft) HAM2012-127.

³⁰ Statement of Evidence, 12 October 2012, paragraph 45

11.4 Cyanobacteria

163. Some technical witnesses, including Dr Young, expressed concern that cyanobacteria (*Phormidium*) blooms in the rivers can be stimulated by high nitrogen concentrations and that this was another reason for not allowing increases in the Hurunui River nitrogen load. Cyanobacteria can be harmful to humans and lethal to dogs. From the evidence we heard we understand that there are conflicting opinions on the role that nutrients play in stimulating cyanobacteria growths. There is also limited information on the occurrence of *Phormidium* in the Hurunui River. This uncertainty is another factor weighing against the further increases in the Schedule 1 nitrogen loads sought by Fonterra and Dairy NZ.
164. In our view the management of cyanobacteria growths is an issue that requires further attention by the Council and not one that we have sufficient evidence on to deal with here. Accordingly, we have inserted an additional policy (Policy 5.4A) stating that the reasons for cyanobacteria blooms should be further investigated and then if necessary and appropriate, the Schedule 1 nutrient loads should be amended by way of Plan change to ensure that Objective 5.1(c) is met with regard to cyanobacteria.

11.5 The Landuse Rules

165. The water quality approach, in so far as it is affected by primary production land use activities, was implemented by Rules 10.1 to 11.2 in the Plan as notified. Those rules dealt with existing land use (Rules 10.1 and 11.1) and changes to land use (Rules 10.2 and 11.2). In simple terms existing land use was permitted provided that prior to 1 January 2017 the landowner or occupier joined an audited self-management scheme of one form or another. After 1 January 2017 changes in land use (with change being effectively defined as a 10% or greater increase in nitrogen leaching or phosphorous loss) were permitted providing the Schedule 1 catchment load limits for nitrogen and phosphorous were not exceeded and the landowner also joined an audited self-management scheme of one form or another. Land uses not meeting the respective permitted activity conditions were to require consent as discretionary activities.
166. As we have noted above, in order to accommodate irrigation expansion and based on the submissions of the Council, Mrs White had recommended

changes to the rules that effectively resulted in the Schedule 1 load limits for the lower Hurunui River being increased by 25% for nitrogen and 10% for phosphorous (both until 2017).

167. There were a large number of submissions on the land use rules (and their associated policies) and we heard a large amount of expert and lay evidence on both the rules and their implications for land use and instream values.
168. We have already noted that we have no ability to amend the rules to require land uses to comply with a nitrogen discharge allowance (or NDA). However, we also heard how in the future the use of NDAs might possibly be required as part of the implementation of the PLWRP. Accordingly, and also to provide a benchmark for assessing land use change, we have amended Rule 10.1 so that land owners are required to prepare nutrient budgets (using Overseer) for each of the three years 2013 to 2016 and the average of those three annual leaching loss estimates will be used over the long term to determine a farm's nitrogen leaching loss status. The use of Overseer to produce an average nitrogen leaching loss estimate over a three year period is consistent with the advice we received from expert witnesses familiar with the use of Overseer, including Dr Anthony Roberts, an agricultural scientist appearing for Ravensdown Fertiliser Co-operative Ltd.
169. Although we have specified the use of the Overseer nutrient budget model, in recognition of the concerns expressed to us by submitters regarding that particular model, we have also allowed alternative models (with the approval of the Council) to be used and for alternative methods to be used where Overseer cannot readily cope with a particular land use activity (such as pig farming, as was brought to our attention by NZ Pork Industry Board).
170. We have also added conditions to Rule 10.1 to deal firstly with any measured exceedence of the Policy 5.3 and Policy 5.3A nitrogen toxicity limits and secondly with avoiding any breach of the Resource Management (National Environmental Standards for Human Drinking Water) Regulations 2007. We had heard from Mr Norton how the nitrate toxicity limits were already exceeded in the St Leonards Drain and were also likely (although based on limited data) to be exceeded Lowry Peaks Drain. We ascertained from Mr Maw, counsel for the Council, that the first new condition (condition (c)) was required to give

effect to Policy A1(b) of the NPSFW and we note that the second condition (condition (d)) is consistent with the intent of sections 66(1) and 104(3)(c)(iii) of the RMA.

171. Consistent with what was sought by a number of submitters; including the Water Rights Trust Inc., Whitewater Canoe Club Inc. and Whitewater New Zealand Inc., Mr Fox, Fish and Game New Zealand, Royal Forest and Bird Protection Society and Ms Sage amongst others; we have amended Rule 10.2 so that it applies immediately to any land use change. We made that change because, as noted by Mrs White, to do otherwise would mean that “...changes in land use between now and 2017 could occur as a permitted activity, even if the load limit is breached, potentially resulting in significant increases in nutrient discharge, leading to the water quality outcomes (Objectives 5.1 and 5.2 and related policies) in the Plan not being met.”³¹ Under the amended rule, land use change can only occur as a permitted activity if the Schedule 1 load limits are not exceeded (noting we have increased the notified lower Hurunui River nitrogen load limit by 25% as discussed above) and either; the land owner has been granted a water permit for irrigation that deals with nitrogen leaching and phosphorous losses, or by 2017 the land owner has joined an audited self-management scheme.
172. As recommended to us by Mrs White, land uses that do not comply with the permitted activity conditions will be a restricted discretionary activity (Rule 11.1) provided the Schedule 1 load limits are not exceeded. Any change of land use that results in the Schedule 1 load limits being exceeded is now a non-complying activity (new Rule 11.1A which replaces notified Rule 11.2). These amended rules are consistent with the submissions of a number of parties including Ms Campbell, Fish and Game New Zealand, Royal Forest and Bird Protection Society and Ms Sage.

11.6 Audited Self-management versus Individual Farm Plans

173. The land use rules require land owners or occupiers to join an audited self-management scheme of one form or another by 2017. The requirements that these various schemes must meet are set out in Schedule 2 and the schemes need to be approved by the Council. Mrs White explained how the focus in the Plan on community based audited self-management schemes evolved from

³¹ Section 42A Report, paragraph 540

the Zone Committee's desire to foster an approach to water quality (insofar as it is affected by land use) led by community and land user based care groups and primary industry groups. We have therefore considered the requests by some submitters (including Ravensdown Fertiliser Co-operative Ltd and Fertiliser Association of NZ) that the land use rules be broadened so that landowners or occupiers can prepare individual farm plans or nutrient budgets as an alternative to joining an audited self-management scheme.

174. On balance, we consider that it is preferable to retain the focus on community wide schemes as contained in the notified Plan as that is more in keeping with the community based foundations of the Zone Committee and ZIP processes. It is also more likely to result in an integrated and consistent catchment wide approach to managing the water quality impacts of land use.

11.7 Water Takes and Land Use Consents

175. Finally, the issue of accounting for nutrient leaching or losses occasioned by the use of irrigation water was raised by several submitters, with the matter of concern being whether the effects of nutrient losses should be considered as part of any section 14 irrigation water take application, whether such matters should be considered under the Plan's section 9 land use rules (Rules 10.1 to 11.2), or whether that should occur under both consent processes.
176. We questioned relevant witnesses about this and there was general agreement that overlapping or duplicate consent authority evaluations under sections 9 and 14 regarding the effects of nutrient losses should be avoided. As explained to us by Dr Cowie, there was a strong desire to avoid repeating such evaluations if they had already occurred as part of earlier section 14 take application processes. We have therefore amended Rule 10.2 to refer to existing water permits for irrigation where nutrient loss matters have already been considered and reflected in conditions imposed on the section 14 water permits.

12.0 IRRIGATION AREA TARGET

177. The Hurunui Waiau ZIP notes that there is about 100,000 hectares (net) of irrigable land in the Hurunui Waiau Zone. The ZIP includes an irrigable land target (section 10.2.7) which states that the Hurunui Waiau Regional Plan should ensure water will be available (including through storage) to irrigate the approximately 100,000ha (net) irrigable area in the Zone.
178. Submitters³² raised the issue of whether or not it was appropriate for the Plan to stipulate a target of making water available to irrigate 100,000 hectares of land, particularly in terms of how the abstraction of the water might adversely affect instream values and how the resulting land use intensification might adversely affect instream water quality.
179. However, we note that the 100,000 hectare figure discussed in the ZIP is only referred to four times in the notified Plan, firstly in the twelfth paragraph of the introductory section titled “The Resource Management Issues”, secondly in the sixth paragraph of the introductory section titled “Storage and Additional Demand for Water Resources”, thirdly in Policy 6.8(c) and fourthly in the glossary definition of “Infrastructure Development Plan”.
180. The Plan’s introductory text talks about 100,000 hectares being potentially irrigable if reliable water can be sourced and distributed, noting that around 30,000 hectares is currently irrigated. However, the specificity of this introductory text is not reflected in the Plan’s objectives or policies. Policy 6.8 somewhat oddly relates only to enabling the development of on-farm storage.
181. We received a range of evidence regarding the amount of additional land that could potentially be irrigated in the Hurunui-Waiau Zone and within the Hurunui River and Waiau River catchments. For example, Mr Callandar, a water resource scientist appearing for the Hurunui Water Project (HWP), told us that HPW had sought consents to irrigate around 72,100 (gross) hectares of land of which around 46,850 hectares fell within the Hurunui River catchment. Mr Callandar also advised that the HWP proposal included almost all of the irrigable land with the Hurunui River catchment. Mr Potts, a water resources

³² Including Direct Project Management Ltd, Ms Palmer, Mr Snowdon and Ms Moore.

engineer appearing for Meridian Energy Limited, told us that there was 30,045 (net) hectares of land that could be irrigated in the Waiau River catchment, but only 15,191 hectares was considered to be economically viable based on farm revenues and scheme costs.

182. Given the debate regarding the appropriateness of the 100,000 hectare figure and its implications for instream values and water quality, and the limited way in which the 100,000 hectare figure is actually used in the Plan, we consider that references to that figure should be deleted and the relevant Plan provisions should instead simply and consistently refer to “allowing a larger area of land to be irrigated”.

13.0 CONSENT DURATION

183. The Plan as notified contained Policies 9.1 and 9.2 dealing with consent duration. We understand that the basic premise of Policy 9.1 was to restrict the duration of new water take consents to ten years and to also implement common catchment expiry dates, with the first common catchment expiry date occurring in 2025. Under Policy 9.2 an exception to these short durations was provided for regionally significant hydro-electricity and large scale water storage (irrigation) projects whereby consents could be granted for up to 35 years, the maximum duration allowable under section 123 of the Act.
184. We note that the use of common catchment expiry dates is a relatively routine practice amongst regional councils. Common catchment expiry dates assist with achieving the integrated management of natural resources and they better enable the cumulative effects of multiple activities to be assessed. Having weighed the evidence we see no need to dispense with the general approach embodied in Policy 9.1.
185. In terms of the specifics of the policy, a number of submitters including Federated Farmers of New Zealand, Hawkins Consulting Limited, and Ngāi Tahu Property Ltd; expressed concerns regarding the ten year duration and that it might not always be appropriate. We agree and so we have added the word “generally” to the start of the policy so that it is clearer that while the starting point is a ten year duration, exceptions (namely longer or shorter durations) can be considered on their merits.

186. As the Environment Court stated in its decision on the Waikato Regional Council's Variation 6³³ dealing with water allocation with regard to the use of the word "generally" in a policy:

"It is commonly understood that the word provides guidance to decision-makers that the policy should not be blindly applied in a blanket fashion to all applications. But each case must be assessed on its individual merits based on the evidence presented to the decision-maker at the time."

187. We have also taken the opportunity to reword the policy so that its intention with regard to common catchment expiry dates is clearer, whilst providing some flexibility for consent applications that are lodged shortly before the occurrence of the next common catchment expiry date. The latter matter was one that we explored with a number of the planning witnesses. We have also reworded Policy 9.2 (including accepting some of the changes recommended by Mrs White).

14.0 TERMINOLOGY

188. We have already discussed how we have reordered the naming of Zones B and C.

189. During our deliberations it became apparent to us that the PLWRP uses different terminology with regard to water allocation compared to the PHWRRP. The former uses the term "permit allocation limit" while the latter uses the term "block". For the purposes of consistency, and recognising that the PHWRRP forms section 7 of the PLWRP we have amended the terminology in the PHWRRP to that of "permit allocation limit" in Part 1; in the objectives, policies and rules, and in Table 1.

190. The PHWRRP contained numerous references to the Natural Resources Regional Plan (NRRP). However, the NRRP will be replaced by the PLWRP. This was an issue raised in the planner's Joint Statement.

³³ Carter Holt Harvey vs Waikato Regional Council, NZEnC 380, para 338 (see also paras 337 to 340)

191. Consequently, we have amended the PHWRRP so that all relevant provisions of the NRRP that were referred in the notified PHWRRP have been incorporated into new Schedules 4 and 5. Those Schedules form part of the PHWRRP.

Signed by the commissioners:



Hon Peter Salmon QC - Chair



Rauru Kirikiri



Robert van Voorthuysen

Dated this 21st day of March 2013

APPENDIX 1

REASONS FOR REJECTING OR ACCEPTING THE SUBMISSIONS

| Submissions on Part 1 – Introduction (generally) | | | |
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| Submitter & Submission Reference | Matter Raised | Decision | Reasons |
| Canterbury Regional Council (81.12) | Refer to “Ki uta, ki tai” on cover page. | Accept | Refer to section 4.1 of this Report. |
| Amuri Irrigation Company Limited (83.9) | Zone Implementation Programme | Accept in part | The weight to be given to the ZIP is discussed in section 3.7 of this Report. The submission is accepted in part, to the extent that the changes to the Plan address the submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate in relation to this matter. |

| Submissions on 1.1 – Scope of the Plan and the area to which it applies | | | |
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| Submitter & Submission Reference | Matter Raised | Decision | Reasons |
| Meridian Energy Limited (80.2), Ngāi Tahu Property Limited (121.1) | Amend matters of scope. | Accept | We adopt the recommendations and reasons set out in Mrs White’s s42A Report (section 6.1). However we consider that it is more correct to refer to “nitrogen” and “phosphorus”. |
| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.1) | Use of discharge rules rather than s9(2) – land use rules. | Reject | The approach in the Plan to water quality, and its appropriateness, is discussed in section 11 of this Report. |
| Z Energy Limited & B P Oil NZ Limited & Mobil Oil NZ Limited & Caltex NZ Limited (14.5) | Retain final paragraph | Accept in part | The paragraph provides clarity over the relationship between activities to be considered under this Plan and the NRRP. We have recommended changes to also acknowledge the relationship between this Plan and the proposed Land and Water Regional Plan. |

| Submissions on 1.2 – The Resource Management Issues | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Water Rights Trust Inc. (48.1, 48.2, 48.5, 48.6), New Zealand Fertiliser Manufacturers' Research Association Inc. (87.1), Department of Conservation, Canterbury Conservancy (90.1, 90.2, 90.3, 90.4), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.1), Ravensdown Fertiliser Co-operative Ltd (102.2), Mr Ian Fox (109.1), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.4), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.2, 123.6), Hurunui Water Project Limited (127.2, 127.3), Dairy NZ Incorporated (134.1, 134.2, 134.3, 134.4) | These submissions seek the retention of various portions of this section of the Plan. | Accept | As noted above, we adopt the recommendations and reasons of Mrs White in relation to this section of the Plan, unless we have stated otherwise. While changes are recommended to this section of the Plan, we have not recommended that any portions of it are deleted in entirety. |
| Mr John Talbot (1.7), Water Rights Trust Inc. (48.3, 48.4, 48.7), Gwyn for Ashcroft (54.3), Mr Edward Snowdon (65.4, 65.5), Mr V J & Mrs Daly (66.6, 66.7, 66.8), Meridian Energy Limited (80.3), Amuri Irrigation Company Limited (83.6, 83.7, 83.8), Department of Conservation, Canterbury | Amend | Accept in part | We note that this section of the Plan and the submissions on it are discussed in Section 6.2 of Mrs White's s42A Report. We adopt her recommendations and reasons, except as follows. (a) We have recommended changes to paragraph 12 of this section of the Plan that are consequential to our findings in Section 12 of this Report (irrigation area target). |

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| <p>Conservancy (90.5, 90.6), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.2, 95.3, 95.4, 95.5), Ravensdown Fertiliser Co-operative Ltd (102.1, 102.3), Irrigation New Zealand Inc. (104.1, 104.2, 104.3, 104.4, 104.5), Mr Ian Fox (109.2, 109.3, 109.4, 109.5), New Zealand Pork Industry Board (112.1), Fish & Game New Zealand, North Canterbury Region (113.1, 113.2, 113.3), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.2, 116.3), Direct Project Management Limited (120.1), Ngāi Tahu Property Limited (121.2, 121.4), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.1, 123.3, 123.4, 123.5, 123.7, 123.8), Hurunui Water Project Limited (127.1), Royal Forest & Bird Protection Society of NZ Inc., Canterbury / West Coast Regional Office (136.1, 136.2, 136.3, 136.4, 136.5, 136.6, 136.7, 136.8, 136.9, 136.10, 136.11), Eugenie Sage (139.1)</p> | | | <p>(b) <i>In addition, we have recommended further amendments to paragraphs 11 and 15 to better address the issue.</i></p> <p><i>We therefore recommend that changes sought by submitters to this part of the Plan are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |
| <p>Meridian Energy Limited (80.3, 80.4)</p> | <p>Add new issue and explanation.</p> | <p>Accept</p> | <p><i>We adopt the recommendations and reasons of Mrs White (Section 6.2 of her s42A Report) in relation to including a new issue and explanatory paragraph relating to renewable electricity generation.</i></p> |
| <p>Ngāi Tahu Property Limited (121.3)</p> | <p>Add new issue and explanation.</p> | <p>Reject</p> | <p><i>We adopt the recommendations and reasons of Mrs White (Section 6.2 of her s42A Report) and do not consider the</i></p> |

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| | | | | additional issue and explanation sought by the submitter is appropriate. |
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| Submissions on 1.3 – The Vision for Sustainable Management of Water Resources in the Hurunui and Waiau Zone | | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| <p>Fonterra Co-operative Group Limited (Wellington) (100.9), Direct Project Management Limited (120), Dairy NZ Incorporated (134.5)</p> | Retain | Accept in part | <p>As noted above, we adopt the recommendations and reasons of Mrs White in relation to this section of the Plan, unless we have stated otherwise. While changes are recommended to this section of the Plan, we have not recommended that any portions of it are deleted in entirety.</p> <p>We note that this section of the Plan and the submissions on it are discussed in Section 6.3 of Mrs White's s42A Report. We adopt her recommendations and reasons.</p> | |
| <p>New Zealand Fertiliser Manufacturers' Research Association Inc. (87.2) Federated Farmers of New Zealand Inc., Combined Canterbury Provinces Limited (127.4, 127.5), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.12, 136.13, 136.14)</p> | Amend | Accept in part | <p>In addition, we have recommended amendments to paragraph 8 to make this paragraph clearer, together with some minor consequential amendments resulting from other recommendations.</p> <p>Given our findings in relation to the ZIP (see section 3.7 of this Report) and zoning (section 5 of this Report) we have also recommended the following sentence be added to this section of the Plan, prior to the last paragraph: "Changes made to this Plan in response to submissions now preclude instream dam storage options for South Branch above Surveyor's stream and also for Lake Sumner."</p> <p>We therefore recommend that changes sought by submitters to this part of the Plan are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> | |

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| Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.6), Mr Ian Fox (109.6) | Decision sought unclear | Reject | While it is not clear what changes to the Plan are sought by the submitter to this part of the Plan, we note that we have considered the effects of water storage and takes on recreational amenity in our decision-making on these matters. |
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| Submissions on 1.4 – How this Plan Responds to the Resource Management Issues and the Hurunui Waiapu Zone Implementation Programme | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Meridian Energy Limited (80.5), Amuri Irrigation Company Limited (83.11), Ravensdown Fertiliser Co-operative Ltd (102.5), Hurunui Water Project Limited (127.6) | Amend | Accept in part | <p>This section of the Plan provides the background to, and reasons for the objectives, policies and rules that follow. We have recommended changes to this section insofar as they are consequential to the other changes we have recommended to the Plan's objectives, policies and rules.</p> <p>We have also recommended changes that we consider are appropriate to provide greater clarity.</p> <p>We therefore recommend that changes sought by submitters to this part of the Plan are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |

| Submissions on 1.4.1 – Community and/or stock drinking water supplies | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| New Zealand Pork Industry Board (112.2), Cheviot Ward Committee | Retain | Accept in part | We have recommended one minor change to this section to provide greater clarity. |

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| (46.3) | Amend | Accept in part | |
| Irrigation New Zealand Inc. (104.6) | | | <p><i>This section of the Plan provides the background to, and reasons for the objectives, policies and rules that follow. We have recommended changes to this section insofar as they are consequential to the other changes we have recommended to the Plan's objectives, policies and rules.</i></p> <p><i>We have also recommended changes that we consider are appropriate to provide greater clarity.</i></p> <p><i>We therefore recommend that changes sought by submitters to this part of the Plan are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |

| Submissions on 1.4.2 – Environmental Flows | | | |
|--|---------------------------------|-----------------|---|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Mr John Talbot (1.1, 1.2), Meridian Energy Limited (80.6, 80.7, 80.8, 80.9), Department of Conservation, Canterbury Conservancy (90.7, 90.8, 90.9), Independent Irrigators Group (92.1, 92.2), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.7, 95.8) Ravensdown Fertiliser Co-operative Ltd (102.7), Mr Ian Fox (109.7, 109.8), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi | Amend | Accept in part | <p><i>This section of the Plan provides the background to, and reasons for the objectives, policies and rules that follow. We have recommended changes to this section insofar as they are consequential to the other changes we have recommended to the Plan's objectives, policies and rules. The reasons for these changes are discussed in section 7 of this Report.</i></p> <p><i>We have also recommended changes that we consider are appropriate to provide greater clarity.</i></p> <p><i>We therefore recommend that changes sought by submitters to this part of the Plan are accepted in part, to</i></p> |

