



OFFICER REPORT No. 3 Chapter 4 WQL1

ON

PROPOSED VARIATION 1 OF THE PROPOSED CANTERBURY NATURAL RESOURCES REGIONAL PLAN:

Chapter 4 – Water Quality – General submissions on Chapter 4 and Sections 4.1 to 4.4

Prepared by Raymond Ford and Barry Loe

Matters to be heard

General submissions covering the following topic areas:

- General submissions on Chapter 4 - these are submissions that are not targeted at a specific provision in the chapter e.g. 'withdraw chapter', 'amend the format', 'chapter is too complex', 'overlaps with district plans', etc.
- Chapter 4.1: Introduction
- Chapter 4.2: Framework for water quality management
- Chapter 4.3: Statutory framework
- Chapter 4.4: Resource management issues
- Definition – New Zealand Drinking Water Standards

**Dates of hearing: *16, 17, 24, 27 October
and 3, 6 (optional) November 2006***
at ECan offices, 58 Kilmore Street in Christchurch

This Section 42A report has been prepared by Raymond Ford and Barry Loe.

Raymond Ford:

I am a Senior Resource Management Planner with Environment Canterbury and have had 12 years experience in policy and plan development under the Resource Management Act, primarily dealing with soil and water issues. I was involved in the preparation of the Canterbury Regional Policy Statement, the Waimakariri River Floodplain Regional Plan, and since 1999, the Natural Resources Regional Plan. This work involved the preparation of the issues and options document “Water – our Future”, analysis and review of submissions, the preparation and presentation of policy papers setting out policy options to the Regional Planning Committee of Environment Canterbury, the preparation of a draft Water Quality Chapter, and the notified version of the Water Quality Chapter. I have a BSc (Hons) in Geology and MSc Resource Management, as well as additional papers in planning theory and planning law.

Barry Loe

I am a resource management consultant in Christchurch with over 20 years experience in the management of water and soil resources, having held investigation and monitoring positions with catchment authorities and regional councils in Waikato and Canterbury, before becoming a consultant in 1992. My qualifications include the NZ Water and Soil Conservation Certificate, under-graduate qualifications in economics and agriculture, and a post graduate degree in business administration. Since 2000 I have been contracted by Environment Canterbury as a consultant to assist with the development of the Water Quality Chapter of the NRRP. This role has involved the preparation and presentation of Policy Papers to Council to determine the intent of the Chapter, a draft Water Quality Chapter, and Chapter 4, as notified.

Introduction

Content of this report

This officer report is one of a series considering submissions to Proposed Variation 1 (Chapters 4 to 8) to the Proposed Canterbury Natural Resources Regional Plan (NRRP). Submissions evaluated in this report are those that relate to the matters to be heard as listed on the cover of this report.

Purpose of this officer report

This officer report has been prepared under Section 42A of the Resource Management Act:

1. to assist the Hearing Committee in making its recommendations to Environment Canterbury on the submissions and further submissions to Proposed Variation 1 to the Proposed NRRP;
2. to assist submitters and further submitters who requested to be heard, by providing, prior to the hearing, a staff evaluation of decisions requested in submissions.

The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. In evaluating the submissions and further submissions, the matters considered include whether a decision requested:

1. falls within the functions of Environment Canterbury under the Resource Management Act 1991 (RMA);
2. will enhance the ability of the Proposed NRRP to achieve the purpose of the RMA;
3. will improve an objective so that it is a more appropriate way to achieve the purpose of the RMA;
4. will improve a policy, rule or other method so that it is more efficient and effective for achieving the relevant objectives;
5. will improve the plan in relation to such matters as its lawfulness, clarity, accuracy, effectiveness, coherence, integration, etc.

How to read this report

This report is presented in four parts:

Part 1: Briefing for Hearing Committee on the structure of Chapter 4 Water Quality and main areas of changes being recommended

This part provides a very brief overview of the legal framework underpinning Chapter 4, and the structure of the chapter itself, including the general nature of the issues and water quality outcomes covered by the objectives, and the policies and methods to achieve the objectives. It also identifies the main areas of change sought by submitters and the nature of amendments being recommended.

Part 2: Index of submitters and further submitters

The index tells you where to find the evaluation of your submission or further submission. Submissions are usually listed in numerical order, followed by further submissions (which are identified with the letter F before the further submission number). The page numbers next to your submission name indicate the pages in the officer report on which your name is listed under the provisions you have submitted on. The actual evaluation of your submissions is in the text immediately following each table.

Part 3: Officer's evaluation of submissions and recommendations

This is the main part of the report. For each provision submitted on, Part 2 contains the following standard format:

- the name of the provision (shaded), followed by a coding number (see explanation of coding below).
- the summary of decisions requested by submitters on that provision set out in table format
- **Clarification:** only used where the decision requested needs further elaboration/clarification as to its intent
- **Evaluation and reasons:** This part discusses the merits of submissions and includes reasons for accepting, accepting in part, or rejecting it
- **Recommendations:** This will identify for each submission whether it should be accepted, accepted in part, or rejected
- **Amendment required:** will identify specifically the location and nature of any amendment being recommended in response to submissions on the provision.

All clarifications, evaluations and recommendations are prefaced by the submission number to which they relate.

Amendments recommended to the Proposed NRRP are identified in the following way:

- deletions are shown by the use of strikethrough e.g. ~~strikethrough~~
- additions are shown by underlining e.g. underlining

Part 4: The relevant part of the chapters 4-8 amended to show the recommendations in the officer report

The amended plan is on coloured paper at the end of the report. It shows all the changes recommended in Part 3 to allow you to see the overall effect of the recommendations. Strikeouts and underlining are used to show the amendments.

Explanation of numbers in the tables

Each set of submissions evaluated in this report is preceded by the name of the provision submitted on and a coding number. The coding number is a reference to

where the provision is located in the Proposed NRRP. The formula for coding is generally as follows:

[Chapter number]-[page number] [line number] on which the provision begins.

For example, Policy WQN14(4) is coded 5-83 32, which indicates that this provision is located in Chapter 5, beginning on line 32 of page 83.

When a submission was summarised and put onto our submission database, staff gave every decision requested its own number. Thus a submission with 55 separate decisions requested would have 55 entries in our database, one for each plan provision submitted on. These are numbered from 1 to 55 and the extra number comes after the actual submission number and looks like this: 103.55 where 103 is the submission number. This helps staff keep track of each decision requested and ensure that all submission points have been addressed.

Abbreviations and symbols

BPO	best practicable option
CMA	Coastal Marine Area
CRPMS	Canterbury Regional Pest Management Strategy
CRPS	Canterbury Regional Policy Statement (26 June 1998)
HSNO	Hazardous Substances and New Organisms Act 1996
L&VMRP	Land & Vegetation Management Regional Plan
L/s	litres per second
LTCCP	Long-Term Council Community Plan
MALF	mean annual low flow
$\mu\text{g}/\text{m}^3$	micrograms per cubic metre
mg/kg	milligram per kilogram
mg/m^3	milligrams per cubic metre
m^3/day	cubic metres per day
MHWS	mean high water springs
NMTRP	Nelson-Marlborough Transitional Regional Plan
NRRP	Proposed Canterbury Natural Resources Regional Plan
NTCSA	Ngāi Tahu Claims Settlement Act 1998
ORRP	Opihi River Regional Plan
PCE	Parliamentary Commissioner for the Environment
RCEP	Regional Coastal Environment Plan
RLTS	Regional Land Transport Strategy
RMA	Resource Management Act 1991
WCWARP	Waimakariri Catchment Water Allocation Regional Plan
WRRP	Waimakariri River Regional Plan
7DMALF	seven-day mean annual low flow

Part 1: Briefing for Hearing Committee on the structure of Chapter 4 Water Quality and main areas of changes being recommended

The Canterbury Regional Policy Statement (CRPS) established the framework for the management of natural and physical resources of the region.

The Natural Resources Regional Plan (NRRP) is one instrument in the 'tool box' to implement the Canterbury Regional Policy Statement. NRRP Chapter 4 addresses the quality of the region's water resources, the management of activities that affect the quality of groundwater and surface water, and the management of contaminated land.

The statutory framework of Chapter 4 derives primarily from the following relevant provisions of the Resource Management Act 1991:

Section 9(3) – no person may use land in a way that contravenes a rule in a regional plan, unless authorised by resource consent.

Section 15 – no person may discharge water or a contaminant into water, or discharge a contaminant onto or into land where it may enter water, unless the discharge is expressly authorised by a rule in a regional plan or resource consent.

Section 30 - gives a regional council the functions of:

- Integrated management of natural and physical resources
- Control of the use of land for:
 - the maintenance and enhancement of water quality and ecosystems in water bodies.
 - investigation of land for identifying and monitoring contaminated land.
- Control of discharges to land or water.

Section 69 – a regional council may set water quality standards in a regional plan. A regional council shall not set standards which result, or may result, in a reduction of the quality of the water in any waters at the time of the public notification of the proposed plan unless it is consistent with the purpose of the Act.

Section 70(1) – a regional council shall be satisfied before including a rule in a regional plan that certain specific adverse effects will not arise, after reasonable mixing, as a result of a discharge of a contaminant.

Scope and Structure of Chapter 4 Water Quality

Chapter 4 identifies the principal resource management issues for water quality in the region - that contaminants from discharges onto land or into water, and land use, can adversely affect water quality in groundwater and surface water bodies, with special identification of these issues for sources of community drinking water.

Issues

- Water quality of rivers and lakes, and associated ecosystems, can be adversely affected by:
 - land use in the catchment,
 - discharges of contaminants,
 - changes to flow from taking, damming or diversion of water in a river
 - the quality of groundwater emerging in springs.
- Groundwater quality can be adversely affected by:
 - land use
 - discharges of contaminants onto land and into groundwater.
- Sources of high quality groundwater and surface water used for community drinking water are vulnerable to contamination from discharges and land use.

Objectives to address the Issues

The outcomes to be achieved for water quality are set out in three objectives:

WQL1

- Maintain the quality of water in rivers and lakes, and river bed substrate, where it is naturally high.
- Improve, or at least maintain, the quality of water and bed substrate where it has been affected by human activities –specified outcomes for different river and lake types.

WQL2

- Maintain high quality groundwater in its current state.
- Where groundwater quality is affected by human activities, specified water quality values are to be achieved.
- Maintain groundwater quality in the Coastal Confined Gravel Aquifer suitable for drinking water without treatment.

WQL3

- Ensure the source water is suitable for community drinking water supply.

Policies to achieve the Objectives:

Chapter 4 contains 12 policies:

- Manage point source discharges to surface water.
- Prevent discharge of sewage or hazardous substances except in specified circumstances.
- Authorise discharges to surface water with only minor adverse effects.
- Manage land uses that affect surface water quality, including in riparian margins, stock access, fertiliser and agrichemical discharges.

- Identify rivers and lakes where the adverse effects of land uses on water quality required to be remedied.
- Manage point source discharges onto or into land.
- Authorise discharges onto or into land with only minor adverse effects on soil or groundwater quality.
- Prevent hazardous substances entering groundwater.
- Minimise the leaching of contaminants to groundwater.
- Avoid contamination of groundwater via bores of excavations.
- Manage contaminated land to ensure risks are acceptable.
- Avoid actual or potential contamination of community drinking water sources.

Methods to implement the Policies

Chapter 4 contains a range of non-regulatory and regulatory methods to implement the policies:

Non-regulatory:

- Advocacy by Environment Canterbury
- Providing and promoting information about water quality
- Investigations in areas where knowledge is limited
- Response to complaints and enquiries

Regulatory

- Regional rules, resource consents, monitoring and compliance
- Seeking consistent provisions in district plans

Regional Rules:

Chapter 4 contains 60 rules covering a range of discharges and land use activities. Many rules authorise discharges with minor adverse effects as permitted activities. Without these rules the discharges would require resource consent.

Environmental results and monitoring of Chapter 4

Section 4.10 sets out the environmental results that are anticipated will be achieved within 10 years of it becoming operative. This is followed in Section 4.11 by what Environment Canterbury is going to do to monitor the state of environment and the efficiency and effectiveness of the policies and methods for achieving the water quality outcomes in the objectives.

Water Quality Classes, Zones of Non-Compliance

Chapter 4 establishes water quality classes for the various types of rivers and lakes the region. These classes apply to discharges into a river or lake with some allowance for mixing of the discharge and the receiving water, within a specified Zone of Non-Compliance.

Officer Report WQL1

This s42A officer report addresses submissions made on Section 4.1 to 4.4 of Chapter 4 plus page 4-19. These are the introductory sections of Chapter 4 and describe the context of Chapter 4 and the framework for water quality management that is developed through Chapter 4. Water bodies with similar characteristics have been grouped together for the purpose of water quality management, and these groups are described in Section 4.2.

River groups are based on the dominant source of flow, and their geographic zone of origin. Lakes are grouped according to their position in the catchment. Groundwater aquifers are grouped according to hydrogeology.

Section 4.3 of Chapter 4 describes the statutory context of the RMA including instruments such as water conservation orders, the Canterbury Regional Policy Statement and other regional plans. Table WQL4 describes the relationship between NRRP Chapter 4 and other regional plans, such as the Transitional Regional Plans, the Waimakariri River Regional Plan and the Opihi River Regional Plan.

Section 4.4 outlines the resource management issues associated with water quality in the region and the principal types of contaminants of concern. This section then describes the characteristics of, and influences on, water quality in the various types of rivers, lakes and aquifers. The issue for contaminated land and its extent in the region is outlined. The scale of the use of community drinking water supplies in the region is described.

Submissions and Recommended Amendments

Outlined below in summary form are the main areas of change sought by submitters, followed by the nature of the amendments being recommended in the officer report.

- Withdraw Chapter 4, or redraft it to meet the various submitters' concerns

Recommendation: Retain Chapter 4, but make amendments in response to submitters' requests where these will improve Chapter 4

- Include mahinga kai values in the outcomes sought by Ngai Tahu

Recommendation: Include new text at Section 4.1.1

- Improve the descriptions of river and lake types in Table WQL1

Recommendation: Amend text in Table WQL1

- Describe the characteristics of the "urban river" type

Recommendation: Insert text in section 4.4.2.1, and Appendices WQL1 and WQN1

- Add new provisions that address 'land use intensification' and manage effects of this on water quality

Recommendation: *Insert new section 4.4.4 describing the effects on water quality from intensified land uses*

- Recognise the Waitaki Catchment Water Allocation Regional Plan

Recommendation: *Insert new text into Table WQL4 to recognise the relationship of this plan with Chapter 4 of the NRRP*

- Recognise the Rangitata River Water Conservation Order

Recommendation: *Insert new text into Section 4.3.2.2 and Table WQL4 to recognise the Order and its relationship with Chapter 4 of the NRRP*

- Clarify the relationships between NRRP Chapter 4, Transitional Regional Plans, the Waimakariri River and Opihi River regional plans

Recommendation: *Amend Table WQL4 to more clearly reflect these relationships*

- Define Contaminated Land

Recommendation: *Amend the description of contaminated land in Section 4.4.5, and include in the definitions section the RMA definition for contaminated land*

- Recognise the Drinking-water Standards for New Zealand 2005

Recommendation: *Amend all references to the 2000 drinking water standards to the Drinking-water Standards for New Zealand 2005*

- Ensure stockwater schemes are not included as Community Drinking Water Supplies

Recommendation: *Amend the definition of Community Drinking Water Supply to exclude stockwater schemes*

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Part 3: Submission summary, submission clarification, evaluation and recommendation on Chapter 4 WQL1

4-0-0 General submissions - Chapter 4 Water Quality (WQL)

4-0-0	519.19	Lochnager Holdings Ltd*	Delete all references in Chapters 4, 5, 6, 7 and 8 to the provision of financial contributions as being an assessment matter.
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Evaluations and reasons

The submitter seeks that all references to Financial Contributions throughout Chapters 4 -8 be deleted. RMA s108(10) provides clear requirements if financial contributions are to be taken or even considered at the time of a resource consent application. This establishes that a condition requiring a financial contribution can only be imposed in accordance with the purposes specified in the plan or proposed plan, and the level of contribution needs to be determined in the manner described in the plan or proposed plan. The plan therefore needs to contain provisions covering these two aspects. The financial contribution provision sections are a necessary tool in the chapters and each chapter sets out the process for assessing contributions. It would be inappropriate to delete them.

With respect to consistency, Chapters 4, 5, and 6 each have a clause in the “Matters to be considered “ section, as follows: “Any other financial contribution required by any other statutory authority with respect to that activity.” Chapter 7 does not contain this clause and for consistency it is desirable that it be added. However, that is best done within the context of the City Council’s and other submissions on this provision within Chapter 7, and it is not necessary to make the amendment here in isolation of other submissions.

Given the legislation specifically provides for financial contributions as a planning tool, and that the chapters have met the requirements for their inclusion, the submission is rejected and no amendment is required.

WQL1.1 Recommendation

519.19: Reject

Amendment

Nil

4-0-0A1	44.4	Ashburton Rangitata Instream Water Users Working Party*	Retain policies, methods, rules and quality schedules contained within Chapter 4.
4-0-0A1	278.32	Save The Rivers Mid Canterbury Inc (G Ackerly)*	Supports submission made by Ashburton Rangitata Instream Water Users Working Party. See submission point 44.4.
4-0-0A1	515.9	Department Of Conservation, Canterbury Conservancy*	Retain all Chapter 4 issues, objectives, explanations, policies, methods, anticipated environmental outcomes sought, figures, appendices, tables, maps and definitions except where a change is specifically requested elsewhere in this submission.
	F1003.2	Landco Pastoral Holdings Ltd*	<i>Support in part.</i>
	F1027.13	Matariki Forests*	<i>Oppose</i>
	F1033.931	Rosalie and Jules Snoyink*	<i>Support</i>
	F1042.224	NZ Forest Owners Assn*	<i>Oppose</i>
	F1043.3348	Canterbury Forest Industry Working Group.*	<i>Oppose</i>
	F1044.3335	Selwyn Plantation Board Ltd*	<i>Oppose</i>
	F1052.936	Eminence Investments Ltd.*	<i>Oppose</i>
	F1053.931	Ngai Tahu Ltd*	<i>Oppose</i>
	F1074.24	Federated Farmers of	<i>Oppose</i>

Evaluations and reasons

44.4, 278.32, 515.9, F1003.2, F1027.13, F1033.931, F1042.224, F1043.3348, F1044.3335, F1052.936, F1053.931, F1074.24: the submitters support the provisions of Chapter 4, except where they seek a specific change on a plan provision. Submissions 44.4 and 278.32 are also opposed to other parties seeking to strike out or dilute any of the provisions.

F1003.2 supports submission 515.9, subject to any amendments sought by the further submitter in their original submission (sub. no. 395) and to any further submission on a specific provision of this chapter, because the current wording generally achieves the outcomes sought and any significant change could result in changes to the outcomes.

F1027.13, F1042.224 oppose submission 515.9 because "... the Department appeared to be seeking rights beyond what the RMA provides and what is reasonable and appropriate".

F1033.931 supports submission 515.9, as they wish to see a higher standard of water quality in lowland waterways to the point where they are suitable for fishing and swimming.

F1043.3348, F1044.3335 oppose submission 515.9 because it is contrary to and inconsistent with the further submitter's original submission.

F1052.936, F1053.931 oppose all of submission 515.9 on the general grounds that: the amendments sought and new provisions are unduly onerous and will not achieve the purpose of the RMA, and these provisions will impose a high level of cost on landowners, users and developers without a commensurate level of environmental benefit. F1074.24 opposes the intent of submission 515.9.

Support for the provisions of Chapter 4 is acknowledged but some changes are recommended as a result of submissions and therefore the submissions can only be accepted in part. The reasons cited by further submissions are mostly concerned about the amendments to the NRRP being sought by the Department of Conservation. The specific points raised by the submissions are addressed under the relevant plan provisions. For these reasons, submissions 44.4, 278.32, 515.9, F1003.2, F1033.931 are accepted in part, while F1027.1, F1042.224, F1043.3348, F1044.3335, F1052.936, F1053.931, F1074.24 are rejected and no amendment is required.

WQL1.2 Recommendation

44.4, 278.32, 515.9, F1003.2, F1033.931: Accept in part

F1027.1, F1042.224, F1043.3348, F1044.3335, F1052.936, F1053.931, F1074.24: Reject

Amendment

Nil

4-0-0A2	200.10	New Zealand Agricultural Aviation Association*	Retain the objective of sustainable agricultural practice in Chapter 4, but not the detailed and highly prescriptive rules, which in many cases will be unenforceable.
	F1043.4125	Canterbury Forest Industry Working Group.*	<i>Conditional Support</i>
	F1044.4104	Selwyn Plantation Board Ltd*	<i>Conditional Support</i>

Submission Clarification

200.10: The Summary of Decisions Requested incorrectly summarised the preamble to the submission as a relief sought on Chapter 4. The submission had made a general comment supporting plan provisions that are consistent with the objective of sustainable agricultural practice. The Association advocated "an approach where evidence of compliance with good practice is the focus as opposed to the inclusion of highly detailed and highly prescriptive rules, which in many cases will be unenforceable."

Evaluations and reasons

200.10, F1043.4125, F1044.4104: The original submission is summarised above in the section "Submission Clarification". The submitter expresses a general view on regional plan provisions but does not seek a specific decision. The points raised in the original submission will be considered under the relevant provisions in the NRRP.

The further submissions give conditional support, but sought to change the words "agricultural practice" to "sustainable land use." As the original submission did not seek any relief and further submissions can only be in support or opposition to the original submission and cannot extend the scope of a submission, no change is required to the provisions of Chapter 4 as a result of this submission point. For these

reasons submission 200.10, is accepted in part, F1043.4125 and F1044.4104 are rejected and no amendment is required.

WQL1.3 Recommendation

200.10: Accept in part
F1043.4125, F1044.4104: Reject

Amendment

Nil

4-0-0B1	225.1	William John Voyce*	Ensure that Chapter 4 will provide for clean healthy rivers and water for future generations. Manage waterways properly with regard to fertilisers and certain pesticides, vegetation clearance and soil disturbance.
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Evaluations and reasons

225.1: The submitter expresses their desire to see clean healthy rivers and seeks appropriate management of fertiliser, pesticides and land disturbance. One of the reasons for preparing the regional plan is to ensure that the region's waterways are maintained or restored for future generations. The NRRP sets outcomes for the region's rivers and lakes, also puts in place controls on fertiliser use, pesticides, vegetation clearance and soil disturbance, and includes a comprehensive monitoring programme to determine how effectively Chapter 4's provisions are working. For these reasons the submission is accepted in part and no amendment is required.

WQL1.4 Recommendation

225.1: Accept in part

Amendment

Nil

4-0-0B2	254.1	G MacGregor*	Manage and enhance our waterways to a degree that the natural ecology plus the introduced fisheries are not harmed in any way, and to make good the damage that has occurred from nature itself and especially us as humans.
	F1001.110	Trustpower Ltd*	<i>Oppose.</i>
	F1015.234	Irrigator Forum*	<i>Oppose.</i>
	F1016.234	Rangitata Diversion Race Management Limited*	<i>Oppose.</i>

Evaluations and reasons

254.1, F1001.110, F1015.234, F1016.234: The original submission states that the region's water bodies need to be restored and that Environment Canterbury must take the lead role in their management. The further submissions oppose the submission on the grounds that "the plan should recognise the existing environment as the environmental baseline, and resource users should not be required to address historic effects whether natural or human induced".

One of the roles of the regional plan is to ensure that the region's waterways are maintained or restored for future generations, while recognising the need to protect aquatic ecosystems, and the indigenous and introduced fisheries. Under the RMA (s.3), the term "effect" is defined very broadly, and includes past effects. One of the reasons for preparing a regional plan is to assist a regional council to carry out its functions (s.63). This may include the restoration or enhancement of any natural and physical resources in a deteriorated state or the avoidance or mitigation of any such deterioration (s.65(3)(f)). The extent to which resource users are held accountable for such historic effects would depend on the particular circumstances in each case, and is one of the matters that is addressed in Chapter 4. For these reasons, Submission 254.1 is accepted in part, while Submissions F1001.110, F1015.234, F1016.234 are rejected, but no amendment is required.

WQL1.5 Recommendation

254.1: Accept in part

Amendment

Nil

4-0-0B3	277.5	Ian Forsyth*	Provide for ECan to arbitrate and if necessary control adverse impact on waterways, rectify and to rehabilitate decaying waterways and streams.
4-0-0B3	651.1	Cassandra Jenkins*	Ensure Chapter 4 will achieve clean water, and healthy rivers - not dirty water or unhealthy rivers.

Evaluations and reasons

277.5: The submission requests that Environment Canterbury control impacts on water waterways and rehabilitate degraded water bodies. Environment Canterbury already fulfils the role advocated by the submitter. It has a statutory responsibility to control discharges in the region and Environment Canterbury plays an active role in fostering the restoration of streams, through the "Environment Enhancement Fund" and the "Living Streams" programme. The NRRP sets the water quality outcomes for the different types of water bodies and provides the framework for undertaking restoration of waterbodies in the region. For these reasons, the submission is accepted in part, and no amendment is required.

651.1: The submitter seeks a general outcome of clean water and healthy rivers. The outcomes sought by the NRRP in Objectives WQL1.1 and WQL1.2 are to maintain high water quality where this exists and to improve water quality where this has been degraded to ensure that rivers and lakes continue to provide for a wide range of values, including their ecosystems and instream values. The outcomes sought by the submitter are also sought by the NRRP. For these reasons, the submission is accepted and no amendment is required.

WQL1.6 Recommendation

277.5: Accept in part
651.1: Accept

Amendment

Nil

4-0-0C1	253.5	Mikes Fishing Shop*	Amend Chapter 4 to have no sewage and effluent discharges in Selwyn and Waimakariri rivers.
	F1083.283	Fonterra Co-Operative Group Ltd (Fonterra)*	<i>Oppose</i>
	F1084.283	AgResearch Ltd*	<i>Oppose</i>

Evaluations and reasons

253.5, F1083.283, F1084.283: The submitter opposes sewage and effluent discharges to the region's waterways, and cites the Selwyn and Waimakariri Rivers as examples. The further submissions are in opposition on the grounds that the relief sought is unnecessarily restrictive, and detrimental to the farming industry.

Policy WQL2 and Regional Rules WQL15 & 28 of Chapter 4 prohibit the discharge of animal effluent from collection systems, and the discharge of untreated human sewage, to rivers, lakes and groundwater. The discharge of treated sewage to a river or lake may be allowed in areas where there are no other alternative means of disposal, provided the discharge is treated to a very high standard and the adverse effects on instream and cultural values are no more than minor (Policy WQL2(3) and Rule WQL15). The water quality in rivers and lakes in the Waimakariri Catchment is managed under a separate regional plan - the Waimakariri River Regional Plan. At some future time, Environment Canterbury may decide to amalgamate the NRRP and other regional plans.

For these reasons, the original submission in accepted in part, the further submissions are rejected and no amendment is required.

WQL1.7 Recommendation

253.5: Accept in part
F1083.283, F1084.283: Reject

Amendment

Nil

4-0-0C2	476.23	Christchurch City Council*	Classify rivers within the Waimakariri River Regional Plan area into appropriate categories in NRRP Chapter 4 and in doing so recognise current trends in changing land-use e.g. trends towards the increasing urbanisation of some of these catchments.
	F1055.6	Waimakariri District Council.*	<i>Oppose</i>
	F1066.42	The Isaac Wildlife Trust and The Diana Isaac Wildlife Trust.*	<i>Support</i>
	F1067.18	Gillman Wheelans Ltd*	<i>Support</i>
	F1070.42	Clearwater Land Holdings Limited*	<i>Support</i>
	F1071.5	Canterbury Rowing Trust*	<i>Support</i>
	F1072.19	Calder Stewart Industries Limited*	<i>Support</i>
	F1073.19	Applefields Ltd*	<i>Support</i>
	F1074.23	Federated Farmers of NZ (Inc)*	<i>Oppose</i>

Evaluations and reasons

476.23, F1055.6, F1066.42, F1067.18, F1070.42, F1071.5, F1072.19, F1073.19, F1074.23: The submitter requests that the rivers within the area of the Waimakariri River Regional Plan (WRRP) be reclassified into the river types or categories used in Chapter 4 as this would recognise current trends towards urbanisation in these catchments. F1066.42, F1067.18, F1070.42, F1071.5, F1072.19, F1073.19 support the original submission as classification and inclusion of rivers in the WRRP into the NRRP will better provide for integrated resource management. F1055.6 opposes the original submission, but gives no reasons. F1074.23 opposes the original submission as the rivers in the Waimakariri Catchment are already managed by the WRRP.

The Waimakariri River Regional Plan is an operative, but separate, plan which has statutory effect over the surface waterways in the Waimakariri Catchment. The monitoring programme in the WRRP allows changes in the condition of the waterways to be assessed at regular intervals and to determine whether there are any impacts on the water quality as a result of land use changes. To reclassify these water ways would require a change to the WRRP, not the NRRP. At some point the regional plans may be reviewed and the Council may decide to incorporate the provisions of the WRRP into the NRRP, but this decision is beyond the scope of the NRRP. For these reasons, submissions 476.23, F1066.42, F1067.18, F1070.42, F1071.5, F1072.19, F1073.19, are rejected, F1074.23 and F1055.6 are accepted in part and no amendment is required.

WQL1.8 Recommendation

476.23, F1066.42, F1067.18, F1070.42, F1071.5, F1072.19, F1073.19: Reject
F1055.6, F1074.23: Accept in part

Amendment

Nil

4-0-0D	257.19	Upper Waitaki Branch Federated Farmers Of New Zealand Inc*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.9).
4-0-0D	289.34	North Bank Land Owners Group*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.9).
4-0-0D	290.42	W & S Cameron*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.9).
4-0-0D	506.9	Hugh Turnbull*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces

			(refer 586.9).
4-0-0D	586.9	Federated Farmers NZ Inc - Canterbury Provinces*	Review Chapter 4 in conjunction with district plans in the region. Delete sections where duplication exists, or where district councils will be required to make substantial variation to district plans in order to comply.
	F1020.201	Water Rights Trust*	<i>Oppose</i>
	F1043.1492	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.1492	Selwyn Plantation Board Ltd*	<i>Support</i>
	F1049.28	Fish & Game NZ, Central South Island, North Canty & Nelson/Marlborough Regions*	<i>Oppose</i>
	F1066.91	The Isaac Wildlife Trust and The Diana Isaac Wildlife Trust.*	<i>Support</i>
	F1067.53	Gillman Wheelans Ltd*	<i>Support</i>
	F1068.43	Glendore (NZ) Ltd*	<i>Support</i>
	F1069.80	Dairy Holdings Ltd*	<i>Support</i>
	F1070.91	Clearwater Land Holdings Limited*	<i>Support</i>
	F1071.19	Canterbury Rowing Trust*	<i>Support</i>
	F1072.54	Calder Stewart Industries Limited*	<i>Support</i>
	F1073.54	Applefields Ltd*	<i>Support</i>
	F1089.69	Waimate District Council.*	<i>Support</i>
4-0-0D	669.7	South Island High Country Section, Federated Farmers NZ*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.7).

Evaluations and reasons

257.19, 289.34, 290.42, 506.9, 586.9, F1020.201, F1043.1492, F1044.1492, F1049.28, F1066.91, F1067.53, F1068.43, F1069.80, F1070.91, F1071.19, F1072.54, F1073.54, F1089.69; 669.7: The principal submitter (586.9) is seeking a relief that the NRRP does not duplicate provisions in District Plans. F1020.201 and F1049.28 oppose the relief sought in the submissions because in the RMA hierarchy a district plan cannot be inconsistent with a regional plan. The further submissions in support do not provide any additional reasons.

The RMA gives different responsibilities to Regional and District Councils. While some of these responsibilities may appear to overlap, the provisions of District Plans and Regional Plans are there to enable each Council to fulfil their respective responsibilities under the Act. While there may appear on the surface to be duplication, the provisions of the regional and district plans are likely to address different aspects of an activity. The Act provides for situations where authorisations are required from two or more authorities, through joint consent hearing processes. As the further submitters in opposition state, the RMA establishes the hierarchy of plans and district plans are required by statute not to be inconsistent with regional plans (s75(4)). If there is any inconsistency between provisions this will no doubt be raised in submissions to the NRRP by territorial authorities, and will be addressed in respect of that particular provision. Therefore, the "review" that the submitters seek will occur in the process of hearing submissions on the NRRP. For these reasons, the original submissions and further submissions are rejected, except for further submissions F1020.201 and F1049.28 which are accepted, and no amendment is required.

WQL1.9 Recommendation

257.19, 289.34, 290.42, 506.9, 586.9, 669.7, F1043.1492, F1044.1492, F1066.91, F1067.53, F1068.43, F1069.80, F1070.91, F1071.19, F1072.54, F1073.54, F1089.69: Reject
F1020.201, F1049.28: Accept

Amendment

Nil

4-0-0E1	266.1	K Dean*	Request that ECan councillors support and uphold all the environmental safeguards promoted in: (i) the proposed rules and are compatible to their own
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			department publications; and (ii) the Environment Commissioner Dr Morgan Williams report, and read his report.
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Evaluations and reasons

266.1: The submitter requests that the Council supports the NRRP and the report of the Parliamentary Commissioner for the Environment. The NRRP is a statutory document and Councillors oversaw its development and approved the final document for notification. The Council has a statutory responsibility to implement the policies and methods in their own regional plans (RMA s 84(1)).

The contents of the report "Growing for Good: intensive farming, sustainability and the New Zealand environment", prepared by the Parliamentary Commissioner for the Environment, was reported extensively in the media, and public meetings on the report's findings were held throughout the country, including Christchurch. The regional councillors will be very aware of the report and its implications. The extent to which each councillor agrees with or supports the report's conclusions is a personal decision for each individual councillor. For these reasons the submission is rejected and no amendment is required.

WQL1.10 Recommendation

266.1: Reject

Amendment

Nil

4-0-0F1	266.13	K Dean*	Include in Chapter 4 incentives to encourage riparian fencing, piped water supplies for stock, and bridging of streams to provide stock crossing points.
4-0-0F1	292.12	J J Snoyink*	Amend Chapter 4 to include offering incentives to encourage riparian fencing, piped water supplies for stock, and bridging of streams to provide stock crossing points.
4-0-0F1	336.4	GUARDIANZ*	Amend the plan to require the fencing of all waterways and wetlands. Provide farmers with incentives and encouragement to plant appropriate species and do the necessary fencing.
	F1050.19	Green Party Aoraki Province*	<i>Support</i>
4-0-0F1	475.13	Royal Forest & Bird Protection Society Of New Zealand Inc, Ashburton Branch*	Amend Chapter 4 to provide incentives to encourage riparian fencing, piped stock water and stock bridges.
	F1066.41	The Isaac Wildlife Trust and The Diana Isaac Wildlife Trust.*	<i>Support</i>
	F1068.17	Glendore (NZ) Ltd*	<i>Support</i>
	F1069.16	Dairy Holdings Ltd*	<i>Support</i>
	F1070.41	Clearwater Land Holdings Limited*	<i>Support</i>
	F1074.22	Federated Farmers of NZ (Inc)*	<i>Oppose</i>
	F1089.28	Waimate District Council.*	<i>Support</i>
4-0-0F1	516.4	Rebecca Officer & others*	Include financial incentives to assist farmers in riparian fencing and planting, and stock exclusion, especially on Banks Peninsula and inland basins.
4-0-0F1	628.14	Deborah J Martin*	Introduce incentives in Chapter 4 to encourage riparian fencing, piped water supplies for stock, and bridging of streams to provide stock crossing points.
	F1032.62	Royal Forest and Bird Protection Society - Ashburton Branch*	<i>Support</i>

	F1050.21	Green Party Aoraki Province*	<i>Support</i>
	F1066.100	The Isaac Wildlife Trust and The Diana Isaac Wildlife Trust.*	<i>Support</i>
	F1069.50	Dairy Holdings Ltd*	<i>Support</i>
	F1070.100	Clearwater Land Holdings Limited*	<i>Support</i>
	F1089.77	Waimate District Council.*	<i>Support</i>
4-0-0F2	633.1	Lyttelton Harbour Issues Group*	Amend Chapter 4 to ensure the maintenance and/or enhancement of water quality values for Lyttelton Harbour Basin and wider Banks Peninsula in both the short and long term.

