

MEETING OF THE REGIONAL PLANNING COMMITTEE

TO THE CHAIRPERSON AND MEMBERS OF THE
COMMITTEE

MEMBERSHIP OF THE COMMITTEE

Cr R M Kirk (Chairperson)

Cr T K Burke	Cr B S Murray
Cr J T Demeter	Cr A G Neill
Cr C J Evans	Cr M E Oldfield
Cr P C R Harrow	Cr E M Sage
Cr J M Kane	Cr D P Sutherland
Cr R I R Little	Cr R M G Tindall
Cr A R McKay	

A meeting of the Committee will be held on
Tuesday, 13 October 2009 at 11.00 am

VENUE: Council Chamber
First Floor
Pegasus Building
Environment Canterbury
58 Kilmore Street
CHRISTCHURCH

BUSINESS: As per Order Paper attached
Agendas are available on our website three days prior to the date of the meeting -
<http://ecan.govt.nz/news-and-notice/minutes/Pages/Default.aspx>

Dr Bryan Jenkins
CHIEF EXECUTIVE

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE TAKEN
AS COUNCIL POLICY UNTIL ADOPTED BY COUNCIL**

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COMPLIANCE WITH LOCAL GOVERNMENT ACT 2002 DECISION-MAKING REQUIREMENTS

Except as below, a statement of compliance and a completed decision checklist is required for any agenda item on a council committee or the council recommending that a decision be made. This will be the responsibility of the person signing off the agenda item.

The compliance statement and checklist will not be used for:

- Recommendations that information be received or that the Council make a decision.
- Decisions taken under the Resource Management Act 1991 or the Biosecurity Act 1993 in relation to resource consents, decisions required when following the procedures set out in Schedule 1 of the Resource Management Act 1991, other permissions, submissions on plans, or references to the Environment Court.
- Decisions taken to proceed with enforcement procedures under various primary or secondary legislation or regulations, including procedures under the Resource Management Act 1991, the Biosecurity Act 1993, the Local Government Act 2002, and Environment Canterbury Bylaws.
- Administrative and personnel decisions that are entirely internal to Environment Canterbury.
- Other decisions where the procedures to be followed are set out in Legislation.

COMPLIANCE STATEMENT

The council committee (or the council) must formally certify that:

- It is satisfied that it has sufficient information about the options and their benefits and costs, in terms of the region's social, economic, environmental and cultural well-being and the effects on community outcomes, bearing in mind the significance of the decisions.
- It is satisfied that it knows enough about and has given adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decision.

INFORMATION CHECKLIST

(a)	A Statement of the Proposed Decision
(b)	A Statement of the Objective of the Proposed Decision and the Issue or Problem being addressed
(c)	A list of all reasonably practicable options, (including doing nothing).
(d)	For each option in (c): An evaluation of the Benefits and Costs, in terms of the region's social, economic, environmental and cultural well-being.
(e)	For each option in (c): A statement of the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner.
(f)	For each option in (c): A statement of the Impact, if any, on Environment Canterbury's capacity to undertake its statutory responsibilities
(g)	If the Proposed Decision is a significant decision in relation to land or a body of water, a statement of how Maori values have been taken into account
(h)	A Statement of significant inconsistencies, if any, with any Existing Policy, Plan or Legislation arising from the Proposed Decision.
(i)	A statement how the views and preferences of affected or interested persons have been given adequate consideration during the definition of the problem or issue, the objective, the assessment of options and the development of the proposed decision, including the particular contribution of Maori to the decision-making process.

Notes:

The significance of proposals and decisions determines how much time, money and effort is put into exploring and evaluating options and obtaining the views of affected and interested parties. The significance of proposals and decisions is determined through reference to criteria contained in the policy on significance.

The policy on significance together with Section 76 of the Local Government Act 2002 set out the Council's requirements in relation to decisions. Some decisions can only be made through the Long-Term Council Community Plan, or after the Special Consultative Procedures set out in the Act have been used, (refer to the policy on significance and the Act).

All decisions of Environment Canterbury are subject to the decision-making requirements of section 76 of the Act unless inconsistent with specific requirements of other legislation.

ENVIRONMENT CANTERBURY
REGIONAL PLANNING COMMITTEE
ORDER PAPER

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3. MINUTES OF MEETING – 9 SEPTEMBER 2009
4. MATTERS ARISING
5. DEPUTATIONS AND PETITIONS
6. WAIMAKARIRI RIVER REGIONAL PLAN TRIBUTARIES
7. ENVIRONMENTAL FLOW VARIATIONS 5 (KAIKOURA) AND 7 (CONWAY) TO PROPOSED NRRP
8. REVIEW OF ENVIRONMENTAL FLOWS PROGRAMME
9. PUBLIC EXCLUDED
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10. NOTICES OF MOTION
11. EXTRAORDINARY AND URGENT BUSINESS
12. QUESTIONS
13. NEXT MEETING – 11 NOVEMBER 2009

ENVIRONMENT CANTERBURY
REGIONAL PLANNING COMMITTEE

**MINUTES OF THE MEETING HELD IN THE COUNCIL CHAMBER,
ENVIRONMENT CANTERBURY, 58 KILMORE STREET, CHRISTCHURCH
ON WEDNESDAY 9 SEPTEMBER 2009 AT 9.30 AM.**

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- 6 REVIEW OF THE CANTERBURY REGIONAL POLICY STATEMENT – ALIGNMENT OF THE DRAFT WATER CHAPTER AND THE CANTERBURY WATER MANAGEMENT STRATEGY

MATTER FOR INFORMATION

7. REVIEW OF ENVIRONMENTAL FLOWS PROGRAMME

MATTER FOR RECOMMENDATION TO COUNCIL

8. PUBLIC EXCLUDED
 - 8.1 RESIDENTIAL OUTDOOR BURNING: POLICY AQL4 AND RULE AQL29 CHAPTER 3 OF THE PROPOSED NATURAL RESOURCES REGIONAL PLAN
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12. NEXT MEETING – 14 OCTOBER 2009

PRESENT

Cr R M Kirk (Chair), Crs T K Burke, J T Demeter, C J Evans, P C R Harrow, J M Kane, R I R Little, A R McKay, B S Murray, M E Oldfield, E M Sage, D P Sutherland and R M G Tindall.

