

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Environment Canterbury (Transitional Governance Arrangements) Act 2016

AND

IN THE MATTER of proposed Plan Change 7 to the
Canterbury Land and Water Regional Plan and Plan Change 2 to the Waimakariri River Regional Plan

**REPORT AND RECOMMENDATIONS
OF THE HEARING COMMISSIONERS**

APPENDIX A – Part 2

PC2 to the WRRP – Recommendations on Submissions

Hearing Commissioners:
David F Sheppard
Rob van Voorthuysen
Raewyn Solomon

**Hearing Commissioners' Recommendations on Submissions
Plan Change 2 to the Waimakariri River Regional Plan**

References within this table to reasons and recommendations within the Section 42A Report refer to information contained in the initial Section 42A Report, the Section 42A Reply Report, and answers to questions posed at the hearing.

Point No	Submitter	Support / Oppose	Summary of Decision Requested	Decision	Reason
General Submissions on PC2					
General Support					
PC2-9.1	Ravensdown Limited	Support	Retain Plan Change 2 as notified.	Accept in part	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-23.1	North Canterbury Province, Federated Farmers of New Zealand	Support	Retain Plan Change 2 as notified.	Accept in part	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-27.1	Stewart, S	Support	Retain Plan Change 2 as notified.	Accept in part	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-21.1	Talbot, A G	Support	Retain Plan Change 2 as notified.	Accept in part	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-12.1	Oxford-Ohoka Community Board	Support	Retain Plan Change 2 as notified.	Accept in part	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-6.1	Kaiapoi-Tuahiwi Community Board	Support	Retain Plan Change 2 as notified.	Accept in part	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-22.1	Te Ngāi Tūāhuriri Rūnanga	Support	Retain Plan Change 2 as notified.	Accept in part	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-13.1	Rangiora-Ashley Community Board	Support	Retain Plan Change 2 as notified.	Accept in part	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-28.1	Waimakariri District Council	Support	Retain Plan Change 2 as notified.	Accept in part	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-29.1	Woodend-Sefton Community Board	Support	Retain Plan Change 2 as notified.	Accept in part	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-25.1	Royal Forest & Bird Protection Society of NZ	Support	Retain Plan Change 2 as notified.	Accept in part	We adopt the recommendations and reasons set out in the section 42A Report.
General Opposition					
PC2-1.1	Basil-Jones, M	Oppose	Delete Plan Change 2 in its entirety.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-18.1	Winter, K A	Oppose	Delete Plan Change 2 in its entirety.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-20.1	Winter, R F C	Oppose	Delete Plan Change 2 in its entirety.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-17.1	Winter, J H	Oppose	Delete Plan Change 2 in its entirety.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-2.1	Evans, D	Oppose	Delete Plan Change 2 in its entirety.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
Legal Issues and Preliminary Matters					
PC2-7.1	Richardson, J	Oppose in part	Require a moratorium on the appointment of commissioners and any plan change until the establishment of a fully elected Council, or until the new Freshwater Policy Statement is gazetted, whichever comes first.	Reject	The hearing commissioners do not have jurisdiction as to the exercise of the Council's executive functions.

