

# **AGENDA**

## **Orari-Temuka-Opihi-Pareora Water Zone Committee Meeting Monday, 4 April 2022**

**Date** Monday, 4 April 2022

**Time** 1pm

**Location** Microsoft Teams / Council Chamber, Council  
Building, King George Place, Timaru

**File Reference** 1489942

## **Orari-Temuka-Opihi-Pareora Water Zone Committee**

**Notice is hereby given that a meeting of the Orari-Temuka-Opihi-Pareora Water Zone Committee will be held in the Council Chamber, Council Building, King George Place, Timaru, on Monday 4 April 2022, at 1pm.**

### **Orari-Temuka-Opihi-Pareora Water Zone Committee Members**

Lucy Millar (Chairperson), Suzanne Eddington, John Henry, Cr Anne Munro, Cr Elizabeth McKenzie, Luke Reihana, Glen Smith, Cr Barbara Gilchrist, Cr Tom O'Connor, John Cruden and Bailey Lissington

Quorum – no less than 5 members

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- 1      Opening Karakia**
- 2      Apologies**
- 3      Public Forum**
- 4      Identification of Items of Urgent Business**
- 5      Identification of Matters of a Minor Nature**
- 6      Declaration of Conflicts of Interest**
- 7      Chairperson's Report**

## **8 Confirmation of Minutes**

### **8.1 Minutes of the Orari-Temuka-Opihi-Pareora Water Zone Committee Meeting held on 6 December 2021**

**Author:** Andrew Feary, Governance Advisor

#### **Recommendation**

That the Minutes of the Orari-Temuka-Opihi-Pareora Water Zone Committee Meeting held on 6 December 2021 be confirmed as a true and correct record of that meeting and that the Chairperson's electronic signature be attached.

#### **Attachments**

- 1. Minutes of the Orari-Temuka-Opihi-Pareora Water Zone Committee Meeting held on 6 December 2021**

# **MINUTES**

## **Orari-Temuka-Opihi-Pareora Water Zone Committee Meeting Monday, 6 December 2021**

**Minutes of Timaru District Council  
Orari-Temuka-Opihi-Pareora Water Zone Committee Meeting  
Held in the Meeting Room 1, Council Building, King George Place, Timaru  
on Monday, 6 December 2021 at 3.30 pm**

**Present:** Lucy Millar (Chairperson), Suzanne Eddington, Cr Anne Munro, Cr Elizabeth McKenzie, Glen Smith, Cr Barbara Gilchrist, John Cruden

**In Attendance:** Steve Martin, Ricardo Bello-Mendoza (Waterways Centre for Freshwater Management – via Zoom), Artemio Mendoza-Mendoza (Lincoln University – via Zoom), Rhys Taylor (Community Engagement Coordinator, Environment Canterbury), Janine Roux (Zone Facilitator, Environment Canterbury), Andrew Feary (Governance Adviser)

**1 Opening Karakia**

**2 Apologies**

**Apology**

**Resolution 2021/9**

Moved: Lucy Millar

Seconded: Barbara Gilchrist

That the apology received from John Henry be accepted and leave of absence granted.

**Carried**

**2 Public Forum**

There were no matters from the Public Forum.

**3 Identification of Items of Urgent Business**

Cr Barbara Gilchrist spoke to the Committee of the coastal path north of Smithfield Beach that has been closed since February 2019 due to exposed asbestos being identified along the pathway. It was suggested the Committee draft and send a letter to Environment Canterbury to encourage the reopening of the track.



**Resolution 2021/10**

Moved: Barbara Gilchrist

Seconded: Anne Munro

That the Orari Temuka Opihi Pareora Water Zone Committee write a letter of encouragement to Environment Canterbury.

**Carried**

The latest Land Air Water Aotearoa (LAWA) testing results as at 15<sup>th</sup> November 2021, show West Caroline Bay and Lake Opuha (Ewarts Corner Boat Ramp) as unsuitable for swimming.

**4 Identification of Matters of a Minor Nature**

There were no matters of minor nature.

**5 Declaration of Conflicts of Interest**

There were no declarations of conflict of interest.

**6 Chairperson's Report****7 Confirmation of Minutes****8.1 Minutes of the Orari-Temuka-Opihi-Pareora Water Zone Committee Meeting held on 1 November 2021****Resolution 2021/11**

Moved: Lucy Millar

Seconded: Barbara Gilchrist

That the Minutes of the Orari-Temuka-Opihi-Pareora Water Zone Committee Meeting held on 1 November 2021 be confirmed as a true and correct record of that meeting and that the Chairperson's electronic signature be attached.

