Canterbury Land and Water Regional Plan

INCLUDING PLAN CHANGE 7

The Canterbury Land and Water Regional Plan manages land-use activities where these have an impact on water quality. Other land uses are controlled by the District Councils. This plan includes sub-regional sections based largely on the water management zones set out in the Canterbury Water Management Strategy (CWMS), where the provisions aim to deliver freshwater outcomes specific to those catchments.

BACKGROUND

The Canterbury Land and Water Regional Plan (LWRP) provides for the integrated management of land and water resources region wide, and specific to "sub-region" river catchments within Canterbury. The Mackenzie Basin falls in the Waitaki sub-region.

The LWRP operates at two levels, and both apply to the Mackenzie Basin.

1. Provisions apply at a region-wide level, including within the Mackenzie Basin, to manage activities such as land use, earthworks and gravel extraction. They include regional provisions relating to stock access, salmon spawning sites, braided rivers, and nutrient management. The regional nutrient management provisions for Lake Zones apply in the Waitaki.
2. Provisions also apply at a sub-region level in the Waitaki sub-region (Section 15B of the LWRP). Provisions specify catchment-specific nutrient limits and apply varied approaches to best meet the water quality targets for the catchment.

Plan Change 7 (PC7) to the LWRP proposes region-wide provisions for a number of discrete topics, including new salmon spawning sites and greater protection for the habitats of threatened indigenous freshwater species. Changes are also proposed to the regional water quality outcomes to better align with national policy. As PC7 amends region-wide definitions, policies, rules, schedules and planning maps, it affects land and water use in the Mackenzie Basin.

In addition to the LWRP, the Waitaki Catchment Water Allocation Regional Plan manages water quantity in the Waitaki region, including the Mackenzie Basin.

A key focus for the LWRP was to establish objectives for land and freshwater management, through setting freshwater outcomes.

A variety of methods are implemented through the plan to deliver on the outcomes. Good management practice is set as the cornerstone to manage farming land use effects on water quality. Implementation of good management practice is primarily achieved through farm environment plans, and the production of a nitrogen baseline for each property. The current level of water quality within each catchment determines how much a farm can be intensified, and how strict the consent requirements are.

Land Information New Zealand
Toitū te whenua

Department of Conservation
Te Papa Atawhai

Environment Canterbury
Regional Council
Kaunihera Taiao ki Waitaha

Waitaki District Council

Several key tools are applied to improve nutrient management in relation to farming activities and earthworks within the Mackenzie Basin through the objectives of the LWRP, and policies and rules of the Waitaki sub-region chapter of the LWRP.

baseline GMP loss rate	the loss rate for the nitrogen baseline years (2009-2013), if operating at good management practice, as estimated through the farm portal.
farm environment plan	a tool to help recognise and manage on-farm environmental risks. they are unique to the property, local climate, soils and the operating farming practice. the template is set out in the LWRP.
farm portal	a web-based tool for estimating nitrogen losses from farming activities, including GMP loss rates.
farming enterprise	aggregate of land parcels in singular or multiple ownership operated as one unit for nutrient management purposes.
freshwater management units (FMU)	established under PC5 to give effect to the National Policy Statement for Freshwater Management and set freshwater outcomes for the zone. The Upper Waitaki FMU applies to the Mackenzie Basin.
GMP loss rate	the nitrogen loss calculation (the average nitrogen losses over the 4 years of 2009-2013) if operating at good management practice, as estimated by the farm portal.
good management practice (GMP)	practices defined in the document 'Industry-agreed Good Management Practices for Water Quality'.
gravel authorisation	gravel authorisations can be issued by Environment Canterbury in areas where gravel removal can reduce flooding and erosion hazard risk.
high naturalness waterbody	means those Hapūa, wetlands and natural state water bodies which are considered to have outstanding or significant characteristics and which are listed as such in the LWRP.
lake zone	means the lake nutrient allocation zone as shown on the planning maps.
nitrogen baseline	discharge of nitrogen below the root zone, modelled through OVERSEER averaged over a 48-month period within 1 Jan 2009 – 31 Dec 2013 expressed in kg/ha/yr.
nutrient loss calculation	discharge of nitrogen below the root zone, modelled through OVERSEER averaged over the most recent four-year period, expressed in kg/ha/yr.
nutrient user group	group of farming properties in multiple ownership operated as a collective for nutrient management.
riparian margins	means land within 10m (if hill and high country land or shown as high soil erosion risk) or 5m (on all other land) of any lake, river or wetland. Can be viewed on Canterbury Maps.
Upper Waitaki nitrogen headroom	maximum nitrogen loss rate (in kg/ha/yr) available to a property as estimated by Environment Canterbury.
Waitaki sub-zones	the Upper Waitaki FMU is split into four sub-zones, the Ahuriri, Waitaki Hills, Haldon and Mid-Catchment zones.

