

From: [Nicky Snoyink](#)
To: [Mailroom Mailbox](#)
Subject: Plan Change 7 LWRP Further Submission
Date: Thursday, 5 December 2019 11:17:55 AM
Attachments: [ForestandBird Further Submission PC7 CLWRP.pdf](#)

Good morning,

Please find attached a further submission from Forest & Bird to proposed Plan Change 7 of the Canterbury Land and Water Regional Plan.

Kind regards,
Nicky

Nicky Snoyink
Regional Advocacy Manager Canterbury West Coast
Forest and Bird

Christchurch
021 165 9658
03 940 5522

You can join Forest & Bird at www.forestandbird.org.nz or check us out at [Facebook | Forest and Bird](#)



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5 December 2019

TO: Environment Canterbury Regional Council
By email: mailroom@ecan.govt.nz

FROM: Royal Forest and Bird Protection Society of New Zealand Incorporated
Attn: Nicky Snoyink
PO Box 2516
Christchurch 8140

Contact: n.snoyink@forestandbird.org.nz or 03 940 5522

Further submission on the Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

1. Forest & Bird represents a relevant aspect of the public interest, and has an interest greater than the public generally. Forest & Bird is a New Zealand non-governmental conservation organization representing its members and supporters, and made a submission on proposed PC7 to the Canterbury Land.
2. Forest and Bird could not gain an advantage in trade competition through this submission.
3. Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

Introduction

4. Forest & Bird is concerned that some of the decisions sought to the Regional Plan would result in loss of indigenous biodiversity and are inconsistent with the National Policy Statement for Freshwater Management 2014 (amended 2017) ("NPS FM"). Forest & Bird also supports a number of submissions which seek to retain or amend provisions of the plan to protect, maintain and enhance freshwater quality and the indigenous biodiversity of the region. Our further submissions are set out in the Table 1 below.

Table 1: Forest & Bird supports or opposes the following submissions or parts of submissions as set out below.

Submitter ID	Submitter Name	particulars provision/ submission point	Support/ Oppose	Reason for Support/Opposition	Decision sought
160	Department of Conservation	all	support	The amendments sought give effect to the NPS FM, the RPS and Part 2 of the RMA Forest and bird supports the submission other than where the amendments sought do not align with Forest & Birds original submission.	Allow
351	Central South Island Fish and Game	all	support	The amendments sought give effect to the NPS FM, the RPS and Part 2 of the RMA Forest and bird supports the submission other than where the amendments sought do not align with Forest & Birds original submission.	Allow
95	North Canterbury Fish and Game Council	all	support	The amendments sought give effect to the NPS FM, the RPS and Part 2 of the RMA Forest and bird supports the submission other than where the amendments sought do not align with Forest & Birds original submission.	Allow
430	North Canterbury Province, Federated Farmers of New Zealand	all	oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 30(1) (ga) and Section 6 the RMA. The amendments sought do not give effect to the NPS FM and the NZCPS.	Disallow
416	Fonterra Co-operative Group	all	oppose	Many of the concerns raised are valid however the relief sought does not ensure the maintenance, protection or	Disallow

	Limited (Fonterra)			enhancement of indigenous biodiversity values.	
423	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)	all	support	The amendments sought give effect to the NPS FM, the RPS and Part 2 of the RMA Forest and bird supports the submission other than where the amendments sought do not align with Forest & Birds original submission.	Allow
356	Horticulture New Zealand	all	oppose	Many of the concerns raised are valid however the relief sought does not ensure the maintenance, protection or enhancement of indigenous biodiversity values, and does not give effect to the NPSFM. In particular Forest & Bird's reasons are that: <ul style="list-style-type: none"> • The framework proposed by the submitter does not put the wellbeing of the water body first. • The proposed framework for low intensity horticulture is uncertain, particularly in the 	Disallow

				<p>context of integrated management approach and cumulative effects.</p> <ul style="list-style-type: none"> The considerations for MAR and TSA are particularly concerning as this creates a reliance on augmentation rather than ensuring development and use is within environmental limits. 	
457	Mackenzie District Council	Key areas of support/ concern identified in the submission	oppose	<p>Forest & Bird oppose the following matters identified in the key areas of concern for the following reasons:</p> <p>Policy 14.4. 10 It is unclear whether the submitter seeks changes to this policy. Forest & Bird is concerned that the reasoning set out in the submission is not applied to establishing an allocation framework. The framework needs to build in sufficient allocation and contingency for municipal supplies ahead of takes for other uses.</p> <p>The 2 step process We understand the concerns with this however it would not be appropriate to split the consideration of the second step to a separate plan change.</p> <p>Timeframes Any delays in achieving nutrient management would place increased costs on future generations, is not precautionary and allows for irreversible effects on the health of water to occur in the interim.</p>	Disallow
138	Canterbury Aoraki Conservation Board	all	support	The amendments sought will improve water quality and indigenous habitat values. In particular actions to reduce	allow

