Operative Canterbury Land and Water Regional Plan

It is noted that the Objectives and Policies of this Plan are designed to be read in their entirety and considered together. However for the sake of clarity, the Objectives and Policies most relevant to the Proposal are reproduced below. An assessment of all of the provisions follows.

Objectives

3.1 Land and water are managed as integrated natural resources to recognise and enable Ngāi Tahu culture, traditions, customary uses and relationships with land and water.

3.2 Water management applies the ethic of ki uta ki tai – from the mountains to the sea – and land and water are managed as integrated natural resources recognising the connectivity between surface water and groundwater, and between fresh water, land and the coast.

3.3 Nationally and regionally significant infrastructure is enabled and is resilient and positively contributes to economic, cultural and social wellbeing through its efficient and effective operation, on-going maintenance, repair, development and upgrading.

3.4 A regional network of water storage and distribution facilities provides for sustainable, efficient and multiple use of water.

3.6 Water is recognised as essential to all life and is respected for its intrinsic values.

3.7 Fresh water is managed prudently as a shared resource with many in-stream and out-of- stream values.

3.8 The quality and quantity of water in fresh water bodies and their catchments is managed to safeguard the life-supporting capacity of ecosystems and ecosystem processes, including ensuring sufficient flow and quality of water to support the habitat and feeding, breeding, migratory and other behavioural requirements of indigenous species, nesting birds and, where appropriate, trout and salmon.

3.9 Abstracted water is shown to be necessary and reasonable for its intended use and any water that is abstracted is used efficiently.

3.10 Water is available for sustainable abstraction or use to support social and economic activities and social and economic benefits are maximised by the efficient storage, distribution and use of the water made available within the allocation limits or management regimes which are set in this Plan.

3.11 Water is recognised as an enabler of the economic and social wellbeing of the region.

3.15 Those parts of lakes and rivers that are valued by the community for recreation are suitable for contact recreation.

3.16 Freshwater bodies and their catchments are maintained in a healthy state, including through hydrological and geomorphic processes such as flushing and opening hāpua and river mouths, flushing algal and weed growth, and transporting sediment.

3.17 The significant indigenous biodiversity values of rivers, wetlands and hāpua are protected.

3.19 Natural character values of freshwater bodies, including braided rivers and their margins, wetlands, hāpua and coastal lagoons, are protected.

3.20 Gravel in riverbeds is extracted to maintain floodway capacity and to provide resources for building and construction and maintenance, while maintaining the natural character of braided rivers and not adversely

affecting water quality, ecosystems or their habitats, access to or the quality of mahinga kai or causing or exacerbating erosion.

3.21 The diversion of water, erection, placement or failure of structures, the removal of gravel or other alteration of the bed of a lake or river or the removal of vegetation or natural defences against water does not exacerbate the risk of flooding or erosion of land or damage to structures.

3.22 The effectiveness of both man-made natural hazard protection infrastructure, and wetlands and hāpua as natural water retention areas, is maintained to reduce the risk of and effects from natural hazards, including those arising from seismic activity and climate change.

Policies

4.1 Lakes, rivers, wetlands and aquifers will meet the fresh water outcomes set in Sections 6 to 15 within the specified timeframes. If outcomes have not been established for a catchment, then each type of lake, river or aquifer should meet the outcomes set out in Table 1 by 2030.

4.2 The management of lakes, rivers, wetlands and aquifers will take account of the fresh water outcomes, water quantity limits and the individual and cumulative effects of land uses, discharges and abstractions will meet the water quality limits set in Sections 6 to 15 or Schedule 8 and the individual and cumulative effects of abstractions will meet the water quantity limits in Sections 6 to 15.

4.3 Surface water bodies are managed so that:

- *(a) toxin producing cyanobacteria do not render rivers or lakes unsuitable for recreation or human and animal drinking-water;*
- *(b) fish are not rendered unsuitable for human consumption by contaminants;*
- *(c) the natural colour of the water in a river is not altered;*
- *(d) the natural frequency of hāpua, coastal lakes, lagoons and river openings is not altered;*
- *(e) the passage for migratory fish species is maintained unless restrictions are required to protect populations of native fish;*
- *(f) reaches of rivers are not induced to run dry, thereby maintaining the natural continuity of river flow from source to sea,*
- *(g) variability of flow, including floods and freshes, is maintained to avoid prolonged "flat- lining" of rivers; to facilitate fish passage; and to mobilise bed material; and*
- *(h) the exercise of customary uses and values is supported.*

4.5 Water is managed through the setting of limits to safeguard the life-supporting capacity of ecosystems, support customary uses, and provide for community drinking-water supplies and stock water, as a first priority and to meet the needs of people and communities for water for irrigation, hydro-electricity generation and other economic activities and to maintain river flows and lake levels needed for recreational activities, as a second priority.