Submission Clarification

336.4, F1050.19: Part of the original submission seeking an amendment to the plan to require the fencing of all waterways and wetlands is more appropriately addressed under Policy WQL 4 with other similar submissions. The remainder of the submission is considered below in the "Evaluation".

F1066.100, F1070.100: These further submissions cited submission point 628.2, but refer to submission point 628.14 and the reasons also refer to submission 628.14. It is assumed that further submissions were meant to apply to submission point 628.14.

Evaluations and reasons

266.13, 292.12, 336.4, F1050.19; 475.13, F1066.41, F1068.17, F1069.16, F1070.41, F1074.22, F1089.28; 516.4, 628.14, F1032.62, F1050.21, F1066.100, F1069.50, F1070.100, F1089.77; 633.1: The original submissions express a common view that incentives are required to encourage; riparian fencing, piped water supplies for stock and bridges for stock crossing points. Submission 516.4 suggests that emphasis for this work should be given to Banks Peninsula and inland basins. Most of the further submissions were in support for the reason that it offered "... a positive way of achieving good environmental outcomes" or "... supports and protects NZ Biodiversity and the Clean Streams programme." Further submission F1074.22 opposed the original submission because the term "incentives" was not qualified and stated that incentives should be positive ones for voluntary action. The term "incentives" was not defined in the original submissions, but the submitters appeared to imply financial incentives or subsidies. Environment Canterbury does offer financial incentives for improving waterways. For the 2006/07 financial year over \$200,000 has been budgeted to the "Environment Enhancement Fund". The size of the fund is determined annually through the annual plan process and Long Term Council Community Plan and the public can ask the Council by a means of submission for the size of the fund to be increased or decreased. ECan's "Living Streams" programme is targeted specifically at degraded waterways, and Council staff work closely with landowners in these catchments to address water quality problems and to improve the quality of the water ways. For the 2006/07 financial year, over \$600,000 has been budgeted for this programme. To that extent, the financial incentives do not penalise landowners and they can be considered a positive incentive and participation is voluntary. These methods are already provided for in Chapter 4; see Methods WQL4(d) and WQL4(f). Table WQL6 sets out the priority water bodies for managing non-point source contamination

In terms of surface water quality of Banks Peninsula streams, including Lyttelton Harbour streams, Chapter 4 in Section 4.4.2.1 acknowledges the overall poor water quality of these streams, due to the combination of natural features and human activities. Reports from Environment Canterbury on the water quality and ecosystem health of Banks Peninsula rivers and streams (ECan Reports R02/25 and U05/14) identify the increasingly poor state of these streams and suggest that the management of livestock intrusion and increasing in the extent of riparian vegetation, particularly to increase shading of the streams, will provide the greatest benefit to the improvement of water quality. Chapter 4 Table WQL6 does not identify any streams of Banks Peninsula (apart from the tributaries of Lake Forsyth/Te Waiwera) as water bodies where the water quality and aquatic habitat has declined or is at risk from human activities and would benefit from community action to improve or safeguard the water body. However these rivers would clearly benefit from such action and should be included in the water bodies listed in Table WQL6

For these reasons, all the submissions are accepted in part, and an amendment is required.

WQL1.11 Recommendation

266.13, 292.12, 336.4, 475.13, 516.4, 628.14, F1032.62, F1050.19, F1050.21, F1066.41, F1066.100, F1068.17, F1069.16, F1069.50, F1070.41, F1070.100, F1074.22, F1089.28, F1089.77; 633.1: Accept in part

Amendment

Amend Table WQL6 by adding the following:
a new row above the row labelled "Lake Forsyth/ Te Waiwera and tributaries."

In Column, insert the words:
Banks Peninsula rivers and streams

In Column 2, insert the words:
Aquatic ecosystems
Indigenous aquatic fauna habitat
Ngai Tahu values
Amenity values

In Column 3, insert the words:
High nutrient concentrations.
Elevated temperatures due to low summer flows and loss of riparian vegetation

In Column 4, insert the words:
Intensive land uses, subdivision, and stock access to water ways.

4-0-0G1	278.8	Save The Rivers Mid Canterbury Inc (G Ackerly)*	Give particular emphasis in Chapter 4 to dealing with sewage, industrial waste and nutrient contamination of the Ashburton River from irrigation and stockwater races.
	F1001.220	Trustpower Ltd*	<i>Oppose in part.</i>
	F1015.125	Irrigator Forum*	<i>Oppose in part.</i>
	F1016.125	Rangitata Diversion Race Management Limited*	<i>Oppose in part.</i>
	F1032.77	Royal Forest and Bird Protection Society - Ashburton Branch*	<i>Support</i>

Evaluations and reasons

278.8, F1001.220, F1015.125, F1016.125, F1032.77: The original submission asks that the NRRP deal with issues that relate specifically to the Ashburton River, in particular sewage, industrial waste discharges and enriched by-wash water from irrigation and stock water races. F1001.220, F1015.125, F1016.125 oppose the reference to irrigation races on the grounds that any contamination of the Ashburton River by irrigation races is insignificant and does not need to be emphasised. F1032.77 supports the original submission because "... the Ashburton River is unique, has special needs and this should be included in the NRRP."

The NRRP establishes a framework for managing water quality and water quantity across the whole region. While the Ashburton River may have particular values or attributes, the adverse effects of human activities on water quality also occurs elsewhere in the region. The provisions of the NRRP will address the concerns raised in the submissions, and where necessary the specific requirements of the river are provided for. For example, Chapter 4 of the NRRP establishes water quality standards for all the rivers and lakes in the region; once the NRRP becomes operative, all discharge permits can be reviewed assessed on a case by case basis, and if necessary, the conditions of the permit amended so that they comply with the water quality standards (RMA s68(7)). Chapter 5, Schedules WQN1 and WQN19 establish statutory flow regimes for the Ashburton River and similarly, the conditions of water permits can be reviewed to ensure that they comply with the flow regime. For these reasons, 278.8, F1032.77 are accepted in part, while F1001.220, F1015.125, F1016.125 are rejected and no amendment is required.

WQL1.12 Recommendation

278.8, F1032.77: Accept in part

Amendment

Nil

4-0-0H1	289.9	North Bank Land Owners Group*	Amend Chapter 4 to acknowledge and address the effects of Canada Geese and Paradise Ducks that foul water ways.
	F1074.16	Federated Farmers of NZ (Inc)*	<i>Support</i>
4-0-0H1	290.2	W & S Cameron*	Acknowledge in Chapter 4 the fouling of waterways by Canada geese and paradise ducks.
4-0-0H1	290.17	W & S Cameron*	See submission point 289.9.

Evaluations and reasons

289.9, F1074.16; 290.2, 290.17: The submitters seek a relief that Chapter 4 acknowledges and addresses the effects on surface water quality from Canada Geese and paradise ducks.

In Section 4.4.1 of Chapter 4, waterfowl are recognised as a source of faecal contamination in surface water, and in Section 4.4.2 the influence of waterfowl populations on water quality of rivers and lakes is acknowledged. The effect on water quality from wildfowl in rivers and lakes is included in the influences on water quality that are recognized for different river and lake types. Objective WQL1 sets water quality outcomes for rivers and lakes. Policy WQL4 seeks to improve water quality where it does not meet the water quality standards set in the Objective WQL1, and sets out the ways in which Environment Canterbury will bring about improvement in the water quality. These include community action, and integrated land and water care programmes. Methods that will be used to implement Policy WQL4 include Methods WQL4(b)(a) and (g) that, respectively, commit Environment Canterbury, in consultation with other parties, to investigate the contaminant contribution from waterfowl in water bodies where water quality has declined, and the contribution of nutrients to high country lakes from water birds. Method WQL4(c) establishes priority water bodies for community action to improve water quality. Table WQL6 lists water bodies that have been identified for action to improve water quality. Many of the water quality problems identified for these water bodies relate to high concentrations of nutrients and micro-organisms. It is recognised that populations of waterfowl in the beds of rivers, or on the banks will contribute to water quality decline.

The management of wildlife is not a responsibility of a regional council under the RMA. However, Chapter 4 does recognise the impact that waterfowl, including Canada Geese and Paradise Shelduck, may have on water quality. Water birds are just one of a number of sources of contaminants that may cause water quality to decline. In areas where this has occurred or may occur, and water birds are contributing significantly to the decline in water quality, Environment Canterbury would work with the appropriate agencies to manage the sources of contaminants in that water body. For these reasons the submissions are accepted in part and no amendment is required.

WQL1.13 Recommendation

289.9, 290.2, 290.17, F1074.16: Accept in part

Amendment

Nil

4-0-0H2	291.49	R J Snoyink*	Amend NRRP to ensure the water quality of Lake Forsyth be restored.
	F1049.20	Fish & Game NZ, Central South Island, North Canty & Nelson/Marlborough Regions*	<i>Support</i>

Evaluations and reasons

291.49, F1049.20: The submitter, supported by the further submitter, seeks protection of the habitat of the Australasian crested grebe, an indigenous species. This includes a number of high country lakes in Canterbury, and also coastal Lake Forsyth/ Te Waiwera as this is an important over-wintering habitat for the grebe. In 2004, 173 grebe, from a total Canterbury population of 229, were counted on Lake Forsyth/ Te Waiwera. CCC staff have reported that grebe may have bred at Lake Forsyth/ Te Waiwera in 2006. The submitter is concerned that the present water quality of the lake may compromise the habitat of the

grebe, and that further, this quality is at risk from spillage or accidents on the adjoining highway, and seeks to have the water quality restored.

The water quality outcomes for coastal lakes are set out in Objective WQL1.2 (2) which states that water quality is maintained, or improved if necessary, so that it is suitable as habitat for indigenous species. Where water quality of a river or lake has been affected by non-point source discharges and does not meet the water quality standards set in the Objective, Policy WQL4 and associated methods sets out the ways which Environment Canterbury will bring about an improvement in water quality.

Method WQL4(c) and the accompanying Table WQL6 establishes the priority water bodies where ECan will work with the community to improve water quality. Lake Forsyth/Te Waiwera is included in Table WQL6. Section 4.10 of NRRP Chapter 4 sets out the environmental results anticipated within 10 years of the NRRP becoming operative. Environmental Result WQL2 states that for rivers and lakes not in a natural water quality state that work programmes to improve or safeguard water quality will have commenced in at least 75% of the water bodies listed in Table WQL6. In particular the water quality of coastal lakes, amongst other things, is suitable as habitat for indigenous species (Clause (c)). Therefore, the improvement in water quality in Lake Forsyth/Te Waiwera that the submitter is seeking is included in the provisions of Chapter 4. For these reasons the submission is accepted and no amendment is required.

WQL1.14 Recommendation

291.49, F1049.20: Accept

Amendment

Nil

4-0-011	395.13	Landco Pastoral Holdings Limited*	Review and amend all objectives, policies and rules in Chapter 4 to: properly provide for the sustainable management of the various water resources of the region; ensure that the objectives and policies are not in the nature of rules and are sufficiently balanced and flexible to ensure that the policies can give effect to the objectives and the rules can give effect to the policies; remove inconsistencies between objectives, policies and rules; remove the conservation bias apparent in the objectives and policies and some of the rules; and delete the arbitrary distinction between 'natural state' and 'not in a natural state' river water quality and substrate.
	F1043.4126	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.4105	Selwyn Plantation Board Ltd*	<i>Support</i>
	F1074.17	Federated Farmers of NZ (Inc)*	<i>Support</i>
4-0-011	596.2	Rakaia River Irrigators Society Inc.*	Amend Chapter 4 of the Proposed NRRP to pay greater attention to the interests and values the community places on water, namely social, cultural, recreational and economic. Remove the bias towards keeping resources in their natural state.
	F1015.110	Irrigator Forum*	<i>Support</i>
	F1016.110	Rangitata Diversion Race Management Limited*	<i>Support</i>
	F1032.72	Royal Forest and Bird Protection Society - Ashburton Branch*	<i>Oppose</i>
	F1049.29	Fish & Game NZ, Central South Island, North Canty & Nelson/Marlborough Regions*	<i>Oppose</i>
4-0-011	647.1	Irrigation New Zealand Inc*	Redraft Chapter 4 as follows: <input type="checkbox"/> Review the structure to make it easier for people applying for

			<p>resource consent to understand.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Move the focus away from environmental protection and keeping things in their natural state towards sustainable management, taking into account the cultural, social, environmental, recreational and economic values people place on water resources. <input type="checkbox"/> Review each policy and rule to ensure they reflect the basic principles of the RMA and the rules are effects-based. <input type="checkbox"/> Ensure policies are brief and to the point, and that the rules are not inconsistent with the policies or other parts of the plan. <input type="checkbox"/> State clearly what is to be achieved rather than prescribing any particular way of achieving that outcome. <input type="checkbox"/> Make the policies and rules more adaptable to possible future development options. <input type="checkbox"/> Clarify terms such as “significant”.
	F1032.59	Royal Forest and Bird Protection Society - Ashburton Branch*	<i>Oppose</i>
	F1043.4128	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.4107	Selwyn Plantation Board Ltd*	<i>Support</i>
	F1074.33	Federated Farmers of NZ (Inc)*	<i>Support</i>
	F1076.77	Horticulture NZ (formerly NZ Vegetable & Potato Growers Federation Inc et al)*	<i>Support</i>

Evaluations and reasons

395.13, F1043.4126, F1044.4105, F1074.17; 596.2, F1015.110, F1016.110, F1032.72, F1049.29; 647.1, F1032.59, F1043.4128, F1044.4107, F1074.33, F1076.77: Submissions 395.13, supported by F1043.4126, F1044.4105, F1074.17, and 596.2 supported by F1015.110, F1016.110 but opposed by F1032.72, F1049.29, and 647.1 supported by F1043.4128, F1044.4107, F1074.33, F1076.7 but opposed by F1032.59 seek that the objectives, policies and rules in Chapter 4 be reviewed and amended because;

- the general approach of Chapter 4 is not “effects-based”; and
- the objectives and policies are; too prescriptive and contrary to the purpose of the RMA, and are “directed more toward preservation, conservation or maintenance of the status quo”; and
- this will result in unjustifiable restrictions on the use of land.

The further submitters in support consider Chapter 4 generally fails to meet the purpose of the RMA and provide for social and economic benefits from resource use. Further submitters in opposition state that the NRRP must also take into account natural qualities of water bodies that provide benefits for recreation, and social and economic well-being (e.g. tourism) and that an outcome that allows resource use without providing for other values is inconsistent with Part 2 of the RMA.

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means enabling people to use resources but in a way or rate that ensures that; the resource will be available to future generations, the life-supporting capacity of ecosystems is maintained, and adverse effects on the environment are avoided, remedied or mitigated. “Effects” are defined in the RMA to include past, present and future effects.

The RMA is restrictive in terms of activities relating to taking, using, damming, or diverting of water, or for discharging contaminants onto land or into water, as well as for activities in the beds of rivers and lakes. The NRRP chapters have relaxed these provisions in some cases and enabled activities where under

RMA they would require consent. In other cases, the NRRP has given clearer guidance on the matters that will need to be considered when seeking consent.

With regard to promotion of water storage/irrigation/hydro activities which can have broader benefits to local communities, the plan has provided for these to varying degrees. Water is proposed to be managed in allocation blocks to give reliable access to abstractors. Limitations are set to protect environmental values and enable instream activities and values to be sustained. Water quality standards are being established that recognise a degree of degradation due to agricultural use. But these standards are intended to prevent degradation that will compromise the instream values of these water bodies

Section 7 of the RMA states that all persons exercising functions under the Act in relation to managing "the use, development and protection" of natural resources shall have particular regard to, amongst other things, the "maintenance and enhancement of the quality of the environment", "any finite characteristics of natural and physical resources". Other provisions of the RMA do not allow discharges to water (s15), or allow water quality standards to be set which result or may result in a reduction in the quality of water in any waters at the time the proposed plan is publicly notified unless this is consistent the purpose of the RMA (s.69(3)).

Regional Councils are given specific functions under the RMA, including controlling land use to maintain and enhance water quality in water bodies, and to control discharges of contaminants into water. Environment Canterbury has, in the Canterbury Regional Policy Statement, taken the position that it will endeavour to maintain water quality where this is high, and improve quality where it is degraded. A regional plan is one planning instrument to carry out those functions in order to achieve the purpose of the RMA. The objectives, policies and methods of Chapter 4 of the NRRP are to ensure that the past, present and future use of resources and the impact of these uses on water quality will be in a way or at a rate that will be in accord with the CRPS and meet the purpose of the RMA.

The NRRP does recognise the social and economic benefits of water use. For example, Chapter 5 Objective WQN4(a) dealing with water allocation specifically seeks to enable communities to maximize their social, economic wellbeing, and then sets out a suite of policies for water allocation, efficiency of water use etc, that are intended to achieve this. Statutory plans, like NRRP, provide the regulatory framework within which activities are undertaken and they are not intended to be documents that promote particular types of development.

NRRP recognises that there are a lot of activities that are dependent on water already and that there is demand and pressure for more. But "use" can refer to use of the water via hydro or irrigation and it can also include recreation and environmental use. It can also refer to use of water as a receiving body for contaminants, directly or indirectly, deliberately or inadvertently. NRRP provides for the use of water while recognising the effects of this use and identifying limits and standards that should be maintained or protected.

The Objectives of Chapter 4 clearly state specific water quality outcomes for the water bodies in the Region. These outcomes are realistic, and acknowledge those past impacts of human activities on water quality that will not be able to be recovered from. They identify where improvements to water quality are needed, and where existing water quality is to be maintained. The objectives also provide points of reference against which changes in water quality, both positive and negative, can be measured. The Objectives are not "prescriptive", but they do clearly describe the outcomes. These are outcomes that support one tenet of the Act, to maintain and enhance water quality.

The submitter perceives a "conservation bias" in the provisions of Chapter 4. While no specific examples are given in the submission, it is presumed that they consider the provisions to be insufficiently enabling of resource use, and that maintaining or improving water quality where it has declined is not a valid objective for the NRRP. However, the RMA in Part 2, Part 4 and Part 5 reiterates the maintenance and enhancement of the quality of the environment, and of water quality, therefore to produce a regional plan that did not have this as its outcome would be in conflict with the legislation from which it is derived.

The policies of Chapter 4 describe the ways that the objectives will be attained. These policies are quite explicit in describing the processes to be undertaken and elements to be considered for different types of activities that affect water quality. The policies describe the framework for determining what activities might be acceptable, and if so, under what circumstances. This clarity of intent provides clear guidance to resource users and decision-makers as to how the management of resource use is to be approached. The policies do not "exceed the scope of the objectives", as claimed by the submitter, but provide the pathway to achieve the objectives.

The methods, including rules, set out what is to be done to give effect to the policies. In Chapter 4 there are strong links between each policy and the suite of rules that will give effect to it. The nature of the permitted, and prohibited, activity rules are derived from relevant policies, while the status of activities that

require resource consent, under increasing thresholds of scrutiny from controlled through non-complying activities, is determined by the increasing severity of potential adverse effects of the activity. If inconsistencies between the particular objectives, policies and rules, become apparent through the process of submissions and hearings, then the inconsistencies will be addressed. For these reasons, the submissions and further submissions in support are rejected, further submissions in opposition are accepted in part and no amendment is required.

WQL1.15 Recommendation

F1032.72, F1049.29, F1032.59: Accept in part
 395.13, 596.2, 647.1, F1015.110, F1016.110, F1043.4126, F1043.4128, F1044.4105, F1044.4107, F1074.17, F1074.33, F1076.77: Reject

Amendment

Nil

4-0-012	565.56	Ashburton District Council*	Amend Chapter 4 to give adequate recognition to the principles of the Resource Management Act.
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Evaluations and reasons

565.56: The submitter considers that Chapter 4 does not adequately recognise the importance of the principles of the RMA, including the definition of sustainable management. Section 4.3.1 should more fully describe the purpose of the Act, and the submitter considers that the purpose of the Act is used “selectively” and this is offensive, although no specific examples are given.

The ‘principles’ of the RMA are set out in Part 2 of the RMA and it is not necessary to describe them in the introduction to Chapter 4. The mandatory and discretionary contents of a regional plan are described in s 67 of the RMA

The submitter appears to imply that Chapter 4 does not give adequate recognition to the enabling part of s 5 of the RMA, i.e. “people and communities provide for their social, economic and cultural wellbeing ...” While no specific examples are given in the submission, it is presumed that they consider that maintaining or improving water quality where it has declined is not a valid objective for this regional plan. However, the RMA in Part 2, Part 4 and Part 5 reiterates the maintenance and enhancement of the quality of the environment, and of water quality. Other provisions of the Act, prohibit any discharge to water unless expressly authorised and do not allow water quality standards to be set that allow a reduction in the quality of water unless this meets the purpose of the RMA. Therefore, to produce a regional plan that did not have this as its outcome would be in conflict with the legislation from which it is derived.

NRRP does recognise the social and economic benefits of the region’s water resources. Statutory plans, like the NRRP, provide the regulatory framework within which activities are undertaken and they are not intended to be documents that promote particular types of development. The NRRP recognises that there are a lot of activities that are dependent on the region’s water resources already and that there is demand and pressure for more.

Part 3 of the RMA prohibits certain activities, such as the taking, using, damming, or diverting of water, the discharging of contaminants onto land or into water, and activities in the beds of rivers and lakes. The NRRP chapters have relaxed these provisions in some cases and enabled activities where under RMA they would require consent. In other cases, the NRRP has given clearer guidance on the matters that will need to be considered when seeking consent. Water quality standards are being established that recognise a degree of degradation due to agricultural or urban land use activities. But these standards are intended to prevent degradation that will compromise the instream values of these water bodies. The policies of Chapter 4 describe the ways that the objectives will be attained. These policies are quite explicit in describing the processes to be undertaken and elements to be considered for different types of activities that affect water quality. The policies describe the framework for determining what activities might be acceptable, and if so, under what circumstances. This clarity of intent provides clear guidance to resource users and decision-makers as to how the management of resource use is to be approached. The policies do not “exceed the scope of the objectives”, as claimed by the submitter, but provide the pathway to achieve the objectives.

For these reasons the submission is rejected and no amendment is required.

WQL1.16 Recommendation

565.56: Reject

Amendment

Nil

4-0-013	596.4	Rakaia River Irrigators Society Inc.*	Reduce the prescriptive detail in Chapter 4 of the Proposed NRRP so as not to prevent the adoption of "best practice" based on the knowledge of the day.
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Evaluations and reasons

596.4: The submitter considers that the proposed methods in Chapter 4 (and Chapter 5) are too prescriptive and as such would hamper the adoption of new 'best practice' techniques. No specific examples are given.

The NRRP chapters, apart from Chapter 8, are primarily regulatory documents that provide the framework within which people can use the resource being managed. This regulatory approach is needed because the chapters deal with resources, that in general, cannot be used unless a person has a resource consent, or the activity is allowed by a permitted activity rule in a regional plan. The objectives in each chapter identify the environmental outcomes to be achieved, and then the policies specify how the resource is to be managed to achieve that outcome. Environment Court case law reinforces the need for plan provisions to be clear, certain, enforceable and vires. Because of the complex matters being addressed, and to provide certainty, at times the policies will be prescriptive. There is no problem with a policy incorporating a formula if that is what is needed. Loosely written provisions lead to uncertainty and inconsistent interpretations, and there is less likelihood that the objectives will be achieved.

Chapter 4 promotes the adoption of best practice methods through the recognition of; national and regional guidelines, industry-based codes of practice, accreditation programmes, and New Zealand Standards. Some methods are quite specific about what is to be done but there is no obvious limitation to adopting or implementing new techniques to achieve the objectives and policies of Chapter 4. For these reasons the submission is rejected, and no amendment is required.

WQL1.17 Recommendation

596.4: Reject

Amendment

Nil

4-0-0J1	433.39	Glendore (New Zealand) Ltd*	Amend the various tables and provisions to correct and remove any reference to the Transitional Regional Plans, as having no effect once the NRRP becomes operative.
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Evaluations and reasons

433.39: The submitter seeks, as an alternative to withdrawing Variation 1, that all provisions of the NRRP or other operative regional plans that refer to rules in the Canterbury Transitional Regional Plan be amended to remove any reference to the Transitional Regional Plan. The reason given is that the Transitional Regional Plan will have no effect once the provisions of the NRRP become operative.

A regional plan must be formally withdrawn by Council resolution for it to no longer apply. The NRRP does not supersede the current operative regional plans in the region. The provisions of these plans will continue in effect, in the areas where they apply. While Environment Canterbury may choose to withdraw the Transitional Regional Plan from areas where the operative NRRP applies, it is not compelled to do so throughout the Region.

Some operative regional plans in the Canterbury Region, such as the Opihi River Regional Plan and the Waimakariri River Regional Plan link to provisions of the Transitional Regional Plan, such as the permitted activity rules. These provisions will not automatically be superseded when the relevant provisions of the NRRP become operative. It will be necessary for Council to amend these plans to withdraw those provisions.

To avoid overlaps between operative regional plans and the NRRP, Environment Canterbury decided to let the operative regional plans have effect for the management of those activities controlled by the respective regional plans, but have the NRRP provisions apply within the areas of the regional plans for those activities that are not managed by the operative regional plan. For example, the Opihi River Regional Plan manages the quality and quantity of surface water in the Opihi River catchment, therefore the NRRP provisions for the management of surface water quality and quantity do not apply in the catchment, but provisions in the NRRP for groundwater quantity and quality apply in the Opihi River catchment, along with the provisions of the Opihi River Regional Plan. The permitted activity rules of the Transitional Regional Plan also apply in the Opihi catchment.

Environment Canterbury may decide to meld the other regional plans with the NRRP, but that decision will be made once the NRRP is operative. Table WQL4, describes the relationship between the NRRP and existing regional plans and water conservation orders. Once the NRRP becomes operative, some of these relationships may change and Table WQL4 should reflect the relationship that exists in the operative NRRP. Table WQL4 is not clear about when the provisions of the various regional plans apply,

and the clarity of the information contained in Table WQL4 could be enhanced with some editing. This has been addressed later in this report in the Evaluation and Recommendation relating to Table WQL4. Table WQL7 "Index of Rules" identifies when the application of a rule is limited to a particular part of the region. The application of a rule may be limited because the activity, which is the subject of the rule, is managed under an operative regional plan that applies in part of the region. While there is an explanation at the head of Table WQL7 relating to where each rule applies, this could also be made clearer within the table. This will be addressed in a subsequent Officer's Report relating to Table WQL7. For these reasons, the submission is accepted in part and no amendment is required at this time.

WQL1.18 Recommendation

433.39: Accept in part

Amendment

Nil

4-0-0J2	441.4	West Eyreton Residents Association*	Withdraw Chapter 4.
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Evaluations and reasons

441.4: The submission asked that Chapter 4 be withdrawn on the grounds that the rules and conditions are too difficult to understand, and that activities are likely to result in unintended breaches of the rules. In the submitter's opinion, the chapter is also too big and impossible to read on the Council's website. While it is acknowledged that the length and complexity of Chapter 4, together with the other chapters can make the NRRP a daunting document for many people, the NRRP is a statutory document with provisions that have the force of regulation under the RMA, and therefore it must meet the statutory requirements of the Act and case law.

Under Part 3 of the RMA, most activities that are likely to affect water, such as discharges, activities in the bed of a river or lake, and the taking, damming or use of water are prohibited unless they are expressly allowed by a regional rule or a resource consent. This legal presumption is the opposite for land use activities, which may occur as of right unless they are controlled by a rule in a regional or district plan. Therefore, one of the roles of the NRRP is to remove the legal prohibition by establishing rules which permit or allow activities to be undertaken without the need to obtain resource consent. The conditions of the rules are written in a way that meets general legal drafting principles, and in the case of permitted activity rules for discharges, the rule must ensure that the "bottom lines" established by s70 of the RMA will be met.

Council will prepare a set of guides to assist people with using the NRRP over a range of different activities. For these reasons the submission is rejected and no amendment is required.

WQL1.19 Recommendation

441.4: Reject

Amendment

Nil

4-0-0J3	448.22	Waimakariri District Council*	Withdraw NRRP Chapter 4: Water quality, and redraft in consultation with territorial authorities, or alternatively, make amendments throughout Chapter 4 to address the submitter's specific concerns. See submission points 448.23, and 448.26 to 448.133.
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Evaluations and reasons

448.22: The submitter seeks the withdrawal of Chapter 4 and its redrafting as the chapter creates technical difficulties that cannot be resolved through the submissions process.

If Chapter 4 was not withdrawn, then the submitter wants the Council to make all the decisions requested that they list in the submission. These detailed submissions have been allocated to the relevant parts of NRRP to be considered.

The reasons put forward by the submitter for withdrawing Chapter 4 are summarised below:

a) Rules are detailed and seek to address the unlikely rather than the probable

Chapter 4 is primarily a regulatory document that provides a framework within which people can use the resource being managed. Under Section 15 of the RMA 1991, any discharge of a contaminant or water to water, or to land where it may enter water is prohibited unless it is expressly authorised by a regional

rule or a resource consent. The legal presumption is opposite for land use activities, which may occur as of right unless they are controlled by a rule in a regional or district plan. The Council considers it will be more efficient and effective to have regional rules authorising activities that have minor adverse effects but require resource consents where the adverse effects are more significant. Without regional rules, any discharge would require resource consent. The conditions of the rules are written in a way that meets general legal draughting principles, and in the case of permitted activity rules for discharges the rule must ensure that the "bottom lines" established by s70 of the RMA will be met.

Experience has shown that there are a range of activities that commonly occur in the region that require authorisation under Section 15, of the RMA. Many of these activities have only minor adverse effects on the environment. It is not practical or necessary to have a specific rule for each activity. It is a matter of judgement as to which activities are to be managed with a specific rule in a regional plan. While some activities that occur occasionally or infrequently could be controlled by a general set of rules, the Council decided that it was more efficient and effective to control activities that occur frequently by a set of specific rules with conditions that are designed to manage their particular adverse effects. The matters raised in Reason (a) do not warrant withdrawing Chapter 4.

b) Measures that conflict with or require parallel measures in district plans

Section 75 RMA sets out the contents of a district plan. S75(3) specifies that a district plan must give effect to any regional policy statement and s75(4) specifies that it must not be inconsistent with a regional plan for which the regional council has primary responsibility. In this way, the hierarchy of the planning instruments is clearly set out in the RMA. The functions of regional and district councils are specified in s30 and s31 respectively, and they are different. There will be instances where each council may have policies and rules relating to the same resource but addressing their different respective functions. In these cases, sometimes the plan provisions will appear to be contradictory, but if they are, it will be because of the different functions being exercised. Wherever possible ECan and the District Councils try to rationalise what they are doing, to achieve complementary management.

The NRRP is identifying issues relating only to the functions required of regional councils under RMA, and while there will be apparent overlaps between the regional council plan and district plans, this will occur because the authorities may manage the same natural or physical resource, but for different reasons. Because NRRP is a new document, there may be things in it that impact on district council managed activities in ways that differ from the pre-NRRP situation. This is inevitable given that NRRP was prepared with newer information and understanding. Undoubtedly, over the life of NRRP, it will continue to change as new information comes available and plan changes and reviews take place. There is no case law that indicates that a regional plan cannot contain methods that are to be implemented by district councils. It is accepted that some district councils, and developers mid-way through developments, have raised issues about when some rules take effect, and temporary solutions to these problems have sometimes been possible. Given the statutory requirements, and the fact that the NRRP is specifically addressing issues that relate the regional council's functions as defined in the RMA, the reason is not considered sufficiently robust to warrant the withdrawal of Chapter 4. The matters raised in Reason (b) do not warrant withdrawing Chapter 4

c) Rules that duplicate controls exercised by other authorities under other statutes

In the submission on the regional rules dealing hazardous substances (Rules WQL42, WQL43, and WQL44), the submitter identifies a specific issue about the rules and the jurisdiction of the Hazardous Substances and New Organisms Act 1996 (HSNO). The relationship between the regional rules and the HSNO is more appropriately addressed and any potential duplication resolved, when considering submissions on these rules. The matters raised in Reason (c) do not warrant withdrawing Chapter 4.

d) An approach to matters such as stormwater that conflicts philosophically with territorial authorities role as an a network utility operator

The submitter has not provided any reasons to explain the philosophical contradiction with territorial authorities' roles. The regional council's primary functions include to the management of discharges and the control of the use of land to maintain and enhance the quality of water in water bodies. Stormwater discharges can be significant sources of contaminants in water bodies and their control is directly within the regional council's responsibilities. The submitter has sought a number of amendments to the regional rules controlling the discharge of stormwater, but it is more appropriate that the matters raised by the submitter are considered with those provisions.

The matters raised in Reason (d) do not warrant withdrawing Chapter 4.

e) Cross-reference between Chapter 4 water quality rules to Chapter 7 Wetlands

The submitters states that the conditions in the water quality rules that link to Rules WTL1 and WTL3 or Schedule WTL1 in the Wetland chapter cannot be scrutinised.

These conditions form part of the water quality rules and can be considered in the context of the relevant rules. As the submitter has made specific submissions on these conditions in the rules of Chapter 4 and

Chapter 6 it is appropriate that the matters raised by the submitter are considered there. The matters raised in Reason (e) do not warrant withdrawing Chapter 4.

f) Inconsistencies between Chapter 4 and NRRP Chapter 3 Air Quality

The submitter has pointed out in the submission on Rule WQL16 some inconsistencies with the rules in the Chapter 3 Air Quality. These matters will be considered in the context of submission on Rule WQL16. It should be noted that the Commissioner's decisions on the Air Quality Chapter have not yet been released, but it is likely that there will be changes to the Air Quality rules. If there are inconsistencies between the provisions of Chapter 3 and Chapter 4 steps can be taken to resolve these. The matters raised in Reason (f) do not warrant withdrawing Chapter 4.

In the body of their submission, the submitter raises a number of specific issues relating to the provisions of Chapter 4 and to the reasons listed above. There is no specific matter raised that would justify the withdrawal of Chapter 4. Therefore, the alternate decision sought, to amend Chapter 4 in response to the issues they raise in their submission, is the more appropriate pathway. Each of the specific concerns raised has been assigned a submission point that will be considered by the Hearing Panel. The submission points may or may not result in changes to the Chapter.

For the reasons set out above, the submission is rejected and no amendment is required.

