

13 February 2008

«Submitter»

«Address»

«ATTN» «Contact»

Dear Sir/Madam

Please quote your submission number in all correspondence: Variation 1: «V1»/ FS «V1FS»

Notification of ADDENDUM to OFFICER REPORT 16 – Rivers and Lakes – Natural State and High Naturalness Water Bodies

Attached with this letter is an addendum to Officer Report 16. This addresses the retention and amendment of a list of “high naturalness water bodies” for the Waitaki Catchment.

Recommendation WQN9.4 has recommended the deletion of Waitaki rivers and lakes from Policy WQN1 and Schedule WQN5. This was done because the Waitaki Catchment Water Allocation Regional Plan (WCWARP) now provides for the taking, use, damming and diversion of water within the Waitaki Catchment. However it has now been realised that the WCWARP does not provide for activities in the beds of lakes and rivers. These activities are provided for in Chapter 6 of the NRRP and Rules in this chapter refer back to Schedule WQN5 water bodies. If these Chapter 6 Rules are to apply to high naturalness water bodies in the Waitaki catchment then a list of these water bodies needs to be retained in the NRRP. It is proposed to include a schedule in Chapter 6 of the NRRP listing Waitaki Catchment High Naturalness water bodies to which Rules in Chapter 6 will refer. This list is made up of those Waitaki catchment rivers and lakes that are recommended to be deleted from schedule WQN5 and others suggested by submitters so that the list is consistent with the water bodies that are listed in Policy 2 of the WCWARP as high natural character water bodies.

Initially the hearings for Stage 16 – Rivers and Lakes – Natural State and High Naturalness Water Bodies – were to be held on 18, 19, 25 and 28 February 2008. The deadline to indicate whether or not you wished to be heard was set on Friday 8 February 2008. The hearing timetable was complete and about to be communicated to you.

With this addendum, we have to reconsider the time made available to submitters to present their evidence. Consequently, if after having read the addendum to Officer Report 16, you decide that you want to be heard (when you previously thought you did not), or if you want to extend your allocated hearing time, please e-mail Sophie Toutain at: sophie.toutain@ecan.govt.nz or phone 363 9364 **URGENTLY** so that we can accommodate everyone. If need be, we will add an extra hearing day on 29 February 2008.

Our Ref: NRRP/2002/V1/NOT/HEA/16C
Your Ref:
Contact: Sophie Toutain

Stage 16 will cover all the submissions that relate to the following:

- Chapter 5 Policy WQN1 Natural state water bodies
- Chapter 5 Policy WQN2 High naturalness water bodies
- Methods for Policies WQN1 and WQN2 (excluding rules)
- Chapter 5 Schedule WQN5 and WQN6
- Appendix WQN1 Summary of water body types in Canterbury
- Request for a new definition: Natural state

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Glennie', with a stylized, looping flourish at the end.

John Glennie

NATURAL RESOURCES POLICY MANAGER

Our Ref: NRRP/2002/V1/NOT/HEA/16C
Your Ref:
Contact: Sophie Toutain

Addendum to Officer Report 16 – CHAPTER 5 – Rivers and Lakes – Natural State and High Naturalness Water Bodies

This addendum will affect the recommendations on all submissions (either general submissions or those specific to the Waitaki catchment) that requested retention, additions, amendments or deletion of water bodies listed in Schedule WQN5 and/or Policies WQN1 and WQN2. Rather than amend all recommendations in Officer Report 16, the recommendations of this addendum are to be considered in addition to those recommendations. (Recommendations WQN9.3, WQN9.4, WQN9.7, WQN9.60 refer). This addendum also affects recommendation WQN9.57 on submission 476.665 which requested that Schedule WQN5 be included in Chapter 6.

Introduction

In Officer Report 16 it has been recommended (primarily through recommendation WQN9.4) that rivers and lakes within the Waitaki catchment be deleted from Schedule WQN5 because the management of these water bodies is covered by the Waitaki Catchment Water Allocation Regional Plan (WCWARP). This is correct in relation to rules for water take, use, dam and divert activities (RMA s14 matters), but rules relating to uses of beds of lakes or rivers (RMA s13 matters) are not provided for in the WCWARP. Rules applying to activities in the beds of lakes and rivers are addressed in Chapter 6 of the NRRP with reference back to rivers listed in Schedule WQN5 as “natural state” or “high naturalness” water bodies (now recommended to be referred to as “high naturalness” water bodies).