MANAGEMENT AND STAFF

Ken Taylor (Acting Chief Executive), Jill Atkinson (Director Regional Programmes), Lynda Weastall (Principal Planning Advisor), Andrew Willis (Regional Policies and Effectiveness Manager), Christina Robb (Programme Manager Water & Land), Marcus Langman (Project Leader RPS Review) and Louise McDonald (Administration Officer).

1. APOLOGIES

There were no apologies.

2. CONFLICT OF INTEREST

No conflicts of interest were declared.

3. MINUTES OF MEETING – 12 August 2009

Resolved

That the minutes of the meeting held on 12 August 2009, subject to the correction to the division on page 7 to record Cr Evans as absent, be confirmed as a true and accurate record and be adopted.

Cr Sage /Cr Sutherland

Cr Little arrived at 9.33 am.

4. MATTERS ARISING

There were no matters arising from the minutes.

Cr Demeter arrived at 9.35 am.

5. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

MATTER FOR COMMITTEE DECISION

6. REVIEW OF THE CANTERBURY REGIONAL POLICY STATEMENT – ALIGNMENT OF THE DRAFT WATER CHAPTER AND THE CANTERBURY WATER MANAGEMENT STRATEGY

Marcus Langman introduced this report providing an update on the process for the review of the Regional Policy Statement (RPS) water chapter and the alignment with the Canterbury Water Management Strategy (CWMS). In addition to the report attached to the agenda, he displayed a flow diagram of the process which included bringing a draft chapter to a workshop (October/November 2009).

Unease was expressed that the process for developing the water chapter differed from the other chapters and that with less time, the expectations of Territorial Authorities (TA) and other stakeholders may not be met.

Cr Tindall arrived at 9.42 am

Before any further development of the water chapter it was requested that the Council also hold a workshop to consider the CWMS and what it will mean for Environment Canterbury.

The question of how the Natural Resource Regional Plan (NRRP) tied in with both the CWMS and the RPS review, and the potential for confusion for submitters was raised. There was some concern with the proposal to align the RPS to the CWMS when the CWMS was a separate process from the RPS, which is a regional council function.

Also raised was the question of timing of all these pieces for work when changes may come from Central Government.

Ken Taylor advised that the message from Central Government was that they saw value in the CWMS proceeding in parallel, and that this work may well inform other initiatives.

Responding to the matter of collaboration with the Territorial Authorities with regard to the water chapter, Marcus Langman confirmed that the proposed timetable and process had been discussed with TA staff and their view was that water is primarily a regional council function. TA staff and key stakeholders will still be involved with the development of the draft water chapter, but due to time constraints there will not be the opportunity to meet with each Council. It was noted that the TAs had been very involved in the CWMS, which was a Mayoral Forum initiative.

Cr Sage tabled the wording of a recommendation and agreed to the additional wording to enable meetings beyond Christchurch and Timaru.

Resolved

That the Regional Planning Committee note that:

- 1. *the review of the water chapters in the Canterbury Regional Policy Statement (RPS) will outline Council's response to key issues in water management and implement the Canterbury Water Management Strategy where this is consistent with Council's Resource Management Act (RMA) responsibilities.***
- 2. *the process for reviewing the water chapter involves:***
 - i. Council approving a draft chapter for consultation purposes in late 2009 after a workshop discussion.***
 - ii. a modified RPS consultation process on the approved draft with stakeholder meetings in at least Christchurch and Timaru and an invitation for written responses from RPS stakeholders, including Schedule 1 RMA parties.***
 - iii. Council consideration of the final water chapter as part of the RPS as a whole in early 2010.***

Cr Sage/Cr McKay

Cr Murray requested that her vote against this resolution be recorded.

MATTER FOR INFORMATION

7. REVIEW OF ENVIRONMENTAL FLOWS PROGRAMME

Lynda Weastell introduced this report and advised that 3 public meetings were held in August to discuss the proposed review of the flow and allocation regime for the Waimakariri River mainstem. These meetings were held in Christchurch, Rangiora and Darfield, with about 30 people attending the Rangiora and Darfield meetings. A presentation had also been made to the Selwyn District Council.

In response to a question regarding the Waimakariri Tributaries Ms Weastell advised that a draft report is being prepared for consideration by the Committee before public input is invited. She undertook to report back on the inclusion of the two unnamed tributaries in this review.

Resolved

That the information be received.

Cr Demeter/Cr Little

The meeting adjourned between 10.30 and 10.52 am.

8. PUBLIC EXCLUDED

Resolved

That the public be excluded from the following part of the proceedings of this meeting, namely:

8.1 Residential Outdoor Burning: Policy AQL4 and Rule AQL29 Chapter 3 of the Proposed Natural Resources Regional Plan – Appeals

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<i>Residential Outdoor Burning: Policy AQL4 and Rule AQL29 Chapter 3 of the Proposed Natural Resources Regional Plan – Appeals</i>	<i>That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.</i>	<i>Section 48(1)(a)</i>

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 7 of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Maintain legal professional privilege – Section 7(2) (g)

Cr Kirk/Cr Demeter

Crs Evans and Tindall were not in attendance for the voting on the exclusion of the public clause, but returned to the meeting at 10.56 and 10.57 respectively

The meeting went into public excluded session from 10.55 and 11.55 pm.

9. NOTICES OF MOTION

There were no notices of motion.

10. EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary or urgent business.

11. QUESTIONS

There were no questions.

12. NEXT MEETING – 14 OCTOBER 2009

The meeting closed at 11.56 am.

