

Submission on the Proposed Canterbury Land and Water Regional Plan

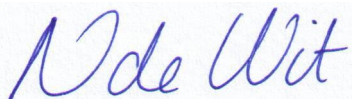
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TO: Proposed Canterbury Land and Water Regional Plan
Environment Canterbury
PO Box 345
CHRISTCHURCH 8140
mailroom@ecan.govt.nz

Submitter Name: Environmental Defence Society Incorporated
Address for Service: PO Box 95 152, Swanson, Auckland 0653
Telephone: 09 480 2565
Email: nicola@eds.org.nz
Contact person: Nicola de Wit, Legal Advisor

1. EDS could not gain an advantage in trade competition through this submission.
2. EDS wishes to be heard in support of this submission.
3. If others make a similar submission EDS would be prepared to consider presenting a joint case with them at any hearing.



5 October 2012

[Signature of person making submission or person authorised to sign on behalf of person making submission]

Date

Submission on the Proposed Canterbury Land and Water Regional Plan

1. INTRODUCTION

- 1.1 The Environmental Defence Society (“EDS”) welcomes the opportunity to comment on the Proposed Canterbury Land and Water Regional Plan (“PRP”).
- 1.2 EDS is a not-for-profit national environmental advocacy group. EDS was established in 1971 with the objective of bringing together the disciplines of law, science and planning to advocate for better environmental outcomes in resource management matters. Since that time it has actively participated in public interest environmental litigation. EDS has also been active in assessing the effectiveness of the Resource Management Act 1991 (“RMA”) and statutory planning documents in addressing key environmental issues such as landscape protection, coastal management and water quality.
- 1.3 EDS has published a number of publications on resource management topics including *Managing Freshwater: An EDS Guide* (2010).

2. GENERAL SUBMISSIONS

2.1 Relevant Documents

- (a) We note that the PRP must give effect to the New Zealand Coastal Policy Statement 2010 (“NZCPS”), the National Policy Statement on Freshwater Management 2011 (“NPSFM”), the National Policy Statement for Renewable Energy Generation 2011 (“NPSREG”), and the Canterbury Regional Policy Statement.
- (b) We note that the Proposed Canterbury Regional Policy Statement (“PRPS”) is a matter to which the Council must have regard to. It is currently subject to a limited number of appeals on points of law only and therefore can be expected to become operative in predominantly the same form as the decisions version.
- (c) We note that the Canterbury Water Management Strategy (“CWMS”) is a matter to which the Council must have particular regard to when making decisions on the PRP.

2.2 Relationship with other regional plans

- (a) At present there are a number of regional plans that control specific aspects of land and water separately. These will continue to operate separately from the PRP until they are reviewed, or a catchment specific collaborative process is undertaken to review limits, and they are incorporated into the PRP. In the interim, the relevant separate plan prevails over the PRP. This results in a very complicated scheme for land and water management in the Canterbury region.

- (b) Some of these plans (such as the Proposed Hurunui Waiiau River Regional Plan) are still in development and have not yet proceeded to a hearing. We submit that the provisions of that plan (and any others at a similar stage) should be transferred to the relevant sub-regional chapter of the PRP.
- (c) Some of these plans (such as the Waimakariri River Regional Plan 2004) are a number of years old and pre-date preparation of the CWMS and the relevant Zone Implementation Programme (“ZIP”). In these cases we submit that the general policies and rules contained in the PRP provide a more up-to-date management regime and therefore the PRP should prevail over the separate plan.

3. SPECIFIC SUBMISSIONS

3.1 Introduction, Issues and Major Responses

- (a) The issues are set out in the form of a discussion, rather than specific succinct points. While this is representative of the complexity of the issues, it does make it more difficult to identify the issues which are to be addressed in the PRP.
- (b) In general we support the issues identified, except as specified in the table below.

<i>Page No</i>	<i>Subs. No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought</i>
1-2	1.1.2	<i>Oppose</i>	The statement “There is no guarantee however, under the RMA that a water permit will be replaced when it expires, on the same or similar conditions as previously granted” is unclear or incorrect.	Amend to read: “There is no guarantee however, under the RMA that a water permit will be replaced when it expires. If it is replaced there is no guarantee it will be on the same or similar conditions as previously granted”.
1-2	1.2.1	<i>Oppose</i>	The statement “Fresh water is essential for a variety of values and uses...” does not refer to natural character, amenity and ecological values. Fresh water is also essential for these values. The statement also only refers to social, cultural and economic well-being. Fresh water is also essential for environmental well-being.	Amend the statement to include natural character, amenity and ecological values and environmental well-being.
1-3	1.2.1	<i>Support</i>	We support the statement “Most rivers and streams in Canterbury are at or near full allocation for reliable ‘run-of-river’ takes. Similarly, many groundwater zones in the region are at or over-allocation limits for abstraction.”	Retain.

