From:	Geoff Deavoll
To:	Mailroom Mailbox
Subject:	Plan Change 7 to the LWRP Submission
Date:	Friday, 13 September 2019 2:21:37 PM
Attachments:	Canterbury Land and Water Plan Change 7 submission - DOC-6035888.pdf

Good afternoon,

Please see attached submission from the Director-General of Conservation on Plan Change 7 to the Canterbury Land and water Regional Plan

Regards

Geoff Deavoll
Team Lead RMA
Planning, Permissions & Land
Department of Conservation - *Te Papa Atawhai*
161 Cashel Street, PO Box 4715, Christchurch 8140
DDI:03 371 3712 VPN:5412 MOB: 027 536 7020
Conservation leadership for our nature *Takina te hi, tiakina te ha, o te ao turoa*
www.doc.govt.nz

CONSERVATION WEEK 14-22 SEP
Events and activities across Aotearoa
conservationweek.org.nz

Department of Conservation
Te Papa Atawhai

DOCDM-6035888

13 September 2019

Canterbury Regional Council
PO Box 345,
Christchurch 8140

Mailroom@ecan.govt.nz

Dear Sir/Madam,

Submission on Plan Change 7 to the Canterbury Land and Water Regional Plan

Please find enclosed the submission by the Director-General of Conservation in respect of Plan Change 7. The submission is generally supportive of the various parts of Plan Change 7, the omnibus changes to the existing region-wide provisions; and the setting of water quality and quantity limits and policies and methods to manage activities to achieve the set limits.

The submission is particularly supportive of the inclusion of specific recognition of identified Indigenous Freshwater Species Habitat through amendments to region-wide rules. For some time the Department has been seeking to have identified significant habitats of Threatened and At Risk fish species given specific protection through the rules of the Regional Plan. This change is important recognition and improved protection of these habitats from water and land use activities.

Please contact Geoff Deavoll in the first instance if you wish to discuss any of the matters raised in this submission (gdeavoll@doc.govt.nz) .

Yours sincerely

Andy Roberts

Director Operations – Eastern South Island

Department of Conservation

Department of Conservation *Te Papa Atawhai*
Christchurch Planning Permissions and Land
Private Bag 4715, Christchurch Mail Centre, Christchurch 8140, New Zealand
www.doc.govt.nz

RESOURCE MANAGEMENT ACT 1991

SUBMISSION ON A CHANGE TO THE CANTERBURY LAND & WATER REGIONAL PLAN

TO:

SUBMISSION ON: Plan Change 7 to the Canterbury Land and Water Regional Plan

NAME:
Director-General of Conservation

ADDRESS:
RMA Planning
Department of Conservation
Private Bag 4715
Christchurch Mail Centre 8140
Attn: Geoff Deavoll

STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF CONSERVATION

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (RMA), I, Andy Roberts, Operations Director, acting upon delegation from the Director-General of the Department of Conservation, make the following submission in respect of the Proposed Plan Change 7 to the Canterbury Land & Water Regional Plan.

1. This is a submission on the Plan Change 7 to the Canterbury Land and Water Regional Plan.

2. The specific provisions of the Proposed Plan that my submission relates to are set out in Attachments 1. The decisions sought in this submission are required to ensure that the plan change:
    a. Gives effect to the National Policy Statement for Freshwater Management.
    b. Recognises and provides for the matters of national importance listed in section 6 of the Act and has particular regard to the other matters in section 7 of the Act.
    c. Promotes the sustainable management of natural and physical resources.
    d. The changes sought are necessary, appropriate and sound resource management practice.

4. I **seek** the following decision from the Council:

    4.1 That the particular provisions of Proposed Plan Change 7 that I support, as identified in Attachment 1, are retained.

    4.2 That the amendments, additions and deletions to Proposed Plan Change 7 sought in Attachments 1 are made.

    4.3 Further or alternative relief to like effect to that sought in 4.1 – 4.2 above.

5. I wish to be heard in support of my submission and if others make a similar submission, I will consider presenting a joint case with them at the hearing.

Andy Roberts
Director Operations
Eastern South Island

Pursuant to delegated authority, on behalf of the Director-General of Conservation

Date: 13 September 2019

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

ATTACHMENT 1:

PROPOSED PLAN CHANGE 7 – CANTERBURY LAND AND WATER REGIONAL PLAN
SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION

The specific provisions that my submission relates to are set out in Attachment 1. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from Proposed Plan Change 7 is shown in *Italics*. The wording of decisions sought shows new text as <u>underlined</u> and original text to be deleted as ~~*strikethrough.*~~

Unless specified in each submission point my reasons for supporting are that the policies are consistent with the purposes and principles of the Resource Management Act 1991 (RMA).