CONFIRMED

DATE

CHAIRPERSON

AGENDA ITEM NO: 6	SUBJECT MATTER: WAIMAKARIRI RIVER REGIONAL PLAN TRIBUTARIES
REPORT: Regional Planning Committee	DATE OF MEETING: 14 October 2009
FILE REFERENCES:	PORTFOLIO: Water PROJECT: Waimakariri River Regional Plan OUTPUT:
REPORT BY:	ENDORSED BY:

PURPOSE

The purpose of this report is to evaluate whether any of the 14 minimum flow sites or minimum flow levels for the plains tributaries of the Waimakariri River as set in Table 2 of the Waimakariri River Regional Plan 2004 (WRRP) need to be changed to better achieve Objective 5.1 of that plan. This work is a result of a Consent Order to settle appeals on that plan in 2003.

ATTACHMENTS OR DOCUMENTS PREVIOUSLY CIRCULATED:

Appendix 1 - Objective 5.1 and Table 2 WRRP
Appendix 2 - Consent Order RMA 612/00 – DoC v CRC - WRRP
Appendix 3 - Map of 14 Tributaries of the Waimakariri Catchment
Appendix 4 - Technical Panel Findings
Appendix 5 - Map of Land Use Changes in the Subject Area
Appendix 6 - Additional Tributaries of Waimakariri Catchment
Appendix 7 - Evaluation of Options

CONTENT

This report will

- Provide a summary of the minimum flows to be reviewed;
- Outline the methodology used
- Outline the results;
- Identify and discuss other issues; and
- Evaluate options.

BACKGROUND

The Waimakariri River Regional Plan (WRRP) was publicly notified in 1998. Table 2 in the WRRP lists the flow regimes for 14 tributaries on the Canterbury Plains below Woodstock; including, their minimum flows and A and B allocation blocks. There are no “gaps” between the A and B blocks. A copy of Table 2 is included in Appendix 1.

The flow regimes in Table 2 were submitted on and appealed as part of the planning process for the WRRP. The appeal was settled by Consent Order, which included a new method inserted into the plan under section 5.3 Methods p. 269 which reads:

“Environment Canterbury will carry out investigations within five years of this plan becoming operative to reassess the minimum flow requirements in the plains tributaries. If the results of these investigations conclude that any of the monitoring sites and/or minimum flows need to be altered to better achieve Objective 5.1, a plan change will be promoted.”

Consequently, the scope of this project was to review the minimum flows and the minimum flow sites for the 14 tributaries of the Waimakairi River listed in Table 2 of the WRRP; to see if those minimum flow levels and recorder sites were appropriate to achieve Objective 5.1 of the WRRP. A copy of Objective 5.1 is attached in Appendix 1.

CATCHMENT DESCRIPTION AND EXISTING WRRP FRAMEWORK

The 14 tributaries are listed in Table 2 (Appendix 1) of the WRRP and mapped in Appendix 3. They differ from other tributaries of the Waimakariri River because they are located in more densely populated areas where the predominant land uses are urban or rural-lifestyle, rather than rural, including Rangiora, Kaiapoi and parts of northern Christchurch.

For management purposes, the 14 tributaries were grouped into 4 blocks:

- South Bank which includes Kaputone Creek, Styx River and Otukaikino Creek;
- North Bank 1, which includes the Kaiapoi River, Ohoka Creek, Courtenay Stream and Greigs Drain;
- North Bank 2 which includes the Cust River, Cust Main Drain and No. 7 Drain; and
- North Bank 3 which includes the Cam River and South, Middle and North brooks.

South Bank Streams

This group consists of the Styx River, Kaputone Creek, which is one of its tributaries, and Otukaikino Creek. The south bank streams are all located within the Christchurch City Council boundary and meander through the northern parts of the city. They are all spring fed streams and their flows fluctuate with groundwater levels. They all have low grades that make them slow flowing with silt substrates. All three streams are highly valued for mahinga kai and the Otukaikino for recreation including the Groyne area in Christchurch.

Kaputone Creek starts in Belfast and flows into the Styx River immediately upstream of Marshlands Road Bridge. The Styx then enters the Waimakariri in the north corner of Brooklands Lagoon where its discharge is controlled by a flood gate. Both Kaputone Creek and Styx River are inanga spawning waters. Styx River is highly valued by tangata whenua for koura and eel.

Otukaikino Creek flows along an original course of the Waimakariri main stem which was cut-off for flood management in the 1930s. As well as a good source of mahinga kai, Otukaikino Creek is a high quality trout and salmon spawning creek, and due to its spring fed nature is still fishable when the Waimakariri is in flood.

The table below summarises the flow sites and 7day MALF:

	Flow Site	7day MALF
Kaputone	Styx confluence	214 L/s
Styx	Radcliffe Road	1,118 L/s
Otukaikino	Dickeys Road	3,066 L/s

North Bank 1 Streams

This group consists of the Kaiapoi River and three of its tributaries: Ohoka Stream, Courtenay Stream and its tributary Greigs Drain. The Kaiapoi River is a nationally significant fishery (ECan report U06/59) estimated to receive 10,000 angler visits per year (NZ Fish and Game). The Silverstream hatchery is in its upper reaches. The Kaiapoi River starts with three distinct, spring-fed sources: Silverstream, Eyre Main Drain and Burgess Creek that join approximately one kilometre above Neeves Road (see Appendix 3). The other three streams in this group are also spring-fed. Ohoka Stream has numerous spring-fed tributaries that join

above Mill Road; Courtenay Stream starts from seepage from the Waimakariri River through the north-side stop bank; and Greigs Drain is a highly modified spring-fed creek that has been diverted under SH1 to join Courtenay Stream (its natural course was into Kakanui Stream another tributary of Courtenay Stream).

The upper reaches of both Ohoka and Courtenay Stream have good trout spawning gravels. Ohoka Stream is a small trout fishery. The fishing value of the Courtenay Stream is not as good, possibly because freezing works discharged into its lower reaches for years (WRRP, Section 32 report). This practice has ceased and water quality has improved.