1-4	1.2.3	Support	We support the statement “We have a responsibility to ensure there is sufficient natural resource capacity in land and soils to provide for the needs for present and future generations.”	Retain.
1-6	1.2.6	Oppose	The statement “When resource consents expire for this infrastructure, the activity must be reassessed as if new” is correct. However, the following statement “rather than debating whether the infrastructure should exist at all, a more useful approach is to focus on improving the efficiency, and reducing the environmental effects, of taking and using the water” appears to be inconsistent.	Amend to clarify that there is no guarantee that a resource consent will be replaced when it expires and if it is replaced, there is no guarantee it will be on the same or similar conditions as previously granted.

3.2 Objectives

- (a) In general, we support the objectives except as identified below. In a number of situations in the table below we have indicated support for an objective without providing a reason. In such cases we believe the policy is consistent with the RMA and good resource management practice.
- (b) We are concerned with the lack of timeframes indicating when the objectives, and milestones towards achieving the objectives, are to be attained. While some of the objectives may be achievable immediately (i.e. Objective 3.1 Water is recognised as essential to all life and is respected for its intrinsic values), others will take time to achieve (i.e. Objective 3.13 Those parts of lakes and rivers that are valued by the community for recreation are suitable for contact recreation). We request that timeframes are indicated for those objectives which cannot be achieved immediately.

Page No	Subs. No	Support/ Oppose	Reasons	Decision Sought
3-1	3.1	Support		Retain.
3-1	3.2	Support		Retain.
3-1	3.3	Support		Retain.
3-1	3.4	Support		Retain.
3-1	3.5	Support		Retain.

3-1	3.6	Support		Retain.
3-1	3.7	Support		Retain.
3-1	3.8	Support		Retain.
3-1	3.9	Support		Retain.
3-1	3.10	Support		Retain.
3-1	3.11	Support in part	This objective could clarify that sustainable abstraction or use means compliance with the limits contained in the PRP and maintenance of the values identified in the PRP.	Amend the objective to state that sustainable abstraction means abstraction where the limits contained in the PRP are met and the values identified in the PRP are maintained or enhanced where degraded.
3-1	3.12	Support		Retain.
3-1	3.13	Support		Retain.
3-1	3.14	Support		Retain.
3-2	3.15	Support		Retain.
3-2	3.16	Support		Retain.
3-2	3.17	Support in part	This objective should direct restoration where the mauri and productive quality and quantity of soil is degraded.	Amend the objective to direct restoration where degraded.
3-2	3.18	Support		Retain.
3-2	3.19	Support		Retain.
3-2	3.20	Support in part	This objective focuses on the positive outcomes of gravel extraction. We submit that the objective should also refer to the negative effects and how these will be managed.	Amend the objective to state that the management of gravel extraction from riverbeds will avoid, remedy or mitigate the adverse effects of gravel extraction.
3-2	3.21	Support		Retain.

3-2	3.22	<i>Support in part</i>	Limits are not “managed”, instead activities are managed and limits are met.	Amend the objective to read: “Community outcomes for water quality and quantity are met by managing activities to meet limits”.
3-2	3.23	<i>Support</i>		Retain.

3.3 Policies

- (a) The PRP contains ‘strategic policies’ which provide overall direction for the integrated management of land and water as well as policies which apply to specific activities and resources.
- (b) In general, the policies provide a good level of detail and provide guidance as to how the provisions of the RMA and NPSs are to be achieved.
- (c) We are concerned that the policies relating to nutrient discharges seem to be limited to consideration of nitrogen. Although nitrogen may be of greatest concern, it is essential that policies are in place to address other nutrients. Nutrients have different chemical pathways meaning that management of one nutrient will not necessarily result in improvements in the levels of another nutrient.
- (d) In some situations in the table below we have indicated support for a policy without providing a reason. In such cases we believe the policy is consistent with the RMA and good resource management practice.

<i>Page No</i>	<i>Subs. No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought</i>
4-1	4.1	<i>Support</i>	We support establishing catchment specific fresh water outcomes. Where outcomes have not been set it is important that a ‘back stop’ is in place to prevent degradation occurring because of a lack of management.	Retain.
4-1	4.2	<i>Support</i>	This is consistent with the RMA which includes cumulative effects in its definition of effects and Policy C1 of the NPSFM which requires integrated and sustainable management of adverse effects, including cumulative effects.	Retain.
4-1	4.4	<i>Support</i>	The setting of limits is consistent with the NPSFM. The priority specified is consistent with the CWMS.	Retain.
4-1	4.5	<i>Support in part</i>	The protection of the quality of outstanding freshwater bodies	Clarify the meaning of “water for the operation and