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| <p>Tuahiriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.5), Ngāi Tahu Property Limited (121.5, 121.6, 121.7, 121.8), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.10), Hurunui Water Project Limited (127.8), Hurunui Water Project Limited (127.10, 127.11)</p> | | | <p><i>the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |
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| Submissions on 1.4.3 – Allocation of Water | | | |
|---|--|-----------------------|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| <p>Meridian Energy Limited (80.10), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahiriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.6)</p> | <p>These submissions seek the retention of various portions of this section of the Plan.</p> | <p>Accept</p> | <p><i>We have recommended one minor change to this section to provide greater clarity.</i></p> |
| <p>Mr John Talbot (1.4, 1.5, 1.8), Meridian Energy Limited (80.11, 80.12), Independent Irrigators Group (92.4), Ngāi Tahu Property Limited (121.9), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.15)</p> | <p>Amend</p> | <p>Accept in part</p> | <p><i>This section of the Plan provides the background to, and reasons for the objectives, policies and rules that follow. We have recommended changes to this section insofar as they are consequential to the other changes we have recommended to the Plan's objectives, policies and rules. The reasons for these are discussed in sections 8 and 9 of this Report.</i></p> <p><i>We have also recommended changes that we consider are appropriate to provide greater clarity.</i></p> <p><i>We therefore recommend that changes sought by submitters to this part of the Plan are accepted in part, to the extent that the amended wording addresses their</i></p> |

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| | | | | submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. |
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| Submissions on 1.4.4 – Groundwater | | | | |
|---|---------------------------------|-----------------|---|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.16) | Amend | Accept in part | <p>This section of the Plan provides the background to, and reasons for the objectives, policies and rules that follow. We have recommended changes to this section insofar as they are consequential to the other changes we have recommended to the Plan's objectives, policies and rules.</p> <p>We have also recommended changes that we consider are appropriate to provide greater clarity.</p> <p>We therefore recommend that changes sought by submitters to this part of the Plan are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> | |

| Submissions on 1.4.5 – Cumulative effects of land use on water quality | | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| New Zealand Pork Industry Board (112.4) | These submissions seek the retention of various portions of this section of the Plan. | Accept in part | For the reason outlined above, we have recommended changes to this section of the Plan. We therefore recommend that the submission is accepted in part, to the extent that the amended wording still reflects the original | |

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| <p>Water Rights Trust Inc. (48.8, 48.9, 48.10), Independent Irrigators Group (92.5), Ravensdown Fertiliser Co-operative Ltd (102.9, 102.10, 102.11, 102.12), Irrigation New Zealand Inc. (104.7, 104.8), New Zealand Pork Industry Board (112.3), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuathuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.7), Ngāi Tahu Property Limited (121.10), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.11), Hurunui Water Project Limited (127.13), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.17, 136.18)</p> | <p>Amend</p> | <p>Accept in part</p> | <p><i>intent of the notified wording.</i></p> <p><i>This section of the Plan provides the background to, and reasons for the objectives, policies and rules that follow. We have recommended changes to this section insofar as they are consequential to the other changes we have recommended to the Plan's objectives, policies and rules. The reasons for these are discussed in section 11 of this Report.</i></p> <p><i>We have also recommended changes that we consider are appropriate to provide greater clarity.</i></p> <p><i>We therefore recommend that changes sought by submitters to this part of the Plan are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |
| <p>New Zealand Fertiliser Manufacturers' Research Association Inc. (87.3, 87.4)</p> | <p>Provide clarity</p> | <p>Accept in part</p> | <p><i>We consider that the changes recommended to the Plan provide clarity on how the land use provisions are intended to implement the Plan's policies and achieve its objectives.</i></p> <p><i>We therefore recommend that the submission is accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |

| Submissions on 1.4.6 – Storage and Additional Demand for Water Resources | | | |
|---|---------------------------------|-----------------|---|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Mr John Talbot (1.10), Meridian Energy Limited (80.13), Independent Irrigators Group (92.6), Hurunui Water Project Limited (127.14), Eugenie Sage (139.2) | Amend | Accept in part | <p><i>This section of the Plan provides the background to, and reasons for the objectives, policies and rules that follow. We have recommended changes to this section insofar as they are consequential to the other changes we have recommended to the Plan's objectives, policies and rules. The reasons for these are discussed in sections 5, 12 and 13 of this Report. We have also recommended changes that we consider are appropriate to provide greater clarity.</i></p> <p><i>We therefore recommend that changes sought by submitters to this part of the Plan are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |

| Submissions on 1.4.7 – Efficient Use of Water | | | |
|---|---|-----------------|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Meridian Energy Limited (80.14), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.8), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.15), | These submissions seek the retention of various portions of this section of the Plan. | Accept in part | <p><i>For the reason outlined above, we have recommended changes to this section of the Plan. We therefore recommend that the submissions are accepted in part, to the extent that the amended wording still reflects the original intent of the notified wording.</i></p> |

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| Hurunui Water Project Limited (127.15) | Mr John Talbot (1.11, 1.12, 1.13, 1.14), Meridian Energy Limited (80.15, 80.16), Independent Irrigators Group (92.7), Irrigation New Zealand Inc. (104.9), Ngāi Tahu Property Limited (121.11), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.12, 123.13, 123.14) | Amend | Accept in part | <p><i>This section of the Plan provides the background to, and reasons for the objectives, policies and rules that follow. We have recommended changes to this section insofar as they are consequential to the other changes we have recommended to the Plan's objectives, policies and rules. The reasons for these are discussed in sections 5 and 12 of this Report.</i></p> <p><i>We have also recommended changes that we consider are appropriate to provide greater clarity.</i></p> <p><i>We therefore recommend that changes sought by submitters to this part of the Plan are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |
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| 2.1 Community and/or Stock Drinking Water | | | |
|--|---------------------------------|-----------------|---|
| Submissions on Objective 1 | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Mr Michael Singleton (2.1), Hurunui District Council (88.1), Ms Lesley Shand (91.3), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.9), Mr Ian Fox (109.9), Fish & Game New Zealand, North Canterbury Region | Retain | Accept | No changes to Objective 1 are considered appropriate. |

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| <p>(113.4), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.17, 123.19), DairyNZ Incorporated (134.7), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.19), Eugenie Sage (139.3)</p> | | | |
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Submissions on Policy 1.1

| <p>Submitter & Submission Reference</p> | <p>Changes sought (grouped)</p> | <p>Decision</p> | <p>Reasons</p> |
|--|--|------------------------|---|
| <p>Hurunui District Council (88.5), Ms Lesley Shand (91.4), New Zealand Pork Industry Board (112.5), Fish & Game New Zealand, North Canterbury Region (113.4), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.17, 123.19), DairyNZ Incorporated (134.42), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.20), Eugenie Sage (139.4)</p> | <p>Retain</p> | <p>Accept</p> | <p>No changes to Policy 1.1 are considered appropriate.</p> |

| Submissions on Policy 1.2 | | | | |
|---|---------------------------------|-----------------|---|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Hurunui District Council (88.6), Ms Lesley Shand (91.5), Fish & Game New Zealand, North Canterbury Region (113.4), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.17, 123.19), DairyNZ Incorporated (134.9), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.21), Eugenie Sage (139.5) | Retain | Accept | No changes to Policy 1.2 are considered appropriate. The spelling error has been corrected. | |
| Mr John Talbot (1.16), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.16) | Correct spelling error | Accept | The spelling error has been corrected. | |
| Amuri Irrigation Company Limited (83.12) | Amend | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 111. | |

| Submissions on Policy 1.3 | | | |
|--|---------------------------------|-----------------|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Hurunui District Council (88.7), Ms Lesley Shand (91.6), Fish & Game New Zealand, North Canterbury Region (113.4), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.17, 123.19), DairyNZ Incorporated (134.10), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.22), Eugenie Sage (139.6) | Retain | Accept | No changes to Policy 1.3 are considered appropriate. |
| Amuri Irrigation Company Limited (83.13) | Amend | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 111. |

| Submissions on Policy 1.4 | | | |
|--|---------------------------------|-----------------|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Ms Lesley Shand (91.7), Fish & Game New Zealand, North Canterbury Region (113.4), DairyNZ Incorporated (134.11), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional | Retain | Accept | No changes to Policy 1.4 are considered appropriate. |

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| Office (136.23), Eugenie Sage (139.7) | | | | |
| Hurunui District Council (88.10), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.18) | Amend | Reject | | <i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 113.</i> |

Submissions on Policy 1.5

| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
|--|--------------------------|----------|---|
| Hurunui District Council (88.8), Ms Lesley Shand (91.8), Fish & Game New Zealand, North Canterbury Region (113.4), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.17, 123.19), DairyNZ Incorporated (134.12), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.24), Eugenie Sage (139.8) | Retain | Accept | <i>No changes to Policy 1.5 are considered appropriate.</i> |
| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.9) | Amend | Reject | <i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 116.</i> |

| Submissions on Policy 1.6 | | | | |
|--|---------------------------------|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Hurunui District Council (88.9), Ms Lesley Shand (91.9), Fish & Game New Zealand, North Canterbury Region (113.4), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.17, 123.19), DairyNZ Incorporated (134.13), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.25), Eugenie Sage (139.9) | Retain | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 7.4 for deleting this Policy. However we do not adopt her recommendation to include fire fighting water as a matter for discretion in Rule 2.2 as this falls outside the definition of a Community and/or stock drinking water supply and therefore is not covered by this Rule. | |
| Mr John Talbot (1.17) | Delete | Accept | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 7.4 for deleting this Policy. | |

| 2.2 Environmental Flow | | | | |
|---|---------------------------------|-----------------|--|--|
| Submissions on Objective 2 | | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Mr Michael Singleton (2.2), Hurunui District Council (88.31, 88.41), Ms Lesley Shand (91.10), Fish & Game New Zealand, North Canterbury Region (113.5), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te | Retain | Accept in part | Amendments to the Objective are considered appropriate to better achieve the purpose of the RMA. | |

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| <p>Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.10), Eugenie Sage (139.10)</p> | <p>Amend</p> | <p>Accept in part</p> | <p><i>Having had regard to the submissions and evidence presented to us on this provision, including changes recommended by various planners appearing for both submitters and the Council, we consider that amendments to the Objective are necessary to better achieve the purpose of the RMA, or to better express the purpose of the Objective. We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |
| <p>Mr Michael Singleton (2.3, 2.4), Port Robinson Informed Citizens Inc. (51.3), Meridian Energy Limited (80.17), Amuri Irrigation Company Limited (83.14), Phoebe Irrigation Limited (86.1), Department of Conservation, Canterbury Conservancy (90.10), Ravensdown Fertiliser Co-operative Ltd (102.13), Irrigation New Zealand Inc. (104.10), Ngāi Tahu Property Limited (121.12), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.20), Mr B & Ms J Demeter (125), Hurunui Water Project Limited (127.16), DairyNZ Incorporated (134.14), Mr H Wiesen & Ms M Noering (135.3), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.26)</p> | <p>Delete the note to the policies under Objective 2.</p> | <p>Reject</p> | <p><i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 855.</i></p> |
| <p>Mr John Talbot (1.24)</p> | | | |

| Submissions on Policy 2.1 | | | | |
|---|--|-----------------|---|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Hurunui District Council (88.11), Department of Conservation, Canterbury Conservancy (90.11), Ms Lesley Shand (91.11), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.10), Mr Ian Fox (109.10), Fish & Game New Zealand, North Canterbury Region (113.6), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.21), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.27), Eugenie Sage (139.11) | Retain | Accept | No changes to Policy 2.1 are considered appropriate. | |
| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.11) | Amend | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at paras 116 & 150. | |
| DairyNZ Incorporated (134.15) | Ensure that the implications of a loss of reliability to existing irrigators from the Hurunui River are adequately accounted for | Accept | It is not clear what changes to the Policy (if any) are sought by the submitter. However, as set out in Section 7.0 of this Report, we have considered reliability of supply when recommending minimum flows. | |

| Submissions on Policy 2.2 | | | | |
|---|---------------------------------|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| <p>Department of Conservation, Canterbury Conservancy (90.12), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.10), Mr Ian Fox (109.10), Fish & Game New Zealand, North Canterbury Region (113.5), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.12), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.28), Eugenie Sage (139.12)</p> | Retain | Accept in part | We conclude that the Policy is unclear and we have reworded it accordingly. | |
| <p>Mr John Talbot (1.21)</p> | Amend | Accept in part | We conclude that the Policy is unclear and we have reworded it accordingly. We therefore recommend that changes sought by the submitter to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. | |

| Submissions on Policy 2.3 | | | | |
|---|---------------------------------|-----------------|---|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Hurunui District Council (88.12), Department of Conservation, Canterbury Conservancy (90.13), Ms Lesley Shand (91.12), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.10), Mr Ian Fox (109.10), Fish & Game New Zealand, North Canterbury Region (113.5), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.13), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.29), Eugenie Sage (139.13) | Retain | Accept | We recommend changes to the formatting of the Policy so that it reads more clearly. However this does not amend the substance of the Policy, as no changes to the substance of Policy 2.3 are considered appropriate. | |
| Mr Warren Higgins (45.1), Phoebe Irrigation Limited (86.2), Independent Irrigators Group (92.8), Ravensdown Fertiliser Co-operative Ltd (102.14), Ngāi Tahu Property Limited (121.13), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.22) | Amend | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 8.10. | |
| Amuri Irrigation Company Limited (83.15), Hurunui Water Project Limited (127.17) | Delete/oppose | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 8.10. | |

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| Ms Lesley Shand (91.38), Irrigation New Zealand Inc. (104.13) | Decision sought unclear | Reject | <i>It is not clear what changes to the Policy (if any) are sought by the submitters.</i> |
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| Submissions on Policy 2.4 | | | |
|---|---------------------------------|-----------------|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Hurunui District Council (88.13), Department of Conservation, Canterbury Conservancy (90.14), Ms Lesley Shand (91.13), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.10), Mr Ian Fox (109.10), Fish & Game New Zealand, North Canterbury Region (113.5), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.14), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.30), Eugenie Sage (139.14) | Retain | Accept | No changes to Policy 2.4 are considered appropriate. |
| Ravensdown Fertiliser Co-operative Ltd (102.15) | Amend | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report in section 8.10 at paragraphs 174 and 175. |
| Hurunui Water Project Limited (127.18) | Delete/oppose | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report in section 8.10 at paragraphs 174 and 175. |

| Submissions on Policy 2.5 | | | | |
|---|---------------------------------|-----------------|---|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Hurunui District Council (88.14), Department of Conservation, Canterbury Conservancy (90.15), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.10), Mr Ian Fox (109.10), Fish & Game New Zealand, North Canterbury Region (113.5), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.31), Eugenie Sage (139.15) | Retain | Accept in part | <i>It is considered appropriate to amend the Policy, as a consequential amendment of our recommendations on the C Block (refer section 9.0 of this Report).</i> | |
| Meridian Energy Limited (80.18), Amuri Irrigation Company Limited (83.16), Ms Lesley Shand (91.39), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.15), Ngāi Tahu Property Limited (121.14) | Amend | Accept in part | <i>It is considered appropriate to amend the Policy, as a consequential amendment of our recommendations on the C Block (refer section 9.0 of this Report). We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> | |

| Submissions on Policy 2.6 | | | | |
|--|---------------------------------|-----------------------|---|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| <p>Department of Conservation, Canterbury Conservancy (90.16), Ms Lesley Shand (91.14), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.10), Mr Ian Fox (109.10), Fish & Game New Zealand, North Canterbury Region (113.5), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.16), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.32), Eugenie Sage (139.16)</p> | <p>Retain</p> | <p>Accept in part</p> | <p>It is considered appropriate to retain the Policy, but with amendments, for the reasons set out in section 4.87 of this Report.</p> | |
| <p>Meridian Energy Limited (80.19), Amuri Irrigation Company Limited (83.17), Phoebe Irrigation Limited (86.3), Ravensdown Fertiliser Co-operative Ltd (102.16), Ngāi Tahu Property Limited (121.15), Hurunui Water Project Limited (127.19)</p> | <p>Amend</p> | <p>Accept in part</p> | <p>It is appropriate to amend the Policy, for the reasons set out in section 4.87 of this decision. We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> | |

| Submissions on Policy 2.7 | | | | |
|--|---------------------------------|-----------------|---|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Department of Conservation, Canterbury Conservancy (90.17), Fish & Game New Zealand, North Canterbury Region (113.5), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.33), Eugenie Sage (139.17) | Retain | Reject | As set out in section 9.0 of this Report, we recommend the deletion of this Policy due to amendments that we have made to Policy 2.5. | |
| Meridian Energy Limited (80.20), White-water Canoe Club Incorporated & White-water New Zealand Incorporated (95.11), Mr Ian Fox (109.11), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.17), Ngāi Tahu Property Limited (121.16), Hurunui Water Project Limited (127.20) | Amend | Reject | As set out in section 9.0 of this Report, we recommend the deletion of this Policy due to amendments that we have made to Policy 2.5. | |

| Submissions on Policy 2.8 | | | |
|---|---------------------------------|-----------------|---|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Hurunui District Council (88.34, 88.44) | Retain | Accept in part | <i>It is appropriate to amend the Policy, as a consequence of our findings on the coupling of the C Block with storage provisions and on minimum flows (sections 6.0 and 7.0 of this Report).</i> |
| Mr John Talbot (1.22), Mr Michael Singleton (2.8), Department of Conservation, Canterbury Conservancy (90.18), Ms Lesley Shand (91.40), Independent Irrigators Group (92.9), Fish & Game New Zealand, North Canterbury Region (113.7), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.18), Ngāi Tahu Property Limited (121.17), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.34), Eugenie Sage (139.18) | Amend | Accept in part | <i>It is appropriate to amend the Policy, as a consequence of our findings on the coupling of the C Block with storage provisions and on minimum flows (sections 6.0 and 7.0 of this Report). We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> |

| Submissions on Policy 2.9 | | | | |
|--|---------------------------------|-----------------|---|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Mr Warren Higgins (45.2), Hurunui District Council (88.35, 88.45) | Retain | Accept in part | <i>It is necessary to amend the Policy, as a consequence of our findings on the coupling of the C Block with storage provisions and on minimum flows (sections 6.0 and 7.0 of this Report).</i> | |
| Mr John Talbot (1.23), Meridian Energy Limited (80.21), Phoebe Irrigation Limited (86.4), Department of Conservation, Canterbury Conservancy (90.19), Independent Irrigators Group (92.10), Fish & Game New Zealand, North Canterbury Region (113.8), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.19), Ngāi Tahu Property Limited (121.18), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.35), Eugenie Sage (139.19) | Amend | Accept in part | <i>It is necessary to amend the Policy, as a consequence of our findings on the coupling of the C Block with storage provisions and on minimum flows (sections 6.0 and 7.0 of this Report). We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> | |

| Submissions on Policy 2.10 | | | | |
|---|---------------------------------|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Ms Lesley Shand (91.15), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.25) | Retain | Accept in part | <p>We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 10, insofar as we consider amendments to this Policy and Rule 2.3 (and consequential amendments) are appropriate.</p> <p>However, we have recommended wording that we consider provides greater clarity.</p> | |
| Canterbury Regional Council (81.10), Longbrook Dairy Limited & T Macfarlane (85.4), Amuri Dairying Limited (129.1), DairyNZ Incorporated (134.18) | Amend | Accept in part | <p>We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 10, insofar as we consider amendments to this Policy and Rule 2.3 (and consequential amendments) are appropriate.</p> <p>However, we have recommended wording that we consider provides greater clarity.</p> <p>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> <p>We note that some submitters commenting on this Policy have sought changes to the Table 1 minimum flows for the water bodies set out in this Policy, and our findings on this are discussed at the end of section 7.0 of this Report.</p> | |
| Amuri Irrigation Company Limited (83.38), Department of Conservation, Canterbury | Delete | Reject | <p>We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 10, insofar as we consider amendments to this Policy and Rule 2.3 (and consequential</p> | |

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| Conservancy (90.20) | | | <p>amendments) are appropriate, but its deletion is not.</p> <p>However, we have recommended wording that we consider provides greater clarity.</p> <p>We note that some submitters commenting on this Policy have sought changes to the Table 1 minimum flows for the water bodies set out in this Policy, and our findings on this are discussed at the end of section 7.0 of this Report.</p> |
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| Submissions on Policy 2.11 | | | |
|--|---------------------------------|-----------------|---|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Hurunui District Council (88.51), Department of Conservation, Canterbury Conservancy (90.21) | Retain | Accept in part | We adopt the recommendations and reasons for amending this Policy, as set out in Mrs White's s42A Report at section 22. |
| Ms Lesley Shand (91.16) | Amend | Accept in part | <p>We adopt the recommendations and reasons for amending this Policy, as set out in Mrs White's s42A Report at section 22.</p> <p>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |
| Mr V J & Mrs Daly (66.3) | Delete | Reject | We adopt the recommendations and reasons for amending this Policy, as set out in Mrs White's s42A Report at section 22, and do not consider deletion of the Policy is appropriate |

| 2.3 Allocation of Water | | | |
|--|---------------------------------|-----------------|--|
| Submissions on Objective 3 | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Water Rights Trust Inc. (48.11), Hurunui District Council (88.32, 88.42), Ms Lesley Shand (91.17), Ravensdown Fertiliser Co-operative Ltd (102.17), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.26, 123.27), Hurunui Water Project Limited (127.21), DairyNZ Incorporated (134.19) | Retain | Accept in part | <i>Amendments to the Objective are considered appropriate to better achieve the purpose of the RMA.</i> |
| Mr Michael Singleton (2.5), Gore Bay & Port Robinson Ratepayers Association Inc. (43.4), Meridian Energy Limited (80.22, 80.23), Amuri Irrigation Company Limited (83.18), Department of Conservancy, Canterbury Conservancy (90.22), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.12), Ravensdown Fertiliser Co-operative Ltd (102.18, 102.19), Mr Ian Fox (109.12), Fish & Game New Zealand, North Canterbury Region (113.9), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property | Amend | Accept in part | <i>Having had regard to the submissions and evidence presented to us on this provision, including changes recommended by various planners appearing for both submitters and the Council, we consider that amendments to the Objective are necessary to better achieve the purpose of the RMA, or to better express the purpose of the Objective. We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> |

