Section 42A Report Errata – 29 April 2020

Several errors and inconsistencies have been identified in the Plan Change 7 section 42A report, dated March 2020. The errors and inconsistencies are set out in the Table below. The majority relate to inconsistencies between the text of the s42A report and the tracked-changes version of Plan Change 7. An updated tracked changes version of Plan Change 7, showing these s42A corrections accompanies this Errata.

S42A	Para	Errata issue
Page		
91	5.20	At paragraphs 5.19 and 5.20 on page 91 of the s42A report, we recommend introducing a new condition into Rule 5.119 that restricts dewatering activities in or adjacent to an 'Indigenous Freshwater Species Habitat'. However, this amendment is not shown in the 'tracked changes' version of the provisions in Appendix E.
		To rectify this inconsistency, existing paragraph 5.19 should be deleted, and the following paragraph inserted:
		In response to the submission from DOC (PC7-160.15), I consider that as Rule 5.119 was not altered by PC7, it may be beyond the scope of PC7 to introduce a new condition into this rule that restricts dewatering activities in or adjacent to an 'Indigenous Freshwater Species Habitat'. However, if the Hearing Panel was of a view that there is indeed scope, I recommend that this submission point be accepted as a new condition would implement the policy direction of PC7 Policy 4.61A.
		In addition, existing paragraph 5.20 should be deleted, and the following paragraph inserted:
		That the provisions are not amended in response to these submission points.
116	5.166	We note that the recommended amendments to condition 3 of Rules 5.141 and 5.152 are missing the word 'month' in Appendix E.
		Condition 3 of Rule 5.141 in Appendix E should be adjusted to read (with the amended wording highlighted in grey):
		3. The discharge is not for more than ten hours in any 24-hour period, and not more than 40 hours in total in any calendar month and, except within the first 4 hours of discharge, does not exceed the Schedule 5 visual clarity standards.
		Condition 3 of Rule 5.152 in Appendix E should be adjusted to read (with the amended wording highlighted in grey):
		3. The discharge is not for more than ten hours in any 24-hour period, and not more than 40 hours in total in any calendar month and, except within the

		first 4 hours of discharge, does not exceed the Schedule 5 visual clarity standards.
120	5.186	At paragraph 5.186 on page 120 of the s42A report, we note that the recommended changes to condition 5(b) of Rules 5.140 and 5.151 are not shown in the 'tracked changes' version of the provisions in Appendix E. The recommended changes to each rule were in response to submissions described in Paragraph 5.185 on page 120 of the s42A report (including Greenstreet Irrigation Society PC7-312.51).
		Condition 5(b) of both Rules 5.140 and 5.151 should be adjusted to read (with the amended wording highlighted in grey):
		5. For any temporary culvert in a river:
		b. The culvert is installed so that the base of the culvert is below bed level to an extent that a minimum of 25% of the internal width of the culvert is below the level of the bed of the river an open bottom culvert or the base of the culvert is embedded below bed level by 25% to 50% of the culvert height or is covered with water at the estimated 7DMALF; and
122	5.200	At paragraph 5.200 on page 122 of the s42A report, we recommend amending condition (5)(a) in each of Rules 5.140 and 5.151 to a maximum culvert length of 14 metres in response to submission points from Fulton Hogan (PC7-428.6, PC7-428.7). The 'tracked changes' in Appendix E does not show this change.
		Condition 5(a) of Rules 5.140 and 5.151 in Appendix E should be adjusted to read (with the amended wording highlighted in grey):
		5. For any temporary culvert in a river:a. The maximum length of the culvert is 10m 14m; and
122	5.201	At paragraph 5.201 on page 122 of the s42A report, we recommend amendments to Rules 5.137, 5.140 and 5.151 to remove a duplication of restrictions for temporary culverts. However, these amendments are not shown in the 'tracked changes' version of PC7 in Appendix E.
		In summary, the s42A report recommends deleting condition (7) of Rule 5.137, and inserting the following requirements of conditions (7)(a) and (b) of Rule 5.137 into Rules 5.140 and 5.151:
		For any temporary culvert: a. the maximum width of the river bed at the point of the crossing is 5 m; and b. the culvert is installed at a level no higher than bed level, and no lower
		than 100 mm below the level of the bed of the river or lake;
		We acknowledge that the recommendation in the s42A report (paragraph 5.201 on page 122) to insert condition 7(b) of Rule 5.137 into Rules 5.140 and 5.151 unintentionally duplicates the culvert embedment requirements. To remove this duplication, we recommend only inserting condition 7(a) of Rule 5.137 into Rules