WQL1.20 Recommendation

448.22: Reject

Amendment

Nil

4-0-0J4	511.35	P H Van den Brink Limited*	Withdraw Chapter 4 in its entirety and notify new provisions to achieve the purpose of the Resource Management Act 1991 based on sound resource management techniques. Support the new provisions requested by a robust and comprehensive Section 32 analysis demonstrating that they are the most efficient and effective means to achieve the purpose of the Act.
4-0-0J4	511.36	P H Van den Brink Limited*	If the request to withdraw Chapter 4 in its entirety is not accepted, make deletions and/or amendments throughout the chapter to address the submitter's specific concerns.
4-0-0J4	561.35	Tegel Foods Ltd*	Withdraw Chapter 4 in its entirety and notify new provisions to achieve the purpose of the Resource Management Act 1991 based on sound resource management techniques. Support the new provisions requested by a robust and comprehensive Section 32 analysis demonstrating that they are the most efficient and effective means to achieve the purpose of the Act.
4-0-0J4	561.36	Tegel Foods Ltd*	If the request to withdraw Chapter 4 in its entirety is not accepted, make deletions and/or amendments throughout the chapter to address the submitter's specific concerns.
4-0-0J4	565.53	Ashburton District Council*	Withdraw Chapter 4.
	F1032.1	Royal Forest and Bird Protection Society - Ashburton Branch*	<i>Oppose</i>

Evaluations and reasons

511.35, 511.36, 561.35, 561.36, 565.53, F1032.1: The submitters state that Chapter 4 will impose an unreasonable and unjustified level of control on the submitters' activities and they seek alternate decisions of Environment Canterbury; either withdraw Chapter 4 and notify new provisions that satisfy their concerns, or amend Chapter 4 to satisfy their concerns.

F1032.1 opposes 565.53 because Chapter 4 is needed to ensure ecologically healthy rivers. The reasons put forward by the submitters for withdrawing Chapter 4 are summarised below:

a) Chapter 4 provisions do not give sufficient recognition importance of industrial, commercial and rural activities to economic viability of Canterbury

NRRP does recognise the social and economic benefits of the region's water resources. Statutory plans, like the NRRP, provide the regulatory framework within which activities are undertaken and they are not intended to be documents that promote particular types of development. The NRRP recognises that there are a lot of activities that are dependent on the region's water resources already and that there is demand for more.

Part 3 of the RMA prohibits certain activities, such as the taking, using, damming, or diverting of water, the discharging of contaminants, including discharges from industrial or trade premises, to land or into water, and activities in the beds of rivers and lakes unless authorised by a resource consent or a rule in a regional plan. The NRRP chapters have relaxed these provisions in some cases and enabled activities which would otherwise require consent. In other cases, the NRRP has given clearer guidance on the matters that will need to be considered when seeking consent. Water quality standards are being established that recognise a degree of degradation due to agricultural or urban land use activities. But these standards are intended to prevent degradation that will compromise the instream values of these water bodies. The matters raised in Reason (a) do not warrant withdrawing Chapter 4.

b) Alternative approaches be adopted to manage adverse effects on submitter's activities

The submitters have suggested that an effects-based approach, including standards adopted by poultry industry and the submitters, be used to manage effects from the submitter's activities.

The regional rules are effects-based and reflect the intention of the RMA. The RMA prohibits any discharge from an industrial or trade premises onto or into land, or any discharge to water (s15(1) RMA). Chapter 4 relaxes these restrictions and allows many discharges to occur, subject to conditions, without requiring resource consent.

A number of industry organisations have developed industry guidelines and standards. Adherence to many of these is not mandatory, and most are not written in a way that meets legal drafting requirements. However, the Council has recognised their merits and included them in the non-regulatory methods of NRRP. Some industry standards have been included in the conditions of relevant rules. The submitters are seeking relief on a number of the provisions in Chapter 4 and it is more appropriate that each matter is considered under the relevant provision. The matters raised in Reason (b) do not warrant withdrawing Chapter 4.

c) Chapter provisions are only concerned with environmental importance of resources and are written in unreasonable and inflexible terms

The RMA imposes very stringent controls on the discharge of contaminants. No-one has an automatic right to discharge a contaminant (s15). The definition of contaminant does not depend on whether the substance undergoes any change, or alters the condition of the water, or whether the effect is widespread or localised. Authorised discharges are also subject to limits imposed by the Act (s.70 (1) and s 107(1)). Part 2, Part 4 and Part 5 of the RMA also reiterates the maintenance and enhancement of the quality of the environment, and of water quality. Water quality standards cannot be set that allow a reduction in the quality of water resources unless this meets the purpose of the Act. Therefore, to produce a regional plan that did not have this as its outcome would be in conflict with the legislation from which it is derived.

The policies of Chapter 4 describe the ways that the objectives will be attained. The policies of Chapter 4 are quite explicit in describing the processes to be undertaken and elements to be considered for different types of activities that affect water quality. The policies describe the framework for determining what activities might be acceptable, and if so, under what circumstances. This clarity of intent provides guidance to resource users and decision-makers as to how the management of resource use is to be approached. Environment Court case law reinforces the need for plan provisions to be clear, certain, enforceable and vires. Because of the complex matters being addressed, and to provide certainty, at times the policies will be prescriptive. Loosely written provisions lead to uncertainty and inconsistent interpretations, and there is less likelihood that the objectives will be achieved. The matters raised in Reason (c) do not warrant withdrawing Chapter 4.

d) Chapter 4 fails to adequately provide for the use of resources.

The submitter is concerned that the discharges from their feedmill and poultry operations will require a resource consent under Regional Rule WQL31. This submission point is more appropriately considered under the evaluation of submissions on regional Rule WQL31. The matters raised in Reason (d) do not warrant withdrawing Chapter 4.

e) Chapter 4 is “work in progress” that has received insufficient consideration, consultation and is often unsupported by accepted science

A considerable amount of scientific and technical work and consultation with land owners, has been carried out during the development of the NRRP. ECan has actively sought public views and opinion throughout the development of these chapters. Three discussion documents were released for public comment, and this was followed in October 2001 by the release of a draft chapter of the NRRP, containing regional rules. The discussion documents were advertised in major and local newspapers, public meetings were held throughout the region as well as meetings with a range of organisations and groups including territorial authorities.

A number of technical reviews and studies were commissioned, including a review of rules in the Transitional Regional Plan and as a result of comments on the Discussion Draft Chapters. An extensive body of technical literature and monitoring reports was also drawn upon. The technical information used to support the provisions of Chapter 4 is the best available at this time. It was recognised that in some areas better information is needed and the plan identifies a number of areas for further investigation.

The Regional Council, at its meetings, spent a considerable amount of time considering technical presentations and deliberating over the plan provisions and the implications for the region, during the development of NRRP. Individual councillors attended numerous meetings throughout the region. Several delegations were also heard by the Council. A list of references and meetings is contained in the S32 report to Chapter 4.

Variation 1 of the NRRP was notified in July 2004 and publicly notified in the major daily newspapers. Approximately five and half months was allowed for public submissions compared to the minimum statutory time of 40 working days. Many organisations and groups also used this period to contact their members and to encourage them to participate. It is considered that ample time was spent on consultation and consideration of the provisions of Chapter 4. The matters raised in Reason (e) do not warrant withdrawing Chapter 4.

In summary, there is no specific matter raised that would justify the withdrawal of Chapter 4. Therefore, the alternate decision sought, to amend Chapter 4 in response to the issues they raise in their submission, is the more appropriate pathway. Each of the specific concerns raised has been assigned a submission point that will be considered by the Hearing Panel. The submission points may or may not result in changes to Chapter 4. Therefore, the request to withdraw Chapter 4 should be rejected. For this reason the submissions are rejected and the further submission accepted and no amendment is necessary.

WQL1.21 Recommendation

511.35, 511.36, 561.35, 561.36, 565.53: Reject
 F1032.1: Accept

Amendment

Nil

4-0-0K1	433.54	Glendore (New Zealand) Ltd*	Withdraw Chapter 4 and re-notify it with Assessment Matters included. Alternatively defer any decisions on submissions until such a time as Assessment Matters have been introduced by way of a Variation.
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Evaluations and reasons

433.54: The submitter seeks amendments to Chapters 4, 5, 6 and 8, by way of a variation, to include in each chapter matters that would be assessed when resource consent applications are considered. The submitter recognises that the inclusion of "Assessment Matters" is not a compulsory requirement of a regional plan - such requirements are set out in s67 of the RMA - but the inclusion of these matters would provide "useful guidance".

The rules of the NRRP, as required under s104A for controlled activities and 104C for restricted discretionary activities, establish those matters which will be assessed when resource consent applications are considered and decided upon. Applications for discretionary and non-complying activities are, by their nature, activities where the adverse effects need to be considered on a case-by-case basis. Creating lists of assessment matters for such applications could lead to adverse effects on the environment of an activity being overlooked. Chapter 1, Section 1.3.4 and Chapter 4, Section 4.7 of the NRRP each include sections "Information to be Provided" that contains an outline of information requirements for specific activities that require resource consent. These provide general guidance as to the matters that may need to be considered in applications for specific activities, but do not limit the

consideration of the effects on the environment of the activity. Including list of assessment matters for all rules could hamper consideration of relevant effects on the environment if these were not on the list. For these reasons the submission is rejected and no amendment is required.

WQL1.22 Recommendation

433.54: Reject

Amendment

Nil

4-0-0L1	434.19	Tinaka Enterprises*	Have one authority to deal with the issues of riparian vegetation, soil disturbance, pesticides and fertiliser.
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Evaluations and reasons

434.19: The submitter supports Chapter 4 in respect of the provisions relating to riparian vegetation and soil disturbance and the discharge of pesticides and fertiliser where these may enter water, but is concerned that district plans may contain provisions that overlap or have different requirements than those of the NRRP. The submitter is also concerned that using riparian management to improve water quality will be a process that is too slow and too expensive, therefore 'stronger' provisions are needed. The submitter seeks that one authority administer riparian management.

The NRRP identifies issues relating only to the functions required of it under RMA, and while there will be apparent overlaps between the regional council plan and district plans, this will occur because the authorities may manage the same natural or physical resource, but for different reasons. District councils have responsibility to control the effects of land use. This could extend to controlling effects of land use activities on land in the margins of water bodies and on riparian vegetation. District councils also have responsibility to create esplanade reserves when land is subdivided that adjoins a waterbody. In the NRRP, the controls on the removal of riparian vegetation or disturbance of soil in the riparian margin to prevent adverse effects on water quality from these activities, are just two of the wide-ranging methods provided for in Chapter 4 to maintain or enhance water quality. The provisions are intended to act together to give effect to the policies and thereby meet the objectives of the NRRP. No single method will achieve the objectives, and different methods will act at different speeds.

While the responsibilities of the different councils may overlap, or appear to overlap, each council has different responsibilities and will be managing the use of the resource for different reasons. The RMA requires that district plans must not be inconsistent with a regional plan in regard to any matter of regional significance or for which the regional council has primary responsibility. In addition, the Court of Appeal has held that regional councils and territorial authorities should endeavour to complement their functions. The RMA also provides for joint processes where resource consents are required under both regional and district plans. The management of riparian margins may require input from both regional and district councils to ensure that the effects of activities in the margins are addressed comprehensively. For these reasons the submission is rejected and no amendment is required.

WQL1.23 Recommendation

434.19: Reject

Amendment

Nil

4-0-0M1	449.25	Transit New Zealand*	Include within Chapter 4 all the tables and schedules (from other sources) that are referred to in this chapter.
	F1040.22	Christchurch City Council.*	<i>Support</i>
4-0-0M1	476.125	Christchurch City Council*	Amend by including Schedule WQN14 in Chapter 4.
4-0-0M1	476.133	Christchurch City Council*	Amend to include in Chapter 4 any schedules and tables which are referred to in the chapter, such as Schedules WQN5 and WQN14, and table WQN17.

4-0-0M1	512.23	University of Canterbury*	Include within Chapter 4 all the tables and schedules (from other sources) that are referred to in this chapter.
	F1066.59	The Isaac Wildlife Trust and The Diana Isaac Wildlife Trust.*	<i>Support</i>
	F1067.73	Gillman Wheelans Ltd*	<i>Support</i>
	F1068.56	Glendore (NZ) Ltd*	<i>Support</i>
	F1070.59	Clearwater Land Holdings Limited*	<i>Support</i>
	F1071.60	Canterbury Rowing Trust*	<i>Support</i>
	F1072.75	Calder Stewart Industries Limited*	<i>Support</i>
	F1073.74	Applefields Ltd*	<i>Support</i>
	F1089.100	Waimate District Council.*	<i>Support</i>
4-0-0M1	515.139	Department Of Conservation, Canterbury Conservancy*	Include Schedule WQN5 in Chapter 4.
	F1033.1061	Rosalie and Jules Snoyink*	<i>Support</i>
	F1043.3478	Canterbury Forest Industry Working Group.*	<i>Oppose</i>
	F1044.3465	Selwyn Plantation Board Ltd*	<i>Oppose</i>
	F1052.1067	Eminence Investments Ltd.*	<i>Oppose</i>
	F1053.1061	Ngai Tahu Ltd*	<i>Oppose</i>

Evaluations and reasons

449.25, F1040.22; 476.125, 476.133, 512.23, F1066.59, F1067.73, F1068.56, F1070.59, F1071.60, F1072.75, F1073.74, F1089.100; 515.139, F1033.1061, F1043.3478, F1044.3465, F1052.1067, F1053.1061: The submissions have asked that tables or schedules from other NRRP chapters, referred to Chapter 4, be included in the Chapter. Examples are Schedules WQN5 and WQN14 and Table WQN17 that are in Condition 8 of Rule WQL 1. The reasons for this request include that Chapter 4 should provide certainty for applicants as an independent "stand alone" plan document. F1040.22, F1066.59, F1067.73, F1068.56, F1070.59, F1071.60, F1072.75, F1073.74, and F1089.100 are in support for the reason that "permitted activities within the plan should be clear." F1033.1061 supports submission 515.139 as they wish to see "a higher standard of water quality in lowland waterways to the point where they are fishable and swimmable." F1043.3478, F1044.3465 are in opposition but the reasons given are not relevant to this provision. Further submissions F1052.1067, F1053.1061 oppose 515.139 on the general grounds that the amendments sought are unduly onerous and will not achieve the purpose of the RMA and these provisions will impose a high level of cost on landowners, users and developers without a commensurate level of environmental benefit.

ECan has prepared a regional plan consisting of a series of interlinked chapters that reflect the integrated nature of the region's physical and natural resources. ECan recognises that one activity may have adverse effects on different natural resources, such as air (Chapter 3), water quality (Chapter 4), flows and levels of a water body (Chapter 5), and possibly require some consideration of Ngai Tahu values (Chapter 2) or consent duration and cross boundary issues (Chapter 1). There is, however, little benefit to be gained from trying to create self contained chapters by repeating schedules and tables. For applicants, there is no lack of certainty as the conditions in a rule quite clearly reference the particular schedule or tables, and it is a matter of consulting the relevant chapter for the information. It is acknowledged, however, that the length and complexity of the NRRP creates a daunting document for many people, and ECan will prepare a set of guides to assist people with using the NRRP over a range of different activities. For these reasons, the submissions and further submissions in support are rejected, the further submissions in opposition are accepted but not for the reasons given and no amendment is required.

WQL1.24 Recommendation

449.25, 476.125, 476.133, 512.23, 515.139, F1033.1061, F1040.22, F1066.59, F1067.73, F1068.56, F1070.59, F1071.60, F1072.75, F1073.74, F1089.100: Reject

Amendment

Nil

4-0-0N1	462.9	WEcan*	Delete reference to economic indicators from the plan as this implies that water quality degradation is acceptable if there is a high enough economic return. Should economic indicators be included then other economic indicators such as tourism and fishing must also be included.
	F1043.4127	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.4106	Selwyn Plantation Board Ltd*	<i>Support</i>
	F1050.1	Green Party Aoraki Province*	<i>Support</i>
	F1074.19	Federated Farmers of NZ (Inc)*	<i>Oppose</i>
	F1076.71	Horticulture NZ (formerly NZ Vegetable & Potato Growers Federation Inc et al)*	<i>Oppose</i>

Evaluations and reasons

462.9, F1043.4127, F1044.4106, F1050.1, F1074.19, F1076.71: The original submitter and further submitters in support - F1043.4127, F1044.4106, F1050.1 do not want to see economic indicators included in Chapter 4, as this implies that water quality decline is acceptable if the economic return is high enough. No examples of economic indicators being used in Chapter 4 are given in the submissions. The further submissions in opposition, F1074.19, F1076.71 seek to have economic indicators included in Chapter 4, because in the submitter's view, these are provided for in the RMA.

The purpose of the RMA is to promote the sustainable management of resources, including water, that enables social and economic well-being while protecting the life supporting capacity, its availability for future generations, and avoiding, remedying or mitigating the adverse effects of the use of water. Water can only be used where the use is in accordance with the purpose of the Act. The role of Chapter 4 is to set the objectives and to implement policies and methods to achieve the objectives for water quality. Chapter 4 does not specify any economic indicators for the objectives or environmental outcomes. The objectives for water quality are numerical or narrative indicators of a range of values of water, particularly ecological, cultural and recreation values. The economic use of the water is not a factor in determining the desired water quality. For these reasons, the original submission and further submissions in support are accepted in part, and the further submissions in opposition are rejected and no amendment is required.

WQL1.25 Recommendation

462.9, 1043.4127, F1044.4106, F1050.1: Accept in part
F1074.19, F1076.71: Reject

Amendment

Nil

4-0-0O1	476.56	Christchurch City Council*	Amend to take the urban rivers and their issues into account in the S32 report.
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Evaluations and reasons

476.56: The submitter raises general concerns about the approach taken in Chapter 4 with respect to urban rivers, and a number of specific changes to the provisions of Chapter 4 are requested. These requests will be evaluated at each of the relevant submission points. The issue raised and relief sought at

this point is that the Section 32 report does not take into account constraints on achieving water quality outcomes in urban rivers.

The objectives and policies of Chapter 4 establish outcomes and a framework for managing the water quality of urban rivers, that seeks to ensure, as with other water bodies in the region, that the water quality of these rivers is maintained, or improved if degraded, so that the values held by the community for these water bodies are realised. The Section 32 report considers a range of options for the outcomes for rivers, and how to achieve the outcomes. The conclusion for urban rivers is similar to that of other degraded water bodies, that improving the water quality is the only outcome that is consistent with the purpose of the RMA.

If, as a result of hearing of submissions changes to the policies or rules of Chapter 4 relating the urban rivers are contemplated, then there is a requirement under s32(2) of the RMA to undertake the appropriate analysis of these provisions and present a summary of the analysis in an (amended) Section 32 report. To undertake any change to this report at this time would be premature. For this reason the submission is rejected and no amendment is required.

WQL1.26 Recommendation

476.56: Reject

Amendment

Nil

4-0-0P1	494.1	D R Binney*	Provide economic and monetary evidence in support of Chapter 4 in the S32 report.
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Evaluations and reasons

494.1: The submitter raises a concern that the Section 32 report has not considered “economic or monetary matters” in the assessment of benefits and costs of the Chapter 4 provisions.

There is little practical case law guidance as to what is actually needed in Section 32 terms to justify the provisions of a regional plan. While there are best practice guidelines, what is actually necessary in each evaluation is a matter of judgement and degree. The Waitaki Catchment Water Allocation Regional Plan was driven by MFE and overseen by a retired Environment Court Judge. MFE undertook the preparation of the S32 and that document has provided something of a benchmark given its production by those people closest to ensuring plan quality. By comparison, ECan’s Section 32 reports for each chapter are no less fulsome in their coverage and depth, and have covered all the necessary steps and tests set out in Section 32.

The extent to which costs and benefits can be determined objectively will depend on the specifics of the provisions being assessed. It is not always possible to provide an objective dollar value for some parameters because they have no monetary value, and economic evaluations to provide surrogate values can be very misleading. Such evaluations are often underpinned by assumptions that are highly debatable.

s32(4) RMA does require an evaluation to take into account both the benefits and costs of policies, rules, and other methods (s32(4)(a)), as well as the risk of acting and not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods (s32(4)(b)). It may be the case that in undertaking a high level analysis, to take account of the risk of not acting, together with the benefits of the plan provision, this will indicate these outweigh the costs thereby making redundant the need for more detailed analysis of costs.

The Section 32 prepared for Chapter 4 by ECan for notification is considered to be acceptable in terms of the application of the requirements of Section 32. A further Section 32 evaluation has to be done at the time decisions on submissions are made by the Council. For this reason the submission is rejected and no amendment is required.

WQL1.27 Recommendation

494.1: Reject

Amendment

Nil

4-0-0Q1	496.6	Ministry For Economic Development, Morrison D*	Amend Chapter 4 by including either the results of the finished investigations foreshadowed in the plan, or timelines for all the remaining investigations proposed.
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Evaluations and reasons

496.6: The submitter is concerned that many of the proposed policies in Chapter 4 will be given effect to by methods that rely on further investigations and there is no timeline specified in NRRP for these investigations. Similarly, Chapter 4 identifies that supporting documents, such as the Riparian Management Strategy, or the Contaminated Land Strategy and Listed Land Use Register will be prepared. There is, however, no timeline for the preparation and implementation of these documents. The submitter seeks that the operative NRRP include the results of all investigations undertaken up until that time, or include a timeline for the remaining investigations.

Chapter 4 contains a range of methods to give effect to the policies. Some of these methods, such as regional rules, take effect as soon as NRRP was notified. While ECan has, by including these methods in NRRP, committed to the investigations, decisions about when investigations will be undertaken will depend upon resources being made available through Annual Plan processes. Some of the investigations have already commenced but it may be some years before the results are available. How and when the results obtained might influence the provisions of NRRP will need to be determined once they are available. The life of NRRP is 10 years after it becomes operative. The purpose of some of the investigations is to explore the cause and effects of human activities on natural resources in areas where there is currently insufficient knowledge to implement robust and effective management techniques. It may take 10 or more years to gain this understanding; therefore the purpose of undertaking the investigations in the life of the NRRP is to ensure greater knowledge when descendant plans are developed.

While it would be ideal to establish a timeline for these investigations to be included in NRRP, the dependence on external variables such as availability of resources, and the extended timeframes of some investigations, would mean that the timelines would be very likely to alter as these projects compete for funding. However these investigations should all have commenced, if not been completed, within 10 years of NRRP becoming operative as the ECan is required to give effect to the NRRP. For these reasons the submission is rejected and no amendment is required.

WQL1.28 Recommendation

496.6: Reject

Amendment

Nil

4-0-0Q2	605.1	Ecologic Foundation*	Insert a section in Chapter 4 describing the community's desired long term outcomes, including those whose realization would require active restoration eg lowland streams, Lake Ellesmere.
	F1040.23	Christchurch City Council.*	<i>Support</i>
	F1074.28	Federated Farmers of NZ (Inc)*	<i>Oppose</i>
	F1076.73	Horticulture NZ (formerly NZ Vegetable & Potato Growers Federation Inc et al)*	<i>Oppose</i>

Evaluations and reasons

605.1, F1040.23, F1074.28, F1076.73: The submitter is concerned that Objective WQL1 does not describe a timeframe, and that these appear to be “interim goals” rather than what the community “ultimately expects”. The submitter seeks that Chapter 4 describes the long term outcomes desired by the community, including those where achieving the outcome would require restoration of water quality. Further submission F1040.23 is in support as the further submitter considers that describing the long term goals would enable the NRRP to link to Asset Management Plans prepared under the Local Government Act, and thereby give more ‘weight’ to projects. F1074.28 and F1076.73 are opposed to the submission because they consider, respectively, that the relief sought is unnecessary because the long-term goals are already addressed in the NRRP, and that community long term outcomes should have been sought as part of the plan development.

The long term goals for surface water quality in the region are principally set out in the Canterbury Regional Policy Statement where Chapter 9 Objective 3, and Policies 9 to 13 establish the framework for the sustainable management of water resources in the Region. Objective 3 sets the time frame of enabling “present and future generations” to gain benefits from water resources that are managed in a sustainable way. The NRRP is a method to give effect to the Canterbury Regional Policy Statement.

NRRP Policy WQL4 and Method WQL4(c) establish priority surface water bodies for community action to improve water quality. Table WQL6 lists 16 “priority” catchments or water bodies for action. Included in this list are many of the lowland streams of the region.

Section 4.10 Environmental results anticipated sets out the results to be achieved in the ten year period after Chapter 4 becomes operative. Environmental result ERWQL2(a) sets a target that programmes to restore or safeguard water quality will have commenced in at least 75% (12 of 16) of the water bodies listed in Table WQL6. ERWQL2(c) outlines the expected water quality results for coastal lakes including Te Waihora/Lake Ellesmere. While it may be possible to include in Chapter 4 some long term target dates for achieving the objectives of the NRRP in respect of improving water quality, experience has shown that due to the large number of variables that contribute to improvements in water quality, including the time it may take for natural resources to respond to initiatives, establishing far-off dates of achievement can be counter-productive and result in a lack of action. Establishing achievable goals within the time frame of a plan review is likely to be more effective at ensuring that initiatives are implemented rather than being deferred where the target is beyond today’s planning horizon.

The community of Canterbury has clearly stated what it wants for water quality in the Region through the processes to develop the NRRP. Responses to issues and options documents, at consultation meetings, and to the draft NRRP have consistently been that people want the water quality in the region to be maintained in a high quality state where this exists, and to be improved where it has been degraded. The NRRP embodies these desired outcomes. The implementation of the NRRP will require commitments to action through a number of different pathways, including annual plans and long term community plans of local authorities, and asset management plans of territorial authorities. The NRRP should inform and influence the content of these plans where activities controlled by them may affect water quality. This process should take place whether or not the NRRP sets long term target dates for its objectives.

Therefore, as the matters raised in the original submission, and in the further submission in support are already addressed in the NRRP, the submission and further submissions in support are accepted in part, the further submissions in opposition are accepted and no amendment is required.

WQL1.29 Recommendation

605.1, F1040.23: Accept in part
F1074.28, F1076.73: Accept

Amendment

Nil

4-0-0R1	499.2	Blakely Pacific Limited*	Amend Chapter 4 objectives, policies and methods to include the positive role of woody plants, in providing shade, services which improve water quality, recreation and stream ecosystem function, and refer specifically to the encouragement of woody plants.
	F1043.1054	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.1054	Selwyn Plantation Board Ltd*	<i>Support</i>

Evaluations and reasons

499.2, F1043.1054, F1044.1054: The submission, supported by the further submitters for the same reasons, requests that the provisions of Chapter 4 be amended to acknowledge the positive role of woody plants in relation to water quality, recreation and ecosystem functioning.

Chapter 4, Policy WQL5(b) and "Explanation and principal reasons", explicitly recognise the need to retain and to promote the planting of riparian vegetation. The policy is included in the NRRP, because scientific evidence shows that riparian vegetation can play a beneficial role in maintaining and improving water quality and ecosystem functioning. The term "riparian vegetation" is used in its widest sense, as a range of vegetation types from grass swards, tussocks to tall trees can fulfil this role, not just woody plants. A combination of methods will be used to implement the policy, including advocacy, providing information, supporting the work of community groups, and a riparian management strategy. There will also be situations where the management of riparian vegetation will need to take into account other uses and values of the riparian margin. These are set out in Policy WQL5(2). The policy and its associated

methods, together with the other provisions of the NRRP, form part of the "tool box" for managing the effects of land use activities on water quality. For these reasons, the submissions are rejected and no amendment is required.

WQL1.30 Recommendation

499.2, F1043.1054, F1044.1054: Reject

Amendment

Nil

4-0-0R2	529.1	Selwyn Plantation Board Ltd*	Delete or revise the objectives, policies and rules relating to the approach adopted regarding the management of water quality as it relates to plantation forests to establish a framework for management of the water quality that provides appropriate recognition of significant and varied benefits of plantation forestry as a sustainable land use, and enables establishment, maintenance and harvesting of plantation forestry provided the adverse effects are no more than minor.
	F1043.970	Canterbury Forest Industry Working Group.*	<i>Support</i>

Evaluations and reasons

529.1, F1043.970: The submitter, supported by the further submitter, seeks either; the provisions of Chapter 4, as they relate to the management of plantation forests, be deleted, or they are revised so that they recognise plantation forestry as a sustainable land use and enables plantation forestry operations provided the effects are no more than minor.

a) Deletion of the Chapter provisions:

The reasons put forward by the submitter for the deletion of the chapter provisions are:

i) The proposed approach is an inappropriate way of achieving the purpose of the Act and is not an efficient or effective means of exercising Council's functions under the Act.

The submitter has not provided detailed reasoning to support the contention that the chapter is an inappropriate way of achieving the purpose of the Act or any analysis to show that it is not an efficient or effective means of exercising the Council's functions.

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means enabling people to use resources but in a way or rate that ensures that the resource will be available to future generations, the life-supporting capacity of ecosystems is maintained, and adverse effects on the environment are avoided, remedied or mitigated. "Effects" are defined in the Act to include past, present and future effects. Section 7 of the RMA states that all persons exercising functions under the Act in relation to managing "the use, development and protection" of natural resources shall have particular regard to, amongst other things, the "maintenance and enhancement of the quality of the environment, finite characteristics of natural resources". Other provisions of the Act do not allow discharges to water (s15), or allow water quality standards to be set which result or may result in a reduction in the quality of water in any waters at the time the proposed plan is publicly notified unless this is consistent the purpose of the Act (s.69(3)).

Regional councils are also given specific functions under the RMA, including controlling land use to maintain and enhance water quality in water bodies, and to control discharges of contaminants into water (s30) . Environment Canterbury has in the CRPS taken the position that it will endeavour to maintain water quality where this is high, and improve quality where it is degraded. A regional plan is one mechanism to carry out those functions in order to achieve the purpose of the Act. The objectives, policies and methods of Chapter 4 of the NRRP are to ensure that the past, present and future use of resources and the impact of these uses on water quality will be in a way or at a rate that will meet the purpose of the RMA. The matters raised in Point (i) do not warrant withdrawing the provisions of Chapter 4.

ii) Insufficient consideration of alternatives and a failure to consider the costs and benefits of the proposed approach. The S32 analysis is not adequate with respect to the management of water quality as it affects the establishment and operation of plantation forest.

There is little practical case law guidance as to what is actually needed in Section 32 terms to justify the provisions of a regional plan. While there are best practice guidelines, what is actually necessary in each evaluation is a matter of judgement and degree. Ministry for the Environment undertook the preparation of the S32 for the Waitaki Catchment Water Allocation Regional Plan and that document has provided something of a benchmark given its production by those people closest to ensuring plan quality. By comparison, ECan's Section 32 reports for each chapter are no less fulsome in their coverage and depth, and have covered all the necessary steps and tests set out in Section 32.

The extent to which costs and benefits can be determined objectively will depend on the specifics of the provisions being assessed. It is not always possible to provide an objective dollar value for some parameters because they have no monetary value, and economic evaluations to provide surrogate values can be very misleading. Such evaluations are often underpinned by assumptions that are highly debateable.

s32(4) RMA does require an evaluation to take into account both the benefits and costs of policies, rules, and other methods (s32(4)(a)), as well as the risk of acting and not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods (s32(4)(b)). It may be the case that when undertaking a high level analysis, to take account of the risk of not acting, together with the benefits of the NRRP provisions, this will indicate that these factors outweigh the costs thereby making redundant the need for more detailed analysis of costs. The Section 32 prepared by ECan for notification is considered to be acceptable in terms of the application of the requirements of Section 32. A further Section 32 evaluation has to be done at the time decisions on submissions are made by ECan. The matters raised in Point (ii) do not warrant withdrawing the provisions of Chapter 4.

(iii) Uncertain or insufficient information to support the approach adopted.

The submitter has not provided any detailed reasons to support this point. The impact of tall vegetation on water yield is has been the subject of extensive research (see evaluation on Point (d)), and this has been accepted by the Environment Court as sufficient justification for restricting plantation forestry in certain areas. The impacts of vegetation clearance and soil disturbance on water quality as a result of forestry or land development activities has also been the subject of numerous studies in New Zealand and the impacts on water quality and aquatic ecosystems have been well documented. The matters raised in Point (iii) do not warrant withdrawing the provisions of Chapter 4.

(iv) Inadequate or insufficient assessment of the consequences on landowners and land users interested in plantation forest

In terms of the development of the NRRP, adequate opportunity has been allowed for consultation and for people, including owners of plantation forests and organisations to express their views on the provisions of the Chapters 4-8 of the NRRP and the implications for land owners and land users.

A considerable amount of technical work and consultation with land owners, including forest owners has been carried out during the development of the NRRP. The Council has actively sought public views and opinion throughout its development. Three discussion documents were released for public comment, and this was followed in October 2001 by the release of a draft NRRP, containing regional rules". These included a separate chapter "Impacts of afforestation on water" which was deliberately created as a stand-alone chapter to draw attention to it. The discussion documents were advertised in major and local newspapers, public meetings were held throughout the region as well as meetings with a range of organisations and groups.

In July 2002, a science workshop was held with many of the leading forestry scientists in New Zealand on this subject, and a further technical workshop was held in June 2003 with the Forest Industry Group. Several deputations and presentations from forestry interests and scientists were made during full Council meetings and to the Regional Planning Committee during the consideration of policy briefing papers and chapter content. These are recorded in the Section 32 report (page 5-15) as 7 November 2002 (representatives of the forest industry); 7 May 2003 (combined Forest Industry Working Group); 4 December 2003 (Canterbury Forest Industry Working Group).

Variation 1 was notified in July 2004 and publicly notified in the major daily newspapers. Approximately five and half months were allowed for public submissions compared to the minimum statutory time of 40 working days. Many organisations and groups also used this period to contact their members and to encourage them to participate.

For these reasons, the matter raised in Point (iv) does not warrant withdrawing the provisions of Chapter 4.

(v) Objectives, policies and rules intended to manage water quality are unduly restrictive and inconsistent with the RMA 1991

The NRRP deals with adverse effects of activities whether they arise from intensive farming or afforestation.

Any discharge to water or onto land where it may enter water is prohibited by the RMA, unless expressly authorised by a resource consent or a regional rule, ECan considered it would be more efficient and

effective to have regional rules for activities that have minor adverse effects and to require resource consents where the adverse effects are more significant. Without regional rules, all discharges would require a resource consent.

The nature of the policies and rules is tailored to the circumstances being dealt with. Just as there are detailed rules for managing change from short vegetation to tall vegetation in some catchments, there are also detailed rules that will apply to a wide range of activities. The matter raised in Point (v) does not warrant withdrawing the provisions of Chapter 4.

b) Framework for managing water quality

Chapter 4 describes the outcomes sought for the quality of the region's water bodies and the methods for managing activities that affect that water quality. Chapter 4 does not promote any specific types of land uses as being beneficial or detrimental to water quality, but is concerned with ensuring that the effects of any land use, or discharge of contaminants, on water quality are acceptable. Harvesting trees near a water body can result in adverse effects on water quality. Rule WQL32 allows as a permitted activity, subject to conditions, the maintenance or harvest of trees close to a water body in forest plantations established at the date of notification of the NRRP, but a resource consent would be required for harvest close to a river where the trees are planted after the date of notification.

For these reasons set out above, the submissions are rejected and no amendment is required.

WQL1.31 Recommendation

529.1, F1043.970: Reject

Amendment

Nil

4-0-0T1	540.5	Canterbury Growers Society Ltd*	Amend all references to "NZS8409" throughout the plan to " <u>NZS8409:2004 Management of Agrichemicals</u> ".
4-0-0T1	541.5	Horticulture NZ (formerly NZ Vegetable & Potato Growers Federation Inc et al)*	Amend all references to "NZS8409" throughout the plan to " <u>NZS8409:2004 Management of Agrichemicals</u> ".