Point No	Submitter	Support / Oppose	Summary of Decision Requested	Decision	Reason
Science, Investigation and Models					
PC2-21.6	Talbot, A G	Oppose in part	Amend Plan Change 2 to require, in the event the proposed measurement of nutrient outputs is not going to adequately manage nitrogen losses and water quality/quantity, consideration be given to limiting stock numbers and fertiliser inputs to manage the capacity of the ecosystem to meet the required limits under the LWRP.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-19.8	Howard, S	Oppose in part	Amend Plan Change 2 to recognise that Lincoln University has proven that farming profit can be maintained even with lesser production and cut inputs.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-15.18	Waimakariri Group	Oppose in part	Amend Plan Change 2 to consider report 'Nitrate concentrations in Canterbury groundwater - a review of existing data' as technical evidence at the hearing, as attached to the submission.	Accept in part	We have considered the report and recommend provisions that take into account all submissions and evidence lodged.
PC2-15.19	Waimakariri Group	Oppose in part	Amend Plan Change 2 to consider report 'Nitrate in drinking water and colorectal cancer risk: A nationwide population-based cohort study' as technical evidence at the hearing, as attached to the submission.	Accept in part	We have considered the report and recommend provisions that take into account all submissions and evidence lodged.
Managed Aquifer Recharge					
PC2-15.16	Waimakariri Group	Oppose in part	Amend Plan Change 2 to reject MAR.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
Allocation					
PC2-21.2	Talbot, A G	Support	Retain caps on water takes as notified.	Accept in part	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-21.4	Talbot, A G	Oppose in part	Amend Plan Change 2 to determine how caps on water takes will be implemented in practice.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
Limits					
PC2-15.7	Waimakariri Group	Oppose in part	Amend Plan Change 2 to decline consents likely to result in community water and ecosystems becoming unsafe or contaminated.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-15.15	Waimakariri Group	Oppose in part	Amend Plan Change 2 to go further in addressing water quality and indigenous biodiversity degradation and neglect.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
PC2-21.3	Talbot, A G	Support	Retain limits on nitrogen losses in Plan Change 2 as notified.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
PC2-21.5	Talbot, A G	Oppose in part	Amend Plan Change 2 to determine how limits on nitrogen losses will be implemented in practice.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
PC2-19.2	Howard, S	Oppose in part	Amend Plan Change 2 to apply a more rigorous testing regime for nitrates.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
PC2-19.6	Howard, S	Oppose in part	Amend Plan Change 2 so that users allow zero contamination of our aquifers.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
PC2-15.1	Waimakariri Group	Oppose in part	Amend Plan Change 2 to only embed new nitrate levels after the Government reviews the drinking water standards unless the limits and timeframes are tightened much further than the notified version.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
PC2-30.1	Wall, J	Oppose in part	Amend Plan Change 2 so that there can be no increase in nitrate levels in all waterways.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
PC2-31.1	Sheerin, C	Oppose in part	Amend Plan Change 2 so that there can be no increase in nitrate levels in the water.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
PC2-14.1	Mauger, A L	Oppose in part	Amend Plan Change 2 to restrict nitrate nitrogen levels to less than 0.1 mg/L.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.