			<p>is an objective of the NPSFM, so this policy relating to high naturalness water bodies is consistent with that objective.</p> <p>However, this policy is unclear in relation to what “water for the operation and maintenance of infrastructure” includes. Is water for the operation of irrigation infrastructure or hydro-electricity infrastructure included?</p>	<p>maintenance of infrastructure” to ensure water for irrigation or hydro-electricity purposes is not included.</p>
4-1	4.6	<i>Support in part</i>	<p>Objective B2 of the NPSFM requires the avoidance of further over-allocation and the phase out of existing over-allocation. Objective A2 of the NPSFM requires the quality of fresh water bodies that have been degraded to the point of being over-allocated to be improved. Policy B5 of the NPSFM requires every regional council to ensure no decision will likely result in future over-allocation.</p> <p>The use of the term “generally” in this policy is inconsistent with the NPSFM as it may allow for over-allocation or further over-allocation.</p>	<p>Amend the policy by removing the word “generally”.</p>
4-1	4.7	<i>Support</i>	<p>Policy A2 of the NPSFM requires targets, methods and a defined timeframe to be set where water bodies do not meet freshwater objectives. Policy B6 of the NPSFM requires the regional council to set a timeframe and methods for phase out of over-allocation. This policy is consistent with the NPSFM.</p>	<p>Retain.</p>
4-1	4.8	<i>Support in part</i>	<p>It is important that the harvest and storage of water for irrigation or hydro-electricity generation schemes do not breach the water quantity limits set out in section 6-15 (or Table 1 when outcomes have not yet been established for a catchment).</p>	<p>Amend as follows: “or a water quantity limit set in sections 6-15 (or Table 1 when outcomes have not yet been established for a catchment).”</p>
Discharge of contaminants to land or to water				
4-5	4.9	<i>Support</i>		<p>Retain.</p>
	4.10	<i>Support</i>		<p>Retain.</p>
	4.11	<i>Support</i>		<p>Retain.</p>

Stormwater and community wastewater systems				
	4.12	<i>Support in part</i>	Paragraph (a) notes that a reticulated system is not always available. The policy should provide direction for how adverse effects will be avoided where such a system is not available.	Amend the policy to provide for alternatives where a reticulated system is not available in an urban area.
	4.13	<i>Support</i>		Retain.
4-6	4.14	<i>Support</i>		Retain.
Earthworks, land excavation and deposition of material into land over aquifers				
	4.15	<i>Support</i>	It is appropriate for discharges of sediment and other contaminants to be avoided. Only if this is not achievable should the best practicable option to minimise discharge be used.	Retain.
	4.16	<i>Support</i>		Retain.
Soil stability				
	4.17	<i>Support in part</i>	<p>This policy only applies to erosion-prone land and medium and large-scale earthworks. We believe that on erosion-prone land this policy should apply to all earthworks. On land that is less prone to erosion this policy should apply dependant on the scale of the earthworks.</p> <p>In addition the wording should correspond to the Map Index which uses the term “high soil erosion risk” and “low and moderate soil erosion risk”.</p>	<p>Amend as follows:</p> <p>“On land with high soil erosion risk, any earthworks... On land with low and moderate soil erosion risk, any medium and large-scale earthworks...”</p>
	4.18	<i>Support</i>		Retain.
	4.19	<i>Support</i>	It is well understood that sedimentation can be reduced by riparian margins and these should be encouraged.	Retain.
Protect source of human drinking water				
	4.20	<i>Support</i>	Drinking water is a first priority under the CWMS and its crucial	Retain.

			importance to supporting life means that the highest level of protection is required.	
Hazardous substances and hazardous activities				
	4.21	<i>Support in part</i>	Hazardous substances used for pest control where discharge to water may occur should only be allowed if the plant or animal pest is recognised in the Canterbury Regional Pest Management Strategy.	Amend the policy by adding “(d) where the plant or animal pest or other unwanted organism is listed in the Canterbury Regional Pest Management Strategy”.
4-7	4.22	<i>Support in part</i>	Avoiding discharge of hazardous substances must be a first priority. Where there is a risk of discharge avoiding contamination of freshwater and soils is paramount.	Amend the policy by adding to paragraph (b) “and avoiding contact with soils if possible or minimising contact with soils where avoidance is not possible”.
	4.23	<i>Support in part</i>	Discharges of hazardous substances from contaminated land should also be managed to minimise effects on ecosystems, in addition to people and drinking water.	Amend the policy by adding “...and shall be managed to ensure adverse effects on ecosystems are avoided where possible and minimised where avoidance is not possible”.
	4.24	<i>Support in part</i>	This suite of policies focuses on effects on water and does not address contamination of soils from discharges of hazardous substances.	Add a policy applying to contamination of soils requiring avoidance of adverse effects were possible and remedy and mitigation of adverse effects where avoidance is not possible.
	4.25	<i>Support</i>		Retain.
Livestock exclusion from water bodies				
	4.26	<i>Support</i>	Livestock exclusion is a well-recognised method for minimising sedimentation, nutrient discharges and E Coli levels.	Retain.
Discharges of animal effluent				
	4.27	<i>Support</i>		Retain.
Nutrient discharges				
	4.28	<i>Support</i>	Requiring record keeping, supporting use of good practice, and introducing nutrient discharge allowances are good policies for	Retain.