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| <p>Ltd (116.29), Ngāi Tahu Property Limited (121.19), Hurunui Water Project Limited (127.22, 127.23, 127.24), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.36), Eugenie Sage (139.20)</p> | | | |
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Submissions on Policy 3.1

| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
|---|---------------------------------|-----------------------|---|
| <p>Mr Warren Higgins (45.3), Hurunui District Council (88.36), Fish & Game New Zealand, North Canterbury Region (113.10), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.37)</p> | <p>Retain</p> | <p>Accept in part</p> | <p><i>Changes to this Policy are considered necessary, as a consequence of our recommendations on the size of the A Block/permit allocation limit (refer section 8.0 of this Report).</i></p> |
| <p>Mr John Talbot (1.25), Amuri Irrigation Company Limited (83.19), Phoebe Irrigation Limited (86.5), Hurunui District Council (88.46), Independent Irrigators Group (92.11), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.20), Mr B & Ms J Demeter (125.8), Eugenie Sage (139.21)</p> | <p>Amend</p> | <p>Accept in part</p> | <p><i>Changes to this Policy are considered necessary, as a consequence of our recommendations on the size of the A Block/permit allocation limit (refer section 8.0 of this Report).</i></p> <p><i>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |

| Submissions on Policy 3.2 | | | | |
|---|---------------------------------|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Department of Conservation, Canterbury Conservancy (90.23), Fish & Game New Zealand, North Canterbury Region (113.11), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.22), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.38) | Retain | Accept in part | Minor changes to this Policy are considered appropriate to provide greater clarity and consistency (refer section 14.0 of this Report). | |
| Mr John Talbot (1.26), Eugenie Sage (139.22) | Amend | Accept in part | Minor changes to this Policy are considered appropriate to provide greater clarity and consistency (refer section 14.0 of this Report). We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. | |
| Hydrotrader Ltd (72.1) | Delete | Reject | Deletion of the Policy is not considered appropriate. We note that the concerns raised by the submitter in relation to this Policy appear to largely relate to the prohibited activity status, which is discussed in section 10.0 of this Report. We also note the submitter's comments on the use of "should" instead of "shall" and recommend amending the Policy in that regard. | |

| Submissions on Policy 3.3 | | | |
|---|---------------------------------|-----------------|---|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Hurunui District Council (88.37, 88.47), Department of Conservation, Canterbury Conservancy (90.24), Fish & Game New Zealand, North Canterbury Region (113.67), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.39) | Retain | Reject | <i>We recommend the deletion of Policy 3.3 as a consequence of our recommendation on the sizing of the A allocation blocks/permit allocation limits (refer section 8.0 of this Report).</i> |
| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.23), Eugenie Sage (139.23) | Amend | Reject | <i>We recommend the deletion of Policy 3.3 as a consequence of our recommendation on the sizing of the A allocation blocks/permit allocation limits (refer section 8.0 of this Report).</i> |

| Submissions on Policy 3.4 | | | |
|--|---------------------------------|-----------------|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Fish & Game New Zealand, North Canterbury Region (113.12), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.28), Hurunui Water Project Limited (127), DairyNZ Incorporated (134.20) | Retain | Accept in part | <i>Minor changes to this Policy are considered appropriate to provide greater clarity and consistency (refer section 14.0 of this Report).</i> |

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| Mr B & Ms J Demeter (125.9) | Amend | Reject | Minor changes to this Policy are considered appropriate to provide greater clarity and consistency (refer section 14.0 of this Report). |
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| Submissions on Policy 3.5 | | | |
|--|--|-----------------|---|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Gore Bay & Port Robinson Ratepayers Association Inc. (43.1), Fish & Game New Zealand, North Canterbury Region (113.13), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.40) | Retain | Accept in part | Refer to section 9.0 of this Report. |
| Meridian Energy Limited (80.24), Department of Conservation, Canterbury Conservancy (90.25), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.13), Mr Ian Fox (109.13), Ngāi Tahu Property Limited (121.20), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.29), Hurunui Water Project Limited (127.25) | Amend | Accept in part | Refer to section 9.0 of this Report. We recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. |
| Ms Linda MacIntyre (18.3), Mr Kevin Dean (19.3), Mr Charles Hurford (22.1), Lesley Ward (26.2), Ms Janette Kear (28.3), Elizabeth Hurford (29.2), Mr C J Morris & Ms E C Weir (30.4), Mr Jules Snoyink | Delete (including all submissions seeking that no C Block water be allocated, or that further investigation is required before the C Block size is determined) | Reject | Refer to section 9.0 of this Report. |

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| <p>(33.2), Ms Rosalie Snoyink (35.5), Mr Ainslie Talbot (38.2), Port Robinson Informed Citizens Inc. (51.8), Joan Melvyn (55.2), Canterbury Flyfishing Club Inc. (58.1), Mr Raymond Herber (62.2), Mr Warren Williams (67.2), Mr Graeme Noble (68.3), Carin van Bolderen (82.2), Mr Trevor Owen (106.1), Ms Carol Owen (107.1), Ellen Palmer (114.2), Mr Douglas Rankin (122.3), Mr H Wiesen & Ms M Noering (135.6), Mrs A & Mr M Hamblett (137.2), Mr Bernard Calder (142.2), Sharon Brophy (145.4)</p> | <p>Decision sought unclear</p> | <p>Reject</p> | <p><i>These submitters oppose the size of the C Block, but it is not clear if the removal or reduction of the C Block is sought. In either case, our recommendations are set out in section 9.0 of this Report.</i></p> |
| <p>Ms Gwendoline Beaven (79.4), Ms Lesley Shand (91.41)</p> | <p>Decision sought unclear</p> | <p>Reject</p> | <p><i>These submitters oppose the size of the C Block, but it is not clear if the removal or reduction of the C Block is sought. In either case, our recommendations are set out in section 9.0 of this Report.</i></p> |

| Submissions on Policy 3.6 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| <p>Department of Conservation, Canterbury Conservancy (90.26), Fish & Game New Zealand, North Canterbury Region (113.14), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.41)</p> | <p>Retain</p> | <p>Accept in part</p> | <p><i>We consider changes to this Policy are appropriate to better achieve the purpose of the RMA, or to better express the purpose of the Policy, or as a consequence of our recommendations on the C Block (refer section 9.0 of this Report).</i></p> |
| <p>Meridian Energy Limited (80.25),</p> | <p>Amend</p> | <p>Accept in part</p> | <p><i>We consider changes to this Policy are appropriate to better</i></p> |

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| Ngāi Tahu Property Limited (121.21) | | | <p>achieve the purpose of the RMA, or to better express the purpose of the Policy, or as a consequence of our recommendations on the C Block (refer section 9.0 of this Report).</p> <p>We recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |
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| 2.4 Groundwater | | | |
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| Submissions on Objective 4 | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| <p>Hurunui District Council (88.33, 88.43), Ms Lesley Shand (91.18.), Fish & Game New Zealand, North Canterbury Region (113.15), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.30), DairyNZ Incorporated (134.21), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office, (136,136.74), Eugenie Sage (139.24)</p> | Retain | Accept | No changes to Objective 4 are considered appropriate. |

| Submissions on Policy 4.1 | | | | |
|---|---------------------------------|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Z Energy Limited & B P Oil NZ Limited & Mobil Oil NZ Limited & Caltex NZ Limited (14.2), Fish & Game New Zealand, North Canterbury Region (113.16), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.31), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.42), Eugenie Sage (139.25) | Retain | Accept | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 13.4. | |
| Hydrotrader Ltd (72.2) | Amend | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 13.4. | |
| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.21) | Delete | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 13.4. | |

| Submissions on Policy 4.2 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Fish and Game New Zealand (113.16), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136), Eugenie Sage (139.26) | Retain | Accept in part | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 13.5. We recommend changes to the references to the NRRP for the reasons set out in section 14.0 of the Report. |
| Hurunui Water Project Limited (127.26) | Provide clarification as to whether the connected groundwater takes have been taken into account in the setting of the allocation regime. | Reject | Clarification is given in Mrs White's s42A Report at section 13.5 in paragraphs 378 and 379. However, we consider that Policy 4.2 does not require amendment as it is clear enough in its present terms. |

| Submissions on Policies 4.3, 4.4 & 4.5 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Fish and Game New Zealand (113.16), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136), Eugenie Sage (139.27, 139.28, 139.29) | Retain | Accept in part | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 13.6. We recommend changes to the references to the NRRP for the reasons set out in section 14.0 of the Report. |

| 2.5 Cumulative effects of land use on water quality | | | |
|---|---------------------------------|-----------------|--|
| Submissions on Objective 5.1 | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Water Rights Trust Inc. (48.12), Port Robinson Informed Citizens Inc. (51.9), Hurunui District Council (88.56), Fish & Game New Zealand, North Canterbury Region (113.17), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.24), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.32), Mr H Wiesen & Ms M Noering (135.7) | Retain | Accept in part | <i>Amendments to the Objective are considered appropriate to better achieve the purpose of the RMA.</i> |
| Amuri Irrigation Company Limited (83.20), New Zealand Fertiliser Manufacturers' Research Association Inc. (87.5), Hurunui District Council (88.2), Ms Lesley Shand (91.19), Ravensdown Fertiliser Co-operative Ltd (102.20, 102.21), Irrigation New Zealand Inc. (104.14), Valerie Campbell (118.1), Ngāi Tahu Property Limited (121.22), Hurunui Water Project Limited (127.27), DairyNZ Incorporated (134.22) | Amend | Accept in part | <i>We consider that amendments to the Objective are necessary to better achieve the purpose of the RMA, or to better express the purpose of the Objective. We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> |

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| Mr Warren Higgins (45.9) | Decision sought unclear (opposes provision and states unable to make a submission on it) | Reject | <i>Insofar as the issues raised by this submitter is relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to.</i> |
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| Submissions on Objective 5.2 | | | |
|---|---------------------------------|-----------------|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Port Robinson Informed Citizens Inc. (51.9), Hurunui District Council (88.57), Ms Lesley Shand (91.20), Fish & Game New Zealand, North Canterbury Region (113.18), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.62), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.33), Mr H Wiesen & Ms M Noering (135.7) | Retain | Accept in part | <i>Amendments to the Objective are considered appropriate to better achieve the purpose of the RMA.</i> |
| Water Rights Trust Inc. (48.13), Canterbury Regional Council (81.1), Amuri Irrigation Company Limited (83.21), Hurunui District Council (88.3), Ravensdown Fertiliser Co-operative Ltd (102.22), DairyNZ Incorporated (134.23, 134.24, 134.25) | Amend | Accept in part | <i>We consider that amendments to the Objective are necessary to better achieve the purpose of the RMA, or to better express the purpose of the Objective. We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> |

| Submissions on Policy 5.1 | | | | |
|---|---------------------------------|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Hurunui District Council (88.15), Ravensdown Fertiliser Co-operative Ltd (102.23), Hurunui Water Project Limited (127.29) | Retain | Accept | No changes to Policy 5.1 are considered appropriate. | |
| Hurunui District Council (88.58), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.27) | Amend | Reject | No changes to Policy 5.1 are considered appropriate. | |
| Amuri Irrigation Company Limited (83.23) | Delete | Reject | We do not consider that the deletion of Policy 5.1 would better achieve the Plan's objectives. | |
| Canterbury Regional Council (81.2), Fish & Game New Zealand, North Canterbury Region (113.19), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.43), Eugenie Sage (139.30) | Delete and replace | Accept in part | We do not consider that the deletion of Policy 5.1 would better achieve the Plan's objectives. We do however consider, for the reasons set out in sections 11.2 and 11.3 of this Report that additional policies along the same lines as those sought by the submitters, are appropriate. | |

| Submissions on Policy 5.2 | | | | |
|--|---------------------------------|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| New Zealand Fertiliser Manufacturers' Research Association Inc. (87.6), Hurunui District Council (88.16), Ravensdown Fertiliser Co-operative Ltd (102.24), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.25), Hurunui Water Project Limited (127.28) | Retain | Accept | No changes to Policy 5.2 are considered appropriate. | |
| Water Rights Trust Inc. (48.14), Independent Irrigators Group (92.13), Irrigation New Zealand Inc. (104.15), Ellen Palmer (114.4) | Amend | Reject | No changes to Policy 5.2 are considered appropriate. | |
| Canterbury Regional Council (81.2), Fish & Game New Zealand, North Canterbury Region (113.19), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.43), Eugenie Sage (139.30) | Delete and replace | Accept in part | We do not consider that the deletion of Policy 5.2 would better achieve the Plan's objectives. We do however consider, for the reasons set out in sections 11.2 and 11.3 of this Report that additional policies along the same lines as those sought by the submitters, are appropriate. | |

| Submissions on Policy 5.3 | | | | |
|--|---|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Hurunui District Council (88.17), Ms Lesley Shand (91.21), Irrigation New Zealand Inc. (104.16), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.34) | Retain | Reject | For the reasons set out in Section 11.0 of this Report, we consider that the deletion of this Policy, and its replacement with policies that set periphyton targets, phosphorous concentration limits, and nitrate-nitrogen toxicity limits, in combination with the recommended amendments to rules, is a more appropriate way to achieve the Plan's objectives, than the retention or amendment of the notified Policy 5.3. | |
| Mr Ben Woolcombe (7.1), Ms Sally Hope (8.1), Ms Rebecca Turrell (10.1), Mr Anton Oliver (12.1), Mr Ian Eagle (16.2), Ms Linda MacIntyre (18.4), Mr Kevin Dean (19.4), Robyn Webster (20.1), Mr Charles Hurford (22.2), Ms Rachel Hurford (25.1), Lesley Ward (26.3), Ms Janette Kear (28.4), Mr C J Morris & Ms E C Weir (30.1), Mr Jules Snoyink (33.1), Ms Rosalie Snoyink (35.3), Mr Ainslie Talbot (38.3), Christchurch Whitewater Canoe Club (39.2), Joan Rigarisford (40.2), Mr Gordon Lees (42.2), Water Rights Trust Inc. (48.15), Michael Nooney (49.2), Port Robinson Informed Citizens Inc. (51.10), Mr A H J & Mrs H M Paterson (53.2), Gwynfor Ashcroft (54.1), Joan Melwyn (55.3), Nelson Canoe Club (56.2), Ms Nixie Boddy (57.3), Canterbury Flyfishing Club | Amend (including all submissions seeking that the 2005-2010 water quality and nitrogen levels be maintained, not increased to 120%, or further reduced) | Reject | For the reasons set out in Section 11.0 of this Report, we consider that the deletion of this Policy, and its replacement with policies that set periphyton targets, phosphorous concentration limits, and nitrate-nitrogen toxicity limits, in combination with the recommended amendments to rules, is a more appropriate way to achieve the Plan's objectives, than the retention or amendment of the notified Policy 5.3. With particular reference to submissions seeking that the nitrogen levels are maintained at the current level (or further reduced), refer to Section 11.2 of this Report. | |

Inc. (58.2), Mrs Lynne Lochhead (59.4), Mr Steve Chapman (60.2), Ms Linda Morris (61.3), Mr Raymond Herber (62.3), Mr Edward Snowdon (65.3), Mr Warren Williams (67.3), Mr Graeme Noble (68.4), Mr Stuart Payne (73.2, 73.3), Ms Gwendoline Beaven (79.1), Carin van Bolderen (82.3), Amuri Irrigation Company Limited (83.25), Waikato Kayak Club Inc. (84.2), Hurunui District Council (88.59), Mr Stephen Hodgkinson (89.2), Department of Conservation, Canterbury Conservancy (90.27), Ms Lesley Shand (91.22), Independent Irrigators Group (92.14), Ms Prue Stringer (93.2), Ms Ursula Salzer (94.1), Mr David Evans (97.2), Mr Kevin Roche (98.1), Sarah Fawcett (99.2), Ravensdown Fertiliser Co-operative Ltd (102.25,102.26), Ms Kim Kelleher (103.2), Mr Trevor Owen (106.2), Ms Carol Owen (107.2), Mr David Kirkness (108.2), Ellen Palmer (114.3), Mr Malcolm Snowdon (115.2), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.28), Canterbury University Tramping Club (117.2), Valerie Campbell (118.2, 118.3), Environmental Defence Society (119.2), Direct Project Management Limited (120.3), Mr Douglas Rankin (122.4), Mr B & Ms J Demeter (125.10), Hurunui Water

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| <p>Project Limited (127.30, 127.31), Ms Lois Moore (128.3), Mr H Wiesen & Ms M Noering (135.8), Mrs A & Mr M Hamblett (137.3), Mr Peter Davis (138.2), Mr Bernard Calder (142.3), Friends of Lewis Pass & Hurunui Catchment Inc. (143.6), Sharon Brophy (145.5)</p> | | | |
| <p>Canterbury Regional Council (81.2), Fish & Game New Zealand, North Canterbury Region (113.19), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.43), Eugenie Sage (139.30),</p> | <p>Delete and replace</p> | <p>Accept in part</p> | <p>We consider that the deletion of Policy 5.3, and its replacement with additional policies along the same lines as those sought by the submitters, is appropriate and would better achieve the Plan's objectives, for the reasons set out in sections 11.2 and 11.3 of this Report.</p> |
| <p>Ngāi Tahu Property Limited (121.23)</p> | <p>Delete</p> | <p>Accept</p> | <p>For the reasons set out in Section 11.0 of this Report, we consider that the deletion of this Policy, and its replacement with policies that set periphyton targets, phosphorous concentration limits, and nitrate-nitrogen toxicity limits, in combination with the recommended amendments to rules, is a more appropriate way to achieve the Plan's objectives, than the retention or amendment of the notified Policy 5.3.</p> |

| Submissions on Policy 5.4 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| <p>Water Rights Trust Inc. (48) Hurunui District Council (88.18, 88.60), Ravensdown Fertiliser Co-operative Ltd (102.27), Fish & Game New Zealand, North Canterbury Region</p> | <p>Retain</p> | <p>Accept in part</p> | <p>Amendments to the Policy are considered appropriate to better achieve the Plan's objectives and the purpose of the RMA, and to provide greater clarity.</p> |

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| <p>(113.20), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.26), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.35), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office, (136.44), Eugenie Sage (139.31)</p> | | | |
| <p>Ms Gwendoline Beaven (79.2), Phoebe Irrigation Limited (86.7), Department of Conservation, Canterbury Conservancy (90.28), Independent Irrigators Group (92.15), Hurunui Water Project Limited (127.32), DairyNZ Incorporated (134.28)</p> | <p>Amend</p> | <p>Reject</p> | <p><i>Amendments to the Policy are considered appropriate to better achieve the Plan's objectives and the purpose of the RMA, and to provide greater clarity.</i></p> <p><i>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |
| <p>Canterbury Regional Council (81.2), Eugenie Sage (139.30)</p> | <p>Delete and replace</p> | <p>Accept in part</p> | <p><i>We do not consider that the deletion of Policy 5.4 would better achieve the Plan's objectives.</i></p> <p><i>We do however consider, for the reasons set out in sections 11.2 and 11.3 of this Report that additional policies along the same lines as those sought by the submitters, are appropriate.</i></p> |
| <p>Ngāi Tahu Property Limited (121.24)</p> | <p>Delete</p> | <p>Reject</p> | <p><i>We do not consider that the deletion of Policy 5.4 would better achieve the Plan's objectives.</i></p> |

| 2.6 Storage and Additional Demand for Water Resources | | | |
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| Submissions on Objective 6 | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Mr Michael Singleton (2.6), Gore Bay & Port Robinson Ratepayers Association Inc. (43.2), Hurunui District Council (88.4), Ms Lesley Shand (91.24), DairyNZ Incorporated (134.29) | Retain | Accept in part | <i>Amendments to the Objective are considered appropriate to better achieve the purpose of the RMA.</i> |
| Water Rights Trust Inc. (48.16), Meridian Energy Limited (80.26), Amuri Irrigation Company Limited (83.26), Department of Conservation, Canterbury Conservancy (90.29), Ms Lesley Shand (91.23), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.14), Mr Ian Fox (109.14), Fish & Game New Zealand, North Canterbury Region (113.21), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.30), Ngāi Tahu Property Limited (121.25), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.36), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional | Amend | Accept in part | <i>Having had regard to the submissions and evidence presented to us on this provision, including changes recommended by various planners appearing for both submitters and the Council, we consider that amendments to the Objective are necessary to better achieve the purpose of the RMA, or to better express the purpose of the Objective. We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> |

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| Office (136.45), Eugenie Sage (139.32) | | | | |
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| Submissions on Policy 6.1³⁴ | | | | |
|--|---------------------------------|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Hurunui District Council (88.5), Department of Conservation, Canterbury Conservancy (90.30) Ms Lesley Shand (91.4), New Zealand Pork Industry Board (112.5), Fish & Game New Zealand, North Canterbury Region (113.22), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.31), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.20, 136.46), Eugenie Sage (139.4, 139.33) | Retain | Accept | No changes to Policy 6.1 are considered appropriate. Note that the application of this Policy in terms of zoning is discussed in section 5.1 of this Report. | |
| Mr John Talbot (1.30), Ms Lesley Shand (91.25), Independent Irrigators Group (92.16), Hurunui Water Project Limited (127.33) | Amend | Reject | No changes to Policy 6.1 are considered appropriate. Note that the application of this Policy in terms of zoning is discussed in section 5.1 of this Report. | |
| Mr Warren Higgins (45.5), Federated Farmers of New Zealand Inc., Combined Canterbury Prov (123.37) | Delete | Reject | For the reasons set out in section 5.1 of this Report, we do not recommend that Zone A should be considered for potential storage sites, except through a plan change. | |

³⁴ Note that submissions made in reference to this Policy that seek changes to the Plan in relation to the application of the Policy (i.e. the application of Zones A, B and C) are not included here, but under "Submissions on Map 3: Development Zones Map Series".

| Submissions on Policy 6.2³⁵ | | | | |
|---|---------------------------------|-----------------|---|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Hurunui District Council (88.19, 88.38, 88.48), Department of Conservation, Canterbury Conservancy (90.31), Fish & Game New Zealand, North Canterbury Region (113.22), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.47) | Retain | Accept in part | Amendments to the Policy are considered necessary to better achieve the Plan's objectives, the purpose of the RMA, to better express the purpose of the Policy, and to provide consistency within the Plan. | |
| Meridian Energy Limited (80.27), Ms Lesley Shand (91.26, 91.27, 91.28, 91.29, 91.30), Ngāi Tahu Property Limited (121.26), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.38), Hurunui Water Project Limited (127.34), Mrs A & Mr M Hamblett (137.6, 137.7, 137.8) | Amend | Accept in part | Amendments to the Policy are considered necessary to better achieve the Plan's objectives, the purpose of the RMA, to better express the purpose of the Policy, and to provide consistency within the Plan. We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. | |

³⁵ Note that submissions made in reference to this Policy that seek changes to the Plan in relation to the application of the Policy (i.e. the application of Zones A, B and C) are not included here, but under "Submissions on Map 3: Development Zones Map Series".

