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To: [Mailroom Mailbox](#)
Cc: [Jackie Watson](#)
Subject: Submission to Plan Change 7 from the Kaiapoi-Tuahiwi Community Board
Date: Monday, 9 September 2019 7:59:23 AM

Kind regards

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Governance

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6 September 2019

To: Environment Canterbury
Subject: **Plan Change 7 to the Canterbury Land and Water Regional Plan**
From: **Kaiapoi-Tuahiwi Community Board**
Jackie Watson, Chairperson
Contact: Kay Rabe, Governance Adviser kay.rabe@wmk.govt.nz
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The Kaiapoi-Tuahiwi Community Board thanks Environment Canterbury for the opportunity to comment on Plan Change 7 to the Canterbury Land and Water Regional Plan.

Summary

In essence the Kaiapoi-Tuahiwi Community Board (the Board) supports the Waimakariri District Council's submission (**attached**) in the matter of the proposed Plan Change 7 to the Canterbury Land and Water Regional Plan and proposed Plan Change 2 to the Waimakariri River Regional Plan. However the Board has an additional view as noted below.

Stock Exclusion – Policy 8.4.31(b)

The Board supports stock exclusion from **ALL** waterways, artificial or natural, as the results of contamination down river in the receiving environment are the same whether stock have ventured into a man-made 'drain' or a spring-fed 'natural' watercourse. In this matter the Board supports the Plan Change 7 position.

Additional Matter

The Board requests urgent attention to be given to:

Consent Review minimum flows/allocations for the Northern Waimakariri River Tributaries proposed for implementation by 2029

Remedy Sought: The Board requests this Consent Review is advanced with urgency to the date PC7 becomes operative and is in place within two years after that date.

Background

In 2001 Malcom Main (ECan report U01/100, November 2001) indicated *“that a minimum flow of 900 litres per second in the Kaiapoi River was necessary for protection of salmon passage, while the generalised relationship between flow and habitat derived from this study indicates that a minimum flow of 1,000 litres per second would adequately protect habitat for adult brown trout, large eels and other native fish.”* The existing minimum flow of 600 litres per second is

considered too low for the protection of the key species identified in the Kaiapoi River. (ECan report 07813138, Golder Associates, Minimum Flows and Aquatic Ecological Values of Lower Waimakariri River tributaries, June 2009).

Tributary flows are very important in flushing out the nutrient-rich and poor quality fresh water that overlies either saline or Waimakariri water which sits on the (Kaiapoi) river surface. The problem being that this nutrient-rich tributary water will slosh backwards and forwards through Kaiapoi for several tidal cycles before finally exiting to the Waimakariri and the sea. During this time it has ample opportunity especially during the summer months to grow smelly or unsightly algal blooms and scums.

ECan identified the low minimum flows in the Kaiapoi River and its tributaries as an issue affecting the viability of its fish and aquatic life back in 2001 – some 18 years ago. It is unacceptable to the Board that ECan proposes to wait another decade until 2029 to address this issue.

The Kaiapoi/Silverstream River is the most polluted in North Canterbury with nitrate levels over the National Policy Statement - Fresh Water 6.9mg/litre bottom line, e.coli levels which regularly breach the 550/100ml level for contact recreation and the regular occurrence of nutrient-enriched algal blooms. This ecological degradation demands an urgent increase to the minimum flows to help rehabilitation of the long-compromised aquatic ecosystem in the Kaiapoi River and its tributaries. In addition the safety of the public using the lower Kaiapoi River in the middle of Kaiapoi is of concern. The river hosts extensive rowing, kayaking and canoeing activities plus is a regularly used bathing spot during the height of summer yet the water invariability breaches the trigger levels for contact recreation and rarely meets bathing water standards.

The raised minimum flows by their sheer volume will also help mitigate the increased salt intrusion from the Waimakariri River, itself suffering from too low a minimum flow, although it is acknowledged that the combined tributaries' effect is minor compared to an increased minimum flow in the Waimakariri. (Assessment of the state of a tidal waterway – the Lower Kaiapoi River, Adrian Meredith, March 2018, ECan report No R18/7).