	Flow Site	7day MALF
Kaiapoi River	Neeves Road	1,273 L/s
Ohoka Stream	Mill Road	526 L/s
Greigs Drain	Greigs Drain Road	302 L/s
Courtenay Stream	Main North Road	393 L/s

North Bank 2 Streams

This group of streams are focussed around the Cust tributaries of the Kaiapoi River; Cust River, Cust Main Drain and No. 7 Drain. These waterways generally traverse productive rural land that has not been subjected to the same influence of rural lifestyle development as the streams and rivers included in North Bank 1 and 3.

The Cust River runs from the foothills behind Oxford through the Cust Valley and then across the plains as the Cust Main Drain to its confluence with the Kaiapoi River. Originally the Cust River flowed into a large wetland lying immediately south of Rangiora. In 1862 the Main Drain, with a herringbone patterned system of side drains, including No 7 Drain, was constructed to drain this wetland.

The Cust Main Drain starts downstream of Bridge Road. It has a wide, shallow channel modified for flood control.

Prior to the draining of the Rangiora Swamp, the Cust River and the wetland were a source of food and materials for tangata whenua. Some fishing for inanga and eels is still done, particularly in the lower reaches. The Cust River provides reasonable habitat for spawning and juvenile trout. The Cust Main Drain provides good quality habitat for smaller native fish and for juvenile trout.

	Flow Site	7day MALF
Cust River	Neeves Road	140 L/s
Cust Main Drain	Mill Road	325 L/s
No. 7 Drain	Greigs Drain Road	67 L/s

North Bank 3 Streams

The final group of streams is the North Bank 3 Group and includes the Cam River, South, Middle and North Brooks.

The Cam River rises northeast of Rangiora and it receives water from its tributaries which include North, South and Middle brooks. These three tributaries are spring-fed and also receive surface water runoff from surrounding farmland and stormwater from Rangiora Township. The Cam River flows into the Kaiapoi River downstream of the main bridge in Kaiapoi.

Flows on the three tributaries and the Cam River are thought to be influenced by flows in the Ashley River (WRRP, Section 32). The tributaries have gravel beds suitable for trout spawning while below their confluence the Cam substrate gradually changes to silt and mud. In its lower reaches the Cam River is highly modified, and it is controlled by a flood gate.

The Cam River used to receive treated effluent which affected its water quality, but that practice has ceased. The Cam River and its tributaries were once an important food gathering area for tangata whenua but the resource has declined.

	Flow Site	7day MALF
Cam River	Youngs Road	1,022 L/s
South Brook	Marsh Road	171 L/s
Middle Brook	Marsh Road	31 L/s
North Brook	Marsh Road	622 L/s

METHODOLOGY

The following methodology has been used to investigate the appropriateness of the minimum flows and flow recorder sites in these 14 tributaries:

- (i) Plot of surface water and SD groundwater consents;
- (ii) Literature review of existing reports and studies;
- (iii) Establishment of Community Advisory Groups;
- (iv) Technical Panel assessment of sites on tributaries.

The Technical Panel approach is a methodology that can be used when there is limited data on the hydrology of a river. The approach involves a panel of professionals with expertise in various disciplines who visit sites in the river at low flow, at the same time, and make flow recommendations based on a visual assessment. For this project the Technical Panel consisted of: NIWA, (hydrology) Boffa Miskell (landscape & amenity) Golders Associates (aquatic ecology) and Te Ngai Tū Ahuriri Rūnanga (tangata whenua values)

This panel of experts was comprised considering the matters which are required to be recognised and protected under Objective 5.1 of the WRRP. In addition, members of the Community Advisory Groups attended the fieldwork and provided local information and observations of the tributaries.

Following the visits, each panellist prepared a report ranking how important their particular field is at each site and indicating, if the current minimum flow is adequate. The result can be up to five flow recommendations on each site visited across the 14 tributaries. The results are contained in Appendix 4.

The Technical Panel approach has limitations. In particular:

- It does not result in a definite answer as to the appropriate minimum flow. This can only be determined by the Council having weighed up the relative importance of all the values assessed by the Panel.
- It cannot be used alone to determine that the minimum flow should be raised, even if all the assessments indicate it is too low for the values assessed. That is because not all the matters which must be considered under the RMA are considered in the Technical Panel approach, including other hydrological functions of the catchment or the reliability of supply for abstractors.
- The study is a 'snap shot' in time, which does not consider the river in its broader hydrological and geographical context or how representative the study period is of the river flows in general.

Therefore, the Technical Panel recommendations are useful indicators or starting points as to whether further investigation may be warranted.

CONSULTATION

As well as setting up the Community Advisory Groups, the following consultation was undertaken as part of this work:

- Letters inviting participation in the CAG process to all current resource consent holders, statutory agencies; non-governmental organisations (including Federated Farmers) and local Runanga.
- A web page and newsletters to disseminate information;
- Staff attended meetings of local resident associations and community boards in Spencerville, Brooklands, Norwood, Shirley/Papanui, Ouruhia, Kaiapoi Community Board, Oxford Eyre Ward Advisory Board, Rangiora Ward Advisory Board, and Woodend Ashley Ward Advisory Board to explain the process and invite participation.
- In June 2008 there was a public meeting at Ohoka to identify and discuss issues relevant to the review.
- Staff continued to meet with interested parties throughout the process including the Cam Working Group, Cam Water Users Group, Styx Living Laboratory, The Guardians of the Styx, Cust, Cust Main Drain and No.7 Drain irrigators, Christchurch City Council and Waimakariri District Council.

SUMMARY OF FINDINGS

The results of the technical panel assessments and the wider feedback received are summarised below. The feedback has been separated into two parts:

- (i) A summary of the minimum flows that have been assessed as achieving Objective 5.1 and which flows need further investigation.
- (ii) Other issues that have been identified through the project and consultation with the community.

Minimum flow and minimum flow monitoring sites

The table below shows a summary of the outcome of the technical experts' findings. This table highlights which minimum flows and flow sites were found appropriate to achieve Objective 5.1 of the WRRP, and which may need further investigation. Not all of the minimum flows that have been identified as warranting further investigation may need to be raised. Some are indicated by the Technical Panel assessments as higher than may be necessary to achieve Objective 5.1.

