

From: [Thea Kunkel](#)
To: [Mailroom Mailbox](#)
Subject: Plan Change 7 to the LWRP Submission
Date: Thursday, 12 September 2019 12:00:54 PM

Good Day

Please find attached the submission of the Rangiora-Ashley Community Board on the proposed Plan Change 7 to the Canterbury Land and Water Regional Plan and proposed Plan Change 2 to the Waimakariri River Regional Plan.

Regards

Thea Kunkel | Governance Team Leader

Governance

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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**

DRAFT

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.

6 September 2019

To: Environment Canterbury
Subject: **Plan Change 7 to the Canterbury Land and Water Regional Plan**
From: **Rangiora-Ashley Community Board**
Jim Gerard, Chairperson
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The Chairperson wishes to be heard with regard to this submission.

The Rangiora-Ashley Community Board (the Board) appreciates the opportunity to comment on the proposed Plan Change 7 to the Canterbury Land and Water Regional Plan.

Summary

The Rangiora-Ashley Community Board endorses 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. The Board however wishes to add the following:

Section 5 Region-Wide Rules

Stock Exclusion

The Board would request that stock be allowed to cross dry watercourses and only be restricted from intermittent watercourses when said watercourses have water present. It is recommended that this be a controlled or restricted discretionary activity, to allow exemptions under certain conditions.

In Addition

The Board wish to stress that the enforcement of the proposed new limits must be done in a balanced way that respects the needs of people living in our community. The pace of implementation must take into account the situation of individual farmers, working with them and through doing so ensuring both their economic viability and personal well-being.

Jim Gerard
Chairperson
Rangiora-Ashley Community Board