If these flows are not raised for the Kaiapoi/Silverstream, Cust Main Drain, Ohoka, Cam and Brook Rivers, the lower Kaiapoi will be subjected to stinking sea lettuce growth, toxic algal blooms, scums and the progressive death of all the salt-sensitive riverbank vegetation.

The Waimakariri District Council and private business have invested more than \$100 million to date in Kaiapoi Town centre redevelopment since the 2010-11 earthquakes. Encouraging new business, increasing the vibrancy of the town and encouraging more visitors is a key objective of the Kaiapoi Town Centre Plan. The prime focus of this plan is the engagement and enjoyment of the Kaiapoi River with a new \$10 million marine precinct, wharf and floating pontoons plus a

riverbank walkway and terraces inviting locals and visitors to linger and relax at the water's edge. By increasing the river flows we go some way to ensure the restoration of some ecological health to our much-degraded river which will in turn enhance the town and the Waimakariri District and ensure the viability of business growth and that Kaiapoi lives up to its name as an attractive river town for locals and visitors to live in and enjoy.

To achieve this the Board ***urgently requests*** that Environment Canterbury advance the date for the Lower Waimakariri tributaries' minimum flows and allocation consent review, by recalling and reviewing all the consents pertaining to the Waimakariri tributaries at the operative date of PC7.

This is critical to bringing life back into the Kaiapoi River and its tributaries. The Board requests this review, which involves a total of 187 stream-depleting and surface water abstractions, be started straight after the plan change becomes operative and be in place within 18 months to two years from the date PC7 becomes operative.

This will enable the revitalisation of Kaiapoi town to continue, the rehabilitation of our rivers to progress and will go some way to mitigate the ecological damage predicted back in 2001 and which has blighted the Kaiapoi River system over the past 18 years.

The Board also reinforces the need to continuously monitor water quality in the middle of the Kaiapoi to clarify the extent and effectiveness of solutions to address this problem.

At present there is a water flow gauge sited in Neeves Road (Kaiapoi/Silverstream River) which has no bearing on the flows in the lower Kaiapoi River. It is important that ECan install a gauge and monitoring equipment in the Kaiapoi main stem itself and monitors and regularly reports water quality improvements to the Board and Kaiapoi residents.

The Board again thanks you for the opportunity to comment on Plan Change 7.

Jackie Watson
Chairperson
Kaiapoi-Tuahiwi Community Board

To Environment Canterbury

Submission from

Waimakariri District Council

**In the matter of the proposed Plan Change 7 to the
Canterbury Land and Water Regional Plan and
proposed Plan Change 2 to the Waimakariri River
Regional Plan**

3 September 2019

Person for Contact: Geoff Meadows

Part A – Canterbury Land and Water Regional Plan

General comments

The Waimakariri District Council is broadly in support of the proposed Plan Change 7 to the Canterbury Land and Water Regional Plan to give regulatory effect to the Waimakariri Zone Implementation Programme Addendum (ZIPA). The ZIPA was adopted by this Council in December 2018. However as a utility operator there are some practical matters that would assist with the effective operation of the Regional Plan.

- Rules 5.167 and 5.168 (vegetation clearance and earthworks) have both been amended to reference freshwater species habitat. On the planning maps this seems to be the purple rivers and tributaries, and is fairly extensive. A potential problem of duplication arises because the *Resource Management Act 1991* empowers Territorial Authorities with controls in this area, as does the Regional Policy Statement. It could be as simple as agreeing with the Regional Council as to who does what, but this needs to be worked through.
- The proposed additions in Sections 5 and 8 to protect indigenous freshwater species habitat is noted, however there is potential for unintended consequences. For example, preventing biodiversity improvements as a permitted activity in areas with Indigenous Freshwater Species Habitat (Rule 8.5.35) where this is habitat where the plan should be enabling biodiversity improvements.