**Carried**

**8 Reports****9.1 Mycofiltration Study**

Steve Martin and Ricardo Bello Mendoza of Waterways Management (via Zoom) and Artemio Mendoza-Mendoza of Lincoln University (via Zoom) spoke to this report to inform the Zone Committee on a proposed study focusing of the mycofiltration within stormwater and farm effluent.

The presentation focused on mycofiltration & mycoremediation as a method of removing nitrates in stormwater, cycle of nitrate to nitrogen, species used (oyster mushrooms), pesticide / fungicide removal, products of fungal denitrification, and uses in reverse osmosis. Funding is sought to

conduct scalable testing of mycofiltration as a means to remedy water contamination. No funding application(s) have yet been applied for. The Committee agreed in principle that a letter of support could be written once details of the funding application is known.

**Resolution 2021/12**

Moved: Barbara Gilchrist

Seconded: Suzanne Eddington

That Orari Temuka Opihi Pareora Water Zone Committee receive the presentation

**Carried**

**9.2 Saltwater Creek Update**

The Community Engagement Coordinator, Environment Canterbury spoke to this report to update the Zone Committee on progress of the Otupua/Saltwater Creek project in relation to the Zone Implementation Programme Addendum (ZIPA) recommendations.

**Resolution 2021/13**

Moved: Barbara Gilchrist

Seconded: Anne Munro

That the Orari Temuka Opihi Pareora Water Zone Committee:

1. Receives the report
2. Agrees to write a letter of support for the "Water Education Citizen Science Project" discussed in the report.

**Carried**

**9.3 Canterbury Water Management Strategy (CWMS) Action Plan Budget**

The Zone Facilitator spoke to this report which follows on from Zone Committee workshops held in October and November. It provides recommendations on the allocation of the CWMS Action Plan Budget for the 2021/2022 financial year. This report outlines projects to the sum of \$50,000.

**Resolution 2021/14**

Moved: Lucy Millar

Seconded: Barbara Gilchrist

That the Orari Temuka Opihi Pareora (OTOP) Water Zone Committee:

1. Recommends to Environment Canterbury that the budget is allocated to the six projects listed in the OTOP Canterbury Water Management Strategy (CWMS) Action Plan Budget 2021/22.
2. Agrees that if any of the projects cannot go ahead in time, the committee will make further recommendations to reallocate that budget to other projects in April 2022

**Carried**

#### **9.4 Zone Facilitator's Report**

The Zone Facilitator, Environment Canterbury spoke to this report to provide information that may be of interest to the Zone Committee that is not covered elsewhere in the agenda.

#### **Resolution 2021/15**

Moved: Barbara Gilchrist

Seconded: Lucy Millar

That the report be received by the Zone Committee

**Carried**

#### **9 Consideration of Urgent Business Items**

There were no items of urgent business to be received.

#### **10 Consideration of Minor Nature Matters**

There were no matters of minor nature.

#### **11 Closure Karakia**

**The Meeting closed at 4.24pm.**

.....  
**Lucy Millar**  
**Chairperson**

## 9 Reports

### 9.1 Canterbury Water and Land Regional Plan - PC 7

**Author:** Janine Roux, Zone Facilitator

#### Recommendation

That the Committee notes & receives the report

#### Purpose of Report

- 1 This report is by Lochiel McKellar (Senior Planner, Environment Canterbury) and Kate Butterfield (Resource Management Officer II, Environment Canterbury) to update the OTOP Zone Committee on Plan Change 7 (PC7) to the Canterbury Land and Water Regional Plan (CLWRP) and Plan Changer 2 (PC2) to the Waimakariri River Regional Plan (WRRP), and the next steps for implementing these plan changes.