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
Section 2 How the plan works and definitions			
2.9 Definitions, Translations and Abbreviations			
Indigenous Freshwater Species Habitat	Support in part	The definition refers to the mapped areas which are known to be significant habitats for the Threatened or At Risk species listed in the definition. The word 'and' after the comma in the first sentence could be interpreted as meaning that there are two steps to meeting this definition. One requiring the area to be one of the mapped areas of Indigenous Freshwater Species Habitat, and two that the area provides habitat for one of the species listed. Additional changes are sought to the list of species to bring common English and scientific names in line with those given in Dunn et al. (2018) and Grainger et al (2018).	Amend the definition as follows: *means an area identified as 'Indigenous Freshwater Species Habitat' on the Planning Maps, ~~and~~ which provides habitat for at least one of the freshwater species listed below:* *1. ~~Giant kōkopu/Taiwharu (Galaxias argenteus)~~* <u>giant kōkopu/Taiwharu (Galaxias argenteus)</u> *2. ~~Lowland longjaw galaxias (Waitaki) (Galaxias cobitinis)~~* <u>lowland longjaw galaxias (Waitaki River) (Galaxias aff. cobitinis "Waitaki")</u> *4. ~~Bignose galaxias (Galaxias macronasus)~~* <u>bignose galaxias (Galaxias macronasus)</u> *5. ~~Upland longjaw galaxias (Galaxias prognathus)~~* <u>upland longjaw galaxias (Canterbury, West Coast) (Galaxias</u>

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
			prognathus) *6. ~~Upland longjaw galaxias (Waitaki) (Galaxias prognathus)~~* upland longjaw galaxias (Waitaki River) (Galaxias aff. prognathus "Waitaki") *7. ~~Shortjaw kōkopu (Galaxias postvectis)~~* shortjaw kōkopu (Galaxias postvectis) *~~8. Northern flathead galaxias (Species N (undescribed)~~* northern flathead galaxias (Galaxias "northern") *9. ~~Lamprey/Kanakana (Geotria australis)~~* lamprey/Kanakana (Geotria australis) *10. ~~Freshwater crayfish/Kekewai (Paranephrops zealandicus)~~* freshwater crayfish/Kekewai (Paranephrops zealandicus) *11. ~~Freshwater mussel/Kākahi (Echyridella menziesi)~~* freshwater mussel/Kākahi (Echyridella menziesi)
Section 4 Policies			
Table 1a Freshwater Outcomes for Canterbury Rivers	Support	The proposed changes to Table 1a are supported as giving effect to the NPSFM. The increase in QMCI for urban rivers to better provide for ecosystem health is supported, as is the inclusion of E. coli as an attribute to support contact with freshwater for human health. The inclusion of a narrative cultural attribute for mahinga kai The use of the term 'attribute' in place of 'indicator' for all freshwater outcomes in the Plan Change is supported as this is consistent with the terminology of the NPSFM NOF	Retain as notified
Table 1b Freshwater Outcomes for Canterbury Lakes	Support in part	The proposed changes to Table 1b are generally supported as giving effect to the NPSFM. The use of the term 'attribute' in place of 'indicator'	Retain as notified but amend the TLI outcomes for all small to medium sized high country lakes including Maori Lakes, and Lakes Emily and Georgina to be consistent with the limit set for these lakes in Schedule

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
		as this is consistent with the terminology of the NPSFM NOF. The inclusion of a narrative cultural attribute for mahinga kai is supported, as is inclusion of E. coli as an attribute to support contact with freshwater for human health. The inclusion of a chlorophyll a attribute for lakes from the NPS-FM NOF is supported, although this should be expressed as mg/m^3 rather than mg/L consistent with the NPS-FM phytoplankton attribute for lakes. The inclusion of the Planktonic cyanobacteria attribute as this is consistent with the NPSFM NOF is supported. It is considered critical, however, that all of the outcomes and limits for lakes set out in Table 1b and Schedule 8 of the plan are consistent. That is, the water quality, ecosystem, health and cultural outcomes and attributes need to align. At present there is a discrepancy in the TLI outcomes/limits for high country lakes. Specifically, The TLI limit for all small/medium high-country lakes in Schedule 8 is TLI is 3 changing to 3 or less as part of this plan change, and the TLI outcome for small/medium high country lakes is 3 or for specified lakes 4. In the Department's view the TLI outcomes and limits need to be consistent between Table 1b and Schedule 8. Setting the TLI outcomes to TLI 3 or less (not 4) is recommended for all small/medium high-country lakes, as TLI 3 or less will ensure the natural character and ecosystem health of the lakes is protected for future generations. Setting the TLI outcome as 3 or less for all small/medium high country lakes (including Maori Lakes, Lakes Emily and Georgina) will align with the new attributes included in this table for these lakes in particular the cultural attribute. The lakes of the Canterbury high country, including	8.