			minimising nitrogen discharges.	
	4.29	<i>Support in part</i>	<p>We support the use of collaborative processes to introduce plan changes for nutrient discharge allowances.</p> <p>The interim management techniques are less effective for managing cumulative effects. We recognise that collaborative processes do take time, however 5 years is too long a delay. Therefore the policy should include a timeframe of 24 months for introducing nutrient discharge allowances.</p>	<p>Amend the policy to add “plan changes to set nutrient discharge allowances where regional water quality outcomes are not being met will be notified by 11 August 2014”.</p> <p>Make consequential changes to policies and rules.</p>
	4.30	<i>Oppose in part</i>	<p>The use of interim management techniques for the next 5 years is an unacceptably long timeframe, especially considering the number of areas where water quality outcomes are not currently met or at risk. Plan changes for nutrient discharge allowances should be notified within 24 months.</p>	<p>Amend the policy to read “Until 11 August 2014...”</p>
	4.31	<i>Support in part</i>	<p>We support what we believe to be the intent of this policy but believe it could be clarified.</p>	<p>Amend the policy to read:</p> <p>“Minimise the loss of nitrogen to water, by requiring any change in farming activities in an area coloured red on the Planning Maps to demonstrate that:</p> <ul style="list-style-type: none"> • the nitrogen loss from the proposed activity, when assessed in combination with the effects of other land uses or discharges, will not prevent the water quality outcomes of Policy 4.1 being achieved; or • as a result of the change in farming activities the nitrogen discharges from the property will be significantly and enduringly reduced from existing levels.
4-9	4.32	<i>Support</i>	<p>This policy will encourage the establishment of industry articulated good industry practice. The good industry practice will need to be inserted into schedule 8 ensuring that it is acceptable and Council has control over its integrity.</p> <p>However we note that use of good industry practice is not enough to ensure that values associated with freshwater are achieved and therefore it is important nutrient discharge allowances are introduced within 24 months.</p>	<p>Retain.</p>
	4.33	<i>Support in part</i>	<p>The preparation and implementation of a farm environment plan and regular audit is a good interim measure. However, as</p>	<p>Amend the policy to read “Prior to 11 August 2014...”</p>

			above plan changes for nutrient discharge allowances should be notified within 24 months.	
Nutrient zones				
	4.34	<i>Support in part</i>	As above.	As above. Also see the submissions on the relevant rules.
	4.35	<i>Support in part</i>	As above.	As above. Also see the submissions on the relevant rules.
	4.36	<i>Oppose in part</i>	The integrity of a nutrient management scheme is called into question if it does not manage all discharges of nutrients. There is no justification for excluding wastewater discharge from marae, hospitals, educational institutions and community wastewater treatment schemes from nutrient management scheme and to do so is inequitable.	Delete policy.
Nutrient discharges – sub-regional chapters				
	4.37	<i>Support</i>	We support the preparation of catchment wide nutrient load limits and nutrient allowances. As above, plan changes for nutrient discharge allowances should be notified within 24 months.	Retain.
	4.38	<i>Support</i>		Retain.
Damming and Diversion of Water Bodies				
	4.39	<i>Support</i>		Retain.
	4.40	<i>Support</i>		Retain.
4-10	4.41	<i>Support in part</i>	Damming or diversion of any alpine or hill-fed river should also not adversely affect the ecological values of the river.	Add “(f) the ecological values of the river”.
	4.42	<i>Support</i>		Retain.

	4.43	Support		Retain.
Abstraction of water				
	4.46	Oppose in part	<p>Policy B5 of the NPSFM requires the regional council to ensure that no decision will likely result in future over-allocation. This policy conflicts with Policy B5.</p> <p>Although the high priority of group or community drinking water supplies is recognised in the RMA and CWMS this policy should require consideration to be given to all alternatives before allowing abstraction that would not comply with the environmental flow and allocation regime, and if any other option is practicable that option should be preferred.</p> <p>We support the requirement to manage the water supply to restrict use, however where the environmental flow and allocation regime is breached, this requirement should apply at all times.</p>	<p>Amend the policy to require consideration of all alternatives and preference for any option that complies with the environmental flow and allocation regime.</p> <p>Amend the policy to require management of the water supply to restrict use whenever the environmental flow and allocation regime is breached.</p>
	4.47	Oppose in part	<p>Abstraction for community drinking and stock water requirements should be subject to management to restrict use as above.</p> <p>Paragraph (b) is inconsistent with Objective B2 and Policy B5 of the NPSFM as phase out will only occur if there is a lesser rate of take or lesser volume.</p>	<p>Amend paragraph (a) to add “provided the water supply is managed to restrict the use of water”</p> <p>Amend paragraph (b) to remove the word “same” so it reads: “...existing resource consents at a lesser rate of take and a lesser annual or seasonal volume...”</p>
	4.48	Oppose in part	<p>Objective B2 of the NPSFM requires the phase out of existing over-allocation and Policy B6 of the NPSFM requires the PRP to set a defined timeframe and methods for the phase out of over-allocation. This policy appears to suggest that existing hydro-generation and irrigation schemes will not be refused renewal of consent which is inconsistent with the NPSFM and prejudices any resource consent application.</p>	<p>Amend the policy to clarify that there is no guarantee that a water permit will be replaced when it expires and if it is replaced there is no guarantee it will be on the same or similar conditions as previously granted.</p>
4-11	4.49	Support		Retain.
	4.50	Support in part	<p>This policy should ensure the abstraction rate and limit is consistent with the limits set out in the PRP.</p>	<p>Amend the policy to add a new paragraph requiring that the abstraction be consistent with the limits set out in the PRP.</p>

