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Subject: Plan Change 7 Part A - Nga Runanga Submission
Date: Friday, 13 September 2019 4:08:38 PM
Attachments: [CLWRP PC7 Part A - Nga Runanga Submission.pdf](#)

Tena koe

Please find attached a submission from Nga Runanga on Plan Change 7 Part A.

Ka mihi
Matthew

Matthew Ross | Programme Leader – Mana | Kaiarahi – Mana

Te Ao Turoa

Te Runanga o Ngai Tahu

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Te Rūnanga o Ngāi Tahu

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Form 5: Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 5 of Schedule 1 of the Resource Management Act 1991

SUBMISSION ON THE PROPOSED PLAN CHANGE 7 TO THE CANTERBURY LAND AND WATER PLAN – PART A OMNIBUS PLAN CHANGE

Date: 13 September 2019

To: Proposed Plan Change 7 to the Land and Water Regional Plan
Environment Canterbury
PO Box 345
Christchurch 8140
mailroom@ecan.govt.nz

Name of person making submission:

Te Rūnanga o Ngāi Tahu and Te Rūnanga o Kaikōura, Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, Ōnuku Rūnanga, Wairewa Rūnanga, Te Taumutu Rūnanga, Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki (Collectively referred to as Ngā Rūnanga)

Trade Competition: Ngā Runanga could not gain an advantage in trade competition through this submission.

These are submissions in support or opposition to Plan Change 7 to the Canterbury Land and Water Regional Plan – Part A Omnibus Plan Change.

1. Introduction

- 1.1. Te Rūnanga o Ngāi Tahu (Te Rūnanga) is statutorily recognised as the representative tribal body of Ngāi Tahu whānui and was established as a body corporate on 24th April 1996 under section 6 of Te Rūnanga o Ngāi Tahu Act 1996 (the Act).
- 1.2. Te Rūnanga consists of eighteen Papatipu Rūnanga who uphold the mana whenua and mana moana of their rohe. Ngāi Tahu whānui comprises over 64,000 registered iwi members. The takiwā (region) of Ngāi Tahu in Te Waipounamu covers the largest geographical area of any tribal authority. Te Rūnanga respectfully requests that Canterbury Regional Council accord this response the status and weight due to the tribal collective, Ngāi Tahu whānui, registered in accordance with section 8 of the Act.
- 1.3. Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses in relation to this matter.
- 1.4. Papatipu Rūnanga are defined in section 9 of the Act. This includes Te Rūnanga o Kaikōura, Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, Ōnuku Rūnanga, Wairewa Rūnanga, Te

Taumutu Rūnanga, Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki.

2. Te Rūnanga and Papatipu Rūnanga Interests in Plan Change 7 Part A

2.1. Te Rūnanga notes the following particular interests in Plan Change 7 Part A:

Treaty Relationship

- Te Rūnanga o Ngāi Tahu have an expectation that the Crown will honour Te Tiriti o Waitangi (the Treaty) and the principles upon which the Treaty is founded. Environment Canterbury, as the delegated representative of the Crown, is required to take into account the principles of the Treaty of Waitangi in exercising its functions.
- Te Rūnanga is reliant upon Council decision-makers understanding the Treaty context in which they operate and the need to uphold Crown responsibilities that have been delegated to them. The Productivity Commission summed up this extension of the Treaty relationship in its 2013 report *Towards Better Local Regulation*:

“if the Crown chooses to delegate to local authorities responsibility for the control of natural resources, it must do so in terms which require local authorities to afford the same degree of protection as is required by the Treaty to be afforded by the Crown.”
[p179]

- The Waitangi Tribunal Ngāi Tahu Report 1991 investigated the “nine tall trees” of Te Kerēme (Wai 27, the Ngāi Tahu claim), namely the eight regional purchases of Ngāi Tahu lands over two decades between 1844 and 1864, and Ngāi Tahu claims to mahinga kai resources (the “ninth tree”). This was the culmination of a claims process unfolded over 140 years. Section 4.7.11 of the 1991 Report records the following excerpt from the Court of Appeal ruling of Sir Robin Cooke:

*“the duty of the Crown is not merely passive but extends to active protection of Maori people in the use of their lands and waters to the fullest extent practicable.”*¹

Kaitiakitanga

- In keeping with the kaitiaki responsibilities of Ngāi Tahu whānui, Te Rūnanga has an interest in ensuring sustainable management of natural resources, including protection of taonga species and mahinga kai for future generations.
- Ngāi Tahu whānui are both users of natural resources, and stewards of those resources. At all times, Te Rūnanga is guided by the tribal whakataukī: “mō tātou, ā, mō kā uri ā muri ake nei” (*for us and our descendants after us*).