KEY PROVISIONS RELATING TO THE MACKENZIE BASIN

If the tables below demonstrate that consent may be required for your proposed activity, please contact Environment Canterbury on 0800 324 636 to talk through your proposal further. Our Customer Services Team can determine whether a free one-hour consent pre-application meeting will be suitable for you.

Disclaimer: This factsheet summarises provisions that are common activities within the Mackenzie Basin. For a full list of provisions refer to the operative Land and Water Regional Plan and proposed Plan Change 7. We are currently determining how the Government's Essential Freshwater package will impact the Mackenzie Basin, and examining regional planning documents to accommodate the rules and regulations within the timeframes set.

EARTHWORKS

The LWRP manages gravel extraction from the beds of lakes and rivers, and earthworks within riparian margins, within high soil erosion risk areas and over aquifers.

High naturalness waterbodies, high soil erosion risk areas, salmon/inanga spawning sites and land over unconfined or semi-unconfined aquifers and the visual clarity standards are detailed in the plan schedules and maps.

Activity	Status	Comments/ Key Standards	Reference
Within the bed of a lake or river			
Gravel extraction	Permitted Consent required if conditions not met	To be a permitted activity, the extraction cannot occur in a high naturalness waterbody, flowing water, within 100m of a bird nesting or rearing site, or within a salmon or inanga spawning site between 1 Jan to 1 June inclusive, or within any Indigenous Freshwater Species Habitat. The volume excavated cannot exceed 5m3 in 12 months in any river except for the Otematata River between 1 Feb and 31 Aug does not exceed 5m3 per month or 10m3 in 12 months and any excavated material needs removing from the bed within 10 days. No gravel screening or processing occurs within the bed of the waterbody and any equipment associated with the extraction does not affect the navigation of the waterbody. Unless written permission is obtained from the owner extraction is not undertaken within 50m or less of a structure, 150m or less of a water level recorder of 7.5m of any defence against water. These rules do not include any associated diversions of water or discharges of sediment-laden water.	Rule 5.148 Rule 5.150 Schedule 14 Schedule 17
Gravel authorisation (on behalf of the Council)	Permitted	A gravel authorisation is submitted to Environment Canterbury, along with an engineering pink slip and demonstrates agreement to the South Canterbury Gravel Agreement and health and safety requirements. In South Canterbury the maximum amount of gravel that can be extracted under a gravel authorisation is 30,000 cubic metres. This rule does not include any associated diversions of water or discharges of sediment-laden water.	Rule 5.149

Activity	Status	Comments/ Key Standards	Reference
Within high soil erosion risk areas			
Specified earthworks outside of riparian margins not authorised by District Council land use consent	Permitted Consent required if conditions not met	Earthworks for production forestry, fence construction, walking track construction, or other earthworks where the volume excavated is less than 10m3 per site or per hectare (whichever is less) and the maximum cut or fill is 0.5m, then the following applies: Any cleared areas are stabilised 6 months from the commencement of earthworks The construction or maintenance of firebreaks, roads or tracks has a maximum cut or fill of 0.5m Discharges of sediment-laden water do not exceed the total suspended solids thresholds in the rule (or the visual clarity standards if applicable).	Rule 5.170 Rule 5.171 Schedule 5
Within riparian margins			
Earthworks within 10 m of the bed of a lake or river or a wetland boundary within Hill and high country land, or land shown as high soil erosion risk. Earthworks within 5 m of the bed of a lake or river or a wetland boundary in all other land	Permitted Consent required if conditions not met	These rules include any associated discharge of sediment or sediment-laden water to surface water. Except in relation to recovery activities or the establishment, maintenance or repair of network utilities and fencing: the extent of earthworks does not exceed the thresholds in the rule on land shown as high soil erosion risk and total suspended solids do not exceed either of the thresholds in the rule or the Visual Clarity schedule. Is undertaken in accordance with a Farm Environment Plan or the environmental code of practice for plantation forestry. Is not undertaken within 5 m of any flood control structure (without prior written approval of person/agency responsible for structure), or a salmon or inanga spawning site between 1 January to 1 June inclusive. Does not occur in any Indigenous Freshwater Species Habitat. Within the Waitaki rivers and their riparian margins, earthworks or cultivation do not result in a reduction in the area or diversity of existing riparian vegetation, unless authorised by a District Council land use consent or the activity is for the installation, operation, maintenance, upgrade or repair of infrastructure.	Rule 5.168 Rule 5.169 Schedule 5 Schedule 17