Submissions on Policy 6.3³⁶

| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
|--|--|----------------|---|
| Gore Bay & Port Robinson Ratepayers Association Inc. (43.3), Hurunui District Council (88.20, 88.26), Ms Lesley Shand (91.32), Mr Kevin Roche (98.2), Hurunui Water Project Limited (127.35) | Retain | Accept in part | Amendments to the Policy are considered necessary to better achieve the Plan's objectives, the purpose of the RMA, to better express the purpose of the Policy, and to provide consistency within the Plan. |
| Department of Conservation, Canterbury Conservancy (90.32), Ms Lesley Shand (91.31, 91.33), Fish & Game New Zealand, North Canterbury Region (113.23), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.48) | Amend | Accept in part | Amendments to the Policy are considered necessary to better achieve the Plan's objectives, the purpose of the RMA, to better express the purpose of the Policy, and to provide consistency within the Plan. We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. |
| Mrs A & Mr M Hamblett (137.9) | Delete | Reject | We do not consider that deletion of the Policy will better achieve the Plan's objectives or the purpose of the RMA. |
| DairyNZ Incorporated (134.30) | Include a definition of "high quality" and "large" wetlands (in relation to Policy 6.3). | Reject | We consider that what is "high quality" and "large" (and may differ in different areas of the river depending on the number of and size of wetlands within a particular area) is best considered through the consenting process for any particular proposal. We consider this is more appropriate than trying to define these within the Plan itself. |

³⁶ Note that submissions made in reference to this Policy that seek changes to the Plan in relation to the application of the Policy (i.e. the application of Zones A, B and C) are not included here, but under 'Submissions on Map 3: Development Zones Map Series'.

| Submissions on Policy 6.4³⁷ | | | | |
|--|---------------------------------|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Department of Conservation, Canterbury Conservancy (90.33), Fish & Game New Zealand, North Canterbury Region (113.25) | Retain | Accept | No changes to Policy 6.4 (except those consequential to changing the names of the zones) are considered appropriate. | |
| Hurunui District Council (88.27), Mr Kevin Roche (98.3), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.32) | Amend | Reject | No changes to Policy 6.4 (except those consequential to changing the names of the zones) are considered appropriate. | |
| Hurunui Water Project Limited (127.36) | Delete | Reject | We do not consider that deletion of the Policy will better achieve the Plan's objectives or the purpose of the RMA. | |

| Submissions on Policy 6.5 | | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Hurunui District Council (88.28) | Retain | Accept in part | As a result of our recommendations in section 5.0 and 6.0 of this Report, we consider that changes to Policy 6.5 are necessary. | |
| Mr John Talbot (1.31), Water Rights Trust Inc. (48.17), Meridian Energy Limited (80.28), Department of | Amend | Accept in part | As a result of our recommendations in section 5.0 and 6.0 of this Report, we consider that changes to Policy 6.5 are necessary. We consider that the amended Policy 6.5 | |

³⁷ Note that submissions made in reference to this Policy that seek changes to the Plan in relation to the application of the Policy (i.e. the application of Zones A, B and C) are not included here, but under "Submissions on Map 3: Development Zones Map Series".

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| <p>Conservation, Canterbury Conservancy (90.34), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.17), Mr Kevin Roche (98.3), Mr Ian Fox (109.17), Mr Jonathan Hunt (110.2), Fish & Game New Zealand, North Canterbury Region (113.26), Direct Project Management Limited (120.4), Ngāi Tahu Property Limited (121.27), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.49), Eugenie Sage (139.35)</p> | | | <p>should apply to proposals of any size.</p> <p>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |
| <p>Hurunui Water Project Limited (127.37)</p> | <p>Delete</p> | <p>Reject</p> | <p>We do not consider that deletion of the Policy will better achieve the Plan's objectives or the purpose of the RMA.</p> |

Submissions on Policy 6.6

| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
|--|--------------------------|---------------|--|
| <p>Department of Conservation, Canterbury Conservancy (90.35), Fish & Game New Zealand, North Canterbury Region (113.27), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.33), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional</p> | <p>Retain</p> | <p>Accept</p> | <p>No changes to Policy 6.6 (except those consequential to changing the names of the zones and using consistent terminology) are considered appropriate.</p> |

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| Office (136) | Delete | Reject | We do not consider that deletion of the Policy will better achieve the Plan's objectives or the purpose of the RMA. |
| Phoebe Irrigation Limited (86.9) | Delete | Reject | We do not consider that deletion of the Policy will better achieve the Plan's objectives or the purpose of the RMA. |

| Submissions on Policy 6.8 | | | |
|--|---------------------------------|-----------------|---|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Ellen Palmer (114.5), Mr Malcolm Snowdon (115.3) | Amend | Accept in part | As a result of our recommendations in section 12.0 of this Report, we consider that changes to Policy 6.8 are necessary. We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. |

| Submissions on Policy 6.9 | | | |
|---|---------------------------------|-----------------|---|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Ellen Palmer (114.6), Mr Malcolm Snowdon (115.4), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.34) | Retain | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 15.12 and recommend deletion of this Policy. |
| Water Rights Trust Inc. (48.18), Department of Conservation, Canterbury Conservancy (90.36), | Amend | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 15.12 and recommend |

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| Fish & Game New Zealand, North Canterbury Region (113.28), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.50) | | | deletion of this Policy. |
| Meridian Energy Limited (80.29), Ravensdown Fertiliser Co-operative Ltd (102.28), Ngāi Tahu Property Limited (121.28), Hurunui Water Project Limited (127.38) | Delete | Accept | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 15.12 and recommend deletion of this Policy. |

Submissions on Policy 6.10

| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
|---|--------------------------|----------------|---|
| Water Rights Trust Inc. (48), Department of Conservation, Canterbury Conservancy (90.37), Fish & Game New Zealand, North Canterbury Region (113.29) | Retain | Reject | We consider that this Policy should be deleted as it may not always be appropriate to use water from the Hurunui and Waiau Rivers to remedy existing problems in the Waipara River. We therefore recommend its deletion. |
| Eugenie Sage (139.36) | Amend | Accept in part | We note the submitter's comments on the effects of the transfer of water between catchments needing to be considered, as well as the potential for over allocation in the Waipara River to be addressed through reducing abstraction in that zone. We have concerns that in this regard, the Policy does not align well with the Plan's objectives, and recommend that it is deleted. We note that this does not preclude consideration of an application to transfer water to the Waipara catchment, which is provided for in certain circumstances in Policy 6.11. |

| Submissions on Policy 6.11 | | | |
|---|---------------------------------|-----------------|---|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Department of Conservation, Canterbury Conservancy (90.38), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.39) | Retain | Accept in part | <i>We consider that minor amendments are required to this Policy as a result of our recommendation to delete Policy 6.10, and to better express the purpose of the Policy.</i> |
| Amuri Irrigation Company Limited (83.27) | Amend | Accept in part | <i>We consider that minor amendments are required to this Policy as a result of our recommendation to delete Policy 6.10, and to better express the purpose of the Policy. We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> |

| 2.7 Efficient Water Use | | | |
|---|---------------------------------|-----------------|---|
| Submissions on Objective 7 | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Fish & Game New Zealand, North Canterbury Region (113.30), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.40), Hurunui Water | Retain | Accept | <i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 17.1 to retain the Objective without amendment.</i> |

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| Project Limited (127.39) | Amend | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 17.1 to retain the Objective without amendment. |
| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.35) | | | |

Submissions on Policy 7.1

| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
|---|--------------------------|----------------|--|
| Fish & Game New Zealand, North Canterbury Region (113.31), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.41), DairyNZ Incorporated (134.31) | Retain | Accept in part | We consider that minor amendments are required to this part (e) of this Policy to provide greater clarity and consistency. |
| Mr John Talbot (1.32), Amuri Irrigation Company Limited (83.28), Phoebe Irrigation Limited (86.10), Ngāi Tahu Property Limited (121.29) | Amend | Accept in part | We consider that minor amendments are required to this part (e) of this Policy to provide greater clarity and consistency. We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. |

| Submissions on Policy 7.2 | | | | |
|---|---------------------------------|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Fish & Game New Zealand, North Canterbury Region (113.31), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.36), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.42) | Retain | Reject | We recommend the deletion of Policy 7.2 as a consequence of our recommendation on the sizing of the A allocation blocks/permit allocation limits (refer section 8.0 of this Report). | |
| Amuri Irrigation Company Limited (83.29) | Amend | Reject | We recommend the deletion of Policy 7.2 as a consequence of our recommendation on the sizing of the A allocation blocks/permit allocation limits (refer section 8.0 of this Report). | |
| Mr John Talbot (1.33), Hydrotrader Ltd (72.3), Independent Irrigators Group (92.17) | Delete | Accept | We recommend the deletion of Policy 7.2 as a consequence of our recommendation on the sizing of the A allocation blocks/permit allocation limits (refer section 8.0 of this Report). | |

| Submissions on Policy 7.3 | | | | |
|---|---------------------------------|-----------------|---|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Fish & Game New Zealand, North Canterbury Region (113.31) | Retain | Accept in part | Minor changes to this Policy are considered appropriate to provide greater clarity and consistency (refer section 14.0 of this Report). | |
| Mr John Talbot (1.34), Hydrotrader Ltd (72.4), Federated Farmers of | Amend | Accept in part | Minor changes to this Policy are considered appropriate to provide greater clarity and consistency (refer section 14.0 of | |

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| New Zealand Inc., Combined Canterbury Provinces (123.43) | | | <p><i>this Report).</i></p> <p><i>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |
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| 2.8 Water Use Efficiency | | | |
|--|---------------------------------|-----------------|---|
| Submissions on Objective 8 | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Fish & Game New Zealand, North Canterbury Region (113.32), DairyNZ Incorporated (134.32) | Retain | Accept in part | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 18.2 to amend the Objective. |
| Amuri Irrigation Company Limited (83.30), Ngāi Tahu Property Limited (121.30), Mr Douglas Rankin (122.5), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.44), Hurunui Water Project Limited (127.40), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.51) | Amend | Accept in part | <p>We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 18.2 to amend the Objective.</p> <p>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |

| Submissions on Policy 8.1 | | | |
|---|---------------------------------|-----------------|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Mr Warren Higgins (45.6), Fish & Game New Zealand, North Canterbury Region (113.33), Hurunui Water Project Limited (127.41), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.52) | Retain | Accept in part | <p>We generally adopt the recommendations and reasons set out in Mrs White's s42A Report at section 18.2 to amend the Policy, except as follows.</p> <p>(c) We do not consider it is appropriate to include "as much as practicable" in part (a) of the Policy.</p> <p>(d) We have recommended alternate wording to part (d) that we consider is clearer.</p> |
| Mr Warren Higgins (45.7), Water Rights Trust Inc. (48.20), Amuri Irrigation Company Limited (83.30), Phoebe Irrigation Limited (86.11, 86.12), Independent Irrigators Group (92.18), Ngāi Tahu Property Limited (121.31), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.45) | Amend | Accept in part | <p>We generally adopt the recommendations and reasons set out in Mrs White's s42A Report at section 18.2 to amend the Policy, except as follows.</p> <p>(a) We do not consider it is appropriate to include "as much as practicable" in part (a) of the Policy.</p> <p>(b) We have recommended alternate wording to part (d) that we consider is clearer.</p> <p>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |

| 2.9 Resource Consent Management | | | |
|---|---------------------------------|-----------------|--|
| Submissions on Objective 9 | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Fish & Game New Zealand, North Canterbury Region (113.34), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.46), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (127.42), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136) | Retain | Accept | No changes to Objective 9 are considered appropriate. |
| Department of Conservation, Canterbury Conservancy (90.39) | Amend | Reject | No changes to Objective 9 are considered appropriate. |
| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.37) | Delete heading for this section | Accept in part | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 731 to amend the heading of this section of the Plan to "Resource Consent Management". |

| Submissions on Policy 9.1 | | | |
|--|---------------------------------|-----------------|------------------------------------|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi | Retain | Accept in part | Refer section 13.0 of this Report. |

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| Tuahiriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.38), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136) | | | | |
| Amuri Irrigation Company Limited (83.31), Phoebe Irrigation Limited (86.13), DairyNZ Incorporated (134.33) | Amend | Accept in part | Refer section 13.0 of this Report. We recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. | |
| Mr John Talbot (1.35), Independent Irrigators Group (92.19), Ngāi Tahu Property Limited (121.32), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.47) | Delete | Reject | Refer section 13.0 of this Report. | |

| Submissions on Policy 9.2 | | | | |
|---|---------------------------------|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Meridian Energy Limited (80.30), Hurunui Water Project Limited (127.43), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136) | Retain | Accept in part | Refer section 13.0 of this Report. | |
| Mr Warren Higgins (45.8), Phoebe Irrigation Limited (86.13), Amuri Irrigation Company Limited (83.31), | Amend | Accept in part | Refer section 13.0 of this Report. We recommend that changes sought by submitters to this | |

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| Hawkins Consulting Limited (96.3), Ngāi Tahu Property Limited (121.33), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.48) | Delete | | <i>provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> |
| Mr John Talbot (1.36), Independent Irrigators Group (92.20) | Delete | Reject | Refer section 13.0 of this Report. |

Submissions on Policy 9.3

| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
|---|--------------------------|----------|---|
| Hurunui District Council (88.21), Ms Lesley Shand (91.34), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.39), DairyNZ Incorporated (134.34), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136) | Retain | Reject | <i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 19.4 to delete this Policy.</i> |
| Mr Chris Clarke (31.1), Water Rights Trust Inc. (48.21), New Zealand Pork Industry Board (112.6), Hurunui Water Project Limited (127.44) | Amend | Reject | <i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 19.4 to delete this Policy.</i> |
| Amuri Irrigation Company Limited (83.33), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.49) | Delete | Accept | <i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 19.4 to delete this Policy.</i> |

Submissions on Policy 9.4

| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
|--|--------------------------|----------------|--|
| New Zealand Pork Industry Board (112.7), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.50), Hurunui Water Project Limited (127.45), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136) | Retain | Accept in part | We consider that amendments are required to better express the purpose of the Policy, to provide clarity and to avoid repetition. |
| Mr John Talbot (1.37), Ms Lesley Shand (91.35, 91.36) | Amend | Accept in part | We consider that amendments are required to better express the purpose of the Policy, to provide clarity and to avoid repetition. We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. |
| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.40) | Delete | Reject | We do not consider that the deletion of the Policy would better achieve the Plan's objectives. |

| Submissions on 3.0 Part 3 – Rules | | | | |
|--|---|-----------------|--|--|
| General | | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Mr John Talbot (1.38) | Amend format to tabular style | Reject | We do not consider it appropriate to amend the format of the rules. | |
| Meridian Energy Limited (80.32), Ngāi Tahu Property Limited (121.34) | Amend introductory paragraphs to rules | Accept in part | We consider that changes to this section are appropriate to provide greater clarity on the inter-relationship between this Plan and the NRRP. We therefore recommend that changes sought by these submitters are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. | |
| Amuri Irrigation Company Limited (83.34) | Include specific example of activity not covered by HWRRP in introductory paragraphs to rules | Reject | There are a number of activities which are governed by the NRRP and not provided for in the HWRRP. Including one example is not considered to be helpful or appropriate. | |
| Meridian Energy Limited (80.35, 80.41, 80.43), Ngāi Tahu Property Limited (121.37) | Add a new Restricted Discretionary Activity Rule for existing takes which allows for them to continue operating under existing minimum flows until storage is developed, and exempt these from Rule 2.3, and from Section 68(7) of the RMA. | Reject | As a consequence of our recommendations on minimum flows (refer section 7.0 of this Report) and the de-coupling of storage provision from the C Block allocation (refer section 6.0 of this Report), we do not consider the additional rules sought by the submitter to be appropriate. | |
| Canterbury Regional Council (81.6), Fish & Game New Zealand, North Canterbury Region (113.55), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.64), Eugenie Sage (139.53) | Add new non-complying activity rule for any change of land use that results in the Schedule 1 load limits being exceeded by more than 125% of the load in Schedule 1 for Nitrogen or more than 110% for Phosphate. | Accept in part | Refer to section 11.5 of this Report. We recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amendments to the Plan's water quality provisions address their submission. In all other respects the submission is rejected because we do not find that any further changes | |

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| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.56) | Insert a new non-complying activity rule for transfers that do not comply with Rule 11.1 (c) or 11.2 (b). | Accept | are appropriate. We consider non-complying to be a more appropriate activity status for transfers of resource consents that do not meet these standards and terms. |
| Eugenie Sage (139.39) | Make much wider use of non-complying and discretionary status rather than restricted discretionary for activities with potentially significant adverse effects | Reject | We consider that the restricted discretionary activity status is appropriate for the activities identified. We have however made a number of recommendations to strengthen the matters to which the Council's discretion is restricted. |
| Z Energy Limited & B P Oil NZ Limited & Mobil Oil NZ Limited & Caltex NZ Limited (14.8) | Ensure that de-watering of sites for the carrying out of excavation, construction and geotechnical testing associated with replacement and/or maintenance of existing activities at a site is not caught by prohibited activity status. | Accept | We adopt the recommendations and reasons set out in the joint conferring statement of Liz White and David le Marquand to address this matter through amendments to Rule 7.2. |
| New Zealand Fertiliser Manufacturers' Research Association Inc. (87.9), Phoebe Irrigation Limited (86.16) | Retain lead-in period before land use rules apply. | Accept in part | We consider it appropriate to retain the lead-in period under Rule 10.1 for existing land use activities to join a collective management scheme. However, for the reasons set out in section 11.5 of this Report, we do not consider it appropriate to retain the lead-in period for changes of land use. |
| Irrigation New Zealand Inc. (104.18) | Increase lead-in period for joining collective scheme in land use rules. | Reject | We were not presented with any evidence to suggest that a longer lead-in period was required. |
| Hawkins Consulting Limited (96.6) | Clarify status of those in process of changing land use and allow these developments to be completed. | Accept in part | We consider the amendments to Rule 10.2 provide clarity. However, for the reasons set out in section 11.5 of this Report, we consider the Rule should apply to changes of land use immediately. |
| Ravensdown Fertiliser Co-operative Ltd (102.30, 102.32), Hurunui Water Project Limited (127.50) | Amend overall approach to rules for addressing the cumulative effects of land use on water quality. | Accept in part | Having had regard to the submissions and evidence presented to us the Plan's approach to cumulative effects of land use on water quality, including changes recommended by various planners appearing for both submitters and the |

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| | | | <p><i>council, we consider that amendments to the approach are appropriate, for the reasons set out in section 11.0 of this Report.</i></p> <p><i>We therefore recommend that these submissions are accepted in part, to the extent that the amendments address their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> <p><i>We consider that the amendments recommended to Schedule 2 provide for this.</i></p> |
| New Zealand Fertiliser Manufacturers' Research Association Inc. (87.10, 87.11) | Provide acknowledgement that Overseer Nutrient Budgets (or an equivalent) provides an acceptable standard for meeting an industry accredited scheme for nutrient management in relation to land use rules. | Accept | |
| New Zealand Fertiliser Manufacturers' Research Association Inc. (87.10, 87.11) | Provide clarity on requirements which apply to new land use or changes to existing land use which occur during the interim period between 1 st October 2011 and 1 st January 2017 | Accept | <i>We consider the amendments to Rule 10.2 provide clarity.</i> |
| Ms Rosalie Snoyink (35.4) | Change rules to require nitrogen loading to that of 2005 - 2010 levels. NO increase in nitrogen levels. | Reject | <i>Refer section 11.2 of this Report.</i> |

| 3.1 Surface Water | | | | |
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| Rule 1.1 | | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| DairyNZ Incorporated (134.35) | Retain | Accept | No changes to this Rule are considered appropriate, (except those consequential to renaming of the zones). | |
| Mr John Talbot (1.39), Ms Lesley Shand (91.43), Eugenie Sage (139.40) | Amend | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 21.1. | |
| Water Rights Trust Inc. (48.22), Department of Conservation, Canterbury Conservancy (90.40), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.18), Mr Ian Fox (109.18), Fish & Game New Zealand, North Canterbury Region (113.35), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.53) | Delete | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 21.1. | |

| Rule 1.2 | | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| DairyNZ Incorporated (134.35) | Retain | Accept in part | We consider that this Rule should be retained, with amendments. | |
| Mr John Talbot (1.40), Water Rights Trust Inc. (48.23), Department of Conservation, Canterbury Conservancy (90.41), Ms Lesley Shand (91.44), Fish & Game New Zealand, North Canterbury Region | Amend | Accept in part | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 21.1. We also recommend changes to the references to the NRRP for the reasons set out in section 14.0 of the Report. | |

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| <p>(113.36), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.54), Eugenie Sage (139.41)</p> | | | <p>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |
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| Rule 1.3 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| <p>Water Rights Trust Inc. (48.24), Hurunui District Council (88.22), Department of Conservation, Canterbury Conservancy (90.42), Fish & Game New Zealand, North Canterbury Region (113.65), DairyNZ Incorporated (134.35)</p> | <p>Retain</p> | <p>Accept in part</p> | <p>We consider that this Rule should be retained, with amendments.</p> |
| <p>Ms Lesley Shand (91.45), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.41), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.51)</p> | <p>Amend</p> | <p>Accept in part</p> | <p>We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 21.1 for retaining the Rule as a permitted activity, but with amendments.</p> <p>We also recommend changes to the references to the NRRP for the reasons set out in section 14.0 of the Report.</p> <p>Further, we do not consider it to be efficient or effective to include a condition requiring compliance with a rule in the NRRP as a standard and term of the permitted activity, as it could result in an unnecessary duplication of consents. We do however consider an advice note to be appropriate.</p> <p>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are</p> |

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| Rule 1.4 | | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Meridian Energy Limited (80.33), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.52), Hurunui Water Project Limited (127.46), DairyNZ Incorporated (134.35) | Retain | Accept in part | We consider that this Rule should be retained, with amendments. | |
| Fish & Game New Zealand, North Canterbury Region (113.66), Eugenie Sage (139.42) | Amend | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 21.2. However we recommend changes to the references to the NRRP for the reasons set out in section 14.0 of the Report We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 21.2. | |
| Water Rights Trust Inc. (48.25) | Delete | Reject | | |

| Rule 1.5 | | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Hurunui District Council (88.29), DairyNZ Incorporated (134.35) | Retain | Accept in part | We consider that this Rule should be retained, with amendments. | |
| Mr Hamish Pain (24.2), Mr V J & Mrs Daly (66.4), Phoebe Irrigation Limited (86.14), Ms Lesley Shand (91.46), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.42), Ngāi Tahu Property Limited (121.35), Federated Farmers of New Zealand Inc., | Amend | Accept in part | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 21.3 for retaining the Rule as a permitted activity, but with amendments, except as follows. We do not consider it to be efficient or effective to include a condition requiring compliance with a rule in the NRRP as a standard and term of the permitted activity, as it could result in an unnecessary duplication of consents. We do however | |