Definitions

- Terms need to be standardised and defined, or removed, such as “open drain” (in policies 8.4.30. and 8.4.31).
- The definition for “drain” should exclude conveyance of storm water, and only intermittently-wet drains. The current definition of drain includes ones that are usually dry.
- The definition of “principal water supplier” should be altered to exclude “community and/or stock water scheme”, otherwise nitrate reduction and contaminant discharge rules will apply to the stock water network and community water supplies, as well as consent durations reduced by policies 8.4.30 and 8.4.31

Section 4 Policies Habitat of Indigenous Freshwater Species

4.101 This policy would seem to be unfairly restrictive to Territorial Authorities. For example, the activity of drainage maintenance in the North Brook, Middlebrook, and South Brook could require the creation of new habitat in the same surface water catchment and with the same or improved habitat characteristics. The definition of “surface water body” is too wide for determining any off-setting requirements.

Suggested relief: The definition of “surface water body” is replaced with “river, wetland or lake”, to avoid the unfairly restrictive “in same surface water catchment”.

Section 5 Region-Wide Rules Stock Exclusion

5.71 Currently anything that does not meet this rule is a prohibited activity.

Suggested relief: Change to a controlled or restricted discretionary activity, to allow exemptions for stock exclusion under certain conditions, for example stock to access stock water drinking bays).

8.4 Policies

Natural State Waterbodies

8.4.5 The classification of View Hill Stream, Coopers Creek and the Eyre River upstream of the confluence of the Waimakariri River with the Eyre River Diversion, as Natural State Waterbodies, is not adequately defined. "Natural State Water bodies" are defined as "rivers, lakes and natural wetlands within land administered for conservation purposes by the Department of Conservation" (DOC), however these rivers are not administered by DoC. This classification may result in restriction to works in the bed of these waterbodies, two of which are intermittent. View Hill Stream and the Eyre River have multiple fords maintained by this Council. The Eyre River has water and wastewater mains and a siphon underneath the stream bed for the stock water race system, on which this Council undertakes regular maintenance.

Relief sought: Remove the classification of View Hill Stream and the Eyre River as Natural State Water Bodies.

Efficient Use of Water

8.4.22 The stock water race network in the District is not a Managed Aquifer Recharge system. There is incidental aquifer recharge. Mitigation of nitrate-nitrogen, and the associated costs, should be addressed and paid for by polluters of nitrate-nitrogen with effects-based rules and mitigations. Taking into account nitrate-nitrogen concentrations and water losses for supporting groundwater levels and stream flows, is outside the reasonable considerations for a stock water race network. The rights of this Council, as a current consent holder to take water for the stock water race system, and comply with consent conditions, would be compromised by this policy.

Suggested relief: Remove the phrase "system used to convey water" owned or operated by Waimakariri District Council (which has no definition) and replace with "artificial watercourse used for irrigation and/or stock water" to exclude other water systems such as urban storm water and wastewater networks.

Nutrient Management

8.4.28A This policy is likely to negatively impact on the Woodend and Kaiapoi Network Storm Water consents that have been lodged or will be lodged shortly, as well as future consent applications to discharge storm water from Pegasus.

Suggested relief: Insert the following: *For all activities within the Ashley Estuary (Te Aka Aka) and Coastal Protection Zone, discharges of contaminants to surface water or onto ~~or into~~ land in circumstances where contaminants may enter surface water are avoided as a first priority, and if this is not achievable, best practicable option is used to minimise the loss or discharge of contaminants so as to achieve:*

Stock Exclusion

Policy 8.4.31 (b) requires further definition of "intermittently" and "contains surface water". There does not seem to be any evidence that stock exclusions from artificial watercourses will result in less discharge of contaminants.

Consent Expiry and Duration

Suggested relief for Policies 8.4.36 and 8.4.37: - An exemption from policies 8.4.36 and 8.4.37 for Territorial Authorities. Consent durations of 10 years are not feasible due to the long planning timeframes and high investment required by Territorial Authorities for provision of the stock water race network and community water supplies.

