

**CONSIDERATION OF STATUTORY MATTERS AND APPLICABLE PLANNING
DOCUMENTS – GARY ROBERT WILSON AND RAELENE CYNTHIA WILSON FOR
CONSENT TO MODIFY A WATERCOURSE AND DIVERT AND DISCHARGE WATER TO
A SEEPAGE POND**

ACTIVITY STATUS

Diversion: The diversion of water for which consent is sought is a discretionary activity under Rule 5.6 of the CLWRP (Canterbury Land and Water Regional Plan) because permanent diversion of a waterway is not an activity specifically provided for in the CLWRP rules and therefore falls under the catch all Rule 5.6.

Discharge: The discharge of water for which consent is sought is a discretionary activity under Rule 5.77 of the CLWRP because the water is being discharged at a different location and cannot meet the terms of 5.77condition 1).

Disturbance in the bed of a river: Rule 5.141A of the CLWRP makes any disturbance in or under the bed of a river that does not comply with one or more of the conditions of Rules 5.136 to 5.141 a discretionary activity. This activity cannot fully comply with condition 4 of 5.136 and is therefore to be considered as a fully discretionary activity

Rules Permitting Activities

Disturbance of banks and beds by stock: Rule 5.68 permits limited stock access to river beds and banks with conditions to minimise associated discharges to water. Rule 13.5.26 includes (in the Hinds/Hakeao Plains area) drains in any reference to stock exclusion rule such as 5.68. Drains that do not have water in them are however excluded.

Discharge of drainage water from a drainage system to a constructed wetland: Rule 5.75 permits this discharge providing it meets certain quality criteria and is not within a Community Drinking-water Protection Zone.

Construction-phase stormwater discharge (other than that from a Reticulated Stormwater System): Rule 5.94A permits stormwater discharge while relatively small works are undertaken, with conditions to limit adverse effects of the discharge.

Unclassified discharges to water: Rule 5.99 permits discharges not specifically covered by other rules such as bank maintenance and weed clearing, there are conditions limiting adverse effects of this type of discharge.

Use and maintenance of structures: Rule 5.139 permits structures in a river to be maintained, with conditions preventing, contamination, unnatural colouring, size creep and damage to spawning sites. The notes in Chapter 13 of the CLWRP, advise that for all structures in or near a waterway, one must refer to Canterbury Flood Protection Bylaw 2013 and that any activity to modify pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014.

Introduction or removal or disturbance of vegetation; Rule 5.163 permits the introduction, removal or disturbance of vegetation in the bed of a river with conditions to prevent unacceptable discharges and environmental damage.

Vegetation clearing outside the bed of a river or adjacent to a wetland: Rule 5.167 permits clearance providing (in this instance) it is undertaken in accordance with a Farm Environment Plan, with conditions to prevent unacceptable discharges and environmental damage.

Use of land for earthworks outside the bed of a river or adjacent to a wetland boundary: Rule 5.168 permits earthworks within 5 metres of the bed of a river or wetland boundary providing (in this instance) it is undertaken in accordance with a Farm Environment Plan.

Use of land to excavate: Rule 5.175 permits excavation of material over a semi-confined aquifer providing this does not pose a risk to groundwater.

CONSULTATION

The following parties have been consulted:

Consultation has been undertaken with:-

- Susan Aitken – ECan Consents Planner
- Matthew Surman - ECan River Engineer
- Jenny Plank - ECan River Engineer
- Jean Jack - ECan Science Group, providing ecology advice to the ECan Property Team
- Grayson Papatua – ECan Property Team.
- Aoraki Environmental Consultancy - for Arowhenua Runanga
- Mr Ian Lowe- northern neighbour and holder of consent CRC000341 as Director of Grattanville Farm Limited – written approval

This consultation has been on the basis of the application as initially lodged, which did not include the application to do activities that would otherwise contravene s13. However, there has been no change to the physical works and their effects on the environment, other than some further battering of the new channel as additional mitigation. All the physical works and their effects have been the subject of full consultation, which covers the applications as now lodged.