#### Discussion

- 2 Please refer to the attached memorandum provided to the Orari-Temuka-Opihi-Pareora (OTOP) Zone Committee on 6 December 2021 informing it of the Council's decision.
- 3 Plan Change 7 is comprised of three parts:
  - A (Omnibus) makes changes to region-wide provisions on a number of topics, including establishing new freshwater quality outcomes, limits, and targets, providing an alternative nutrient management framework for commercial vegetable growing, amending plantation forestry provisions to better align with national standards,<sup>1</sup> and to enhance protection for indigenous freshwater biodiversity.
  - Part B (OTOP) primarily makes changes to Section 14 of the CLWRP to insert new flow and allocation regimes, establish a new nutrient management framework and provide additional protection to rock art and mahinga kai sites around the existing mātaihai area.
  - Part C (Waimakariri) primarily makes changes to Section 8 of the CLWRP to insert new flow and allocation regimes, establish a new nutrient management framework to reduce nitrate leaching into groundwater and provide additional protection to the Ashley Estuary Te Aka Aka.
- 4 Plan Change 2 is a consequential change to Part C of PC7 to amend the WRRP to remove provisions which relate to the area also covered by Section 8 (Waimakariri) of the CLWRP. The WRRP continues to apply to the main stem of the Waimakariri River, the upper catchment including its headwaters, and an area of land south of the Waimakariri River.
- 5 On 20 November 2021 the Council notified its decisions on submissions on PC7 and PC2. It adopted in full the recommendations of the hearing panel that was appointed to hear submissions and evidence on the plan changes and make recommendations to the Council.

### Appeals

- 6 Following notification of the Council's decision, there was a period of 15 working days during which submitters could lodge an appeal to the High Court of New Zealand.<sup>1</sup> Five appeals have been lodged on PC7, by:
- Te Rūnanga o Ngāi Tahu and Te Rūnanga o Arowhenua,
  - Rayonier New Zealand Limited and Port Blakely Limited,
  - Rangitata South Irrigation Limited,
  - Mulligan M E, Kerse I J and Kingston, N S,
  - Synlait Milk Limited.
- 7 Copies of the notices of appeal are available on Environment Canterbury's website, along with documents identifying provisions that the Council considers to be under appeal.
- 8 No appeals were lodged on PC2.

### Next Steps

- 9 Provisions which are beyond challenge (i.e. not under appeal) can be treated as operative.
- 10 The resolution of appeals on PC7 is a High Court process, consequently we cannot provide a timeframe for resolving appeals and being able to make PC7 and PC2 fully operative.
- 11 The implementation of PC7 is in progress. This an ongoing process and we are working with relevant sections in Environment Canterbury to ensure a consistent approach is taken, and we are able to provide accurate information to consent holders and other interested parties. We are aware that some of the changes in PC7 are also regulated in the Essential Freshwater regulations. We are working alongside the implementation of these regulations to ensure we are providing you with the best advice and information available.
- 12 We are currently working with HortNZ to identify land used for commercial vegetable growing. This will ensure we are able to accurately inform decisions around discretionary activities, namely Rule 5.42CB which identifies the total area of land used for commercial vegetable growing in the Nutrient Management Area and the Canterbury region as a matter of which discretion can be applied. This will be instrumental in ensuring we are meeting the requirements of PC7 when issuing consents.

### Attachments

1. **Memo to Zone Committee - PC7 PC2 decisions OTOP** [!\[\]\(223f1a84e0bc2cacb9c165f716817dcc\_img.jpg\)](#) 

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<sup>1</sup> Because PC7 and PC2 were notified under the Environment Canterbury (Transitional Governance Arrangements) Act 2016 appeals were limited to questions of law, rather than questions of merit.



## Memo

Date	24 November 2021
To	Orari-Temuka-Opihi-Pareora Zone Committee
CC	Janine Roux (Zone Facilitator)
From	Lochiel McKellar (Senior Planner)

## Council's decisions on Plan Change 7 and Plan Change 2

The purpose of this memo is to update the Orari-Temuka-Opihi-Pareora (OTOP) Zone Committee on the Council's decisions on Plan Change 7 (PC7) to the Canterbury Land and Water Regional Plan (CLWRP) and Plan Change 2 (PC2) to the Waimakariri River Regional Plan (WRRP).

## Background

PC7 and PC2 were notified in July 2019. PC7 is made up of three parts:

- Part A (Omnibus) makes changes to region-wide provisions on a number of topics, including establishing new freshwater quality outcomes, limits and targets, providing an alternative nutrient management framework for commercial vegetable growing, amending plantation forestry provisions to better align with national standards,<sup>1</sup> and to enhance protection for indigenous freshwater biodiversity.
- Part B (OTOP) primarily makes changes to Section 14 of the CLWRP to insert new flow and allocation regimes, establish a new nutrient management framework and provide additional protection to rock art and mahinga kai sites around the existing mātaītai area.
- Part C (Waimakariri) primarily makes changes to Section 8 of the CLWRP to insert new flow and allocation regimes, establish a new nutrient management framework to reduce nitrate leeching into groundwater and provide additional protection to the Ashley Estuary Te Aka Aka.