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
		lakes within the Ashburton Basin, are of national importance of the conservation and protection of New Zealand's natural and cultural heritage. Many of these lakes still retain native aquatic plant communities but are at risk and may 'flip' to an algal-dominated state due to eutrohphication (nutrient enrichment). Lakes located in the Ashburton Basin are described as 'sensitive lakes' and contain a number of areas identified by council as critical habitat for freshwater fish, koura/kekewai and kākahi. Notably, kākahi are listed as high priority (group 2e) for protection of taxa and habitats in Canterbury (refer p. 23, Prioritisation of native aquatic species habitat for protection under the LWRP Omnibus plan change) and eutrophication is recognised as a major threat to this species, especially in New Zealand. Lakes in the Canterbury high country are continuing to decline in ecosystem health. Monitoring data on these lakes, including the Ashburton Lakes, clearly indicates that trophic status (TLI), nutrient concentrations (Total Nitrogen, Total Phosphorus) and algal abundance (chlorophyll a) for many lakes are continuing to deteriorate. Monitoring data, for example, indicates that Lake Heron which is a relatively large and pristine lake is beginning to deteriorate, with increases in TLI, Total Nitrogen and algal abundance. The ongoing decline of Canterbury high country lakes, and the continued poor condition of several lakes (e.g. Maori Lakes, Lake Emma) presents a significant risk to protecting the ecological and cultural values of these lakes. In terms of the Ashburton Lakes, seven of the eight	

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
		monitored lakes do not current meet the TLI outcomes described in Table. 1b.	
Policy 4.31	Support	The inclusion of clause Bb in this policy excluding stock from Indigenous Freshwater Species Habitat is supported as it directs appropriate protection from this activity	Retain as notified
Policy 4.47	Support in part	The proposed change to clause b. of this policy recognises the potential adverse effects of even small-scale diversions on the values listed and the requirement to minimise these effects is supported. This requirement should also apply to clause a. also to be consistent with Rule 5.140 which	Amend clause a. as follows: *establishing, maintaining or repairing infrastructure* provided potential adverse effects on any person, their property, or the ecological, cultural, recreational or amenity values of the fresh waterbody are minimised
Policy 4.61A	Support in part	The intent of the new policy is supported. Clause a. should be amended so that any water take shall be refused consent where the effects of the activity on an Indigenous Freshwater Species Habitat are more than minor. Clause b. should be deleted. While takes for community water supply are typically given priority overtakes for other uses it does not mean they should be given priority over significant freshwater habitat values. Creating a specific clause for this use of water disregards the preservation intended by the policy. Habitat creation for threatened species as an offset in the freshwater context is uncertain.	Amend clause a. as follows: a. *by refusing any application to take water* where the adverse effects of the activity on any Indigenous Freshwater Species Habitat will be more than minor. ~~*that would reduce the area or compromise the values of the Indigenous Freshwater Species Habitat, except for an application to take water for a community water supply; and*~~ Delete clause b.
Policy 4.100	Support in part	Clause a. of this rule is not supported. The adverse effects of the additional taking of water from an over allocated catchment need to be considered fully and un-mitigated adverse effects should not be given less weight due to positive effects in another unrelated system. The taking of water in exceedance of the allocation regime for the river should be subject to the non-complying activity test. The further take from over allocated catchments is contrary to Objective B2 and Policy B5 of the NPSFM.	Delete clause a.
Policy 4.101	Support in part	The intent of this policy is generally supported as providing appropriate protection for significant	Amend Policy 4.101 as follows:

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
		indigenous biodiversity, specifically significant known habitats of Threatened or At Risk freshwater species. An amendment is recommended to the policy to ensure it applies to the riparian margins as well as the bed of a surface water body. The deletion of clause b. is required for the reason expressed for Policy 4.61A. The policy seeks to avoid habitat loos and therefore providing for the offset of loss is contrary to the intent of the policy.	*Avoid the damage or loss of Indigenous Freshwater Species Habitat caused by sediment discharges, vegetation clearance, excavation and deposition of material, or other disturbance in* **or on the bed or banks of** *a surface water body, unless* the effects of habitat damage will be remedied or mitigated~~:~~ ~~*a. the effects of habitat damage will be remedied or mitigated; or*~~ ~~*b. the habitat loss will be offset by the creation of new habitat in the same surface water catchment and with the same or improved habitat characteristics.*~~
Policy 4.102	Support in part	The intent of the policy is generally supported as providing for the passage of fish past instream built structures. An amendment is sought to allow for the situation where the passage of fish is undesirable for the protection of non-migratory species.	Amend clause a. as follows: a. *the appropriate* placement, *design, construction, installation and maintenance of new in-stream structures; and*
Section 5 Region wide rules			
Rule 5.26A and Rule 5.28A	Support in part	The activity status for these rules triggered by non-compliance with the condition of the associated restricted discretionary rule should be non-complying to be consistent with the activity status for Rule 5.40, which manages a similar discharge activity to these rules.	Amend the activity status for Rules 5.26A and 5.28A to non-complying
Rule 5.71	Support	Prohibiting certain stock from indigenous freshwater species habitat is supported as it provides appropriate protection and gives effect to proposed clause Bb of Policy 4.31.	Retain as notified
Rule 5.115	Support	It is appropriate that potential adverse effects on significant habitats are considered as part of the resource consent process under this rule through the addition of matter of discretion number 11	Retain as notified
Rule 5.120	Support	It is appropriate that potential adverse effects on significant habitats are given particular consideration as part of the resource consent process under this rule through the addition of matter of discretion	Retain as notified, with consequential change to associated permitted activity rule 5.119 to include a new clause as follows:

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
		number 3. Consequently recognition of Indigenous Freshwater Species Habitat is sought to be included in associated permitted activity Rule 5.119.	10. The take or discharge does not occur adjacent to or in any Indigenous Freshwater Species Habitat
Rule 5.136	Support	The amendment to clause 1 is supported as giving effect to proposed Policy 4.101	Retain as notified
Rule 5.137	Support	The amendment to clause 4 is supported as giving effect to proposed Policy 4.101	Retain as notified
Rule 5.139	Support	The amendment to clause 4 is supported as giving effect to proposed Policy 4.101	Retain as notified
Rule 5.140	Support	The amendment to clause 1 is supported as giving effect to proposed Policy 4.101. The additional clauses 3, 4 and 5 are supported as ensuring fish passage is provided for.	Retain as notified
Rule 5.140A	Support	The amendment to clause 5 is supported as giving effect to proposed Policy 4.101.	Retain as notified
Rule 5.141	Support	The amendment to clause 1 is supported as giving effect to proposed Policy 4.101.	Retain as notified
Rule 5.148	Support	The amendment to clause 9 is supported as giving effect to proposed Policy 4.101.	
Rule 5.149 and Rule 5.150	Support	The amendment to both Rule 5.149 and 5.150 is supported as clarification that these rules do not cover the diversion of water within the bed of a river which is subject to Rule 5.151	Retain as notified
Rule 5.151	Support	The amendment to clause 1 is supported as giving effect to proposed Policy 4.101. The additional clauses 3, 4 and 5 are supported as ensuring fish passage is provided for.	Retain as notified
Rule 5.152	Support	The amendment to clause 1 is supported as giving effect to proposed Policy 4.101.	Retain as notified
Rule 5.154	Propose new clause	While it is accepted that there is no proposed change to this rule as part of Plan Change 7, it is proposed that instream damming of water not be permitted by this rule within an identified Indigenous Freshwater Species Habitat. Retention of exiting fish passage is a permitted activity standard but there is no consideration of the potential effects of the dam	Include a new permitted activity standard under Rule 5.154 2. h. as follows: h. the dam, its operation and impoundment area is not in any Indigenous Freshwater Species Habitat.

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
		structure and the associated hydrological alteration on significant habitats for indigenous fauna	
Rule 5.163	Support in part	The amendment to clause 7 is supported as giving effect to proposed policy 4.101. It is important that this activity does not cause adverse effects on the passage of fish or cause fish to be stranded a new clause is sought to be included in this permitted activity rule to be consistent with the approach taken in proposed amendments to Rules 5.140 and 5.151. It is noted that the definition of 'vegetation clearance' does not include vegetation clearance to maintain existing ponds, dams and drains. Some of the Indigenous Freshwater Species Habitats occur within these types of water bodies as aquatic macrophytes provide habitat for a number of indigenous fish species. For this reason a consequential change to the definition should be made so that it can be determined if these species are present and assessment against the permitted activity standard.	Add a new clause as follows: 11. The activity does not prevent fish passage or result in the stranding of fish. Amend d. of the vegetation clearance definition as follows: d. *clearance for the purposes of maintaining existing fence lines, vehicle tracks, firebreaks, ~~drains, ponds, dams~~ or crossings;*
Rule 5.167	Support in part	The amendment to clause 5 is supported as giving effect to proposed Policy 4.101. An amendment is sought to ensure consistent wording with the rest of the clause, so that vegetation clearance adjacent to indigenous freshwater species habitat is captured by the rule	Amend clause 5 as follows: *5. The vegetation clearance does not occur adjacent to a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat during the period of 1 January to 1 June inclusive,* adjacent to or *in any Indigenous Freshwater Species Habitat; and*
Rule 5.168	Support in part	The amendment to clause 3 is supported as giving effect to proposed Policy 4.101. An amendment is sought to ensure consistent wording with the rest of the clause, so that vegetation clearance adjacent to indigenous freshwater species habitat is captured by the rule	Amend clause 3 as follows: *3. The activity does not occur adjacent to a salmon spawning area listed in Schedule 17, or in any inanga spawning habitat during the period of 1 January to 1 June inclusive,* adjacent to or *in any Indigenous Freshwater Species Habitat; and*