	4.51	<i>Support in part</i>	We support the use of telemetry to collect water use records for high water take rates.	Retain.
	4.52	<i>Support</i>		Retain.
	4.53	<i>Support</i>		Retain.
	4.54	<i>Support</i>		Retain.
	4.55	<i>Support</i>		Retain.
	4.56	<i>Support</i>		Retain.
	4.57	<i>Support</i>		Retain.
	4.58	<i>Support</i>		Retain.
	4.59	<i>Support</i>		Retain.
	4.60	<i>Support</i>		Retain.
	4.61	<i>Support</i>		Retain.
	4.62	<i>Support</i>		Retain.
	4.63	<i>Support</i>		Retain.
Flow sensitive catchments				
	4.64	<i>Support</i>		Retain.
Site dewatering				
	4.65	<i>Support</i>		Retain.
Efficient use of water				
	4.66	<i>Support</i>		Retain.

	4.67	<i>Support in part</i>	Paragraph (a) allows for ecosystem recovery and thus should refer to the 'freshes and floods' which achieve this by flushing algal growth, shifting sediment and mobilising the river bed, and removing invading exotic plants	Amend (a) to add "while ensuring ecosystem recovery, including through freshes and floods;".
	4.68	<i>Support</i>	It is essential that any un-used allocation does not 'roll over' because this would allow for over-allocation inconsistent with the NPSFM.	Retain.
	4.69	<i>Support</i>		Retain.
	4.70	<i>Support</i>		Retain.
Transfer of water permits				
	4.71	<i>Support</i>	This is consistent with policy B3 of the NPSFM which requires the regional council to state criteria by which transfer of water take permits will be decided, including improving and maximising the efficient allocation of water.	Retain.
	4.72	<i>Support in part</i>	This policy should clarify that it only applies where the catchment/zone is not over-allocated and policy 4.73 applies to over-allocated catchments/zones.	Amend the policy to clarify that it does not apply to over-allocated catchments/zones.
	4.73	<i>Support in part</i>	This policy appears to treat the transfer of water permits to an irrigation scheme differently from all other transfers without justification. Transfer to an irrigation scheme in an over-allocated catchment or zone should only be allowed with some surrender to ensure consistency with policy B6 of the NPSFM. A lower proportion of surrender can be used to encourage a particular type of transfer.	Amend the policy to read "enable the transfer of water permits to take or use water provided there is a surrender..."
Sharing water in times of restriction				
	4.74	<i>Support</i>	This policy will help improve and maximise the efficient allocation and efficient use of water (objective B3 of the NPSFM).	Retain.

Consent duration, lapse periods and giving effect to water permits				
	4.75	<i>Support in part</i>	We support a 2 year lapse period (unless longer is justified) to ensure water permits are being efficiently utilised. This policy could be clarified to ensure resource consents will specify the shorter lapse period.	Amend the policy to clarify that the 2 year lapse period will be specified in the resource consent.
	4.76	<i>Support in part</i>	We support the use of short duration consents to allow regular review of the management of the resource. However, the use of short term consents should not replace requirements to meet limits set out in plans. This policy should be clarified to ensure that it does not allow for further over-allocation of water take and use or discharge of nutrients.	Amend the policy to read "...that are over-allocated will be subject to a 5 year duration. However, no new resource consent will be granted if it will allow further over-allocation."
Hydrocarbon exploration or production, including "fracking"				
	4.77	<i>Support in part</i>	<p>We are not opposed to hydrocarbon exploration or production and fracking <i>per se</i>, provided very strong controls are in place to ensure that groundwater contamination is avoided and provided a precautionary approach is adopted. We support the use of the word "avoid" only in this policy.</p> <p>Our understanding of the effects of hydrocarbon exploration or production and in particular fracking is currently limited. Therefore this policy or a new policy should require a precautionary approach to be taken to the exploration for or extraction of hydrocarbons where there is potential for groundwater contamination.</p> <p>We note that the Parliamentary Commissioner for the Environment is currently preparing a report into fracking which is expected to be released in November 2012. We request that the PRP be amended to reflect the outcome of that report if required.</p>	<p>Amend policy or add new policy to require a precautionary approach to be taken to the exploration for or extraction of hydrocarbons where there is potential for groundwater contamination.</p> <p>Consider the necessity of amending the PRP to reflect the outcomes of the Parliamentary Commissioner for the Environment report into fracking when this is released in November 2012.</p>
	4.78	<i>Support in part</i>	As above.	As above.
Wetlands and riparian margins				
	4.79	<i>Support in part</i>	Wetlands are cradles of biological diversity however they are a	Amend the policy by removing the word "significant".