Appendix Three contains:

- Relevant emails containing advice from ECan
- Letter of acceptance from Aoraki Environmental Consultancy
- Written approval form from Mr Ian Lowe

NOTIFICATION

The **attached** Assessment of Environmental Effects demonstrates that:

- The overall effects on the environment from modifying a watercourse and continuing to divert water and discharge water to water with the applicable mitigation measures secured by the conditions proffered will be less than minor. Both the person who first raised the query regarding the lawfulness of the activity and local Tangata Whenua have been consulted and provide their written consent to all the physical works and effects. There are therefore no special circumstances that could enable notification. As a result in accordance with ss95D and 95C no public notification is required.
- The effects on other persons are less than minor. Therefore in accordance with s95E no persons are adversely affected and no written approvals are required. In any event written approval has been obtained from the parties identified under the heading “Consultation” above. As a result, no limited notification is required.

Therefore neither public nor limited notification is required or appropriate.

ALTERNATIVES

Because the application includes an application for a discharge permit forms part of the proposal, Section 105 requires the following matters to be considered:

- (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
- (b) the applicant's reasons for the proposed choice; and
- (c) any possible alternative methods of discharge, including discharge into any other receiving environment.

Clause (a) is fully addressed in the **attached** Assessment of Environmental Effects. Clauses (b) and (c) are addressed below.

The Applicant has chosen to seek consent to discharge drainage water to the disused irrigation intake pond because this:

- Reduces the risk of flooding of his land. Flooding not only brings with it significant risks to any crops being grown, but also brings with it the risk of entrainment of any contaminants on the land into the flood waters, which then return to surface water.
- Reduces the risk of runoff from farmed land into a drain discharging directly into surface water.
- Provides a discharge into an existing disused irrigation intake, which not only functions as a settling pond for any sediment that might still be entrained in the water discharged, but also provides for significant filtration of the water that is discharged to the Hinds River by way of seepage.

The alternative would be to reinstate the previous drain. That would involve the excavation of about 600 m³ of material which has been in place since mid-August 2018 and has already consolidated. It would provide none of the benefits of the discharge location proposed, as set out above. The enclosed report of Dr Vaughan Keesing demonstrates that that alternative would have significantly more adverse effects on the environment than the discharge for which consent is sought which is therefore preferable in terms of the overall effects on the environment.

In accordance with the matters under s105 it is appropriate to grant the consent sought.

POLICIES AND OBJECTIVES

The following policies and objectives are relevant to these activities (and together with all the other Policies and Objectives listed in the relevant documents) are not considered to be compromised:

CANTERBURY REGIONAL POLICY STATEMENT 2013

Chapter 5: Land use and infrastructure

- ☒ Objective 5.2.1 (Location, design and function of development (Entire region))
- ☒ Policy 5.3.11 (Community-scale irrigation, stockwater and rural drainage infrastructure (Wider Region))
- ☒ Policy 5.3.12 (Rural production (Wider region))

The old farm drain was dry for much of the year and provides no evidence of it having supported fish or eels or having provided a valuable habitat, as reported by Dr Keesing.

The native planting around the seepage pond will provide an improved habitat, especially as it will be managed as advised by Arowhenua's representatives and with the advice of Dr Vaughan Keesing and in accordance with an approved planting plan.

The water discharged into the seepage pond is drained from farm land and will be filtered through gravels before entering the Hinds River.

Chapter 7: Fresh water

- ☒ Objective 7.2.1 (Sustainable management of fresh water)
- ☒ Objective 7.2.2 (Parallel processes for the management of fresh water)
- ☒ Objective 7.2.3 (Protection of intrinsic value of water-bodies and their riparian zone)
- ☒ Objective 7.2.4 (Integrated management of fresh water)
- ☒ Policy 7.3.1 (Natural character of fresh water)
- ☒ Policy 7.3.3 (Enhancing fresh water environments and biodiversity)
- ☒ Policy 7.3.4 (Water quantity; interconnectivity, sea water intrusion, flows/allocation)
- ☒ Policy 7.3.5 (Water quantity and land uses)
- ☒ Policy 7.3.6 (Freshwater quality)
- ☒ Policy 7.3.7 (Freshwater quality and land use)
- ☒ Policy 7.3.8 (Efficient allocation and use of freshwater)
- ☒ Policy 7.3.11 (Existing activities and infrastructure)
- ☒ Policy 7.3.12 (Precautionary approach and allocation without a planning framework)
- ☒ Policy 7.3.13 (Resolution of freshwater management issues)

The water diverted by the new drain will not be removed from the natural environment, but rather will augment the Hinds River, with improved quality after being filtered through gravels. The existing drain system was managed and maintained to ensure it could accomplish its primary function of land drainage and deal with excess rainfall run-off.