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
Rule 5.189	Support	New proposed Rule 5.189 is supported in particular the regard given to significant indigenous freshwater values though clauses 4, 5 and 6.	Retain as notified
Rule 5.191	Support	New proposed Rule 5.191 is supported in particular the consideration given to adverse effects on ecosystems and significant indigenous biodiversity through matters of discretion 10 and 15.	Retain as notified
Rules 5.9, 5.11, 5.13, 5.15, 5.17, 5.19, 5.26 5.28, 5.36, 5.40, 5.110, 5.115, 5.117, 5.120, 5.123, 5.126, 5.128, 5.133, 5.161, 5.164, 5.176, 5.178, 5.180, and 5.191	Support	The addition of consideration to given to adverse effects on Ngai Tahu values though the additional matter of discretion for these restricted discretionary activity rules is supported.	Retain the additional matters of discretion as notified.
Schedule 7 Farm Environment Plan			
Additions to prescriptions	Support	As noted above, monitoring of water quality for the Ashburton Lakes indicates, seven of the eight monitored lakes do not current meet the TLI outcomes described in Table 1b. In addition, many lake catchments are deteriorating in terms of Total Nitrogen concentration, such as Lake Clearwater, Maori Lakes and Lake Heron. This deterioration is occurring even with the implementation of good practices in Farm Environment Plans. The Department recommends that Schedule 7 is modified to achieve a staged reduction in water quality contaminants for all sensitive lake catchments and to ensure that appropriate actions are put in place to achieve the new cultural outcomes for lakes. In effect, it is proposed that all FEPs for sensitive lake catchments are reviewed taking into the new cultural outcomes, the proposed changes to TLI outcomes for small/medium high-country lakes and recent	Amend Schedule 7 to require a staged reduction of water quality contaminants where the sensitive lakes are not achieving their TLI outcomes and to ensure cultural outcomes for mahinga kai are achieved, as a consequential change resulting from changes proposed to Table 1b.

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
		monitoring data on the state and trend of high-country lakes.	
Schedule 8 Region-wide Water Quality Limits			
Rivers	Support in part	The inclusion of region-wide water quality limits for dissolved oxygen, ammoniacal nitrogen and nitrate-nitrogen to provide for ecosystem health are supported. The inclusion of nitrate nitrogen as a narrative attribute to meet Table 1a outcomes for periphyton, macrophytes and cyanobacteria for most water quality classes is supported.	Retain as notified
Lakes	Support	The inclusion of region-wide water quality limits for lakes are generally supported. Particularly the lake TLI scores and the reduction in the TLI (supertrophic) limit and associated total nitrogen and total phosphorus concentration limits for all other coastal lakes are supported. The ammonical nitrogen toxicity limits for lakes is supported.	Retain as notified
Planning Maps			
Indigenous Freshwater Species Habitat	Support in part	DOC provided CRC with known distributions of freshwater fish species. Development of these datasets are given in the Dunn 2017 report. DOC did not provide distributions of freshwater crayfish and freshwater mussels. DOC is supportive of the intent to include freshwater fish distributions in the plan and have specific standards to apply to these sites, however there are discrepancies between the data provided and the data presented in the maps. The reasoning for the difference, is in principle justified, however their process of removing artificial water bodies from the dataset has been inconsistently applied. DOC would be willing to work with CRC to refine this dataset should the opportunity arise. CRC need to identify the pathway by which this mapping dataset will be updated in the future.	Include wording to the effect of either with the mapping or as part of the definition as an interim measure if new sites are identified: <u>Where site specific information is available that identifies, better identifies or delineates an Indigenous Freshwater Species Habitat, that information must be taken into account when undertaking activities, or when determining resource consent applications for that site.</u>
Part B Section 8 Waimakariri			

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
8.1A Waimakariri Sub-region Definitions			
Ashley Estuary (Te Aka Aka) and Coastal Protection Zone; and related Policies 8.4.28 and 8.4.28A; and related Rules 8.5.24, 8.5.25 and 8.5.26	Support	These provisions are supported as providing appropriate management of land use for farming activities for the maintenance or enhancement of the quality of coastal spring fed streams and the Ashley Estuary / Te Aka Aka and its associated catchments.	Retain as notified.
Bird Colony And related Rules 8.5.35 and 8.5.37	Support in part	While the intended protection of nesting birds or colonies through this definition and the associated rules 8.5.35 and 8.5.37 it is not clear why this approach needs to be any different than for the existing approach taken by region wide permitted activity rules for activities in the beds of rivers. In new proposed rules 8.5.35 and 8.5.37 the trigger for non-compliance with the standard in relation to individual nests (i.e. not a 'bird colony' is no physical disturbance. The permitted standard for Rule 5.148 for example requires that there be no disturbance within 100 metres of any birds nesting or rearing young in the bed of the river.	Amend proposed Rules 8.5.35 and 8.5.37 so that works does not occur within 100 metres of individual nests that are in use.
8.4 Policies			
Policy 8.4.5	Support	The classification of these water bodies as natural state water bodies is supported as recognition that headwaters of these largely occur on public conservation lands managed for conservation purposes with limited impact from land use activities.	Retain as notified
Policies 8.4.6, 8.4.7, 8.4.8 and 8.4.9	Support	These policies are supported as recognition of the importance of freshwater resources to tangata whenua, by seeking the protection of wahi tapu and wahi taonga, the protection or enhancement of mahinga kai, and improvements to water quality and quantity.	Retain as notified
Policy 8.4.10 and Tables 8-1, 8-2 and 8-3	Support	The objective of improving flows for surface water bodies in the Waimakariri sub-catchment are supported including the minimum flows and staged increases in minimum flow set in associated Tables 8-1, 8-2 and 8-3	Retain as notified