Point No	Submitter	Support / Oppose	Summary of Decision Requested	Decision	Reason
PC2-3.1	Wilson, M	Oppose in part	Amend Plan Change 2 to reduce maximum allowed nitrate levels in groundwater to be as close to the natural level as possible, recognising international studies.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
PC2-19.1	Howard, S	Oppose in part	Amend Plan Change 2 to reduce nitrate levels in surface and drinking water.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
PC2-15.3	Waimakariri Group	Oppose in part	Amend Plan Change 2 to delete the 3.8mg/L limit for Christchurch's drinking water.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
PC2-15.5	Waimakariri Group	Oppose in part	Amend Plan Change 2 to protect shallow and deep aquifers to provide clean drinking water for the city of Christchurch, communities and the wider region.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
Cultural Matters					
PC2-22.5	Te Ngāi Tūāhuriri Rūnanga	Oppose in part	Amend Plan Change 2 to consider the following key processes and outcomes: <ul style="list-style-type: none"> • to date, the Canterbury Regional Council has failed to act consistently with its obligations and responsibilities to Ngāi Tūāhuriri; • water was not sold by Ngāi Tūāhuriri in the Canterbury Deed of Purchase, therefore Ngāi Tūāhuriri Rūnanga retains a proprietary interest in freshwater in its takiwā; • the expectations on Canterbury Regional Council to join Ngāi Tūāhuriri in partnership to give effect to the Rūnanga vision for its takiwā is longstanding; • the Resource Management Act 1991 is not compliant with the Treaty of Waitangi; and • greater Māori participation in freshwater management is required in order for the resource management framework to be consistent with the Treaty of Waitangi. 	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
Farming					
PC2-15.8	Waimakariri Group	Oppose in part	Amend Plan Change 2 to manage winter grazing for cattle and deer in high nutrient run off risk areas.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
Other					
PC2-23.3	North Canterbury Province, Federated Farmers of New Zealand	Support	Retain amendments to figures/maps to accommodate Section 8 of PC7 as notified.	Accept in part	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-23.4	North Canterbury Province, Federated Farmers of New Zealand	Support	Retain amendments to remove references to the water bodies and areas of land (including information about, and requirements with regard to, those waterbodies and areas of land) which will be covered by Section 8 of PC7.	Accept in part	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-26.2	Pankhurst, R K	Oppose in part	Amend Plan Change 2 to halt water extraction, nullify nitrates and E.coli and result in less cows, fertilisers and sprays being used.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-19.3	Howard, S	Oppose in part	Amend Plan Change 2 to clarify how Environment Canterbury will ensure extra cost of obtaining clean water lands on users of large quantities of water and fertiliser.	Reject	The submission point does not give precise details of the amendment sought.
PC2-19.4	Howard, S	Oppose in part	Amend Plan Change 2 so polluters have to rectify pollution.	Reject	The submission point does not give precise details of the amendment sought.
PC2-19.5	Howard, S	Oppose in part	Amend Plan Change 2 so that users allow zero run off.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-19.7	Howard, S	Oppose in part	Amend Plan Change 2 to recognise that large scale dairy farming is not suited to the Canterbury Plains and its very permeable gravels.	Reject	The submission point does not give precise details of the amendment sought.
PC2-22.2	Te Ngāi Tūāhuriri Rūnanga	Oppose in part	Amend Plan Change 2 to consider more appropriate timeframes for substantive improvements in water quality and quantity.	Reject	The submission point does not give precise details of the amendment sought.
PC2-22.3	Te Ngāi Tūāhuriri Rūnanga	Oppose in part	Amend Plan Change 2 to reduce complexity within the plan.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.