Activity	Status	Comments/ Key Standards	Reference
Over the unconfined and semi-unconfined aquifers			
Excavating material	Permitted Consent required if conditions not met	Either the volume of material excavated is less than 100 m3, or if more than 100 m3 then the excavation does not occur within 50 m of any surface waterbody and more than 1 m of undisturbed material between the deepest part of the excavation and the highest groundwater level is required.	Rule 5.175 Rule 5.176
Deposition of material to land which is excavated to a depth of more than 5 m and the highest groundwater level is less than 5 m below the deepest point of the excavation	Consent required	These rules only apply where the deposition of material is more than 50 m3 in any 12-month period. The deposited material can only be cleanfill and small amounts of vegetative matter, and cannot be concrete slurry, coal tar or hydro-excavated waste. The material must be placed in land at least 1 m above the highest groundwater level at the site, and no deposition can be onto or into an archaeological site. A cleanfill Management Plan and a site rehabilitation plan need to be completed to address any adverse effects.	Rule 5.177 Rule 5.178

RURAL LAND USE AND NUTRIENT MANAGEMENT

If your property is located within a lake zone, then the lake nutrient allocation zone rules apply. If the property is in the lake zone and part of a nutrient user group, then the nutrient user group rules apply.

If your property is located within the Ahuriri and Upper Waitaki Hill sub-zones then these zone rules apply. If your property is located within the Haldon and Mid-catchment sub-zones then these zone rules apply.

Activity	Status	Comments/ Key Standards	Reference
Within the Waitaki			
Farming on a property 10 hectares or less	Permitted	Within the Ahuriri, Upper Waitaki Hill, Haldon or Mid-Catchment zones or a lake zone.	Rule 5.49 Rule 15B.5.15 Rule 15B.5.26
Farming with an existing water permit	Permitted	Is permitted if an active water permit has been in place prior to 18 February 2016 and has conditions, and a plan to manage nitrogen losses on the property.	Rule 15B.5.8
Farming where water is supplied by an irrigation scheme	Permitted	Where nitrogen losses are being managed under an active resource consent held by an irrigation scheme or principal water supplier that limits the maximum rate and amount of nitrogen that may be leached.	Rule 15B.5.8

Activity	Status	Comments/ Key Standards	Reference
Farming on a property greater than 10 hectares	Consent required	The new water permit must be replacing an existing water permit granted prior to 18 February 2016 for the same intensity, scale and character and that has conditions that limit the maximum rate and amount of nitrogen that may be leached so as not to exceed the levels in the existing water permit. A farm environment plan and nutrient budget must be prepared or reviewed by an accredited farm advisor.	Rule 15B.5.9
Within the Ahuriri and Upper Waitaki Hill zones			
Farming on a property greater than 10 hectares	Permitted Consent required if conditions not met	Is permitted where the irrigated area is less than 50 hectares, the area of winter grazing is less than 20 hectares, the property is loaded into the farm portal before 1 July 2019 and reviewed every 36 months, and a management plan is prepared and is implemented within 12 months of the rule being made operative. If there was less than 50 hectares of irrigation or 20 hectares of winter grazing at 13 February 2016, then there can be no increase in either area as of that date. If the permitted conditions above cannot be met, then a farm environment plan and nutrient budget need to be prepared or reviewed by an accredited farm consultant and submitted with the consent application. The nitrogen loss calculation cannot exceed the nitrogen baseline (until mid-2020) or baseline GMP loss rate (from mid-2020).	Rule 15B.5.16 Rule 15B.5.18 Rule 15B.5.19 Rule 15B.5.21
Farming as a farming enterprise	Consent required	A farm environment plan is prepared and submitted with the consent application. The nitrogen loss calculation for the enterprise cannot exceed the nutrient baseline (until mid-2020), or baseline GMP loss rate (from mid-2020). Different rules will apply depending on whether the properties involved are in the same surface water catchment or lake zone.	Rule 15B.5.20 Rule 15B.5.21
Farming where the nitrogen baseline or baseline GMP loss rate is exceeded	Prohibited	Applies to farming as a farming activity, or part of a farm enterprise.	Rule 15B.5.22