Evaluations and reasons

540.5, 541.5: The submitters seek that references to a recently published version of the New Zealand Standard on the management of agrichemicals (NZS8409:2004) replace references to an earlier version (NZS8409:1999) in Chapter 4.

The more recent version of this standard has been published since Variation 1 of the NRRP was notified. It is appropriate that the references in the chapter are updated. The standard is cited as NZS 8409:2004 Management of Agrichemicals. For consistency, any reference to "New Zealand Standard" should be cited as "NZS". For these reasons, the submissions are accepted and an amendment is required.

WQL1.32 Recommendation

540.5, 541.5: Accept

Amendment

- 1) Amend all references to NZS 8409:1999 in
 - i) Page 34 , Method WQL2 (b), clause (a),
 - ii) Page 42, Method WQL4(a), clause (b),
 - iii) Page 58, Method WQL6(a), clause (d);
 - iv) Page 119, Regional Rule WQL16, conditions 5, and 6,
 - v) Page 156, Regional Rule WQL43, Condition 4,
 - vi) Page 208, Section 4.8.9, Rule WQL 16, 7th paragraph,
 - vii) Page 222, Section 4.8.9, Regional Rule WQL 43, 4th paragraph

as follows:

~~Code of Practice for the Management of Agrichemicals NZS_8409:1999~~ 2004 Management of Agrichemicals.

2) Delete the words: "~~New Zealand Standard~~" and replace with NZS.

- i) Page Page 119, Regional Rule WQL16, conditions 5, and 6.
- ii)) Page 156, Regional Rule WQL43, Condition 4,
- iii)) Page 208, Section 4.8.9, Rule WQL 16, 7th paragraph,
- iv) Page 222, Section 4.8.9, Regional Rule WQL 43, 4th paragraph

4-0-0T2	544.376	Meridian Energy Ltd*	If Meridian's submissions to Chapter 5 are accepted then make the same amendments to Chapter 4.
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Evaluations and reasons

544.376: In their submission on Chapter 5, the submitter is seeking either the removal or substantial amendments to the natural state and high naturalness classification system. If these changes are accepted, the submitter states that consequential changes will also be required to Chapter 4 and 6 of the NRRP.

The relief being sought by the submitter will be considered under the respective provisions of Chapters 4, 5 and 6. As a consequence of decisions on these provisions, changes may be required in other chapters. To the extent that it is agreed that if Meridian's submissions on Chapter 5 are accepted, that any consequential changes will be needed, their submission is accepted in part, but no amendment is required at this time.

WQL1.33 Recommendation

544.376: Accept in part

Amendment

Nil

4-0-0U1	555.9	Beckenham Neighbourhood Association Incorporated*	Apply the precautionary principle to any proposed activity which in the light of best information available could result in harm to the public good water resource, and use the "user/polluter pays" principle for enforcement.
	F1027.14	Matariki Forests*	<i>Oppose</i>
	F1042.225	NZ Forest Owners Assn*	<i>Oppose</i>

Evaluations and reasons

555.9, F1027.14, F1042.225: The submitter seeks: (i) that ECan, when considering activities, applies 'the precautionary principle' - i.e. where, with current knowledge there is uncertainty about the adverse effects of an activity that may occur, that activity is not allowed; and (ii) large scale uses of a resource that threatens the current and/or future availability or quality of that resource should be strictly limited, and those limits enforced, with costs being met by the resource user. The further submitters opposed the relief as they believe it is unnecessary to adopt the precautionary principle given the definition of "effect" in the RMA.

i) Precautionary principle

The precautionary or risk avoidance policy in the RMA, is not directly referred to in the RMA but is derived from s 104(1)(a), s 3 and the definition of the environment in s 2(1). The Environment Court has distinguished this policy approach from a general precautionary principle of environmental law [*McIntyre v Christchurch CC* (1996) NZRMA 289]. The Court has held that s3(f) justifies a precautionary approach, but doubted that a wider "precautionary principle" is useful, given that the approach is already inherent in the RMA. Application of the precautionary principle would lead to double counting of the need for caution [*Shirley Primary School v Christchurch CC* (1999) NZRMA 66]. The Court has also observed that the Act does not promulgate a "no risk" approach, and case law has established that a certain amount of risk is acceptable. The measure of risk and its assessment and the acceptable degree of risk avoidance are matters of fact to be decided in each case. The precautionary approach is to be applied when there is

clear evidence of a threat of serious or irreversible damage, with uncertainty regarding the extent, nature or scope of potential environmental harm [*Land Air Water Assn v Waikato RC* (2001) A110/01].

The submitter appears to be suggesting that ECan apply the precautionary approach, rather than the precautionary principle. ECan is required to assess risks when considering activities under s104(1)(a) - “the actual and potential effects on the environment of allowing the activity;” and s 3(f) effect includes, “Any potential effect of low probability which has a high potential impact.” Therefore, what the submitter seeks is already a responsibility of ECan. The further submitters are, in part, also correct as the RMA embodies the precautionary principle, while the provisions of the RMA impart a precautionary approach.

ii) Large scale activities

The RMA does not set limits on the scale of use of a resource. Resources can be used provided the use meets the criteria for sustainable management. Limits on resource use can be imposed through regional plans, but they must be supported by good information. At present, ECan imposes limits on water allocation, see Chapter 5. Other regional councils - Environment Waikato, and Environment Bay of Plenty have placed limits on discharges of nitrogen but this was underpinned by extensive amounts of background work.

The allocation of resources is achieved by resource consents that include conditions. ECan has a statutory responsibility to enforce the conditions of consents granted. Under Council policy, all costs of compliance monitoring of resource consents are charged to the consent holder. Therefore, the point sought in the submission is addressed through the NRRP.

For these reasons, the submissions are accepted in part and no amendment is required.

WQL1.34 Recommendation

555.9, F1027.14, F1042.225: Accept in part

Amendment

Nil

4-0-0V1	555.11	Beckenham Neighbourhood Association Incorporated*	Adopt the principle that public good should be accorded priority over private gain to policy development and management of water resources.
	F1047.33	Fulton Hogan*	<i>Oppose</i>
	F1065.21	Aggregate and Quarry Assn of NZ*	<i>Oppose</i>

Evaluations and reasons

555.11, F1047.33, F1065.21: The submitter wants Environment Canterbury when it is managing resources to adopt a principle that “public good is accorded priority over private gain”. The further submitters are opposed to the submission as they believe that the management of resources should be fair and equitable rather than any priority afforded, and that public good can also be derived from private activities.

The purpose of the RMA is to promote sustainable management of resources, no matter whether they are being used for public or private gain. Sustainable management is defined to mean enabling people and communities to use resources to provide for their economic and social well-being provided the use does not preclude the availability of the resource for future users or diminish the life-supporting capacity of the resource, and adverse effects are avoided, remedied or mitigated. The RMA does not provide for the prioritisation of benefits from resource use. ECan recognises that both public good and private gain are important components of our environment, but it does not “pick winners”. This approach is set out in the Canterbury Regional Policy Statement (CRPS), and the principle sought by the submitter is not supported by the RMA or the CRPS. For these reasons, submission 555.11 is rejected while F1047.33 and F1065.21 are accepted, and no amendment is required.

WQL1.35 Recommendation

555.11: Reject

F1047.33, F1065.21: Accept

Amendment

Nil

4-0-0W1	563.3	Te Hapu O Ngati Wheke Rapaki Runanga Inc*	Restrict any discharges of water, and in particular any mixing of water between catchments, instead provide for such
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			discharges to be made to land.
	F1001.232	Trustpower Ltd*	<i>Oppose.</i>
	F1015.11	Irrigator Forum*	<i>Oppose.</i>
	F1016.11	Rangitata Diversion Race Management Limited*	<i>Oppose.</i>
	F1074.26	Federated Farmers of NZ (Inc)*	<i>Oppose</i>
	F1083.285	Fonterra Co-Operative Group Ltd (Fonterra)*	<i>Oppose</i>
	F1084.285	AgResearch Ltd*	<i>Oppose</i>

Evaluations and reasons

563.3, F1001.232, F1015.11, F1016.11, F1074.26, F1083.285, F1084.285: The submitter is opposed to discharges to surface water and groundwater, including the mixing of water within or between catchments, as the practice offends their cultural values with respect to water. They want consideration to be given to discharges to land. The further submissions are in opposition. F1001.232, F1015.11 and F1016.11 recognise the need to avoid, remedy or mitigate adverse effects on cultural values, but want existing discharges that mix water between catchments to be provided for in Chapter 4. F1074.26 states that mixing of water is a common practice that has only minor effects. F1074.26, F1083.285, F1084.285 assert that what the submitter seeks is unduly restrictive, not "effects-based" and would be detrimental to the dairy farming industry.

Section 4.1.1 briefly describes Ngai Tahu values for water and outlines the outcomes sought by Ngai Tahu for fresh water. These have been summarised from NRRP Chapter 2 and *Te Runāngā o Ngai Tahu Freshwater Policy*, published by Te Runāngā o Ngai Tahu. These outcomes have informed the development of Chapter 4. Outcomes sought include the maintenance of mauri and its restoration where the mauri has been degraded by human actions. The provisions of Chapter 4 support what the submitter is seeking. Some discharges to water are to be prevented, while discharge to water will only be considered if the discharge is treated and has very limited impacts on water quality. Where there is mixing of water, a discharge must avoid significant adverse effects on Ngai Tahu values (Policy WQL1(b)). The definition of environment in the RMA includes people and communities, natural resources, amenity values and related aesthetic and cultural conditions. Parts 2 and 6 of the RMA, the Canterbury Regional Policy Statement (CRPS) and the NRRP all recognise the need to avoid, remedy or mitigate adverse effects on these components of the environment. Discharges to water and the mixing of waters have each been identified as having adverse effects on Ngai Tahu cultural values. Even though such activities may have been long-established or commonly undertaken, the adverse effects on cultural values may have, and may still, occur. Such effects may be significant or minor, it is for the people whose cultural values are being affected to identify the scale of the effect, but the effects must be addressed when resource consent for such a discharge is considered.

Discharges to land, while they may satisfy the concerns of Ngai Tahu, also need to be considered carefully, because the groundwater and surface systems are closely interlinked and many of the region's soils have limited capacity to assimilate contaminants, and therefore a discharge to land may have unintended consequences for connected water bodies.

The matters raised by the submitter are addressed in Chapter 4. The further submitters seek to gain advantage for specific resource users over others, and this is not supported by the purpose of the RMA, the CRPS or the NRRP. For these reasons, submission 563.3 is accepted in part while further submissions 1001.232, F1015.11, F1016.11, F1074.26, F1083.285, F1084.285 are rejected, and no amendment is required.

WQL1.36 Recommendation

563.3: Accept in part

F1001.232, F1015.11, F1016.11, F1074.26, F1083.285, F1084.285: Reject

Amendment

Nil

4-0-0X1	584.2	Eliot Sinclair & Partners Ltd*	Amend the policies in Chapter 4 so that there is a single policy applicable to each rule.
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Evaluations and reasons

584.2: The submitter is concerned that the rules do not correspond with the clauses in the policies, and that many policies may apply to a rule. This makes it difficult to interpret the rules, so the submitter seeks a single "policy statement" for each rule.

A regional plan must state objectives for the region and policies to implement the objectives and rules (if there are any) to implement the policies (RMA s 67). The structure of a plan is therefore "top-down" and pyramidal, where a range of regulatory and non-regulatory methods are used to implement one or more policies, and where several policies together or in part may implement an objective. The relationship between each level of provisions is not necessarily a single direct connection. Each rule includes cross references to the policies that it relates to. It is common to have three or four policies to which a rule will give effect, in whole or in part. The rules, as regulations, are to be interpreted without reference back to policies, but it is useful to understand the policies which the rule is giving effect to, and this is the reason these are cross referenced. To include a separate policy for each rule is not necessary or feasible in a plan with over 60 rules. For these reasons, the submission is rejected and no amendment is required.

WQL1.37 Recommendation

584.2: Reject

Amendment

Nil

4-0-0Y1	607.16	North Canterbury Forest and Bird Protection Society.*	Amend Chapter 4 to make a specific connection between water quantity in the Hurunui River above the Mandamus confluence, and water quality.
	F1036.1	David J Teece*	<i>Oppose</i>
	F1041.16	Lesley Shand and 302 others*	<i>Support</i>
	F1074.29	Federated Farmers of NZ (Inc)*	<i>Oppose</i>

Evaluations and reasons

607.16, F1036.1, F1041.16, F1074.29: The submitter, in their submission to Chapter 5 is seeking to have the Hurunui River included in Policy WQN1 Natural state water bodies, and wants to ensure that the water quality in the river remains high. The submission is supported by F1041.16 for the reasons given in the submission. They seek a cross reference, presumably to Chapter 4, to ensure this. Of the further submitters in opposition, F1036.1 states that it is unnecessary to make such a specific connection in the plan and F1074.29 states that they are opposed because water quantity issues are dealt with in Chapter 5.

The issue of the submission about inclusion of the Hurunui River in Policy WQN1 is considered in the Officer's Report on Policy WQN 1. Irrespective of whether a decision is made to accept the submission and include the Hurunui River in Policy WQN1, the objective for water quality for surface water bodies in the Region is identified in Objective WQL1. If the water quality of the Hurunui River is in a natural state then the quality is to be maintained in that state. There is no need to have a specific cross reference in Chapter 4 for the Hurunui River. For these reasons, submissions 607.16, F1041.16 are rejected, submissions F1036.1 and F1074.29 are accepted and no amendment is required.

WQL1.38 Recommendation

F1036.1, F1074.29: Accept
607.16, F1041.16: Reject

Amendment

Nil

4-0-0Y2	628.2	Deborah J Martin*	Add a new policy in Chapter 4 to: <ul style="list-style-type: none"> <input type="checkbox"/> Protect New Zealand's biodiversity at all altitudes, not just the high country. <input type="checkbox"/> Provide for the identification and restoration of river mouths, wetlands and coastal lagoons to natural or near natural states without any further loss.
	F1050.20	Green Party Aoraki Province*	<i>Support</i>

	F1074.32	Federated Farmers of NZ (Inc)*	Oppose
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Evaluations and reasons

628.2, F1050.20, F1074.32: The submitter is concerned that while the NRRP identifies water bodies to be protected in their natural state, these are all within high country areas and there is insufficient attention given to restoring other water bodies, such as coastal lagoons, to natural state to ensure the biodiversity of the range of ecosystem types found in Canterbury is protected. The submitter seeks a separate policy in Chapter 4 (and Chapter 5) to achieve this. The submission is supported by F1050.20 but opposed by F1074.32 who considers that a new policy is unnecessary as the issue is already addressed in the NRRP.

A recent amendment to the RMA has given regional councils an additional function under s30(1)(ga) of the RMA "to establish, implement and review objectives, policies, and methods for maintaining indigenous biological diversity". The CRPS at Chapter 8 sets Objective 3 to protect or enhance indigenous biodiversity. Policy 4 states that habitats of indigenous flora and fauna that meet the criteria described for "regional significance" are to be protected from adverse effects and their enhancement promoted. The methods identified to achieve this include regional plans.

The NRRP Chapter 4 seeks to give effect to this CRPS Objective and Policy, but recognises that in some locations and habitats there has been irreversible changes to water quality and to ecosystems as a result of past land use practices. Objective WQL1 seeks for rivers and lakes, including coastal lakes or lagoons, where water quality is not in a natural state, that the water quality and riverbed substrate is maintained or improved so that these are suitable as a habitat for indigenous species - flora and fauna. Policy WQL4 addresses the impact of non-point source discharges on water and bed substrate quality where Objective WQL1 is not met. The methods to implement this policy, include providing information on the ecology and habitats associated with specific water bodies, investigations into ways to reduce nutrient concentrations improve water quality and restore habitat in coastal lakes. Method WQL4(c) identifies surface water bodies where community action is needed to maintain or improve aquatic ecosystems. These water bodies include a wide range of habitats including streams of inland basins, lowland streams, coastal rivers, lakes and lagoons. Aquatic ecosystems are recognised in each of these water bodies as values to be improved or safeguarded. For riparian margins Policy WQL5, in recognising the importance of riparian vegetation to water quality, also seeks that this vegetation should, as far as practicable, contribute to indigenous biodiversity of the area.

The existing provisions of Chapter 4 do not refer to the function of the Council in respect of biodiversity and the important roles that water quality, riverbed substrate, and riparian vegetation have for supporting a range of aquatic and associated terrestrial ecosystems that contribute to the biodiversity of the Region. This linkage could be made in Chapter 4 by including a reference to the biodiversity function in Section 4.3 Statutory Framework, the RMA and CRPS. References to maintaining biodiversity could be included in Objective WQL1, Policy WQL1 and Policy WQL4.

Meanwhile, Environment Canterbury is preparing a regional strategy for managing biodiversity and is establishing an Biodiversity Advisory Party comprised of regional stakeholders in this matter. This working party will have input into the Strategy. To include a new policy in Chapter 4 relating to the management of biodiversity would be premature at this stage. As no new policy is required, submitter's relief could be accepted by amending the existing wording of the objectives and policies.

For the reasons given above it is recommended that the submission and further submission in support are accepted in part, the further submission in opposition is rejected and amendments are required.

WQL1.39 Recommendation

628.2, F1050.20: Accept in part

F1074.32: Reject

Amendment

1) On page 4-8, amend Section 4.3.1 Resource Management Act, paragraph, as follows:

Section 30 sets out....transportation of hazardous substances; maintaining indigenous biological diversity; and the control...."

2) On page 4-9, amend Section 4.3.2.3 Canterbury Regional Policy Statement (by inserting the following sentence after the final paragraph:

The CRPS seeks to protect and maintain indigenous biological diversity of the region by safeguarding regionally significant indigenous habitats from the effects of development and use.

3) On page 4-21, amend Objective WQL1.1(1) (b) by inserting the following new clause:

... (vi) they maintain indigenous biological diversity.

4) On page 4-22, amend Objective WQL1.2 (1) (b) by inserting the following new clause:

(vi) it maintains indigenous biological diversity.

5) On page 4-39, amend Policy WQL4(2)(a) as follows by inserting the following new words:

"(a) Environment Canterbury will ...river bed substrate and maintain indigenous biological diversity; and .."

6) On page 4-39, amend Policy WQL4(3)(a) as follows: :

"(a) the relative significance of instream values of a water body including indigenous biological diversity to the community;..."

4-1-1 4.1 Introduction

4-1-1	257.13	Upper Waitaki Branch Federated Farmers Of New Zealand Inc*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.2).
4-1-1	289.28	North Bank Land Owners Group*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.2).
4-1-1	290.36	W & S Cameron*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.2).
4-1-1	411.1	New Zealand Fertiliser Manufacturers Research Association Inc*	Ensure that the objectives, policies and rules in Chapter 4 are consistent with the approach outlined in 4.1 Introduction.
4-1-1	462.1	WEcan*	Retain most of the general comments made in the water quality (WQL) introduction but emphasise ECan's obligation to regard all community values, including those bodies that represent specific community groups.
	F1050.2	Green Party Aoraki Province*	<i>Support</i>
	F1074.34	Federated Farmers of NZ (Inc)*	<i>Oppose</i>
4-1-1	462.3	WEcan*	Add mention of key environmental groups such as Fish and Game and Forest and Bird.
	F1050.3	Green Party Aoraki Province*	<i>Support</i>
4-1-1	462.4	WEcan*	Add to the introduction a discussion on the cumulative impact on water quality.
	F1050.4	Green Party Aoraki Province*	<i>Support</i>
4-1-1	470.5	Fish & Game New Zealand, Central S. Island, N. Canterbury & Nelson/ Marlborough*	Acknowledge in Chapter 4 the "poor condition of the natural environment and resources" and establish a proper baseline to monitor change and/or improvement. Include examples of where "significant improvement" has occurred.
	F1032.52	Royal Forest and Bird Protection Society - Ashburton Branch*	<i>Support</i>
	F1033.451	Rosalie and Jules Snoyink*	<i>Support</i>
	F1052.455	Eminence Investments Ltd.*	<i>Oppose</i>
	F1053.451	Ngai Tahu Ltd*	<i>Oppose</i>
	F1074.21	Federated Farmers of NZ (Inc)*	<i>Oppose</i>
4-1-1	470.7	Fish & Game New Zealand, Central S. Island, N. Canterbury & Nelson/ Marlborough*	Acknowledge in Chapter 4 key environmental or statutory bodies such as Fish and Game.
	F1033.453	Rosalie and Jules Snoyink*	<i>Support</i>

	F1052.457	Eminence Investments Ltd.*	<i>Oppose</i>
	F1053.453	Ngai Tahu Ltd*	<i>Oppose</i>
4-1-1	506.2	Hugh Turnbull*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.2).
4-1-1	543.1	Ballance Agri-Nutrients Ltd*	Amend Section 4.1 so that the approach the council takes will be non-regulatory in nature and where issues arise appropriate codes should be referred to.
4-1-1	565.54	Ashburton District Council*	Amend the Introduction to Chapter 4 to give adequate recognition to the principles of the Resource Management Act.
4-1-1	572.4	Ravensdown Fertiliser Co-Operative Ltd*	Review the Issues, Objectives, Policies and Rules to ensure consistency with the statement made in the second paragraph of Section 4.1 Introduction, which reads: <i>"In most places, they are relatively minor compared to other parts of New Zealand and the rest of the world..."</i>
4-1-1	586.2	Federated Farmers NZ Inc - Canterbury Provinces*	Amend the Introduction of Chapter 4 to recognise the thinking within the RMA, particularly the notions of promoting sustainable management versus having particular regard to matters such as kaitiakitanga; amenity values, ecosystems, heritage values, enhancement of the environment, finite resources and trout and salmon habitat.
	F1043.1486	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.1486	Selwyn Plantation Board Ltd*	<i>Support</i>
	F1049.30	Fish & Game NZ, Central South Island, North Canty & Nelson/Marlborough Regions*	<i>Oppose</i>
4-1-1	615.6	Land Solutions (Otago) Limited & J T O'Connell*	Supports submission by Hurunui Community Water Development Project Working Group (refer 509.2).
4-1-1	669.1	South Island High Country Section, Federated Farmers NZ*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.2).
4-1-1 23	509.2	Hurunui Community Water Development Project Working Group*	Review the Issues, Objectives, Policies and Rules to ensure consistency with the statement made in the second paragraph of Section 4.1 Introduction, which reads: <i>"In most places, they are relatively minor compared to other parts of New Zealand and the rest of the world..."</i>
4-1-1 23	510.2	MainPower NZ Limited*	Review the Issues, Objectives, Policies and Rules to ensure consistency with the statement made in the second paragraph of Section 4.1 Introduction, which reads: <i>"In most places, they are relatively minor compared to other parts of New Zealand and the rest of the world..."</i>

Evaluations and reasons

257.13, 289.28, 290.36, 411.1, 506.2, 543.1, 586.2, F1043.1486, F1044.1486, F1049.30; 669.1:

Submission 411.1 generally supports the view expressed in Section 4.1, second paragraph, but states that there are inconsistencies between the chapter provisions and the Introduction, and that a broad regulatory approach is not justified as the adverse effects on water quality occur in local areas and these have not been identified as significant management issues. Submissions 543.1 and 586.2 oppose the Introduction, and question the need for a regulatory approach as the water quality of many parts of the region is high. Submissions 257.13; 289.28; 290.36; 506.2; 669.1, F1043.1486, F1044.1486 support submission 586.2, but provide no additional reasons. F1049.30 oppose submission 586.2 because in the submitter's opinion it is inconsistent with Part 2 of the RMA as interpreted by case law.

The purpose of the introductory sections to Chapter 4 is to help readers of the NRRP by providing a brief but general overview of the resource management framework and the principal water quality issues. The role of the regional plan is to address both past present and future adverse effects on natural resources, so that ECan will fulfil its functions under the RMA. Although many of the region's water bodies still have high quality water they are under pressure because of land use intensification, and one of the functions of Chapter 4 is to protect these water bodies so that they can continue to be valued for a wide range of soil, economic and ecological purposes. Chapter 4 also addresses those areas where water quality has already declined. Chapter 4 applies a mix of non-regulatory and regulatory methods to address these issues.

Because any discharge to water or onto land where it may enter water is prohibited by the RMA (s15), unless expressly authorised by a resource consent or a regional rule, the Regional Council considered it would be more efficient and effective to have regional rules for activities that have minor adverse effects and to require resource consents where the adverse effects are more significant. Without regional rules, all discharges would require a resource consent.

The purpose of the RMA and the accompanying hierarchy in sections 6, 7, and 8 provide the statutory framework for ECan when it is exercising its functions under the RMA. Case law makes it very clear that Sections 6, 7 and 8 form part of, and expand, on the Section 5, and are not to be read as separate exclusive sections.

For the reasons set out above submission 411.1 is accepted in part, submissions 257.13; 289.28; 290.36; 506.2; 543.1; 586.2, F1043.1486, F1044.1486; 669.1 are rejected, and further submission F1049.30 is accepted, and no amendment is required.

462.1, F1050.2, F1074.34; 462.3, F1050.3: The original submissions support most of comments in the introduction, but state that Environment Canterbury (ECan) is obliged to have regard to all community values, and should recognise key environmental groups. Further submissions - 1050.2 and F1050.3 are in support, and want a full list of all environmental groups to be included, but offer no additional reasons, while F1074.34 oppose the submission because it is not appropriate that the regional plan comment on special interest groups or their goals.

There are many interest groups in the community with a wide range, and often divergent, views on the management of the region's natural and physical resources. ECan meets regularly with different groups and organisations to hear their concerns. The role of the NRRP, as a formal statutory document, is to assist ECan to carry out its functions, not to provide a comprehensive index of groups and organisations. Chapter 4 does, however, acknowledge the importance of community attitudes and values in the management of the region's water resources, see Section 4.1.1 and 4.1.2.

During the development of the NRRP and through the submissions process, the public and community groups had an opportunity to put forward their points of view about the scope and content of the various chapters and to seek changes, as part of the broad approach to public decision making under the RMA. If the NRRP is going to identify interest groups or organisations, then, to be consistent, it would need to mention all such groups which would expand the size of the document and contribute little to its utility. For these reasons, submissions 462.1, F1050.2; 462.3, F1050.3 are rejected, further submission F1074.34 is accepted, and no amendment is required.

462.4, F1050.4; 470.5, F1032.52, F1033.451, F1052.455, F1053.451, F1074.21: The submitters consider that the Introduction does not accurately portray the current state of Canterbury's water bodies, and does not include a discussion on the cumulative effects of land use activities, in particular land use intensification, on water quality. Submitter 470.5 considers that the statement in Section 4.1.2 that there has been significant improvement in quality in degraded water bodies, does not recognise the current degraded state of lowland water bodies in Canterbury. F1050.4 supports submission 462.4 and states that incremental changes due to cumulative effects must be accounted for. F1033.451 is in support of 470.5, but no additional reasons are given. F1032.52 also in support considers that the baseline for the quality of the region's water bodies should be established from significantly improved water bodies, not from degraded ones. F1052.455, F1053.451 oppose submission 470.5 for general reasons relating to the

limitations on resource users that may result from the NRRP. F1074.21 is opposed to 470.5, because the submitter does not believe the water bodies are in poor condition.

The reason for including an Introduction in Chapter 4 is to provide plan users with a brief overview of the principal water quality issues and the resource management framework, not a comprehensive review of the region's water quality. There are other Environment Canterbury publications that do this. Section 4.4 of Chapter 4 summarises the current state of the region's water bodies, their response to the intensity of land uses in the catchment, and identifies those water bodies where water quality is at risk or has declined, e.g. Banks Peninsula streams, lowland water ways, shallow groundwater. In terms of the high country tenure review referred to in 462.4, the regional plan provisions apply irrespective of the land tenure. The change in land ownership does, however, offer an opportunity to ensure adequate measures are in place to minimise impacts on water quality. To this extent, Chapter 4 contains a method to advocate for the establishment of marginal strips along rivers and lakes, refer to page 4-48, Method WQL5(a) Advocacy.

The reference in Section 4.2 to "significant improvement in water quality" refers to the efforts over the last 30 years to upgrade the standard of point source discharges to water ways or to find alternative means to dispose of wastes, which have resulted in significant improvements in water quality. Non-point source discharges are now placing the greatest pressure on rivers, especially lowland streams, lakes and groundwater. (Taylor, R; Smith I. et al(1997) "*The State of New Zealand Environment 1997*" Ministry for the Environment, Wellington)

The cumulative effects of land use activities on water quality is, however, gaining increasing attention, for example through publicity about Lake Taupo and Rotorua Lakes restoration programmes, and the Parliamentary Commissioner for the Environment's report "*Growing for good: Intensive farming, sustainability and New Zealand's environment*". As the submitter points out the introductory sections to Chapter 4 does not explicitly discuss this issue in relation to Canterbury, but it does acknowledge the limited capacity of water bodies to assimilate contaminants, (see section 4.4.1, last paragraph). Section 4.4 summarises the principal water quality issues, but it does not describe the changes in land use and the implications for water quality. Therefore, it is appropriate that a new section be included describing the cumulative effects of land use intensification on water quality. For the reasons set out above the submissions and further submission in support are accepted in part, the further submissions in opposition are rejected and an amendment is required.

470.7 F1033.453, F1052.457, F1053.453: The submission supports the general comments in the Introduction section and the reference to Ngai Tahu values, but points out that Chapter 4 fails to recognise the statutory role of Fish & Game NZ. Further submission F1033.453 is in support for the general reason that they wish to see a higher standard of water quality in lowland waterways. Further submissions F1052.457, F1053.453 are opposed for the general reasons that the relief sought by the submitter were likely to impose more onerous obligations on landowners and increase compliance costs.

The statutory role of Fish & Game Councils is set out in Sections 26A to 26Z of the Conservation Act 1987. These duties include administering the sports fishery and game bird species, the preparation of Sports Fish and Game Management Plans, and to represent and to advocate in statutory processes for the interests of anglers and hunters. The Fish & Game Councils are accorded no particular status under the RMA and there is no mandatory requirement to consult with them during the preparation of a proposed policy statement or plan (RMA Schedule 1, Part 1(3)). Nonetheless, the Environment Canterbury does recognise that the Fish & Game Councils have particular expertise in relation to the trout and salmon fishery and have a prominent role as an advocate for the protection and enhancement of freshwater bodies. The reasons advanced in the further submissions are very general and of little relevance to this particular submission point. For these reasons, submissions 470.7 and F1033.453 in support are rejected and further submissions F1052.457, F1053.453 in opposition are accepted in part, but no amendment is required.

509.2, 510.2, 572.4, 615.6: The submitters asked that the Issues, objectives, policies and methods of Chapter 4 be reviewed to ensure consistency with statements made in the Introduction to Chapter 4, and the matters raised in section 2 of their submission - general comments on Variation 1.

The specific issue raised by the submitters is that the impact of human activities on water quality in most parts of Canterbury is minor compared to other parts of New Zealand and the rest of the world. The submitters interpret this to mean that as impacts are minor there is no justification for regulatory control of activities that affect water quality. They are concerned that the provisions of Chapter 4 are "regulatory and prescriptive in nature" apply over large geographical areas, which may significantly affect the use of the land, and they should be reviewed to reflect that there is little impact from human activities on water quality. Chapter 4 should define significant resource management issues for the region and specific activities to which regulatory mechanisms could be applied.

The matters raised in the submitters' general comments on Variation 1 have been addressed in the Officer's Report General Submissions to Variation 1.

The submitters state that objectives and policies are too restrictive, prescriptive, lengthy and complex and include the use of formulae. NRRP chapters 4 to 7 are primarily regulatory documents that provide the framework within which people can use the resource being managed. This regulatory approach is needed because the chapters deal with resources, that in general, cannot be used unless a person has a resource consent, or the activity is allowed by a permitted activity rule in a regional plan. The objectives in each chapter identify the environmental outcomes to be achieved, and then the policies specify how the resource is to be managed to achieve that outcome. Environment Court case law reinforces the need for plan provisions to be clear, certain, enforceable and *vires*. Because of the complex matters being addressed, especially where the use of natural resources involves significant equity issues for the community, such as water allocation, and to provide certainty, at times, the policies will need to be detailed. There is no problem with a policy incorporating a formula if that is what is needed. Loosely written provisions lead to uncertainty and inconsistent interpretations, and there is less likelihood that the objectives will be achieved. All of the objectives and policies in the NRRP Chapters 4 to 7 are the subject of detailed submissions and the matters raised by the submitters are considered there.

Each issue in NRRP is clearly described, followed by an objective that states the outcomes to be achieved, and clearly targets the elements of the issue being addressed. These objectives, which are often quite precisely described, are followed by the policies that specify what is going to be done, and the rules and other methods to implement the policy. Policies, rules and schedules are often very resource and/or area specific. For example, each groundwater zone is area specific and well defined by boundaries, the nitrate zones are mapped, and the catchments that are in a natural state are clearly identified. The RMA does not use the words "regionally significant resource management issues", instead in Section 67 it merely states that a regional plan may state "the issues that the plan seeks to address". Of note, it is no longer mandatory to specify the issues in a regional plan.

The use of the term "blanket approach", by the submitters, suggests a poorly considered coarse approach that deals with things that do not need to be addressed. The NRRP uses a variety of approaches for dealing with resource management issues, and these are tailored to the particular circumstances being dealt with. For example, groundwater zones have been identified that reflect hydrogeology, and natural state classifications were used in those areas with very high natural values that were considered to be susceptible to adverse effect from certain types of activities. In those high naturalness areas where activities such as damming have not been precluded, Policy WQN2 is very explicit in terms of certain flow regime matters to be managed for because of the potential adverse effects that could arise from damming. The nitrate zones are identified and mapped because they are areas of unconfined groundwater, which means they are susceptible to contamination from the land surface, and need to be managed. Far from being a blanket approach, the areas and zones are well defined. Further it is entirely appropriate that some policies and rules apply across the whole region. NRRP applies a "horses for courses" approach, is effects based, and deals with issues and areas at appropriate scales needed for management.

Section 4.4 describes in detail the resource management issues with respect to water quality in the Region. Water quality is an extremely important issue for the Canterbury region. The community wants high water quality maintained, where this exists, and water quality improved, where it has declined. The provisions of Chapter 4 reflect these desires. As land use intensifies there are increasing threats to water quality from contaminants from human activity. Some of the effects on water quality may not become apparent for many years after the activity has occurred. Once a water body is contaminated it is very expensive and technically difficult to restore the water quality. This is particularly so for groundwater. Preventing the further decline of water quality is a fundamental tenet of the RMA (s7, s15 s30(c)(ii), s69(3), s.70) and the objectives and policies of Chapter 4 reflect this. Chapter 4 uses both regulatory and non-regulatory methods to give effect to the policies. The regional rules target specific activities that if not controlled, are likely to result in a decline in water quality. The rules also authorise numerous discharges as permitted activities. Without regional rules these discharges would require resource consent. Maintaining awareness of the need for consistency between the provisions of Chapter 4 will be on-going through the process of hearings and decisions on Variation 1 of the NRRP. For these reasons, the submissions are rejected and no amendment is required

565.54: The submitter opposes the Introduction because it fails to recognise the principles of the RMA. The role of the Introduction is to briefly 'set the scene' for the following sections that cover in more detail the different types of water bodies and planning framework. NRRP Chapter 1 and Chapter 4, Section 4.3 "Statutory framework" both describe the RMA, and therefore it is not necessary to include a discussion of the RMA in Section 4.1. The submitter's point about the lack of recognition of RMA "principles" is evaluated under the provision Section 4.3 "Statutory framework." For these reasons the submission is rejected and an amendment is not required.