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| <p>Combined Canterbury Provinces (123.53), Eugenie Sage (139.43)</p> | | | <p>consider an advice note to be appropriate.</p> <p>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |
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| Rule 2.1 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| <p>Department of Conservation, Canterbury Conservancy (90.43), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.54)</p> | <p>Retain</p> | <p>Accept in part</p> | <p>We consider that this Rule should be retained, with amendments.</p> |
| <p>Fish & Game New Zealand, North Canterbury Region (113.37), Eugenie Sage (139.44)</p> | <p>Amend</p> | <p>Accept in part</p> | <p>We consider that amendments to the Rule are required to provide greater clarity as to what matters the Council has discretion over, through reference to the Plan's policies.</p> <p>We do not consider it to be efficient or effective to include a condition requiring compliance with a rule in the NRRP as a standard and term, as it could result in an unnecessary duplication of consents. We do however consider an advice note to be appropriate.</p> <p>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |

| Rule 2.2 | | | |
|--|---------------------------------|-----------------|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Hurunui District Council (88.23), Ms Lesley Shand (91.47) | Retain | Accept in part | <i>We consider that this Rule should be retained, with amendments.</i> |
| Mr John Talbot (1.41), Mr Chris Clarke (31.2), Water Rights Trust Inc. (48.26), Department of Conservation, Canterbury Conservancy (90.44), Fish & Game New Zealand, North Canterbury Region (113.38), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.55), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.55), Eugenie Sage (139.45) | Amend | Accept in part | <p><i>We consider that amendments to the Rule are required to provide greater clarity as to what matters the Council has discretion over, through reference to the Plan's policies.</i></p> <p><i>We do not consider it to be efficient or effective to include a condition requiring compliance with a rule in the NRRP as a standard and term, as it could result in an unnecessary duplication of consents. We do however consider an advice note to be appropriate.</i></p> <p><i>We also consider it inappropriate for the Rule to refer to water for fire fighting as this falls outside the definition of a Community and/or stock drinking water supply.</i></p> <p><i>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |

| Rule 2.3 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Mr John Talbot (1.42, 1.43, 1.44), Water Rights Trust Inc. (48.27), Meridian Energy Limited (80.34), Canterbury Regional Council (81.3, 81.11), Independent Irrigators Group (92.21, 92.22), Whitewater Canoe | Amend | Accept in part | <p><i>We consider that amendments to the Rule are required to provide greater clarity as to what matters the Council has discretion over, through reference to the Plan's policies.</i></p> <p><i>We do not consider it to be efficient or effective to include a condition requiring compliance with a rule in the NRRP as a</i></p> |

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| <p>Club Incorporated & Whitewater New Zealand Incorporated (95.19), Ravensdown Fertiliser Co-operative Ltd (102.29), Mr Ian Fox (109.19), Fish & Game New Zealand, North Canterbury Region (113.39), Ngāi Tahu Property Limited (121.36), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.56), Hurunui Water Project Limited (127.47), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.56), Eugenie Sage (139.46)</p> | | | <p><i>standard and term, as it could result in an unnecessary duplication of consents. We do however consider an advice note to be appropriate.</i></p> <p><i>We have also recommended consequential amendments to the Rule as a result of our recommendations on Policy 2.10, in relation to terminology (refer section 14.0 of this Report), and the removal of a catchment limit. We also adopt the recommendations and reasons set out in Mrs White's s42A Report at paras 202 & 203 to amend (e)(ii) and (g).</i></p> <p><i>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |
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| Rule 2.4 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Hurunui District Council (88.30) | Retain | Accept in part | We consider that this Rule should be retained, with amendments. |
| Water Rights Trust Inc. (48.28), Meridian Energy Limited (80.36), Canterbury Regional Council (81.4), Ms Lesley Shand (91.48), Fish & Game New Zealand, North Canterbury Region (113.40), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.43), Ngāi Tahu Property Limited (121.38), Federated Farmers of New Zealand Inc., Combined | Amend | Accept in part | <p><i>We consider that amendments to the Rule are required to provide greater clarity as to what matters the Council has discretion over, through reference to the Plan's policies.</i></p> <p><i>We also adopt the recommendations and reasons set out in Mrs White's s42A Report at paras 621, 623 and 626 to amend (a), (c) and matters for discretion (vii) and (x), but have recommended alternate wording that we consider provides greater clarity.</i></p> <p><i>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the</i></p> |

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| <p>Canterbury Provinces (123.57), Hurunui Water Project Limited (127.48), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.57), Eugenie Sage (139.47)</p> | | | <p>extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |
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| Rule 3.1 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| <p>Ngāi Tahu Property Limited (121.39), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.58)</p> | <p>Retain</p> | <p>Accept in part</p> | <p>Refer section 9.0 of this Report.</p> |
| <p>Mr John Talbot (1.45), Water Rights Trust Inc. (48.29), Meridian Energy Limited (80.37), Phoebe Irrigation Limited (86.15), Department of Conservation, Canterbury Conservancy (90.45), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.20), Mr Ian Fox (109.20), Fish & Game New Zealand, North Canterbury Region (113.41), Valerie Campbell (118.4), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.58)</p> | <p>Amend</p> | <p>Accept in part</p> | <p>Refer section 9.0 of this Report.</p> <p>We recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |
| <p>Ms Lesley Shand (91.49)</p> | <p>Unclear</p> | <p>Reject</p> | <p>Refer section 9.0 of this Report.</p> |

| Rule 3.2 | | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.59) | Retain | Accept in part | Refer section 9.0 of this Report. | |
| Water Rights Trust Inc. (48.30), Meridian Energy Limited (80.38), Department of Conservation, Canterbury Conservancy (90.46), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.21, 95.22), Mr Ian Fox (109.21, 109.22), Fish & Game New Zealand, North Canterbury Region (113.42), Valerie Campbell (118.4), Ngāi Tahu Property Limited (121.40), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.59) | Amend | Accept in part | Refer section 9.0 of this Report. We recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. | |
| Ms Lesley Shand (91.49) | Unclear | Reject | Refer section 9.0 of this Report. | |

| Rule 4.1 | | | | |
|--|---------------------------------|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Water Rights Trust Inc. (48.31), Department of Conservation, Canterbury Conservancy (90.47), Fish & Game New Zealand, North Canterbury Region (113.43), Te Rūnanga o Ngāi Tahu, Te Rūnanga | Retain | Accept | We consider that this Rule should be retained. | |

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| o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.44), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.60) | | | | |
| Ms Lesley Shand (91.50), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.60), Hurunui Water Project Limited (127.49) | Amend | Reject | | <i>We do not consider that amendments to the Rule are appropriate (except those consequential to the renaming of the zones).</i> |

| Rule 4.2 | | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Water Rights Trust Inc. (48.32), Department of Conservation, Canterbury Conservancy (90.48), Fish & Game New Zealand, North Canterbury Region (113.44) | Retain | Accept | <i>We consider that this Rule should be retained.</i> | |
| Ms Lesley Shand (91.50) | Amend | Reject | <i>We do not consider that amendments to the Rule are appropriate.</i> | |

| Rule 4.3 | | | | |
|--|---------------------------------|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Water Rights Trust Inc. (48.32), Department of Conservation, Canterbury Conservancy (90.49), Fish & Game New Zealand, North Canterbury Region (113.44) | Retain | Reject | <i>Refer section 5.2 of this Report. We have recommended that this Rule be deleted and replaced with a discretionary activity status rule.</i> | |
| Ms Lesley Shand (91.50) | Amend | Reject | <i>Refer section 5.2 of this Report. We have recommended that this Rule be deleted and replaced with a discretionary activity status rule.</i> | |

| Rule 5.1 | | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Water Rights Trust Inc. (48.33), Department of Conservation, Canterbury Conservancy (90.50), Ms Lesley Shand (91.52), Fish & Game New Zealand, North Canterbury Region (113.45), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.45), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.61), Friends of Lewis Pass & Hurunui Catchment Inc. (143.1, 143.4) | Retain | Accept in part | As a consequence of our recommendations in section 5.1 of this Report, we consider the Rule should be retained, but with amendment. | |
| Ms Lesley Shand (91.42), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.23), Mr Ian Fox (109.23), Eugenie Sage (139.48), Mr Bernard Calder (142.1) | Amend | Accept in part | As a consequence of our recommendations in section 5.1 of this Report, we consider the Rule should be retained, but with amendment. We recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. | |
| Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.61) | Delete | Reject | As a consequence of our recommendations in section 5.1 of this Report, we consider the Rule should be retained, but with amendment | |

| Rule 5.2 | | | | |
|--|---------------------------------|-----------------|--|--|
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Water Rights Trust Inc. (48.34), Hurunui District Council (88.24), Department of Conservation, Canterbury Conservancy (90.51), Fish & Game New Zealand, North Canterbury Region (113.46), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.45), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.62) | Retain | Accept in part | We consider the Rule should be retained, but with amendment. | |
| Mr John Talbot (1.46), Hydrotrader Ltd (72.5), Amuri Irrigation Company Limited (83.35) | Amend | Accept in part | We recommend amendments to the Rule as a consequence of our recommendations on Policy 2.10, and to provide greater clarity and consistency in wording. We recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. | |
| Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.62) | Delete | Reject | We consider the Rule should be retained, but with amendment. | |

| 3.2 Groundwater | | | | |
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| Rule 6.1 | | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Water Rights Trust Inc. (48.35), Fish & Game New Zealand, North Canterbury Region (113.47), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.63), DairyNZ Incorporated (134.36) | Retain | Accept in part | <i>We consider that the Rule should be retained, with amendment. We do not consider it to be efficient or effective to include a condition requiring compliance with a rule in the NRRP, as it could result in an unnecessary duplication of consents. We do however consider an advice note to be appropriate.</i> | |
| Rule 6.2 | | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Water Rights Trust Inc. (48.35), Fish & Game New Zealand, North Canterbury Region (113.47), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.63), DairyNZ Incorporated (134.36) | Retain | Accept in part | <i>We consider that the Rule should be retained, with amendment.</i> | |
| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.46), Ngāi Tahu Property Limited (121.41) | Amend | Accept | <i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 13.7 to retain the Rule, with amendment. In addition, we do not consider it to be efficient or effective to include a condition requiring compliance with a rule in the NRRP, as it could result in an unnecessary duplication of consents. We do however consider an advice note to be appropriate.</i> | <i>We recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other</i> |

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| | | | | respects the submission is rejected because we do not find that any further changes are appropriate. |
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| Rule 6.3 | | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Z Energy Limited & B P Oil NZ Limited & Mobil Oil NZ Limited & Caltex NZ Limited (14.4), Water Rights Trust Inc. (48.35), Hurunui District Council (88.25), Fish & Game New Zealand, North Canterbury Region (113.47), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.63), DairyNZ Incorporated (134.36) | Retain | Accept in part | We consider that the Rule should be retained, with amendment. We do not consider it to be efficient or effective to include a condition requiring compliance with a rule in the NRRP, as it could result in an unnecessary duplication of consents. We do however consider an advice note to be appropriate. | |

| Rule 6.4 | | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Water Rights Trust Inc. (48.35), Fish & Game New Zealand, North Canterbury Region (113.47), DairyNZ Incorporated (134.36) | Retain | Accept in part | We consider that the Rule should be retained, with amendment. We consider that (d) should be amended in line with our recommendations on Rule 6.2. We do not consider it to be efficient or effective to include a condition requiring compliance with a rule in the NRRP, as it could result in an unnecessary duplication of consents. We do however consider an advice note to be appropriate. We have also recommended consequential amendments to the Rule as a result of our recommendations on terminology (refer section 14.0 of this Report). | |

| Rule 7.1 Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
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| Water Rights Trust Inc. (48.36), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.64) | Retain | Accept in part | We consider that the Rule should be retained, with amendment. |
| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.47) | Amend | Accept in part | <p>We consider that amendments to the Rule are required to provide greater clarity as to what matters the Council has discretion over, through reference to the Plan's policies.</p> <p>We do not consider it to be efficient or effective to include a condition requiring compliance with a rule in the NRRP as a standard and term, as it could result in an unnecessary duplication of consents. We do however consider an advice note to be appropriate.</p> <p>We also adopt the recommendations and reasons set out in Mrs White's s42A Report at para 384 to delete (b).</p> <p>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |

| Rule 7.2 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Canterbury Regional Council (5.1), Water Rights Trust Inc. (48.37), Fish & Game New Zealand, North Canterbury Region (113.48), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.48), Ngāi Tahu Property Limited (121.42), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.65), DairyNZ Incorporated (134.37) | Amend | Accept in part | <p>We consider that amendments to the Rule are required to provide greater clarity as to what matters the Council has discretion over, through reference to the Plan's policies.</p> <p>We also adopt the recommendations and reasons set out in Mrs White's s42A Report at para 384 and 390 to amend (b) and (e). We also adopt the recommendations and reasons set out in the joint conferring statement of Liz White and David le Marquand to amend (a).</p> <p>We have also recommended consequential amendments to the Rule as a result of our recommendations on terminology (refer section 14.0 of this Report).</p> <p>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |

| Rule 7.3 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Water Rights Trust Inc. (48), Fish & Game New Zealand, North Canterbury Region (113.49) | Retain | Accept in part | We consider that the Rule should be retained, with amendment. |

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| Mr Chris Clarke (31.3), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuathuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.49), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.66) | Amend | Accept in part | <p>We consider that amendments to the Rule are required to provide greater clarity as to what matters the Council has discretion over, through reference to the Plan's policies.</p> <p>We also adopt the recommendations and reasons set out in Mrs White's s42A Report at para 384 to amend (c). We have also recommended consequential amendments to the Rule as a result of our recommendations on terminology (refer section 14.0 of this Report).</p> <p>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> <p>We consider that the Rule should be retained, with amendment.</p> |
| Mr Kevin Earl (105.1) | Delete | Reject | |

| Rule 8.1 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Z Energy Limited & B P Oil NZ Limited & Mobil Oil NZ Limited & Caltex NZ Limited (14.6), Water Rights Trust Inc. (48), Fish & Game New Zealand, North Canterbury Region (113.50) | Retain | Accept | No changes to the Rule are considered appropriate. |
| Hydrotrader Ltd (72.6) | Amend | Reject | No changes to the Rule are considered appropriate. |

| Rule 9.1 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Z Energy Limited & B P Oil NZ Limited & Mobil Oil NZ Limited & Caltex NZ Limited (14.7), Water Rights Trust Inc. (48), Fish & Game New Zealand, North Canterbury Region (113.51), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.50) | Retain | Accept | <i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 13.9 to retain the prohibited activity rule.</i> |
| Hydrotrader Ltd (72.6) | Delete | Reject | <i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 13.9 to retain the prohibited activity rule.</i> |

| 3.3 Cumulative Effects of Land Use on Water Quality | | | |
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| Rule 10.1 | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| New Zealand Fertiliser Manufacturers' Research Association Inc. (87.10, 87.11), Department of Conservation, Canterbury Conservancy (90.52), Fish & Game New Zealand, North Canterbury Region (113.52), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.67) | Retain | Accept in part | <i>We consider that the Rule should be retained, with amendment.</i> |
| Z Energy Limited & B P Oil NZ Limited & Mobil Oil NZ Limited & Caltex NZ Limited (14.9), | Amend | Accept in part | <i>Refer Section 11.5 and 11.6 of this Report. We recommend that the submission is accepted in part, to</i> |

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| Ravensdown Fertiliser Co-operative Ltd (102.31, 102.32), New Zealand Pork Industry Board (112.8), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.51), Ngāi Tahu Property Limited (121.43), Eugenie Sage (139.49) | | | | <i>the extent that the amendments to the Rule address their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> |
| Independent Irrigators Group (92.23) | Delete | | Reject | <i>We do not consider that deletion of the Rule will assist in achieving the Plan's objectives.</i> |
| Phoebe Irrigation Limited (86.17) | Provide for tributary based local catchment groups to implement Rule 10.1, and for continued council support of co-ordination of these groups. | | Reject | <i>We consider that the Rule already provides for tributary based local catchment groups and therefore no further amendments are necessary. The support for such groups is outside the scope of this Plan.</i> |

| Rule 10.2 | | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| New Zealand Fertiliser Manufacturers' Research Association Inc. (87.10), Z Energy Limited & B P Oil NZ Limited & Mobil Oil NZ Limited & Caltex NZ Limited (14.10) | Retain | Accept in part | <i>We consider that the Rule should be retained, with amendment.</i> | |
| Water Rights Trust Inc. (48.38), New Zealand Fertiliser Manufacturers' Research Association Inc. (87.11), Independent Irrigators Group (92.25), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.24), Ravensdown Fertiliser Co-operative | Amend | Accept in part | <i>Refer Section 11.5 and 11.6 of this Report.</i> <i>We recommend that the submission is accepted in part, to the extent that the amendments to the Rule address their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> | |

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| <p>Ltd (102.32), Mr Ian Fox (109.24), New Zealand Pork Industry Board (112.9), Fish & Game New Zealand, North Canterbury Region (113.53), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.52), Ngāi Tahu Property Limited (121.43), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.68), Hurunui Water Project Limited (127.52), DairyNZ Incorporated (134), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.63), Eugenie Sage (139.50)</p> | | | |
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| Rule 11.1 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| <p>Z Energy Limited & B P Oil NZ Limited & Mobil Oil NZ Limited & Caltex NZ Limited (14.11), Water Rights Trust Inc. (48.39), Department of Conservation, Canterbury Conservancy (90.53), Fish & Game New Zealand, North Canterbury Region (113.54)</p> | <p>Retain</p> | <p>Accept in part</p> | <p>We consider that the Rule should be retained, with amendment.</p> |
| <p>Amuri Irrigation Company Limited (83.36), New Zealand Fertiliser Manufacturers' Research Association Inc. (87.12), Ravensdown Fertiliser Co-operative</p> | <p>Amend</p> | <p>Accept in part</p> | <p>Refer Section 11.5 and 11.6 of this Report. We recommend that the submission is accepted in part, to the extent that the amendments to the Rule address their submission. In all other respects the submission is rejected</p> |

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| Ltd (102.33), Ngāi Tahu Property Limited (121.44), Hurunui Water Project Limited (127.53) | | | | because we do not find that any further changes are appropriate. |
| Independent Irrigators Group (92.24) | Delete | | Reject | We do not consider that deletion of the Rule will assist in achieving the Plan's objectives. |

| Rule 11.2 | | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Water Rights Trust Inc. (48.40), Canterbury Regional Council (81.5), Phoebe Irrigation Limited (86.19), New Zealand Fertiliser Manufacturers' Research Association Inc. (87.13), Department of Conservation, Canterbury Conservancy (90.54), Independent Irrigators Group (92.26), Ravensdown Fertiliser Co-operative Ltd (102.33), Fish & Game New Zealand, North Canterbury Region (113.55), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.53), Ngāi Tahu Property Limited (121.44), DairyNZ Incorporated (134), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.64), Eugenie Sage (139.52) | Amend | Accept in part | Refer Section 11.5 and 11.6 of this Report. We recommend that the submissions are accepted in part, to the extent that the amendments to the Rule address their submissions. In all other respects the submissions are rejected because we do not find that any further changes are appropriate. | |
| Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.69) | Delete | Reject | | We do not consider that deletion of the Rule will assist in achieving the Plan's objectives. |

| 3.4 Transfer of Resource Consents | | | | |
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| Rule 12.1 | | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Hydrotrader Ltd (72.7), Ravensdown Fertiliser Co-operative Ltd (102.34), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.54), Hurunui Water Project Limited (127.54), DairyNZ Incorporated (134.39) | Retain | Accept in part | <i>We consider the Rule should be retained, with amendments.</i> | |
| Water Rights Trust Inc. (48.41), Fish & Game New Zealand, North Canterbury Region (113.56), Ngāi Tahu Property Limited (121.45), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.70), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.65) | Amend | Accept in part | <i>We consider that amendments to the Rule are required to provide greater clarity as to what matters the Council has discretion over, through reference to the Plan's policies.</i> <i>We also adopt the recommendations and reasons set out in Mrs White's s42A Report at para 703 to include (f) and delete (ix).</i> <i>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> | |
| Mr John Talbot (1.56), Ms Lesley Shand (91.54), Eugenie Sage (139.37, 139.54) | Delete | Reject | <i>We do not consider that deletion of the Rule will assist in achieving the Plan's objectives.</i> | |

| Rule 12.2 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Hydrotrader Ltd (72.8), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.55), DairyNZ Incorporated (134.40) | Retain | Accept in part | <i>We consider the Rule should be retained, with amendments.</i> |
| Water Rights Trust Inc. (48.42), Fish & Game New Zealand, North Canterbury Region (113.57), Ngāi Tahu Property Limited (121.46), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.71), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.66) | Amend | Accept in part | <i>We consider that amendments to the Rule are required to provide greater clarity as to what matters the Council has discretion over, through reference to the Plan's policies. We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> <i>We do not consider that deletion of the Rule will assist in achieving the Plan's objectives.</i> |
| Mr John Talbot (1.57), Ms Lesley Shand (91.54) | Delete | Reject | |

| Rule 13.1 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Water Rights Trust Inc. (48.43), Fish & Game New Zealand, North Canterbury Region (113.58), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.67) | Retain | Accept in part | <i>We consider the Rule should be retained, with amendments.</i> |
| Hydrotrader Ltd (72.3), Te Rūnanga o Ngāi Tahu, Te Rūnanga o | Amend | Accept in part | <i>We consider that consequential amendments to the Rule are required as a result of our recommended new non-</i> |

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| <p>Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.56)</p> | | | <p>complying activity rule, and to provide clarity through correctly referring to Rules 12.1 and 12.2.</p> <p>We therefore recommend that changes sought by submitters to this provision are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> <p>We do not consider that deletion of the Rule will assist in achieving the Plan's objectives.</p> |
| <p>Mr John Talbot (1.58), Ms Lesley Shand (91.54)</p> | Delete | Reject | |

4.0 Part 4 –Table 1: Environmental Flow and Allocation Regime

| Submissions on Part 4 –Table 1: Environmental Flow and Allocation Regime | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| <p>Meridian Energy Limited (80.39, 80.42), Hurunui District Council (88.39, 88.40), Direct Project Management Limited (120.5), Ngāi Tahu Property Limited (121.47, 121.50)</p> | <p>Retain (including retain unless otherwise specified)</p> | Accept in part | <p>For the reason outlined in sections 6.0-9.0 of this Report, we have recommended changes to Table 1 of the Plan. We therefore recommend that these submissions are accepted in part, to the extent that the amended flow and allocation regime set out in Table 1 still reflects the original intent of the notified table with respect to these submissions.</p> |
| <p>Mr Michael Singleton (2.8), Port Robinson Informed Citizens Inc. (51.4), Meridian Energy Limited (80.41, 80.43), Amuri Irrigation Company Limited (83.1, 83.4), Hurunui District Council (88.49, 88.50), Independent Irrigators Group (92.27), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.72), Mr B & Ms J Demeter (125.7), Hurunui Water Project Limited (127.12), Mr H Wiesen & Ms M Noering (135.4,</p> | <p>Amend – Different minimum flow(s) sought (mainstems).</p> | Accept in part | <p>The reasons (including consideration of a range of matters raised by submitters) for our recommendation on minimum flows are set out in section 7.0 of this Report.</p> <p>We recommend that these submissions are accepted in part, to the extent that the amended minimum flows address their submission. In all other respects the submission is rejected because we do not find that any further amendments to minimum flows are appropriate.</p> |