The exemption would be to not place restrictions that reduce a resource consent duration to less than 35 years for consents that are granted for the discharge of nutrients, or the take and use of water: 8.4.36 *Provide for the regular review and adjustments in progress towards achieving the freshwater outcomes and limits for the Waimakariri Sub-region (with the exception of a Territorial Authority and community water suppliers as the applicant), by applying the following common expiry dates to resource consents:*

- a) 1 July 2037 for resource consents granted for the use of land for a farming activity;
- b) 1 July 2037 for resource consents granted for the discharge of nutrients by an irrigation scheme or principal water supplier;
- c) 1 July 2037 for resource consents granted for the take and use of water;

1 July 2047 for any resource consent that replaces an existing water permit that expires after 1 July 2030 and that is affected by the provisions of section 124-124C of the RMA.

8.4.37 *Apply the following durations to any resource consent granted after the relevant common expiry date in Policy 8.4.36 (with the exception of a Territorial Authority and community water suppliers as the applicant):*

- a) 10 years for resource consents for the use of land for a farming activity; and
- b) 10 years for resource consents for the discharge of nutrients by an irrigation scheme or principal water supplier; and
- c) 10 years for resource consents for take and use of water.

Suggested relief: 8.4.37 Insert an exemption for community water supply consents to undergo review. 8.4.37 *Assist with achieving the freshwater outcomes for the Waimakariri Sub-region by (with the exception of community water supply consents):*

- a) reviewing, by 31 December 2027, all surface water or stream depleting groundwater permits within the Ashley River/Rakahuri Freshwater Management Unit that have a direct or high stream depletion effect, and by implementing the environmental flow and allocation regimes in Tables 8-1 and 8-3 on all reviewed permits and any new permits granted; and
- b) reviewing, by 31 December 2029, all surface water or stream depleting groundwater permits within the Northern Waimakariri Tributaries Freshwater Management Unit that have a direct or high stream depletion effect, and by implementing the environmental flow and allocation regimes in Tables 8-2 and 8-3 on all reviewed permits and any new permits granted.

8.5 Rules

Shallow groundwater dewatering, and minimum flow gauging for takes in the Kaiapoi River

Rules 8.5.9 and 8.5.14

Abstraction to enable irrigation of the Regeneration Zone Land, once the new recreational facilities are constructed, are also subject to this rule. There are concerns about whether consent would be granted for an irrigation abstraction given the groundwater and surface water is over allocated through the whole Kaiapoi River system. For this reason a Regeneration Zone irrigation consent from an existing available bore has not yet been sought.

The prohibition of abstractions below the minimum flow applies regardless of whether there are any ecological effects in the tidal reaches of the lower river from the temporary abstraction (even if only material at low tide) (and with 24 hour return) or whether there are areas of very high groundwater that need to be drained. The prohibited rule relates only to the abstraction and does not take account of ecological effects or return of dewatering water to a downstream location, or period of time until the take is returned.

Relief sought: Exclude the tidal reaches of these waterways and downstream wetter catchments where there is high shallow groundwater from the minimum flow prohibition. Abstractions for dewatering should be assessed as “discretionary” rather than “prohibited” in terms of the planning rule.

Also the installation of a new minimum flow gauge location in the lower Kaiapoi River is sought to better measure these lower river flows and tidal impacts. With a collection of data (say at the Mandeville Bridge or Williams Street Bridge) over time there would be enough information to determine a more suitable minimum flow for the tidally affected lower Kaiapoi River in consultation with stakeholders. It could also address the balance of effects from salt and fresh water interaction, whilst also allowing for a likely future need to increasingly drain Kaiapoi groundwater to ensure ongoing functioning of the storm water system.

In addition any dewatering required in Rangiora or Kaiapoi for future utilities and/or groundwater management purposes and for installation of new infrastructure should be “discretionary” rather than “prohibited” in terms of the rule, or excluded altogether from the minimum flow prohibition requirement.

Nutrient management

Rule 8.5.24 and 8.5.25 capture an additional 1,052 properties greater than 5.0 hectares and less than 10.0 hectares in the Waimakariri District. The compliance costs on enforcing these rules in this District, rules that will not apply to the balance of the Canterbury Region, would not seem to justify the perceived environmental benefits. There does not seem to be any evidence offered in the Section 32 analysis that there would be any environmental gain in inserting this rule.