WQL1.40 Recommendation

411.1; 462.4, 470.5, F1032.52, F1033.451; F1050.4, F1052.457, F1053.453: Accept in part

257.13, 289.28, 290.36, 462.1, 462.3, 470.7, 506.2, 509.2, 510.2, 543.1, 565.54, 572.4, 586.2, 615.6, 669.1, F1033.453, F1043.1486, F1044.1486, F1050.2, F1050.3, F1052.455, F1053.451, F1074.21: Reject

F1049.30, F1074.34: Accept

Amendment

Amend Section 4.4 "Resource Management Issues" as follows:

1) On page, 4- 17, insert, after subsection 4.4.3 Groundwater quality, the following new sub-section (including footnote):

4.4.4 Effects on water quality from intensified land use

Over the last 30 years, the use of land for rural and urban purposes, has continued to expand and intensify in the region. In rural areas, an overall trend is for greater agricultural production from flat and gently rolling land. This increase in production is being facilitated by an increasing demand for groundwater and surface water for irrigation and the increased use of inorganic fertilisers, which have become essential inputs to intensive agricultural practices. The area of intensive agricultural land use in the region is likely to increase further, if proposals for new irrigation schemes and water storage projects proceed.

The demand for rural lifestyle blocks, and the economic benefits of subdivision, has lead to a rapid increase in the number of small holdings, generally of less than 10 hectares, in many districts in the region. The sewage effluent from the houses on these lifestyle blocks is discharged into land via an individual on-site system or a small community scheme. The growth in the number of discharges of sewage effluent from both individual and small community systems contributes to an increasing load of nitrate and micro-organisms in groundwater which is the principal source of drinking water for households in these areas. There is also an increasing demand for land for urban use on the periphery of Christchurch City and towns and settlements in Waimakariri, Selwyn and Mackenzie districts. The expansion or infilling of urban areas may require extensions to existing reticulated systems or the installation of new systems for sewage and stormwater treatment and disposal. These land uses may involve the storage and use of hazardous substances for both domestic and industrial activities.

Canterbury's groundwater resources, and associated lowland rivers, are vulnerable to nitrate contamination. Elevated nitrate concentrations occur in areas where groundwater is unconfined, and recharged primarily by soil drainage. A combination of sources, including past and present agricultural land uses, including cultivation and fertiliser use and irrigation, septic tanks and community sewerage schemes, and industrial discharges to land, are likely to be the sources of nitrate. The overall trend is for increasing nitrate concentrations in groundwater, mostly in wells on the eastern parts of the Canterbury Plains. If the soils become saturated with nitrogen, this may result in increased leaching of nitrate to groundwater.

Many of the lowland rivers on the lower Canterbury Plains also have elevated nitrate concentrations, probably as a result of groundwater being enriched from intensive land use activities occurring further inland. At times of low flows, the median nitrate concentrations in many small rivers between the Ashburton and the Rangitata rivers are close to the guideline for the protection of aquatic ecosystems.

The expansion of intensive agricultural land uses over the unconfined gravel aquifers and into new areas, such as inland basins, could potentially lead to a further decline in the quality of the region's water resources.

The impact of land use activities on groundwater quality may not become apparent for many years, because of the time lag taken for nitrate to be transported through the soil and subsoil material to groundwater. Once elevated concentrations of nitrate occur in groundwater, it may take many years before changes in land use practices would bring about any measurable improvement in groundwater quality.

2) Add the following footnote to the end of the last sentence of the fourth paragraph.

4-1-2	582.17	Water Rights Trust Inc*	Retain the opening statement in the Introduction of Chapter 4, which reads: "Canterbury's water resources - rivers, lakes and groundwater - are a significant regional and national resource".
	F1043.224	Canterbury Forest Industry Working Group.*	Oppose
	F1044.224	Selwyn Plantation Board Ltd*	Oppose

Evaluations and reasons

582.17, F1043.224, F1043.224: The submission supports the first sentence in Section 4.1 Introduction. F1043.224, F1043.224 oppose all parts of the original submission but the reason given is not relevant to this submission point. Support for the first sentence is acknowledged. For these reasons the original submission is accepted, the further submissions are rejected, and no amendment is required.

WQL1.41 Recommendation

582.17: Accept

F1043.224, F1044.224: Reject

Amendment

Nil

4-1-19 4.1.1 Ngai Tahu values

4-1-19	257.14	Upper Waitaki Branch Federated Farmers Of New Zealand Inc*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.3).
4-1-19	289.29	North Bank Land Owners Group*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.3).
4-1-19	290.37	W & S Cameron*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.3).
4-1-19	462.2	WEcan*	Retain reference to Ngai Tahu but believe the values of all tangata whenua, including those of Waitaha, must also be respected and included.
	F1050.5	Green Party Aoraki Province*	Support
4-1-19	476.34	Christchurch City Council*	Amend 4.1.1(e) by adding a footnote to the effect that " <u>it is recognised that sewer over flows are inevitable due to capacity operational issues. For public health reasons the preference is to direct these where possible to storm water drains and watercourses</u> " or similar.
4-1-19	486.1	Te Runanga O Ngai Tahu.*	Add a new outcome in 4.1.1, to read: " <u>(h) To maintain vital, healthy mahinga kai populations and habitats capable of sustaining harvesting activity.</u> "
	F1043.1148	Canterbury Forest Industry Working Group.*	Oppose
	F1044.1148	Selwyn Plantation Board Ltd*	Oppose
	F1049.32	Fish & Game NZ, Central South	Support

		Island, North Canty & Nelson/Marlborough Regions*	
4-1-19	506.3	Hugh Turnbull*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.3).
4-1-19	511.15	P H Van den Brink Limited*	Amend 4.1.1(f) to make the criteria in relation to adverse effects on Ngai Tahu values less difficult to meet and more reasonable.
4-1-19	561.15	Tegel Foods Ltd*	Amend 4.1.1(f) to make the criteria in relation to adverse effects on Ngai Tahu values less difficult to meet and more reasonable.
4-1-19	563.13	Te Hapu O Ngati Wheke Rapaki Runanga Inc*	Support submission by Te Runanga o Ngai Tahu (refer 486).
4-1-19	565.55	Ashburton District Council*	Retain section 4.1.1, the recognition of the values of Te Runanga o Ngai Tahu.
4-1-19	586.3	Federated Farmers NZ Inc - Canterbury Provinces*	Amend section 4.1.1 of the Introduction to Chapter 4 to include the following text: " <u><i>The Crown and Ngai Tahu have agreed to the full and final settlement of all Ngai Tahu historic claims relating to land, water and minerals. Among other things, the Crown has transferred the ownership rights and titles to Ngai Tahu of specified sites including wetlands, lake and river beds. The Crown has also guaranteed exclusive temporary use for Ngai Tahu of defined areas adjacent to 32 rivers and lakes for customary fishing and camping purposes</i></u> ", and provide a map of these 32 wetland, river and lake sites.
	F1043.1487	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.1487	Selwyn Plantation Board Ltd*	<i>Support</i>
	F1049.31	Fish & Game NZ, Central South Island, North Canty & Nelson/Marlborough Regions*	<i>Oppose</i>
4-1-19	669.2	South Island High Country Section, Federated Farmers NZ*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.3).

Evaluations and reasons

257.14, 289.29, 290.37, 506.3, 586.3, F1043.1487, F1044.1487, F1049.31; 669.2:

Submitter 586.3 opposes Section 4.1.1 because the text fails to state that the Ngai Tahu Claims Settlement Act 1998 was a full and final settlement of all historic Ngai Tahu claims. Submissions 257.14; 289.29; 290.37; 506.3; 669.2 support submission 586.3 but provide no additional reasons on this point. F1043.1487, F1044.1487 support the submission for the reasons stated by the submitter. F1049.31 opposes the submission because it fails to recognise Part 2 of the RMA and that Treaty of Waitangi responsibilities do not end with the settlement of historic grievances.

The Ngai Tahu Claims Settlement Act 1998 recorded a formal apology by the Crown to Ngai Tahu for failing to honour its historic obligations to act in good faith towards the iwi as a treaty partner and to provide the tribe with an adequate economic base when land purchases occurred in the 19th Century. The Ngai Tahu Claims Settlement Act 1998 does not override or limit the ECan's statutory obligations under the RMA.

Under Part 2 of the RMA, ECan must take an active role with respect to Maori and their customary relationship with land and water resources, their traditional roles as kaitiaki, and to take into account the principles of the Treaty. When preparing or changing a plan the ECan is also required to take into account any significant concerns Tangata Whenua have for their cultural heritage in relation to natural and physical resources (s.65(3)(e) RMA) and any relevant planning document recognised by an iwi

authority and lodged with the council (s66 (2A)). To this extent, the wording of the section summarises the outcomes Ngai Tahu whanui is seeking for the region's freshwater resources, especially water quality, and it is based on the Ngai Tahu Freshwater Policy Statement and Chapter 2 of the NRRP. Chapter 2 of the NRRP contains a map (Figure TGW2-1) and a definition of the areas established under the Ngai Tahu Claims Settlement Act 1998 (Appendix TGW2). The inclusion of the text suggested by the submitter would not contribute to the section as it re-states the agreement between the Crown and Ngai Tahu and does not provide any further explanation of Ngai Tahu views and values on the quality of the region's water resources.

For the reasons set out above, the submissions are rejected, except for F1049.31 which is accepted, and no amendment is required.

462.2, F1050.5: The submitters support the reference to Ngai Tahu, but point out that the values of all Tangata Whenua including Waitaha must be respected and valued.

Part 2 of the RMA refers to Tangata Whenua values generally, but within the Canterbury Region, it is recognised that the Ngai Tahu whanui have mana whenua or customary authority over land, water and their associated taonga (Chapter 2 of the NRRP)). It is not the role of the NRRP to resolve which particular hapu or iwi have customary rights within the Canterbury region. For these reasons, the submissions are accepted in part, but no amendment is required.

486.1, F1043.1148, F1044.1148, F1049.32; 563.13:

Submitter 486.1 supports the Introduction but notes that there is no reference to mahinga kai and this is inconsistent with Objective WQL1 and the Ngai Tahu Freshwater Policy Statement. 563.13 supports submission 486.1, but provides no additional reasons on this point. Further submissions F1043.1148, F1044.1148 oppose all parts of the original submission but the reasons provided are not relevant to this point. F1049.32 supports the submission because it is consistent with Part 2 of the RMA.

Section 4.1.1, which is based on NRRP Chapter 2 and the Ngai Tahu Freshwater Policy Statement, summarises the outcomes Ngai Tahu whanui is seeking for the region's freshwater resources, especially water quality. The section contains no reference to mahinga kai.

Both NRRP Chapter 2 (pg 2-11) and the CRPS (pg 39) acknowledge the importance of mahinga kai to Ngai Tahu, and the CRPS identifies it as one of the outcomes sought by the iwi. Therefore, an additional clause should be added to the list of outcomes in Section 4.1.1 recognising the importance of mahinga kai. For these reasons submissions 486.1, F1049.32; 563.13 are accepted, while further submissions F1043.1148, F1044.1148 are rejected, and an amendment is required.

476.34: The submitter supports the Introduction in part, but is concerned about how a prohibition on discharges of human effluent to water would affect sewer overflows.

Section 4.1.1, which is based on NRRP Chapter 2 and the Ngai Tahu Freshwater Policy Statement, summarises the outcomes Ngai Tahu whanui is seeking for the region's freshwater resources, especially water quality. The inclusion of an additional statement referring to sewer overflows and the need to satisfy operational requirements does not represent the views of the Ngai Tahu, and therefore is considered unnecessary. For this reason the submission is rejected and no amendment is required.

511.15, 561.15: The submitters are concerned that it may be unreasonable and difficult to require an effluent discharge to pass through land before it enters water.

Section 4.1.1 summarises the long-standing views of Ngai Tahu whanui in relation to the management of freshwater resources, especially water quality. These are one of the matters that will be taken into account when considering an application for a resource consent. The objectives, policies and methods of Chapter 4 provide the planning framework for assessing an application to discharge effluent. For this reason the submissions are rejected and no amendment is required.

565.55: The submitter supports the recognition of Ngai Tahu values in Section 4.1.1 is acknowledged. Because some amendments to the wording of the section have been recommended, the submission is accepted in part, and no amendment is required.

WQL1.42 Recommendation

486.1, 563.13, F1049.31, F1049.32: Accept

462.2, F1050.5; 565.55.: Accept in part.

257.14, 289.29, 290.37, 476.34, 506.3, 511.15, 561.15, 586.3, F1043.1148, F1043.1487, F1044.1148, F1044.1487, 669.2: Reject

Amendment

On page 4-1, amend Section 4.1.1 ‘ Ngai Tahu values’ as follows, insert the following new clause into the list of outcomes

“(h) the maintenance of vital, healthy, mahinga kai populations and habitats capable of sustaining harvesting activity².”

4-3-1 Figure WQL2 Groundwater Resources of Canterbury

4-3-1	548.7	Transwaste Canterbury Ltd*	Clarify that the areas of Non-Alluvial Sediments in Figure WQL2 are not intended to be considered as containing aquifers for the purposes of the objectives and policies of Chapters 4 and 5.
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Evaluations and reasons

548.7: The submitter wants assurance that the areas of identified in Figure WQL2 as “ Non-Alluvial sediments” are not considered to contain aquifers for the purposes of applying objectives and policies of Chapter 4 (and Chapter 5).

Figure WQL2 broadly indicates the areas of sediments that contain the principal groundwater resources in the Region. This diagram is not intended to provide the definitive description of the resource. Section 4.2.3 paragraph 1 summarises the groundwater environments in the region identifying semi-confined, unconfined and confined alluvial aquifers, and that small quantities of groundwater may be present in some non-alluvial basement rock, such as limestone, greywacke and volcanic rock. The objectives and policies of Chapter 4 apply to groundwater quality in all locations. Any confusion created by Figure WQL2 could be reduced by adding words to the key of the Figure explaining that Non-Alluvial Sediments may contain some groundwater. The issue raised by the submitter about clarification of Figure WQL2 is valid. For this reason the submission is accepted in part and an amendment is required.

WQL1.43 Recommendation

548.7: Accept in part

Amendment

On page 4-3, amend the legend of Figure WQL2 by adding the following words “(may contain some groundwater)” after the words “Non-Alluvial Sediments”.

4-4-1 4.1.2 Wider community

4-4-1	257.15	Upper Waitaki Branch Federated Farmers Of New Zealand Inc*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.4).
4-4-1	289.30	North Bank Land Owners Group*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.4).
4-4-1	290.38	W & S Cameron*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.4).
4-4-1	506.4	Hugh Turnbull*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.4).
4-4-1	586.4	Federated Farmers NZ Inc - Canterbury Provinces*	Amend section 4.1.2 of the Introduction to Chapter 4 by inserting a sentence to note that education and promotion will be used as a key method in achieving objectives of the plan.
	F1043.1488	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.1488	Selwyn Plantation Board Ltd*	<i>Support</i>
4-4-1	669.3	South Island High Country Section, Federated Farmers NZ*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.4).

Evaluations and reasons

257.15, 289.30, 290.38, 506.4, 586.4, F1043.1488, F1044.1488; 669.3:

Submission 586.4 supports this section and endorses the view that education will play a key role in achieving the objectives and policies of the plan. Submissions 257.14; 289.29; 290.37; 506.4; 669.2 support submission 586.4 but provide no additional reasons on this point. Further submissions F1043.1488, F1044.1488 support the submission for the reasons stated by the submitter.

The purpose of this section is to acknowledge the changes in community attitudes towards the environment and to describe the social context for Chapter 4. It is generally recognised that a combination of methods is the most effective way of implementing public policy. Every method has its strengths and weaknesses, and no one method, by itself, is likely to achieve all the outcomes in Chapter 4. Chapter 4 uses a combination of methods; education, dissemination of information, and advocacy. These methods overlap and will work together to form an important part of Chapter 4, and will be used to achieve the objectives and policies. The final sentence of the paragraph already states that "Education will play a key role .." but this could be amended to emphasise this. For these reasons the submissions are accepted in part and an amendment is required.

WQL1.44 Recommendation

257.15, 289.30, 290.38, 506.4, 586.4, F1043.1488, F1044.1488; 669.3: Accept in part

Amendment

Section 4.1.2 "Wider Community", page 4-4, amend the final sentence as follows:

"Education, including the dissemination of information, and the promotion of new ideas and methods, will play a key role in increasing..."

4-4-26 4.2 Framework for water quality management

4-4-26	257.16	Upper Waitaki Branch Federated Farmers Of New Zealand Inc*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.5).
4-4-26	289.31	North Bank Land Owners Group*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.5).
4-4-26	290.39	W & S Cameron*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.5).
4-4-26	476.35	Christchurch City Council*	Retain section 4.2 as worded.
4-4-26	506.5	Hugh Turnbull*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.5).
4-4-26	511.16	P H Van den Brink Limited*	Amend the PNRRP to take a more consistent and reasonable approach to defining rivers, streams, aquifers and other water bodies, and to avoid inadvertently or inappropriately applying the same standards to artificial watercourses.
4-4-26	561.16	Tegel Foods Ltd*	Amend the PNRRP to take a more consistent and reasonable approach to defining rivers, streams, aquifers and other water bodies, and to avoid inadvertently or inappropriately applying the same standards to artificial watercourses.
	F1076.8	Horticulture NZ (formerly NZ Vegetable & Potato Growers Federation Inc et al)*	<i>Support</i>
4-4-26	586.5	Federated Farmers NZ Inc - Canterbury Provinces*	Amend section 4.2 of the Introduction to Chapter 4 to recognise that while waterbodies can be grouped according to

			broad physical and biological characteristics, all waterbodies are different from one another and may require specific management to address issues depending on the values that the waterbody.
	F1043.1489	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.1489	Selwyn Plantation Board Ltd*	<i>Support</i>
	F1076.78	Horticulture NZ (formerly NZ Vegetable & Potato Growers Federation Inc et al)*	<i>Support</i>
4-4-26	669.4	South Island High Country Section, Federated Farmers NZ*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.5).

Evaluations and reasons

257.16, 289.31, 290.39, 506.5, 586.5, F1043.1489, F1044.1489, F1076.78; 669.4: The submitters and further submitters while supporting the grouping of water bodies in the region based on similar physical and biological characteristics, want recognised that values and therefore management requirements may vary between “similar” water bodies.

The similarity between the water bodies being referred to in this section of the NRRP relates to characteristics that influence water quality, rather than the wide range of values that the community may hold for water bodies. These values may vary between water bodies with similar water quality characteristics. Management of a water body for a specific value may be appropriate, but may not be water quality related and therefore not relevant to Chapter 4. For the reasons set out above the submissions are rejected and no amendment is required.

476.35: The submitter seeks the retention of Section 4.2 as worded. Because some amendments to the wording of the section have been recommended, the submission is accepted in part, and no amendment is required.

511.16; 561.16, F1076.8: The submitters are concerned that restrictive provisions for discharges may be inadvertently or inappropriately applied to some watercourses where this is not warranted. Further submission F1076.8 supports consistency in usage of terms, and notes that there are anomalies in how the terms 'surface water body' and 'surface water ' are defined and used.

Under the RMA (s 15), however, a discharge of a contaminant or water to water or a contaminant onto land which may result in it entering water must be expressly authorised by a resource consent or a regional rule. Under the Act, there is no distinction between water in an artificial water course or in a natural water body. The extent of adverse effects on water quality from a discharge authorised as a permitted activity by a plan is constrained by s.70(1) of the RMA.

The classification of water bodies in Chapter 4 relates to characteristics that influence water quality and provides the framework for ensuring that there is a consistent approach for managing discharges to water bodies in the region. The degree to which a discharge is controlled depends on a number of factors including, the size of the discharge, the type of contaminants, the water quality objectives and values of the receiving water body. There are a large number of submissions on the regional rules and there will be an opportunity at that time to consider whether the rules should apply only to certain types of water bodies.

As noted by the further submitter, terms must be used in a consistent manner in a plan. If there are inconsistencies in the use of terms then these will be considered under the particular provision of the NRRP and if appropriate consequential changes made to the plan.

For the reasons set out above the submissions 511.16; 561.16 are rejected, further submission F1076.8 is accepted in part and no amendment is required.

WQL1.45 Recommendation

257.16, 289.31, 290.39, 506.5, 511.16, 561.16, 586.5, 669.4, F1043.1489, F1044.1489, F1076.78: Reject
476.35, F1076.8: Accept in part

Amendment

Nil

4-5-10 Table WQL1 Water quality characteristics of the major river types in Canterbury

4-5-10	558.1	Gary Broker*	Include descriptions of (especially unique) flora and fauna in Table WQL1.
4-5-11	540.21	Canterbury Growers Society Ltd*	Delete " <i>Intensive land use on heavy soils in the catchment</i> " from the descriptor of lowland rivers in Table WQL1.
4-5-11	541.21	Horticulture NZ (formerly NZ Vegetable & Potato Growers Federation Inc et al)*	Delete " <i>Intensive land use on heavy soils in the catchment</i> " from the descriptor of lowland rivers in Table WQL 1.
	F1074.35	Federated Farmers of NZ (Inc)*	<i>Support</i>

Evaluations and reasons

558.1: The submission requests that Table WQL1 be expanded to include a description of aquatic and flora and fauna.

The purpose of the introductory sections to Chapter 4 is to provide a brief overview for plan users, not a comprehensive description of the region's water quality. Table WQL1 summarises the water quality characteristics of the main river types found in the region. A more comprehensive description of the river types and their values is contained in Appendix WQL1 (Table 15, pg 4-254). Therefore, a description of the flora and fauna in Table WQL1 is not necessary. For these reasons, the submission is rejected and no amendment is required.

540.21, 541.21, F1074.35: The submissions oppose the reference to intensive land use in the water quality characteristics of lowland rivers in Table WQL1 because "intensive land use" is not a water quality characteristic.

The sentence does not describe the water quality of lowland rivers and therefore should be removed. For this reason the submissions are accepted and an amendment is required.

WQL1.46 Recommendation

558.1: Reject

540.21, 541.21, F1074.35: Accept

Amendment

On page 5, amend, Table WQL1, 5th row, right cell, "Description of water quality characteristics for lowland rivers", by deleting the sentence: "~~*Intensive land use on heavy soils in the catchments.*~~"

4-6-1 Table WQL2 Water quality characteristics of the major lake types in Canterbury

4-6-1	558.2	Gary Broker*	Include descriptions of (especially unique) flora and fauna in Table WQL2.
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Evaluations and reasons

558.2: The submission requests that Table WQL2 be expanded to include a description of aquatic flora and fauna.

The purpose of the introductory sections is to provide a brief overview for plan users, not a comprehensive description of the region's water quality. Table WQL2 summarises the water quality characteristics of the main lake types found in the region. A more comprehensive description of the lake types and their values is contained in Appendix WQL 1 (Table 16, pg 4-258). Therefore, a description of the flora and fauna in Table WQL2 is not necessary. For these reasons, the submission is rejected and no amendment is required.

WQL1.47 Recommendation

558.2: Reject

Amendment

Nil

4-6-3 4.2.3 Groundwater

4-6-3	470.8	Fish & Game New Zealand, Central S. Island, N. Canterbury & Nelson/ Marlborough*	Add to 4.2.3 Groundwater the following paragraph: " <u>Water enters aquifers in a number of ways including rainfall over unconfined aquifers, seepage from lakes and river. This is known as aquifer recharge. The process also works in reverse where groundwater is released through springs and recharges water bodies and wetlands.</u> "
	F1033.454	Rosalie and Jules Snoyink*	Support
	F1040.24	Christchurch City Council.*	Support
	F1052.458	Eminence Investments Ltd.*	Oppose
	F1053.454	Ngai Tahu Ltd*	Oppose

Evaluations and reasons

470.8, F1033.454, F1040.24, F1052.458, F1053.454: The original submission supports Section 4.2.3, but suggests some wording to explain more fully the links between surface water and groundwater. Further submission F1033.454 is in support for the general reason that they wish to see a higher standard of water quality in lowland waterways, while F1040.24 also supports the submission because it would improve the description. Further submissions F1052.458, F1053.454 are opposed for general reasons that do not relate to the particular relief being sought here.

The description of the relationship between surface water and groundwater in the second paragraph of this section could be improved by: deleting the second sentence and inserting additional sentences that reflect the relief sought by the submission, including a reference to emerging groundwater, and by making a minor amendment to the third sentence.

For these reasons, submissions 470.8, F1033.454, F1040.24 are accepted in part, submissions F1052.458, F1053.454 are rejected, and an amendment is required.

WQL1.48 Recommendation

470.8, F1033.454, F1040.24: Accept in part
F1052.458, F1053.454: Reject

Amendment

1) Section 4.2.3, page 4-6, amend the second paragraph as follows:

- Delete the second sentence "~~In the inland areas of the Canterbury Plains, river water and rainwater enter unconfined aquifers~~
- Replace the second sentence with the following: "In the inland areas of the Canterbury Plains, the aquifers are recharged by rain water or snow melt that has percolated down from the land surface, continual seepage from lakes and rivers, or drainage from irrigated land"
- After the words "... older, slower-moving groundwater." add a new sentence: "Where the water table intersects the land surface the groundwater emerges as springs or seeps in rivers, lakes and wetlands."

2) Section 4.2.3 page 4-6, amend the first sentence of the third paragraph as follows:

Over the Canterbury Plains, groundwater is vulnerable to contamination ..."

4-7-1 4.3 Statutory framework

4-7-1	476.36	Christchurch City Council*	Amend the NRRP water quality provisions to cover the area of the Waimakariri River catchment and incorporate WRRP provisions into the NRRP.
	F1066.43	The Isaac Wildlife Trust and The Diana Isaac Wildlife Trust.*	Support
	F1067.19	Gillman Wheelans Ltd*	Support
	F1070.43	Clearwater Land Holdings Limited*	Support

	F1071.6	Canterbury Rowing Trust*	<i>Support</i>
	F1072.20	Calder Stewart Industries Limited*	<i>Support</i>
	F1073.20	Applefields Ltd*	<i>Support</i>
	F1074.37	Federated Farmers of NZ (Inc)*	<i>Oppose</i>
4-7-1	544.23	Meridian Energy Ltd*	Amend the 4.3 Statutory Framework to recognise the Resource Management Waitaki Catchment Amendment Act, the role of the Waitaki Catchment Water Allocation Board established to develop a regional plan for the Waitaki Catchment, and the relationship of that plan once operative to the provisions of the NRRP, specifically Chapter 4 Water Quality and Chapter 5 Water Quantity.
	F1043.3761	Canterbury Forest Industry Working Group.*	<i>Oppose</i>
	F1044.3748	Selwyn Plantation Board Ltd*	<i>Oppose</i>
	F1053.1356	Ngai Tahu Ltd*	<i>Support</i>

Evaluations and reasons

476.36, F1066.43, F1067.19, F1070.43, F1071.6, F1072.20, F1073.20, F1074.37: The submitter supported by F1066.43, F1067.19, F1070.43, F1071.6, F1072.20, F1073.20, want the NRRP provisions to apply in the Waimakariri River catchment. F1074.37 is opposed to the submission stating the Waimakariri River Regional Plan should remain an independent document.

The Waimakariri River Regional Plan is an operative plan. The provisions of the proposed NRRP cannot override the provisions of an operative plan. To avoid overlaps between operative regional plans and the NRRP, Environment Canterbury decided to let the operative plans have effect for the management of the activities controlled by the respective regional plans, but have the NRRP provisions apply within the areas of the regional plans for those activities that are not managed by the operative regional plan. E.g. the Waimakariri River Regional Plan manages the quality and quantity of surface water in the Waimakariri River catchment. Therefore, the NRRP provisions for the management of surface water quality and quantity do not apply in the Waimakariri River catchment. The provisions of the NRRP for groundwater quantity and quality, and land use controls to protect water quality, however, do apply in the catchment because the Waimakariri River Regional Plan does not address them. Environment Canterbury, at some stage in the future, may decide to meld the other regional plans with the NRRP. Such a decision is beyond the scope of submissions to the NRRP. For the reasons set out above the submission and further submissions in support are rejected and no amendment is required. The further submission in opposition is accepted and no amendment is required.

544.23, F1043.3761, F1044.3748, F1053.1356: The submitter seeks that Section 4.3 recognises the legislation, authority established and regional plan developed for the Waitaki River Catchment. The submission is opposed by F1043.3761, F1044.3748, but the reason given - opposed to any increased regulatory control related to plantation forests - does not appear relevant to the submission. F1053.1356 supports the submission as the further submitter believes the amendment required will better take into account relevant interests.

Since Variation 1 to the NRRP was notified, the Resource Management (Waitaki Catchment) Amendment Act 2003 (RM(WC)AA) has been enacted, the Waitaki Catchment Water Allocation Board (WCWAB) established, and the Waitaki Catchment Water Allocation Regional Plan (WCWARP) was approved in 2005. The Regional Plan addresses water allocation in the Waitaki Catchment, and applies to activities controlled under s14 of the RMA - taking, using damming and diverting of water. Other RMA matters, such as discharges and water quality, are to be addressed through NRRP Chapter 4. However, Policy 13 of the WCWARP links directly to NRRP Chapter 4 requiring decisions on water use for agriculture or horticulture in the catchment to ensure the objectives of Chapter 4 will be achieved as a result of such uses. The WCWARP includes as reference material under Clause 30 of Schedule 1 of the RMA, Objectives WQL1, WQL2 and WQL3 from proposed NRRP Chapter 4. This reference material has legal effect as part of the Waitaki Plan. Note however, that any amendments made to these provisions in NRRP will not be incorporated into the Waitaki Plan unless by way of a change to the Waitaki Plan.

Therefore, given the linkages between the various regional plans and Chapter 4, it is relevant to include a brief reference to the RM(WC)AA, the WCWAB and the WCWARP in Section 4.3 and in Table WQL 4 . For the reasons set out above the submission and further submission in support are accepted, the further submissions in opposition are rejected and amendments are required.

WQL1.49 Recommendation

476.36, F1066.43, F1067.19, F1070.43, F1071.6, F1072.20, F1073.20, F1043.3761, F1044.3748: Reject
544.23, F1053.1356, F1074.37: Accept

Amendment

1) On page 9, Section 4.3.2.4 "Other regional plans", amend by deleting the words with strike outs and inserting the underlined words:

"Water quality in the region is ~~currently~~ managed through several regional plans and the water conservation orders. Some of these planning instruments ~~may be withdrawn~~ will cease to have effect when Chapter 4 becomes operative, while others will continue to apply. The current relationship between these instruments and Chapter 4 is described in Table WQL 4."

2) Amend Table WQL4 page 4-10, by inserting in a new row beneath the Proposed Waimakariri River Regional Plan, the following:

a) In the left cell, add the words:

"Waitaki Catchment Water Allocation Regional Plan."

b) In the right cell, add the following sentences:

"The regional rules of the Canterbury Transitional Regional Plan authorising discharges to land or water, and the policies and regional rules of Chapter 4 of the NRRP apply in the area of the Waitaki Catchment Water Allocation Regional Plan. Objectives WQL1, WQL2 and WQL3 as notified in Variation 1 of the NRRP, are included as reference material in the Waitaki Catchment Water Allocation Regional Plan and have legal effect as part of the Plan."

4-7-2 4.3.1 Resource Management Act

4-7-2	257.17	Upper Waitaki Branch Federated Farmers Of New Zealand Inc*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.6).
4-7-2	289.32	North Bank Land Owners Group*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.6).
4-7-2	290.40	W & S Cameron*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.6).
4-7-2	470.9	Fish & Game New Zealand, Central S. Island, N. Canterbury & Nelson/ Marlborough*	Amend the first paragraph of 4.3.1 to read: " <i>The purpose of the Resource Management Act 1991(RMA) is to promote the sustainable management of <u>natural and physical resources</u></i> ", and add an outline of the role of plans as per sections 63 and 65.
	F1033.455	Rosalie and Jules Snoyink*	<i>Support</i>
	F1052.459	Eminence Investments Ltd.*	<i>Oppose</i>
	F1053.455	Ngai Tahu Ltd*	<i>Oppose</i>
	F1076.79	Horticulture NZ (formerly NZ Vegetable & Potato Growers Federation Inc et al)*	<i>Support</i>
4-7-2	506.6	Hugh Turnbull*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.6).
4-7-	586.6	Federated Farmers NZ Inc -	Amend section 4.3.1 of the Introduction

2		Canterbury Provinces*	to Chapter 4 to recognise the fundamental principles of the RMA. Carry this recognition throughout the plan, deleting sections that provide for the permanent maintenance and protection of the status quo such as the schedule of recreational sites.
	F1043.1490	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.1490	Selwyn Plantation Board Ltd*	<i>Support</i>
	F1049.33	Fish & Game NZ, Central South Island, North Cauty & Nelson/Marlborough Regions*	<i>Oppose</i>
4-7-2	669.5	South Island High Country Section, Federated Farmers NZ*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.6).

Evaluations and reasons

257.17, 289.32, 290.40, 506.6, 586.6, F1043.1490, F1044.1490, F1049.33, 669.5:

586.6: The original submission seeks recognition that the NRRP provides for the sustainable use and management of the region's natural and physical resources and provides for change, rather than preserve the status quo. Submissions 257.17; 289.32; 290.40; 506.6; 669.5 support submission 586.6 but provide no additional reasons on this point.

Further submissions F1043.1490, F1044.1490 support the submission for the reasons stated by the submitter. Further submission F1049.33 opposes the original submission because the relief sought is inconsistent with the interpretation of Part 2 of the RMA under case law.

The role of the RMA and its planning instruments is about managing human activities. As time passes, changes will occur in the natural environment, but it is not the role of the NRRP or the RMA to manage these. The purpose of RMA is to promote the sustainable management of natural and physical resources. "Sustainable management", as defined in the RMA, allows resources to be used, but only when the use does not preclude their use for future generations, the life-supporting capacity is maintained, and adverse effects are avoided, remedied or mitigated. Case law makes it quite clear that Part 2 of the RMA applies throughout the decision making and policy formulating process, of which, the purpose of the RMA is paramount. In some cases, the protection of natural and physical resources will be required. The RMA provides for a hierarchy of controls, which in some cases may prohibit or restrict the use of a natural resource.

The presumption by the submitter is that the NRRP should provide for change. Under the RMA, water is managed as a common property resource. Apart from a few exceptions, most activities that use water are prohibited unless expressly authorised by a regional rule or a resource consent. The discharge of contaminants to water, in particular, is also severely restricted. The reasons for preparing a regional plan to manage the region's freshwater resources include removing the restrictions imposed by the RMA, where these are unnecessary, and to enable the use and development of the region's water resources. The region's freshwater water resources embody a wide range of values, and are valued by the community for different reasons. Chapters 4 - 8 set limits on the extent to which these resources may be used. Such limits are, in part, set by the RMA, but these also reflect the community's desire to safeguard the existing values of these water bodies.

For these reasons, the submissions are rejected, except for submission F1049.33, which is accepted, and no amendment is required

470.9, F1033.455, F1052.459, F1053.455, F1076.79: The original submission supports Section 4.3.1 provided it was amended to reflect the purpose of the RMA and to outline the role of regional plans. Further submission F1033.455 is in support for the general reason that they wish to see a higher standard of water quality in lowland waterways. Further submissions F1052.459, F1053.455 are opposed for the general reasons that the relief sought by the submitter is likely to impose more onerous obligations on landowners and increase compliance costs. Further submission F1076.79 is in support but the reason given is not relevant to the submission.