PC2 is a consequential change to Part C of PC7 to amend the WRRP to remove provisions which relate to the area also covered by Section 8 (Waimakariri) of the CLWRP. The WRRP continues to apply to the main stem of the Waimakariri River, the upper catchment including its headwaters, and an area of land south of the Waimakariri River.

The Council received 560 submissions and 40 further submissions on PC7, and 28 submissions on PC2 (no further submissions). An Independent Hearing Panel (the Panel) was appointed to hear submissions and evidence and make recommendations to the Council on PC7 and PC2.

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<sup>1</sup> Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

Submissions and evidence from 124 submitters were heard over 24 hearing days. In addition, the Panel directed expert caucusing and received joint witness statements on five topics; Salmon Spawning Habitat (Omnibus), Hydrology (OTOP), Freshwater Quality/Ecology (OTOP), Groundwater Science (Waimakariri) and Planning (OTOP – to provide plan provisions for a specific part of the Opihi Freshwater Management Unit flow and allocation regime).

After the Council Officers' reply hearing (February 2021) the Panel completed its deliberations and delivered its Report and Recommendations to the Council.

### **Council's decision**

In June 2021 the Council applied to the Minister for the Environment for an extension to make its decisions on PC7 and PC2 due to the timeframe for Council to make its decisions coinciding with the anticipated release of the Overseer Review Reports. The Minister granted the extension (until 9 December 2021) to allow the Council to receive the Overseer reports and determine whether they relate to the Council's responsibilities in respect of PC7 and PC2. After the release of the reports the Council accepted advice that the reports are not considered to be evidence for PC7 and PC2 and were not relevant considerations when making its decisions.

On 17 November 2021 the Council adopted the Panel's Report and Recommendations as its decisions on PC7 and PC2. The decision was publicly notified on 20 November 2021, submitters were contacted as part of this process.

PC7 and PC2 were promulgated under the ECan Act 2016, which limits the scope of appeals on the Council's decision(s) to questions of law only. Any submitter may lodge an appeal to the High Court within 15 working days of being notified.

### **Key changes for the OTOP Zone**

The Panel's full Report and Recommendations that was adopted as the Council's decision on PC7 is available at [www.ecan.govt.nz/LWRPPC7](http://www.ecan.govt.nz/LWRPPC7). The following points highlight some key changes to the provisions, but are a summary only and should not be considered a substitute for reading the Recommendation Report or new provisions (Appendix B to the report).

#### *Opihi Freshwater Management Unit (FMU) flow regime*

The decision inserts new tables (Tables 14(ma) and 14(mb)) setting out and capping the current allocation for waterbodies in the Opihi FMU. It also amends minimum flows for the Opuha River and Opihi River mainstem based on the Adaptive Management Working Group's submission, to take effect as soon as possible. The second stage of minimum flows (Table 14(w), to take effect in 2030) has been deleted. The Panel provides reasoning and further detail of the changes at Chapter 10 of the Recommendation Report.

*Temuka FMU flow regime*

The decision removes the cultural allocation for enhancement of mahinga kai and associated tangata whenua values (notified to be introduced in 2030) in the Temuka FMU. This recommendation was based on concerns that introducing new potentially extractive allocation is inconsistent with national direction<sup>2</sup> to provide for the mana (health and wellbeing) of waterbodies as a first priority. The decision also deletes the final staged increase in minimum flows (notified to come into effect in 2030) and introduces pro-rata partial restrictions from 2030 for A and B permits. The Panel provides reasoning and further detail of the changes at Chapters 6 and 11 of the Recommendation Report.

*Nutrient management*

The decision brings the first step of nitrogen loss reductions below GMP for mapped High Nitrogen Concentration Areas forward from 2030 to 2028. The Panel provides reasoning at Chapter 8 of the Recommendation Report.

*Rock art and waipuna protection*

The decision strengthens the protection provided to rock art, adverse effects on rock art must be avoided rather than minimised. It also inserts a new management area into FEPs and a corresponding objective and target to avoid adverse effects on sites within the Mātaitai and Waipuna Protection Zone.