5.140 and 5.151, and not condition 7(b). Paragraph 5.201 of the s42A report should be amended accordingly as follows (with the amended wording highlighted in grey):

...To remove duplication of the temporary culvert requirements in condition (7) of Rule 5.137 with PC7 Rule 5.140, it is recommended to delete condition (7) from Rule 5.137 and introduce the requirements of condition (7)(a) and (b) of Rule 5.137 into PC7 condition (5) of Rule 5.140. To ensure consistency of activity restrictions, it is also recommended to introduce these requirements into condition (5) of Rule 5.151.

Condition 7 of Rule 5.137 in Appendix E should be deleted, so that it reads (with the amended wording highlighted in grey):

7. For any temporary culvert:

- a. the maximum width of the river bed at the point of the crossing is 5 m; and
- b. the culvert is installed at a level no higher than bed level, and no lower than 100 mm below the level of the bed of the river or lake; and
- the culvert is not placed in a waterbody managed for flood control or drainage purposes unless written approval is obtained from the authority responsible for the waterbody; and
- d. the culvert is not in place for more than four weeks; unless it is within a plantation forest in which case the culvert shall be in place for no more than 3 months; and

Condition 5 of Rule 5.140 should be adjusted to read (with the amended wording highlighted in grey, which includes the amended wording of conditions 5 (a) and (b) in the previous errata items):

5. For any temporary culvert in a river:

- a. The maximum length of the culvert is 10m 14m; and
- b. The culvert is installed so that the base of the culvert is below bed level to an extent that a minimum of 25% of the internal width of the culvert is below the level of the bed of the river an open bottom culvert or the base of the culvert is embedded below bed level by 25% to 50% of the culvert height or is covered with water at the estimated 7DMALF; and
- c. The maximum width of the river bed at the point of the crossing is 5 m; and

Condition 5 of Rule 5.151 should similarly be adjusted to read (with the amended wording highlighted in grey, which includes the amended wording of conditions 5(a) and (b) in the previous errata items):

5. For any temporary culvert in a river:

- a. The maximum length of the culvert is 10m 14m; and
- b. The culvert is installed so that the base of the culvert is below bed level to an extent that a minimum of 25% of the internal width of the culvert is below the level of the bed of the river an open bottom culvert or the base of the culvert is embedded below bed level by 25% to 50% of the culvert height or is covered with water at the estimated 7DMALF; and