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
Policy 8.4.15	Support	The reduction of over allocation of surface water through converting direct surface water takes to takes from deep groundwater is supported	Retain as notified
Policy 8.4.16	Support	The proposed restriction on further water takes makes an important link between water availability for aquatic ecosystems and water quality outcomes and is supported	Retain as notified
Policy 8.4.18	Support	The additional policy to assist with the phasing out of over allocation is supported. Unused or surplus water should be returned to the environment and not re-allocated.	Retain as notified
Policies 8.4.19, 8.4.20 and 8.4.21	Support	Targeted stream augmentation is supported. This is particularly provided the potential ecological effects of the activity are avoided and that the discharged water is not allowed to be taken and is for the purpose of enhancement of ecological or cultural values of freshwater.	Retain as notified
Policy 8.4.26 Rules 8.5.30 and 8.5.30A and Table 8-9	Support	The provisions relating to the requirement to meet staged reductions in nitrogen loss from farming land use as a reduction from good management practice losses is supported. The technical information supporting Part C to PC7 indicates that water quality outcomes for the sub-region will not be met by applying the region-wide nutrient management provisions, requiring further restrictions on farming activities and, in some cases, additional reductions in nitrogen losses, over time to move toward meeting the stated freshwater outcomes.	Retain as notified
Policies 8.4.28 and 8.4.28A, and Rules 8.5.24, 8.5.25 and 8.5.26	Support	The suite of provisions to protect and enhance the freshwater values of the Ashley Estuary/ Te Aka Aka and Coastal Protection Zone as mapped, is supported. Greater consideration of the potential impacts of irrigated land use and winter cropping activities on land adjacent to water bodies through resource consent requirements is supported and an important part of maintaining or enhancing habitat quality in this area.	Retain as notified
Policies 8.4.30, 8.4.31	Support	The extension of the coverage of the regional stock	Retain as notified

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
and 8.4.34, and Rules 8.5.33 and 8.5.34		exclusion provisions as they will apply to the Waimakariri sub-zone, to include springs and artificial watercourses that drain into a river is supported. These are likely to be either critical habitats that require protection or potentially critical source areas for contaminants entering freshwater if not protected for farmed stock access.	
Policies 8.4.32 and 8.4.33	Support	These policies enabling catchment restoration and enhancement activities to enhance values of riparian margins and wetlands are supported	Retain as notified
Policy 8.4.38	Support	The review of existing takes from surface water to align with increased minimum flows is supported as being necessary to ensure the higher minimum flows are implemented in a timely way to provide for enhanced habitat quality.	Retain as notified
Table 8a Freshwater Outcomes for Waimakariri Sub-region Rivers	Support	The general inclusion of a table of freshwater outcomes for the Waimakariri sub-region are supported. The attributes proposed including QMCI, dissolved oxygen, temperature, macrophytes, periphyton biomass (chlorophyll a) and cover, fine sediment cover, cyanobacteria cover, E. coli and cultural attributes. All of the numeric attribute states proposed are supported as these are appropriate to ensure the water quality aspects of ecosystem health are provided for.	Retain as notified
Table 8b Freshwater Outcomes for Waimakariri Sub-region Lakes	Support	The attributes for freshwater outcomes in lakes in the Waimakariri sub-region in particular dissolved oxygen, temperature, Lake SPI, TLI, Chlorophyll a, cyanobacteria, E. coli and cultural attributes are supported.	Retain as notified
Table 8-5 Water Quality Limits and Targets for Waimakariri Rivers	Support in part	The inclusion of water quality limits and targets associated with dissolved inorganic nitrogen (DIN), dissolved reactive phosphorus (DRP), nitrate nitrogen and ammoniacal nitrogen are supported. The DIN and DRP limits are sufficient for the purpose of controlling nuisance periphyton, macrophyte and cyanobacteria growth outcomes where there are	Ensure limits and or targets are set to be consistent with the freshwater outcomes set for rivers in the Waimakariri sub-zone

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
		both DIN and DRP limits set. However, it is difficult to see how the DIN and the nitrate nitrogen limits will work in tandem as the DIN limit in all cases is less then the nitrate nitrogen limit. DIN is the product of nitrate nitrogen plus nitrite nitrogen plus ammonia. If nitrate nitrogen is higher than DIN (as is proposed in the Table) then the DIN limit will not be met. The lack of DIN values in the Hill-fed lower and Spring-fed plains water body classes (those with N/A in the DIN column) is opposed. Limits for nitrate-nitrogen are set at the level of national bottom lines which puts an emphasis on staged reductions in nitrogen loss from farming land uses as is proposed in this plan change.	
Table 8-6 Water Quality Limits and Targets for Waimakariri Lakes		The inclusion of water quality limits for lakes in the Waimakariri sub-region is supported. Lake nutrient targets (total nitrogen and total phosphorus) are set at national bottom lines and as a target. This is consistent with the lake phytoplankton (chlorophyll a) outcomes to meet the national bottom line for Lakes in the Northern Waimakariri tributaries FMU but is not consistent with the Band B outcome for lakes in the Ashley River/Rakahuri FMU - it is unlikely that the lakes outcomes for Ashley/Rakahuri FMU will be met unless the targets are more stringent to achieve a Band B state for phytoplankton and the TLI outcome. The ammonical nitrogen A band state for lakes is supported.	Set targets for lakes in Table 8-6 that are in line with the freshwater outcomes set in Table 8b.
Table 8-9	Support	The proposed staged reductions in nitrogen loss for farming activities are generally supported as a necessary action to move toward achieving water quality limits and targets stated in the water quality limits tables of section 8.	
Section 13 Ashburton			
Policy 13.4.11 and Rule 13.5.26	Support	The amendment to this rule is supported as drains that are dry in this area can still provide significant	Retain as notified