The submission correctly points out that the purpose of the RMA is to promote the sustainable management of New Zealand's natural and physical resources, not just the region's. The sentence should be amended to correctly reflect the purpose of the RMA.

Sections 63 and 65 of the RMA set out the purpose and scope of regional plans. Other sections of the RMA, not referred to by the submitter, apply specifically to regional rules controlling discharges. Section 4.3.1 describes how the RMA applies to the management of water quality, and regional plans are not referred to in the Section. Some additional text describing the statutory basis for regional plans and rules controlling discharges would assist people using Chapter 4.

For these reasons, submissions 470.9, F1033.455, are accepted while submissions F1052.459, F1053.455, F1076.79 are rejected, and amendments are required.

WQL1.50 Recommendation

470.9, F1033.455; F1049.33: Accept
257.17, 289.32, 290.40, 506.6, 586.6, 669.5, F1043.1490, F1044.1490, F1052.459, F1053.455, F1076.79: Reject

Amendment

- 1) Page 4-7, Section 4.3.1 "Resource Management Act", first sentence, amend as follows:

The purpose of the Resource Management Act 1991(RMA) is to promote the sustainable management of the region's natural and physical resources.

- 2) a) Page 4-8, after the second to last paragraph of Section 4.3.1 "Resource Management Act", insert the following (including footnotes):

"A regional council may prepare a regional plan to assist it to carry out any of its functions in order to achieve the purpose of the Act⁶. Section 65(3) sets out the particular circumstances when a regional council must consider the desirability of preparing a regional plan.

A regional plan may contain regional rules to regulate or prohibit activities⁷, including discharges⁸ and land use activities to maintain and enhance water quality⁹. However, a regional council must be satisfied, before including a regional rule in a regional plan authorising a discharge of water or contaminants as a permitted activity, that certain specified adverse effects will not arise after reasonable mixing¹⁰. The regional plan may also set water quality classes and standards for particular water quality purposes, including those specified in Schedule 3 of the RMA¹¹. These standards may be more stringent or specific than those specified in Schedule 3, but a regional council shall not set standards which result, or may result, in a reduction of the quality of the water, outside a mixing zone, at the time of notification of the proposed plan, unless it is consistent with the purpose of the Act."

- b) The footnotes for insertion on page 4-8 are: Footnote: "6, s.63(1) RMA 1991"; Footnote "7, s.68 RMA 1991;" Footnote: "8, s.15 RMA 1991"; Footnote: "9, s. 9(3) RMA 1991"; Footnote: "10, s.70(1) RMA 1991"; Footnote: "11, s.69 RMA 1991";

4-8-14 4.3.2.1 National Policy Statements or National Environmental Standards

4-8-14	515.10	Department Of Conservation, Canterbury Conservancy*	Insert comments under 4.3.2.1 on the effect of the NZ Coastal Policy Statement in relation to water and sediment quality. Include a list of relevant NZCPS policies, including policies 1.1.1 - 1.1.5 and policies 3.1.1, 3.2.2, 3.2.4, 3.2.5, 3.2.7 and 3.2.8.
	F1001.65	Trustpower Ltd*	<i>Oppose.</i>
	F1015.189	Irrigator Forum*	<i>Oppose.</i>
	F1016.189	Rangitata Diversion Race Management Limited*	<i>Oppose.</i>
	F1033.932	Rosalie and Jules Snoyink*	<i>Support</i>
	F1043.3349	Canterbury Forest Industry Working Group.*	<i>Oppose</i>
	F1044.3336	Selwyn Plantation Board Ltd*	<i>Oppose</i>
	F1050.22	Green Party Aoraki Province*	<i>Support</i>
	F1052.937	Eminence Investments Ltd.*	<i>Oppose</i>
	F1053.932	Ngai Tahu Ltd*	<i>Oppose</i>

Evaluations and reasons

515.10, F1001.65, F1015.189, F1016.189, F1033.932, F1043.3349, F1044.3336, F1050.22, F1052.937, F1053.932: The submitter opposes section 4.3.2.1 and seeks a reference to the New Zealand Coastal Policy Statement in relation to water and sediment quality. This is sought because of the influence of freshwater on marine water quality. The submission is supported by F1033.932 and F1050.22 who each provide general support for the submitter, but opposed in the other further submissions for the reason that the Coastal Policy Statement is addressed in the Regional Coastal Environment Plan.

The NRRP applies to a specific part of the Canterbury Region. It does not overlap with the Regional Coastal Environment Plan but applies landward of the Coastal Marine Area. Therefore the plans complement each other, but retain separate objectives and provisions. The principles and policies of the Coastal Policy Statement specifically relate to the coastal environment and the Coastal Marine Area, and as the submitters in opposition state, these are addressed in the Regional Coastal Environment Plan. There is no need to duplicate these in the NRRP.

Chapter 4 does not permit the incremental degradation of the region's freshwater resources as suggested by the submitter. The provisions of Chapter 4 are quite specific and include maintaining existing natural state water quality of rivers, lakes and groundwater and enhancing water quality where it has been degraded.

For the reasons given above, the original submission and further submissions in support are rejected, the further submissions in opposition are accepted, and no amendment is necessary.

WQL1.51 Recommendation

515.10, F1033.932, F1050.22: Reject

F1001.65, F1015.189, F1016.189, F1043.3349, F1044.336 F1052.937, F1053.932: Accept

Amendment

Nil

4-8-28 4.3.2.2 Water Conservation Orders

4-8-28	470.10	Fish & Game New Zealand, Central S. Island, N. Canterbury & Nelson/ Marlborough*	Replace the second paragraph in 4.3.2.2 with: <i><u>"The Rakaia and Ahuriri River Conservation Orders recognise the outstanding amenity and intrinsic values of these waterways and provide a statutory framework for maintaining water quality and quantity. Under the Rakaia Conservation Order any discharge shall be substantially free from suspended solids, grease and oils. Other water quality standards must be met after reasonable mixing."</u></i>
	F1033.456	Rosalie and Jules Snoyink*	<i>Support</i>
	F1052.460	Eminence Investments Ltd.*	<i>Oppose</i>
	F1053.456	Ngai Tahu Ltd*	<i>Oppose</i>

Evaluations and reasons

470.10, F1033.456, F1052.460, F1053.456: the submitter, supported by F1033.456 wants the text in paragraph 2 of Section 4.3.2.2 Water Conservation Orders to be amended to reflect that the scope of the Water Conservation Orders on the Rakaia and Ahuriri Rivers is broader than controlling discharges. The further submitters in opposition provide no reasons other than being generally opposed to the submission. The submitter has proposed an amended paragraph.

The point raised is valid as, although the current text is intended to describe those provisions of the Orders relevant to Chapter 4, the scope of the Orders is broader than protecting water quality. The proposed amendment however includes detail of the content of the Orders which is not necessary to fulfil the function of this text. For these reasons, the submission, and further submission in support are accepted in part, the further submissions in opposition are rejected, and an amendment is required.

WQL1.52 Recommendation

470.10, F1033.456: Accept

F1052.460, F1053.456: Reject

Amendment

Refer to Recommendation WQL 1.54(2)

4-10-1 Table WQL4 Relationship between existing regional plans and water conservation orders and the Proposed NRRP Chapter 4

4-10-1	413.331	Waimate District Council*	Amend Table WQL4 and 4.8.9 to correct and remove any reference to the Transitional Regional Plan rules which are incorporated into the Waimakariri River Regional Plan and Ophi River Regional Plan as being of no effect once Chapter 4 of the NRRP becomes operative. Consider changing the Waimakariri and Ophi River Regional Plans to revise the rules relating to discharge to surface water to bring them in line with the NRRP.
4-10-1	476.37	Christchurch City Council*	Amend Table WQL4 to show that the NRRP provisions cover the Waimakariri River catchment and that the WRRP will be incorporated into NRRP Chapters 4-8.
	F1066.44	The Isaac Wildlife Trust and The Diana Isaac Wildlife Trust.*	<i>Support</i>
	F1067.20	Gillman Wheelans Ltd*	<i>Support</i>
	F1070.44	Clearwater Land Holdings Limited*	<i>Support</i>
	F1071.7	Canterbury Rowing Trust*	<i>Support</i>
	F1072.21	Calder Stewart Industries Limited*	<i>Support</i>
	F1073.21	Applefields Ltd*	<i>Support</i>
4-10-1	515.11	Department Of Conservation, Canterbury Conservancy*	Insert " <u>Rangitata Water Conservation Order</u> " into Table WQL4.
	F1033.933	Rosalie and Jules Snoyink*	<i>Support</i>
	F1043.3350	Canterbury Forest Industry Working Group.*	<i>Oppose</i>
	F1044.3337	Selwyn Plantation Board Ltd*	<i>Oppose</i>
	F1052.938	Eminence Investments Ltd.*	<i>Oppose</i>
	F1053.933	Ngai Tahu Ltd*	<i>Oppose</i>
4-10-1	518.22	Humbolt (Timberley) Ltd*	See submission point 413.331.
4-10-1	519.30	Lochnager Holdings Ltd*	See submission point 413.331.
4-10-1	520.25	Ngai Tahu Property Group Ltd*	See submission point 413.331.
4-10-1	521.23	Dairy Holdings Ltd*	See submission point 413.331.
4-10-1	522.25	Applefields Ltd*	See submission point 413.331.
4-10-1	523.25	Calder Stewart Limited*	See submission point 413.331.
4-10-1	524.25	Suburban Estates*	See submission point 413.331.
4-10-1	525.25	Gillman Ltd*	See submission point 413.331.
4-10-1	526.25	Aidanfield Holdings*	See submission point 413.331.
4-10-1	534.22	Clearwater Land Holdings Ltd*	See submission point 413.331.
4-10-1	535.22	The Isaac Wildlife Trust and The Diana Isaac Wildlife Trust*	See submission point 413.331.
4-10-1	537.23	Clearwater Hotel 2004 Limited*	See submission point 413.331.

4-10-1	538.23	Canterbury Land Trust*	See submission point 413.331.
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4-10-3A7 Existing regional plans or water conservation orders - Table WQL4

4-10-3A7	433.71	Glendore (New Zealand) Ltd*	Amend Table WQL4 to correct and remove any reference to the Transitional Regional Plan rules which are incorporated into the Waimakariri River Regional Plan and Opihi River Regional Plan, as having no effect once Chapter 4 of the NRRP becomes operative.
4-10-3A7	448.1	Waimakariri District Council*	Delete reference to the Proposed Waimakariri River Regional Plan, from Table WQL4 in the column headed "Existing..." and replace with the statement: " <u>The Canterbury Natural Resources Regional Plan: Variation 1 replaces the Waimakariri River Regional Plan</u> ". Or to like effect.
	F1040.25	Christchurch City Council.*	Support
4-10-3A7	515.12	Department Of Conservation, Canterbury Conservancy*	Delete the word "Proposed" from in front of "Waimakariri River Regional Plan".
	F1033.934	Rosalie and Jules Snoyink*	Support
	F1043.3351	Canterbury Forest Industry Working Group.*	Oppose
	F1044.3338	Selwyn Plantation Board Ltd*	Oppose
	F1052.939	Eminence Investments Ltd.*	Oppose
	F1053.934	Ngai Tahu Ltd*	Oppose

4-10-3B25 Relationship to Proposed NRRP Chapter 4 - Table WQL4

4-10-3B25	448.2	Waimakariri District Council*	Delete reference to the "Proposed Waimakariri River Regional Plan", from Table WQL4 in column headed "Relationship..." and replace with the statement: " <u>The Canterbury Natural Resources Regional Plan: Variation 1 replaces the Waimakariri River Regional Plan</u> ". Or to like effect.
	F1040.26	Christchurch City Council.*	Support

Evaluations and reasons

448.1, F1040.25; 476.37, F1066.44, F1067.20, F1070.44, F1071.7, F1072.21, F1073.21; 448.2, F1040.26: The submitters and further submitters request that the NRRP provisions be extended to apply in the Waimakariri River catchment, that the Waimakariri River Regional Plan be incorporated into NRRP, and Table WQL4 amended accordingly. The evaluation at 4-7-1 above is relevant and is repeated here.

The Waimakariri River Regional Plan is an operative plan. The provisions of the proposed NRRP cannot override the provisions of an operative plan. To avoid overlaps between operative regional plans and the NRRP, Environment Canterbury decided to let the operative plans have effect for the management of the activities controlled by the respective regional plans, but have the NRRP provisions apply within the areas of the regional plans for those activities that are not managed by the operative regional plan. For example, the Waimakariri River Regional Plan manages the quality and quantity of surface water in the Waimakariri River catchment, therefore, the NRRP provisions for the management of surface water quality and quantity do not apply in the Waimakariri River catchment. The provisions of the NRRP for groundwater quantity and quality, and land use controls to protect water quality, however, do apply in the

catchment because the Waimakariri River Regional Plan does not address them. Environment Canterbury, at some stage in the future, may decide to meld the other regional plans with the NRRP.

The decision requested is beyond the scope of submissions to the NRRP. For these reasons, the submission and further submissions in support are rejected and no amendment is required.

515.11, F1033.933, F1043.3350, F1044.3337, F1052.938, F1053.933: The original submitter and further submitter in support F1033.933, request that Table WQL4 is amended to include the Rangitata River Water Conservation Order. The submission is opposed by F1043.3350, F1044.3337, F1052.938, and F1053.933 but the reasons given - opposed to any increased regulatory control related to plantation forests, and the relief sought will impose more onerous obligations on landowners - are not relevant to the submission.

The Rangitata River Water Conservation Order came into force on 21 July 2006, therefore it is appropriate to include this in Table WQL4, and as a consequential change amend the text of Section 4.3.2.2. Including additional relevant information in the NRRP will not have the effects suggested by the further submitters. For these reasons, the submission is accepted, the further submissions are rejected and amendments are required.

413.331, 433.71, 518.22, 519.30, 520.25, 521.23, 522.25, 523.25, 524.25, 525.25, 526.25, 534.22, 535.22, 537.23, 538.23: The submitters seek to have the references to the Canterbury Transitional Regional Plan (CTRP) rules contained in the information in Table WQL4 relating to the Opihi River Regional Plan and Waimakariri River Regional Plan, corrected or removed as the CTRP rules will not have effect under these Plans once the NRRP becomes operative.

Table WQL4 describes the relationship between the NRRP, existing regional plans and water conservation orders and is written to reflect the relationship between the Proposed Plan and the other regional plans. Once the NRRP becomes operative some of these relationships may change and Table WQL4 in the operative NRRP should reflect the relationship that exists at that time. Table WQL4 is not clear when the provisions of the various regional plans apply. The clarity of the information contained in the Table could be improved. The CTRP permitted activity rules are “embedded” in the Opihi and Waimakariri Regional Plans identify that the CTRP rules apply in the area of each Plan. The NRRP cannot override those Plans or the CTRP. Once the rules of NRRP become operative Environment Canterbury is likely to withdraw the CTRP and change the Opihi River and Waimakariri River Regional plans accordingly, but this will not occur automatically. The information contained in these parts of Table WQL4 will continue to be relevant until any changes to other Regional Plans become operative. However the text in Table WQL4 is not correct in this respect, as it states that the CTRP provisions will continue in effect in the area of the Opihi River or Waimakariri River Regional Plan “until the regional rules in Chapter 4 become operative”. This should state “until the Transitional Regional Plan is withdrawn”. To the extent that the submitters sought to have Table WQL4 corrected, the submissions are accepted in part and amendments are required.

515.12, F1033.934, F1043.3351, F1044.3338, F1052.939, F1053.934: the submitter identifies that the Waimakariri River Regional Plan is now an operative plan, therefore the title “Proposed” is no longer correct for this plan. The submission is supported by F1033.934, and opposed by the other further submitters. No reason other than general support or opposition to the submission is provided by the further submitters.

The submitter is correct, as the Waimakariri River Regional Plan became an operative plan on 23 October 2004. For these reasons, the submission and further submission in support are accepted, the further submissions in opposition are rejected, and amendments are required. Consequential changes will also be required throughout NRRP.

WQL1.53 Recommendation

470.10, 515.11, 515.12, F1033.456, F1033.934: Accept

413.331, 433.71, 518.22, 519.30, 520.25, 521.23, 522.25, 523.25, 524.25, 525.25, 526.25, 534.22, 535.22, 537.23, 538.23: Accept in part

448.1, 448.2, 476.37, F1033.933, F1040.25, F1040.26, F1043.3350, F1043.3351, F1044.3337, F1044.3338, F1052.938, F1052.939, F1053.933, F1053.934, F1066.44, F1067.20, F1070.44, F1071.7, F1072.21, F1073.21: Reject

Amendment

1) Amend Table WQL4 page 4-10 as follows by deleting or inserting the text as shown and reordering the list of regional plans and water conservation orders: :

a) Table heading:

i) Amend the heading in the left cell as follows:
Existing regional plans ~~or~~ and water conservation orders

ii) Amend the heading in the right cell as follows:
Relationship to ~~Proposed~~ NRRP Chapter 4

b) Insert a new row 1.

i) In the new row 1 left cell, insert the following words:
Canterbury Transitional Regional Plan

ii) In the new row 1 right cell, insert the following sentences:

The regional rules of the Canterbury Transitional Regional Plan (CTRP) authorising as a permitted activity discharges to land and water, and land use controls on bores and hazardous substance storage continue to have effect throughout the Region until the Canterbury Transitional Regional Plan is withdrawn. Where an activity commences after the date of notification of Variation 1 of the NRRP and the activity is controlled by a rule in both the CTRP and the NRRP, both regional rules must be complied with.

c) Insert a new row 2.

i) In the new row 2 left cell, insert the following words:

Nelson Marlborough Transitional Regional Plan - Kaikoura District

ii) In the new row 1 right cell, insert the following sentences:

The regional rules of the Nelson Marlborough Transitional Regional Plan authorising a discharge to land and water as permitted activity continue to have effect in Kaikoura District until the Nelson Marlborough Transitional Regional Plan is withdrawn. Where an activity commences after the date of notification of Variation 1 of the NRRP and the activity is controlled by a regional rule in both the Nelson Marlborough Transitional Regional Plan and the Chapter 4 of the NRRP, both regional rules must be complied with.

d) In Row 3 (formerly Row 1), amend the right cell by:

i) deleting the sentence: ~~Any point source discharge into water, including permitted activities, must comply with the water quality standards of the Water Conservation Order in the area where the Order applies~~

ii) Inserting the following sentences:

The regional rules of the Canterbury Transitional Regional Plan and Chapter 4 of the NRRP, excluding those rules requiring a resource consent for a discharge to surface water, apply to a discharge to the waters identified in Clause (9) of the Order. Any point source discharge into surface water in the waters identified in Clause (9) of the Order that requires resource consent must comply with the water quality standards of the Water Conservation Order.

e) Insert a new row 4

i) In the new row 4, left cell, insert the following words:

Rangitata River Water Conservation Order

ii) In the new row 2, right cell, insert the following sentences:

The regional rules of the Canterbury Transitional Regional Plan and Chapter 4 of the NRRP, excluding those rules requiring a resource consent for a discharge to surface water, apply to a discharge to the waters identified in Clause (11) of the Order. Any point source discharge into surface water or hydraulically linked groundwater identified in Clause 11 of the Order that requires a resource consent must comply with the water quality standards of the Water Conservation Order.

e) In Row 5 (formerly Row 2), amend the right cell by:

i) Deleting the sentence: ~~Any point source discharge into water, including permitted activities, must comply with the water quality standards of the Water Conservation Order in the area where the Order applies.~~

ii) Inserting the following sentences

The regional rules of the Canterbury Transitional Regional Plan and Chapter 4 of the NRRP, excluding those rules requiring resource consent for a discharge to surface water, apply to a discharge to the “protected waters” identified in the Order. Any point source discharge into surface water in the “protected waters” that requires a resource consent must comply with the water quality standards of the Water Conservation Order.

f) In Row 6 (formerly Row 3), amend the right cell by:

- i) Deleting the sentence: ~~The provisions of Chapter 4 apply in the area covered by the Order.~~
- ii) Inserting the following sentence:

The regional rules of the Canterbury Transitional Regional Plan and Chapter 4 of the NRRP apply in Lake Ellesmere/Te Waihora.

f) In Row 7 (formerly Row 4), amend the right cell by:

- i) Deleting the sentences: ~~The provisions of Chapter 4 controlling discharges to groundwater, to land and land uses will apply in the area covered by the Opihi River Regional Plan. The provisions of Chapter 4 controlling discharges to surface water will not apply in this area. The provisions in the Transitional Regional Plan will continue in effect in the area of the Opihi River Regional Plan until the regional rules in Chapter 4 become operative.~~
- ii) Inserting the sentences:

The regional rules of the Canterbury Transitional Regional Plan and Chapter 4 of the NRRP authorising permitted activities, prohibiting or requiring a resource consent for a discharge to groundwater, or to land, and land uses apply in the area of the Opihi River Regional Plan. Regional rules of Chapter 4 of the NRRP requiring resource consent for a discharge to surface water do not apply in the area of the Opihi River Regional Plan.

g) In Row 8 (formerly Row 5),

- i) amend the left cell by deleting the word "Proposed":

ii) amend the right cell by deleting the sentences: ~~The provisions of Chapter 4 managing groundwater quality will apply in the area covered by the Waimakariri River Regional Plan. This includes most controls on discharges to land and groundwater and land use in Chapter 4. However, the provisions in Chapter 4 controlling discharges of contaminants to surface water or onto land within 20 metres of a surface water body or where contaminants may enter surface water will not apply. The provisions in the Transitional Regional Plan will continue in effect in the area of the Proposed Waimakariri River Regional Plan until the regional rules in Chapter 4 become operative.~~ and inserting the following sentences:

The regional rules of the Canterbury Transitional Regional Plan and Chapter 4 of the NRRP authorising permitted activities, prohibiting or requiring resource consent for a discharge to groundwater, or to land more than 20 metres from a surface water body, and land uses apply in the area of the Waimakariri River Regional Plan. Regional rules in Chapter 4 of the NRRP requiring a resource consent for a discharge of a contaminant to surface water, or onto land within 20 metres of a surface water body or where a contaminant may enter surface water, do not apply in the area of the Waimakariri River Regional Plan.

h) In Row 10 (formerly Row 6),

- i) amend the left cell by deleting the word "Proposed"

ii) amend the right cell, by deleting the words: ~~The provisions of Chapter 4 apply up to the boundary of the Coastal marine area~~ and inserting the following sentence:

The regional rules of the Canterbury Transitional Regional Plan authorising a discharge, and the provisions of Chapter 4 of the NRRP apply up to, but not beyond, the landward boundary of the Coastal-Marine Area.

i) In Row 11 (formerly Row 7), amend the sentence in the right cell as follows:

~~The provisions~~ regional rules of Chapter 4 of the NRRP ~~Chapter 4~~ controlling vegetation clearance and earthworks in riparian areas ~~will do not~~ apply in the area covered by the Land and Vegetation Management Regional Plan - Part I - Earthworks and vegetation clearance Kaikoura East Coast.

j) In Row 12 (formerly Row 8), amend the sentence in the right cell as follows:

The ~~provisions~~ regional rules of Chapter 4 of the NRRP Chapter 4 controlling vegetation clearance and earthworks in riparian areas ~~will~~ apply in the area covered by the Land and Vegetation Management Regional Plan Part II Earthworks and vegetation clearance- Port Hills.

k) In Row 13 (formerly Row 9),

i) Delete the left cell:

~~Proposed Land and Vegetation Management Regional Plan – Part III – South and Mid Canterbury~~

ii) Delete the right cell:

~~—The provisions of NRRP Chapter 4 controlling vegetation clearance and earthworks in riparian areas will apply in the area covered by the Land and Vegetation Management Regional Plan Part III – South and Mid Canterbury~~

l) In Row 14 (formerly Row 10),

i) Amend the left cell by deleting the word "Proposed"

ii) Amend the sentence in the right cell as follows:

The ~~provisions~~ regional rules of Chapter 4 of the NRRP Chapter 4 will apply in the area covered by ~~Proposed~~ Land and Vegetation Regional Plan - Part IV - Land Management Fires Canterbury Hill and High Country.

l) In Row 15 (formerly Row 11),

i) Delete the left cell: ~~Canterbury Transitional Regional Plan~~

ii) Delete the right cell:

~~The rules in the Transitional Regional Plan controlling discharges and land use controls on bores and hazardous substance storage will continue to have effect until the regional rules in Chapter 4 become operative.~~

m) In Row 16 (formerly Row 12),

i) Delete the left cell: ~~Nelson Marlborough Transitional Regional Plan – Kaikoura~~

ii) Delete the right cell:

~~The provisions in the Transitional Regional Plan will continue to have effect until the regional rules in Chapter 4 become operative~~

2) On page 4-8, section 4.3.2.2, " Water Conservation Orders",

i) Amend the first paragraph as follows: "Water Conservation Orders apply to the Rakaia, Rangitata and Ahuriri rivers and Lake Ellesmere/Te Waihora. ~~An application has been sought for a water conservation order on the Rangitata River.~~"

ii) Delete the second paragraph and replace with the following:

The Rakaia, Rangitata and Ahuriri River Water Conservation Orders identify outstanding characteristics and values of these water bodies and provide a statutory framework for maintaining water quantity and quality. These Orders set water quality standards for discharges to identified parts of these water bodies, including hydraulically linked groundwater under the Rangitata Water Conservation Order. Discharges cannot reduce the water quality below the relevant standards after reasonable mixing. Environment Canterbury must comply with the provisions of an order when including a rule in a regional plan or granting a discharge permit, and it cannot grant a resource consent for an activity that either itself or combined with the effects of other discharges would contravene the provisions of an order.

3) Consequential changes as a result of the amendment:

Amend all references in Chapter 4 of the NRRP to the Proposed Waimakariri River Regional Plan by deleting the word "Proposed".

4-11-7 4.3.4 Other policy documents

4-11-7	470.11	Fish & Game New Zealand, Central S.	Include in 4.3.4 Other policy documents: • Fish and Game management plans.
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		Island, N. Canterbury & Nelson/ Marlborough*	Regional Fish and Game management plans are statutory documents prepared under the requirements of s17 L-M of the Conservation Act 1987. The plans include policy objectives to manage the fresh water fisheries and gamebird habitat in the relevant Fish and Game region. • ANZECC guidelines 2000.
	F1033.457	Rosalie and Jules Snoyink*	<i>Support</i>
	F1052.461	Eminence Investments Ltd.*	<i>Oppose</i>
	F1053.457	Ngai Tahu Ltd*	<i>Oppose</i>
	F1074.36	Federated Farmers of NZ (Inc)*	<i>Oppose</i>
	F1076.80	Horticulture NZ (formerly NZ Vegetable & Potato Growers Federation Inc et al)*	<i>Oppose</i>
4-11-7	486.2	Te Runanga O Ngai Tahu.*	Refer in 4.3.4 to the following policy documents: <u>"The Te Taumutu Runanga Natural Resource Management Plan".</u> <u>"Te Whakatau Kaupapa - Resource Management Strategy for the Canterbury Region".</u> Insert reference to future iwi planning documents: <u>"Other papatipu runanga are in the process of developing iwi management plans. These plans will be taken into account in the Proposed NRRP as and when they are formally recognised by Te Runanga o Ngai Tahu as iwi planning documents."</u>
	F1043.1149	Canterbury Forest Industry Working Group.*	<i>Oppose</i>
	F1044.1149	Selwyn Plantation Board Ltd*	<i>Oppose</i>
4-11-7	559.3	Te Taumutu Runanga*	Include in 4.3.4 references to the Te Taumutu Runanga Natural Resources Management Plan.
4-11-7	563.14	Te Hapu O Ngati Wheke Rapaki Runanga Inc*	Support submission by Te Runanga o Ngai Tahu (refer 486).

Evaluations and reasons

470.11, F1033.457, F1052.461, F1053.457, F1074.36, F1076.80: The original submission supports the section provided it is amended to include reference to Fish & Game Management Plans and the Australian and New Zealand Guidelines for Fresh & Marine Water Quality (ANZECC 2000). Further submission F1033.457 is in support for the general reason that they wish to see a higher standard of water quality in lowland waterways. Further submissions F1052.461, F1053.457 are opposed for the general reasons that the relief sought by the submitter were likely to impose more onerous obligations on landowners and increase compliance costs. F1074.36 opposes the relief sought as it is not necessary that the NRRP make reference to management plans developed to maintain special interests. F1076.80 opposes the relief sought as the ANZECC 2000 guidelines are only guidelines and should not be included.

The purpose of Section 4.3.4 is to acknowledge the regional council's statutory obligations to have regard to other policy or planning documents prepared under; the RMA, other statutes, or recognised by an iwi authority and lodged with the Council, ((s.66 2A(a)) that might have a bearing on the management of water quality in the region. Fish & Game NZ are a statutory body established under the Conservation Act 1987, and although they represent game and sports fisheries users, they are required under the Conservation Act (s17L -M) to prepare a sports fish and game management plan. As these documents

have a bearing on the management of freshwater resources it is appropriate that they are cited in Section 4.3.4, with some amendments to the wording to be consistent with the style of the section.

The ANZECC guidelines, however, although of relevance to setting water quality standards and limits on discharges, are not promulgated under a specific statute and therefore should not be cited in this section. The ANZECC guidelines are also designed for use in both Australia and New Zealand, both quite different environments, and care is needed when applying them to local conditions.

The reasons put forward by the further submissions F1033.457, F1052.461, F1053.457 are of a general nature and do not relate directly to the particular relief being sought here.

For these reasons, submissions 470.11, F1033.457, are accepted in part, submissions F1052.461, F1053.457, F1074.36 are rejected, while F1076.80 is accepted, and an amendment is required.

486.2, F1043.1149, F1044.1149; 559.3, 563.14:

The original submissions asked for additional iwi management plans and a brief explanation to be included in Section 4.3.4, and for a statement about the Proposed NRRP recognising new iwi management plans. Further submissions F1043.1149, F1044.1149 opposed all parts of submission 486 on the grounds that an increase in regulatory control of activities related to plantation forests is not justified.

The submissions state that two iwi management plans, Te Whakatau Kaupapa and Te Taumutu Runanga Resource Management Plan are recognised by the iwi authority - Te Runanga o Ngai Tahu, and copies were lodged with the Council prior to the NRRP being notified. Te Whakatau Kaupapa has been superseded to some extent by the Ngai Tahu Freshwater Policy Statement, which sets out in more detail the iwi's position in relation to the management of freshwater resources, but Te Whakatau Kaupapa is still of relevance as it contains information on sites of significance. As these documents have a bearing on the management of freshwater resources and express the particular views of Ngai Tahu, it is appropriate that they are cited in this section.

The resource management plans being developed by other Papatipu Runanga were not completed and lodged with the Regional Council before the NRRP was notified. A reasonable amount of time is required to allow the Council to consider the documents and to consult, where necessary, with relevant parties under Schedule 1, Part 1(3) of the RMA. Therefore, resource management plans prepared after the NRRP was notified cannot be referred to in Chapters 4-8 as having been taken into account by the Regional Council as part of the plan preparation process.

The reasons advanced by the further submissions were very general and not relevant to this particular submission.

For these reasons, submission 559.3 is accepted, submissions 486.2 and 563.14 are accepted in part, while the further submissions F1043.1149, F1044.1149 are rejected, and an amendment is required.

WQL1.54 Recommendation

559.3, F1076.80: Accept

470.11, 486.2, 563.14, F1033.457: Accept in part

F1043.1149, F1044.1149, F1052.461, F1053.457, F1074.36: Reject

Amendment

1) On page 4-11, Section 4.3.4 "Other Policy documents", after clause (a) insert the following, and renumber the other clauses accordingly:

(b) The Te Taumutu Runanga Natural Resource Management Plan - this document is an expression of the kaitiakitanga of Te Taumutu Runanga over the natural resources within their rohe.

(c) Te Whakatau Kaupapa - Resource Management Strategy for the Canterbury Region - this document expresses many of the resource management concerns and aspirations of Ngai Tahu for the Canterbury Region.

2) On page 4-11, Section 4.3.4 "Other Policy documents", after original clause (e) insert the following:

(h) Sports fish and game management plans prepared under the Conservation Act 1987 by Nelson-Marlborough Fish and Game, North Canterbury Fish and Game, or Central South Island Fish and Game. The plans establish objectives and policies to manage the freshwater sports fisheries and game bird habitat in the relevant Fish and Game region.

4-11-28 4.4 Resource Management issues

4-11-	515.13	Department Of	Retain section 4.4.
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28		Conservation, Canterbury Conservancy*	
	F1033.935	Rosalie and Jules Snoyink*	<i>Support</i>
	F1043.3352	Canterbury Forest Industry Working Group.*	<i>Oppose</i>
	F1044.3339	Selwyn Plantation Board Ltd*	<i>Oppose</i>
	F1052.940	Eminence Investments Ltd.*	<i>Oppose</i>
	F1053.935	Ngai Tahu Ltd*	<i>Oppose</i>
4-11-29	257.20	Upper Waitaki Branch Federated Farmers Of New Zealand Inc*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.10).
4-11-29	289.35	North Bank Land Owners Group*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.10).
4-11-29	290.43	W & S Cameron*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.10).
4-11-29	506.10	Hugh Turnbull*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.10).
4-11-29	586.10	Federated Farmers NZ Inc - Canterbury Provinces*	Amend the second sentence, section 4.4, to read: " <i>The quality of water is somewhat reflective of the state of the region's environment</i> ".
	F1043.1493	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.1493	Selwyn Plantation Board Ltd*	<i>Support</i>
	F1057.35	Winstone Aggregates.*	<i>Support</i>
4-11-29	669.8	South Island High Country Section, Federated Farmers NZ*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.10).
4-11-34	257.21	Upper Waitaki Branch Federated Farmers Of New Zealand Inc*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.11).
4-11-34	289.36	North Bank Land Owners Group*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.11).
4-11-34	290.44	W & S Cameron*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.11).
4-11-34	506.11	Hugh Turnbull*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.11).
4-11-34	586.11	Federated Farmers NZ Inc - Canterbury Provinces*	Amend the second paragraph, section 4.4, to read: " <i>Water quality and aquatic ecosystems can be affected by ...</i> "
	F1043.1494	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.1494	Selwyn Plantation Board Ltd*	<i>Support</i>

4-11-34	669.9	South Island High Country Section, Federated Farmers NZ*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.11).
4-11-37	257.22	Upper Waitaki Branch Federated Farmers Of New Zealand Inc*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.12).
4-11-37	289.37	North Bank Land Owners Group*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.12).
4-11-37	290.45	W & S Cameron*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.12).
4-11-37	506.12	Hugh Turnbull*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.12).
4-11-37	586.12	Federated Farmers NZ Inc - Canterbury Provinces*	Amend section 4.4(b) by inserting a new sentence to read: " <u>Non-point source discharges also occur as a result of natural processes, and it can be difficult to distinguish between natural and man-made discharges. It also raises the issue of whether or not discharges as a result of natural processes should be referred to as 'contaminants'.</u> "
	F1032.45	Royal Forest and Bird Protection Society - Ashburton Branch*	<i>Oppose</i>
	F1043.1495	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.1495	Selwyn Plantation Board Ltd*	<i>Support</i>
4-11-37	669.10	South Island High Country Section, Federated Farmers NZ*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.12).