4.8 The harvest and storage of water for new irrigation or new hydro-electricity generation schemes contribute to or do not frustrate the attainment of the regional concept for water harvest, storage and distribution set out in Schedule 16 or a water quantity limit set in Sections 6 to 15.

4.8A [From NPS-FM 2014]

1. *When considering any application for a discharge the consent authority must have regard to the following matters:*
   - *(a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and*

(b) *the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.*

2. *When considering any application for a discharge the consent authority must have regard to the following matters:*
   (a) *the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with freshwater; and*
   (b) *the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary contact with fresh water resulting from the discharge would be avoided.*
3. *This policy applies to the following discharges (including a diffuse discharge by any person or animal):*
   (a) *a new discharge or*
   (b) *a change or increase in any discharge –*

   of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

   Paragraph 1 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.
   Paragraph 2 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 takes effect.

4.8B [From NPS-FM 2014]

1. *When considering any application the consent authority must have regard to the following matters:*
   (a) *the extent to which the change would adversely affect safeguarding the life- supporting capacity of fresh water and of any associated ecosystem and*
   (b) *the extent to which it is feasible and dependable that any adverse effect on the lifesupporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.*
2. *This policy applies to:*
   (a) *any new activity and*
   (b) *any change in the character, intensity or scale of any established activity –*

   that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).

   This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.

4.13 For other discharges of contaminants into or onto land where it may enter water or to surface water bodies or groundwater (excluding those passive discharges to which Policy 4.26 applies), the effects of any discharge are minimised by the use of measures that:

(a) *first, avoid the production of the contaminant;*
(b) *secondly, reuse, recovers or recycles the contaminant;*
(c) *thirdly, minimise the volume or amount of the discharge; or*
(d) *finally, wherever practical utilise land-based treatment, a wetland constructed to treat contaminants or a designed treatment system prior to discharge; and*
(e) *in the case of surface water, results in a discharge that after reasonable mixing meets the receiving water standards in Schedule 5 or does not result in any further degradation in water quality in any*

receiving surface waterbody that does not meet the water quality standards in Schedule 5 or any applicable water conservation order.

4.14 Any discharge of a contaminant into or onto land where it may enter groundwater (excluding those passive discharges to which Policy 4.26 applies):

(a) will not exceed the natural capacity of the soil to treat or remove the contaminant; and

(b) will not exceed available water storage capacity of the soil; and

(c) where meeting (a) and (b) is not practicable, the discharge will:

(i) meet any nutrient limits in Schedule 8 or Sections 6 to 15 of this Plan; and

(ii) utilise the best practicable option to ensure the size of any contaminant plume is as small as is reasonably practicable; and

(iia) ensure there is sufficient distance between the point of discharge, any other discharge and drinking-water supplies to allow for the natural decay or attenuation of pathogenic micro-organisms in the contaminant plume; and

(iii) not result in the accumulation of pathogens, or a persistent or toxic contaminant that would render the land unsuitable for agriculture, commercial, domestic, cultural or recreational use or water unsuitable as a source of potable water or for agriculture; and

(iv) not raise groundwater levels so that land drainage is impeded.

4.18 The loss or discharge of sediment or sediment-laden water and other contaminants to surface water from earthworks, including roading, works in the bed of a river or lake, land development or construction, is avoided, and if this is not achievable, the best practicable option is used to minimise the loss or discharge to water.

4.19 The discharge of contaminants to groundwater from earthworks, excavation, waste collection or disposal sites and contaminated land is avoided or minimised by ensuring that:

(a) activities are sited, designed and managed to avoid the contamination of groundwater;

(b) existing or closed landfills and contaminated land are managed and monitored where appropriate to minimise any contamination of groundwater; and

(c) there is sufficient thickness of undisturbed sediment in the confining layer over the Coastal Confined Aquifer System to prevent the entry of contaminants into the aquifer or an upward hydraulic gradient is present which would prevent aquifer contamination.