A table showing the results of each Technical Panel assessment and an analysis of findings, is included in Appendix 4.

Water Resource	Minimum flow	Consider	Minimum flow site	Consider
Styx River	1,200	Appears satisfactory	Radcliffe Road	Appears satisfactory
Kaputone Creek	150	Appears satisfactory	Confluence	Warrants further investigation
Otukaikino Creek	2,000	Appears satisfactory	Dickeys Road	Appears satisfactory
Courtenay Stream	260	Warrants further investigation	Main North Road	Appears satisfactory

Greigs Drain	150	Warrants further investigation	Greigs Drain Road	Appears satisfactory
Kaiapoi River	600	Warrants further investigation	Neeves Road	Appears satisfactory
Ohoka Stream	300	Warrants further investigation	Mill Road	Appears satisfactory
Cust Main Drain	230	Appears satisfactory	Rangiora-Oxford Road	Appears satisfactory
Cust River	20	Warrants further investigation	Main Drain Road	Appears satisfactory
No. 7 Drain	60	Appears satisfactory	Mill Road	Appears satisfactory
Cam River	1,000	Warrants further investigation	Youngs Road	Appears satisfactory
North Brook	530	Appears satisfactory	Marsh Road	Appears satisfactory
Middle Brook	60	Warrants further investigation	Marsh Road	Appears satisfactory
South Brook	140	Appears satisfactory	Marsh Road	Appears satisfactory

Of the 14 tributaries seven appear satisfactory and seven will require further investigation because of the minimum flows recommended by the Technical Panel assessment.

OTHER ISSUES IDENTIFIED AS PART OF THE REVIEW

A number of other issues have been identified both through the consultation with the community and through the desktop analysis that has been undertaken, however the original scope for the review as was not wide enough to address these issues. Some of these issues, such as the changing the size of the allocation block are relatively straight forward However some of these issues do not have simple solutions and will require Environment Canterbury working collaboratively with the City and District Councils, for example addressing the allocation required within the each catchment for community water supplies or managing the water requirements of lifestyle properties which are currently being met by individual groundwater takes. The key question for the Council is whether, and to what extent any or all of these issues are addressed, and if so the timing of any such work. Four options to progress these matters are evaluated in Appendix 7 of this report.

Increase in permitted takes

Changes in land use (see Appendix 5) have resulted in changes in water use within the catchment. In particular, a shift from rural to rural-lifestyle and urban uses has resulted in a decrease in surface water takes for irrigation, but an increase in groundwater takes for domestic supply. In the north bank in particular, these new sections have reticulated water supplied by the Waimakariri District but seek to use more by sinking wells and taking up to 10 cubic metres a day, which is a permitted activity under that plan. This process may eventually impact on the reliability of supply for consented takes because permitted takes are not subject to minimum flows, are not counted in allocation, and are not subjected to restriction in times of drought.

Potential reduction in rainfall recharge

Expansion of the built environment decreases the amount of rain water that is able to soak into the ground. As Belfast, Rangiora and Kaiapoi expand rainfall run off from roofs and hard

standing areas is intercepted and diverted into storm water systems. Less rainfall recharge results in lower groundwater levels and because these waterways are mostly spring fed, lower surface flows. Anecdotal evidence of the behaviour of local streams (drying upstream and flooding downstream) may be an indication of possible cumulative effects of these changes in land uses on the hydrology of the catchment. Reviewing minimum flows will not address this issue.

Size of A Block/ allocation regime

When the WRRP was developed the A Block was set at what was then believed to be a sustainable level. Since that time our understanding of the sustainable size of allocation blocks for managing surface water abstraction, given in stream needs and the reliability of supply required for economic farming practices, has improved. Additional guidance has also been provided by way of the National Environmental Standard (NES). When the existing A Block is compared to the A Block size indicated by the NES for many of the tributaries, the current A Block is too big. Some surface water consents have been surrendered since the WRRP was made operative, due to changes in land use in the catchment, and this presents an opportunity for the size of the A Block to be reviewed. Because consents have been surrendered or have lapsed no existing abstractors would be disadvantaged by this review.

Stream depletion effects of ground water takes

Groundwater abstractions often affect surface water flows, especially in spring-fed streams such as the plains tributaries of the Waimakariri River. Therefore most plans, including the WRRP and the NRRP have provisions to manage groundwater abstractions that have stream depletion effects and to impose conditions on these takes to protect surface water flows. This can include being part of the allocation block and having minimum flow conditions.

While the WRRP has a regime for managing stream depleting groundwater consents, it may not be sufficient to manage cumulative effects of groundwater takes on the plains tributaries for the following reasons:

1. The methodology for managing stream depleting groundwater has evolved and become more sophisticated and accurate since the WRRP was notified and...?
2. The methodology used in the WRRP does not allow us to classify stream depletion into degrees of hydraulic connection. This classification would enable highly connected ground water takes to be managed as surface water takes.

Community Supply of drinking water

Rangiora and Kaiapoi are expanding and so is their need to access reliable sources of drinking water. Current resource consents for community supply are already included in A allocation blocks. Future needs for community water supply should be assessed and the best way to accommodate them should be investigated. The WRRP could specifically provide for current and future community water supply within a reliable allocation block. These takes are not subject to a minimum flow and should be allocated to a specific block (i.e. AA Block) separate from those who are subject to a minimum flow.

Flow loss in No.7 Drain

No.7 Drain intercepts water from springs that rise southeast of Rangiora and diverts their flow into the Cust Main Drain. This diversion is important in times of flood to allow excess flows in No.7 Drain to drain into the Cam River. At times of low flows the diversion causes the minimum flow to be triggered further downstream, increasing restrictions for abstractors. Controlling the diversion would improve reliability of supply for abstractors. Instream values are also likely to benefit because the minimum flow will not be triggered as often and the drain will not be held at its minimum flow for excessive periods of time.