Evaluations and reasons

257.20, 289.35, 290.43, 506.10, 586.10, F1043.1493, F1044.1493, F1057.35; 669.8: The submitters request that Section 4.4 paragraph 1, second sentence be amended so that it does not imply that the quality of water is the only indicator of the state of the region's environment. The submitters suggest the word "reflects" is replaced with "is somewhat reflective of". The further submitters are in support of 586.10, but no additional reasons are provided.

The quality of the region's water is one of the indicators of the state of the region's environment, along with the quality of other natural resources and ecosystems. Therefore it is more accurate, and definite, to state, "The quality of water is one of the indicators of the state of the region's environment". Therefore the submissions and further submissions are accepted in part, and an amendment is necessary.

257.21, 289.36, 290.44, 506.1, 586.11, F1043.1494, F1044.1494; 669.9: The submitters request that the Section 4.4 paragraph 2 first sentence be amended to remove the word "natural" because the term "natural water quality" is perceived as "vague and misleading in the context of the region".

This section of Chapter 4 describes those activities that affect water quality and ecosystems, whether the quality is "natural" or already affected by human activities. The term "natural" in this context does not fully reflect the range of water quality that is to be managed by Chapter 4. For this reason the submissions and further submissions are accepted and an amendment is required.

257.22, 289.37, 290.45, 506.12, 586.12, F1032.45, F1043.1495, F1044.1495; 669.10: The submitters express concerns that Section 4.4 paragraph 2 Clause (b) only refers to non-point source discharges that

are caused by human activities, and does not recognise that there are natural processes that result in non-point source discharges that may be indistinguishable from those resulting from human activities. Further submissions F1043.1495 and F1044.1495 support the submission, but no additional reasons are given. F1032.54 opposes the submission for the reason that non-point source contaminants are from human activities, not the result of natural processes.

There is no disagreement that natural processes affect water quality and these characterise the ambient “natural” quality of the water. These natural processes are not a discharge of contaminants that falls within the context of the RMA and Chapter 4. It is possible that natural processes and human activities result in the same effects on water quality e.g. geothermal springs can produce water with high concentrations of heavy metals similar to those found in industrial manufacturing waste streams. The difference in effects comes about from the long-term adaptation by ecosystems to natural water quality, compared to changes in ecosystems resulting from discharges to ‘unprepared’ water environments.

Differentiating between natural and human effects requires information about natural processes and the effects resulting from human activities, and about the consequences of changes in land and water use. The terms “discharge” and “contaminant” are each defined in the RMA to be associated with human actions, not natural processes. “Discharge” means “emit, deposit or allow to escape” while a contaminant is a substance that, when discharged, changes the physical or biological character of the water. The NRRP sets out to manage the impact of human activities on the quality of the region’s fresh water resources. The distinction that the submitters and further submitters in support seek is not necessary in the context of the NRRP. For this reason the submission and further submissions in support are rejected, the further submission in opposition is accepted and no amendment is required.

515.13, F1033.935, F1043.3352, F1044.3339, F1052.940, F1053.935: The submitter and F1033.935 in support seek to retain Section 4.4 Resource Management Issues. The other further submitters oppose the entire original submission, but no specific reason is given for the opposition to this provision. Other submitters have sought amendments to this section and some of these have been accepted. Therefore it is recommended that the section be amended, although the intent of the section is retained. For this reason the submission and further submission in support are accepted in part, and the further submissions in opposition are rejected, and no amendment is required.

WQL1.55 Recommendation

257.22, 289.37, 290.45, 506.12, 586.12, 669.9, 669.10, F1043.1495, F1043.3352, F1044.1495, F1044.3339, F1052.940, F1053.935: Reject

257.21, 289.36, 290.44, 506.11, 586.11, 669.8, F1032.54, F1043.1494, F1044.1494: Accept

257.20, 289.35, 290.43, 506.10, 515.13, 586.10, F1033.935, F1043.1493, F1044.1493, F1057.35: Accept in Part

Amendment

1) On page 4-11, amend Section 4.4, paragraph 1, second sentence as follows:
“The quality of water ~~reflects~~ is an indicator of the state of the region’s environment.”

2) On page 4-11, amend Section 4.4, paragraph 2, first sentence as follows:
“~~Natural~~ Water quality and ecosystems can be affected by:...”

4-12-32 4.4.1 Principal types of contaminants

4-12-32	565.57	Ashburton District Council*	Amend section 4.4.1 to include recognition of that nitrate contamination is an indicator of more serious contamination.
	F1076.81	Horticulture NZ (formerly NZ Vegetable & Potato Growers Federation Inc et al)*	<i>Oppose</i>
4-12-32	572.17	Ravensdown Fertiliser Co-Operative Ltd*	Amend section 4.4.1 to clearly identify what the regionally significant water quality issues are in relation to contaminants, where these issues are clearly prevalent, what activities (if any) are causing or contributing to the issue, and then develop a targeted approach to control these activities and manage the adverse

			environmental effects.
	F1074.38	Federated Farmers of NZ (Inc)*	<i>Support</i>
4-13-2	257.23	Upper Waitaki Branch Federated Farmers Of New Zealand Inc*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.13).
4-13-2	289.38	North Bank Land Owners Group*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.13).
4-13-2	290.46	W & S Cameron*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.13).
4-13-2	506.13	Hugh Turnbull*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.13).
4-13-2	586.13	Federated Farmers NZ Inc - Canterbury Provinces*	Delete the last sentence of the first paragraph of section 4.4.1(b) that begins: " <i>High nitrate concentrations are...</i> "
	F1020.202	Water Rights Trust*	<i>Oppose</i>
	F1043.1496	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.1496	Selwyn Plantation Board Ltd*	<i>Support</i>
	F1076.82	Horticulture NZ (formerly NZ Vegetable & Potato Growers Federation Inc et al)*	<i>Support</i>
4-13-2	669.11	South Island High Country Section, Federated Farmers NZ*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.13).

Evaluations and reasons

257.23, 289.38, 290.46, 506.13, 586.13, F1020.202, F1043.1496, F1044.1496, F1076.82; 669.11:

Submission 586.13 opposes the last sentence in Section 4.4.1 (b) because recent research casts doubt over the link between nitrate concentrations and methaemoglobinemia. Submissions 257.23; 289.38; 290.46; 506.13; 669.11 support submission 586.13 but provided no additional reasons on this point. Further submission F1020.202 opposes submission 586.13 claiming it misrepresents the truth and it is necessary to recognise the risk associated with these contaminants. Further submissions F1043.1496, F1044.1496 support submission 586.13 for the reasons stated by the submitter. Further submission F1076.82 supports Submission 586.13 on the basis it provides balance to the section.

The last sentence in Section 4.4.1 (b) referring to the health risk for livestock and humans is a factual statement reflecting that guidelines have been established for nitrate concentrations in human and animal drinking water. The nitrate limits for livestock are based on the Australian and New Zealand Guidelines for Fresh & Marine Water Quality (ANZECC 2000). The maximum allowable concentrations for nitrate-nitrogen in human drinking water are established in the Ministry of Health Drinking Water Standards and apply throughout New Zealand. These standards were first published in 1995 and updated in 2000. The current Standards were published in 2005. Each revision of the standards involves a review of the relevant scientific literature on the health risks to humans from particular contaminants. The maximum allowable concentrations for nitrate-nitrogen were established in the 1995 Standards and have remained essentially unchanged in subsequent revisions of the Standards. It is not a role of the regional council to justify the particular values set in these Standards.

For these reasons the submissions and further submission in support are rejected while further submission F1020.202 is accepted, and no amendment is required.

565.57, F1076.81: The original submitter opposes Section 4.4.1(b) because it fails to recognise that nitrate is an indicator of contamination from animal blood and body wastes and the section should not only focus on health risks to infants as this risk is extremely limited. Further submission F1076.81 opposes the submission because the use of nitrate levels as an indicator of contaminants needs to be justified by science.

Nitrate contamination of water can arise from a wide range of sources, such as septic tank discharges, cultivation of land, animal dung and urine, spreading of effluent, industrial waste discharges, and excessive applications of fertiliser. The relationship between nitrate concentrations and the presence of other contaminants has not been established. High concentrations of nitrate can, by themselves, have adverse effects on the health of humans and livestock.

The last sentence in Section 4.4.1(b) referring to the health risk for livestock and humans reflects that water quality guidelines for nitrate-nitrogen have been established for human and animal health. The nitrate concentration limits for livestock and human drinking water are set by the Australian and New Zealand Guidelines for Fresh & Marine Water Quality (ANZECC 2000), and the Ministry of Health "Drinking Water Standards for New Zealand 2005" respectively. The maximum allowable values for humans are based on a scientific assessment of the health risk, and are set by the Ministry of Health. State of Environment monitoring by Environment Canterbury shows that elevated nitrate concentrations occur in surface and groundwater in many parts of the region. For the reasons set out above, submission 565.7 is rejected and F1076.81 is accepted in part, but no amendment is required.

572.17, F1074.38: The original submitter considers that the Sections 4.4.1 and 4.4.2 do not clearly identify regionally significant water quality issues, the causes and the activities that contribute to the issues. Further submission F1074.38 is in support for the reasons given by the submitter.

The purpose of the introductory sections to Chapter 4 is to assist users of the plan by providing a general, but brief, overview of the resource management framework and the principal water quality issues. More detailed information on these issues can be found in the various technical reports, many of which have been produced by ECan, and are referenced in the Section 32 report for Chapter 4.

A role of the regional plan is to address past, present and future adverse effects on natural resources so that ECan will fulfil its functions under the RMA. Although many of the region's water bodies still have high quality water they are under pressure because of land use intensification, and one of the functions of Chapter 4 is to protect these water bodies so that they can continue to be used for a wide range of soil, economic and ecological purposes.

The adverse effects of a discharge from a discrete activity are generally well understood and the changes in the receiving water quality can be monitored relatively easily, but the relative contribution from multiple diffuse sources, especially on groundwater quality, is difficult to assess. The approach in Chapter 4 is to address and manage all sources of contaminants, not just because of the impacts on the environment, and the statutory restrictions imposed on discharges by the RMA.

Each issue in NRRP is clearly described, followed by an objective that states the outcomes to be achieved, and clearly targets the elements of the issue being addressed. These objectives, which are often quite precisely described, are followed by the policies that specify what is going to be done, and the rules and other methods to implement the policy. Policies, rules and schedules are often very resource and/or area specific. For example each groundwater zone is area specific and are defined by boundaries, the nitrate zones are mapped, and the catchments that are in a natural state are clearly identified. The RMA does not use the words "regionally significant resource management issues", instead in Section 67 it merely states that a regional plan may state "the issues that the plan seeks to address". Of note, it is no longer mandatory to specify the issues in a regional plan.

For the reasons set out above, submissions are rejected and no amendment is required.

WQL1.56 Recommendation

F1020.202: Accept

257.23, 289.38, 290.46, 506.13, 565.57, 572.17, 586.13, 669.11, F1043.1496, F1044.1496,

F1076.81: Accept in part

F1074.38, F1076.82: Reject

Amendment

Nil

4-14-3 4.4.2 Surface water quality

4-14-3	572.18	Ravensdown Fertiliser Co-Operative Ltd*	Amend section 4.4.2 to clearly identify what the regionally significant water quality issues are in relation to contaminants, where these
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			issues are clearly prevalent, what activities if any are causing or contributing to the issue, and then develop a targeted approach to control these activities and manage the adverse environmental effects.
	F1074.40	Federated Farmers of NZ (Inc)*	<i>Support</i>

Evaluations and reasons

572.18, F1074.40: The original submitter considers that the Sections 4.4.1 and 4.4.2 do not clearly identify regionally significant water quality issues, their causes and the activities that contribute to the issues. Further submission F1074.40 was in support for the reasons given by the submitter. The purpose of the introductory sections to Chapter 4 is to assist users of the plan by providing a general, but brief, overview of the resource management framework and the principal water quality issues. More detailed information on these issues can be found in the various technical reports, many of which have been produced by ECan, and are referenced in the Section 32 report for Chapter 4. A role of the regional plan is to address past, present and future adverse effects on natural resources so that ECan will fulfil its functions under the RMA. Although many of the region's water bodies still have high quality water they are under pressure because of land use intensification, and one of the functions of the Chapter is to protect these water bodies so that they can continue to be used for a wide range of soil, economic and ecological purposes.

Each issue in NRRP is clearly described, followed by an objective that states the outcomes to be achieved, and clearly targets the elements of the issue being addressed. These objectives, which are often quite precisely described, are followed by the policies that specify what is going to be done, and the rules and other methods to implement the policy. Policies, rules and schedules are often very resource and/or area specific. For example each groundwater zone is area specific and well defined spatially, the nitrate zones are mapped, and the catchments that are natural state are clearly identified. The RMA does not use the words "regionally significant resource management issues", instead in Section 67 it merely states that a regional plan may state "the issues that the plan seeks to address". Of note, it is no longer mandatory to specify the issues in a regional plan.

The adverse effects of a discharge from a discrete activity are generally well understood and the changes in the receiving water quality can be monitored relatively easily, but the relative contribution from multiple diffuse sources, especially on groundwater quality, is difficult to assess. The approach in Chapter 4 is to address and manage all sources of contaminants, not just because of the impacts on the environment, and the statutory restrictions imposed on discharges by the RMA. For these reasons the submissions are rejected and no amendment is required.

WQL1.57 Recommendation

572.18, F1074.40: Reject

Amendment

Nil

4-14-4 4.4.2.1 Rivers

4-14-4	55.5	Avon Heathcote Estuary Ihutai Trust*	Provide further and strengthened description of environmental risks for urban rivers, in section 4.4.2.1.
	F1040.27	Christchurch City Council.*	<i>Support</i>
4-14-4	476.38	Christchurch City Council*	Amend section 4.4 to include descriptions of urban rivers similar to other river descriptions.
4-14-4	529.2	Selwyn Plantation Board Ltd*	Amend section 4.4.2.1 to clarify whether plantation forest is intended to be included in the term "agriculture".
	F1043.971	Canterbury Forest Industry Working Group.*	<i>Support</i>
4-14-4	544.24	Meridian Energy Ltd*	Amend 4.4.2.1 Rivers to acknowledge that

			the water quality of rivers is also influenced and affected by naturally occurring processes such as effects from erosion, and naturally occurring run-off that result in an inherent natural or background variability of water quality.
	F1001.142	Trustpower Ltd*	<i>Support.</i>
	F1015.50	Irrigator Forum*	<i>Support.</i>
	F1016.50	Rangitata Diversion Race Management Limited*	<i>Support.</i>
	F1027.17	Matariki Forests*	<i>Support</i>
	F1042.228	NZ Forest Owners Assn*	<i>Support</i>
	F1043.3762	Canterbury Forest Industry Working Group.*	<i>Oppose</i>
	F1044.3749	Selwyn Plantation Board Ltd*	<i>Oppose</i>
	F1053.1357	Ngai Tahu Ltd*	<i>Support</i>
	F1066.70	The Isaac Wildlife Trust and The Diana Isaac Wildlife Trust.*	<i>Support</i>
	F1067.41	Gillman Wheelans Ltd*	<i>Support</i>
	F1068.37	Glendore (NZ) Ltd*	<i>Support</i>
	F1069.35	Dairy Holdings Ltd*	<i>Support</i>
	F1070.70	Clearwater Land Holdings Limited*	<i>Support</i>
	F1072.42	Calder Stewart Industries Limited*	<i>Support</i>
	F1073.42	Applefields Ltd*	<i>Support</i>
	F1074.39	Federated Farmers of NZ (Inc)*	<i>Support</i>
	F1089.55	Waimate District Council.*	<i>Support</i>

Evaluations and reasons

55.5, F1040.27; 476.38: The original submitter supports this section in part, but seeks more detailed information on urban rivers including the the environmental risk to , in particular the vulnerability of spring-fed rivers e.g. the Avon and the Heathcote rivers. F1040.27 supports the relief sought by the submitter.

In Chapter 4, urban rivers are classified in Table WQL5 and Schedule WQL1, but description of the river type is omitted from in Section 4.4.2.1 and in the more general descriptions of water body types in Table WQL 15, in Appendix WQL1. Therefore, to be consistent, it is appropriate that a brief description of urban rivers is added to Section 4.2.1, and as a consequential change, a new category is inserted in Table WQL 15 in Appendix WQL1. Consequential amendments are also required. For the reasons set out above, the submissions are accepted and an amendment is required.

529.2, F1043.971: The original submission seeks clarification as to whether the term ‘agriculture’ in the first paragraph of section 4.4.2.1 and second paragraph on page 4-15, includes “plantation forestry”. Further submission F1043.971 is in support but provides no additional reasons.

The list of human and natural sources of contaminants in the first paragraph of Section 4.4.2.1 illustrates that there are multiple sources of contaminants that can cause individual and cumulative adverse effects on river water quality. This is not intended to provide a complete list of contaminant sources or to serve as a definition. Whether some human activities or other natural sources should be included or excluded can be avoided by amending the last part of the sentence.

In the second paragraph, on page 4-15, the term “agricultural practices” refers to the predominant land use occurring in the catchments where herbicides were detected. The explanation identifies a possible source of the herbicides. This is intended to be read in its general sense, and not to identify or exclude any particular land use activity. For the reasons set out above, the submissions are accepted in part and an amendment is required.

544.24, F1001.142, F1015.50, F1016.50, F1027.17, F1042.228, F1043.3762, F1044.3749, F1053.1357, F1066.70, F1067.41, F1068.37, F1069.35, F1070.70, F1072.42, F1073.42, F1074.39, F1089.55: The

original submission generally supports the section provided it is amended to acknowledge the influence of natural processes on water quality.

Further submissions F1001.142, F1015.50, F1016.50, F1027.17, F1042.228, F1066.70, F1067.41, F1068.37, F1069.35; F1070.70, F1072.42, F1073.42, F1074.39, F1089.55 are in support stating that the section fails to, and should, recognise the influence of natural processes on water quality. F1043.3762 F1044.3749 are opposed, but the reasons given are not relevant to the submission point. F1053.1357 is in support for the general reasons that the proposed amendment would take into account all relevant interests, provide a more appropriate balance between environmental protection and social and economic considerations, and a flexible case by case approach to assessing resource consent applications.

The purpose of the introductory sections to Chapter 4 is to give plan users a brief overview of the principal water quality issues in the region, not to provide a comprehensive description of the quality of the region's water resources. The sequence of the introductory section commences with a brief account of the physical characteristics of the region's water resources, followed by a summary of the planning framework, and a description of the resource management issues.

Section 4.2 and Tables WQL 1, WQL 2 and WQL 3 briefly describe the principal factors that determine the general water quality of the region's major water body types. Section 4.4 describes the resource management issues facing the region from a water quality perspective, providing a background for Issues WQL1, WQL 2 and WQL 3. Section 4.4.2.1 discusses the impacts of human activities on lakes in more detail.

As the natural changes in water quality and the contributions from natural sources are already summarised in Section 4.2 there is little benefit in repeating the same information in Section 4.4, however some additional information on the natural variability in water quality and the background sources of contaminants could be added to Table WQL1, which would meet the submitters' concerns. For these reasons, the submissions are accepted in part, except for submissions F1043.3762 and F1044.3749 which are rejected. F1053.1357 is accepted in part but not for the reasons given. An amendment is required.

WQL1.58 Recommendation

55.5, F1040.27; 476.38: Accept
 529.2, 544.24, F1001.142, F1015.50, F1016.50, F1027.17, F1042.228, F1043.971, F1053.1357, F1066.70, F1067.41, F1068.37, F1069.35, F1070.70, F1072.42, F1073.42, F1074.39, F1089.55: Accept in part
 F1043.3762, F1044.3749: Reject

Amendment

- 1) On page 4-15, insert, before the last paragraph of Section 4.4.2.1, the following new paragraph:
Streams and rivers draining urban catchments generally have poor water quality as a result of stormwater discharges and runoff from impervious surfaces, such as roads and paved areas. Catchments with predominately industrial or commercial land uses tend to have poorer water quality compared with predominately residential areas. A variety of contaminants are found in stormwater including; sediment, micro-organisms, heavy metals, e.g. zinc and copper, hydrocarbons, pesticides and litter. The highest concentration of contaminants generally occurs in the "first flush" of stormwater after a dry period. Some contaminants, e.g. hydrocarbons and heavy metals, slowly accumulate in the sediments of a river or estuary eventually resulting in concentrations that can exceed sediment and water quality guidelines. Land development for urban use can generate very high concentrations of sediment in run-off to waterways, after the vegetation cover is removed and the land surface is reshaped. Loess soils, e.g. soils on Banks Peninsula, are particularly susceptible to erosion. As catchments become urbanised, increased run-off causes greater flood flows, and increased river bank erosion that also contributes sediment until the streams and rivers adjust to the new flow regime. It may take many years for the catchment to stabilise and for the accumulated sediment to be flushed from the waterways.
- 2) On page 4-15, Section 4.4.2.1, 6th paragraph:
 - a) 3rd to last sentence from the end of the paragraph, delete:
~~and urban land uses~~
 - b) 2nd to last sentence from the end of the paragraph, delete:
~~stormwater systems~~
- 3) As consequential changes, insert, below the row "lake fed" river type, the following new row into Table WQL 15 in Appendix WQL1, Chapter 4, page 4-257, and Table WQN 8 in Appendix WQN1, Chapter 5, page 5-207:

River type	Morphology	Hydrological characteristics	River mouths	Biological communities	Instream values
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<u>Urban rivers e.g. Avon and Heathcote</u>	<u>River morphology reflects the underlying river type - volcanic, lowland, hill or upper plains. Reaches may have been straightened, deepened or channelised - straight channel with regular cross-section. Weirs or drop structures may be present. Fine sediment substrate now often predominates compared to pre-development conditions. Small incipient channels, or tributaries in headwaters may be lost as a result of urban development.</u>	<u>Flow regime modified depending on proportion of urbanised catchment. Rapid changes in flows. Flood peaks higher and steeper, and lower base flows compared to similar non-urban catchments. Generally poor water quality, particularly during rainfall, with high concentrations of sediment, nutrient and chemical contaminants. High sediment load during development of land in the catchment.</u>	<u>Rivers may flow into estuaries e.g Avon-Heathcote estuary/lhutai, or lagoons e.g. Washdyke Lagoon, or join alpine or hill rivers.</u>	<u>Biological diversity low, dominated by a few species. Fish: common bully, smelt, inanga, giant bully, short-fin eel, occasional brown trout, Invertebrate diversity depends on sediment substrate. In fine sediments, the community is dominated by worms, snails and midge larvae. Plant communities: predominantly exotic species in the bed and on the margins. Marcophytes and emergent plants in slow flowing reaches. Bird diversity is low, mostly waterfowl.</u>	<u>Highly modified landscape and built environment - the level of naturalness is low. The presence of a river and flowing water contributes to recreation and amenity values. Important recreation values, include canoeing, rowing, walking.</u>
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4) As a consequential change, amend the row “Lowland river” types in Table WQL 15 Appendix WQL1, Chapter 4, page 4-257 and Table WQN 8, Appendix WQN1, Chapter 5, page 5-207 as follows:

a) From the column ‘River Type’ delete:

~~Avon, Heathcote~~

b) From the column -“morphology”, delete:

~~Some reaches are channelised – straight channel with regular section.~~

c) From the column - “Hydrological characteristics” delete:

~~Urban areas have poor water quality particularly during rainfall, with high concentrations of sediment, nutrient and chemical contaminants.”~~

d) From the column - “Instream values”, delete:

~~especially in urban areas~~

5) On page 4-14, Section 4.4.2.1, first sentence, delete:

~~geological sources, agriculture, waterfowl, drainage systems, and urban land uses~~

and replace with the following words:

“...natural sources, such as the catchment geology and river birds, and as a result of non-point and point source discharges from human activities.”

6) On page 4-5, amend Section 4.2.1: Table WQL 1, “Water quality characteristics of the major river types in Canterbury” as follows:

a) In the row labelled: “Alpine sourced rivers”, delete the text in the right hand cell and replace with the following:

“Large flows of high quality water. High suspended solids and sediment load as a result of active erosion in the Southern Alps. High turbidity in glacial fed rivers. Frequent floods disturb river ecosystems, with fine sediments deposited on river beds as flood flows decline, but these may be re-suspended by subsequent floods. River beds comprise gravel, sand and cobbles. Very low concentrations of nutrients and toxic contaminants. Concentrations of faecal coliforms and nutrients increase in the lower reaches. Colonies of birds in river beds are a source of faecal coliforms. Cool water temperatures and frequent floods reduce susceptibility to the effects of nutrient enrichment. e.g excessive plant growth.”

b) In the row labelled: "Hill country sourced rivers", delete the text in the right hand cell and replace with the following:

"Generally reasonable water quality. Frequent floods disturb river ecosystems, with fine sediments deposited on river beds as flood flows decline, but these may be re-suspended by subsequent floods. River beds comprise gravel, sand and cobbles in greywacke catchments, and finer sediments (silts and muds) in catchments with soft sedimentary rocks. Nutrient loads depend on catchment geology and land use. Very low concentrations of nutrients and toxic contaminants from catchments with greywacke sediments, but higher nutrient concentrations from catchments with soft sedimentary rocks. Faecal coliform concentrations may be high and may show little variation along the length of a river. Colonies of birds in river beds are a source of faecal coliforms."

d) In the row labelled: "Lake-sourced rivers", in the right hand cell, delete the two sentences after the words "stable flows" replace with the following:

"Water quality of the river strongly influenced by the water quality of the source lake. Most sediments are retained in the source lake."

e) In the row labelled: "Rivers of the upper plains, inland basins and river valleys", delete the text in the right hand cell and replace with the following:

"Small rivers, which are predominantly fed by seepages and springs. Located in inland parts of Canterbury. Clean gravel beds. Very low concentrations of nutrients and toxic contaminants from catchments with greywacke sediments or alluvium. Concentrations of nutrients and faecal coliforms vary between rivers reflecting the type and intensity of land use in the catchment. Water clarity is generally good. Low capacity to assimilate contaminants."

f) In the row labelled: "Lowland rivers", delete the text in the right hand cell and replace with the following:

"Small rivers, usually spring fed on the lower plains and coastal areas. Water clarity is generally high in many reaches of these water bodies. Low suspended solids and sediment load. Stable flow regime, limited capacity to move sediments. Under natural conditions, clean gravel beds. High concentrations of nutrients and faecal coliforms. Flocks of water fowl and livestock in waterways are a source of faecal coliforms. Outflow of groundwater via springs may enrich surface water. Low capacity to assimilate contaminants."

f) In the row labelled: "Volcanic rivers", amend the right hand cell by:

i) inserting, after the words "Water clarity is high.", the following sentence: "River bed comprises volcanic rock, but in the lower reaches fine sediments (sands, silts and muds) predominate.

ii) adding to the end of the last sentence after "... volcanic rocks" the words "...and soils"

4-15-14 4.4.2.2 Lakes

4-15-14	544.25	Meridian Energy Ltd*	Amend the discussion under 4.4.2.2 Lakes to acknowledge that water quality in lakes is also influenced and affected by naturally occurring process such as effects from erosion, naturally occurring run-off and in-flows that result in an inherent natural or background variability of water quality.
	F1001.143	Trustpower Ltd*	<i>Support.</i>
	F1015.51	Irrigator Forum*	<i>Support.</i>
	F1016.51	Rangitata Diversion Race Management Limited*	<i>Support.</i>
	F1043.3763	Canterbury Forest Industry Working Group.*	<i>Oppose</i>
	F1044.3750	Selwyn Plantation Board Ltd*	<i>Oppose</i>
	F1053.1358	Ngai Tahu Ltd*	<i>Support</i>
	F1066.71	The Isaac Wildlife Trust and The Diana Isaac	<i>Support</i>

		Wildlife Trust.*	
	F1067.42	Gillman Wheelans Ltd*	Support
	F1068.38	Glendore (NZ) Ltd*	Support
	F1069.36	Dairy Holdings Ltd*	Support
	F1070.71	Clearwater Land Holdings Limited*	Support
	F1072.43	Calder Stewart Industries Limited*	Support
	F1073.43	Applefields Ltd*	Support
	F1074.41	Federated Farmers of NZ (Inc)*	Support
	F1089.56	Waimate District Council.*	Support

Evaluations and reasons

544.25, F1001.143, F1015.51, F1016.51, F1043.3763 F1044.3750, F1053.1358, F1066.71, F1067.42, F1068.38, F1069.36, F1070.71, F1072.43, F1073.43, F1074.41, F1089.56: The original submission generally supports this section provided it is amended to acknowledge the influence of natural processes on water quality.

Further submissions F1001.143, F1015.51, F1016.51 are in support as the section fails to recognise the influence of natural processes on water quality.

F1043.3763, F1044.3750 are opposed for the general reason that any increase in regulatory control of activities related to plantation forestry is unnecessary, inconsistent with the RMA or not supported by scientific evidence. This reason is not relevant to the submission point.

F1053.1358 is in support for the general reasons that the proposed amendment would take into account all relevant interests, provide a more appropriate balance between environmental protection and social and economic considerations, and a flexible case by case approach to assessing resource consent applications.

F1066.71, F1067.42, F1068.38, F1069.36; F1070.71, F1072.43, F1073.43, F1089.56 are in support as it is appropriate that Chapter 4 acknowledges that natural processes influence the water quality of a river and that the quality may vary due to these processes

F1074.41 is in support but with no additional reasons.

The purpose of this introductory section of Chapter 4 is to give plan users a brief overview of the principal water quality issues in the region, not to provide a comprehensive description of the quality of the region's water resources. The sequence of the introductory section commences with a brief account of the physical characteristics of the region's water resources, followed by a summary of the planning framework, and a description of the resource management issues. Section 4.2 and Tables WQL 1, WQL 2 and WQL 3 briefly describe the principal factors that determine the water quality of the region's major water body types. Section 4.4 describes the resource management issues facing the region from a water quality perspective providing background for Issues WQL1, WQL 2 and WQL 3. Sub-section 4.4.2.2 discusses the impacts of human activities on lakes in more detail.

As the natural changes in water quality and the contributions from natural sources are already summarised in Section 4.2 there is little benefit in repeating the same information in Section 4.4, however some additional information on the natural variability in water quality and the background sources of contaminants could be added to Table WQL2. This would meet the submitters' concerns. For these reasons, the submissions are accepted in part, except for submissions F1043.3763 and F1044.3750 which are rejected. F1053.1358 is accepted in part but not for the reasons given. An amendment is required.

WQL1.59 Recommendation

544.25, F1001.143, F1015.51, F1016.51, F1053.1358, F1066.71, F1067.42, F1068.38, F1069.36, F1070.71, F1072.43, F1073.43, F1074.41, F1089.56: Accept in part.

F1043.3763, F1044.3750: Reject

Amendment

On page 4-6, Section 4.2.1 amend Table WQL 2, "Water quality characteristics of the major lake types in Canterbury" as follows:

a) In the row labelled: "Large high country lakes controlled and natural", amend the right hand cell by inserting the underlined sentences as follows:

"Large (> 8 km²), deep cold water bodies with very low levels of nutrients. Deeper parts of the lake are well oxygenated. Lakes with non-glacial inflows have very high levels of clarity. In glacial fed lakes, fine

suspended sediment gives characteristic colour and hue to the water. Little variation in water temperature or stratification.”

b) In the row labelled: “Small to medium high country lakes”, amend the right hand cell by inserting the underlined sentences as follows:

“Small to moderate size (<8 km²) relatively shallow. Large range in water temperatures. Low to moderate nutrient concentrations. Regular re-suspension of fine bottom sediments may affect water colour and clarity in shallower lakes. Nutrient concentrations are low in unmodified catchments, but higher nutrient concentrations occur where there are more intensive land uses.”

c) In the row labelled: “Coastal lakes”, amend the right hand cell by inserting the underlined sentences as follows:

“Typically, closed from the sea. Shallow with high temperature range, usually low clarity often turbid due to an increase in phytoplankton. High nutrient concentrations, usually brackish. High degree of mixing, as a result of wind induced waves, with some connection to the sea affecting salinity concentrations. Outflow of groundwater via springs may enrich surface water.”

4-15-45 4.4.3 Groundwater quality

4-15-45	565.58	Ashburton District Council*	Amend section 4.4.3 to recognise that previously permitted discharges have resulted in degradation of groundwater quality and that an improvement on that state is now sought.
	F1032.2	Royal Forest and Bird Protection Society - Ashburton Branch*	<i>Support</i>
4-15-45	565.59	Ashburton District Council*	Amend section 4.4.3 to include a positive incentive to existing septic tank operators to upgrade their systems, such as a financial contribution or reduced fixed charges for existing septic tanks.
	F1032.3	Royal Forest and Bird Protection Society - Ashburton Branch*	<i>Support</i>
4-16-10	513.1	Winstone Aggregates*	Amend 4.4.3(c) to read: “ <u>large areas of the Canterbury Plains overlying unconfined aquifers which are vulnerable to contamination from land use activities, particularly where those activities are not undertaken in accordance with good practice and with appropriate operational controls to prevent or minimise the risk of impacts on groundwater quality. The water in these aquifers ...</u> ”
	F1047.11	Fulton Hogan*	<i>Support</i>
	F1065.29	Aggregate and Quarry Assn of NZ*	<i>Support</i>
4-16-24	513.2	Winstone Aggregates*	Amend 4.4.3(h) to read: “ <u>surface excavations, such as gravel pits or removal of soil, that remove the protection provided by overlying sediments can increase the risk of contaminants entering aquifers, particularly if the excavations expose the water table and/or are not undertaken in accordance with good practice and appropriate operational controls to prevent or minimise the risk of impacts on groundwater quality.</u> ”
	F1047.12	Fulton Hogan*	<i>Support</i>
	F1065.26	Aggregate and Quarry Assn of NZ*	<i>Support</i>
	F1066.61	The Isaac Wildlife Trust and The Diana Isaac	<i>Support</i>

		Wildlife Trust.*	
	F1069.66	Dairy Holdings Ltd*	<i>Support</i>
	F1070.61	Clearwater Land Holdings Limited*	<i>Support</i>
	F1071.10	Canterbury Rowing Trust*	<i>Support</i>
4-16-29	572.19	Ravensdown Fertiliser Co-Operative Ltd*	Amend section 4.4.3(h)(i) to clearly identify what the regionally significant water quality issues are in relation to contaminants, where these issues are clearly prevalent, what activities if any are causing or contributing to the issue, and then develop a targeted approach to control these activities and manage the adverse environmental effects.

Evaluations and reasons

513.1, F1047.11, F1065.29; 513.2, F1047.12, F1065.26, F1066.61, F1069.66, F1070.61, F1071.10: The submissions seek recognition that the risks that land use activities may pose to groundwater quality can, in many instances, be minimised through the implementation of best practice and appropriate operation and management controls.

F1047.11, F1047.12, F1065.26, F1065.29: are in support for the reason that land use activities, e.g. surface excavations, undertaken in accordance with best practice, and with appropriate environmental controls in place to minimise the potential risk of impacts on groundwater quality, will not necessarily increase the risk of contaminants entering confined and unconfined aquifers.

F1066.61, F1069.66, F1070.61, F1070.10: are in support because there is an increased risk of groundwater, exposed via excavations, being contaminated when excavations are not undertaken in accordance with good industry practice.