				nutrient discharges and avoid new discharges needs to be brought forward.	
390	Ashburton Lyndhurst Irrigation Limited	all references to MAR	oppose	Forest & Birds' original submission raises a number of concerns with the plans provisions for MAR and TSA. MAR and TSA are different and should not be conflated.	disallow
91	Avon-Otakaro Network	Freshwater outcomes, Abstraction of water and Minimum River Flows	Support	The amendments sought will improve water quality and indigenous habitat values.	Allow
441	Ballance Agri-Nutrients Limited	Timeframes and targets	oppose	The changes to timeframes and targets for nutrient management and loss do not result in improvements or ensure the maintenance of water quality within appropriate timeframes. The new policies proposed are uncertain.	Disallow
337	Christchurch City Council	nutrient management and freshwater	support	The outcomes sought support an improvement in the water quality of the Waimakariri River and will improve both surface and groundwater indigenous habitat values associated with the river.	Allow
357	DairyNZ Limited	Section 4 policies	oppose	The amendments sought to the section 4 policies are uncertain or will otherwise result in a loss of indigenous biodiversity values.	Disallow
214	Beef & Lamb	all	oppose	The amendments sought create uncertainties for the implementation of plan provision and would result in a loss of indigenous biodiversity values. In particular: <ul style="list-style-type: none"> • Changes to nitrogen standards based on soil capacity and assimilative capacity of water is not consistent with maintaining and improving values. 	Disallow

				<ul style="list-style-type: none"> • An “equitable” approach may not be appropriate to achieve environmental outcomes given across a catchment and locational requirements for habitat and legislative requirements. • Provide for flexibility in Nitrogen use and discharges even where these are low level is not appropriate to ensure the maintenance and enhancement of environmental values and may ignore cumulative effects. • The consideration for specific mitigation to provide for future aspirations does not appear to relate to the primary matter being considered or ensure certainty of mitigation requirements and effects to be addressed. • The tailoring of regulatory methods to a sub-catchment may be beneficial where local environmental issues can be better addressed; however a sub-catchment approach has not been progressed for alpine rivers. 	
171	Waimakariri Group	1. Managed Aquifer Recharge	support	For the reasons set out in the submission and as the amendments sought give effect to the NPS FM and Part 2 of the RMA	Allow
339	Graham Fenwick	all	support	For the reasons set out in the submission and as the amendments sought give effect to the NPS FM and Part 2 of the RMA	Allow
88	Water and Wildlife Habitat Trust	all	Support	The amendments sought provide for the protection and maintenance of indigenous biological diversity and give effect to the NPS FM and Part 2 of the RMA	Allow

Thank you for your consideration.

Yours faithfully

Nicky Snoyink

Regional Manager, Canterbury and West Coast
Royal Forest and Bird Protection Society of New Zealand Inc.

From: [Lisa Jenkins](#)
To: [Tavisha Fernando](#)
Subject: FW: Further Submission F&B
Date: Thursday, 30 January 2020 1:35:14 PM

Hi Tav,

See the response from Forest and Bird below. Please can you make the updates to the SODR?

Thanks heaps
Lisa

From: Nicky Snoyink <N.Snoyink@forestandbird.org.nz>
Sent: Thursday, 30 January 2020 1:20 PM
To: Lisa Jenkins <Lisa.Jenkins@ecan.govt.nz>
Cc: Natasha Sitarz <N.Sitarz@forestandbird.org.nz>
Subject: FW: Further Submission F&B

Hi Lisa,

Thanks for the message.

To clarify if I may,
Avon Otakaro we support 91.1, 91.3-9 and 91.11
CCC we support 337.147, 337.146, 337.179, 337.2, 337.5
Ballance – leave as is.

No further comments. Thanks.

Cheers,
Nicky

From: Lisa Jenkins [<mailto:Lisa.Jenkins@ecan.govt.nz>]
Sent: Monday, 27 January 2020 2:11 p.m.
To: Natasha Sitarz
Cc: Nicky Snoyink; Tavisha Fernando
Subject: FW: Further Submission F&B

Hi Natasha and Nicky,

We are working on finalising the Plan Change 7 Summary of Decisions Requested (SODR) which will include further submissions, to be published in February. We have not had a response to the email below seeking clarification on the submission points that your further submission relates to. Before we finalise the SODR next week, please can you let us know if you intend to provide the clarification sought. If we don't hear from you by the end of this week (31 January) we will assume you are happy with the further submission points you have made that relate to the Avon-Otakaro Network, the Christchurch City Council and Ballance Agri-nutrients submissions being omitted from the final SODR (we will apply the points you have identified below for Balance but will omit 441.39 – 441.43 as it is not clear you intend to submit on these points). The Hearing Panel and submitters will obviously have access to your further submission

Many thanks
Lisa

From: Lisa Jenkins
Sent: Monday, 16 December 2019 1:44 PM
To: Natasha Sitarz <N.Sitarz@forestandbird.org.nz>
Subject: RE: Further Submission F&B

Hi again Natasha,

I have had another look and think I have identified the points your further submission applies to in relation to the Avon Otakaro Network: 91.1, 91.7, 91.8 and 91.9. please can you check that I have that correct

Regarding the CCC and Balance submissions, I am afraid there is too much room for interpretation between what you have indicated and what was summarised. To make things a bit easier, I have attached the summaries of those two submissions – please can you indicate which of those points your submission relates to?