Eyre River and its tributaries, Saltwater Creek and McIntosh Drain

The WRRP defines, in page 3, the area to which it applies as “the Waimakariri River Catchment excluding the area seaward of Ferry Road which lies within the Coastal Marine Area”. This definition is illustrated in Figure 4 (page 17) and reproduced in Appendix 6. Although Rule 5.1 applies to the whole catchment as defined above, Table 2 only sets the flow and allocation regimes for the main stem (above and below Woodstock) and 14 plains tributaries. It does not include the Eyre River and its tributaries (Coopers Creek, Washpen Creek, White Stream, Mill Road Drain and Bennetts Creek); Eyre River Water Races; Waimakariri River Water Races; Saltwater Creek; and McIntosh Drain.

Policy 5.1 (b) (ii) explicitly seeks to protect the aquatic ecosystems and habitats, wetlands and amenity values of the upper Eyre River system. This system is defined as “those parts or tributaries of the Eyre River which have a continual flow of water, e.g., Coopers Creek. ECan could investigate these waterways and if necessary add them to Table 2.

OPTIONS IDENTIFIED

This report has identified areas of potential further investigation in the Waimakariri catchment. The report now focuses on four options to address these issues, listed as follows

1. Do nothing (Note: a review of the WRRP in its entirety is due in 2014);
2. Promote a plan change to review Minimum Flows and Minimum Flow sites in accordance with consent order RMA 612/00;
3. Address the broader issues relating to flows in the 14 tributaries raised in this report in this report;
4. Option 3 plus develop a flow and allocation regime for the Eyre River and its tributaries, Saltwater Creek and McIntosh Drain.

Each of these options has been evaluated in Appendix 7 where the costs and timeframe for each option have been set out.

Staff time and budgets have been allocated to other environmental flow projects for 2009-2010 year. . Therefore options two to four have been assessed as beginning in July 2010. If option four was to meet the timeframe set out for option three then it is suggested that technical work would need to be carried out over the 2009/10 summer period. This would require funds to be diverted from other environmental flow projects.

The do nothing option means not promoting a plan change at this time. However all the issues identified in this report can be addressed when the WRRP is due for review in 2014. This option is the cheapest for upfront costs. However there is an indirect financial cost associated with this option. A large amount of technical work has been undertaken to address whether or not the minimum flows and minimum flow sites will achieve Objective 5.1. And if no further work is undertaken until 2014 this technical work will be outdated and need to be redone While the consent order does not include a time by which any plan change needs to be notified, one could argue a reasonable expectation that should the Council’s review find issues to be addressed, they would be attended to within a reasonable timeframe of the review, eg in the next budget round.

As expected the time and costs of options 2 to 4 increase with the scope of the plan change and the number of issues addressed. Option 3 is the recommended option for the following reasons:

1. Option 4 requires additional technical work to be undertaken during low flow periods and additional consultation in the new catchments where as options 2 and 3 can utilise the field work already done.

2. Option 3 has a greater potential to manage flows in the Plains tributaries of the Waimakariri River, because it looks at all likely causes of stream depletion. Option 2 may have very limited effect because surface water takes may not be the main cause of low flows.

If either option 2 or 3 is to commence in July 2010, it must be at the expense of another flows project as there is no budget. However money is set aside for Banks Peninsula, Hinds, Opihi reviews – which could be delayed until 2011. The additional catchments outlined in option 4 could be added in by another plan change later or wait for the 2014 review of WRRP.

EVALUATION OF OPTIONS

The following section provides a summary of the evaluation that has been undertaken for each option. A summary table has been included below to highlight the findings outlined in Appendix 7.

Category	Option One	Option Two	Option Three	Option Four
Financial Cost¹	None	\$33,400	\$76,400	\$176,400
Time	None	11 Months to Notification	14 Months to Notification	21 Months to Notification
Environmental Benefits	Low	High for min flow, Low for other issues such as allocation	High for the plains tributaries but low for the Eyre River and its Tributaries	High for both the plains tributaries and the Eyre River and its Tributaries.
Objective 5.1	WRRP will not achieve until 2014	WRRP will achieve in part (just min flow and min flow sites)	WRRP Policies and Rules will achieve	WRRP Policies and Rules will achieve
Environment Court	May not meet agreed consent order position	Agreed consent order position will be achieved	Agreed consent order position will be achieved	Agreed consent order position will be achieved

RECOMMENDATION

That the Regional Planning Committee recommends to Council that option three is pursued with work commencing in July 2010.

¹ Note all costs have been developed assuming all work can be delivered in house. If external consultants are required to complete the Hydrological, Groundwater or Planning components then the cost estimates are likely to be significantly higher.

AGENDA ITEM NO: 7	SUBJECT MATTER: ENVIRONMENTAL FLOW VARIATIONS 5 (KAIKOURA) & 7 (CONWAY) TO PROPOSED NRRP
REPORT: Regional Planning Committee	DATE OF MEETING: 13 October 2009
FILE REFERENCES:	PORTFOLIO: Water PROJECT: OUTPUT: Information on process to complete Environmental Flow Reviews for Kaikoura, & Conway
REPORT BY: Lynda Weastell Murchison Principal Planning Advisor	ENDORSED BY: Don Rule Director Resource Planning and Consents

PURPOSE

To inform the Regional Planning Committee on the proposed course of action to complete the Environmental Flow Regime review for Kaikoura (Variation 5) and to recommend a course of action to complete the Flow review for Conway (Variation 7), to the proposed Natural Resources Regional Plan (NRRP).

ATTACHMENT

Attachment 1 - Council resolutions of July 2009 for Variations 5 and 7 to the proposed NRRP.

BACKGROUND

Environmental Flow and Allocation Regimes (EFARs) are tools to manage the abstraction of surface water and stream depleting groundwater in catchments, to help manage: the protection of in-stream values; the reliability of supply for existing abstractors; and demand for additional abstraction. Environment Canterbury (Ecan) is currently or about to start reviewing or developing EFARs in 15 catchments in the Region. Some of these reviews have been notified as variations to Schedule WQN 2 of Chapter 5 of the proposed NRRP; while those, which have yet to be notified, will be notified as separate plans.