¹ *New Zealand Māori Council v Attorney-General* [1987] 1 NZLR 641

Whanaungatanga

- Te Rūnanga has a responsibility to promote the wellbeing of Ngāi Tahu whānui and ensure that the management of Ngāi Tahu assets and the wider management of natural resources supports the development of iwi members.

- 2.2. Te Rūnanga has a specific interest in this plan change by virtue of the Ngāi Tahu Claims Settlement Act 1998 (the NTCSA). The Act provides for Ngāi Tahu and the Crown to enter an age of co-operation. An excerpt from the Act is attached as Appendix One, as a guide to the basis of the post-Settlement relationship, which underpins this response.
- 2.3. The Crown apology to Ngāi Tahu is a recognition of the Treaty principles of partnership, active participation in decision-making, active protection and rangatiratanga.
- 2.4. With regards to the Ngāi Tahu takiwā, Section 5 of the Te Rūnanga o Ngāi Tahu Act 1996 statutorily defines the Ngāi Tahu takiwā as those areas “south of the northern most boundaries described in the decision of the Māori Appellate Court ...” which in effect is south of Te Parinui-o-Whiti on the East Coast and Kahurangi Point on the West Coast of the South Island.
- 2.5. Section 2 of the Ngāi Tahu Claims Settlement Act 1998 statutorily defines the Ngāi Tahu claim area as being:

the area shown on allocation plan NT 504 (SO 19900), being—

- a) *the takiwā of Ngāi Tahu Whānui; and*
- b) *the coastal marine area adjacent to the coastal boundary of the takiwā of Ngāi Tahu Whānui; and*
- c) *the New Zealand fisheries waters within the coastal marine area and exclusive economic zone adjacent to the seaward boundary of that coastal marine area;—
and, for the purposes of this definition, the northern sea boundaries of the coastal marine area have been determined using the equidistance principle, and the northern sea boundaries of the exclusive economic zone have been determined using the perpendicular to the meridian principle from the seaward boundary of the coastal marine area (with provision to exclude part of the New Zealand fisheries waters around the Chatham Islands).*

- 2.6. The Canterbury Region is within the Ngāi Tahu takiwā.

3. Submissions – General

Our submission is:

- 3.1. Appendix 1 sets out the submission. A summary of Appendix 1 as it relates to each of the Omnibus amendments is contained in the following section.

4. Summary of Appendix 1:

Improvements to address Mana Whenua values

- 4.1. Ngā Rūnanga support the inclusion of mana whenua values as matters for which discretion is reserved. The inclusion of these values facilitates the protection of wāhi tapu, wāhi taonga and the recognition of kaitiakitanga, mauri and mahinga kai with regards to freshwater.

Increased protection of indigenous freshwater species habitat

- 4.2. Ngā Rūnanga support the inclusion of provisions that provide for increased protection of indigenous freshwater species. As drafted however the plan omits taonga species including tuna, pātiki/flounder, and tuaki/cockles.

- 4.3. Consideration should be given to the inclusion of tuna, pātiki/flounder and tuaki/cockles, their key habitat areas and whether these can be captured by extension of, or incorporation of, additional areas on the maps. The increased protection of these habitats should not be excluded on the basis that they are extensive areas as there are significant risks posed to these species from habitat loss as a result of land and water use activities.
- 4.4. Some of the mapped sites are very specific, a few metres in length and isolated from other areas. There is therefore a need to ensure the provisions not only protect the mapped sites but also manage land and water use activities up and downstream that may affect them. This ki uta ki tai approach reflects the interconnectedness of land, water and resources, and is reflected in the national Policy Statement for Freshwater Management 2017 (NPSFW 2017). The mapping does not reflect the extent of habitat that some species need to survive and suggests their entire life cycles and habitat needs are provided for within those areas mapped. Changes to the Plan are therefore necessary to protect the habitat area and surrounds.
- 4.5. The amendments to ensure fish passage is not restricted are supported. This recognises the important need for many species to be able to migrate for breeding, such as tuna.

Salmon Spawning sites

- 4.6. Ngā Rūnanga neither supports or opposes the inclusion of salmon spawning sites. Some Rūnanga are strongly opposed to the protection of a species they see as a pest. However, it is acknowledged that protecting salmon spawning habitat may have benefits to native species that share this habitat, for example tuna, kōaro, inaka and smelt. Ngā Rūnanga do however seek assurances that any changes will not increase the impacts of salmonids on native fish.

Areas of rivers or lakes commonly used for freshwater bathing

- 4.7. Ngā Rūnanga support the addition of new bathing sites and seek that the list includes all freshwater bodies in Canterbury in the long term. Ngā Rūnanga recommend the addition of Waiwera (Lake Forsyth) and Te Waihora to the list. These are sites where mahinga kai practices and recreational activities occur and could continue to do so in the future with appropriate management.
- 4.8. Ngā Rūnanga see these provisions as a step towards the long-term goal of ensuring that the quality of all freshwater water is at drinking water standard not just bathing standard. It is imperative water is safe not just for recreational activities like swimming but also for undertaking practices associated with mahinga kai. This is a reflection of Te Mana o Te Wai as a matter of national significance in the NPSFW 2017. This requires putting the needs of waterbodies first and promoting the three hauora (health of the water, health of the environment and health of the people) above uses of freshwater.