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| <p>135.5), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.68, 136.69), Eugenie Sage (139.55, 139.56), Ballindalloch Farm Limited (140.4, 140.5)</p> | <p>Amend – Storage capacity at which minimum flows change</p> | <p>Reject</p> | <p><i>Due to our recommendation to decouple the use of the C Block from the provision of storage (refer section 6.0 of this Report), we have recommended that the storage capacity be removed entirely from Table 1.</i></p> |
| <p>Department of Conservation, Canterbury Conservancy (90.55), Fish & Game New Zealand, North Canterbury Region (113.59), Ngāi Tahu Property Limited (121.48, 121.50, 121.51)</p> <p>Mr Hugh Robinson (3.1), Mr Thomas MacFarlane (4.1) Longbrook Dairy Limited & T Macfarlane (85.1, 85.2, 85.3, 85.5), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.72)</p> | <p>Amend – Amend flow and allocation regime for Amuri A Block.</p> | <p>Accept in part</p> | <p><i>We recommend that the Amuri A Block is split into Lowry Peaks Drain, Mt Palm Drain and Hermitage Drain. Further, we consider the minimum flow in Lowry Peaks Drain should be set at a level that best reflects current water take consent conditions which we understand is 0.50 m3/s. Consistent with other recommendations, we recommend that the A permit allocation limit be sized to cater for all existing consented takes.</i></p> <p><i>We therefore recommend that these submissions are accepted in part, to the extent that the amendments address their submission. In all other respects the submission is rejected because we do not find that any further amendments to the flow and allocation regime for the Amuri A Block are appropriate.</i></p> |
| <p>Amuri Irrigation Company Limited (83.2, 83.3), Independent Irrigators Group (92.27)</p> | <p>Amend – Size of A Block</p> | <p>Accept in part</p> | <p><i>The reasons (including consideration of a range of matters raised by submitters) for our recommendation on the size of the A permit allocation limit are set out in section 8.0 of this Report.</i></p> <p><i>We recommend that these submissions are accepted in part, to the extent that the amended allocations address their submission. In all other respects the submission is rejected because we do not find that any further</i></p> |

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| | | | | amendments to allocation permit limits are appropriate. |
| Port Robinson Informed Citizens Inc. (51.2), Ms J Demeter (125), Mr H Wiesen & Ms M Noering (135.2) | Amend – include community takes in A Block allocations | Reject | | We consider that the approach taken in the Plan is more appropriate as it is consistent with the first order priority afforded to community takes in the CWMS. |
| Mr John Talbot, (1.27, 1.59), Meridian Energy Limited (80.40), Independent Irrigators Group (92.12, 92.27) | Amend – Remove B Block gap (Waiaiu) | Accept | | Refer to sections 7.0 and 8.0 of this Report. |
| Eugenie Sage (139.55) | Amend – Increase B Block gap (Waiaiu) | Reject | | Refer to section 8.0 of this Report. We have instead amended Policy 2.5 to more clearly require flow variability to be maintained (which would also be the purpose of a larger B Block gap). |
| Fish & Game New Zealand, North Canterbury Region (113.59), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136) | Amend – B Block gap (Hurunui) | Reject | | Refer to section 8.0 of this Report. We have instead amended Policy 2.5 to more clearly require flow variability to be maintained (which would also be the purpose of a larger B Block gap). |
| Department of Conservation, Canterbury Conservancy (90.55), Fish & Game New Zealand, North Canterbury Region (113.59), Eugenie Sage (139.55) | Delete C Block (including amending to zero, requiring further modelling and investigation etc) | Reject | | Refer to section 9.0 of this Report. |
| Valerie Campbell (118.4) | Do not specify volumes for the C Block. | Reject | | Refer to section 9.0 of this Report. |
| Environmental Defence Society (119.3), Ms Lois Moore (128.4), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136) | Reduce C block allocation. | Reject | | Refer to section 9.0 of this Report. |
| Meridian Energy Limited (80.41, 80.43), Ngāi Tahu Property Limited (121.48, 121.49, 121.51) | Amend – Do not link C Block allocation with provision of storage | Accept | | Refer to section 6.0 of this Report. |
| Independent Irrigators Group (92.27) | Amend – Remove link between | Accept in part | | As a result of our decision on the size of the A permit |

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| | tributary and mainstem minimum flows and allocation | | allocation limit, there is no longer a need for a separate catchment allocation limit. We therefore recommended that this submission is accepted in part, to the extent that this addresses the submission. In all other respects the submission is rejected because we do not find that any further amendments to the flow and allocation regime, including the requirement to meet both the tributary and mainstem minimum flows, are appropriate. |
| Mr John Talbot (1.59) | Delete whole of catchment regime from Table 1 | Accept | As a result of our decision on the size of the A permit allocation limit, there is no longer a need for a separate catchment allocation limit. |
| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.57) | Amend – address listed matters in setting flow and allocation regime | Accept in part | For the reason outlined in sections 6.0-9.0 of this Report (including consideration of a range of matters raised by various submitters), we have recommended changes to Table 1 of the Plan. We therefore recommend that this submission is accepted in part, to the extent that the amended flow and allocation regime addresses the matters raised in the submission. In all other respects the submission is rejected because we do not find that any further amendments to the flow and allocation regime are appropriate. |
| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.18, 116.19) | Amend – Include signal as to when partial restrictions will occur and/or redraft table to include protection for flows between 1.5 and 3 times the median flow. | Reject | We consider that Policies 2.3 and 2.4 provide adequate guidance on the water take restriction regime at times of low flow and that changes to Table 1 in this regard are not necessary. We also consider that the Table 1 environmental flow regime, in combination with the Plan's policies (including the recommended amendments to Policy 3.5 relating to the taking of C Block water) sufficiently address the protection of the sorts of flows that are of concern to the submitters. |
| Mr John Talbot (1.60), Direct Project Management Limited (120.5) | Amend – consistent summing | Accept | The amendments we have recommended to Table 1 also ensure the table consistently adds up. |
| Federated Farmers of New Zealand Inc., Combined Canterbury | Add statement relating to reliability being addressed | Reject | We do not consider such a statement is necessary or appropriate. |

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| Provinces (123.72) | | | | |
| Mr John Talbot (1.63) | Delete footnotes from table | Accept in part | As a consequence of our recommendations on the flow and allocation regime, we recommend the removal of a number of the footnotes from Table 1. However we consider it appropriate to retain those that we consider assist in providing clarity in the interpretation and application of the table. | |
| Mr John Talbot (1.61) | Clarify the term "residual flow". | Reject | We do not consider that it is necessary to define this term as it is commonly understood to mean the flow which must be left in the river after abstraction, and differs from a minimum flow in that a residual flow applies immediately downstream of the point of take. | |
| Mr John Talbot (1.62) | Clarify what is meant by no allocation block "specified". | Reject | We do not consider that the wording requires clarification. | |

| 5.0 Part 5 - Definitions, Schedules and Maps | | | |
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| Submissions on 5.1 – Definitions | | | |
| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| New Zealand Fertiliser Manufacturers' Research Association Inc. (87.14), Ravensdown Fertiliser Co-operative Ltd (102.36, 102.37, 102.39), Hurunui Water Project Limited (127.57) | Retain definition of 'Industry Certification System', 'Irrigation Scheme Management Plan' and 'Lifestyle Block Management Plan' | Accept | We consider that the definition is appropriate. We note the comments of some of these submitters that the approach could be strengthened through reference to best practise and certification, and consider that while this is appropriate, it is best done through changes to Schedule 2, rather than through any changes to the definition itself. |
| Ravensdown Fertiliser Co-operative Ltd (102.40) | Retain definition of 'nitrogen and phosphorous load'. | Accept in part | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 458 to amend the definition. For clarity and as a consequence of other submissions, we have recommended that the definition apply to 'Dissolved inorganic nitrogen and dissolved reactive phosphorus' rather than to 'Nitrate and Phosphate'. |

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| Canterbury Regional Council (81.13), Ravensdown Fertiliser Co-operative Ltd (102.35), New Zealand Pork Industry Board (112.10), Fish & Game New Zealand, North Canterbury Region (113.60), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.58), Hurunui Water Project Limited (127.55), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.70) | Amend definition of “change of land use”. | Accept in part | We adopt the recommendations and reasons set out in Mrs White’s s42A Report at section 14.5.9. Further, we consider it more appropriate to refer to “phosphorus”, rather than “phosphate”. We therefore recommend that changes sought by submitters to this definition are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. |
| Ms Lesley Shand (91.1), New Zealand Pork Industry Board (112.11) | Amend definition of ‘Community and/or stock drinking water supply’. | Reject | We consider that the definition is appropriate and does not require amendment. |
| Mr John Talbot (1) | Delete definition of ‘Drinking Water’ and provide formula in a policy and rule to calculate domestic use. | Reject | We consider that the definition is appropriate and should not be deleted. We note in relation to calculating domestic use that this is already addressed in the Plan under the definition of ‘Water Supply Asset Management Strategy’. |
| Mr John Talbot (1) | Delete definition of ‘Fighting Fires (Water used for)’ | Accept | As a consequence of our recommendation to delete Policy 1.6 and amend Rule 2.2, we consider the definition is no longer necessary and should be deleted. |
| New Zealand Pork Industry Board (112.12) | Amend definition of ‘Industry Certification System’ | Reject | We consider that the definition is appropriate and does not require amendment. |
| Hurunui Water Project Limited (127.56) | Amend definition of ‘Infrastructure Development Plan’ | Reject | We consider that the definition is appropriate and does not require amendment. |
| Mr Ben Woolcombe (7.3), Ms Sally Hope (8.3), Ms Rebecca Turrell (10.3), Mr Anton Oliver (12.3), Ms Linda Macintyre (18.2), Mr Kevin | Amend definition of ‘mainstem’ | Accept in part | We consider it more appropriate to amend the definition to refer to the operative Canterbury Regional Policy Statement, than to insert the definition from the CRPS into this Plan. |

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| <p>Dean (19.2), Robyn Webster (20.3), Ms Janette Kear (28.2), Mr C J Morris & Ms E C Weir (30.3), Ms Rosalie Snoyink (35.2), Mr Edward Snowdon (65.2), Mr Graeme Noble (68.2), Department of Conservation, Canterbury Conservancy (90.56), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.16, 95.25), Mr Trevor Owen (106.4), Ms Carol Owen (107.4), Mr Ian Fox (109.16, 109.25), Fish & Game New Zealand, North Canterbury Region (113.61), Mr Douglas Rankin (122.2), Mr B & Ms J Demeter (125.13), Hurunui Water Project Limited (127.35), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.71), Mrs A & Mr M Hamblett (137.1)</p> | | | <p>For completeness we note that it appears these submitters are not so much concerned with the definition of mainstream per se, but rather its application (or lack of application) to various provisions in the Plan (for example in Policy 6.3(a) and Rule 5.1(b)). This matter is discussed in section 5.1 of this Report. We consider our recommended changes to other Plan provisions address the underlying concerns of the majority of these submitters.</p> <p>We therefore recommend that changes sought by submitters to this definition are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |
| <p>Ravensdown Fertiliser Co-operative Ltd (102.3, 102.38), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.59), Hurunui Water Project Limited (127.7)</p> | <p>Amend definition of 'mauri'.</p> | <p>Accept in part</p> | <p>Refer to section 4.87 of this Report.</p> <p>We recommend that changes sought by submitters to this definition (and related provisions) are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</p> |
| <p>Mr John Talbot (1)</p> | <p>Delete definition of 'Median Flow'</p> | <p>Accept</p> | <p>We agree with the submitter that the definition provided in the Plan is not the normal statistical definition, and that the definition is not needed as it is a well understood term.</p> |
| <p>Canterbury Regional Council (81.7)</p> | <p>Amend definition of 'Nitrate and Phosphate Load'</p> | <p>Accept in part</p> | <p>We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 458 to amend the definition.</p> |

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| | | | <p><i>For clarity and as a consequence of other submissions, we have recommended that the definition apply to 'Dissolved inorganic nitrogen and dissolved reactive phosphorus' rather than to 'Nitrate and Phosphate'.</i></p> <p><i>We therefore recommend that changes sought by submitters to this definition are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |
| Amuri Irrigation Company Limited (83.24), Hawkins Consulting Limited (96.4) | Include a definition of 'best nutrient management practices'. | Reject | <p><i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 519 for not including a new definition.</i></p> <p><i>We note that changes recommended to Schedule 2 may address the submitter's concerns in part.</i></p> |
| Amuri Irrigation Company Limited (83.27) | Include a definition of 'reasonable out of stream needs'. | Reject | <p><i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 640 for not including a new definition.</i></p> |
| Amuri Irrigation Company Limited (83.31, 83.32) | Include a definition of 'regionally significant infrastructure' consistent with the proposed Canterbury Regional Policy Statement definition. | Reject | <p><i>We do not consider that the additional definition is are appropriate.</i></p> |
| Mr John Talbot (1.64) | Clarify the term "consumptive" and describe how the Block allocation in calculated. | Reject | <p><i>We consider that the Plan's definition of 'Consumptive Activity' is sufficiently clear, as is its direction on how permit allocation limits are to be calculated with respect to the connectedness of groundwater takes.</i></p> |
| Meridian Energy Limited (80.44), Ngāi Tahu Property Limited (121.52) | Clarify (and amend as appropriate) the use of the terms "non-consumptive uses", "non-consumptive use", and "non- | Accept | <p><i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 849 to rationalise the terms used in order to provide clarity.</i></p> |

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| | <i>consumptive activity</i> | | | |
| Hurunui Water Project Limited (127.58, 127.59) | Clarify what is required in the Irrigation Scheme Management Plan or Lifestyle Block Management Plan for it to be approved by Council. | Accept in part | While we do not consider it necessary to amend the definition of 'Irrigation Scheme Management Plan', we have recommended a number of changes to Schedule 2 that will better define what is required in such a plan. To the extent that the amended Schedule 2 wording addresses the submission, we recommend the submission is accepted in part. In all other respects the submission is rejected because we do not find that any further changes are appropriate. | |
| Hurunui District Council (88.55) | Define and / or identify the upper catchment alpine rivers. | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 841. | |

| Submissions on 5.2 Schedule 1: Catchment Nutrient Load Limits | | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons | |
| Hurunui District Council (88.61, 88.62) | Amend – Use six-year rolling mean, or delete and replace with concentration limits | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 481, insofar as they apply to this submission point. | |
| Hurunui District Council (88.62) | Amend – apply limits to tributaries | Accept in part | Because the limit is a catchment limit we consider that changes are not appropriate in order for the limit to be applied to tributaries. | |
| Canterbury Regional Council (81.8) | Amend – use most recent data to calculate limits | Accept | The limit we have recommended in Schedule 1 is based on the more recent data presented to us at the hearing. We consider this to be the most appropriate basis on which to determine the load limits. | |
| Hurunui Water Project Limited (127) | Amend – set a nitrate-nitrogen concentration limit and an algal growth limit but no phosphorous limit | Reject | Amended Policies 5.3 and 5.3A deal with the issue of periphyton biomass and nitrate-nitrogen limits with regard to nitrogen toxicity. However, it is important that DRP (phosphorus) limits are also set as the relaxation of the Schedule 1 nitrogen load for the Hurunui River is based on | |

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| | | | | <i>the likelihood that the lower river is phosphorus limited. If no phosphorus limits were set then excessive periphyton growths could result.</i> |
| Ravensdown Fertiliser Co-operative Ltd (102.41) | Review approach used | Accept in part | <p><i>The approach used, and our recommended amendments to it are discussed in section 11.0 of this Report.</i></p> <p><i>To the extent that the amendments to Schedule 1 and the related water quality provisions in the Plan address the submission, we recommend the submission is accepted in part. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> | |
| Fish & Game New Zealand, North Canterbury Region (113.62) | Amend footnote | Accept in part | <p><i>We recommend that the footnote is amended to clarify the basis of the limits, in line with our recommendations on these limits.</i></p> <p><i>We therefore recommend that the changes sought by this submitter are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> | |
| Ngāi Tahu Property Limited (121.53), Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.73) | Delete Schedule | Reject | <p><i>We do not consider that deletion of the Schedule would assist in meeting the Plan's objectives.</i></p> | |
| New Zealand Fertiliser Manufacturers' Research Association Inc. (87.15) | Delete reference to nutrient loading limits in Schedule 1, or clarify link between individual land use activities and catchment-wide loads. | Reject | <p><i>The link between individual land use activities and catchment—wide loads would essentially amount to an NDA. This is discussed in section 11.1</i></p> | |

| Submissions on 5.3 Schedule 2: Matter to be addressed in any System, Agreement or Plan in accordance with Rules 10.1 and 10.2 | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Canterbury Regional Council (81.9), Amuri Irrigation Company Limited (83.37), New Zealand Fertiliser Manufacturers' Research Association Inc. (87.16), Ravensdown Fertiliser Co-operative Ltd (102.42), Fish & Game New Zealand, North Canterbury Region (113.63), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tahu Property Ltd (116.60), DairyNZ Incorporated (134.38), Royal Forest & Bird Protection Society of NZ Inc., Canterbury/West Coast Regional Office (136.72) | Amend | Accept in part | <i>Having had regard to the submissions and evidence presented to us on the programmes covered in Schedule 2, we consider that amendments are appropriate to better assist in achieving the Plan's objectives, providing greater clarity on what matters must be addressed in these programmes, or to better express the purpose of the schedule. We therefore recommend that changes sought by submitters to this Schedule are accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submissions are rejected because we do not find that any further changes are appropriate.</i> |
| New Zealand Pork Industry Board (112.13) | Redevelop in consultation with relevant industries | Reject | <i>We consider that we were presented with sufficient evidence from industry bodies to determine the most appropriate wording for this schedule, without the need for further consultation. We also note that further consultation with industry bodies will occur as part of the preparation and authorisation of the programmes set out in Schedule 2.</i> |
| Hurunui Water Project Limited (127.51, 127.60) | Provide clarity on what needs to be included in Schedule 2 mechanisms for approval by Council, and certainty of permitted activity status. | Accept in part | <i>We consider that the recommended amendments to the schedule provide greater clarity on what needs to be included within these programmes. However we note that this does not affect the certainty of the permitted activity status.</i> |

| Submissions on 5.4 Schedule 3: Hoka Kura (Lake Sumner) and Hurunui River and Statutory Acknowledgements | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc. & Ngāi Tahu Property Ltd (116.61) | Retain | Accept | No changes to Schedule 3 are considered appropriate. |

| Submissions on Map 3: Development Zones Map Series | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Mr Michael Singleton (2.7), Mr Ben Woolcombe (7.2), Ms Sally Hope (8.2), Mr Jonathan Land (9.1), Ms Rebecca Turrell (10.2), Mr Anton Oliver (12.2), Emeritus Professor Alan Mark (15.1), Mr Ian Eagle (16.1), Robyn Webster (20.2), Ms Janette Kear (28.5), Mr C J Morris & Ms E C Weir (30.2), Mr Jules Snoyink (33.3), Mr Colin Burrows (34.1), Ms Rosalie Snoyink (35.1), Joan Rigarsford (40.1), Mr Gordon Lees (42.1), Mr Ken Rapson (44.1), Water Rights Trust Inc. (48), Michael Nooney (49.1), Mrs C H & Mr G J Flynn (50.1), Port Robinson Informed Citizens Inc. (51.1), Joan Melvyn (55.1), Nelson Canoe Club (56.1), Ms Nixie Boddy (57.1), Mr Steve Chapman (60.1), Ms Linda Morris (61.1), Ms Margaret Snowdon (64.1), Mr Warren Williams (67.1), | Amend Map 3 to include the upper Hurunui catchment (including the South branch) upstream of the Mandamus within Zone A "High Value Areas". (Includes submissions seeking no provision for storage in Lake Sumner, or in the south branch of the Hurunui River, and changes to Plan provisions to provide this.) | Accept | Refer to section 5.1 of this Report. |

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| <p>Engineers Collective (69.1, 69.2), Ms Gwendoline Beaven (79.3), Waikato Kayak Club Inc (84.1), Mr Stephen Hodgkinson (89.1), Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated (95.15), Mr David Evans (97.1), Sarah Fawcett (99.1), Ms Kim Kelleher (103.1), Mr David Kirkness (108.3), Mr Ian Fox (109.15), Mr Jonathan Hunt (110.1), Fish & Game New Zealand, North Canterbury Region (113.24, 113.64), Mr Malcolm Snowdon (115.1), Canterbury University Tramping Club (117.1), Valerie Campbell (118.5), Environmental Defence Society (119.1), Direct Project Management Limited (120.2), Mr Douglas Rankin (122.1), Bugsports Club (124.1), Mr B & Ms J Demeter (125.12), Ms Lois Moore (128.2), Mr H Wiesen & Ms M Noering (135.9), Royal Forest & Bird Protection Society of NZ Inc, Canterbury/West Coast Regional Office (136.73), Mrs A & Mr M Hamblett (137.5), Mr Peter Davis (138.1), Eugenie Sage (139.33, 139.34, 139.38), Friends of Lewis Pass & Hurunui Catchment Inc (143.2, 143.5), Sharon Brophy (145.1, 145.2), Mr Graeme Boddy (146.1)</p> | | | |
| <p>Mrs Lynne Lochhead (59.1, 59.2, 59.3), Department of Conservation, Canterbury Conservancy (90.57), Ms Lesley Shand (91.37), Mr Trevor</p> | <p>Amend Map 3 to include the all land and waterways west of the true right bank of Surveyors Stream and the mainstem of the Mandamus</p> | <p>Accept in part</p> | <p>Refer to section 5.1 of this Report. We consider it appropriate to include the upper Hurunui catchment in Zone A, but not the Mandamus River.</p> |