Many thanks
Lisa

From: Natasha Sitarz <N.Sitarz@forestandbird.org.nz>
Sent: Monday, 16 December 2019 11:37 AM
To: Lisa Jenkins <Lisa.Jenkins@ecan.govt.nz>
Cc: Nicky Snoyink <N.Snoyink@forestandbird.org.nz>
Subject: RE: Further Submission F&B

Hi Lisa

Please see clarification below:

The parts of the **Avon-Otakaro Network submission** which FB support are those set out on pages 2 and 3 of their submission:

Freshwater Outcomes for Canterbury Rivers – Section 4 (15) Table 1a

For E. coli levels for urban waterways the level of 1200 puts the 95th percentile value in the ‘D’ category of the current National Policy Statement for Freshwater Management. This should be **reduced from 800 rather than 1200.**

We oppose the Freshwater Outcomes for Canterbury Rivers as there **needs to be much stronger water quality outcomes.**

Abstraction of Water

We strongly support the **caps on any new water allocation** to help protect aquifers, shallow groundwater and the spring fed streams such as the Otakaro Avon River.

Minimum River Flows

We strongly request all minimum flows and associated partial restrictions are set at a level to provide for the ecological health of the stream, river, hapua (lagoons), etc. within the life of this current plan. This may require a review of all current consents.

We also strongly endorse the Christchurch City Council’s submission on PC7 and PC2 as it goes into a much greater level of detail than we are able to.

I have tried to figure out which points these are in the SODR and included those in table of FB’s further submission below. However I cannot find submission points in the SODR which capture their request:

- to reduce E.coli. levels from 800 to 1200,
- for stronger water quality outcomes,
- caps on new water allocation.

The parts of the **Ballance Agri-Nutrients Ltd submission** which FB oppose are those that suggest changes or include scope for changes to timeframes and targets for nutrient management). These include those numbered 5, 15, 16, 26, 27, 28, 45 and 46 in the Ballance submission. I am less certain with respect to points numbered 40-44 as they also relate to Table 14, however the wording used in the submission refs to values and limits. If those Table include timeframes and targets then FBs further submission should be included on those points. The SODR uses different point numbers, I have tried to figure these out as shown in the table below.

The parts of the **CCC submission** which FB supports are those relating to point 2 of their submission, titled “Nutrient management and freshwater outcomes” on pages 1 and 2 of the submission. It is really no possible for me to figure out how this has been summarised and coded into the SODR. I assume you have a marked up copy of their submission which would enable you to identify the point numbers relating to this part of the submission.

Please let me know if there is anything else I can help clarify

Regards,
 Natasha

91 <u>91.1</u> <u>91.9</u>	Avon-Otakaro Network	Freshwater outcomes, Abstraction of water and Minimum River Flows	Support	The amendments sought will improve water quality and indigenous habitat values.	Allow
441 <u>441.27</u> <u>441.14</u> <u>441.15</u> <u>441.50</u> <u>441.51</u> <u>441.25</u> <u>441.52</u> <u>441.26</u> <u>441.53</u> <u>441.44</u> <u>441.48</u> <u>441.39 –</u> <u>43??</u>	Ballance Agri-Nutrients Limited	Timeframes and targets	oppose	The changes to timeframes and targets for nutrient management and loss do not result in improvements or ensure the maintenance of water quality within appropriate timeframes. The new policies proposed are uncertain.	Disallow

337	Christchurch City Council	nutrient management and freshwater	support	The outcomes sought support an improvement in the water quality of the Waimakariri River and will improve both surface and groundwater indigenous habitat values associated with the river.	Allow
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From: Lisa Jenkins [<mailto:Lisa.Jenkins@ecan.govt.nz>]
Sent: Wednesday, 11 December 2019 2:34 p.m.
To: Nicky Snoyink
Cc: Natasha Sitarz
Subject: RE: Further Submission F&B

Thanks Nicky

Hi Natasha – if you have five minutes this afternoon, please can you give me a call on 027 549 7712?

Best regards
Lisa

From: Nicky Snoyink <N.Snoyink@forestandbird.org.nz>
Sent: Wednesday, 11 December 2019 2:27 PM
To: Lisa Jenkins <Lisa.Jenkins@ecan.govt.nz>
Cc: Natasha Sitarz <N.Sitarz@forestandbird.org.nz>
Subject: Further Submission F&B

Hi Lisa,

Thanks for your call yesterday.

Can I please put you in direct contact with Natasha Sitarz, the F&B planner? Natasha will be able to clarify your questions. I have copied Natasha in to this email.

Thanks.

Kind regards,
Nicky

Nicky Snoyink
Regional Advocacy Manager Canterbury West Coast
Forest and Bird

Christchurch
021 165 9658
03 940 5522

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