4.22 Sedimentation of water bodies as a result of land clearance, earthworks and cultivation is avoided or minimised by the adoption of control methods and technologies, such as maintaining continuous vegetation cover adjacent to water bodies, or capturing surface run-off to remove sediment and other contaminants or by methods such as direct drilling crops and cultivation that follows the contours of a paddock.

4.53 Any change to a resource consent to abstract surface water for irrigation as a "run-of-river" take to a "take to storage", is subject to the following conditions to mitigate any adverse effects: (aa) imposition of reasonable use determined in accordance with Schedule 10;

(a) a seasonal or annual allocation limit;

(b) a maximum instantaneous rate of take;

(c) if an environmental flow and allocation limit has not been set in Sections 6 to 15 a minimum flow that is required to sustain ecosystem or recreation values; and

(d) if an environmental flow and allocation limit has not been set in Sections 6 to 15 any required cessation necessary to maintain flow variability and freshes in the river.

4.61 Any abstraction of surface water or stream depleting groundwater with direct, high, or moderate depletion, is subject to conditions specifying:

(a) the maximum instantaneous rate of take;

(b) *except for hydro-electricity generation activities, a maximum volume based on reasonable use determined in accordance with Schedule 10 over the period the water is required;*
(c) *a minimum flow at which abstraction ceases in accordance with the relevant flow and allocation limits;*
(d) *the area or property within which the water is to be used;*
(e) *the location of the take;*
(f) *the prevention of fish entering any intake, in accordance with Schedule 2;*
(g) *when partial restrictions (when rivers are flowing above the minimum or residual flow limit but below the sum of the minimum or residual flow and the allocation limit) come into force; and*
(h) *where the water is used for irrigation, the need for, compliance with, and auditing of a Farm Environment Plan.*

4.62 To prevent the flow falling below a minimum flow for the catchment, due to abstraction, partial restriction regimes for surface water will be implemented. Regimes will be designed to:
(a) *have a single flow monitoring point for the whole catchment that all abstractors are referenced to, with additional flow monitoring points that some or all abstractors are subject to, should the hydrology of the surface waterbody justify it;*
(b) *provide for groups of water permit holders in the same sub-catchment to share water when takes are operating under partial restrictions; and*
(c) *except if otherwise specified in an applicable sub-region section, implement a stepped or pro rata restriction regime that applies equally to all taking within an allocation limit and does not induce the flow to fall below the minimum flow due to abstraction.*

4.65 The rate, volume and seasonal duration for which water may be taken will be reasonable for the intended use.

4.73 Resource consents to take water shall be given effect to within three years unless a longer lapsing period is justified due to the scale or complexity of the activity. For the purpose of this policy, "given effect" requires the installation of infrastructure, water meter or flow measuring device and taking of the water as proposed.

4.86 Activities that occur in the beds or margins of lakes, rivers, wetlands, hāpua, coastal lakes and, lagoons are managed or undertaken so that:
(a) *the character and channel characteristics of rivers including the variable channel characteristics of braided rivers are preserved;*
(b) *sites and areas of significant indigenous biodiversity values or of cultural significance to Ngāi Tahu are protected; and*
(c) *existing lawful access to the bed of the lake, river, wetland, hāpua, coastal lake, or lagoon for recreational, customary use, water intakes or supplies or flood control purposes, is not precluded, except where necessary to protect public health and safety.*

4.88 Earthworks, structures, or the planting or removal of vegetation (other than by spraying) in the beds of lakes, rivers, hāpua, coastal lakes and lagoons, or within a wetland boundary do not occur in flowing or standing water unless any effects on water quality, ecosystems, or the amenity, recreational or cultural values will be minor or the effects of diverting water are more significant than the effects of the activity occurring in flowing or standing water.

4.89 Earthworks, structures (including defences against water), vegetation planting or removal, or other activities in the beds of lakes or rivers, do not materially restrict flood flows in any river, or create or exacerbate erosion of the bed or banks of any river or the bed or margins of any lake.