National Policy Statement for freshwater management updates

- 4.9. Ngā Rūnanga support the amendment of Table 1a and 1b in so far as it is intended to recognise the NPSFW 2017 and the need to meet or exceed national bottom lines (noting that Tables 1a and 1b being for those sites where objectives and limits have not been set using through a Freshwater Management Unit process under the NPSFW 2017). Policy 4.1 however anticipates that these outcomes must be met by 2030. While it is recognised that the Plan should contain outcomes that need to be met until limits can be established through an FMU process, these should not result in water quality outcomes being set at a low level or allowing the degradation

of waterbodies. The NPSFW requires water quality to be maintained where it is above the National Bottom Line and improved where it is degraded. Table 1a and 1b should therefore be amended so the outcomes are maintained where they are above a B Band in the NPSFW and improved to at least a B Band where they are below.

- 4.10. Ngā Rūnanga support the inclusion of attributes that recognise the abundance of freshwater mahinga kai species for customary gathering, water quality that is suitable for their safe harvest and kai that is safe to eat. Ngā Rūnanga question how lake trophic level attributes that are set at a low level provide for mahinga kai practices.
- 4.11. There are also discrepancies between the Table 1b freshwater outcomes for Canterbury lakes and the region wide limits for lakes in Schedule 8 with regard to the outcomes for lakes referenced as follows: Māori Lakes, Lake Emily and Lake Georgina. The Outcome Trophic Level Index (TLI) for these lakes is 4, but the target is TLI 3 or less, and some of the outcome attributes are also pointing to an outcome of the lesser TLI. Furthermore, the LAWA site states a trophic level of 3 for Muriwai (Coopers Lagoon) and a change for this lake to a TLI of 5 as a part of amendments to all coastal lakes is not supported.

National environmental standards for plantation forestry

- 4.12. Ngā Rūnanga support there being more stringent rules than the National Environmental Standards for Plantation Forestry for flow sensitive habitats, indigenous fish species habitat, wetlands, inaka spawning sites and where the effects will exceed specified levels of suspended solids.
- 4.13. Ngā Rūnanga seek that similar provisions are applied for the protection of those areas of limestone where rock art is present. Rock art is hydrologically sensitive and therefore may be affected by forestry practices.

Commercial vegetable growers

- 4.14. Ngā Rūnanga support this Plan Change in so far as it provides for nutrient management. However, assurance is sought that this outcome is not affected by the conclusions of the Good Management Practice Technical Working Group with regard to the reliability of the fertiliser and irrigation proxies of the Farm Portal. The fertiliser and irrigation proxies are central to those components of Plan Change 7 that are seeking to manage to freshwater limits.
- 4.15. Over time Rūnanga seek commercial growers move towards organic management practices, with a focus on building organic matter back into the soils.

Managed aquifer recharge

- 4.16. Ngā Rūnanga support the inclusion of specific provisions for Managed Aquifer Recharge (MAR) in as far as it provides clear direction as to the regulatory requirements of undertaking this activity. Ngā Rūnanga do not however support the use of MAR should it become a mechanism to offset the effects of land use on water quality where a change to land use would also achieve the same outcome. Ngā Rūnanga consider it appropriate that any benefits are weighed against the impacts on the source water body from the take and mixing of waters.
- 4.17. Ngā Rūnanga support the addition of Policies 4.99 and 4.100 but seek these are reworded so that it is clear that MAR is a tool that is used only where:

- a) Land use practices are appropriate to avoiding adverse effects on the freshwater environment including providing for mahinga kai;
 - b) Water use for MAR does not cause the source water body to be overallocated; and
 - c) Flows within the source waterbody remain at a level and quality that they can sustain healthy populations of taonga species.
- 4.18. Ngā Rūnanga seek that MAR is made a non-complying activity except where it will cause the source water body to exceed any environmental flow or allocation limits set. Where MAR will cause environmental flow and allocation limits to be exceeded then it needs to be prohibited.
- 4.19. Ngā Rūnanga seek that rules are redrafted to ensure they clearly exclude the discharge of treated or untreated wastewater into an aquifer system for the purposes of MAR.

Hinds drains

- 4.20. Te Rūnanga o Arowhenua and Te Rūnanga o Ngāi Tahu support this plan change in that it implements the recommendations of the Hinds Drains Working Party.