Suggested amendment: 8.5.24 Insert the word “where” as a correction: *For any property located within the Ashley Estuary (Te Aka Aka) and Coastal Protection Zone and directly adjoins the bed of any river or coastal lake **where** there is no irrigation or winter grazing on any part of the property.*

Irrigation Schemes

8.5.30 (including rules 5.62 and 8.5.31 and the policy 8.4.29). The term “Principal Water Supplier” should be removed from these rules. As currently drafted, nitrate reduction targets will apply to this Council’s community water supply and stock water race network schemes, with this Council as a Principal Water Supplier. This would require this Council to seek a resource consent for any discharge of nutrient onto land that would result in a contaminant entering water from the stock water race network or community water supply. The role of nitrate reduction targets and resource consent holder for discharge of contaminants should be held by the irrigation supplier and/or holder of a discharge permit.

Suggested relief: *8.5.30 The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA where the applicant is an irrigation scheme ~~or a principal water supplier~~ or the holder of the discharge permit will be an irrigation scheme ~~or a principal water supplier~~ is a discretionary activity provided the following condition is met:*

8.6 Freshwater Outcomes Tables

Table 8a - This Council would be unlikely to meet the current “Spring-fed plains urban” attributes in Table 8a within the urban storm water areas of Rangiora, Kaiapoi, Woodend, and Oxford for Storm Water Network Consents (with applications that are lodged or soon to be lodged with Environment Canterbury). Attributes that are unlikely to be achievable are for example, emergent macrophyte cover, fine sediment cover, and *E.coli* levels. This Council suggests that attributes within the tables are set at achievable levels, based on practicable storm water improvements and investment by this Council.

Table 8b - Lake Attributes - Clarification is required on whether Lake Pegasus attributes in this table would be used to set conditions in future resource consents. Based on the 2009-2015 summary report of water quality prepared by Golder and Associates, some of the attributes are set at unobtainable levels, such as the Trophic Level Index.

Suggested relief: Attributes for Lake Pegasus are set as the same as for Tutaepatu Lagoon.

Table 8-1, 8-2, 8-3, 8-4 The limits set by these tables are supported.

Table 8-5 It is noted that nitrate targets for some rivers are to be met by 2080.

Suggested relief: An earlier target of 2040 for 3.8 mg/L targets. Targets of 6.9 mg/L of nitrate, however, should be set from the date the plan is operative, due to the 6.9 mg/L national bottom line in the National Policy Statement for Freshwater Management.

Table 8-6 It is noted that historic average Total Phosphorus levels for 2009-2015 and maximum ammonia levels have exceeded the limits proposed by Table 8.6. (Refer to the 5 Year summary report for Lake Pegasus water quality). Attributes should be set at achievable levels.

Suggested relief: Amend freshwater outcomes to ensure management options are able to be reasonably implemented.

8.7 Allocation Limits and Water Quality Limits

Table 8-7 A 5.65 mg/L nitrate-nitrogen maximum for community drinking water supplies is supported by this Council *in principle*, as it is precautionary level below the Drinking Water Standards for New Zealand (2005, amended 2018) of 11.3 mg/L nitrate-nitrogen. However, this Council supports Environment Canterbury with a call for urgent New Zealand-based research into the link that has been found between nitrate levels in drinking water and colorectal cancer incidences.

Table 8-8 A 5.65 mg/L nitrate-nitrogen median for private well drinking water supplies is supported by this Council *in principle*, as it is precautionary level below the Drinking Water Standards for New Zealand (2005, amended 2018) of 11.3 mg/L nitrate-nitrogen. However, this Council supports Environment Canterbury with a call for urgent New Zealand-based research into the link that has been found between nitrate levels in drinking water and colorectal cancer incidences. It is noted that nitrate target for the Cust groundwater zone is to be met by 2080.

Suggested relief: Set an earlier target of 2040.

It is recommend that the limit of 50% of the MAV of other contaminants (such as arsenic) should only be for contaminants which humans have control over.

Suggested relief: Exclusion any naturally-occurring contaminants, such as naturally-occurring arsenic.

Part B – Waimakariri River Regional Plan

The proposed amendments through Plan Change 2 are sensible and are supported.