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**Subject:** Submission on plan change 7 to the Canterbury LWRP by Todd Property Pegasus Town Limited  
**Date:** Friday, 13 September 2019 4:19:37 PM  
**Attachments:** [Submission on plan change 7 to the Canterbury LWRP by Todd Property Pegasus Town Limited.pdf](#)

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Good afternoon,

Please find **attached**, on behalf of Todd Property Pegasus Town Limited (*Todd Pegasus*), submission on Plan Change 7 to the LWRP.

Kind regards,

BEN WILLIAMS  
PARTNER

**CHAPMAN TRIPP**

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**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR  
PLAN, CHANGE OR VARIATION**

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To** the Canterbury Regional Council

Name of submitter: **Todd Property Pegasus Town Limited** (*Todd Pegasus*).

- 1 *This is a submission on plan change 7 (PC7) to the operative Canterbury Land & Water Regional Plan (LWRP).*
- 2 Todd Pegasus could not gain an advantage in trade competition through this submission.
- 3 Todd Pegasus seeks the relief set out in **Annexure 1** (including such other additional, alternative or consequential relief as may be necessary to give effect to the changes sought).
- 4 Todd Pegasus wishes to be heard in support of the submission.

**Signed** for and on behalf of Todd Property Pegasus Town Limited by its solicitors and authorised agents Chapman Tripp



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Ben Williams  
Partner  
13 September 2019

Address for service of submitter:

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**Overview of Todd Pegasus and interest in PC7.**

- 1 Todd Pegasus has been the owner and developer of the Pegasus town development, 25 kilometres north of Christchurch in the Waimakariri district, since the original development was purchased by Todd Property Group in 2012.
- 2 At the centre of the town is a large, man-made lake 'Lake Pegasus', the construction of which was completed in 2009.
- 3 The town's environmentally sensitive design includes 100 hectares of wetlands crossed by boardwalks, trails and waterways.
- 4 Todd Pegasus' interest in PC7 is limited to matters that effect the management of Pegasus Lake. Pegasus Lake is a 5.3 metre deep, 14 ha artificial lake with the main inflow being groundwater and a surface outflow to the wetland on the eastern side of the site, known as the Eastern Conservation Management Area (**ECMA**). Due to a number of contributing factors, Pegasus Lake currently experiences issues relating to nutrient levels and high phytoplankton biomass from time to time.
- 5 Todd Pegasus has no ability to control groundwater inflows into the lake.
- 6 Todd Pegasus has been working extensively with the Waimakariri District Council, Canterbury Regional Council and other stakeholders and industry experts to implement measures to improve water quality and reduce the occurrence of seasonal blooms in Pegasus Lake but it is unknown at this stage as to how successful those efforts will be.
- 7 Todd Pegasus is concerned to ensure that the provisions of PC7 are realistic to the uncertainties around future water quality and do not adversely impact on the ability of Todd Pegasus and its partners to implement measures, on an adaptive basis if required, to improve water quality in Pegasus Lake in an efficient and effective manner.
- 8 The specific submission points are included in the table attached to this submission. Todd Pegasus seeks the relief set out in that table, including such other additional, alternative or consequential relief as may be necessary to give effect to the changes sought.

## Table of relief sought

Provision	Relief sought	Reason
<p>Schedule 6 Areas on rivers or lakes commonly used for freshwater bathing.</p>	<p>Remove the Pegasus Lake site from Schedule 6.</p>	<p>Pegasus Lake is not designed as a freshwater bathing site. The resource consent for the lake specifies that the lake is suitable for secondary contact recreation activities such as kayaking and boating, and suitable for passive/casual recreation activities on the lake perimeter. The lake is not intended to be suitable for primary contact (i.e. swimming), therefore it is not appropriate to include Pegasus Lake in Schedule 6.</p>
<p>Freshwater outcomes for Lake Pegasus</p> <p><i>Policy 8.4.28A For all activities within the Ashley Estuary (Te Aka Aka) and Coastal Protection Zone, discharges of contaminants to surface water or onto or into land in circumstances where contaminants may enter surface water are avoided as a first priority, and if this is not achievable, the best practicable option is used to minimise the loss or discharge of contaminants so as to achieve:</i></p> <ul style="list-style-type: none"> <li>• <i>the water quality outcomes in Tables 8a and, 8b,</i></li> <li>• <i>the limits in Table 8-5 and Table 8-6;</i></li> <li>• <i>the standards in Schedule 5 for contaminants where a limit is not established in Section 8; and</i></li> <li>• <i>any relevant water quality limits in a regional coastal plan for any receiving waterbody in the coastal environment.</i></li> </ul>	<p>Oppose in part</p> <p>As set out elsewhere in this submission, Todd Pegasus seeks a separate policy that addresses Lake Pegasus (in which case the reference to Table 8b should be removed/ amended on a consequential basis).</p> <p>Amend Policy 8.4.28A to recognise the difficulties in managing contaminants, such as storm water and groundwater inflows, and the need for</p>	<p>Todd Pegasus is concerned that the requirement for discharges of contaminants to surface water to be avoided as a first priority, or adopt the best practicable option, is not practicable in the context of Pegasus Lake.</p> <p>Todd Pegasus is working towards and adaptive management approach for Lake Pegasus and it is essential that Policy 8.4.28A does not inadvertently hamper the implementation of measures to improve water quality. It is also necessary to be realistic to the extent of uncertainty as to future water quality.</p>

Provision	Relief sought	Reason
	<p>alternative interventions in Pegasus Lake.</p>	
<p>New policy</p>	<p>Include a new Policy 8.4.28AB:</p> <p><i>For activities within the Ashley Estuary (Te Aka Aka) and Coastal Protection Zone, enable the trial and use of adaptive management techniques for informing possible future water quality parameters.</i></p> <p>In the alternative Todd Pegasus suggests the following further wording:</p> <p><i>... and the extent to which it may be possible to achieve the water quality outcomes in table 8b for Lake Pegasus.</i></p>	<p>Based on work done to date, no single recommended method will solve the water quality issues and validation trials would be need to be carried out to establish how the options perform over a wide range of climate conditions, prior to committing to a full-scale system.</p> <p>A new policy is required to support the requirement for adaptive management techniques and trials in order to achieve the proposed water quality standards.</p>

Provision	Relief sought	Reason
Table 8b Freshwater Outcomes for Waimakariri Sub-region Lakes	<p>Remove the row relating to Lake Pegasus.</p> <p>In the alternative:</p> <p>Amend all figures relating to Lake Pegasus to be followed by <i>(target)</i></p>	<p>Todd Pegasus is concerned about the setting of hard water quality limits where it is unclear whether the scientific and technical capability exists to meet those limits (and the inability of Todd Pegasus to control inflows).</p> <p>Todd Pegasus therefore seeks that limits relating to Lake Pegasus are removed from Table 8b. In the alternative, Todd Pegasus requests that all figures relating to Lake Pegasus are identified as targets rather than limits. Such an approach would be consistent with the identification of the table as setting freshwater <i>outcomes</i> (not limits), and the proposed new policy above.</p>
Table 8-6 Water Quality Limits and Targets for Waimakariri Lakes	<p>Remove the row relating to Lake Pegasus.</p> <p>In the alternative:</p> <p>Amend all figures for Lake Pegasus to be followed by <i>(target)</i>.</p>	<p>For the same reasons as the submission point above.</p>