Although defined by Environment Canterbury as a modified river, the old drain had very little ecological or habitat value, as described by Dr Keesing in his report and addendum.

There are no downstream, consented abstractors, nor will any flow control sites be adversely affected, by diverting water away from the existing system.

The proposed modification of the watercourse will improve its capacity to carry high flows and reduce erosion.

Maintenance of the new drain and seepage pond will be undertaken to prevent erosion and to maintain the ability of the pond to allow water to seep through the underlying gravel.

CHAPTER 9: ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

- ☒ Objective 9.2.1 (Halting the decline of Canterbury's ecosystems and indigenous biodiversity)
- ☒ Objective 9.2.2 (Restoration or enhancement of ecosystems and indigenous biodiversity)

- ☒ Objective 9.2.3 (Protection of significant indigenous vegetation and habitats)
- ☒ Policy 9.3.1 (Protecting significant natural areas)
- ☒ Policy 9.3.3 (Integrated management approach)
- ☒ Policy 9.3.4 (Promote ecological enhancement and restoration)
- ☒ Policy 9.3.5 (Wetland protection and enhancement)
- ☒ Policy 9.3.6 (Limitations on the use of biodiversity offsets)

The old farm drain is dry in most years (see AEE for details) and has no evidence of supporting fish, eels or any other significant indigenous flora or fauna.

Although defined by Environment Canterbury as a modified river, the old drain was mechanically scraped annually and kept clear of vegetation, to allow free passage of water and subsequently had very little ecological or habitat value as described by Dr Keesing in his report and addendum.

The pond will benefit from an inflow of fresh water.

The native planting around the seepage pond will provide an improved habitat, especially as it will be managed as advised by Arowhenua's representatives and with the advice of Dr Vaughan Keesing, and in accordance with an approved planting plan.

CHAPTER 10: BEDS OF RIVERS AND LAKES AND THEIR RIPARIAN ZONES

- ☒ Objective 10.2.1 (Provision for activities in beds and riparian zones and protection and enhancement of bed and riparian zone values)
- ☒ Objective 10.2.2 (Maintenance of flood-carrying capacity of rivers)
- ☒ Objective 10.2.4 (Public and Ngāi Tahu access to and along rivers and lakes)
- ☒ Policy 10.3.1 (Activities in river and lake beds and their riparian zones)
- ☒ Policy 10.3.2 (Protection and enhancement of areas of river and lake beds and their riparian zones)
- ☒ Policy 10.3.3 (Management for flood control and protecting essential structures)
- ☒ Policy 10.3.4 (Removal of vegetation and bed material from river beds)

The watercourse will be modified to improve bank batters (to protect against erosion) with proposed conditions which mitigate or avoid sediment and other contaminants entering water. Native plants will be planted in the pond margins and wherever possible used in planting riparian margins.

All future management of the watercourse, diversion structure and seepage pond will be undertaken in accordance with permitted activity conditions and specified, managed and recorded in the Farm Environment Plan.

The modified watercourse will have a greater carrying capacity than the old drain as demonstrated in the AEE.

The flood-carrying capacity of the Hinds River will be enhanced by delaying run-off inflows which will occur via infiltration rather than direct discharge.

These activities do not compromise access to the Hinds River.

Any removal of material, soil, silt or vegetation from the banks or bed of the watercourse will be carefully undertaken in accordance with proposed consent conditions and an Erosion and Sediment Control Plan and/or in accordance with permitted activity conditions and specified, managed and recorded in the Farm Environment Plan.