**Next steps**

Following the appeals period any provisions in PC7 and PC2 which have not been appealed are considered beyond challenge and are treated as operative. When all appeals on PC7 and PC2 have been resolved, the Council will make PC7 and PC2 operative by way of a Council resolution. When PC7 is made operative the Council will revoke the Opihi River Regional Plan and the Pareora Catchment Environmental Flow and Water Allocation Regional Plan.

Planning staff can provide a follow-up briefing to the Zone Committee at its next meeting in the new year.

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<sup>2</sup> National Policy Statement Freshwater Management 2020



## 9.2 Zone Facilitator's Report

**Author:** Janine Roux, Zone Facilitator

### Recommendation

That the report be received by the Zone Committee.

### Purpose of Report

- 1 This report is from Janine Roux, Zone Facilitator, Environment Canterbury. It provides information that may be of interest to the Zone Committee that is not covered elsewhere in the agenda.

### Discussion

#### Cyanobacteria

- 2 Nothing to report for this period.

#### 2022 Zone Committee refresh

- 3 The following Zone Committee Community Representatives will be up for refresh in 2022:
  - Lucy Millar (to 31 July 2022)
  - Luke Reihana (to 31 July 2022)
- 4 The following representatives term ends in June 2022:
  - Suzanne Eddington (30 June 2022-seconded)
  - Bailey Lissington (to 30 June 2022)
- 5 The following timeline is scheduled for the refresh process:

Media advertising and applications opens	April 2022
Applications close	End of May 2022
Applicant workshops	Beginning of June 2022
Councils' recommendations and member approval	End of June and July
New members first meeting / workshop	August

#### CWMS Regional Committee

- 6 Last year, the Co-Chairs were appointed to the CWMS Regional Committee, followed by the six community representatives at the 9 December Environment Canterbury Council Meeting. The selection process for Ngāi Tahu representatives is underway.

- 7 The six community representatives will be announced once the Ngāi Tahu representatives have been appointed. These appointments were based on the selection criteria outlined in the Committee's Terms of Reference and are considered to represent a balance of backgrounds, experience, and interests from across the region.
- 8 Once the Regional Committee has its full membership, there will be an induction session for members prior to its first meeting.

#### Updated Action List

- 9 The Action List below updates the committee on progress on items identified at previous zone committee meetings in 2021 and 2022. Items that have now been completed are not included in this list.

#### OTOP Zone Committee – April 2022 Action list

Date of meeting	Action	Who	Status
Sept 2021	Follow up whether remedial work has taken place at Rangitata Huts following high E.Coli results in ground water survey	Carlos Rosado / Janine Roux (ECan)	<p>In progress.</p> <p>The reports mentioned are in the last stages of review and should be ready for publication soon.</p> <p>Aiming to have these actions addressed by the end of May (Carlos Rosado).</p>
Sept 2021	Provide map showing Nitrate nitrogen concentration trends with well depth and overlay drinking water protection zones.	Carlos Rosado / Janine Roux (ECan)	
Sept 2021	Circulate the arsenic report to the committee when available.	Carlos Rosado / Janine Roux (ECan)	
Sept 2021	Circulate the cadmium report to the committee when available.	Carlos Rosado / Janine Roux (ECan)	
Dec 2021	That the OTO Zone Committee write a letter to encourage the opening of the walking track north of Smithfield Beach .	Chair	No need to send letter as the pathway was opened following the field trip.

#### Attachments

Nil

**10 Consideration of Urgent Business Items****11 Consideration of Minor Nature Matters****12 Exclusion of the Public****Recommendation**

That the public be excluded from the following parts of the proceedings of this meeting on the grounds under section 48 of the Local Government Official Information and Meetings Act 1987 as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Plain English Reason</b>
<b>13.1 - Public Excluded Minutes of the Orari-Temuka-Opihi-Pareora Water Zone Committee Meeting held on 6 September 2021</b>	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	To protect a person's privacy
<b>13.2 - Public Excluded Minutes of the Orari-Temuka-Opihi-Pareora Water Zone Committee Meeting held on 1 November 2021</b>	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	To protect a person's privacy

**13 Public Excluded Reports**

**13.1 Public Excluded Minutes of the Orari-Temuka-Opihi-Pareora Water Zone Committee Meeting held on 6 September 2021**

**13.2 Public Excluded Minutes of the Orari-Temuka-Opihi-Pareora Water Zone Committee Meeting held on 1 November 2021**

**14 Readmittance of the Public****15 Closing Karakia**