5. Conclusion:

- 5.1. The amendments and additions Ngā Rūnanga seek to this plan are to better incorporate the broader interests and aspirations of Ngāi Tahu in managing the impacts of farming activities across the region and addressing rights and interests. Ngā Rūnanga consider the changes are necessary to:
- recognise protected customary rights;
 - achieve the purpose of the Resource Management Act 1991;
 - give effect to the National Policy Statement for Freshwater 2017;
 - give effect to the operative Canterbury Regional Policy Statement; and
 - take into account relevant iwi management plans.
- 5.2. These reasons apply to every decision requested in this submission, along with any additional specific reasons listed under each submission point.

6. Decisions sought:

- 6.1. The specific decisions sought are listed in Appendix 1. Text to be deleted is either described in a narrative manner or shown as strikethrough (except where whole sections are to be replaced). Replacement or additional text is either described in a narrative manner or shown as underlined.
- 6.2. Where a specific provision is not addressed, Ngā Rūnanga seek that this is not amended in a way that diminishes its intent particularly where the amendment would diminish Te Mana o te Wai and Te Mana o te Whenua (the mana of the land).
- 6.3. We also seek any consequential amendments necessary to give effect to the decisions sought.
- 6.4. The reasons for our support or opposition are also set out in Appendix 1.

We DO wish to be heard in support of our submission.

Signature of person authorised to sign on behalf of persons making submission

A handwritten signature in black ink that reads "RClements". The signature is written in a cursive style with a long horizontal stroke at the end.

Rebecca Clements
Acting General Manager | Te Ao Tūroa
Te Rūnanga o Ngāi Tahu

Date: 13 September 2019

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APPENDIX 1: SUBMISSION

Plan Provision	Support or oppose (in part or full)	Reason for Amendment	Relief Sought
Definition – defence against water	Oppose	The addition of “or any re-contouring or re-battering” to the definition makes the scope of works associated with this definition uncertain. Rule 5.13B makes defences against water a permitted activity subject to conditions. It is uncertain the extent to which “any re-contouring or re-battering” differs from “maintenance” provided for in the rule. It does however suggest that significant damage could occur to the bed as the rule does not contain, for example, area or volume limits and is therefore opposed.	Delete the wording “or any recontouring or re-battering” from the definition of defence against water.
Definition - indigenous freshwater species habitat	Support in part	<p>Agree with the need to include provisions that provide for increased protection of indigenous freshwater species. As drafted however the approach omits taonga species including tuna, pātiki/flounder, and tuaki/cockles.</p> <p>The definition as currently drafted means that if a species is removed or not within a habitat that area does not have to be considered as an indigenous freshwater species habitat. It is suggested the wording is amended to protect the habitat area identified.</p>	<p>Amend definition to read:</p> <p>Indigenous freshwater species habitat 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:</p> <ol style="list-style-type: none"> 1. Giant kōkopu/Taiwharu (<i>Galaxias argenteus</i>) 2. Lowland longjaw galaxias (Waitaki) (<i>Galaxias cobitinis</i>) 3. Canterbury mudfish/Kōwaro (<i>Neochanna burrowsius</i>) 4. Bignose galaxias (<i>Galaxias macronasus</i>) 5. Upland longjaw galaxias (<i>Galaxias prognathus</i>) 6. Upland longjaw galaxias (Waitaki) (<i>Galaxias prognathus</i>) 7. Shortjaw kōkopu (<i>Galaxias postvectis</i>) 8. Northern flathead galaxias (Species N (undescribed)) 9. Lamprey/Kanakana (<i>Geotria australis</i>) 10. Freshwater crayfish/Kekewai (<i>Paranephrops zealandicus</i>) 11. Freshwater mussel/Kākahi (<i>Echyridellamenziesi</i>) <u>12. Longfin eel/tuna (<i>Anguilla dieffenbachii</i>)</u> <u>13. Short finned eel/ tuna (<i>Anguilla australis</i> Richardson)</u>