CANTERBURY LAND AND WATER REGIONAL PLAN

Objectives

- ☒ Objective 3.1 (Holistic management and Ngāi Tahu)
- ☒ Objective 3.2 (Ki uta ki tai)
- ☒ Objective 3.5 (Land use change and development)
- ☒ Objective 3.6 (Water – essential for life and intrinsic values)
- ☒ Objective 3.7 (Water management)
- ☒ Objective 3.8 (Water quality and quantity)
- ☒ Objective 3.9 (Reasonable and efficient use of water)
- ☒ Objective 3.10 (Social and economic use of water)
- ☒ Objective 3.11 (Economic and social wellbeing)
- ☒ Objective 3.12 (Limits and community outcomes)
- ☒ Objective 3.13 (Groundwater resources)
- ☒ Objective 3.16 (Freshwater bodies maintained in healthy states)
- ☒ Objective 3.17 (Significant indigenous biodiversity values)
- ☒ Objective 3.18 (Wetlands that contribute to cultural and community values, biodiversity, water quality, mahinga kai, water cleansing and flood mitigation are maintained.)
- ☒ Objective 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.)
- ☒ Objective 3.24 (Good environmental practice)

Diverting the water entering the property and discharging it to a seepage pond does not compromise the overall objectives of the Canterbury Land and Water Plan.

The quality and quantity of water available for other users and uses will not be compromised or reduced.

The proposed modification to the watercourse will improve carrying capacity and flood damage to productive fields will be reduced, while the flood carrying capacity of the main drainage network will be enhanced due to the diversion of rainfall run-off and land drainage water being diverted to the pond.

Arowhenua are not concerned about the way water has been diverted into the pond and have provided advice on native planting and maintenance as described in the AEE and copied to Appendix 3.

Strategic Policies

- ☒ Policy 4.1 (Water bodies meet regional freshwater outcomes)
- ☒ Policy 4.2 (Water bodies meet sub-regional freshwater outcomes)
- ☒ Policy 4.3 (Surface water management)
- ☒ Policy 4.4 (Groundwater management)
- ☒ Policy 4.7 (Regional allocation limits –quality and quantity)
- ☒ Policy 4.8B (Safeguarding of life support capacity)

In undertaking these activities, it is recognised that ground and surface water are linked; the outcomes and limits set in the Land and Water Plan are not compromised by this modification of the watercourse and diversion and discharge of water.

Activity and Resource Policies

Discharges to Land and water

- ☒ Policy 4.12 (No direct discharge of contaminants)
- ☒ Policy 4.13 (Exclusion and reduction of contaminants)
- ☒ Policy 4.14 B (Regard to Ngai Tahu values)

The water entering the pond is land drainage water from existing drained fields and will be filtered through gravels before entering the Hinds River. The Farm Environment Plans ensures Good Farming Practice which keeps the contamination of water passing through farmland to a minimum.

Proposed consent conditions ensure that contamination by silt potentially discharged when modifying the batters is kept within acceptable limits and that herbicide is not used on or allowed into water at any time.

Arowhenua do not object to the diversion and the discharge to the seepage pond (as described in the AEE and copied to Appendix 3), they have also provided advice on how to sensitively manage and develop the pond with indigenous, riparian planting, augmented by the advice of Dr Vaughan Keesing.

Stormwater

- ☒ Policy 4.17 (Management of stormwater run-off volumes and peak flows to protect downstream interests).

The modified watercourse will have a higher carrying capacity than the old farm drain and no culverts providing pinch points which can block.

Diverting water away from the old farm drain will reduce periodic flooding of the Wilsons' cropping fields.

The water discharged into the seepage pond will ameliorate the effects of high rainfall events on the Hinds River and the local drainage system, as water now seeps through the gravels linked to the Hinds River rather than rapidly entering it via the Windermere Cutoff.

Earthworks, land excavation and deposition of material into land over aquifers

- ☒ Policy 4.18 (Sediment discharge to surface water)
- ☒ Policy 4.19 (Discharge of contaminants to groundwater from earthworks)

The proposed modification will be managed under an Erosion and Sediment Control Plan and/or in accordance with permitted activity conditions and specified, managed and recorded in the Farm Environment Plan.

The pond and new drain will be managed and maintained to keep sediment discharges to a minimum.

The seepage pond filters out sediment before water joins the Hinds River and will be managed to ensure that it keeps sufficiently porous to continue this filtration.

Soil Stability

- ☒ Policy 4.22 (Sedimentation of water bodies as a result of land earthworks)

The proposed modification will be managed under an Erosion and Sediment Control Plan and/or in accordance with permitted activity conditions and specified, managed and recorded in the Farm Environment Plan.

The ongoing maintenance of the watercourse will ensure that bank erosion is repaired, batters are maintained and erosion minimised. Sediment will be removed as required.

