

Disclaimer: This document refers to Proposed Plan Change 5 to the Land and Water Regional Plan (Nutrient Management and Waitaki). All aspects of this Plan Change are currently under appeal. The final form of Plan Change 5 will not be known until all appeals are resolved.

Memo

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| Date | 30 October 2017 |
| To | OTOP Zone Committee |
| CC | Peter Constantine, Lyn Carmichael |
| From | Craig Davison |

Farming Activities and Community Drinking Water Supplies in the Orari, Temuka, Opihi and Pareora Zones

PURPOSE:

The purpose of this paper is to:

- a. Inform the Orari, Temuka, Opihi and Pareora (OTOP) Zone Committee (ZC) on how Community Drinking Water Supplies, and Protection Zones are defined under the Land and Water Regional Plan (LWRP);
- b. How the LWRP and Plan Change 5 (PC5) protect Community Drinking Water Supplies from the risks of farming activities;
- c. Provide statutory options for further regulating farming activities that occur within a Community Drinking Water Supply Protection Zone;

COMMUNITY DRINKWATER SUPPLIES AND PROTECTION ZONES

One of the outcomes of the Land and Water Regional Plan (LWRP) is to protect community drinking water supplies so that they meet the drinking water standards for New Zealand, and the CWMS targets for drinking water. Schedule 1 of the LWRP (Appendix 1) defines community drinking water supplies as drinking water supplies that are recorded in the drinking water register maintained by the Chief Executive of the Ministry of Health, and that provide no fewer than 25 people with drinking water for not less than 60 days each calendar year. Or as sites that are listed in the Schedule.

In the OTOP Zone, the Burkes Pass, and Kimbell Rural Supply are listed. The location of community drinking water supply intakes from ground and surface water are mapped on Environment Canterbury's online mapping website. There are an estimated 32 community drinking supplies in the OTOP Zone (Appendix Two).

Schedule 1 also contains a methodology for determining provisional or site-specific Community Drinking Water Supply Protection Zones. The provisional or site-specific protection zones form the

starting point for protecting that drinking water supply from activities such as discharges of contaminants and stock exclusion (surface water intakes only). Under the LWRP, any discharges that occur in protection zones of community drinking water supplies require a consent. This allows a case by case approach for protecting drinking water sources from discharges.

In the case of farming activities, however, the current permitted activity rules do not include a condition for the farming activity not occurring in a protection zone of a community drinking water supply. The effects of farming activities on community drinking water supplies are only considered when that farming activity requires a consent, as outlined below.

CURRENT PROTECTION OF FARMING ACTIVITIES ON COMMUNITY DRINKING WATER SUPPLIES

Land and Water Regional Plan (LWRP)

Farming activities in the OTOP Zone are currently managed under the nutrient management rules of the operative Land and Water Regional Plan (LWRP). Any farming activity on a property greater than five hectares with nitrogen losses greater than 20 kilograms of nitrogen per hectare per year is required to obtain a resource consent to farm. The potential effects of that farming activity will be considered on any sources of drinking water as part of the application for resource consent.

Plan Change 5 to the Land and Water Regional Plan (PC5)

Under Plan Change 5 to the LWRP (once operative) any farming activity on a property greater than 10 hectares, and with an area of irrigation greater than 50 hectares, or with an area of winter grazing of up to 10 hectares or 10 percent of the area of a property up to a total of 100 hectares, will be required to obtain a resource consent to farm. The potential effects of that farming activity will be considered on any sources of drinking water as part of the application for resource consent.

DISCUSSION

The effects of farming activities on community drinking water supplies are only managed if the farming activity is required to obtain a resource consent to farm. For permitted farming activities on properties less than 10 hectares, and under the thresholds for irrigation or winter grazing, there is a risk that these activities pose a risk to community drinking water supplies. Particularly with nitrate, and E. coli contamination.

The ZC have previously received a briefing on the risks of farming activities in protection zones of community drinking water supplies (Appendix Two). This paper discusses these risks, and highlights the need for further statutory provisions to improve the protection of community drinking water supplies. This recommendation is currently in the Draft ZIP Addendum as a placeholder for further statutory measures. A further statutory measure is provided below.

FURTHER STATUTORY INTERVENTION FOR PROTECTING COMMUNITY DRINKING WATER SUPPLIES

Key Decision Area:

The Zone Committee recommend that:

- a. All permitted farming activities do not occur within a protection zone of a community drinking water supply;
- b. Where a farming activity does occur within a protection zone of a community drinking water supply, a resource consent be required.

This decision will enable a case by case approach to be taken for determining the effects of a farming activity on community drinking water supplies.