			<u>14. Pataki/Flounder</u> <u>15. tuaki/cockles</u>
Definition – Managed aquifer recharge	Support in part	<p>Managed aquifer recharge (MAR) internationally includes activities such as rainwater harvesting, municipal and industrial recycled water management that go beyond what is anticipated by the rules in this plan.</p> <p>It is recommended that the activity expressly excludes other uses of MAR including municipal and industrial waste disposal. It is suggested that the definition provided for in the Plan can remain broad in focus provided the rules expressly exclude waste water (treated and untreated).</p>	Retain the definition as drafted but make amendments to the rules to ensure that MAR expressly excludes the discharge of waste water (treated or untreated).
Strategic policy 4.6	Support in part	<p>The needs of drinking water for people should be listed before that of stockwater.</p> <p>Do not consider that water for the operation and maintenance of existing infrastructure should be provided for in high naturalness water bodies.</p>	<p>Amend 4.6 to read:</p> <p>In high naturalness water bodies listed in Sections 6 to 15, the damming, diverting or taking of water is limited to that for an individual or community's stock or drinking water <u>needs or a person or community's stockwater needs, and water for the operation and maintenance of existing infrastructure.</u></p>
Table 1a and Table 1b	Oppose in part	<p>While it is recognised that the Plan should contain outcomes that need to be met until limits can be established through an FMU process, these should not result in water quality outcomes being set at a low level or allowing degradation of waterbodies. This approach would not give effect to the NPSFW. Table 1a and 1b should be amended so the outcomes are maintained where they are above a B Band in the NPSFW and improved to at least a B Band where they are below.</p> <p>The tables provide for mahinga kai but it is uncertain how this is considered achievable when some water bodies will be at or below the National Bottom Line of the NPSFW 2017. Ngā Rūnanga seek water quality to be at A Band.</p> <p>There are also discrepancies between the Table 1b freshwater outcomes for Canterbury lakes and the region wide limits for lakes in Schedule 8 with regard to the outcomes for lakes referenced as follows: Māori Lakes, Lake Emily and Lake Georgina. The Outcome TLI for these lakes is 4, but the target</p>	<p>Amend Tables 1a and 1b so that:</p> <ul style="list-style-type: none"> - The outcomes sought in the tables align with and allow the cultural attributes to be achieved by requiring water quality limits, where these are currently at or below the National Bottom Line of the NPSFW to be higher than the National Bottom Line by 2030. - Water in Muriwai (Coopers Lagoon) is attributes are set at outcome levels higher than other Coastal Lakes, for example a Trophic Level Index score of 3 rather than 5. - Coastal lake outcomes achieve a level higher than meeting the National Bottom Line of the NPSFW by 2030 - Amend discrepancies between Table 1b and Schedule 8 for Maori Lakes, Lakes Emily and Georgina by ensuring the Trophic Level Index target is 3 not four.

		is TLI 3 or less, and some of the outcome attributes are also pointing to an outcome of the lesser TLI. Furthermore, the LAWA site states provides a trophic level of 3 to Muriwai/Coopers Lagoon. It is not supported that this lake is amended to 5 as a part of all coastal lakes.	
Policy 4.31	Support	The provision excludes stock from any indigenous freshwater species habitat.	Retain as worded.
Policy 4.36A	Support	The provision recognises and provides a clear framework that provides for commercial vegetable operations.	Retain as worded.
Policy 4.47	Support	Additional wording recognises effects of small scale diversions resulting from the removal of gravel and earthworks on ecological, cultural, recreational or amenity values need to be minimised.	Retain as worded.
Policy 4.61A	Support in part	The inclusion of this policy recognises the effect that abstraction of water has on indigenous freshwater species which are a taonga for Ngā Rūnanga and their associated habitat. However, where there will be creation of a new habitat, the new habitat should be an improvement not just the same.	Retain as worded except for rewording (b) to read: If the application is to take water for a community water supply and the take would reduce the area or compromise the value of the Indigenous Freshwater Habitat, allow any significant adverse effects on the habitat to be offset by the creation of a new habitat in the same surface water catchment and with the same or improved habitat characteristics.
Policy 4.99	Oppose in part	While it is acknowledged that MAR is likely to be used as a part of a suite of methods to improve freshwater quality within a catchment it should not be used until alternative mitigations, including land use practices operating at or above GMP, have been applied. MAR should not result in over-allocation of a surface water body.	Amend 4.99 to read: Improve the quality and/or quantity of groundwater, and any hydraulically connected surface water body, by providing for managed aquifer recharge where: (a) Alternative mitigations, in addition to managed aquifer recharge have been or will be implemented to improve water quality and quantity in the receiving water body; (b) The take is not from a surface water body where Adverse effects will be minimised for any take from a surface water body where the environmental flow and water allocation limits <u>will be</u> are exceeded. <i>[Retain remainder as proposed]</i>