Protect sources of drinking-water

- ☒ Policy 4.23 (Any water source used for drinking-water supply is protected from any discharge)

The discharge of farm drainage water into the seepage pond is sufficiently far from the deep bore which supplies water to Hinds Township, so as to have no effect on this community supply.

Livestock Exclusion from Water Bodies

- ☒ Policy 4.31 (Avoidance of damage to the bed or banks of water bodies)
- ☒ Policy 4.32 (Adverse effects arising from stock access)

Sheep are fattened on this property and kept out of flowing waterways with fencing and suitable crossing points as specified in the Farm Environment Plan.

Nutrient Management

This property is linked with the home farm – Glenmorganvale at 862 Winslow Road, which receives water from the Mayfield Hinds Irrigation Scheme and is covered by its global nutrient discharge consent.

The Farm Environment Plan made by RDR includes this property and received an A grade in its 2017 audit. As such the relevant Policies are covered within the Global Discharge consent and implemented in practice through the Farm Environment Plan.

Damming and Diversion of Water Bodies

- ☒ Policy 4.42 (Wetlands in the beds and margins of lakes and rivers are managed as an integral part of lakes and rivers.)
- ☒ Policy 4.46 (Avoidance or mitigation of the effects of in-stream damming)
- ☒ Policy 4.47 (Small scale diversion)

Water from an upstream field tile drainage system has been permanently diverted into a newly constructed watercourse and then on to a seepage pond, from which water seeps into the Hinds River. As the old drain discharged into the Hinds River via the Windermere Cutoff, there is no loss of quantity to the Hinds River.

The margins of the pond will be planted with native plants in accordance with an approved planting plan.

Maintenance work will be undertaken when the drain is dry and is specified in proposed consent conditions and/or in accordance with permitted activity conditions and is specified, managed and recorded in the Farm Environment Plan.

Abstraction of Water

☒ Policy 4.62 (Catchment wide Minimum Flow restrictions).

There is no consented abstraction or flow control sites downstream from where the water used to enter the Windermere Cutoff and flow to the Hinds River, therefore downstream no consented users will be adversely affected.

Efficient use of water

The efficient use of water on this property is covered by the irrigation consents and Farm Environment Plan. Diverting the land drainage water and discharging to the seepage pond does not constitute a use of water, for consenting purposes.

Wetlands and riparian margins

- ☒ Policy 4.81 (Protection of significant values of wetlands)
- ☒ Policy 4.82 (Modification of wetlands are offset by other improvements)
- ☒ Policy 4.83 (Encouragement of wetland enhancement)
- ☒ Policy 4.84 (Wetlands as part of land drainage systems)
- ☒ Policy 4.85 (Restoration of riparian planting)

The margins of the pond will be planted with native plants in accordance with an approved planting plan.

Native plants will be used for riparian planting where ever practicable and will improve biodiversity as part of an integrated land drainage system.

The remaining section of the old drain exhibited very little indigenous biodiversity (as reported by Dr Keesing) and was managed (sprayed with herbicide and scraped) to allow land drainage and rain water to be removed as efficiently as possible.

The old farm drain had dry periods in the last five years (see AEE for details).

Activities in Beds of Lakes and Rivers

- ☒ Policy 4.86 (Protection of character, cultural significance and recreational values)
- ☒ Policy 4.86A (Protection of inanga spawning habitat)
- ☒ Policy 4.87 (Prevention of unwanted plants and organisms)

- ☒ Policy 4.88 (Minimisation of disturbance)
- ☒ Policy 4.89 (Prevention of obstacles to flood and erosion)
- ☒ Policy 4.85 (Restoration of riparian planting)

There is little character, cultural significance and recreational value in drains such as these as described by Dr Keesing, however with the advice of Arowhenua, the pond margins will be planted with native plants and native plants will be used wherever practicable for riparian planting.

The drain and pond will be sensitively managed and if inanga are found to spawn in this area, suitable action will prevent their disturbance.

The proposed modification will be managed under an Erosion and Sediment Control Plan and/or in accordance with permitted activity conditions and specified, managed and recorded in the Farm Environment Plan.

The ongoing maintenance of the watercourse will ensure that bank erosion is repaired, batters are maintained, unwanted vegetation removed and erosion minimised. Sediment will be removed as required.