			<p>habitat that has been hugely affected by human activities. Only about 10% of Canterbury's wetlands remain so it is important that strong policies are in place to protect these. For this reason we support a policy requiring no adverse effects on the indigenous biodiversity values of wetlands except for the specific listed circumstances.</p> <p>We submit that the word "significant" should not qualify the indigenous biodiversity values as because of the small number remaining all natural wetlands are now significant for biodiversity values. Any that are degraded should be restored as policy 4.81 recognises.</p>	
	4.80	<i>Support in part</i>	<p>For the reasons above we submit that the modification of natural wetlands to provide for the installation of infrastructure should be limited to regionally and nationally significant infrastructure. Similarly, the effects that must be offset should not just be "significant" effects, but should be any effects which are more than minor.</p>	<p>Amend the policy to read: "Modification of natural wetlands ... may occur if the activity is necessary to provide for the installation of <u>regionally or nationally</u> significant infrastructure and any effects which are <u>more than minor</u> are offset by other improvement or expansion of the same wetland..."</p>
	4.81	<i>Support</i>	<p>For the reasons above we support encouragement of restoration or enhancement of wetlands.</p>	<p>Retain.</p>
	4.82	<i>Support</i>	<p>We support using wetlands and riparian planting to reduce effect on water quality and enhance indigenous biodiversity and amenity values.</p>	<p>Retain.</p>
	4.83	<i>Support</i>	<p>As above.</p>	<p>Retain.</p>
<p>Activities in beds of lakes and rivers</p>				
	4.84	<i>Support</i>		<p>Retain.</p>
	4.85	<i>Support</i>		<p>Retain.</p>
	4.86	<i>Support in part</i>	<p>We support this policy however where the effects in flowing or standing water are significant and the effects of diverting water are also significant, they should be avoided.</p>	<p>Amend the policy to add: "Where any effects on water quality, ecosystems, or the amenity, recreational or cultural values will be significant and the effects of diverting water are more significant than the effects of the activity occurring in flowing or standing water, those effects are avoided."</p>

	4.87	Support		Retain.
	4.88	Support		Retain.
	4.89	Support		Retain.
Gravel extraction				
	4.90	Support	We suggest an amendment for clarification and consistency.	Amend the policy to read: “For all gravel extraction from land: (a) Recognise the value... (b) Enable the maximum extraction...”
	4.91	Support	This policy recognises the wide range of effects that can result from gravel extraction from beds of rivers. We suggest a small amendment for clarification.	Amend the policy to read: “...the activity is undertaken in ways which do not induce erosion, adversely affect water quality, <u>or</u> significant indigenous biodiversity, disturb wildlife habitat...”
Natural Hazards				
	4.92	Support		Retain.
	4.93	Support in part	Even during recovery from a natural hazard the adverse effects of activities should also be avoided, remedied or mitigated where possible.	Amend the policy to read: “Temporary adverse effects from activities required for recovery from a natural hazard event are managed to minimise the duration and scale of any adverse effects, <u>avoid, remedy or mitigate any adverse effects where possible</u> , and maximise the overall benefits of the activity to the recovery.
	4.94	Support		Retain.

3.4 Region-wide Rules

- (a) The PRP provides for a staged response to managing nutrient discharges. It sets up interim management scheme to apply out to 1 July 2017. From 1 July 2017 the sub-regional chapters will contain catchment based nutrient limits. While we support this approach we believe that 5 years for establishing nutrient limits is too long. We recognise that a collaborative process will take time however it is essential that these limits are in place as soon as possible. For this reason we suggest that plan changes containing nutrient limits should be notified within 2 years (the date 11 August 2014 has been used in the column “decision sought”).

- (b) In some situations in the table below we have indicated support for a policy without providing a reason. In such cases we believe the policy is consistent with the RMA and good resource management practice.

<i>Page No</i>	<i>Subs. No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought</i>
Stock holding areas and animal effluent				
5-10	5.35	<i>Support in part</i>	Discharge of animal effluent from a stock holding area or treatment facility will impact on the nutrient levels of water bodies. Therefore the matters to which the discretion is limited should include nutrient limits which have been set for the catchment and how the discharge will affect those limits.	Amend the matters to add: "7. The nutrient limits that have been set for the catchment and how the discharge will affect those limits."
Farming				
5-11	5.39	<i>Oppose in part</i>	<p>Unmanaged increases in the intensity of farming have been a major contributor to the water quality issues Canterbury is experiencing. Rule 5.42 addresses changes to existing farming activities (which is defined in section 2). This rule should specify that it only applies if there is no change to the existing farming activities.</p> <p>A Farm Environment Plan is one method of reducing the environmental impacts from a single farming operation. The adoption of best practice farm management at the individual farm level will not necessarily be sufficient to ensure catchment level goals are achieved. Therefore as an interim measure to be put in place before nutrient limits are set it is essential best practice farm management is put in place in all zones where water quality outcomes are not met or at risk (coloured red or orange on the planning maps).</p>	Amend the rule to read: "...the use of land for a farming activity which existed at 11 August 2012, <u>and where there is no change to the existing farming activity,</u> and outside of the Lake Zone, <u>and outside nutrient allocation zones coloured red or orange on the planning maps...</u> "
5-12	5.40	<i>Oppose in part</i>	As above.	Amend the rule to read: "...the use of land for a farming activity which existed at 11 August 2012, <u>and where there is no change to the existing farming activity,</u> and within the Lake Zone, <u>and within the nutrient allocation zones coloured red or orange on the planning maps...</u> "