Policy 4.100	Oppose in part	Over-allocation of surface water should not be provided for in MAR.	<p>Retain Policy 4.100 as proposed except for the following amendment:</p> <p>a. <u>Avoid any further overallocation of surface water. Restrict any further over-allocation of surface water to proposals which demonstrate the environmental benefits of the managed aquifer recharge to the receiving waterbody outweigh any adverse effects;</u> and [...]</p>
Policy 4.101	Support in part	<p>It is considered the policy as drafted does not prevent incremental loss of the quality and quantity of the habitats of indigenous freshwater species. It is also not clear if the policy is intended to provide for works within these habitats or to activities which may affect these habitats.</p> <p>Given the policy relates to sites which are severely restricted in size and number, and that a number of the species within them are rare and/or threatened, damage or loss of their habitat should only be allowed in exceptional circumstances.</p> <p>Agree with the intent of the policy to provide greater protection for indigenous freshwater species habitat however, as drafted, it allows the opportunity to damage these habitats.</p> <p>The inclusion of the words “or mitigated” in clause (a) negates the intent of the policy to avoid damage or loss.</p> <p>Agree that it could be appropriate that loss or damage to habitat could be offset by establishing a new habitat in the same waterbody catchment but again this should be an exception. If an offset is to be used the new habitat should be an improvement on the previous.</p>	<p>Suggest that the policy is split into two policies as follows:</p> <ul style="list-style-type: none"> - Policy 1 - Avoids damage to indigenous freshwater habitats unless the damage is associated with the maintenance or enhancement of that habitat or the habitat loss will be offset by the creation of a new habitat in the same surface water catchment and with improved habitat circumstances - Policy 2 – Mitigates the effects from sediment discharges, vegetation clearance, excavation and deposition or other disturbance in surface water bodies where there is an Indigenous Freshwater Species habitat.
Policy 4.102	Support	Support the intent but suggest could be written more clearly.	<p>Suggest could be amended to read:</p> <p>Structures enable the safe passage of fish whilst avoiding, as far as practicable, the passage of any invasive, pest or nuisance fish species by:</p> <ul style="list-style-type: none"> - Appropriate design, construction, installation and maintenance of new structures; and - Removal or modification of existing structures

Rule 5.9	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.11	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.13	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.15	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.17	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.26	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.28	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.36	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.40	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.42CA	Oppose in part	<p>The discharge of nutrients from small scale vegetable growing operations is accepted in so far as it provides clear direction for commercial growers.</p> <p>There is however no link from these commercial rules to requirements established within the sub-regional sections of the Plan. For example, commercial growers in Selwyn currently need a consent if in the Cultural landscapes management area. As drafted Rule 5.42CA would mean</p>	<p>Retain Rule 5.42CA as drafted but add:</p> <ol style="list-style-type: none"> <u>A Management Plan has been prepared in accordance with Schedule 7A and is implemented within 12 months of the rule being made operative and supplied to the Canterbury Regional Council on request.</u>

		<p>these would no longer require a resource consent and the effects on Ngā Rūnanga could not be considered under the discretions. There is no consideration of Ngāi Tahu values.</p> <p>There should be the requirement to prepare a Management Plan for Farming Activities as outlined in Schedule 7A.</p>	<p>Include a condition that requires adherence to particular overlays or requirements established in sections 6 to 15 of the Plan. For example, commercial growers in Selwyn currently need a consent if in the Cultural landscapes management area.</p>
Rule 5.42CB	Support in part	<p>Commercial growing operations can have high nutrient discharges so agree that the activity status for discharges from these operations should be restricted discretionary.</p> <p>There is however no link from these commercial rules to requirements established within the sub-regional sections of the Plan. For example, commercial growers in Selwyn currently need a consent if in the Cultural landscapes management area. As drafted Rule 5.42CA would mean these would no longer require a resource consent and the effects on Ngā Rūnanga could not be considered under the discretions. There is no consideration of Ngāi Tahu values.</p>	<p>Retain Rule 5.42CB as worded except for the following amendment:</p> <p>Include as a matter of consideration a condition that requires the commercial grower to demonstrate how they are meeting any cultural overlays or other requirements provided for in the sub-regional sections of the Plan.</p>
Rule 5.42CC	Support	<p>Commercial growing operations can have high nutrient discharges.</p>	<p>Retain Rule 5.42CC as worded.</p>
Rule 5.42CD	Support	<p>Commercial growing operations can have high nutrient discharges.</p>	<p>Retain Rule 5.42CD as worded.</p>
Rule 5.62	Oppose in part	<p>The discharge of nutrients from irrigation schemes or principal water suppliers can have significant effects on the environment. These schemes manage nutrient discharges across farms resulting in the potential for hot spots and affecting areas of significance to mana whenua. These matters are not necessarily addressed though the nutrient loss being equal to or less than current levels.</p> <p>Providing for mana whenua and the wider community to participate, though public or limited notification, should be an option provided to the Council.</p>	<p>Amend Rule 5.62 as follows:</p> <p>Notification</p> <p>Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification, provided that:</p> <p>1. The nutrient loss is equal to or less than that currently authorised through conditions on a water permit to take and use water; or</p> <p>2. The nutrient loss is equal to or less than the aggregation of the nutrient baseline across properties within the command area, calculated on a surface water catchment basis.</p>