Activity	Status	Comments/ Key Standards	Reference
Haldon and Mid-Catchment zones			
Farming on a property greater than 10 hectares.	Permitted Consent required if conditions not met	Is permitted where the irrigated area is less than 50 hectares, the area of winter grazing meets the rule thresholds, the property is loaded into the farm portal before 1 July 2019 and reviewed every 36 months, and a management plan is prepared and is implemented within 12 months of the rule being made operative. If the permitted conditions above cannot be met, then a farm environment plan and nutrient budget need to be prepared or reviewed by an accredited farm consultant and submitted with the consent application. The nitrogen loss calculation cannot exceed the nitrogen baseline (until mid-2020) or baseline GMP loss rate (from mid-2020).	Rule 15B.5.27 Rule 15B.5.28 Rule 15B.5.31
Farming where the nitrogen baseline or baseline GMP loss rate is exceeded by the nitrogen loss calculation	Consent required	A farm environment plan is prepared and submitted with the farming land use consent and the nitrogen loss calculation cannot exceed the Upper Waitaki nitrogen headroom available to the property. If no areas of significant indigenous biodiversity have been identified on the property to date, an ecologist will need to assess for these values. If identified, a management plan will be required alongside the farming land use consent to address effects on the significant indigenous biodiversity.	Rule 15B.5.29 Rule 15B.5.31
Farming as a farming enterprise	Consent required	A farm environment plan is prepared and submitted with the consent application. The nitrogen loss calculation for the enterprise cannot exceed the sum of the Upper Waitaki nitrogen headroom available to the farming enterprise. Different rules will apply depending on whether the properties involved are in the same surface water catchment or lake zone.	Rule 15B.5.30 Rule 15B.5.31
Farming where the allocated Upper Waitaki nitrogen headroom is exceeded	Prohibited	Applies to farming as a farming activity, or part of a farm enterprise.	Rule 15B.5.32

Activity	Status	Comments/ Key Standards	Reference
Lake zones			
Farming on a property greater than 10 hectares	Consent required	A Farm environment plan is prepared and submitted with the consent application. The nitrogen loss calculation for the enterprise cannot exceed the nutrient baseline (until mid-2020), or baseline GMP loss rate (from mid-2020).	Rule 5.50 Rule 5.51
Farming where the nitrogen baseline or baseline GMP loss rate is exceeded	Prohibited		Rule 5.52
Nutrient user groups			
Farming as a nutrient user group	Consent required	A farm environment plan for each property and a management plan detailing the properties, locations, legal descriptions, legal names of owners and method of managing or redistributing nitrogen losses is submitted with the farming land use consent. The nitrogen loss calculation for the nutrient user group does not exceed the relevant instream limits, and no land in the group can be part of a farming enterprise or supplied with water from an irrigation scheme or principal water supplier. Within the Ahuriri Zone and the aggregated nitrogen loss calculation does not exceed the aggregated baseline GMP loss rate for the properties, or within the Haldon and Mid-Catchment zones the aggregated nitrogen loss calculation does not exceed the aggregated upper Waitaki nitrogen headroom available to the properties. Within a lake zone the nitrogen loss calculation does not exceed the lesser of the nitrogen baseline or baseline GMP loss rate.	Rule 15B.5.40 Table 15B(c) Table 15B(d) Table 15B(e)
Farming as a nutrient user group that does not meet Rule 15B.5.40.	Prohibited		Rule 15B.5.41

For more information visit
www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/

E21/8735