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
		habitats for indigenous species	
Part C Section 14 Orari, Temuka, Opihi, Pareora			
14.4 Policies			
Policy 14.4.5	Support	Policy 14.4.5 and associated methods for the protection of rock art, waipuna and freshwater mataitai are supported.	Retain as notified
Policy 14.4.13	Support	The phasing out of over allocation by limiting transfer of water is supported. Unused or surplus allocation should be returned to the environment in these instances.	Retain as notified
Policy 14.4.15 and 14.4.16, and Rules 14.5.25 and 14.5.25A	Support	The extension to the regional stock exclusion rules for the OTOP zone to include special protection for springs, drains that discharge into surface water, and the Mataitai Freshwater Zone	Retain as notified
Policy 14.4.20 and Rules 14.5.19	Support	Further reductions in nitrogen loss from farming land uses in identified high nitrogen risk zones is supported as being a requirement to ensure freshwater outcomes are achieved for lakes and rivers in the OTOP sub-zone.	Retain as notified
Policy 14.4.21	Support	The review of resource consent for existing takes to impose new minimum flow restrictions is supported as an important part of maintain the integrity of the plan and moving towards providing for enhanced freshwater habitats.	Retain as notified
Policy 14.4.30 and Tables 14(i)-(l)	Support in part	The intent of the Policy 14.4.30 is supported as this catchment is currently severely overallocated and as a result the habitat quality is impacted. It would be preferable to see these improved flows implemented earlier than 2035. Higher minimum flows should also be imposed at Manse Bridge, especially for the Nov-Feb period. Habitat maintenance levels are much higher for many native invertebrate and fish species in the flow range of 1.4 – 2 m^3/s (and above).	Condense the timeframes for full implementation of the 2035 flow and allocation restrictions and set appropriate minimum flow for the Temuka River that will maintain habitat for indigenous invertebrates and fish species.
Policy 14.4.35 and Tables 14(v) and 14(w)	Support in part	Policy 14.4.35 is generally supported as are the proposed flow and allocation regimes for the Opihi mainstem detailed in Table 14(v) and 14(w)	Amend clause e. of Policy as discussed here.

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
		Regarding clause e. of Policy 14.4.35, there needs to be a maximum defined period for when flows can be kept at Level 2 flow regime to compensate for the volume of water released for the fresh – i.e., the volume recouped should only be that which comes from storage released from the dam. Flat lining should be avoided for extended periods, regardless of the monthly varying minimum flows. An alternative option for flow releases would be to ensure a given frequency of freshes with a minimum interval are observed at the flow recorder site at Saleyards Bridge during this period (e.g., FRE_3 events, 10 x times the preceding baseflow). Relating it back to the natural distribution and timing of fresh/flood flows would also benefit native fish migration requirements (as opposed to an aesthetic outcome), many of which occur in the November to March period. Such flow releases also need to be of sufficient magnitude to ensure mouth openings, especially in January and February (which have lower minimum flows, and when dissolved oxygen- and temperature-related stress are more likely to occur).	
Policy 14.4.36	Support	This policy is supported as clarifying the takes that apply to the various flow and allocation regimes in the tables 14(m) to 14(y).	Retain as notified
Policy 14.4.38	Support in part	It would be preferably for entry to and exit from Level 1 and 2 thresholds be reduced to weekly, or at least fortnightly. The flow regime should remain in place for the entirety of the week (or fortnight). This would help to prevent the Opihi River downstream of the dam being kept at a lower minimum flow unnecessarily if conditions changed within the month.	Amend Policy 14.4.38 so that application of level 1 or 2 alternative minimum flow is assessed on a weekly or at least two weekly cycle.
Table 14(v)	Support in part	It would be preferable to increase the Jan-Feb minimum flows (full availability, and levels 1 and 2 restrictions) on the Opihi River at Saleyards Bridge to allow greater food producing habitat for aquatic invertebrates, which would help to sustain a greater biomass of fish and birds. This period also coincides	Amend table 14(v) to increase the Jan-Feb minimum flows for the Opihi River at the Saleyards Bridge to provide for enhanced instream habitat values.