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| <p>Owen (106.3), Ms Carol Owen (107.3), Diana Shand (141.1), Friends of Lewis Pass & Hurunui Catchment Inc (143.3)</p> | <p>River within Zone A "High Value Areas".</p> | | |
| <p>Ms Linda MacIntyre (18.1), Mr Kevin Dean (19.1), Lesley Ward (26.1), Ms Janette Kear (28.1), Elizabeth Hurford (29.1), Mr Ainslie Talbot (38.1), Christchurch Whitewater Canoe Club (39.1), Mr A H J & Mrs H M Paterson (53.1), Gwynfor Ashcroft (54.4), Canterbury Flyfishing Club Inc (58.3), Mr Raymond Herber (62.1), Ms Margaret Snowdon (64.1), Mr Edward Snowdon (65.1), Mr Graeme Noble (68.1), Mr Michael Shand (71.1), Mr Stuart Payne (73.1), Carin van Bolderen (82.1), Ms Lesley Shand (91.2), Ms Lesley Shand (91.51, 91.56), Ms Prue Stringer (93.1), Mr David Kirkness (108.1), Ellen Palmer (114.1), Mrs A & Mr M Hamblett (137.4), Sharon Brophy (145.3)</p> | <p>Amend Map 3 to include all of Zone C in Zone A.</p> | <p>Accept in part</p> | <p>Refer to section 5.1 of this Report. We consider it appropriate to include the upper Hurunui catchment in Zone A, but not other areas within Zone C.</p> |
| <p>Ms Lesley Shand (91.55)</p> | <p>Support zoning of Waitohi River</p> | <p>Accept</p> | <p>We do not consider changes to the zoning of the Waitohi River are appropriate.</p> |
| <p>Jet Boating New Zealand Incorporated (36.2)</p> | <p>Review Zone C classification of the Waiau and Hurunui Rivers.</p> | <p>Accept</p> | <p>We have reviewed the application of Zone C and recommended amendments to the boundary. Refer to section 5.1 of this Report.</p> |
| <p>Mr Hamish Pain (24.1, 24.3), Cheviot Ward Committee (46.1), Port Robinson Informed Citizens Inc. (51.12), Stuart Pain (63.1), Mr V J &</p> | <p>Amend Map to include Jed River Catchment to Zone B/opposite Zone C classification of Jed River Catchment.</p> | <p>Reject</p> | <p>Refer to section 5.2 of this Report. For completeness we note that the inclusion of a new zone (Zone D) recommended for the Jed catchment may partially</p> |

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| Mrs Daly (66.1, 66.5), Mr James Paterson (75.2), Mr Ira McNabb (77.1), Hurunui District Council (88.52), Mr B & Ms J Demeter (125), Mr H Wiesen & Ms M Noering (135.10) | | | address the concerns of these submitters. |
| Hurunui District Council (88.52) | Amend Map to include Jed River Catchment in alternative zone. | Accept | Refer to section 5.2 of this Report. |
| Cheviot Ward Committee (46.2), Mr V J & Mrs Daly (66.2), Mr James Paterson (75.1), Hurunui District Council (88.53) | Amend the boundary of the Jed River Catchment on Map 3(B2) to exclude the Caroline Stream Catchment. | Accept | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 836. |
| Meridian Energy Limited (80.45) | Retain the Amuri and Emu Plains and Balmoral Forest within Zone B Development Zone | Accept | We do not consider changes to the zoning of this area to be appropriate. |
| Mr Roger Smith (21.1), Hurunui District Council (88.54) | Amend Map to include Hanmer River Catchment in Zone B | Accept | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 23. |

| Submissions on Map 4: Nutrient Management Area | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Ravensdown Fertiliser Co-operative Ltd (102.43), Hurunui Water Project Limited (127.51, 127.61) | Clarify approach and methodology used to determine the Nutrient Management Area. | Accept in part | We note that this matter is clarified in Mrs White's s42A Report at para 550. We do not consider that changes to the Plan are appropriate in relation to this. |

| Miscellaneous Submissions | | | |
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| Submitter & Submission Reference | Matter Raised | Decision | Reasons |
| Mr John Talbot, Independent Irrigators Group (1.6, 1.15, 1.18, 1.19, 1.20, 92.3) | Consistent use of terminology of the RMA ("take, use, dam, divert") throughout the Plan, including clarity around the activities intended to be managed by Policy 2.1, 2.3 & 2.4 | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 64. Further, we consider it is clear what activities the Policies referred to are intended to manage. |
| Mr John Talbot (1.3, 1.9, 1.28, 1.29, 1.47, 1.48, 1.49, 1.50, 1.51, 1.52, 1.53, 1.54, 1.55) | Deletions sought to various parts of the Plan relating to groundwater, and continued use of the NRRP provisions. | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 366-367 and 383. |
| Ms Elizabeth Tanner (6.1) | Decision sought unclear – The submitter raises issues relating to interference with the Hurunui River | Reject | Insofar as the issues raised by these submitters are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it. |
| Mr & Mrs B R & J E M Black (11) | Decision sought unclear - The submitter raises a number of issues but it is not clear what changes (if any) are sought to the Plan to address these. | Reject | Insofar as the issues raised by this submitter are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it. |
| Lee Bardsley (13.1) | Decision sought unclear – The submitter raises issues relating to damming and water pollution | Reject | Insofar as the issues raised by these submitters are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it. |
| Z Energy Limited & B P Oil NZ Limited & Mobil Oil NZ limited & Caltex NZ limited (14.1) | Introduce a new groundwater policy | Accept | We adopt the recommendations and reasons set out in the joint conferring statement of Liz White and David le Marquand. However we recommend slight amendments to the wording which we consider are more appropriate than those proposed in the joint statement. |
| Z Energy Limited & B P Oil NZ Limited & Mobil Oil NZ Limited & Caltex NZ Limited (14.3) | Include, in existing Policies 9.1 -9.4 or as a new Policy 9.x, recognition of the need to afford some priority to short term takes required for the non-consumptive purposes of carrying out excavation, | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 769. |

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| | construction and geotechnical testing activities. | | | |
| Mr Andrew Gardner (17) | Decision sought unclear – The submitter raises concerns about how current consents are dealt with under the Plan, A Block size, on-hold consents, restriction regime and effects on reliability. | Reject | Insofar as the issues raised by this submitter is relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it. | |
| Mr Charles Hurford (22) | Decision sought unclear - The submitter lists a number of matters but it is not clear what changes (if any) are sought to the Plan to address these. | Reject | Insofar as the issues raised by this submitter are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it. | |
| Mr Dirk De Lu (23) | Decision sought unclear - Raises concerns with privatisation of rivers, water quality, flows and storage, in relation to the balance between agricultural use and other users' interests, but it is not clear what changes (if any) are sought to the Plan to address these. | Reject | Insofar as the issues raised by this submitter are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it. | |
| Mr Peter Croft (27) | Support for full use of water in the rivers and dams, and for particular water schemes. | Accept in part | The reason for our recommendations on water allocation and damming is set out in sections 5, 8 and 9 of this Report. We therefore recommend that the submission is accepted in part, to the extent that the amendments recommended to the Plan addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. | |
| David Hammond (32) | Decision sought unclear – The submitter raises issues relating to the ecological impact and wider costs of intensive dairy farming, but it is not clear what changes (if any) are sought to the Plan to address these. | Reject | Insofar as the issues raised by these submitters are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it. | |
| Jet Boating New Zealand Incorporated (36.1) | Protect the main stem of the Hurunui from damming throughout its entire length. | Accept | Refer to section 5.1 of this Report. | |

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| Mr Mark Harrison (37) | Support water storage in all areas and allow dam on mainstem of Hurunui River | Reject | <i>We do not consider water storage in all areas to be appropriate, or damming of the Hurunui mainstem – refer section 5.1 of this Report.</i> |
| Joan Rigarlsford (40.3) | Decision sought unclear - The submitter raises issues relating to Waiau river flows and storage but it is not clear what changes (if any) are sought to the Plan to address these. | Reject | <i>Insofar as the issues raised by these submitters are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it.</i> |
| Mr Mark Eastmond (41) | Opposition to the Plan due to insufficiency of information | Reject | <i>The matters raised by this submitter were canvassed at the hearing and we are satisfied that the information on which the Plan is based, in combination with the evidence presented to us at the hearing, is sufficient to make a decision on.</i> <i>We also note that the submitter sought that the Plan be independently reviewed by an outside panel before decision are made, and we consider this hearings panel does just that.</i> |
| Mr Warren Higgins (45.4) | When water storage in the Waiau River is built, to hold over 20M cu3, the costs should not be borne by AIC to reinstate their water reliability, which has just been taken off them. This should be borne by the new irrigators. | Reject | <i>Given our recommendations relating to the coupling of the C Block with storage provisions and on minimum flows (sections 6.0 and 7.0 of this Report), we do not consider the matter raised by the submitter needs to be further addressed.</i> |
| Cheviot Ward Committee (46.4) | Decision sought unclear – Submitter supports the principle of minimum water quality standards on the Hurunui and Waiau Rivers and the availability of stored water to provide a secure and reliable drinking water supply to community water schemes, but does not indicate what changes to the Plan (if any) are sought in relation to this matter. | Reject | <i>Insofar as the issues raised by this submitter are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it.</i> |
| Water Rights Trust Inc. (48.19) | Add new policy in relation to recording and taking into account actual exercise of consent, prior to any consent transfer. | Reject | <i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 696.</i> |

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| Port Robinson Informed Citizens Inc. (51.5, 51.6) | Include mechanism to require current consent holders to conform to new flow requirement. | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 854. |
| Port Robinson Informed Citizens Inc. (51.7), Mr B & Ms J Demeter (125), Mr H Wiesen & Ms M Noering (135.6) | Include rules to require takes and diversions to cease to allow floods and freshes to pass for a specified number of hours. | Reject | We agree with the submitter that this is an important issue that the Plan should address. However we consider that this is most relevant to the C Block/permit allocation limit, and is a matter better addressed through our recommended changes to strengthen Policy 3.5, rather than through a rule. |
| Port Robinson Informed Citizens Inc. (51.1), Mr B & Ms J Demeter (125.1), Mr H Wiesen & Ms M Noering (135.1) | Additional policy and objectives sought in relation to safeguarding the quality of community drinking water sources from ground and surface water and protecting contamination of sources of drinking water. | Reject | No additional provisions are required in relation to water quality. However we have recommended the addition of drinking water standards to Rules 10.1 and 10.2. |
| Mr Paul Drake (52.1) | Reject the damming of the Hurunui and Waiau Rivers and put a more sustainable plan in its place | Accept | Refer to section 5.1 of this Report. |
| Mr Paul Drake (52.2) | The decision making process should be made in consultation with Eugenie Sage. | Reject | The Council, in accordance with the RMA, has appointed a Hearing Panel to hear submissions and make recommendations to the Council. E. Sage has had the same ability as other parties to make a submission on the HWRRP. |
| Ms Nixie Boddy (57.2) | No water abstraction should occur on the upper catchment. | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 852. |
| Ms Linda Morris (61.2) | Objects to the abstraction of water from the mainstem of the Hurunui River. | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 851. |
| Mr Ronald McClintock (70) | Decision sought unclear - The submitter lists a number of matters but it is not clear what changes (if any) are sought to the Plan to address these. | Reject | Insofar as the issues raised by this submitter is relevant to this Plan, we consider that it is adequately addressed through the Plan as notified, or the amendments recommended to it. |
| Roberts Dairy Farm Limited (74.1) | Decline the application that takes water for the Amuri Hydro Project. | Reject | The submission relates to a particular proposal and not to the Plan provisions. |
| Graham Clark (76.1) | Opposes the Plan in entirety. | Reject | We do not consider that the withdrawal of the HWRRP will better achieve the purpose of the RMA. |

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| Graham Clark (76.2) | Stop all runoff and leaching immediately. | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 853. |
| Graham Clark (76.3) | All irrigators should be charged per cubic metre of water used. | Reject | The HWRRP is a Plan produced under the RMA. Charging for water is a matter regulated through the Local Government Act 2004. The submission is therefore outside the scope of this Plan. |
| Graham Clark (76.4) | Damming near active faultlines. | Accept in Part | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 664. |
| Graham Clark (76.5) | More thorough consultation must be continued, with all users of the rivers, not just local land owners. | Reject | The consultation process for a regional plan such as the HWRRP is prescribed in the RMA and has been followed for this Plan. |
| Mr Michael Barton (78) | Provide for on farm water storage options in the Waikari area. | Accept in part | We consider that the Plan provides a framework to assess on-farm storage proposals on a case-by-case basis, provided they are within the environmental limits set in the Plan (i.e. minimum flow and allocation regime). We therefore recommend that the submission is accepted in part, to the extent that the provisions in the Plan address their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. |
| Ms Gwendoline Beaven (79.5) | Decision sought unclear – The submitter raises issues relating to a Meridian Energy and Ngāi Tahu planned lake, but it is not clear what changes (if any) are sought to the Plan to address these. | Reject | Insofar as the issues raised by this submitter are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it. |
| Meridian Energy Limited (80.31) | Add new policy relating to allocation of water for hydro-electricity generation | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 19.6. |
| Amuri Irrigation Company Limited (83.5) | Incorporate guidance in Plan on future development of water storage infrastructure, and undertake further consultation on this guidance | Reject | We do not consider it appropriate to amend the Plan to incorporate such guidance. |
| Amuri Irrigation Company Limited (83.22) | Include a new objective and policies in Part 2 - Cumulative Effects of Land Use | Reject | In relation to the proposed objective, we adopt the recommendations and reasons set out in Mrs White's |

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| | on Water Quality. | | <p>s42A Report at section 14.4.4. <i>In relation to the policies, we do not consider that they are required to achieve the Plan's objectives. With regard to the matters the submitter's policies are intended to address, and insofar as they are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it.</i></p> <p><i>Research feasibility and consultation will occur through subsequent consent processes for specific proposals, which will also need to address reliability of supply.</i></p> <p><i>We consider that priority for storage facilities are outlined in Policy 6.5.</i></p> <p><i>We consider that these matters fall outside the scope of this Plan.</i></p> |
| Phoebe Irrigation Limited (86.8) | Carry out more research feasibility and consultation on water storage options, provide guidance to ensure storage schemes do not compromise existing water reliability and ensure area-wide storage facilities are given priority in the Plan. | Accept in part | |
| Phoebe Irrigation Limited (86.18) | Develop a framework for capturing existing load limits and for a collaborative approach to be used for setting future load limits. In conjunction with local land user groups develop a framework for data capture of load limits on tributaries. Work with local land user groups to examine ways to reduce costs involved in monitoring. | Reject | |
| New Zealand Fertiliser Manufacturers' Research Association Inc. (87.7, 87.8) | Provide greater clarity on the relationship between individual and collective land use activities/mitigations and the Schedule 1 load limits and engage with the fertiliser industry on practical application of specified policies. | Accept in part | <p><i>We consider that the recommended changes to the Plan's water quality policies, rules and related schedules provide sufficient clarity on the relationship between individual and collective land uses and the load limits. We therefore recommend that this submission is accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> <p><i>With regards to engagement, we note that this is a</i></p> |

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| Hurunui District Council (88.54) | Insert policy specific to the Hanmer River Catchment or provide for it as an alternative zone, and provide for storage as a discretionary activity. | Reject | <i>matter that sits outside the Plan. We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 23.</i> |
| Ms Lesley Shand (91.53) | Decision sought unclear – the submitter considers it important to apply the precautionary principle in relation to groundwater, but it is not clear what changes (if any) are sought to the Plan to address this. | Reject | <i>We consider that the groundwater provisions in the Plan are sufficiently precautionary and that no further amendments to the Plan are required in this regard.</i> |
| Ms Lesley Shand (91) | Decision sought unclear – the submitter raises a number of matters (outside of those included in the summary of decisions requested), but it is not clear what changes (if any) are sought to the Plan to address these. | Reject | <i>Insofar as the issues raised by this submitter are relevant to this Plan, we consider that it is adequately addressed through the Plan as notified, or the amendments recommended to it.</i> |
| Hawkins Consulting Limited (96.1, 96.2) | Amend policies and rules to encourage and allow water trading. | Accept in part | <i>We consider that the transfer of consents should be provided for in the Plan, but subject to appropriate conditions and policy guidance. We therefore recommend that the submission is accepted in part, to the extent that the amended wording we have recommended in relation to the Plan's transfer provisions address the submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> |
| Hawkins Consulting Limited (96.5) | Make provision to review the nutrient load limits as more technical information is available and community understanding improves. | Reject | <i>While we agree that it is entirely appropriate to review the nutrient load limits as information and understanding improves, we consider that the appropriate mechanism for this is through a future plan change.</i> |
| Fonterra Co-operative Group Limited (Wellington) (100) | Support for DairyNZ submission | Accept in part | <i>Although this submission was lodged as a primary submission, as it essentially seeks to support the DairyNZ submission, especially in particular areas, and does not seek any further changes to the Plan</i> |

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| | | | <p>beyond those of DairyNZ, we have treated it as we would a further submission. In this regard, the points raised in the submission are accepted in part, to the extent that the DairyNZ submission is accepted. In all other respects the submission is rejected for the same reasons as those relating to the DairyNZ submission.</p> |
| <p>Canterbury District Health Board, Community & Public Health (101)</p> | <p>Decline the application. (A number of water quality issues are raised.)</p> | <p>Reject</p> | <p>We note that the decision sought by the submitter (to decline the application) is not relevant to this Plan-making process. Notwithstanding this, the submitter raises a number of important matters relating to water quality. Insofar as the issues raised by this submitter are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it.</p> |
| <p>Ravensdown Fertiliser Co-operative Ltd (102.4)</p> | <p>Concerns around overall intent to maintain water quality at or about the present standard and how the Plan provisions seek to implement this, and the methodology and assumptions used to determine the nutrient load limits.</p> | <p>Accept in part</p> | <p>For the reasons set out in section 11.0 of this Report, we have recommended changes to the Plan's water quality provisions that we consider are more appropriate to achieve the Plan's objectives. We therefore recommend that this submission is accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate. Refer section 4.87 of this Report.</p> |
| <p>Ravensdown Fertiliser Co-operative Ltd (102.6)</p> | <p>Amend provisions in Plan that refer to the mauri of a waterbody to better define the elements of mauri.</p> | <p>Reject</p> | |
| <p>Ravensdown Fertiliser Co-operative Ltd (102.8), Hurunui Water Project Limited (127.9)</p> | <p>Amend provisions in the Plan that refers to the mauri of a waterbody to require the resource user to recognise the mauri rather than protect, maintain, enhance etc.</p> | <p>Reject</p> | <p>Refer section 4.87 of this Report.</p> |
| <p>Irrigation New Zealand Inc. (104.6, 104.11, 104.20)</p> | <p>"Water Supply Asset Management Strategy" should also include improvements in "water use efficiency" so as they align with the CWMS targets</p> | <p>Accept in Part</p> | <p>We consider that the definition of a Water Supply Asset Management Strategy already adequately addresses water use efficiency.</p> |

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| Irrigation New Zealand Inc. (104.12, 104.17) | The flow regime in Table 1 creates reliability issues and lacks robust evidence of the environmental benefits of a change in flow regime from the status quo. | Reject | Refer section 7.0 of this Report. |
| Irrigation New Zealand Inc. (104.19) | Use water quality objectives primarily based on the concentration of particular nutrients rather than loads. | Accept in part | <i>For the reasons set out in section 11.0 of this Report, we recommend the retention of the load limit approach. However, we have recommended amendments to the Plan's policies to focus on concentrations of nutrients.</i> |
| Irrigation New Zealand Inc. (104.21) | Work with INZ as to how temporary one-off transfers could be better enabled. | Reject | <i>We consider that any such discussions fall outside this planning process.</i> |
| Mr Brian Sandle (111) | Decision sought unclear - The submitter raises a number of issues but it is not clear what changes (if any) are sought to the Plan to address these. | Reject | <i>Insofar as the issues raised by this submitter are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it.</i> |
| Valerie Campbell (118.2) | No further water takes should be permitted without appropriate plan being in place and compliance officers should be available to scrutinise compliance. | Reject | <i>We consider that the consenting process provides the most appropriate method to consider water take applications.</i> |
| Environmental Defence Society (119.4) | Amend the proposed Plan so it gives effect to the National Policy Statement for Freshwater Management 2011 and is consistent with Part 2 of the RMA | Accept | <i>We are satisfied that the Plan, if amended in the manner recommended by us, will give effect to the National Policy Statement for Freshwater Management 2011 and achieve Part 2 of the RMA.</i> |
| Direct Project Management Limited (120.6) | Provide further explanation of C Block allocation | Accept in part | <i>As a consequence of our findings on the C Block allocation/permit allocation limit we have recommended changes to the Plan's explanation section.</i> <i>We therefore recommend that this submission is accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> |

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| Mr Roger Smith (21.1) | Decision sought unclear - The submitter raises concerns relating to water storage ponds but it is not clear what changes (if any) are sought to the Plan to address these. | Reject | Insofar as the issues raised by this submitter are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it. |
| Federated Farmers of New Zealand Inc., Combined Canterbury Provinces (123.23, 123.24), DairyNZ Incorporated (134.16, 134.17) | Add policies which ensure that any loss in reliability to existing abstractors, resulting from changes to the flow regime, is restored using water from storage, at no additional cost to those abstractors. | Reject | Given our recommendations relating to the coupling of the C Block with storage provisions and on minimum flows (sections 6.0 and 7.0 of this Report), we do not consider such policies are appropriate. |
| Mr B & Ms J Demeter (125.2) | Further modelling needed | Reject | We consider that sufficient modelling has been undertaken on which to base our recommendations. |
| Mr B & Ms J Demeter (125.2, 125.3) | Hurunui SH1 flow recorder be utilized to determine river flow for Domett plains abstractors and to monitor cessation of take in the Amuri reach. Lower Waiau flow recorder also be utilized. | Reject | We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 310. |
| Mr B & Ms J Demeter (125.4, 125.5) | If A block abstractors do not utilize their full consented take for irrigation purposes, only flows above 20 cumecs should be used for hydro-electric power generation to ensure WQN1 objectives are met (Hurunui). | Reject | We do not consider such an approach is the most appropriate way to achieve the Plan's objectives. We also note that the provisions of this Plan are required to achieve its objectives, and not the objectives of the NRRP. |
| Mr B & Ms J Demeter (125.6) | Create rules that do not allow surrendered consents, or any water freed up by applying the reasonable use test, to be reallocated to existing consent holders or new applicants. | Reject | We do not consider that such an approach would assist in achieving the Plan's objectives. |
| Mr B & Ms J Demeter (125.11) | Add consequential actions if nutrient loads are exceeded in 2017 | Reject | We consider that the Plan, including amendments recommended to it, adequately addresses the exceedence of nutrient loads. For example, should the Schedule 1 load limits be exceeded, any change in land use would require consent as a non-complying activity. |