Point No	Submitter	Support / Oppose	Summary of Decision Requested	Decision	Reason
PC2-22.4	Te Ngāi Tūāhuriri Rūnanga	Oppose in part	Amend Plan Change 2 so that only one regulatory framework applies to the Waimakariri Sub-region and that no gaps are left when transferring from one plan to another.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-15.2	Waimakariri Group	Oppose in part	Require Plan Change 2 to be placed on hold until after the elections to give the incoming Councillors time to familiarise themselves with the plan and provide input.	Reject	The hearing commissioners do not have jurisdiction as to the exercise of the Council's executive functions.
PC2-15.4	Waimakariri Group	Oppose in part	Amend Plan Change 2 to introduce robust rules reduce nutrient losses, reduce stock numbers, reduce fertiliser use and exclude stock from close proximity to water bodies.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
PC2-15.6	Waimakariri Group	Oppose in part	Amend Plan Change 2 to introduce polluter pays rules to avoid loading clean-up costs onto communities. Alternatively, apply targeted rates on the farming sector.	Reject	The hearing commissioners do not have jurisdiction as to the exercise of the Council's executive functions.
PC2-15.9	Waimakariri Group	Oppose in part	Support recommendations 1.15 and 1.16 of Part D Waimakariri Water Solutions Programme of the Waimakariri ZIPA with no specific decision requested.	Accept in part	We note the support, however the contents of the Waimakariri ZIPA are outside the scope of this plan change.
PC2-15.10	Waimakariri Group	Oppose in part	Support recommendations 3.1 and 3.18 of Part D Waimakariri Water Solutions Programme of the Waimakariri ZIPA with no specific decision requested.	Accept in part	We note the support, however the contents of the Waimakariri ZIPA are outside the scope of this plan change.
PC2-15.11	Waimakariri Group	Oppose in part	Support recommendations 4.1, 4.3, 4.5, 4.6, 4.7 and 4.16 of Part D Waimakariri Water Solutions Programme of the Waimakariri ZIPA with no specific decision requested.	Accept in part	We note the support, however the contents of the Waimakariri ZIPA are outside the scope of this plan change.
PC2-15.12	Waimakariri Group	Oppose in part	Support recommendations 5.1- 5.7 of Part D Waimakariri Water Solutions Programme of the Waimakariri ZIPA with no specific decision requested.	Accept in part	We note the support, however the contents of the Waimakariri ZIPA are outside the scope of this plan change.
PC2-15.13	Waimakariri Group	Oppose in part	Support recommendations at paragraph 4.1 of Part C Waimakariri Water Solutions Programme of the Waimakariri ZIPA with no specific decision requested.	Accept in part	We note the support, however the contents of the Waimakariri ZIPA are outside the scope of this plan change.
PC2-15.14	Waimakariri Group	Oppose in part	Amend Plan Change 2 to apply a quicker timeframe.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
PC2-15.17	Waimakariri Group	Oppose in part	Amend Plan Change 2 to take a precautionary approach.	Reject	The submission point seeks changes to provisions that are outside the scope of Plan Change 2 to the WRRP.
PC2-32.1	Robinson, B	Oppose in part	Amend Plan Change 2 to "go further" with regards to reducing intensive animal agriculture on unsuitable land.	Reject	The submission point does not give precise details of the amendment sought.
PC2-33.1	Sandford, L	Oppose in part	Amend Plan Change 2 to simplify provisions with both English and Maori words.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-33.2	Sandford, L	Oppose in part	Amend Plan Change 2 to remove Maori words and phrases or alternatively, have separate Maori and English versions of the document.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-8.1	Avon-Otakaro Network	Oppose in part	Supports the submission made by Christchurch City Council on Plan Change 2.	Accept in part	We note the submitter's support for the primary submission of another party.
Section 1 - Introduction					
Section 1.3 - Area to which this Plan applies					
PC2-9.2	Ravensdown Limited	Support	Retain the amendment to Section 1.3 describing the area covered by the plan as notified.	Accept	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-9.3	Ravensdown Limited	Support	Retain the amendment to Figure 1 in Section 1.3 as notified.	Accept	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-23.2	North Canterbury Province, Federated Farmers of New Zealand	Support	Retain the amendments to Section 1.3 describing the area covered by the plan as notified.	Accept	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-23.5	North Canterbury Province, Federated Farmers of New Zealand	Support	Retain the amendments to Section 1.3 to remove the reference to water quality rules in Chapter 4 of the NRRP as notified.	Accept	We adopt the recommendations and reasons set out in the section 42A Report.

Point No	Submitter	Support / Oppose	Summary of Decision Requested	Decision	Reason
Section 1.4 - How to use this Plan					
PC2-23.6	North Canterbury Province, Federated Farmers of New Zealand	Support	Retain the amendments to Section 1.4 to remove the reference to water quality rules in Chapter 4 of the NRRP as notified.	Accept	We adopt the recommendations and reasons set out in the section 42A Report.
Section 5 - Water Quantity					
PC2-7.2	Richardson, J	Oppose in part	Amend clause (4) of Policy 5.1 to ensure appropriate management of abstraction at high flows as well as low flows.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
Section 6 - Water Quality					
PC2-23.7	North Canterbury Province, Federated Farmers of New Zealand	Support	Retain the amendments to Section 6.1 to remove the reference to water quality rules in Chapter 4 of the NRRP as notified.	Accept	We adopt the recommendations and reasons set out in the section 42A Report.
Section 6.4 - Environmental Results Anticipated					
PC2-5.1	Wylie, S J	Oppose	Delete the amendments to remove the Kaiapoi River from the third 'Environmental Result Anticipated'.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.
Appendices					
PC2-9.4	Ravensdown Limited	Support	Retain the definition of 'Waimakariri River Catchment' in Appendix 1 as notified.	Accept	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-23.8	North Canterbury Province, Federated Farmers of New Zealand	Support	Retain the definition of 'Waimakariri River Catchment' in Appendix 1 as notified.	Accept	We adopt the recommendations and reasons set out in the section 42A Report.
PC2-5.2	Wylie, S J	Oppose in part	Amend Appendix 3 to retain reference to Kaiapoi River as in operative plan.	Reject	We adopt the recommendations and reasons set out in the section 42A Report.