		c. The maximum width of the river bed at the point of the crossing is 5 m; and
132	6.39	At paragraph 6.39 on Page 132 of the s42A Report, we recommend amending Rule 13.5.30 to provide for groundwater takes with a low stream depletion effect as a restricted discretionary activity. However, this amendment is not shown in the 'tracked changes' in Appendix E. We also note there is repeated wording in condition 5 of Rule 13.5.30 which should be deleted.
		Condition 5 of Rule 13.5.30 in Appendix E should be adjusted to read (with the amended wording highlighted in grey):
		5. The take is from deep groundwater or the application for resource consent demonstrates that the take. The take is from deep groundwater or the application for resource consent demonstrates that the take is not from stream depleting groundwater will have a low stream depletion effect; and
177	8.108	At paragraph 8.108 on page 177 of the s42A report, we recommend that Policy 4.36A is retained as notified. To clarify, this recommendation only relates to clause b of Policy 4.36A and to the submission points summarised and analysed immediately preceding the recommendation. Policy 4.36A(b) is shown to be amended in the 'tracked changes' in Appendix E, and as shown below. The amendment "or where no nitrogen loss rate is applicable, the Baseline GMP Loss Rate" is recommended in paragraph 8.88 on page 174 of the s42A report, and the amendment from 'activity' to 'operation' is consequential to the recommended amendment of the definition of 'commercial vegetable growing operation' in paragraph 8.39 on page 167 of the s42A report.
		b. avoiding the establishment of a new commercial vegetable growing activity operation, or any expansion of an existing commercial vegetable growing activity operation beyond the baseline commercial vegetable growing area, unless the nitrogen losses from the operation can be accommodated within the lawful nitrogen loss rate applicable to the new location or where no nitrogen loss rate is applicable, the Baseline GMP Loss Rate; ³⁰
		Paragraph 8.108 should instead state:
		That clause b of Policy 4.36A is not amended in response to these submission points.
185	8.159	At paragraph 8.159 on page 185 of the s42A report, we recommend that matter of discretion (6) of Rule 5.42CB is amended to include reference to 'nutrient limits'. To clarify, the 'tracked changes' of Rule 5.42CB in Appendix E does refer to nutrient limit in the wording 'nutrient load or limit'. The term 'nutrient targets' is inserted in the 'tracked changes' of Rule 5.42CB matters of discretion (4) and (5), and this recommended amendment is consequential to the change to Rule 5.42CB matter of discretion (6).
		We also note that matter of discretion (6) of Rule 5.42CB has inadvertently been re-numbered as matter (7) in Appendix E, and should be changed back to (6) as follows (with the amendment highlighted in grey):

		The exercise of discretion is restricted to the following matters:
		7. 6. Methods to prevent an exceedance of any relevant nutrient load or limit set out in Sections 6 to 15 of the Plan if the region-wide rules continue to apply in the sub-region.
277	5.66	At paragraph 5.66 on Page 277 of the s42A Report, we recommend that water that is subject to a shareholding in Opuha Water Limited not be subject to surrender and other requirements on transfer. The 'tracked changes' in Appendix E does not show this change.
		Conditions 1, 3 and 5(b)of Rule 14.5.12 in Appendix E should be adjusted to read (with the amended wording highlighted in grey):
		1. Unless the water taken under the water permit is in the AA, BA or Kakahu allocation blocks, taken water permit being transferred has been exercised; and
		 2 3. Unless the water taken under the water permit is in the AA, BA or Kakahu allocation blocks, aAny proposed volume to be transferred for irrigation has been calculated in accordance with Method 1 of Schedule 10; and 4
		<u>5</u>
		(a) (b) if the proposed transfer is located within an over-allocated surface water catchment or Groundwater Allocation Zone, the resource consent application includes a percentage of water to be surrendered, up to a maximum of 75%, that matches the extent to which the surface water catchment or Groundwater Allocation Zone is over-allocated, except where the water taken under the water permit is in the AA, BA or Kakahu allocation blocks, in which case there shall be no surrender requirement; and
278	5.73	At paragraph 5.73 on Page 278 of the s42A Report, we recommend that stock drinking water should not be subject to surrender requirements on transfer. The 'tracked changes' in Appendix E does not show this change.
		Condition 5 of Rule 14.5.12 in Appendix E should be adjusted to read (with the amended wording highlighted in grey):
		5. Unless the transfer is for a community water supply or a stock drinking water supply:
278	5.74	This paragraph summarises an earlier paragraph (5.10) and is also discussed at paragraph 11.30. However, these paragraphs cross-refer to each other, without properly addressing the submission point. This paragraph should be amended to read:
		5.74 Synlait has sought some exclusions from the surrender provisions for water used for industrial or trade purposes, where the use will result in a neutral or positive water balance. The matter has been discussed more broadly in relation to water takes as a whole. Region-wide Policy 4.58 supports non-