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
		with the entry of juveniles of many native fish into the river, which would benefit from increased putative prey resources. Furthermore, analysis by ECan shows that the triggers suggested by AMWG would keep the lower Opihi River in level 1 and 2 restriction minimum flows for extended periods in most years on record (from 1998 to 2017). ECan's volumetric irrigation restrictions are also appear easier to implement and monitor, and are needed to afford greater protection to instream values.	
Table 14(a) Freshwater Outcomes for Orari-Temuka-Opihi-Pareora Rivers	Support in part	The inclusion of the table of freshwater outcomes for the OTOP sub-region and the attributes proposed including QMCI, dissolved oxygen, temperature, macrophytes, periphyton biomass (chlorophyll a) and cover, fine sediment cover, cyanobacteria cover, E. coli and cultural attributes and the numeric attribute states for the catchment types are supported.	Retain as notified
Table 14(b) Freshwater Outcomes for Orari-Temuka-Opihi-Pareora Lakes	Support in part	The attributes for freshwater outcomes in lakes in the OTOP sub-region are supported, in particular the dissolved oxygen, temperature, Lake SPI, TLI, Chlorophyll a, cyanobacteria, E. coli and cultural attributes.	Retain as notified
Table 14c Water Quality Limits for Orari-temuka-Opihi-Pareora Rivers	Support in part	Water quality limits to achieve freshwater outcomes in OTOP rivers are generally supported, in particular DIN and DRP limits to control periphyton, macrophyte and cyanobacteria growth. The absence of DIN limits for some catchments is not supported. This approach risks freshwater outcomes for nuisance periphyton, macrophyte or cyanobacteria growth may not be met in these rivers. To control nuisance growth, it is necessary to control both DIN and DRP (Wilcock et al. 2007). For two of these sites, Nitrate nitrogen targets are set in Table 14d to reduce nitrogen concentrations by 2040. However, there are other sites where nitrate nitrogen limits are set ostensibly at current concentrations. Although these concentrations are set to control toxic effects (see below) they will not	Ensure limits are set that allow for freshwater outcomes to be achieved.

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
		be adequate to prevent adverse effects on ecosystem health. The DIN limits for Orari River at Parke Road, Temuka River at Manse Bridge and potentially Opihi River at Rockwood may not be adequate to control nuisance periphyton, macrophytes or cyanobacteria and protect ecosystem health in these rivers. DRP limits which are too high to control nuisance growth and protect ecosystem health are set for Ohapi Creek upstream Orari confluence, Taumatakahu River at Murray Street, Orakipaoa Creek at Milford Lagoon Road, Taitarakihi Creek at SH1 Bridge, Saltwater Creek at Sh1 Bridge, Seadown Drain above No 1 Drain confluence, and particularly high at Washdyke Creek (which may jeopardise meeting freshwater outcomes in Washdyke Lagoon if it flows into the lagoon). Nitrate-nitrogen limits appear to be set at current state concentrations. In many cases nitrate toxicity is within the A or B bands of the NOF, for those in the B band some growth effects on up to 5% of species may occur. McKinnons Stream at Wallaces Bridge, Petries Drain at Canal Road, Smithfield Creek at Te Awa Road, Washdyke Creek and Seadown drain are set in the C band and in some cases near or at the national bottom line. This equates to potential growth effects on up to 20% of species (mainly sensitive species such as fish), although acture effects (mortality) are unlikely. If there are high value or threatened species sites further reduction in nitrate-nitrogen should be sought to protect these areas. These concentrations may jeopardise the freshwater outcomes being achieved and are unlikely to protect ecosystem health or mahinga kai values.	
Table 14e Water Quality Limits for Orari-Temuka-Opihi-	Support in part	The inclusion of water quality limits for total nitrogen, total phosphorus and ammonia to achieve freshwater outcomes in OTOP lakes is generally	Amend the relevant table to set appropriate targets for ammoniacal nitrogen in Waitarakao/Washdyke Lagoon to align with achieving the outcomes for lakes in Table

PLAN PROVISION	POSITION	REASON FOR POSITION	RELIEF SOUGHT
Pareora Lakes		supported. The total phosphorus limit for Lake Opuha in Table 14e is supported. Ammoniacal nitrogen limits for Waitarakao/Washdyke Lagoon are set at national bottom lines. Freshwater outcomes are unlikely to be met at these concentrations with 20% of the most sensitive species regularly impacted and a reduced survival of most sensitive species. Therefore, ecosystem health will not be protected and targets for improvement are needed, rather than maintenance of water quality with respect to ammonia.	14(b)
Table 14f Water Quality Targets for Orari-Temuka-Opihi-Pareora Lakes	Support in part	The total nitrogen target for lake Opuha to get to the B band in the NPSFM NOF is supported. Washdyke Lagoon targets for total nitrogen and total phosphorus are set at NPSFM bottom lines. It is unlikely that lake phytoplankton outcomes in Table 14b will be able to achieve the B band status from the NPSFM NOF if nutrient targets are set at national bottom lines (C band).	Amend nutrient targets for Lake Waitarakao/Washdyke Lagoon to align with the outcomes stated in Table 14b
Table 14(zc)	Support	The proposed staged reductions in nitrogen loss for farming activities are generally supported as a necessary action to move toward achieving water quality limits and targets stated in the water quality limits tables of section 14.	Retain as notified
14.8 High Naturalness Water Bodies	Support	The inclusion of Milford Lagoon and Orakipoa Creek as high naturalness water bodies and added recognition of the cultural and ecological significance of these water bodies through the rules of the Regional Plan.	Retain as notified