If the Chapter 6 Rules are to continue to apply to high naturalness areas in the Waitaki catchment it is necessary to ensure that consideration of these water bodies is kept live. It is therefore recommended that a new Schedule BLRX be included in Chapter 6 listing the Waitaki Catchment high naturalness water bodies which are also those water bodies that are identified as High natural character water bodies in the WCWARP.

Chapter 6 Rules

Reference to Schedule WQN5 occurs in Rules BLR2, BLR3, BLR4, BLR5 and BLR6. The effect of these rules is that there are less permitted activities within beds of water bodies listed in Schedule WQN5 compared to other water bodies, and therefore more activities in beds of water bodies listed in Schedule WQN5 (particularly lakes) require consent as discretionary activities. Note that Rule BLR1 permits use, maintenance, reconstruction, alteration, extension, demolition or removal of lawfully established structures in all beds of lakes and rivers. [Note the relevance of referring to Schedule WQN5 within Chapter 6 rules is raised by submitters on Chapter 6 and will be addressed in the officer report for Chapter 6.]

Evaluation

Fewer water bodies are included in Schedule WQN5 of the proposed NRRP compared to the list of water bodies identified as high natural character water bodies in the WCWARP.

Rivers and lakes in the Waitaki catchment listed in Schedule WQN5 of the Proposed NRRP are:

Table WQN17: Hopkins (including Dobson), Tasman, Godley (including Macauley) and Cass rivers, and tributaries;

Table WQN 18: Lakes Alexandrina and McGregor
Table WQN19: None

Rivers and lakes in the Waitaki catchment listed in the WCWARP, Policy 2 as high natural character water bodies are:

- a. tributaries of Lakes Tekapo, Pukaki, and Ohau;
- b. mainstems and tributaries of Fork Stream, Irishman Creek and Mary Burn, upstream of the Braemar Road;
- c. mainstems and tributaries of the Twizel River, upstream of the Pukaki canal;
- d. wetlands with a moderate or higher significance throughout the catchment;
- e. Lakes Alexandrina, McGregor and Middleton and their tributaries and other lakes upstream of Lakes Tekapo, Pukaki and Ohau

The WCWARP states that the listing and protection of water bodies in Policy 2 is consistent with Chapter 9, policy 4 of the CRPS. The wetlands referred to in d. above are addressed in Chapter 7 of the NRRP and do not need to be considered in this Addendum.

There were many submissions on the water bodies listed in Schedule WQN5 and/or Policies WQN1 and WQN2 ranging from delete the whole schedule through to adding more than those identified in Policy 2 of the WCWARP. Given that the WCWARP has specifically identified high natural character water bodies for the Waitaki catchment (consistent with Chapter 9 Policy 4 of the CRPS), it would be appropriate to list all the WCWARP Policy 2 water bodies in a schedule for Chapter 6. This would require, in addition to retaining those Waitaki catchment water bodies listed in Schedule WQN5, including the following which were requested to be included by the submitters noted in brackets:

1. all tributaries to the 3 main lakes, not just the main tributaries (submission 416.5);
2. Fork Stream, Irishman Creek and Mary Burn and their tributaries above Braemar Road (submissions 515.159 and 515.302);
3. Twizel River and tributaries above the Pukaki canal (submissions 515.151 and 515.301); and
4. all lakes and their tributaries upstream of the three main lakes (including Lake Middleton), not just lakes Alexandrina and McGregor (Submission 291.48).

To avoid confusion with different terminology it is suggested that the new schedule in Chapter 6 be called “high naturalness water bodies within the Waitaki Catchment” and that a footnote be added to identify that the water bodies identified in schedule BLRX are the same as those identified in Policy 2 of the WCWARP 2005.