317	9.70	consumptive groundwater takes and is reflected in region-wide Rules 5.131 and 5.132. Specific rules (5.126 and 5.127) also apply to non-consumptive surface water takes. These provisions are not altered by PC7. If the submitter considers that these provisions are inadequate for their purposes, providing some evidence to the hearing setting out why these provisions do not provide the same outcome as the submitter's requested changes would assist in consideration of this point. At paragraph 9.70 on Page 317 of the s42A Report, we recommend that Rules 14.5.31 and 14.5.32 be extended to include Kakahu allocation permits. The 'tracked changes' in Appendix E does not show this change.
		Rules 14.5.31 and 14.5.32 in Appendix E should be adjusted to read (with the amended wording highlighted in grey):
		 14.5.31 Within the Opihi Freshwater Management Unit the transfer to a Principal Water Supplier of AA, and BA, and Kakahu permits to take and use surface water is a discretionary activity provided the following conditions are met: 1. The application for resource consent is for the transfer of existing authorised AA, and BA, and Kakahu permits in the Opihi Freshwater Management Unit; 2. There is no net increase by sub catchment in the total instantaneous rate of take beyond what is authorised to be abstracted under transferring AA, and BA, and Kakahu permits, determined as the lesser of current consented instantaneous rates of take or shareholding entitlements with Opuha Water Limited; and 3. The abstractions will not result in an exceedance of the applicable environmental flow and allocation regimes set out in Tables 14(v) and 14(w) of this pPlan. 4. All existing authorised AA, and BA, and Kakahu water permits held by the transferees are surrendered as part of an application for resource consent lodged under this rule.
		14.5.32 Within the Opihi Freshwater Management Unit the transfer to a Principal Water Supplier of AA, and BA, and Kakahu permits to take and use surface water that does not comply with one or more of the conditions of Rule 14.5.31 is a non-complying activity.
318	9.73	At paragraphs 9.73 and 9.74 on Page 318 of the s42A Report, we recommend the inclusion of some tributaries to Lake Opuha be included in the allocation tables. The 'tracked changes' in Appendix E does not show this change. Principally, this is due to the relevant water permits being form un-named tributaries, and the relevant consents are included in the allocation and subject to the same minimum flow as other permits to take water from these Upper Opuha tributaries.
		On this basis, Appendix E should be adjusted to include (with the amended wording highlighted in grey): Below Table 14(n) a footnote that states: This flow and allocation regime includes any takes from other unnamed tributaries to Lake Opuha.

		Below Table 14(y) a footnotes that states: The flow and allocation regime for North Opuha includes any takes from Station Stream and Deep Creek.
-	-	Rule 13.5.26 in the 'tracked changes' version of the provisions in Appendix E inadvertently repeats the wording: "Within the Hinds/Hekeao Plains Area any reference to the bed of a lake, river or wetland in Rules 5.68, 5.69, 5.70 and 5.71 also includes". The duplicated wording does not appear in the notified version of PC7. The duplicated wording in Rule 13.5.26 should be deleted from the 'tracked changes' in Appendix E as follows (with the amended wording highlighted in grey):
		13.5.26 Within the Hinds/Hekeao Plains Area any reference to the bed of a lake, river or wetland in Rules 5.68, 5.69, 5.70 and 5.71 also includes Within the Hinds/Hekeao Plains Area any reference to the bed of a lake, river or wetland in Rules 5.68, 5.69, 5.70 and 5.71 also includes any Main and Secondary Hinds Drain whether or not there is water in it, and any other drain that has water in it, a drain, but does not include any sub-surface drain, or drain that does not have water in it.
-	-	On page 126 of the 'tracked changes' in Appendix E, the third bullet point includes reference to the 'alternative management regime' that is recommended to be amended.
		The third bullet point on page 126 in Appendix E should be adjusted to read (with the amended wording highlighted in grey):
		The establishment of a two-tiered minimum flow an alternative management regime for the Opihi mainstem with alternative minimum flow levels which to respond to drying climatic conditions;
300	7.21	At paragraph 7.21 on page 300, we noted the need for Policy 14.4.30 to be an 'inclusive', rather than 'exclusive' list. The 'tracked changes' in Appendix E does not show this change.
		The first line of Policy 14.4.30 in Appendix E should be adjusted to read (with the amended wording highlighted in grey):
		14.4.30 Over allocation of the Temuka Freshwater Management Unit is phased out before 1 January 2035, including by:
366	12.133	At paragraph 12.133 on page 366 of the s42A report, we state that Part 2 Section 4 recommends inserting a definition of springs. To clarify, and as described in paragraph 4.15 on page 38, we consider that a definition of spring/waipuna would be beneficial for plan users to implement the PC7 provisions. However, it is challenging to provide a recommendation on this definition, and so further information from submitters would be helpful to inform a recommendation. For this reason, the 'tracked changes' in Appendix E does not include a new definition of spring/waipuna. For clarity, paragraph 12.133 should be amended to read:
		12.133. In relation to the applicability of the provisions to springs, Part 2 Section 4 provides a recommendation to insert a definition that describes springs that have a connection to a surface waterbody. While specific wording is not suggested at this stage, a This definition would ensure that the