			Note: That limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.
Rule 5.71	Support	Agree that it is appropriate to extend the rule to prohibit farmed cattle, farmed deer and farmed pigs from indigenous freshwater species habitat and to provide a setback distance from freshwater bathing sites.	Retain as worded.
Rule 5.110	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.115	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.117	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.120	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.123	Support in part	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule. The take and use of water can adversely affect habitats of indigenous fauna and flora and the effect of this should be considered when exercising discretion.	Retain as worded except for adding new matter that discretion is restricted to: <u>(x) The potential adverse effects on Indigenous freshwater species habitat.</u>
Rule 5.126	Support in part	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule. The take and use of water can adversely affect habitats of indigenous fauna and flora and the effect of this should be considered when exercising discretion.	Retain as worded except for adding new matter that discretion is restricted to: <u>(x) The potential adverse effects on Indigenous freshwater species habitat.</u>

Rule 5.128	Support	<p>This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.</p> <p>The take and use of water can adversely affect habitats of indigenous fauna and flora and the effect of this should be considered when exercising discretion.</p>	<p>Retain as worded except for adding new matter that discretion is restricted to:</p> <p><u>(x) The potential adverse effects on Indigenous freshwater species habitat.</u></p>
Rule 5.133	Support in part.	<p>Support the inclusion of the matter of discretion relating to Ngā Rūnanga values, wāhi tapu and wāhi taonga.</p> <p>The temporary or permanent transfer of water in whole or in part can affect waterbodies of significance to mana whenua. These matters may not be addressed though consideration of Ngāi Tahu values as a matter of discretion. Providing for mana whenua and the wider community to participate, though public or limited notification, should be an option provided to the Council.</p> <p>Transfer of water can affect habitats of indigenous fauna and flora and the effect of this should be considered when exercising discretion.</p>	<p>Retain Rule 5.133 except for the following amendments:</p> <p>Add new matter that discretion is restricted to:</p> <p><u>(x) The potential adverse effects on Indigenous freshwater species habitat.</u></p> <p>Delete the following notification statement:</p> <p>Notification</p> <p>Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.</p> <p>Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.</p>
Rule 5.136	Support	<p>The amendment provides for the protection of indigenous freshwater species habitat.</p>	<p>Retain as worded.</p>
Rule 5.137	Support	<p>The amendment clarifies that the excavation and disturbance of is associated with the installation alteration, extension or removal of bridges and culverts.</p> <p>The amendment further provides for the protection of indigenous freshwater species habitat.</p>	<p>Retain as worded.</p>
Rule 5.138	Support	<p>The rule restricts sediment laden water discharging into an artificial watercourse.</p> <p>The provision does not permit works in Indigenous Fish Species habitat.</p>	<p>Retain as worded.</p>

Rule 5.139	Support	The provision does not permit works in Indigenous Fish Species habitat.	Retain as worded.
Rule 5.140	Support	Amendments clarify the intent and extent of temporary works permitted in association structures in, on or under the bed of a river or lake. The provision does not permit works in Indigenous Fish Species habitat.	Retain as worded.
Rule 5.140A	Support	The provision does not permit works in Indigenous Fish Species habitat.	Retain as worded.
Rule 5.141	Support	Agree to clearer limits on suspended solids. The provision does not permit works in Indigenous Fish Species habitat.	Retain as worded.
Rule 5.148	Support	Rule clearly excludes the diversion of water within a river. The provision does not permit works in Indigenous Fish Species habitat.	Retain as worded.
Rule 151	Support	The Rule provides for fish passage and prevents fish stranding. The provision does not permit works in Indigenous Fish Species habitat.	Retain as worded.
Rule 5.152	Support	Agree to clearer limits on suspended solids. The provision does not permit works in Indigenous Fish Species habitat.	Retain as worded.
Rule 5.161	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.164	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.167	Support	The provision does not permit works in Indigenous Fish Species habitat.	Retain as worded.

Rule 5.168	Support	The provision does not permit works in Indigenous Fish Species habitat.	Retain as worded.
Rule 5.176	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.178	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.180	Support	This amendment provides for a range of tangata whenua matters that must be considered when processing a consent under this rule.	Retain as worded.
Rule 5.189	Support in part	<p>The rules afford protection from forestry to flow-sensitive habitats, indigenous fish species habitat, wetlands, inanga spawning sites and where the effects will exceed specified levels of suspended solids rules.</p> <p>Recommend more stringent rules are also applied for the protection of those areas of limestone where rock art is present. These important areas are hydrologically sensitive and therefore may be affected by forestry practices.</p>	<p>Retain the rule as drafted except for providing the following additional condition:</p> <p><u>[x] the activity does not occur within a Rock Art Management Area</u></p>
Rule 5.191	Oppose	<p>Managed Aquifer Recharge should only be an option that is pursued once other land use practices have been used to significantly reduce the effects on water quality and quantity and to meet any water quality and quantity limits set in the Plan.</p> <p>Furthermore, surface water for MAR should only be used where that water is not already overallocated and where MAR will not result in the source water body being overallocated. Ngā Rūnanga is concerned that many rivers that could supply water for MAR are already affected by current uses and providing a rule that allows them to become overallocated for the purposes of MAR does not recognise the mana of these rivers. If water is to be used for MAR it should be only where the needs of the river have been met first, as required by the NPSFW 2017. The rules should expressly exclude water from containing discharges associated with the disposal of animal effluent, wastewater or reticulated stormwater systems. The</p>	Delete Restricted Discretionary Rule 5.191 in its entirety.