	5.42	<i>Oppose in part</i>	<p>A change to an existing farming activity is defined (for rules 5.42 – 5.45) by reference to resource consents for use or increased use of water for irrigation or increases of more than 10% in nitrogen loss. We support this definition as it focuses on the effects of changes, rather than the changes themselves.</p> <p>Unmanaged increases in the intensity of farming have been a major contributor to the water quality issues Canterbury is experiencing. Therefore changes in existing farming activities should not be permitted activities in zones where water quality outcomes are not met or at risk (coloured red or orange on the planning maps).</p>	<p>Amend the rule to include a new condition after condition 2: <u>“The property is outside nutrient allocation zones coloured red or orange on the planning maps...”</u></p>
	5.43	<i>Support</i>		Retain.
5-13	5.44	<i>Support in part</i>	As above for rule 5.42	Amend the rule to read: “Prior to 11 August 2014, the use of land for a change to an existing farm activity that is within an area coloured orange on the Planning Maps is a discretionary activity.”
	5.45	<i>Support in part</i>	As above for rule 5.42	Amend the rule to read: “Prior to 11 August 2014, the use of land for a change to an existing farm activity that is within an area coloured red or within a Lake Zone shown on the Planning Maps is a non-complying activity.”
	5.46	<i>Support in part</i>	<p>Schedule 8 is currently blank but will be established to articulate industry developed good-practice discharge allowances. Farm level good practice will not necessarily be enough to ensure catchment level outcomes. The post 1 July 2017 regime (which we suggest should be introduced within 2 years) does not appear to distinguish between existing farming activities and changes in farming activities. We generally support rules 5.46 – 5.49 as they apply to existing activities, however any change in farming activities in an orange or red zone should require resource consent.</p>	<p>Amend the rules so that a change in farming activities with an area coloured orange is a discretionary activity and a change in farming activities within an area coloured red is a non-complying activity (whether or not condition 2 in rule 5.46 is complied with).</p> <p>Amend rule 5.46 to clarify that it applies to activities which are existing as at 11 August 2014.</p>
	5.47	<i>Support</i>		Retain.
	5.48	<i>Support</i>		Retain.

	5.49	Support		Retain.
	5.50	Support		Retain.
5-14	5.51	Support		Retain.
Fertiliser use				
	5.52	Support		Retain.
	5.53	Support		Retain.
Bores				
5-20	5.81	Support		Retain.
Take and use of surface water				
5-23	5.96	Oppose in part	<p>We strongly oppose the inclusion of the statements “Unless the proposed take is the replacement of a lawfully established take affected by the provisions of section 124 of the RMA”.</p> <p>Section 124 is merely in place to ensure ‘business as usual’ can continue while an application for a replacement consent is processed. Section 124A – C give such an application priority over other applications for the same resource, although a plan can remove this priority. These sections do not assure that such applications will be granted. It is entirely inappropriate for these consent to be excluded from the rate/volume limits. This policy would significantly reduce the ability of the rate/volume limits to be achieved and is inconsistent with the NPSFM which requires no further over-allocation.</p>	Delete the statements “Unless the proposed take is the replacement of a lawfully established take affected by the provisions of section 124 of the RMA” in condition 1 and 2.
	5.98	Support	Prohibited activity status for takes which do not meet the rate/volume limits are appropriate as this is the only way to ensure these limits will not be breached and ensure consistency with the NPSFM.	

Take and use of groundwater				
5-24	5.101	<i>Oppose in part</i>	As above for rule 5.96.	Delete the statements “Unless the proposed take is the replacement of a lawfully established take affected by the provisions of section 124 of the RMA” in condition 2 and 3.
5-25	5.104	<i>Support</i>	Prohibited activity status for takes which do not meet the rate/volume limits are appropriate as this is the only way to ensure these limits will not be breached and ensure consistency with the NPSFM.	
Transfer of water permits				
	5.107	<i>Support in part</i>	We oppose allowing a transfer to an irrigation scheme with a storage component with a 0% surrender. A preference for a certain scheme could be indicated by a surrender of greater than 0% but less than 25%.	Increase 5(a) from 0% to <i>for example</i> 15%.
Structures				
5-26	5.112	<i>Oppose</i>	We oppose this rule specifying that wetlands contiguous with a river, lake or artificial watercourse are not considered wetlands. Wetlands are often associated with rivers and lakes and would not be covered by this rule which is inconsistent with the RMA.	Delete.
Stock exclusion from water bodies				
5-30	5.133	<i>Support</i>	Preventing stock from accessing water bodies and their banks is a key method for reducing effluent and sediment in water bodies. Outdoor intensively farmed livestock are particularly damaging and therefore it is appropriate that this is a prohibited activity. This is consistent with the RMA provisions relating to stock entering waterways.	Retain
	5.134	<i>Support</i>		Retain
5-31	5.135	<i>Oppose</i>	It is unacceptable for use and disturbance of a bed of a lake, river or wetland for stocking to be a permitted activity and the conditions provided are too technical for application as	Amend the rule to provide that the use and disturbance is a restricted discretionary activity, with discretion restricted to the conditions currently specified.