Recommendation

Include in new Schedule BLRX, the Waitaki Catchment water bodies that are listed in Schedule WQN5 (that are recommended to be removed from Schedule WQN5 in Recommendation WQN9.4), plus any other water bodies which submitters requested to have added and that are included in Policy 2 of the Waitaki Catchment Water Allocation Regional Plan (WCWARP). This combination is the same as the list of High Natural Character water bodies (excluding wetlands) that are listed Policy 2 of the Waitaki Catchment Water Allocation Regional Plan (WCWARP)

This means that in relation to submissions on Schedule WQN5, accepting in part submissions that request deleting or retention of Waitaki catchment water bodies, to the extent that they are removed from Schedule WQN5 and will not relate to Chapter 5 rules, but that the water bodies are added to a new schedule BLRX so that they can relate to Chapter 6 rules, and accepting those submissions or parts of submissions that requested adding the water bodies from Policy 2 of the WCWARP to the extent that they are added into a new schedule BLRX.

Amendments

Amendments to Chapter 6

In addition to the consequential amendments to Chapter 6 as a result of combining the terms “natural state and high naturalness” (see Recommendation WQN9.4), all references in Chapter 6 to schedule WQN5 will also need to refer to the new Schedule BLRX “High naturalness water bodies within the Waitaki Catchment”

1. Amend Rule BLR2 condition 1 to read as follows:
“...listed in schedule WQN5 or schedule BLRX”
(page 6-24-2B-3)
2. Amend Rule BLR3 condition 1 to read as follows:
“...of schedule WQN5 or schedule BLRX”
(page 6-26-2B-3)
3. Amend Rule BLR4 condition 1 to read as follows:
“...listed in schedule WQN5 or schedule BLRX”
(page 6-29-2B-3)
4. Amend Rule BLR5 condition 1 to read as follows:
“...listed in schedule WQN5 or schedule BLRX”
(page 6-30-2B-3)
5. Amend Rule BLR6 activity to read as follows:
“...listed in schedule WQN5 or schedule BLRX.”
(page 6-31-2A-12)
6. Add a new Schedule to Chapter 6 as follows:

“Schedule BLRX High naturalness water bodies within the Waitaki Catchment
Table BLRX: High naturalness water bodies within the Waitaki Catchment

<u>Water Body</u>	<u>Location and map reference</u> <u>All map references NZMS 260</u>	<u>Outstanding and significant characteristics</u>
<u>Twizel River</u>	<u>From Pūkaki Canal (at or about H38:786-626) to the headwaters, including tributaries.</u>	<u>Largely unmodified part of the Waitaki catchment or contains rare or important species and habitat or habitat assemblages.</u> <u>(Waitaki Catchment Water Allocation Regional Plan)</u>
<u>All tributaries and lakes above Lake Ohau, including Hopkins, Dobson, Huxley, Temple and tributaries</u>	<u>All tributaries and lakes that feed into Lake Ohau</u>	<u>Largely unmodified part of the Waitaki catchment or contains rare or important species and habitat or habitat assemblages.</u> <u>(Waitaki Catchment Water Allocation Regional Plan)</u>
<u>All tributaries and lakes above Lake Pukaki, including Tasman and tributaries</u>	<u>All tributaries and lakes that feed into Lake Pukaki</u>	<u>Largely unmodified part of the Waitaki catchment or contains rare or important species and habitat or habitat assemblages.</u> <u>(Waitaki Catchment Water Allocation Regional Plan)</u>
<u>All tributaries and lakes above Lake Tekapo, including Godley, Macauley, Cass rivers, Lakes Alexandrina, McGregor and Middleton, and tributaries</u>	<u>All tributaries and lakes that feed into Lake Tekapo</u>	<u>Largely unmodified part of the Waitaki catchment or contains rare or important species and habitat or habitat assemblages.</u> <u>(Waitaki Catchment Water Allocation Regional Plan)</u>
<u>Tributaries of the Tekapo River</u>	<u>Mainstems and tributaries of Fork Stream, Irishman Creek and Mary Burn, upstream of the Braemar Road</u>	<u>Largely unmodified part of the Waitaki catchment or contains rare or important species and habitat or habitat assemblages.</u> <u>(Waitaki Catchment Water Allocation Regional Plan)</u>

Note the water bodies listed above are those that are identified as high natural-character water bodies in Policy 2 of the Waitaki Catchment Water Allocation Regional Plan 3 July 2006.”