At an ordinary Council meeting held on 29 May 2008, the Council appointed a Hearings Panel of Crs Murray, Demeter and Tindall to hear submissions and on these variations and to recommend decisions to the Council.

In July 2009, council officers reported back to the Regional Planning Committee (RPC) on options to manage the EFARs which had already been notified as variations to the proposed NRRP. Council accepted the Committee's recommendations to complete Variation 5 (Kaikoura); and to report back on the preferred option for managing Variation 7 (Conway). A copy of these recommendations is attached.

ISSUES

Variation 5 – Kaikoura

Variation 5 sets an EFAR for six rivers in the Kaikoura area: Hapuku River; Luke Stream; Middle Creek; Lyell Creek; Kowhai River; Ewelme Stream (Stoney Creek) and part of the Kahutara River.

The variation was notified in June 2007 and received submissions from the Department of Conservation and the New Zealand Fish and Game Council, opposing the flow regime due to a lack of robust hydrological data on which it was based. Federated Farmers made a further submission opposing these submitters on the basis that the flow regimes in Variation 5 were agreed between Environment Canterbury and the Community Advisory Group.

In July 2009, The Regional Planning Committee advised by Council officers that a submission point was omitted from the summary of submissions. Council accepted RPC's recommendation that this matter should be addressed and the variation process completed. In August 2009 the omitted submission point was advertised for further submissions. None was received.

In September 2009, a preliminary assessment was undertaken of the methodology and data used to establish the flow regimes, to address points raised in submissions. This review will be completed this month by Golder Associates (as the Council's external service provider) and hydrological, ecological and planning evidence will be prepared.

It is likely that some key issues will emerge in the hearing process, including:

- (i) The robustness of hydrological data available for this catchment on which the flow regime has been set; and
- (ii) The collaborative approach that was taken with the Community Advisory Group in setting the flow regime in Variation 5 and associated expectations.

However, all these matters are matters the Hearings Panel can receive evidence on and consider in their decision-making, along with several options for completing this process. Therefore, the hearing process is still favoured as the most expedient option to manage Variation 5 and officers will liaise with the Panel to set up a hearing time and site visit for the beginning of December 2009.

Variation 7 - Conway

Variation 7 sets an EFAR for the Conway Catchment, which is subdivided into four areas: Charwell River; and Upper, Middle and Lower Conway.

The variation attracted submissions from Department of Conservation; New Zealand Fish & Game Council; Te Runanga O Kaikoura; and local landowners and irrigators. There are several issues in this catchment, including:

- The minimum flow set for the Charwell River; and
- The EFAR for the lower Conway and the lagoon area.

Golder Associates has completed a review of the hydrological and ecological methodologies and data on which EFAR in the Conway catchment was based; the issues which have been raised in submissions on Variation 7; and the issues which were raised in the hearing and appeals processes on recent consent applications from Mr Tim Wilding and Jane Andrews Ltd to take water from the Lower Conway. As a result of both the Golder Associates' review and the Environment Court decision in *Wilding*, some additional hydrological and ecological

monitoring is recommended to be undertaken in the catchment over this 2009/2010 summer period.

OPTIONS

There are three options to proceed with Variation 7:

- (i) Do nothing;
- (ii) Proceed to a hearing;
- (iii) Bring a recommendation back to the Regional Planning Committee.

Do nothing is not an option as the Council is required under Clause 10(3) of the First Schedule to the RMA to make its decisions within two years of notifying a variation. Alternatively it may withdraw the variation under Clause 8D of the First Schedule.

Both options 2 and 3 require the additional hydrological and ecological work to be carried out to enable either a Hearings Panel or the Regional Planning Committee to make an informed decision about how best to proceed in the Conway Catchment.

This report recommends Option 2, that the Hearings Panel hear submitters and the Council's evidence and recommends to the Council how best to proceed. The reason is that unless the Council withdraws the variation it must hear those submitters who wish to be heard and make a decision. Given that a Hearings Panel has been appointed to undertake this task and has the scope to consider all the issues and options put to it for completing a flow regime in the catchment, it appears the most efficient and effective option.

Therefore, this report recommends the following process for Variation 7 – Conway:

- (i) To call a prehearing meeting of all submitters on Variation 7 to discuss the issues; the work to be undertaken over the summer period; and the planning process, in November 2009.
- (ii) Once the work is completed over the summer, proceed to a hearing in early 2010. In this forum, submitters and Council reporting officers can address the Hearings Panel on both the changes they would like to the EFAR for the Conway and whether those changes are best made through submissions, notifying a variation to Variation 7, or by replacing Variation 7 with a stand alone flow plan.

The Hearings Panel can then make their recommendations to Council. A hearing date will be scheduled for late February 2010.

RECOMMENDATIONS

- (a) *That the information on Variation 5 – Kaikoura be received.*
- (b) *That the process for completing an Environmental Flow and Allocation Regime for the Conway Catchment (Variation 7) is to proceed to a prehearing meeting with all submitters to outline issues and options in November 2009; to undertake the recommended fieldwork to address issues raised in submissions over the summer period; and to proceed to a hearing in early 2010.*

Attachment One

Regional Planning Committee recommendations to Council 15 July 2009:

(a) Variation No 5 – Kaikoura:

That Variation No 5 to the proposed NRRP – Kaikoura, be progressed by advertising those submissions omitted from the summary of submissions, a hearing held and the variation completed as part of the NRRP process; and that the remaining part of the Kaikoura Catchment be scheduled for a EFAR review in the 2010-2011 year.

(b) Variation No 7 – Conway

That Variation No 7 to the proposed NRRP – Conway be progressed by firstly confirming an appropriate EFAR for the Conway catchment considering the issues raised in submissions on Variation No 7 and in other fora; and a recommendation on an appropriate process to complete the EFAR review be brought back to the Regional Planning Committee in September 2009.