			permitted activity status. We submit that any stock access to a lake, river, or wetland should require resource consent.	
	5.136	<i>Oppose</i>	It is unacceptable for use and disturbance of a bed of a lake, river or wetland for a permanent stock crossing point is a permitted activity. This will not assist in achieving the objectives and policies of the PRP.	
Wetlands				
	5.138	<i>Oppose</i>	As above for rule 5.112.	Delete.
	5.141	<i>Support in part</i>	<p>Wetlands are incredibly important for biodiversity and less than 10% of Canterbury's natural wetlands remain. For this reason this rule should be limited to regionally or nationally important infrastructure.</p> <p>This rule applies to a reduction in the area of a natural wetland. The Council's discretion should include the magnitude of the reduction.</p>	<p>Amend the rule to refer to regionally or nationally significant infrastructure.</p> <p>Amend the rule to include "The magnitude of reduction in area of the natural wetland; and".</p>
Earthworks and vegetation clearance in riparian areas				
5-33	5.147	<i>Support in part</i>	This area should be smaller in erosion prone areas identified on the planning maps. There should also be an absolute limit as the % is highly dependent on the area of the site. This would be consistent with rule 5.148.	<p>Amend the rule as follows: "does not exceed <u>500m2</u> or 10% of the area (<u>whichever is the lesser</u>)..."</p> <p>Amend the rule to add: "The area of bare ground resulting from vegetation clearance does not exceed 5% or 100m2 (whichever is the lesser) in land zoned LH2 on the planning maps and hill and high country land"/</p>

3.5 Sub-regional Sections:

- (a) We support the use of policies and rules which are specific to the catchments in the sub-regions. This ensures that the policies and rules are specific to the issues facing the particular sub-region.
- (b) We support the establishment of the policies and rules through the collaborative process of zone committees established under the CWMS. The use of a collaborative process enhances 'buy in' to the result and ensures all viewpoints are given consideration.
- (c) We note that the sub-regional sections do not yet contain limits. The region-wide rules suggest these will not come into force until 1 July 2017. We are of the view that this delay is too long and the Council should introduce these limits within two years.

(d) We generally support the policies and rules which have been included in these sections, except as set out below.

3.6 **Ashburton**

- (a) Policy 13.4.2 appears to suggest that all water permits which expire will be replaced where replacement is sought. We request that this policy be amended to reflect the fact that there is no guarantee under the RMA that a water permit will be replaced when it expires. If it is replaced there is no guarantee it will be on the same or similar conditions as previously granted.
- (b) Policy 13.4.3 states that over-allocation will be addressed by not granting any additional rate or volume. The NPSFM requires the phase out of over-allocation. This can only occur by reducing the rate or volume of water which has been authorised. We request an amendment to the policy to reflect this.
- (c) The chapter provides for various exemptions for the Rangitata Diversion Race allocations. It states that the regime does not restrict their take in the same manner as other takes because it is a relatively large take that provides reliable water for a number of properties. These are not strong grounds for exempting this one particular take. A limit must apply to all water uses, particularly similar uses. This places the burden of phasing out over allocation on other takes for no reason other than that it is a large take. We object to this exemption and request that it is removed.

3.7 **Orari-Opihi-Pareora**

- (a) Policy 14.4.4 states that over-allocation will be addressed by preventing the transfer of water permits (except to new owners of the same property). We question how this will result in the phase out of over-allocation. Allowing the transfer of water permits where there is a reduction in the take and environmental effects is one method of addressing over-allocation.
- (b) Policy 14.4.6 states that over-allocation will be addressed by requiring that future allocation to a new or replacement consent is based on demonstrated need and efficiency. This seems to suggest that new consents will be granted where the catchment is over-allocated. This is inconsistent with NPSFM. We request that this policy is amended to ensure that no new allocation will occur where the catchment is over-allocated.

3.8 **Waitaki and South Coastal Canterbury Coast**

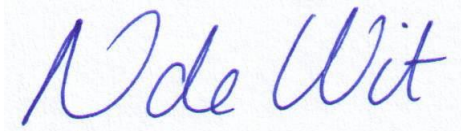
- (a) Policy 15.4.2 appears to suggest that all water permits affected by section 124B will be replaced. We request that this policy is amended to reflect the fact that there is no guarantee under the RMA that a water permit will be replaced when it expires.

4. RELIEF

4.1 EDS seeks the relief outlined above and any similar or consequential relief which is required to give effect to this submission.

5. WISH TO BE HEARD

5.1 EDS wishes to be heard in support of this submission.



Nicola de Wit
Environmental Defence Society

Address for Service:

Attention: Nicola de Wit
Environmental Defence Society
PO Box 95 152
Swanson
Auckland 0653
nicola@eds.org.nz