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		stock exclusion provisions do not apply to seepages or springs where there is no downstream connection. The insertion of <u>a</u> this definition would address the submissions from South Hilton Ltd, Knocklyn Holdings Ltd, Orari Gorge Station and Woodbury Deer Industry Environment Group.
382	13.3	At paragraph 13.3 on page 382, the opening sentence of a list summarising changes to Schedule 7A is included, but the relevant bullet points are omitted. The following bullet points should be included below paragraph 13.3:
		 The information required under 2(c) includes the location of any artificial watercourses; and The table of Practices includes an additional row that states 'Mahinga kai values are protected as a result of measures taken to protect and enhance water quality and stream health'
415	5.24	Paragraph 5.24 on page 415 of the s42A report refers to recommended refinements to the definition of "deep groundwater", however we later recommend that the definition of deep groundwater be deleted.
		This extract from Paragraph 5.24 should instead state:
		Taking into account the recommended refinements to the proposed <u>rule</u> <u>framework for the abstraction of groundwater from the Transfer Allocation,</u> <u>we consider that authorising the abstraction of water under this framework definition, we consider that allowing the abstraction of groundwater from the Transfer Allocation as provided for in Rule 8.5.12 is sufficiently conservative to reduce abstractive pressure on overallocated SWAZs</u>
422	5.69	Paragraph 5.69 on page 422 includes an analysis of submissions against Policy 8.4.18 and states:
		We recommend retaining the 50% surrender requirement as a clear means of reducing over-allocation, in accordance with the ZIPA.
		However, we note that in Appendix E we recommend the reference to 50% surrender in Policy 8.4.18 is struck out. To clarify the apparent conflict, we suggest adding the following sentences to the end of paragraph 5.69:
		However, as described in Paragraph 5.83, we recommend a number of amendments to simplify and improve the provisions. As a consequence of these recommended amendments, the 50% surrender requirement is not included in the tracked changes to Policy 8.4.18 in Appendix E, but instead included in the corresponding Rule 8.5.17.
426	5.98	At paragraph 5.98 on page 426 of the s42A report, we recommend the deletion of clause (a) of Policy 8.4.19, however this deletion was not included in the tracked changes version of the provisions in Appendix E.
		Policy 8.4.19 in Appendix E should be adjusted to read (with the amended wording highlighted in grey):