		discharge of treated animal effluent and wastewater direct to water is offensive to Ngāi Tahu. The discharge of community stormwater can also contain effluent.	
Rule 5.192	Support in part	Agree with there being a prohibited activity but it should apply not only to where it does not meet a WCO but also where it will mean the surface water body remains or becomes overallocated. A WCO is not a proxy for sustainable management and will not necessarily give effect to the NPSFW 2017. MAR should not result in an exceeded of any environmental flow or allocation limit, or rate of take, or seasonal or annual volume limit set in Sections 6 to 15 of the CLWRP for a surface water body.	Amend Rule 5.191 as follows: The take of surface water for managed aquifer recharge, the associated use and discharge of that water and entrained contaminants into water or into or onto land, the use of land for the excavation and deposition of material to construct the managed aquifer recharge system, and the discharge of construction-phase stormwater into or onto land where it may enter water that is not prohibited by Rule 9.193 is that does not meet one or more of the conditions of Rule 5.191, excluding condition 1 is a non-complying activity provided it does not: <ol style="list-style-type: none"> 1. Contain treated or untreated wastewater 2. The take and use of water, in combination with all other takes complies with the provisions of any relevant Water Conservation Order 3. It does not result in the exceedance of any environmental flow or allocation limit, or rate of take, or seasonal or annual volume set in Section 6 to 15 of this Plan for that surface water body.
Rule 5.193	Support in part	Agree with there being a prohibited activity but it should apply not only to where it does not meet a WCO but also where it will mean the surface water body remains or becomes overallocated. A WCO is not a proxy for sustainable management and will not necessarily give effect to the NPSFW 2017. MAR should not result in an exceeded of any environmental flow or allocation limit, or rate of take, or seasonal or annual volume limit set in Sections 6 to 15 of the CLWRP for a surface water body	Amend Rule 5.193 as follows: The take of surface water for managed aquifer recharge, the associated use and discharge of that water and entrained contaminants into water or into or onto land, the use of land for the excavation and deposition of material to construct the managed aquifer recharge system, and the discharge of construction-phase stormwater into or onto land where it may enter water where it does not meet Rule 5.192, that does not meet condition 1 of Rule 5.191 is a prohibited activity.
7.6 Table 6 Hurunui-Waiiau Groundwater Limits	Support	Support this amendment	Retain as worded.
Schedule 6	Support in part	Agree with the list of rivers and lakes commonly used for bathing water. Recommend the addition of Waiwera (Lake Forsyth).	Retain Schedule 6 as proposed but add Waiwera (Lake Forsyth).

		Forsyth) to list. This is a site where mahinga kai practices and recreational activities have occurred and, with appropriate management, could occur again.	
Schedule 8	Oppose in part	Refer to discussion on Table 1.	Refer to comments with regard to Table 1 and ensure that both tables reflect same intended outcome.
Schedule 32	Support in part	It is uncertain what the intended different information the Managed Aquifer Recharge Plan would provide that a comprehensive assessment of environmental effects does not. It is considered useful as a guide as to the information that is needed, however as a guide it does not refer to the need to assess the effects on Ngāi Tahu or to place MAR in a wider context of other mitigation works occurring or proposed for the region to improve water quality and/or quantity and how these interact with MAR.	Add additional requirements that the Managed Aquifer Recharge Plan include: <ul style="list-style-type: none"> • <u>An assessment on the effects on Ngāi Tahu values and sites of significance</u> • <u>An assessment of how MAR is supported by alternative land use mitigation measures that have been undertaken and will be undertaken to improve water quality and/or quantity in the receiving water body.</u>
Freshwater species maps	Support in part	Ngā Rūnanga supports the inclusion of provisions that provide for increased protection of indigenous freshwater species. However, consideration should be given to tuna and key habitat areas and whether these can be captured by extension of or incorporation of additional areas on the maps.	Retain the areas of indigenous freshwater species habitats currently mapped but expand currently mapped areas where these will also provide for known areas of tuna habitat.
Amendments generally	Support in part	The overall direction by Environment Canterbury to establish provisions for Canterbury to manage adverse effects on land and water is supported. Seek that these are not weakened or diminished as a result of the plan change process.	Unless otherwise stated Ngā Rūnanga supports the changes in the Plan and seeks that they are not weakened.
Plan generally	Neither support or oppose	Customary practices are not static in time and based on the traditional way of things being undertaken.	Ensure when referring to customary practices like mahinga kai in Plan that the reference does not refer back to traditional use only