The purpose of this introductory section of Chapter 4 is to give plan users a brief overview of and background to the principal water quality issues in the region, but not to comment on or assess the efficacy of particular methods. The Section 32 report on Chapter 4 summarises the advantages and disadvantages of different methods.

While best practice and other (unspecified) management controls are one of the approaches that can be used to reduce the risk of groundwater contamination, other approaches may also be required, such as using regional rules to restrict or prohibit activities. Chapter 4 makes extensive use of both regulatory and non-regulatory methods, including industry standards and best practice, as a combination of methods will be more effective at implementing the policies, rather than relying on a single approach. For these reasons, the submissions are rejected and no amendment is required.

565.58, F1032.2: The original submission seeks recognition in this section that permitted discharges to land have historically reduced groundwater quality and adversely affected drinking water quality. F1032.2: supported the submission as a high quality of groundwater has been of pride to and a great asset of Ashburton and Canterbury and it is imperative that this is retained.

Land use activities, including discharges, have affected groundwater quality. Some of these activities will have been authorised under the Transitional Regional Plan, and other land use activities have not been subject to regional plan controls. Generally, it is very difficult to attribute the cause of groundwater contamination to any particular activity except in very localised situations. Most of the groundwater contamination in the region is, however, likely to be from general land use activities that cause non-point source discharges of contaminants to groundwater.

Section 4.4.3 discusses the risk to groundwater quality and summarises the results of monitoring by the Council. The impact of past and present land use activities, however, could be made clearer by amending the first sentence of section to acknowledge the impacts of human activities. For these reasons, the submissions are accepted in part, and an amendment is required.

565.59, F1032.3: The original submission seeks the addition of positive incentives to existing septic tank operators to upgrade their systems. F1032.2: supports the submission as the high quality of groundwater has been of pride to and a great asset of Ashburton and Canterbury and it is imperative that this is retained.

Section 4.4.3 is intended as a brief account of the current state of the region's groundwater quality. It is not appropriate for a method to be included in this Section as this is already provided for in Method WQL 6(c) (pg 4-159) which sets out an approach of working with territorial authorities to improve the management of individual on-site waste water systems. There is an opportunity under Method WQL 6(d) to consider the use of financial assistance for land owners whose septic tanks are located with in a

community drinking water supply protection zone. For these reasons, the submissions are rejected and no amendment is required.

572.19: The submitter considers that the Section 4.4.3 does not clearly identify regionally significant water quality issues, or the causes and activities that contribute to an issue.

The purpose of the introductory sections to Chapter 4 is to assist users of the plan by providing a general, but brief, overview of the resource management framework and the principal water quality issues in the region. More detailed information on these issues can be found in the various technical reports, many of which have been produced by ECan, and are referenced in the Section 32 report for Chapter 4.

The purpose of the regional plan is to address both past present and future adverse effects on natural resources, so that the council can fulfil its functions under the RMA. Although many of the region's water bodies still have high quality water this can be threatened by land use intensification. One of the functions of the NRRP is to protect these water bodies so that they will continue to be valued for a wide range of social, economic and ecological purposes.

Each issue in NRRP is clearly described, followed by an objective that states the outcomes to be achieved, and clearly targets the elements of the issue being addressed. These objectives, which are often quite precisely described, are followed by the policies that specify what is going to be done, and the rules and other methods to implement the policy. Policies, rules and schedules are often very resource and/or area specific. For example each groundwater zone is area specific and well defined spatially, the nitrate zones are mapped, and the catchments that are natural state are clearly identified. The RMA does not use the words "regionally significant resource management issues", instead in Section 67 it merely states that a regional plan may state "the issues that the plan seeks to address". Of note, it is no longer mandatory to specify the issues in a regional plan.

The adverse effects of a discharge from a discrete activity are generally well understood and the changes in the receiving water quality can be monitored relatively easily, but the relative contribution from multiple diffuse sources, especially on groundwater quality, is difficult to assess. The approach taken in Chapter 4 is to address and manage all sources of contaminants, because of both the impacts on the environment, and the statutory restrictions imposed on discharges by the RMA.

For these reasons the submission is rejected and no amendment is required.

WQL1.60 Recommendation

565.58, F1032.2: Accept in part

513.1, 513.2, 565.59, 572.19, F1047.11, F1032.3, F1047.12, F1065.26, F1065.29, F1066.61, F1069.66, F1070.61, F1071.10: Reject

Amendment

On page 4-15, amend the first sentence of Section 4.4.3 to read:

Most Many of Canterbury's aquifers ~~are at risk from~~ have been affected by the discharge of contaminants.

4-17-26 4.4.4 Land contamination

4-17-26	498.1	Lyttelton Port Company Ltd*	Delete 4.4.4 Land Contamination.
4-17-27	540.25	Canterbury Growers Society Ltd*	Amend the description of contaminated land under 4.4.4 to read: " <u>Contaminated land is defined as land where <i>environmentally hazardous substances are present in the soil, sediments, groundwater or surface water at concentrations that exceed significant risk trigger levels and so are likely to pose a risk to human health or the environment. Land where naturally occurring concentrations exist above human health guidelines is not classed as contaminated land.</i></u> "
	F1037.2	Department of Corrections.*	Support
4-17-27	541.25	Horticulture NZ (formerly NZ Vegetable & Potato Growers Federation Inc et al)*	Amend the description of contaminated land under 4.4.4 to read: " <u>Contaminated land is defined as land where <i>environmentally hazardous substances are present in the soil, sediments, groundwater or surface water at</i></u>

			<i>concentrations that exceed significant risk trigger levels and so are likely to pose a risk to human health or the environment. Land where naturally occurring concentrations exist above human health guidelines is not classed as contaminated land."</i>
	F1037.3	Department of Corrections.*	Support

Evaluations and reasons

498.1: The submitter states that Policy WQL11 Management of Contaminated land and associated rules lack certainty and requests that all provisions of NRRP related to contaminated land be deleted, including Section 4.4.4.

The RMA was amended on 10 August 2005 to provide, under section RMA 30(1)(ca), that a regional council has the function to investigate land for the purposes of identifying and monitoring contaminated land. The provisions of the NRRP relating to contaminated land contribute to fulfilling this function. There may be submissions requesting amendments to the provisions to improve them and these will be considered in due course and amendments made where appropriate. To delete these provisions would undermine Environment Canterbury's responsibility for this function. For these reasons, the submission is rejected.

540.25, F1037.2; 541.25, F1037.3: The submitters and further submitters seek to amend the provisions of the NRRP relating to contaminated land, including the description of contaminated land. This description appears in Section 4.4.4.

"Contaminated land is defined as land where the concentration of contaminants in the soil exceed natural background levels and are likely to pose a risk to human health or the environment."

This definition has been commonly used in the past in documents and publications about contaminated land by Environment Canterbury and other agencies. The submitters seek that this description is amended to,

"Contaminated land is defined as land where environmentally hazardous substances are present in the soil, sediments, groundwater or surface water at concentrations that exceed significant risk trigger levels and so are likely to pose a risk to human health or the environment. Land where naturally occurring concentrations exist above human health guidelines is not classed as contaminated land."

The RMA was amended on 10 August 2005 to include a definition of contaminated land which states that:

"contaminated land" means land of 1 of the following kinds:

- (a) if there is an applicable national environmental standard on contaminants in soil, the land is more contaminated than the standard allows; or*
- (b) if there is no applicable national environmental standard on contaminants in soil, the land has a hazardous substance in or on it that-*
 - (i) has significant adverse effects on the environment; or*
 - (ii) is reasonably likely to have significant adverse effects on the environment.*

The inclusion of this definition accompanies the new function of a regional council under RMA Section 30(1)(ca) to investigate land for the purposes of identifying and monitoring contaminated land. Achieving consistency of definitions and terms in the NRRP will assist to reduce confusion and conflict in the interpretation of plan provisions. The description in Chapter 4 and that provided by the submitters each contain elements of the RMA definition, but neither captures the full extent of the RMA definition. The description of the meaning of contaminated land in NRRP Section 4.4.4 should be amended to better reflect the RMA definition. Including the RMA definition of contaminated land in the definitions of the NRRP will provide additional certainty for this term and its use in this context. For this reason the submissions are accepted in part and amendments are necessary.

WQL1.61 Recommendation

540.25, 541.25, F1037.2, F1037.3: Accept in part
498.1: Reject

Amendment

1) On page 4-17, Section 4.4.4, "Land Contamination", delete the first sentence and replace with the following sentence:

Contaminated land is defined in the RMA as land where either the land is more contaminated than a national environmental standard allows, or the concentration of a hazardous substance in or on the land has, or is likely to have, significant adverse effects on the environment.

2) As a consequential amendment, insert the following new definition into the Chapters 4 to 8, "Definition of terms for Chapters 4- 8 only." :

"Contaminated land" means land of 1 of the following kinds:
(a) if there is an applicable national environmental standard on contaminants in soil, the land is more contaminated than the standard allows; or
(b) if there is no applicable national environmental standard on contaminants in soil, the land has a hazardous substance in or on it that-
(i) has significant adverse effects on the environment; or
(ii) is reasonably likely to have significant adverse effects on the environment.

4-18-8 4.4.5 Community and domestic drinking water supplies

4-18-8	2.7	Duncan Armstrong*	Delete Section WQL 4.4.5
	F1079.11	Community and Public Health*	Oppose
4-18-8	3.27	N Smith*	Delete Section WQL 4.4.5
4-18-8	5.1	Southbranch Farm Ltd*	See submission point 3.27
4-18-8	7.5	Keith T Vogan*	See submission point 3.27
4-18-8	8.5	John Smyth*	See submission point 3.27
4-18-8	10.6	Luis Thacker*	See submission point 3.27
4-18-8	12.1	E D Marshall*	See submission point 3.27
4-18-8	17.22	Arnaud C McKellar*	See submission point 3.27
4-18-8	24.22	Peter McPartlin*	See submission point 3.27
4-18-8	30.1	Murray Wood*	See submission point 3.27
4-18-8	31.1	Rowan A Waghorn*	See submission point 3.27
4-18-8	32.1	Peter B Moore*	See submission point 3.27
4-18-8	33.1	Hamish D Vogan*	See submission point 3.27
4-18-8	34.1	David J Innes*	See submission point 3.27
4-18-8	35.1	Neil L Kay*	See submission point 3.27
4-18-8	36.1	Peter S Thelning*	See submission point 3.27
4-18-8	37.1	Timothy L Crow*	See submission point 3.27
4-18-8	38.1	Gary W Simes*	See submission point 3.27
4-18-8	39.1	Jon Clark*	See submission point 3.27
4-18-8	40.1	Hamish R Kay*	See submission point 3.27
4-18-8	41.1	David G Lester*	See submission point 3.27
4-18-8	42.1	Richard W Crow*	See submission point 3.27
4-18-8	63.3	Brian Wilkinson*	See submission point 3.27
4-18-8	64.17	Edward J C Aitken*	See submission point 3.27
4-18-8	119.1	Stephen D Helps*	See submission point 3.27
4-18-8	123.13	P G & W E A Reid*	See submission point 3.27
4-18-8	124.1	John R Stanbury*	See submission point 3.27
4-18-8	126.7	Frank Shaw*	See submission point 3.27
4-18-8	127.2	John G Wright*	See submission point 3.27
4-18-8	129.7	Mark T & Valda McLaren*	See submission point 3.27
4-18-8	132.10	John Watherston*	See submission point 3.27
4-18-8	136.4	Harry Schat*	See submission point 3.27
4-18-8	138.9	Richard A Florence*	See submission point 3.27
4-18-8	153.1	Peter Turnbull*	See submission point 3.27
4-18-8	158.1	Susan M Turnbull*	See submission point 3.27
4-18-8	160.1	Richard Goord*	See submission point 3.27
4-18-8	202.3	Robert A Steel*	See submission point 3.27
4-18-8	207.1	John Chaffey*	Include a special section in the NRRP that makes a clear distinction between rural stockwater schemes, such as the Waiau Rural Water Scheme, and urban "on demand" type supplies. Rural stockwater schemes are primarily intended to provide stock drinking water and should not have

			to meet Ministry of Health community drinking water standards with their attendant costs.
	F1074.15	Federated Farmers of NZ (Inc)*	<i>Support</i>
4-18-8	257.24	Upper Waitaki Branch Federated Farmers Of New Zealand Inc*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.14).
4-18-8	261.22	G J & M E Curry*	See submission point 3.27
4-18-8	289.39	North Bank Land Owners Group*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.14).
4-18-8	290.47	W & S Cameron*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.14).
4-18-8	330.5	Rouold L Inwood*	See submission point 3.27
4-18-8	370.22	James Cleeve*	See submission point 3.27
4-18-8	401.24	Kintail Downs Ltd*	See submission point 3.27
4-18-8	405.7	P & I Richardson*	See submission point 3.27
4-18-8	406.6	Jim Hazlett Hillview Enterprises Ltd*	See submission point 3.27
4-18-8	411.2	New Zealand Fertiliser Manufacturers Research Association Inc*	Evaluate in 4.4.5 the economic and social consequences of not implementing a “combination of methods” approach to achieving drinking water standards, and ensure that the least cost approach is taken.
	F1076.83	Horticulture NZ (formerly NZ Vegetable & Potato Growers Federation Inc et al)*	<i>Support</i>
	F1087.1	Ballance Agri-nutrients Ltd*	<i>Support</i>
4-18-8	429.1	R S & L S Holloway*	See submission point 3.27
4-18-8	439.25	Craig D Galloway*	See submission point 3.27
4-18-8	452.49	Thomas Ross & Julie Sadler*	See submission point 3.27
4-18-8	455.16	John Jebson*	See submission point 3.27
4-18-8	473.30	I Upston*	See submission point 3.27
4-18-8	506.14	Hugh Turnbull*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.14).
4-18-8	540.26	Canterbury Growers Society Ltd*	Amend the plan to reflect a more balanced approach to the provision of community drinking water supplies in relation to other uses.
	F1069.33	Dairy Holdings Ltd*	<i>Oppose</i>
	F1089.52	Waimate District Council.*	<i>Oppose</i>
4-18-8	541.26	Horticulture NZ (formerly NZ Vegetable & Potato Growers Federation Inc et al)*	Amend the plan to reflect a more balanced approach to the provision of community drinking water supplies in relation to other uses.
4-18-8	562.60	Michael Eder*	See submission point 3.27
4-18-8	565.60	Ashburton District Council*	Cross reference section 4.4.5 to maps that show the groundwater protection areas.
4-18-8	572.21	Ravensdown Fertiliser Co-Operative Ltd*	Review and amend 4.4.4 to demonstrate how the three options listed (protecting supplies of high quality water, treating the

			water prior to consumption, or removing or reducing sources of contaminants in the water supply catchment) - and other options - may be pursued to protect community and domestic drinking water supplies.
4-18-8	574.27	Sidney and Jacqueline Hurst*	See submission point 3.27
4-18-8	575.6	David A Williams*	See submission point 3.27
4-18-8	576.24	Michael R Hodgen*	See submission point 3.27
4-18-8	586.14	Federated Farmers NZ Inc - Canterbury Provinces*	Amend section 4.4.5 by noting that there is no specific requirement under the RMA to maintain pristine water quality.
	F1043.1497	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.1497	Selwyn Plantation Board Ltd*	<i>Support</i>
4-18-8	606.1	Brian Hutchinson*	See submission point 3.27
4-18-8	630.3	Community & Public Health*	Where the term Drinking Water Standard appears, amend to refer to "New Zealand Drinking Water Standards 2005."
	F1040.1	Christchurch City Council.*	<i>Support</i>
	F1074.8	Federated Farmers of NZ (Inc)*	<i>Oppose</i>
4-18-8	661.1	Robert W Anderson*	See submission point 3.27
4-18-8	664.4	Paddy Stronach*	See submission point 3.27
4-18-8	669.12	South Island High Country Section, Federated Farmers NZ*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586.14).
4-18-18	572.22	Ravensdown Fertiliser Co-Operative Ltd*	Undertake a cost/benefit analysis of the three options (protecting supplies of high quality water, treating the water prior to consumption, or removing or reducing sources of contaminants in the water supply catchment) to determine where costs lie.
4-18-28	565.61	Ashburton District Council*	Amend section 4.4.5 to recognise that the New Zealand Drinking water Supply Standards is a high standard and unlikely to be attained by most water supply operators.
	F1032.5	Royal Forest and Bird Protection Society - Ashburton Branch*	<i>Oppose</i>
	F1079.12	Community and Public Health*	<i>Oppose</i>

Submission Clarification

565.60: The relief sought by the submitter was incorrectly summarised in the "Summary of Decisions Requested". The decision sought by the submitter should read: "*Amend the section by providing a reference to maps of the areas of protection. Amend the maps by adding these important areas of protection that are currently omitted.*"

Evaluations and reasons

2.7, F1079.11; 3.27, 5.1, 7.5, 8.5, 10.6, 12.1, 17.22, 24.22, 30.1, 31.1, 32.1, 33.1, 34.1, 35.1, 36.1, 37.1, 38.1, 39.1, 40.1, 41.1, 42.1, 63.3, 64.17, 119.1, 123.13, 124.1, 126.7, 127.2, 129.7, 132.10, 136.4, 138.9, 153.1, 158.1, 160.1, 202.3, 261.22, 330.5, 370.22, 401.24, 405.7, 406.6, 429.1, 439.25, 452.49, 455.16, 473.30, 562.60, 574.27, 575.6, 576.24, 606.1, 661.1, 664.4: The original submissions were opposed to the plan provisions that addressed the issue of drinking water quality in community drinking water sources. The points made in the submissions or by individual submitters are summarised:

- Constraints on land use.

- Costs to the land owner.
 - Often landowners do not benefit from the community supply.
 - The protection of the resource should be at the cost of the supply authority or community and reasonable compensation made for disruption to farming activities.
 - The land was farmed before water was taken for a water supply.
 - Water will become precious and many supplies will be cut. This may create disputes between neighbours.
 - Impossible to fence off small tributaries in the upper part of a catchment
 - No say in the placement of the community water supply well. There is little change in water quality and there will be no foreseeable changes in farm management practices.
 - Each water intake is different and one set of rules does not suit them all. The Waimate District Plan has already set out rules for water supply intakes. Further rules should not be necessary.
- F1079.11 opposed submission 2.7 for the reason that the Section 4.4.5 is important as it outlines the current situation regarding community drinking water supplies and how they can be protected. The further submitter also opposed any other further submissions supporting the deletion of Section 4.4.5.

Specific relief on the other NRRP provisions that apply to community drinking water sources has also been sought by many of these submitters. Their submissions have been evaluated under those provisions.

The purpose of the introductory sections to Chapter 4 is to assist readers of the plan by providing a general, but brief, overview of the resource management framework and the principal water quality issues. Section 4.4.5 provides a factual description of community drinking water supplies in the Canterbury region. The section does not contain any provisions that affect the use of land. For these reasons, the submissions are rejected, while the further submission is accepted, and no amendment is required.

207.1, F1074.15:

The submitter has pointed out that rural restricted (reticulated?) water schemes were established to supply stock drinking water and are not a community water supply although a number of households obtain their water from some schemes. If a rural water scheme is regarded as a community supply this will mean "unaffordable, unnecessary high cost water treatment demands". The further submitter was in support for the same reasons provided by the submitter.

As the submitter points out, the rural water supply schemes were built to supply water for livestock and were not specifically designed or constructed as a community water supply although many households rely on these schemes as a source of domestic water. Whether or not these schemes are suitable from a health perspective as a domestic water supply is a matter to be considered by territorial authorities when they make their assessments of water and sanitary services within their districts (Part 7, Local Government Act 2002).

The distinction between community drinking water supply and a rural water supply scheme could be made clear by amending the definition of community drinking water supply to exclude rural water supply schemes. For these reasons the submissions are accepted and an amendment is required.

257.24, 289.39, 290.47, 506.14, 586.14, F1043.1497, F1044.1497; 669.12: Submission 586.14 opposed the plan provision stating that while providing safe drinking water is an extremely important public health issue and sources for drinking water should be maintained, there was no requirement under the RMA to maintain the pristine quality of water. If the region wishes to maintain water at a pristine quality, then it must negotiate and compensate affected landowners for controls that are necessary to achieve this quality. Otherwise, drinking water should be maintained at a quality that is sustainable. Submissions 257.24, 289.39, 290.47, 506.14; 669.12 supported submission 586.14 but provided no additional reasons. Further submissions F1043.1497, F1044.1497 supported submission 586.14 for the reasons stated by the submitter.

It is a role of regional plans to set objectives and water quality standards for water bodies and to manage the adverse effects of the use of water or land on water quality (s65(3)(h)). The Act contemplates that; water quality may be retained in a natural state (RMA Schedule 3). Water quality standards should not be set that result in, or may result in, a reduction in the quality of water at the time a plan is notified, unless it is consistent with the purpose of the Act(s69(3)). Section 30(1)(c)(ii) gives a regional council the function of controlling land use for the "maintenance and enhancement of the quality of water..". Therefore, there is a duty under the RMA to ensure that water quality does not decline unless it is consistent with the purpose of the RMA, and this is what is sought by Chapter 4 for the sources of community drinking water.

It is the responsibility of a person discharging a contaminant to manage the adverse effects of the discharge. It is not the responsibility of the community to bear the cost of the effects of discharges. There

is also a general duty on every person to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on, by or on behalf of that person (s17).

The RMA also imposes very stringent controls on the discharge of contaminants. Landowners have no statutory right to discharge contaminants (s15) or to expect compensation if adversely affected by a provision in a plan (s85). The definition of contaminant does not depend on whether the substance undergoes any change, or alters the condition of the water, or whether the effect is widespread or localised. Authorised discharges are also subject to limits imposed by the Act (s.70 (1) and s 107(1)). Section 4.4.5 provides a factual description of community drinking water supplies in the Canterbury region. The Section does not contain any provisions that affect the use of land. Both internationally and in New Zealand, it is recognised that protection of community drinking water sources requires a combination of approaches to protect public health, by reducing the risk of contamination in the source catchment, treating the water or using a secure groundwater source, and distributing the water around a secure network. Water supply authorities are responsible for treatment plants and the reticulated network while regional councils can address the risk of contamination to sources of drinking water under the RMA Both the Ministry of Health and the Ministry for the Environment endorse this approach and are implementing measures to place greater emphasis on reducing the risk of contamination from drinking water source catchments.

For these reasons, the submissions are rejected and no amendment is required.

411.2, F1076.83, F1087.1; 572.21, 572.22: Submission 411.2 notes that the plan identifies that a combination of approaches can be used to achieve water quality suitable for human consumption, the plan only advocates the maintenance of pristine water quality by addressing catchment (supply protection) issues. 572.21, 572.22: The submissions seek a review, including a cost benefit analysis of the elements of a combined approach, and an amendment of the relevant plan provisions to demonstrate how the three options listed may be used to protect community drinking water supplies. F1076.83 supports Submission 411.2 as it would provide the balance required in the section. F1087.1 supports Submission 411.2 because of the need to emphasise the combination of methods available to improve water quality.

Section 4.4.5 provides a factual description of community drinking water supplies in the Canterbury region. Chapter 4 does not “advocate” for pristine water quality. The reference to “pristine water quality” was based on a survey of Christchurch people and summarises their expectations for quality of the City’s drinking water supply. Section 30(1)(c)(ii) gives a regional council the function of controlling land use for the “maintenance and enhancement of the quality of water..”. Therefore there is a duty under the RMA to ensure in the least that water quality does not decline, and this is what is sought by the plan for the sources of community drinking water.

For a community, an outbreak of water borne disease as a result of a failure in the quality of the community water supply can have significant health, social and economic consequences, e.g. Queenstown, 1984; Walkerton, Ontario, 2000; Masterton, 2003. Both internationally and in New Zealand, it is now recognised that protection of the quality of community drinking water sources requires a combination of approaches, by reducing the risk of contamination in the source catchment, treating the water or using a secure groundwater source, distributing the water around a secure network and monitoring the water supply network. These are not alternative options, but represent a complementary set of methods (or “barriers”) to protect public health by reducing the risk of contamination. No single barrier will offer complete protection. Both the Ministry of Health and the Ministry for the Environment endorse the “multi-barrier” approach and are implementing measures to place greater emphasis on reducing the risk of contamination from drinking water source catchments

The responsibility for public water supply management falls across several organisations and statutes, e.g. Local Government Act 2002 and RMA 1991. Water supply authorities are responsible for parts of the water supply system; i.e. treatment plants, the reticulated network and monitoring of the water supply system, while regional councils are responsible, under the RMA, for the quality of water in freshwater bodies and the control of the use of land for the maintenance and enhancement of water quality. The NRRP addresses one part of the community water supply system; the risk of contamination of waterbodies that are community drinking water sources.

For these reasons, the submissions are rejected and no amendment is required.

540.26, F1069.33, F1089.52; 541.26:

Submissions 540.26 541.26 acknowledge that clean safe drinking water is a fundamental requirement for human health do not support the approach taken in Chapter 4, in particular to the Christchurch City water supplies. In the submitter’s view, water quality has been maintained with existing activities and ECan needs to identify new activities that could impact on water quality. Further submissions F1069.33, F1089.52 are opposed because they consider it appropriate to award a higher level of protection to community drinking water supplies.

For a community, an outbreak of water borne disease as a result of a failure in the quality of the community water supply can have significant health, social and economic consequences, e.g. Queenstown, 1984; Walkerton, Ontario, 2000; Masterton, 2003. Both internationally and in New Zealand, it is now recognised that protection of the quality of community drinking water sources requires managing the risk of contamination in the source catchment as well as the treatment and a secure reticulation system. The Ministry of Health and the Ministry for the Environment endorse the “multi-barrier” approach and are implementing measures to place greater emphasis on reducing the risk of contamination from drinking water source catchments. Existing and new activities can pose a threat to drinking water supplies. Some major outbreaks of water borne disease e.g. Walkerton, Ontario, resulted of existing land use activities.

For these reasons, submissions 540.26 and 541.26 are rejected, further submissions F1069.33, F1089.52 are accepted, and no amendment is required.

565.60: The submission seeks a cross reference to the maps of the areas that this section refers to. The location of the community drinking water sources as shown on the NRRP Indicative Planning maps, are intended to assist plan users when they are applying the provisions of Chapter 4. The two principal provisions relating to community water sources - Policy WQL 12 and Schedule WQL2 - both cross-reference to the Indicative Maps - see Policy WQL 12 Explanation and Reasons second paragraph, last sentence and Schedule WQL2, first paragraph. An additional reference in Section 4.4.5 is not considered necessary as the section is an introduction to Chapter 4, and is not an objective, policy or method. The submitter has not identified what important areas of protection are omitted. A number of district councils have sought amendments to the list of community water supplies in Schedule WQL2, and these should correct any errors or omissions.

For these reasons, the submission is rejected and no amendment is required.

565.61, F1032.5, F1079.12: The submission opposes the reference to the Drinking Water Standards of New Zealand, because the standards are contentious and are unlikely to be achieved by 95% of drinking water supplies nationally. The submitter seeks that the section is amended to reflect this. F1032.5 opposes the relief sought because local and regional government should set the highest standard as required by the NZ Drinking Water Standards. F1079.12 opposes the relief as the Drinking Water Standards are the minimum requirements for safe drinking water and all operators will be expected to comply with them.

The Drinking Water Standards of New Zealand are promulgated by the Ministry of Health and set minimum national standards for human consumption of drinking water in line with international research and best practice. It is not the role of the NRRP to comment on the appropriateness of the Standards. The proposed Health (Drinking Water) Amendment Bill will require drinking water suppliers to comply with the Standards. For these reasons, submission 565.61 is rejected and further submissions F1032.5 and F1079.12 are accepted and no amendment is required.

630.3, F1040.1, F1074.8:

The submitter requests that any reference to the New Zealand Drinking Water Standards should cite the latest version of the standard. Further submission F1040.1 supports the original submission, but offered no additional reasons. F1074.8 opposes the relief as the standard could be become outdated or inappropriate.

As the submitter notes, Chapter 4 refers to the previous version of the drinking water standards has been superseded by Drinking water Standards of New Zealand 2005 which was released after this Variation was notified. It is appropriate that the references in Chapter 4 are updated.

The Drinking Water Standards of New Zealand are promulgated by the Ministry of Health and set minimum national standards for human consumption of drinking water in line with international research and best practice. The standards are revised about every 5 years, and if there are significant changes to the standards in the future, the NRRP could be changed or varied so that it refers to the latest version. For these reasons, submissions 630.3 and F1040.1 are accepted, further submission F1074.8 is rejected, and an amendment is required

WQL1.62 Recommendation

2.7, 3.27, 5.1, 7.5, 8.5, 10.6, 12.1, 17.22, 24.22, 30.1, 31.1, 32.1, 33.1, 34.1, 35.1, 36.1, 37.1, 38.1, 39.1, 40.1, 41.1, 42.1, 63.3, 64.17, 119.1, 123.13, 124.1, 126.7, 127.2, 129.7, 132.10, 136.4, 138.9, 153.1, 158.1, 160.1, 202.3, 257.24, 261.22, 289.39, 290.47, 330.5, 370.22, 401.24, 405.7, 406.6, 411.2, 429.1, 439.25, 452.49, 455.16, 473.30, 506.14, 540.26, 541.26, 562.60, 565.60, 565.61, 572.21, 572.22, 574.27, 575.6, 576.24, 586.14, 606.1, 661.1, 664.4, 669.12, F1043.1497, F1044.1497, F1074.8, F1076.83, F1087.1: Reject

207.1, F1074.15; 630.3, F1040.1, F1032.5, F1069.33, F1089.52, F1079.11, F1079.12: Accept

Amendment

1) On page 299 of Chapter 4, amend the definition of "community drinking water supply" by adding a new clause after (b) to the section beginning "It does not include: ..."
" ... staff; or "
(c) a rural restricted water scheme established to provide drinking water for livestock"

2)

a) On the following pages in Chapter 4, replace "Drinking Water Standards for New Zealand 2000. Ministry of Health, Wellington, August 2000. 130 pp" with "Drinking-water Standards for New Zealand 2005. Ministry of Health, Wellington. August 2005."

(i) page 13, footnote no. 20.

(ii) page 18, footnote no. 27.

(iii) page 51, footnote no. 35.

(iv) page 68, footnote 42.

(v) page 192, footnote 48.

(vi) page 235, footnote 52.

b) On the following pages in Chapter 4, replace "Drinking Water Standards for New Zealand 2000" with "Drinking-water Standards for New Zealand 2005"

(i) page 18, Section 4.4.5, 6th paragraph, first sentence.

(ii) page 51, Objective WQL 2 (2)(b) (ii)

(iii) page 52, Objective WQL 2 (2)(b)(iv)

(iv) page 52, Explanation and principal reasons, 4th paragraph, fourth sentence.

(v) page 54, Explanation and principal reasons, 3rd paragraph, second and fourth sentences

(vi) -page 68, Explanation and principal reasons, 2nd paragraph, third sentence

(vi) page 78, Objective WQL 3 (1) (b) (iii)

(vii) page 235 Environmental Result WQL 9 (c) (i)

c) On page 11, Chapter 4, Section 4.3.4, clause (b) delete the sentence "Drinking water standards for New Zealand published by the Ministry of Health" and replace with "Drinking-water Standards for New Zealand 2005."

d) (i) Chapter 4, page 308, delete the definition "New Zealand Drinking water Standards".

(ii) On page 302, after the definition "Drawdown", insert the following new definition "Drinking-water Standards for New Zealand 2005" means the "Drinking-water Standards for New Zealand 2005, published by the Ministry of Health, Wellington. August 2005."

e) As a consequential change on page 18, Section 4.4.5, 6th paragraph, first sentence, delete the words "January 1, 2001", and replace with "31 December 2005".

4-19-1 4.5 Issue resolution

4-19-1	476.32	Christchurch City Council*	Retain Figure WQL3.
4-19-1	476.39	Christchurch City Council*	Retain section 4.4 as worded.
4-19-1	498.2	Lyttelton Port Company Ltd*	Delete from 4.5 Issue Resolution, those provisions related to contaminated land.
4-19-1	563.2	Te Hapu O Ngati Wheke Rapaki Runanga Inc*	Retain section 4.5 provisions within Chapter 4 that maintain and improve water quality to

			enhance and protect the habitat of indigenous species and to recognise Ngai Tahu cultural values.
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Evaluations and reasons

476.32, 476.39: The submitters request that the introduction to Section 4.5 and Figure WQL3 on page 4-19 is retained.

This section of the NRRP and summary diagram provide an outline of the objectives, policies and methods of Chapter 4 to assist plan users. For this reason the submissions are accepted and no amendment is required.

498.2: The submitter is opposed to the provisions of the NRRP relating to contaminated land and requests that all such provisions are deleted. Included in this request is the relevant part of Figure WQL3 that refers to Policy WQL11 Management of Contaminated land.

Figure WQL3 it is not a "provision" of the NRRP. It is a summary only of the objectives, policies and methods. Should these provisions be amended or deleted as a result of submissions then Figure WQL3 may need to be amended. This would be a consequential change if the primary scope of the submission is successful, but it would be premature to amend the figure at this point. For this reason the submission is rejected and no amendment is required.

563.2: The submitter expresses support for all the provisions in the NRRP that maintain and improve water quality to enhance and protect indigenous species habitat and recognise Ngai Tahu cultural values. Section 5.1 of Chapter 4 contains objectives, policies and methods that seek, amongst other outcomes, those sought by the submitter. For this reason the submission is accepted but no amendment is required.

WQL1.63 Recommendation

476.32, 476.39, 563.2: Accept

498.2: Reject

Amendment

Nil

Definition of terms for Chapters 4-8 – which relate to Chapter 4 Officer Report WQL1 matters

0-3-178#4 Definitions - "New Zealand drinking water standards"

0-3-178#4	257.1747	Upper Waitaki Branch Federated Farmers Of New Zealand Inc*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586).
0-3-178#4	506.1740	Hugh Turnbull*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586).
0-3-178#4	586.1740	Federated Farmers NZ Inc - Canterbury Provinces*	Retain the definition of "New Zealand drinking water standards".
	F1043.3230	Canterbury Forest Industry Working Group.*	<i>Support</i>
	F1044.3217	Selwyn Plantation Board Ltd*	<i>Support</i>
0-3-178#4	669.1735	South Island High Country Section, Federated Farmers NZ*	Supports submission from Federated Farmers NZ Inc, Canterbury Provinces (refer 586).

Evaluations and reasons

257.1747, 506.1740, 586.1740, 669.1735, F1043.3230, F1044.3217: All the submissions support the retention of the definition as written.

Support for the definition is acknowledged. Since Variation 1 to the NRRP was notified, a more recent version of the drinking water standards has been published by the Ministry of Health. As a result of a recommendation to accept Submission 630.3, all references to the drinking water standards have amended to the latest version "Drinking-water standards for New Zealand 2005", as a consequence, the definition has been amended to refer to the latest version of the standards. For these reasons, the submissions can only be accepted in part and an amendment is required.

WQL1.64 Recommendation

257.1747, 506.1740, 586.1740, 669.1735, F1043.3230, F1044.3217: Accept in part

Amendment

As a consequence of a recommendation to accept submission 630.3 (Chapter 4, Officer Report 1 Recommendation number WQL1.63):

(i) Chapter 4, page 308, delete the definition "New Zealand Drinking water Standards"

(ii) On page 302, after the definition "Drawdown", insert the following new definition
"Drinking-water Standards for New Zealand 2005" means the "Drinking-water Standards for New Zealand 2005, published by the Ministry of Health, Wellington. August 2005.