(c) Variation No 8 – Hurunui

That a decision on the best process to progress Variation No 8 to the proposed NRRP – Hurunui be deferred until August 2009, pending the decision on the WCO application; and that an EFAR or the Waitohi River be completed in the interim, along with an investigation into the merits of any other matters raised in submissions on Variation No 8.

(d) Variation No 9 – Waihao & Wainono Lagoon Tributaries

That Variation No 9 to the proposed NRRP – Waihao and Wainono Lagoon Tributaries be progressed by modifying the EFAR regime to address issues raised by Council officers and in submissions, where appropriate; and replacing the variation with an Environmental Flow Plan.

AGENDA ITEM NO: 8	SUBJECT MATTER: REVIEW OF ENVIRONMENTAL FLOWS PROGRAMME
REPORT: Regional Planning Committee	DATE OF MEETING: 13 October 2009
FILE REFERENCES:	PORTFOLIO: Water PROJECT: NRRP Environmental Flows Review OUTPUT: Update on Environmental Flows projects
REPORT BY: Gaynor Smith Project Leader Planning (Air & Rivers)	ENDORSED BY: Lynda Weastell Principal Planning Advisor

PURPOSE

To provide an update to the Regional Planning Committee on Environmental Flow projects.

BACKGROUND

A monthly update on the Environmental Flow and Allocation Regime reviews is provided in the RPC Agenda for information. The update provides a summary on the current status and next steps in each project. The dates for public meetings or community advisory group meetings are shown in bold.

RECOMMENDATION

That the information be received

October Update					
Catchment	Current Status	Next Steps	End of FY Goal	On Track (Yes / No)	Comments
Conway	<ul style="list-style-type: none"> Ecological and hydrological issues raised in submissions reviewed. 	<ul style="list-style-type: none"> Council Workshop in October 	Flow Review Completed	Yes	<ul style="list-style-type: none"> Options for completing Variation for October Council workshop
Ellesmere	<ul style="list-style-type: none"> Technical work for Upper Selwyn underway Project scoping for Ellesmere begun 	<ul style="list-style-type: none"> Project scoping completed Oct. Council workshop on plan process & consultation Nov. 	Notified flow plan July 2010	Yes	
Hurunui	<ul style="list-style-type: none"> Review of Variation 8 Occurring Draft flow plan to be prepared for Council to consider as a way forward. Report requested for CWMS Steering Group on issues & options or Hurunui 	<ul style="list-style-type: none"> Put case together for WCO appeals. Draft flow plan to Council workshop for consideration Dec 2009. 	Variation completed or flow plan notified July 2010	Yes	Council will need to decide if it is going to await WCO decision or 'take a punt' that flow regime will not be covered and move ahead.
Kaikoura	<ul style="list-style-type: none"> Brief for hydrology, ecology & planning evidence let. Hearing early December. 	<ul style="list-style-type: none"> Hearing to be held in December (date to be set with Panel). 	Variation completed and merged with NRRP	Yes	
Catchment	Current Status	Next Steps	End of FY Goal	On Track (Yes / No)	Comments
Orari	<ul style="list-style-type: none"> Technical work continuing Development of comms plan with community advisory group leading up to February 2010 	<ul style="list-style-type: none"> Receive and review technical reports due Feb 2010 	Notified Flow Plan July 2010	Yes but delay in technical reports means timetable being actively managed	<ul style="list-style-type: none"> Community advisory group have agreed not to meet until after technical reports and IFIM analysis is received

Pareora	<ul style="list-style-type: none"> Hydrology work being undertaken by Mr Scarf and Mr de Joux Steering Group meeting 6th October with a presentation from Fish & Game, and on Tangata Whenua values 	<ul style="list-style-type: none"> Economic Assessment underway Hydrology work being completed by Mr Scarf and Mr de Joux 	Notified Flow Plan – July 2010	Yes	
Waiiau	<ul style="list-style-type: none"> CAG meeting held on 8th September 2009 	<ul style="list-style-type: none"> Next Community Advisory Group meeting 28th October 2009. Review minimum flow options and B Allocation block 	Notified Flow Plan – July 2010	Yes	
Catchment	Current Status	Next Steps	End of FY Goal	On Track (Yes / No)	Comments
Waihao	<ul style="list-style-type: none"> Assessing options to progress the environmental flow plan forward 	<ul style="list-style-type: none"> Report to RPC/Council Dec 2009 			
Waimakariri	<ul style="list-style-type: none"> Plan Change notified 08 Aug 2009. Public meetings attended ChCh 24th Aug; Darfield 25th Aug & SDC 26th Aug. Submissions closed 11 September – received. 	<ul style="list-style-type: none"> Further submissions notified Sat 10th Oct and close Fri 13th Nov 2009. 	Complete	Yes	
Waimakariri Tributaries	<ul style="list-style-type: none"> Workshop with RPC 1 September 2009 	<ul style="list-style-type: none"> Report to RPC 14 October 2009 	Complete	Yes	
Waitohi	<ul style="list-style-type: none"> Technical reports received 	<ul style="list-style-type: none"> Incorporate Waitohi into Flow regime for Hurunui 	To be included in Hurunui Flow Regime	Yes	

AGENDA ITEM NO: 9	SUBJECT MATTER: PUBLIC EXCLUDED
REPORT: Regional Planning Committee	DATE OF MEETING: 13 October 2009
FILE REFERENCES:	PORTFOLIO: PROJECT: OUTPUT:
REPORT BY: Jude Pani Manager Secretariat	ENDORSED BY:

MEETING WITH PUBLIC EXCLUDED

That the public be excluded from the following part of the proceedings of this meeting, namely:

Minutes of 9 September 2009 meeting

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Minutes of 9 September 2009 meeting	The exclusion of the public from the meeting is necessary to enable the Council to deliberate in private on its decision in proceedings which are before the Council and which will be proceeding to the Environment Court.	Section 48(1)(d)