432	5.128	8.4.19 Improve flows in rivers and/or decrease nitrate-nitrogen concentrations in surface waterbodies within the Waimakariri Sub-region by enabling targeted stream augmentation where, by design, construction and operation of any project: a. the proposed take in combination with all existing consented takes does not result in any exceedance of the allocation limits in Tables 8 1, 8-2 and 8-3; and Paragraph 5.128 on page 432 of the s42A report is incomplete, it should read: We also note that in Part 3, Section 7 of this report, in relation to Rule 5.191 (MAR), we recommend that the rule also provides for the use of ground water or surface water associated with a lawfully established water take for the purposes of MAR. Given the purpose of the TSA rule framework is to
		provide a pathway for TSA in over-allocated catchments, we also recommend similar amendments to Rule 8.5.18.
455	6.106	At paragraph 6.106 on page 455 of the s42A report we recommend that the recorder location at Stokes Bridge in Table 8-2 should be amended to read "Rangiora-Oxford Road", however this recommendation is not reflected in Appendix E. The minimum flow site for the Cust River, as set out in Table 8-2 in Appendix E should be adjusted to read (with the amended wording highlighted in grey):
		Rangiora-Oxford Road
508	8.227	At paragraph 8.227 on page 508, we recommend that the submission from DairyNZ is accepted in part, however there is no detailed explanation why we recommend it is only accepted in part. To clarify this, the following sentences should be included at the end of paragraph 8.227: We note that proposed Policy 8.4.36 directs a common catchment expiry date of 1 July 2037 for new farming land use consents, which is more than seven years beyond the 1 January 2030 timeframe for first stage of nitrogen loss reductions. We recommend that the submission by DairyNZ is only accepted in part on the basis that any consent granted will need to address the reductions in nitrogen losses for the duration of the consent, and not just those up until 1 January 2030.
616	5.6	Paragraph 5.6, page 616 of the s42A report contains a missing citation. This
		sentence should be adjusted to read: The proposed allocation limits for three of the GAZs ²⁴⁷³ are summarised in Error! Reference source not found. Table 2-2 below together with the dry year groundwater recharge rate estimates provided in Etheridge and Wong (2018).
523	8.326	Submission point PC7-337.127 from Christchurch City Council is not clearly addressed in the s42A report. The following summary, analysis and

recommendation should be inserted following paragraph 8.326 on page 523 of the s42A report.

Planning Maps: Nutrient Allocation Zones

CCC¹ state that they understand that the red and orange nutrient allocation zones identified in the operative LWRP maps for the Waimakariri sub-region have been removed and the Rules in Section 5 no longer apply, however this is not clear in the Plan Change. They subsequently request that the plan change is amended to make a clear statement in the plan under the heading for Nutrient Management (at page 80 of the Plan change documents) or provide a table that clearly explains that the rules in Section 5 for nutrient management do not apply to the Waimakariri sub-region and the NPA.

We note that the NAZ are located in CLWRP Series A planning maps, however the NAZ layer was not included on the planning maps that were notified. However, I note that region-wide Rule 5.2 clearly describes relationship between the rules in Section 5 of the CLWRP and any rule on the same subject matter in the relevant sub-region in Section 6 to 15, and it is my view that it is clear that the Section 8 farming land use rules prevail over those set out in Section 5. However, so that it is abundantly clear for plan users that the Section 5 farming land use rules do not apply in Section 8, we recommend accepting the submission from CCC in part, to amend the planning maps to remove the NAZ layer from the Waimakariri sub-region and to provide a table that sets out the relationship between the Section 5 and Section 8 rules, to be located immediately above Rule 5.1. While no similar submission has been lodged with respect to the OTOP sub-region, if the Hearing Panel considered there to be scope, a similar change could be made to the OTOP provisions.

CCC also note in their submission that there appears to be gaps in the two areas where the boundaries do not match and request that the boundaries are aligned so these gaps are removed. It is unclear from the submission where these gaps are in the planning maps, and without further clarification, we recommend rejecting this submission point.

The set of updated planning maps that incorporates the above recommendation will be made available prior to the plan hearing. The table that sets out the relationship between the rules in Section 8 and Section 5 will form part of the s42A officers reply report.

Figure 2-11 on page 17 of the technical report "Waimakariri Land and Water Solutions Programme Options and Solutions Assessment: Nitrate Management" (Kreleger & Etheridge, 2019) shows the measured maximum nitrate concentrations in private water supply wells in the Waimakariri Zone. Some of the wells depicted in this map are shown in the incorrect location as a result of a data error.

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¹ PC7-337.127

The correct well locations are shown in the figure below, however a final corrected Figure 2-11 will be made available on the Environment Canterbury Plan Change 7 webpage once the Environment Canterbury offices re-open.

The correction of the map has no impact on the modelling undertaken to support PC7 or any other water quality data assessment. The error only affected the visualisation of the data in Figure 2-11.