Maintenance will ensure a free passage of water.

Excess water will filter through the gravels into the Hinds River as opposed to the current practice where water is directed via the Windermere Cutoff into the Hinds River as quickly as possible.

Sub-regional Section 13 Ashburton

- ☒ Policy 13.4.11 (Reduction of discharges of microbial contaminants, phosphorus and sediments)
- ☒ Policy 13.4.12 (Recognition of catchment importance to Ngai Tahu and its exercise of kaitiakitanga and mahinga kai)

Proposed consent conditions require the new drain and the pond to be fenced to prevent stock access. Stock exclusion requirements are also in the Farm Environment Plan, which has been established in accordance with schedule 7 and farm practices implemented in accordance with schedule 24.

Arowhenua have visited the property and do not object to the work done to divert water away from the old system into the pond. They have also provided advice on managing the pond and on riparian planting.

NATIONAL ENVIRONMENTAL STANDARDS and NATIONAL POLICY STATEMENTS

The following NES and NPS have been considered as relevant to this application for the reasons described below:

- ☒ NPS (Freshwater Management) – As described above quality of water entering the Hinds will be improved
- ☒ Policy B7 – water quantity – There will be no reduction in the quantity of water available for other users and uses of water.
- ☒ NES (Drinking Water) – there are no community supply bores within the vicinity of the property that may be affected by this proposal.
- ☒ Proposed NES (Ecological flows and water levels).

The Government is looking into whether to proceed with regulations related to flows and levels in water bodies and had planned to consult on any proposals early 2019. However this proposal has considered effects on ecological flows and levels in the AEE and concludes that the effects of the small reduction in downstream flow are less than minor.

RESOURCE MANAGEMENT ACT - PART 2 - Purpose and Principles

Section 5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Granting consent will:

- Enable the Applicants to conduct their farming activity in a manner that makes the reduction of the loss of contaminants into surface water far more readily achievable, provides an improved habitat in the pond margin, enhances the life-supporting capacity of the surface water of the Hinds River and mitigates the cumulative adverse

effects of farming on surface water quality. As such granting consent will promote the sustainable management of natural and physical resources.

Section 6 (Matters of National Importance)

- ☒ (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- ☒ (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga.
- ☒ (g) the protection of recognised customary activities.

These activities recognise and provide for these three relevant aspects of section 6. The AEE assesses the property relative to areas of significant environmental value and concludes that they will not be adversely affected. Tangata Whenua values are also explored and the proposal is found to be not contrary to the values of Tangata Whenua, whose written approval has been provided.

Section 7 (Other Matters)

- ☒ (a) kaitiakitanga.
- ☒ (aa) the ethic of stewardship.
- ☒ (b) the efficient use and development of natural and physical resources.
- ☒ (c) the maintenance and enhancement of amenity values..
- ☒ (d) intrinsic values of ecosystems.
- ☒ (f) maintenance and enhancement of the quality of the environment.
- ☒ (g) any finite characteristics of natural and physical resources.

In the supporting AEE particular regard was paid to these seven relevant matters. It demonstrates that not only will granting consent be in accordance with these matters, but it promotes the efficient use of the finite natural resource which is the Applicants' land. It does so by more effectively eliminating the risk of flooding by diverting drainage water away from the farmed area, which also reduces the risk of runoff of contaminants and enables a more efficient use for farming of the available land. This is in accordance with s7 and in particular clauses (b) and (g).

Arowhenua have visited the site, seen how water is being diverted and discharged and found nothing to compromise the Cultural Values they uphold. They have also provided advice on planting the pond margins, which have been included as proposed consent conditions.

Section 8 (Treaty of Waitangi)

Consenting these activities takes into account the principles of the Treaty of Waitangi and will not compromise Tangata Whenua values. This is confirmed by the written approval provided by Arowhenua Runanga.

Conclusion

In conclusion, the previous farm drain provided little environmental benefit or value. Diverting the field drainage water into the seepage pond will serve the primary drainage purpose, reduce flooding potential, improve water quality in the Hinds River, and provide an improved habitat and support a valuable farming enterprise, while having a less than minor effect on other users and uses of water. As such this proposal supports the policies and objectives discussed above.

END

D Hendrikz 24 April 2019.