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| Dr Robert Foster (126.1, 126.2) | The lack of specificity in the Plan (in relation to dam sites) and the mechanism of final decision. | Reject | <i>It appears to us that the submitter seeks that the Plan address a specific proposal. We consider that the Plan more properly establishes the framework against which particular proposals are to be assessed.</i> |
| Dr Robert Foster (126.3) | Special areas (already inventoried in prior documents) must be secured as off limits before trials are to be allowed on areas of low public interest and minimal impact overall. | Accept | <i>Refer to section 5.1 of this Report.</i> |
| Ms Lois Moore (128.1) | Irrigable area target of 100,000ha is too high. | Accept in part | <i>Refer section 12.0 of this Report. We recommend references to 100,000ha be removed from the Plan. We therefore recommend that the submission is accepted in part, to the extent that the amendments recommended to the Plan address their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i> |
| Mr Nukuroa Tirikatene-Nash (130), Gore Bay Board Riders, Gore Bay Guardians & Hui Ngaru o Te Waipounamu (131), Ms Heidi Tirikatene-Nash (132), Surf Break Protection Society (133) | Decision sought unclear - The submitter lists a number of matters but it is not clear what changes (if any) are sought to the Plan to address these. | Reject | <i>Insofar as the issues raised by these submitters are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified, or the amendments recommended to it.</i> |
| DairyNZ Incorporated (134.6) | Consolidate objectives up-front in the Plan, and develop measurable objectives to support the narrative statements. | Reject | <i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 63.</i> |
| DairyNZ Incorporated (134.26, 134.27) | Carry out additional work (on matters listed in submission) to inform the implementation of the HWRRP. | Accept in part | <i>The submitter raises a number of matters in their submission, many of which were also traversed in the evidence they presented to us at the hearing. Having had regard to all submissions and evidence presented to us on the water quality provisions in the</i> |

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| DairyNZ Incorporated (134.41) | At the end of their submission, the submitter lists a range of issues that they consider need to be resolved. | Accept in part | <p><i>Plan, including changes recommended by various planners appearing for both submitters and the council, we consider that amendments to these provisions are necessary to better achieve the Plan's objectives and the purpose of the RMA, and to give effect to the National Policy Statement for Freshwater Management. We therefore recommend that the submission is accepted in part, to the extent that the amended provisions address their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> <p><i>For the reasons set out in section 11.0 of this Report, we have recommended changes to the Plan's water quality provisions that we consider are more appropriate to achieve the Plan's objectives. We consider that these address the matters raised in this submission.</i></p> <p><i>We therefore recommend that this submission is accepted in part, to the extent that the amended wording addresses their submission. In all other respects the submission is rejected because we do not find that any further changes are appropriate.</i></p> |
| Eugenie Sage (139.51) | Amend Rule 10.3 inclusive so that it applies from 1 October 2011 | Reject | <p><i>There is no Rule 10.3.</i></p> |
| Ballinalloch Farm Limited (140.1) | Decision sought unclear – Submitter notes support for education and non-statutory initiatives | Reject | <p><i>We consider that the matters raised by the submitters fall outside the scope of this Plan.</i></p> |
| Ballinalloch Farm Limited (140.2) | Oppose seasonal allocation for run of river takes. | Reject | <p><i>We adopt the recommendations and reasons set out in Mrs White's s42A Report at para 727.</i></p> |
| Ballinalloch Farm Limited (140.3) | Decision sought unclear (We see merit in irrigation water being used for environmental flows [in the Pahau] rather | Reject | <p><i>Insofar as the issues raised by these submitters are relevant to this Plan, we consider that they are adequately addressed through the Plan as notified,</i></p> |

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| | than the scheme having to use any surplus water to irrigate extra land, as proposed under the NRRP "use it or lose it") | | or the amendments recommended to it. |
| Mr Barry Cleghorn (144.1) | Waitohi damming be the only storage option for Hurunui water storage, with this water available for irrigators below SH1 to improve reliability | Reject | We do not consider it appropriate to foreclose the ability for applications to be made for storage facilities in areas not identified as 'High Value' areas, nor to require through the Plan for water to be made available for certain parties. |
| Mr Barry Cleghorn (144.2) | River mouth closure be not allowed to occur by sufficient minimum flow regimes. | Accept | Objective 2 (f) (as recommended to be amended) seeks that water levels and flows are managed to address effects on river mouth opening of the Hurunui River, and maintaining an open river mouth in the Waiau River. This is given effect to through the minimum flows in the Plan, which are discussed in Section 7.0 of this Report. |

| Plan Change 3 to the Natural Resources Regional Plan | | | |
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| Submitter & Submission Reference | Changes sought (grouped) | Decision | Reasons |
| Mr John Talbot (1.65), Meridian Energy Limited (80.1) | Make consequential amendments to PC3 as a result of amendments to the PHWRRP | Accept in part | We adopt the recommendations and reasons set out in Mrs White's s42A Report at section 4. |

APPENDIX 2

RECOMMENDED AMENDMENTS TO THE NOTIFIED PLAN PROVISIONS

APPENDIX 3
RECOMMENDED PROPOSED PLAN CHANGE 3 TO THE NRRP

APPENDIX 4

LIST OF SUBMITTERS AND FURTHER SUBMITTERS

| Submitter ID | Submitter | Address | Further submission (Y/N) |
|--------------|--|---|--------------------------|
| 1 | Mr John Talbot | 11 Kent Lodge Avenue Avonhead Christchurch 8042 | |
| 2 | Mr Michael Singleton | 227 Mount Pleasant Road Mount Pleasant Christchurch 8081 | |
| 3 | Mr Hugh Robinson | 864 Mt Palm Road RD 1 Rotherham 7379 | |
| 4 | Mr Thomas MacFarlane | 395 Sandersons Road RD 1 Rotherham 7379 | |
| 5 | Canterbury Regional Council | Attn: Mr Vincent Smith PO Box 345 Christchurch 8140 | |
| 6 | Ms Elizabeth Tanner | 44 Dunns Avenue The Pines Beach 7630 | |
| 7 | Mr Ben Woolcombe | 136 Blandswood Road RD 22 Geraldine 7992 | |
| 8 | Ms Sally Hope | 139 Blandswood Road RD 22 Geraldine 7992 | |
| 9 | Mr Jonathan Land | 206 Dyers Pass Road Cashmere Christchurch 8022 | |
| 10 | Ms Rebecca Turrell | 168 Pembroke Road Wilton Wellington 6012 | |
| 11 | Mr & Mrs B R & J E M Black | 14 Pahau Reserve Road R.D.2 Culverden 7392 | |
| 12 | Mr Anton Oliver | 23 Pleasant Place London N1 2BZ United Kingdom | |
| 13 | Lee Bardsley | By email: lee_bardsley@hotmail.com | |
| 14 | Z Energy Limited & B P Oil NZ Limited & Mobil Oil NZ Limited & Caltex NZ Limited | Attn: Ms Karen Blair PO Box 33817 Takapuna North Shore City 0740 | |
| 15 | Emeritus Professor Alan Mark | PO Box 56 Dunedin 9054 | |
| 16 | Mr Ian Eagle | 18 Ashgrove Street Rangiora 7400 | |
| 17 | Mr Andrew Gardner | 953 Leslie Hills Road RD 1 Waiau 7395 | |

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| 18 | Ms Linda MacIntyre | 18 Petworth Place Westmorland Christchurch 8025 | |
| 19 | Mr Kevin Dean | 18 Petworth Place Westmorland Christchurch 8025 | |
| 20 | Robyn Webster | 44 Aratoro Place Mount Pleasant Christchurch 8081 | |
| 21 | Mr Roger Smith | PO Box 31 Hanmer Springs 7360 | |
| 22 | Mr Charles Hurford | 287 Conway Crescent Perivale London UB6 8JG | |
| 23 | Mr Dirk De Lu | 38 Thorrington Road Cashmere Christchurch 8022 | |
| 24 | Mr Hamish Pain | 140 Caverhill Road RD 1 Cheviot 7381 | |
| 25 | Ms Rachel Hurford | 34 Takahe Drive Cashmere Christchurch 8022 | |
| 26 | Lesley Ward | 271 Fifield Terrace Opawa Christchurch 8023 | |
| 27 | Mr Peter Croft | 141 Lawcocks Road Newlands RD 1 Amberley 7481 | |
| 28 | Ms Janette Kear | 2 Kruse Place Redwood Christchurch 8051 | |
| 29 | Elizabeth Hurford | 40 Mackie Street Rakaia 7710 | |
| 30 | Mr C J Morris & Ms E C Weir | 20 Lower High Street RD 1 Coalgate 7673 | |
| 31 | Mr Chris Clarke | 47 Anglesea Avenue Parklands Christchurch 8083 | |
| 32 | David Hammond | 28 Waipapa Avenue RD 2 Diamond Harbour 8972 | |
| 33 | Mr Jules Snoyink | 6 Homebush Road Glentunnel 7638 | |
| 34 | Mr Colin Burrows | 17 Colina Street Avonhead Christchurch 8042 | |
| 35 | Ms Rosalie Snoyink | 6 Homebush Road Glentunnel 7638 | |
| 36 | Jet Boating New Zealand Incorporated | 27 Bronwyn Street Mairehau Christchurch 8052 | |

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| 37 | Mr Mark Harrison | Wharenui 995 Domett Road RD 2 Cheviot 7382 | |
| 38 | Mr Ainslie Talbot | 84 Mays Road Saint Albans Christchurch 8052 | |
| 39 | Christchurch Whitewater Canoe Club | C/- A Pinkert Flat 2 44 Lochee Road Upper Riccarton Christchurch 8041 | |
| 40 | Joan Rigarlsford | 29 Queens Avenue Waikuku Beach 7402 | |
| 41 | Mr Mark Eastmond | PO Box 24 Waiau 7343 | |
| 42 | Mr Gordon Lees | 319 Hendersons Road Hoon Hay Christchurch 8025 | |
| 43 | Gore Bay & Port Robinson Ratepayers Association Inc. | Attn: Ms Jane Demeter 117 Champion Street Edgeware Christchurch 8013 | |
| 44 | Mr Ken Rapson | 235 Geraldine Street Edgeware Christchurch 8013 | |
| 45 | Mr Warren Higgins | 314 Leader Road West RD 1 Waiau 7395 | |
| 46 | Cheviot Ward Committee | C/- Ann Duncan 39 Hall Street Cheviot 7310 | |
| 47 | Administrative error – duplicate Hydro Trader submission (see Submitter ID 72) | | |
| 48 | Water Rights Trust Inc. | C/- Roger Young 355 Old Tai Tapu Rd RD2 Christchurch 7672 | |
| 49 | Michael Nooney | 38 Aston Drive Waimairi Beach Christchurch 8083 | |
| 50 | Mrs C H & Mr G J Flynn | 38 Dinning Road Riverhead 0820 | |
| 51 | Port Robinson Informed Citizens Inc. | Attn: Ms Gretchen Smith 26 Manuka Bay Road RD 3 Cheviot 7383 | |
| 52 | Mr Paul Drake | P O Box 34 15 Acheron Avenue Lake Coleridge | |
| 53 | Mr A H J & Mrs H M Paterson | 41 Waterloo Crescent Hokowhitu Palmerston North 4410 | |

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| 54 | Gwynfor Ashcroft | 3408 State Highway 5 RD 2 Napier 4182 | |
| 55 | Ms Joan Melvyn | PO Box 84 Lincoln University Lincoln 7647 | |
| 56 | Nelson Canoe Club | Attn: Ms Pauline Hervey PO Box 793 Nelson 7040 | |
| 57 | Ms Nixie Boddy | 77 Eastern Terrace Beckenham Christchurch 8023 | |
| 58 | Canterbury Flyfishing Club Inc | Attn: Mr J Sanders 34 Styx River Place Brooklands Christchurch 8083 | |
| 59 | Mrs Lynne Lochhead | 7 Stratford Street Merivale Christchurch 8014 | |
| 60 | Mr Steve Chapman | 25 Walkers Road Lyttelton 8082 | |
| 61 | Ms Linda Morris | 77 Eastern Terrace Beckenham Christchurch 8023 | |
| 62 | Mr Raymond Herber | 707 Ram Paddock Road RD 2 Amberley 7482 | |
| 63 | Stuart Pain | Round Hill Road RD 1 Riverton 9881 | |
| 64 | Ms Margaret Snowdon | 21 Vernon Terrace Hillsborough Christchurch 8022 | |
| 65 | Mr Edward Snowdon | 24A Flavell Street Heathcote Valley Christchurch 8022 | |
| 66 | Mr V J & Mrs Daly | The Lakes 243 Campbell Road RD 3 Cheviot 7383 | |
| 67 | Mr Warren Williams | 48 Balrudry Street Avonhead Christchurch 8042 | |
| 68 | Mr Graeme Noble | 96 Vernon Terrace Hillsborough Christchurch 8022 | |
| 69 | Engineers Collective | 25 Osborne Street Waltham Christchurch 8011 | |
| 70 | Mr Ronald McClintock | 21 Black Street Stoke Nelson 7011 | |

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| 71 | Mr Michael Shand | 40 Panorama Road Clifton Christchurch 8081 | |
| 72 | Hydrotrader Ltd | Attn: Dr Anthony Davoren PO Box 3132 Christchurch 8140 | |
| 73 | Mr Stuart Payne | 171A Fifield Terrace Opawa Christchurch 8023 | |
| 74 | Roberts Dairy Farm Limited | C/- T M & J E Roberts 188 Flintoft Mouse Point Road RD 1 Culverden 7391 | |
| 75 | Mr James Paterson | 44 Factory Road RD 1 Cheviot 7381 | |
| 76 | Graham Clark | 6 Leslie Street Waiau 7332 | |
| 77 | Mr Ira McNabb | 342 Caverhill Road RD 1 Cheviot 7381 | |
| 78 | Mr Michael Barton | 931 Waikari Valley Road RD 3 Amberley 7483 | |
| 79 | Ms Gwendoline Beaven | 201 Achray Road RD 1 Rotherham 7379 | |
| 80 | Meridian Energy Limited | Attn: Mr Andrew Feierabend PO Box 2454 Christchurch 8140 | Y |
| 81 | Canterbury Regional Council | Attn: Mr Vincent Smith PO Box 345 Christchurch 8140 | |
| 82 | Carin van Bolderen | 9 Briarmont Street Avondale Christchurch 8061 | |
| 83 | Amuri Irrigation Company Limited | C/- Canterbury Chambers PO Box 9344 Tower Junction Christchurch 8149 | Y |
| 84 | Waikato Kayak Club Inc | Attn: Ms Michelle Wallace PO Box 9497 Waikato Mail Centre Hamilton 3240 | |
| 85 | Longbrook Dairy Limited & T Macfarlane | Attn: Christine Mawhinney PO Box 404 Kaiapoi 7644 | |
| 86 | Phoebe Irrigation Limited | Attn: Mr Robb Macbeth 507 Leamington Road RD 2 Cheviot 7382 | |

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| 87 | New Zealand Fertiliser Manufacturers' Research Association Inc. | Attn: Mr Greg Sneath PO Box 11519 Manners Street Wellington 6142 | |
| 88 | Hurunui District Council | Attn: Ms Judith Batchelor PO Box 13 Amberley 7441 | |
| 89 | Mr Stephen Hodkinson | Flat 2 218 Pine Avenue South New Brighton Christchurch 8062 | |
| 90 | Department of Conservation, Canterbury Conservancy | Attn: Kylie Hall Private Bag 4715 Christchurch 8140 | |
| 91 | Ms Lesley Shand | 1619 Tekoa Road RD 2 Culverden 7392 | |
| 92 | Independent Irrigators Group | C/- John Talbot 11 Kent Lodge Avenue Avonhead Christchurch 8042 | |
| 93 | Ms Prue Stringer | 58 Martindales Road Heathcote Valley Christchurch 8022 | |
| 94 | Ms Ursula Salzer | 116 Riverlaw Terrace Saint Martins Christchurch 8022 | |
| 95 | Whitewater Canoe Club Incorporated & Whitewater New Zealand Incorporated | Attn: Mr Graeme Wilson C/- Whitewater Canoe Club PO Box 4476 Christchurch 8140 | |
| 96 | Hawkins Consulting Limited | Attn: Mr Alan Hawkins 156 Loburn Whiterock Road RD 2 Rangiora 7472 | |
| 97 | Mr David Evans | 7 Manatu Lane Waltham Christchurch 8023 | |
| 98 | Mr Kevin Roche | PO Box 11 Leithfield Beach Leithfield 7446 | |
| 99 | Sarah Fawcett | 86 Birdwood Avenue Beckenham Christchurch 8023 | |
| 100 | Fonterra Co-operative Group Limited (Wellington) | Attn: Mr Sean Newland PO Box 417 Wellington 6140 | Y |
| 101 | Canterbury District Health Board, Community & Public Health | Attn: Mr Braden Leonard PO Box 1475 Christchurch 8140 | |

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| 102 | Ravensdown Fertiliser Co-operative Ltd | Attn: Mr Chris Hansen PO Box 51282 Tawa Wellington 5249 | Y |
| 103 | Ms Kim Kelleher | 9B Main Road RD 1 Lyttelton 8971 | |
| 104 | Irrigation New Zealand Inc. | Attn: Mr Andrew Curtis 6 Sonter Road Wigram Christchurch 8042 | |
| 105 | Mr Kevin Earl | 260 Creans Road RD 1 Hawarden 7385 | |
| 106 | Mr Trevor Owen | 2408 Homebush Road RD 1 Coalgate 7673 | |
| 107 | Ms Carol Owen | 2408 Homebush Road RD 1 Coalgate 7673 | |
| 108 | Mr David Kirkness | 79 Whaka Terrace Huntsbury Christchurch 8022 | |
| 109 | Mr Ian Fox | C/- Whitewater Canoe Club PO Box 4476 Christchurch 8140 | |
| 110 | Mr Jonathan Hunt | PO Box 1062 Christchurch 8140 | |
| 111 | Mr Brian Sandle | 17 Rawhiti Avenue New Brighton Christchurch 8083 | |
| 112 | New Zealand Pork Industry Board | Attn: Jaye Hill IFNHH Massey University Private Bag 11222 Manawatu Mail Centre Palmerston North 4442 | |
| 113 | Fish & Game New Zealand, North Canterbury Region | Attn: Mr Tony Hawker 3 Horatio Street Christchurch Central Christchurch 8011 | Y |
| 114 | Ellen Palmer | 33A Crofton Road Harewood Christchurch 8051 | |
| 115 | Mr Malcolm Snowden | 12 Freyberg Avenue Riccarton Christchurch 8011 | |
| 116 | Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikoura, Te Ngāi Tuahuriri Rūnanga Inc & Ngāi Tahu Property Ltd | c/- Cathie Begley PO Box 13046 Armagh Christchurch 8141 | |

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| 117 | Canterbury University Tramping Club | c/- UCSA PO Box 31311 Ilam Christchurch 8444 | |
| 118 | Valerie Campbell | 7 Clarendon Terrace Woolston Christchurch 8023 | |
| 119 | Environmental Defence Society | C/- Gary Taylor 3 Duke Street Northcote Point Auckland 0627 | |
| 120 | Direct Project Management Limited | Attn: Mr John Rice 251B Fifield Terrace Opawa Christchurch 8023 | |
| 121 | Ngāi Tahu Property Limited | Attn: Mr Edwin Jansen PO Box 130060 Armagh Christchurch 8141 | |
| 122 | Mr Douglas Rankin | 28 Waipara Street Cracroft Christchurch 8025 | |
| 123 | Federated Farmers of New Zealand Inc Combined Canterbury Provinces | Attn: Mr Lionel Hume PO Box 414 Ashburton 7740 | Y |
| 124 | Bugsports Club | 77 Eastern Terrace Beckenham Christchurch 8023 | |
| 125 | Mr W & Mrs J Demeter | 117 Champion Street Edgeware Christchurch 8013 | |
| 126 | Dr Robert Foster | 830 Malaga Avenue Davis CA 95616 USA | |
| 127 | Hurunui Water Project Limited | C/- Duncan Cotterill Attn: Ms Sarah Watson PO Box 5 Christchurch 8140 | Y |
| 128 | Ms Lois Moore | 251B Fifield Terrace Opawa Christchurch 8023 | |
| 129 | Amuri Dairying Limited | Attn: Mr Andrew Benton 391 St Leonards Road RD 1 Culverden 7391 | |
| 130 | Mr Nukuroa Tirikatene-Nash | 230 Mina Road RD 2 Cheviot 7382 | Y |
| 131 | Gore Bay Board Riders, Gore Bay Guardians & Hui Ngaru o Te Waipounamu | C/- Nukuroa Tirikatene-Nash 230 Mina Road RD 2 Cheviot 7382 | Y |

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| 132 | Ms Heidi Tirikatene-Nash | 230 Mina Road RD 2 Cheviot 7382 | Y |
| 133 | Surf Break Protection Society | C/- Heidi Tirikatene-Nash 230 Mina Road RD 2 Cheviot 7382 | Y |
| 134 | DairyNZ Incorporated | Attn: Mr James Ryan PO Box 160 Lincoln University Lincoln 7647 | Y |
| 135 | Mr H Wiesen & Ms M Noering | 514 Gore Bay Road RD 3 Cheviot 7383 | |
| 136 | Royal Forest & Bird Protection Society of NZ Inc Canterbury/West Coast Regional Office | Attn: Mr Chris Todd PO Box 2516 Christchurch 8140 | Y |
| 137 | Mr M & Mrs A Hamblett | 11 Hewitts Road Merivale Christchurch 8014 | |
| 138 | Mr Peter Davis | 57 Wilton Road Wilton Wellington 6012 | |
| 139 | Eugenie Sage | Parliament Buildings Private Bag 18041 Wellington 6160 | |
| 140 | Ballindalloch Farm Limited | Attn: Mr Peter Kinney 63 Long Plantation Road RD 2 Culverden 7392 | |
| 141 | Diana Shand | C/- Flat 2 311 Montreal Street Christchurch Central Christchurch 8013 | |
| 142 | Mr Bernard Calder | 4 Mermaid Place Southshore Christchurch 8062 | |
| 143 | Friends of Lewis Pass & Hurunui Catchment Inc | C/- Fredrick Murray PO Box 2306 Christchurch 8140 | |
| 144 | Mr Barry Cleghorn | 807 Parnassus Road RD 4 Cheviot 7384 | |
| 145 | Sharon Brophy | 6A Drake Street New Brighton Christchurch 8061 | |
| 146 | Mr Graeme Boddy | 77 Eastern Terrace Beckenham Christchurch 8023 | |
| Further sub only | Sam Mahon | 6 Singleton Street Waikari 7420 | Y |